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SENATE—*Friday, June 16, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, our God and King, You have promised that those who trust You will not miss out on anything good.

Give to our Senators the wonder of Your grace. Impart to them the wisdom to use their talents for Your purpose and glory. Today, surround them with the shield of Your favor and use them as instruments of Your will. May their thoughts and actions please You, for You are the one Who fills our lives with gladness.

Remind us all that when our lives please You, You enable us to live in peace even with our enemies.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, at 10:45, the Senate will resume consideration of the Department of Defense authorization bill. The bill's two managers, Chairman WARNER and Senator LEVIN, will be here to continue to work on this important bill. Although there will be no votes during today's session, Senators are encouraged to come today and speak on the bill. Senators who are intending to offer amendments should be consulting with the managers on getting their amendments in the queue.

Senators are reminded there is a scheduled vote for 5:30 on Monday on a U.S. circuit judge nomination. We could possibly have additional votes on Monday evening on amendments to the Defense bill.

SUPPLEMENTAL APPROPRIATIONS BILL

Mr. FRIST. Mr. President, just very briefly, I want to comment on the supplemental appropriations bill we passed yesterday morning.

I commend Senator COCHRAN and really both of the managers, and all of our colleagues, as well as the House, and especially Congressman LEWIS, for their leadership in crafting a package that reflects our commitment to economic growth, that keeps America moving forward, that is fiscally responsible.

As the majority says time and time again, the Federal budget is not the Government's money. It is the taxpayers' money. Americans work hard to get what they earn. And it is our responsibility to spend that money wisely, appropriately.

That is why we are working hard to crack down on excessive Washington spending. And I think the way that supplemental bill was handled from the beginning, and especially at the end, reflects that fiscal responsibility. As we all know, that bill did reflect a lot of priorities of this body, but it grew and grew and grew. Once that bill was taken to conference, under the leadership of Chairman COCHRAN and Congressman LEWIS, it was scaled back down to meet the specific guidelines and request of the President of the United States. I think we exercised fiscal restraint and responsibility, but still there is a lot more we do need to do in terms of demonstrating that fiscal restraint and that responsibility.

One of our big challenges is the fact that much of our spending is on autopilot. We see that in our entitlement programs. Also, our budgetary process—the way it is conducted—leaves little time for oversight as to the spending.

I mention that because I want to express my strong support for the efforts of our budget chairman, Senator GREGG, for an act that is called the SOS Act, called the Stop Overspending Act, that will be marked up by his committee, addressed in his committee next week. What it is—and he introduced it to many of us this week—is a broad package on the budgetary process. It is a package of reforms that will tamp down on and give us the tools and ways to control excessive spending.

It adopts the President's proposal to establish a legislative line-item veto. It would reestablish spending caps which have been used effectively in the past. It initiates across-the-board reductions in entitlement spending if the Federal deficit fails to meet specific established targets.

It includes a proposal I have been very supportive of and introduced actually when I first arrived in the Senate to put the budget on a 2-year budget cycle, thereby giving us time for appropriate oversight.

I realize enacting this entire bold package—comprehensive in many ways, this SOS package—would be a huge challenge, particularly in Washington where the forces of spending from below, from within, remain so strong. But achieving even one of the reforms or, hopefully, several of the reforms of this package would be a major victory in the battle to control spending. It is my goal to accomplish just that before I leave the Senate.

So just like every family has to make tough tradeoffs and live within their means, Congress should, too.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

IRAQ

Mr. REID. Mr. President, our valiant troops are now serving in their fourth year in Iraq. Day after day, they have demonstrated courage, skill, and bravery. They do not ask for much. But all of us owe them a lot.

At the top of the list of things we owe them is an honest debate about what is going on in Iraq.

Yesterday, Democrats offered an amendment to express the sense of the Senate that Iraq not grant amnesty to terrorists who kill our troops as part of their reconciliation plan. The amendment came in response to reports that the Iraqi Prime Minister was in favor of such a proposal.

But instead of joining us in a debate about this amendment, the majority, the Republicans, decided to play a political game and quickly claimed the Iraqi Prime Minister had been "misquoted" and offered some procedural gimmicks to stop a vote from taking place on this amendment.

But, just this morning, there is more news that the Prime Minister has talked about and does favor amnesty to those Iraqis who kill American troops. It is all over the country in the news. For example, it is on page 22 of the Washington Post. The aide who first leaked the story has now resigned, but he stands by what he said. Today, he is quoted as saying:

> The prime minister himself has said that he is ready to give amnesty to the so-called resistance, provided they have not been involved in killing Iraqis.

What that says is just what we said yesterday: Amnesty will be granted to those who kill Americans, but not to those who hurt Iraqis.

I think this sounds like it deserves the Senate's attention. Doesn't it seem like we should weigh in on this, and tell the Iraqis there will be no "get out of jail free" cards for those who kill our troops?

We should have had that debate yesterday. But instead of having the debate, the Republicans cut and run from the debate. In effect, they are filibustering their own Defense authorization bill, not allowing the matter to move forward—stopped in midday. It does not make sense. Until we know exactly where the Iraqis stand, President Bush must come forward and tell the Iraqis to stand down.

Terrorists who kill our troops should not be set free. Our soldiers have given too much in the name of Iraqi freedom.

Mr. President, there is something else we owe our troops: an acknowledgment of their tremendous sacrifice.

Yesterday, as we know, we had a moment of silence in this Chamber because we lost our 2,500th troop in Iraq.

Mr. President, 2,500 of our finest have been killed in Iraq. The reason we had a moment of silence is because it was a solemn milestone, which we should acknowledge.

But over at the White House, I guess they have a different feeling. They apparently view this sad occasion differently. With all the news around the country today, there is a quote from Tony Snow, the President's Press Secretary, who said, in response to the news: "It's a number." "It's a number." "It's a number."

I say to Tony Snow, and others at the White House, it is more than a number. It is somebody's son or daughter. It is someone's father or mother, a neighbor, an uncle, or an aunt.

Nevada has lost 39 soldiers in Iraq—39. Every one of them is more than a number. I wonder how—and they are now my friends—two Nevadans, who came to visit me before Memorial Day—and they came to the Memorial Day ceremonies we had at the Boulder City Veterans Home, where last year we buried more than 2,000 veterans—I wonder how John Lukac's and William Salazar's parents feel about their sons being just numbers.

They are not numbers. They are no more numbers than the people who have been wounded. They are not numbers. They are people, in many instances, who have lost arms or legs or eyes or are paralyzed. They are not just numbers.

I think maybe we should discuss briefly what a Republican Congressman said yesterday. I know this man. I know him well. I have been going to the House gym for a lot of years. He is a man by the name of WAYNE GILCHREST. He is my friend. He is a Republican Congressman from Maryland.

We were standing in the House gym. I have known him for many, many years. And because of our knowing one another—he was shaving actually, with his shirt off. And on his back he had—I noticed it for years—a real scar.

I said: WAYNE, what is that scar?

He said: I was shot.

I said: Tell me about it.

He was in Vietnam. He was a sergeant. He raised his arm to fire, and as he did that, somebody shot him through the chest. The bullet came out of the back. He has a big scar in the back. The words he remembers are: "Sarge's been shot. I hope he's not dead."

He survived, but after many months in hospitals. He was a school teacher. He came back from Vietnam and taught kids. Now he is a Member of Congress, and has been for some time.

Here is what he said in yesterday's Washington Post:

> I can't help but feel through eyes of a combat-wounded Marine in Vietnam, if someone was shot, you tried to save his life . . . While you were in combat, you had a sense of urgency to end the slaughter, and around here we don't have that sense of urgency.

That is a direct quote. He went on to say:

> To me, the administration does not act like there's a war going on. The Congress certainly doesn't act like there's a war going on. If you're raising money to keep the majority, if you're thinking about gay marriage, if you're doing all this other peripheral stuff, what does that say to the guy who's about ready to drive over a land mine?

Republican Congressman WAYNE GILCHREST.

John Lukac is just a number? William Salazar is just a number?

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business until 10:45 a.m., with Senators able to speak for up to 10 minutes each.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, my understanding is that we are to end morning business and go on to the bill at 10:45. The hour of 10:45 has arrived, and I note that the chairman and ranking member are not here. I believe they are at a briefing. They are expected to be here shortly. But what I would like to do is ask consent that I be allowed to speak in morning business for up to 10 minutes. When the chairman of the committee and the ranking member arrive, I will ask them for permission to continue, if necessary, but if they have other business, I will understand that. I think the priority is the Defense authorization bill.

So I ask unanimous consent to continue in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIAN HEALTH CARE IMPROVEMENT ACT

Mr. DORGAN. Mr. President, I have come to the floor today to talk about the Indian Health Care Improvement Act and some frustration—I should say enormous frustration—that I and Senator MCCAIN have about what is happening with a piece of legislation that is so very important.

In this country, we have responsibility for health care for two groups of people: Federal prisoners who are incarcerated in prison—we are responsible for their health care. If they get sick, they go to an infirmary, they go to a hospital, we are responsible. We provide health care for Federal prisoners. We also have trust responsibility for providing health care for American Indians. That is our trust responsibility.

It is interesting and enormously disappointing to me that we spend twice as much per person on health care for Federal prisoners as we do in providing health care, as is our obligation, for American Indians.

I want to talk a little about that because we have written a piece of legislation called the Indian Health Care Improvement Act, which builds on a piece of legislation that was passed some while ago. I want to talk about what American Indians are facing out in the country with respect to health care.

Let me describe it first with respect to a story. This is a very typical story about a member of the Mandan, Hidatsa, and Arikara Nation, which is called the Three Affiliated Tribes in North Dakota. It is a story about a fellow who had diabetes. By the way, I held a hearing some years ago on that reservation. On that reservation, the rate of diabetes is not double, triple, or quadruple the rate of diabetes elsewhere. At that reservation, at that point, it was 12 times the rate of diabetes that existed elsewhere.

The person I am speaking about on the Three Affiliated Tribes or Fort Berthold Reservation is Laidmen Fox, Sr. He was a Native American who had struggled, as other members of his family had, with diabetes. He had his feet amputated. Later he had his knees amputated. Finally, his entire legs were amputated. He was on dialysis. And, finally, the doctors told him he would have to have his hands amputated. At that point, Mr. Fox said he wanted to be taken off of the dialysis machine and to be taken home to die. He died 2 years ago. He went home to be with family and friends, having lost his feet, his knees, then his legs, and then told he would lose his hands. He died, was taken off dialysis.

Just this last February, his daughter—who was 41 years old, and blind from diabetes, and also on dialysis—chose do have herself taken off the machine and went home to die in a similar manner.

We now have in this country something nobody wants to talk about. We ration health care for American Indians. Yes, there is health care rationing. There is something called contract health services. That means that when American Indians show up at a clinic or a hospital and, through the Indian Health Service, seek treatment for their problems, the only treatment they will get and the only reimbursement they will get for that medical condition is if it means "life or limb," threatening "life or limb." Otherwise, in most cases, under the contract health provisions, there is no health care available.

Let me talk about some other examples, if I might.

A member of the Turtle Mountain Band of Chippewa Indians in my State was suffering from cancer. He went through chemotherapy, and went through chemotherapy again for a number of years through referral from the Indian Health Service to the University of Minnesota. All of a sudden the Indian Health Service said to him: We don't have any more funding. And they refused to pay for any additional treatment, even after he had a number of relapses.

This is not unusual for American Indians to face this sort of thing.

Another American Indian fell as a result of insulin shock at his home. He hit his hip, and hurt his hip badly in the fall. He was taken to a hospital by ambulance, given a shot for the pain and told he was to be released. His father objected because he said: My son can't walk. You can't release him. And the father said: I can't carry him. He can't walk. He must stay here.

The doctor said he could stay in the hospital for one night's observation. The next day, when the pain did not subside, they gave him an x-ray, found out his hip was broken, and referred him to another facility. And because so much time had elapsed since the accident, he had to have a full hip replacement.

Another tribal member was a Vietnam veteran and should have had the services of both the Indian Health Service and the VA available to him. He died after the Indian Health Service denied his request for a referral for him to be seen by a lung specialist at the Mayo Clinic. The IHS told him they had no money to send him to a specialist, and this Vietnam veteran died as a result.

In Montana, an Indian man went to the Indian Health Service clinic seeking assistance for gallstones. He was told it was not a "life or limb" situation, which would get him referred to a health provider off the reservation under the contract health provisions I have just described. Subsequent to that, his duct ruptured and he became infected. He had to have part of his pancreas removed, and now he is on dialysis.

Several months ago, a 24-year-old man at the Spirit Lake Nation went to the IHS clinic complaining he had abdominal pain. He was given some medicine and was sent home because he was not considered a "priority" patient. He ended up in the emergency room in a nearby hospital, off the reservation, and then transported to a larger medical center 125 miles away. His appendix had raptured. That was 3 months ago, and he is still in the hospital 3 months later, as they attempt to try to control his body temperature and other related matters.

He was determined not to have a "life or limb" emergency medical need, and so his actual condition was overlooked, with the results of several months now of acute care in a hospital.

Mr. President, I have spoken a number of times on the floor of the Senate about a young girl named Avis Little Wind. I brought her picture to the floor of the Senate. I did that with the permission of her relatives. She was 14 years old, and she hung herself. She killed herself 2 years after her sister had killed herself.

I went to the reservation because we have had a cluster of suicides of young teenagers on Indian reservations. I talked to this young girl's teachers, school administrators, people in the mental health area, tribal council folks, to try to understand what is wrong here.

What I discovered is this little 14-year-old girl, named Avis Little Wind, laid in a bed for 90 days in a fetal position. Clearly, something was seriously wrong with this young woman. Yet, it did not send a signal to anybody. Her father killed himself. Her mother was dysfunctional, a substance abuser. This young girl somehow just slipped through the system, and she got up one day out of that bed and took her own life.

Avis Little Wind is one person, but a person whose future was stolen from her because she felt hopeless or helpless. And the fact is, on that Indian reservation—as is the case for most Indian reservations—there is no mental health treatment available. There are not enough people available just for the diagnosis of serious problems. You would think someone who misses 90 days of school at age 14 would send alarm bells all over, but it did not. There is not enough money in the Indian Health System to deal with it.

Senator MCCAIN and I have passed some legislation recently dealing with the issue of Indian teen suicide and trying to begin to address that issue. But there is a serious lack of attention to the health care needs of Native Americans and, yes, teenagers like Avis Little Wind and the tragedy that resulted in her death.

It is not uncommon to see 75 people stand in line waiting to have a prescription filled. It is not uncommon for them to stand in line only to find out they can't get the prescription filled because the medicine is not available there.

I have been to a health care facility where one dentist is working in a small trailer house serving 5,000 people. Is that fair? Is that the right thing to do? We can do better than that as a country. Yet, somehow, this issue of the Indian Health Care Improvement Act is not a priority. The administration has dragged its feet, and dragged its feet for months and months. Senator MCCAIN and I have just written the administration a letter saying: How about some help here? How about some cooperation? Let's find a way to solve this and fix it.

While we talk and while we dither and while the administration decides to delay, we have people losing their lives, and we have people going to health care facilities with very serious problems being told: We don't have the money to refer you.

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. The tribal chairman for the Three Affiliated Tribes in North Dakota says: Everybody up there on the reservation understands, don't get sick after June. Just don't get sick after June because the money has run out on contract health services. If you get sick after June, there is no money. They are not going to send you to a hospital. Or if you go to the hospital, the hospital will charge back to you because they won't get the money from the Indian Health Service. It will ruin your credit, and you will have to file for bankruptcy. But don't get sick after June because the money won't be there.

What kind of message is that to the American people, especially the most vulnerable in our society? These reservations are where there is substantial poverty, great difficulty.

I have not mentioned methamphetamine. We have had hearings about that. It is unbelievable what is happening with respect to these reservations and health care, and yet somehow there is no urgency here.

Senator McCain and I are asking for a little cooperation from the administration and some cooperation here in the Senate to move this bill.

We had a witness just the other day at a hearing about methamphetamine on reservations. Methamphetamine is a scourge all across this country.

Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. One of the witnesses at that hearing on methamphetamine on reservations, who is the chairperson of an Indian tribe, lives on a rural reservation with 13,000 Native Americans who live on that reservation. She told us that one-half of the babies who have been born to tribal members on that reservation—one-half of the babies—have tested positive for alcohol or drugs, including methamphetamine. Think of that.

I was in a hospital one day when they showed me a young baby that was born with a .12 blood alcohol content lying in the nursery. This baby was born with a .12 blood alcohol content, and the mother was down the hall and refused to see the baby because she did not want the baby. She checked into the hospital dead drunk.

The fact is, we have serious problems with methamphetamine and substance abuse and teenage suicide, and all of these issues, and we have a health care system on Indian reservations that is a rationing system. When the chairman of the tribe in my State says, "All the Indians know: don't get sick after June because the money is not there under contract health to help you," that is a serious problem.

All I am asking for and all Senator McCain is asking for is a little help and a little cooperation from the administration and, yes, from our colleagues to move this legislation called the Indian Health Care Improvement Act. It is the right thing for this country to do. Mr. President, I see the chairman of the committee is here, and I will, at this point, yield the floor.

I do have an amendment I wish to offer on the Defense authorization bill today, and I am available to do that when it is convenient. But the chairman and ranking Member are here, so at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I was much taken by the remarks of the Senator from North Dakota. I have great respect for the Senator from North Dakota. I tell you, you do a lot of homework. You do a lot of independent work. And while I do not have the expertise with regard to the reservations that you have, any of us listening to your comments would immediately come to the conclusion that we better step in to help. And I say to the Senator, you can count on me when the time comes. I think that matter should be addressed as quickly as we can by the Senate.

I thank the Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2766) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the Act after John Warner, a Senator from Virginia.

Nelson (FL)/Menendez amendment No. 4265, to express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

McConnell amendment No. 4272, to commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my distinguished ranking member, I think at this time it would be appropriate if the Senator wishes to bring up his amendment.

We are in business, I say to my colleagues wherever they are, for purposes of amendments. The Senator from Michigan and I will be here for some period of time in hopes of processing amendments.

Mr. LEVIN. Mr. President, I thank the Senator from North Dakota. He covered such a wide range of issues with such depth and integrity that is really quite extraordinary. We are ready for his amendment. I think he is prepared to proceed with the amendment. We look forward to hearing from him on that matter.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 4292

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. DURBIN, and Mr. HARKIN, proposes an amendment numbered 4292.

Mr. DORGAN. Mr. President. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. Mr. President, first of all, I thank the Senator from Virginia for his kind comments. He did not say he welcomed my amendment because he probably knows that this amendment is one which we have dealt with before. But I feel so strongly the need to continue to offer the amendment, if only by voice vote, which says what is going on I think is dreadfully wrong and needs to be corrected. I know the Senator from Virginia and the Senator from Michigan are legislators with goodwill and good skills. I hope they will join with me as I once again describe the issues of contracting that exist because we are spending so much money in such a hurry that there is waste, fraud, and abuse which simply cannot be addressed in the regular order.

I believe this amendment is once again a proposal whereby there was a Truman-type committee, the type that existed when Harry Truman served in the Senate, a Democratic Senate then, with a Democrat in the White House. Harry Truman, I am sure, caused some real angst at the White House by saying: I think there needs to be a special bipartisan committee established to take a look at waste, fraud, and abuse in military contracting. He traveled all across this country to military installations to meet with contractors. His committee unearthed a substantial amount of waste.

I offer it again, as I have offered it on previous occasions. I understand I have not been successful, but I offer it again only because I don't think the problem has abated. I think the problem still exists.

Just the other day, in a supplemental emergency appropriations bill, we spent $92 billion. Some of that was for Katrina relief, but the rest of it, by and large, will find its way into the Pentagon accounts—to restore accounts.

The Senator from Illinois just came in, and the Senator from Illinois and I have jointly worked on this issue. Senator HARKIN has asked to be a cosponsor as well. I offer it on behalf of myself and Senators DURBIN and HARKIN. This is something that we have talked about at some length over a period of time.

We have approved emergency supplemental appropriations bills to the tune of tens and tens and tens of billions of dollars. I believe it is now over $340 billion. Think of that: almost a third of $1 trillion approved without being paid for. This adds right on the top of the Federal debt.

This spending is in support of our military. I voted for it because we can't send our troops abroad and not provide them the equipment and things they need.

But when you spend this much money, including $18 billion-plus for reconstruction in Iraq, and then begin to see who gets hold of this money, it is hair raising to hear the stories about what is happening.

I am not suggesting that there would never be any waste as a result of this war. Wartime is a different circumstance. I understand that. But I think it is safe to say that there has been more waste, more fraud, and more abuse of the taxpayers' money in the recently short time, several years, than in the history of this country. I think it is unparalleled. I think we have a responsibility to deal with it.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. DURBIN. Through the Chair, I am happy to join him in this effort in which we are trying to have some oversight on tax money being spent on this war. The Senator and I have worked on this concept together. We went back to a day when the Senator from Missouri, Harry Truman, decided to ask the same hard questions of the administration during the Second World War, trying to find instances where tax dollars were being wasted and people were profiteering and soldiers were getting equipment that wasn't up to standard.

I ask the Senator from North Dakota: Isn't it curious that Senator Harry Truman, a Democrat from Missouri who created this commission and asked hard questions, when there was a Democratic President named Franklin Roosevelt, was suggesting that when it comes to profiteering, Congress doesn't do the administration nor the people of this country any favors by saying we are going to protect our own party in the White House? Shouldn't we be dealing with a nonpartisan issue of waste at the expense of taxpayers and, more importantly, at the expense of soldiers?

Isn't it true that at the hearings which Senator DORGAN has chaired bringing together whistleblowers who tell us these terrible stories of waste of millions of dollars of taxpayers' money, that absent these hearings there has been very little done on Capitol Hill by way of oversight of the giants who are winning these no-bid contracts, multibillion-dollar contracts, and wasting too much of taxpayer dollars?

Mr. DORGAN. Mr. President, it is the case that whistleblowers from Kuwait, Iraq, and various parts of the United States have come to me and said: What is going on is wrong. We have held some hearings through our policy committee to take a look at it. They have wanted to testify.

Let me give you one example. I talked about Rory before. A man named Rory, an engaging fellow, who was a supervisor at a food service operation in Iraq, he said to us that what was going on was wrong. He worked for Kellogg, Brown & Root, a subsidiary of Halliburton.

No. 1, he said we were charging for thousands of meals that we weren't serving.

No. 2, we were feeding the troops food that had expired date stamps on them.

He brought it to the attention of his superiors. They said: It doesn't matter. Feed it to the troops. It doesn't matter.

He said: We had convoys of trucks that were attacked on the road with food in them. He was told: You go into that truck bed and you find out what food has shrapnel in it. If you find good pieces of shrapnel, you give it to your supervisors as souvenirs, but feed the food to the troops.

The other thing that was very interesting, talking about employees of Kellogg, Brown & Root, a subsidiary of Halliburton, he said: We were told that when Government auditors come around, don't you dare talk to them. You are forbidden to talk to them. If you do, one of two things will happen. You will either be fired, or you will be sent to a part of Iraq where there is active, hostile shooting going on.

This fellow, in fact, was sent to one of the active areas of Falluja. He had the courage, guts, and temerity, and decided he would talk to Government auditors.

It is unbelievable to me to hear a whistleblower say that a contractor which was being paid with Government funds told the employees: Don't you dare talk to Government auditors. If you do, you will be fired.

That is so fundamentally wrong.

Mr. DURBIN. Mr. President, if I may ask one more question, in one of the hearings that I attended, I recall that Senator DORGAN brought in one of these whistleblowers who talked about the monogrammed towels they were charging the Government to be put into certain facilities. The Senator talked about running up the price of gasoline that they were charging to the Government. I hope the Senator will recount those particular instances.

But I would like to ask the Senator, when Members of Congress get up here and say: We love our soldiers and we love our troops and we stand behind them, how can we then cast a blind eye and overlook the obvious? When our soldiers aren't getting the right equipment, when our soldiers aren't getting the goods they deserve, when they are not getting the supplies they need to be safe and successful, how can that reflect any love of our troops? If we are truly committed to these soldiers, wouldn't we be holding oversight hearings, bringing in under oath these whistleblowers and their bosses? Let us bring them in and put them before the cameras and ask them if they are wasting taxpayer dollars and endangering the lives of our troops. Wouldn't that be the true measure of our commitment to these men and women in uniform?

Mr. DORGAN. Mr. President, clearly that is what we ought to do on behalf of soldiers.

I tell the Senator that the most recent allegations have been made by two people who worked for, once again, Kellogg, Brown & Root, a subsidiary of Halliburton Corporation, about the water that was provided to the military installations. Let me describe that.

Taking water from the Euphrates River—and some of it goes into a system where it is purified and used as potable water to drink. Some of it is used as nonpotable water. But the way they designed the lines to serve nonpotable water to the base, which is used for showering, shaving, and brushing teeth, and so on, the water that was coming out nonpotable areas was actually more contaminated with E. Coli, bacteria, than the raw water coming out of the Euphrates River from the sewage disposal.

Halliburton said it is not true. The Pentagon said it is not true.

It just wasn't one base. We have a memorandum from the person from KBR, a Halliburton subsidiary in charge of water to all the military installations in Iraq. That memorandum, which has now been made public, was from the person who was in charge on behalf of Halliburton, or KBR, of all the water for all the installations. That memo admits that they have a serious problem, and they have made big mistakes that could have caused serious problems, including death.

After we held hearings, a young woman, an Army captain in Iraq, wrote us a long, unsolicited e-mail. She said: There is something going on on my base. I saw there was some questions about water to our military installations in Iraq. I am here. I am treating people for all kinds of skin problems. And I began to see things that made me suspicious that there was something wrong with the water.

She said: I had my staff track back to the water line.

She said: What I found out was they were providing nonpotable water to the soldiers on this base that was contaminated.

This is from a doctor who is there today. This isn't conjecture, speculation, or accusation. This is from a doctor who is actually treating people. Yet, once again, the company that we are paying as a contractor to provide water service to these bases, connect and purify the water and provide the water to soldiers, denied publicly that anything was wrong. We have two eye witnesses who have testified, whistleblowers one that worked for the company. We have the internal document from the company that discussed how they had made these mistakes, and we have a doctor, a physician, who works for the Army. This is like the old Western movie: Who are you going to believe, me or your own lying eyes?

The fact is, we know what is happening there, yet no one seems much concerned about it. I write to the Defense Secretary about this and say it is quite clear that unhealthy water is being supplied to troops for showering, brushing their teeth, and shaving. No one seems to get really excited over that. It seems to me the Secretary of Defense ought to say, Wait, what on Earth is going on? Let's put a stop to this.

I will talk in a few minutes about how all of this happens. It happens because we have sole-source, no-bid contracts and very little oversight.

Mr. DURBIN. If the Senator will yield for one last question, what strikes me is there is not a sense of outrage that American tax dollars are being wasted but, even more important, that American troops are being shortchanged.

What do we ask of these men and women in uniform? Quite simply, we say, take an oath to wear this uniform and risk your life for America—how much more could we ask—and they do it. And then they expect from us support—support when they are in the field and support when they come home.

I don't understand why there isn't a sense of outrage in this Congress on a bipartisan basis, on both sides of the aisle, that we are not only being ripped off as taxpayers by these no-bid contracts but that we are shortchanging these men and women who are risking their lives while we stand in the comfort and safety of this Senate.

I know Halliburton is a big political force in this town. I know in some quarters you are not supposed to question Halliburton. This is some sacred institution politically. I don't buy it. I count the soldiers that are putting their lives on the line to be much more sacred and much more valuable than any big, huge, no-bid corporation.

I say to the Senator from North Dakota, we have done this before, the two of us have joined together, and said let's put together a bipartisan commission that will ask the hard questions, a commission that will bring people in and put them under oath, find out if they are cheating us, find out if they are profiteering during a war, find out if they are shortchanging our soldiers, and let the chips fall where they may. If we find there is a violation of law, even if it reaches all the way to the boardroom, so be it.

How many times have we come to the Senate. I ask the Senator from North Dakota, refresh my memory, how many times have we brought this option to the Senate and said to our colleagues, please, for the sake of the troops, let's have real oversight, let's ask these questions.

How many times have we done this during the course of this 3-year war, I ask the Senator from North Dakota who has been the leader in this effort, and I have been glad to join him, how often have we tried?

Mr. DORGAN. Mr. President, we have had three recorded votes on this, and we have brought this to the Senate maybe six times now, altogether. I know it is repetitious. I know it probably is not pleasant to hear all of these things again, yet I don't think there is any choice.

If I might, just for the benefit of my colleague from Illinois, Senator DURBIN and I began talking about this some long while ago when we began to see the evidence of waste. We have worked at it since then.

When Senator DURBIN was asking a question, I described the water issue. I want to read a quote from a memorandum that was written May 13, 2005, an internal Halliburton memorandum, written by Will Granger, the man who was paid with taxpayer funds to do this contract for Halliburton for all of the water issues in Iraq. These are the water issues for the U.S. bases in Iraq that directly affect United States soldiers.

Will Granger, the Halliburton employee:

> No disinfection to the non-potable water was occurring [at Camp Ar Ramadi] for water designated for showering purposes. This caused an unknown population to be exposed to potentially harmful water for an undetermined amount of time.
>
> This event should be considered a "NEAR MISS" as the consequences of these actions could have been VERY SEVERE resulting in mass sickness or death.
>
> The deficiencies of the camp where the event occurred is not exclusive to that camp; meaning that country-wide, all camps suffer to some extent from some or all of the deficiencies noted.

That is what was covered up. This was not made public until I was able to dig it out. But when a whistleblower said this is happening—and I am not referring to Will Granger, but to a whistleblower who said this is happening in his testimony to our committee—Halliburton said that it is not happening, you are not telling the truth, the Pentagon says there is no evidence of it.

And here is the internal Halliburton report that says it is happening, No. 1; and, No. 2, this camp was a "near miss" and:

> . . . the consequence could have been VERY SEVERE resulting in mass sickness or death.

A lot of people are making a lot of money, spent by this Congress, in support of our soldiers who are at war, and we have some contractors who are not playing straight with the soldiers or the American people.

I ask consent to show two items on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. A man whose name was Henry Bunting came to a hearing I held. I believe Senator DURBIN was at that hearing. Henry Bunting worked for Kellogg, Brown & Root, a subsidiary of Halliburton in Kuwait. In Kuwait, he was the purchaser of supplies for the U.S. Army. They wanted some hand towels, needed some towels, so a purchase requisition goes to Henry. Henry is going to buy some towels. Except when he put in the order for the towels, his company said, no, no, no, you cannot buy those regular towels that way. Towels have to have our logo embroidered on them.

So this is what he had to buy, at more than double the cost of the regular towels, so that the company logo could be put on the towels, and the taxpayers could be charged twice as much.

I am sure the soldiers didn't care one way or another whether there was that embroidered logo on the towel. But Henry, the purchaser, was told: You buy these. And don't ask any questions.

Henry says, You know, the American taxpayer got charged double and he didn't like it and he want to speak publicly. And not just this, it was a thousand other examples of costs being run up, from $45 for a case of Coca-cola, to $7,500 a month to lease an SUV. Henry said, It is not just the towels, but he brought the towels along to show us what is going on is really wrong. The American people are taking a bath here and it undermines the soldiers, as well.

Thank God there are some whistleblowers who are willing to come forward.

What we need now, of course, is the opportunity to legislate and see if we can't stop this.

I will not go much longer, although I don't see anyone preparing to offer another amendment yet. I do want to make a couple of points I made the other day on the broader amendment that was turned down by the Senate. That amendment dealt with contracting as well, but it was a much broader amendment than this.

I made the point then, and this actually had to do with Bunnatine Greenhouse. I know there are some who do not want to hear about this anymore. But I don't think we have any choice. This was the top civilian contracting official at the Corps of Engineers. She was the one responsible for overseeing the contracts.

Through the Corps of Engineers, Halliburton and KBR got no-bid, sole-source contracts, giant contracts. Over one half of the contracts in the war theater are Halliburton.

By the way, this has nothing to do with the Vice President. Whenever you mention that term, they say, You are attacking the Vice President. No, he has been gone a long time. It doesn't have anything to do with him. It has to do with a company that got over 50 percent of the contracts in Iraq.

Bunnatine Greenhouse, the top contracting officer at Corps of Engineers who lost her job, now, as a result of telling the truth, says:

> I can unequivocally state that the abuse related to contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

For that, she got demoted. Pretty harsh treatment for people who are whistleblowers in this town. She has been replaced, by the way, by someone without experience. When I have asked the general who runs the Corps of Engineers, he said the person that is replacing Bunnatine Greenhouse is now being trained. Not much consolation or confidence, in my judgment, in that for the American people.

One final story. If the issue of water does not motivate someone, let me talk again about Custer Battles. I have plenty of people come to me about Mr. Custer and Mr. Battles. This is an example of what is going on with so much money available.

Mr. Custer and Mr. Battles show up in Iraq without any money, without much experience in contracting, and decide, I will get some of this; I want to get some of this contracting that is available. It was not very long and they got some contracts very quickly. In fact, they ultimately got over $100 million in contracts.

The first contract was to provide security. They set up a little firm to provide security at the Baghdad airport. Now, among other things, whistleblowers from their own company came forward and said, Here are the things they were doing. They are cheating you blind. They took the forklift troop trucks out of the Baghdad airport, took them somewhere else, put them in the warehouse, painted them blue and sent them back and sold them to the Coalition Provisional Authority. They do not belong to them. They repainted them and sold them back to us. They set up subsidiaries in Lebanon and other places to buy and sell to and from themselves, and inflate the price, and, therefore, injure the taxpayer.

Here is what the fellow who runs the security system at the Baghdad airport said. The Baghdad airports director of security in a memo—a guy, also, that was trying to provide some warning—a memo to the Coalition Provisional Authority, and that is us in Iraq; it was set up by Donald Rumsfeld and that was the United States—here is what he said:

> Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative and war profiteers. Other than that they are swell fellows.

This from the director of security at the Baghdad airport. These guys ended up getting over $100 million in contracts. I will show you a little bit of their money. This is a picture of $2 million in cash, $100 bills wrapped in Saran Wrap. I happen to know this guy; you do not see his head, just his body standing in front of the $2 million. He showed up here. He wanted to talk about this. Here is what he wanted to say.

What he wanted to say was, When I was there, standing in Baghdad, working on these accounts, the word went out to all of the contractors: We pay in cash; bring a bag. He said it was like the Wild West. Bring a sack because we pay in cash.

This $2 million actually went to Custer Battles. They took a picture of it. He said they used to throw these around as footballs, Saran Wrapped $100 bills. They threw them around as footballs in the office. And down below they had billions and billions of dollars, apparently.

Lest there be any question about the misuse of money, let me show $2 million Saran Wrapped just before it went to Custer Battles. How did this happen? Because this guy right here, this fellow right here, told me that our message to everyone was "bring a bag because we pay in cash."

Does anyone doubt there is going to be dramatic waste, fraud, and abuse in those circumstances? Does anyone doubt that at all, and after all of these stories? Doubling the price of hand towels; 25 tons, 50,000 pounds of nails laying on the sands of Iraq because they were ordered in the wrong side, dumped in the sand.

I could go on forever from what I learned from whistleblowers. I will not do that, only to say this: The next step for this Congress, I think, is to establish a Truman-type committee. We have done it before and we can do it again. Never has it been more needed than now. There is, I think, plenty of evidence that the most significant waste, fraud, and abuse that has ever been visited on the taxpayers of this country is occurring now and has occurred in the last 3 years.

The remedy for that? It is not to blame anyone here. The remedy for that is for us to fix it, for us to do something. What should we do? Let's put together the type of thing that worked previously. Harry Truman had the guts to do it.

Harry Truman was a Democrat. There was a Democrat in the White House. I am sure they all were gnashing their teeth at what Harry Truman was trying to do, but on a bipartisan basis Harry Truman put together, with the consent of the Senate, the Truman Committee that sunk their teeth into this issue and really did investigate and came up with a massive amount of waste, fraud, and abuse.

That is a minnow compared to the whale that exists at the moment in waste, fraud, and abuse. It is required of us, in my judgment, required of us to pass this legislation.

Having said all of that, let me compliment the chairman and the ranking member, but let me not do it because it is obligatory but because I really do think they do a great job. I hope they decide to strongly support this amendment. Then I will come back and compliment them some more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me compliment the Senator from North Dakota. He has been absolutely steadfast on this issue. He has made a major contribution on this issue.

If the Senator will stay for a moment, I want to ask him a question about the Truman Committee which he has made reference to. Perhaps I will make a brief statement and then ask him if he concurs with this history.

When then Senator Truman was appointed to head up the special committee to look into the abuses of contracting during World War II, he did an incredible job for a lot of reasons. One, he took on the abuse, the waste, the fraud that existed. He unearthed it. He brought it out in the daylight. He made a major contribution to our troops and to the taxpayers. It was such an important contribution that his temporary ad hoc special committee then became a Permanent Subcommittee on Investigations.

So that the origin of our Permanent Subcommittee on Investigations which now exists over at the Homeland Security Committee was the special Truman Committee. That is how big an impact that Truman Committee had. And I am wondering whether or not that little bit of history shows us in addition to all of the reasons that were given by the Senator from North Dakota how vitally important these special committees can be, what a contribution they can make to the war effort and to saving taxpayers' dollars.

Mr. DORGAN. Mr. President, the Senator is absolutely correct, first, about the history and, second, about the importance of this. Harry Truman used to have a sign on his desk saying, "the buck stops here." Well, the buck stops here in the Congress on this issue. We are the ones who have to go find this waste, fraud, and abuse and put a stop to it. If we don't do it, it won't happen.

Harry Truman was a straight talker, a straight thinker. He used to say he would only accept one-armed economists because he didn't want people around him saying "on the one hand" and "on the other hand." He decided to sink his teeth into the issue of waste, fraud, and abuse, and he made a big difference at a time when there was substantial waste, fraud, and abuse.

But I would venture to say there has never been a case in our history where we have pushed hundreds of billions of dollars out the door in a very large hurry and put them in the hands of no-bid, sole-source contracts with big companies and said, "Have a good time." It is unbelievable what is going on, and it is our responsibility to stop it—not tomorrow; it is our responsibility to stop it now.

This is the bill in which we should do it. This amendment fits exactly in this piece of legislation. My hope is that when the dust settles, we will have decided to accept this amendment.

Mr. President, I yield the floor.

Mr. LEVIN. I again thank the Senator from North Dakota for the amendment and I hope that we can get some bipartisan support for it.

There have been reports on abuses. Reports are no substitute for hearings. When you have hearings following a special committee investigation, you have people who are put under oath, who are in the public spotlight so that we can bring a focus on these whistleblower complaints, and that is what has been missing. We have not had a place where the whistleblowers and the people who defend against their charges are brought together, both put under oath in a public forum so that we can then try to end what seems to be so clearly the abuses which have existed.

One of these contracts is a $10 billion contract-plus, basically. It is for indefinite delivery of goods, and it is for an indefinite amount quantitatively. So you have this contract which exists with Hallliburton or the company that they own which allows them to have the total, complete, unilateral sole-source ability to be given a work order—sometimes the money is agreed upon in advance, sometimes the amount of the contract is not agreed to until afterwards—indefinite delivery for indefinite quantities of indefinite goods.

Now, that kind of a contract just automatically lends itself to abuses, which should not happen here. This is something I spoke about yesterday. There should have been at least two and perhaps three contractors who were put in the exclusive contract to provide goods and services in support of the troops.

This is an open-ended contract of undefined scope which then later on billions of dollars of work orders are then put in place. It just lends itself to excess and to abuse. This is something again which I have spoken on a number of times. You need to have competition—not just for who is going to get an open-ended contract but in the implementation of work orders you need some competition. The only way you are going to get it in this circumstance when we are at war is if you have two or three contractors that are awarded these so-called IDIQ contracts so that when it comes to supplying the goods underneath it, they can compete against each other. It is the only hope that you have for a fair price for an amount of goods that is not known at the beginning but which has to be then supplied during the contract.

What these hearings which Senator DORGAN has spearheaded have shown is this kind of a contract and the potential for abuse that it leads to. It has raised all kinds of questions as to whether Halliburton overcharged the Coalition Provisional Authority for several million dollars for oil that was purchased in Kuwait and delivered to Iraq.

It raised the question of whether Halliburton overcharged the Department of Defense for thousands of meals that were not actually served.

It raised the question of whether Halliburton had the estimating subcontracting and financial management systems needed to run two multi-billion-dollar contracts in Iraq.

It raised the question of why did Halliburton receive a follow-on contract for the reconstruction of the Iraqi oil industry at a time when the DCAA, the Defense Contract Audit Agency, had warned that the company's systems were not up to this challenge.

It raised the question, these hearings that were spearhead by Senator DORGAN, as to whether Halliburton knowingly supplied our troops with spoiled food or unsafe drinking water.

It raised the question as to whether Halliburton intentionally withheld information from the Government to avoid raising questions about the quality of its performance.

There have been only two hearings in our subcommittee. I compliment our chairman. Our committee and our subcommittee every year have to deal with a bill, and this bill is in the Chamber. It takes a huge amount of our time as a practical matter. The two subcommittees that have hearings on this issue which Senator DORGAN raises simply have not been able to put in the kind of time that a special Truman Committee can to focus on this kind of issue. And that is why I very much support the appointment by the Senate of a Truman Committee on Iraq contracting.

When you have this many tens of billions of dollars which are being spent and when you have allegations by whistleblowers, people who are in the know, that we have been unable to get into or have not gotten into for one reason or another, they have not been investigated or overseen by the other committee that might do this, this really needs a focus if we are going to have some credibility in the expenditure of these huge amounts of money in the Iraq war. And this should be done on a bipartisan basis. It would be with a Truman Committee. It needs to be done in a way which is free of any kind of political taint or political slant. But it needs to be done. We have to restore credibility and confidence in this contracting system, and the only way we are going to do that I can see is to have a bipartisan Truman-like committee that spends the time, has the staff focus on it, making recommendations which I think will be similar to the ones that were defeated yesterday but they should not be prejudged. In any event, it could make recommendations to this body, and I would hope we would all welcome those kinds of recommendations.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, if I could engage my distinguished ranking member in a colloquy, historically this amendment is almost identical in form to what came before the Senate on 14 September last fall, 2005. It was defeated by a vote of 53 to 44. And that was on the Commerce-State-Justice appropriations bill. Then, with the tenacity of our good friend from North Dakota, he brought the same amendment up again on October 19, 2005. Again, it was defeated by a vote of 54 to 44 on the Transportation appropriations bill.

So the Senate on two occasions has examined this before other committees and defeated it.

Now, let's go back a little bit in history, and this is a part of Senate history that you have greater familiarity with than do I. Your distinguished predecessor, Senator Nunn, when I worked with him—he was chairman, I was the ranking member of the Armed Services Committee—there would be times when he would say, "John, I simply have to take off a week; I have this special committee." He was then on the committee on which you served, I think, throughout your tenure in the Senate; now called Homeland Security, it used to be called Government Operations. And the Senate as a body some time ago decided to take the roots of the Truman Commission, which, indeed, was a successful operation, and repose it, place it into the Government Operations Committee, now the Homeland Security Committee.

Mr. LEVIN. I have been on that committee as long as I have been here.

Mr. WARNER. Another 28 years.

Mr. LEVIN. That subcommittee has a major agenda and a whole host of areas that the chairman has identified, frequently with my support, and it has a very full plate. This committee, our committee, has something that that committee does not have, and that is we have the knowledge, we have the information because we are the committee that specializes in the work of Halliburton in the field. We are the people who have the experience in terms of what the troops need and how it is provided to the troops. And so our committee also has the ability to handle these hearings. Neither committee has seen fit, either because it has too full a plate already—and I think our committee from firsthand knowledge is in that situation—has a very full plate, and therefore has not been able or for whatever reason has decided not to look at what are clearly excesses which need to be reviewed.

So it is a matter of finding, identifying Senators who have an interest in this matter who would focus on this matter because of the attention that it deserves.

Now, it could be an outside commission. If the chairman would prefer that there be an outside commission to do this, perhaps Senator DORGAN would be willing to do it. But this requires a major undertaking with an investigative—you have to identify and set out special staff that will do the investigations on this, and then prepare for hearings. If our committee were able to do this, I would be all for it.

Mr. WARNER. Mr. President, I say to my good friend, yes, there are instances of fraud and abuse, and work has been done by the Armed Services Committee Readiness Subcommittee. I believe Senator AKAKA is on that committee from your side of the aisle. It is a lot of work. It is not as if somebody is sitting on their hands.

Fraud, waste and abuse within the Federal contracting system, while not pervasive, is a significant problem that we as a Congress must, and are, addressing.

The potential for fraud, waste and abuse is not limited to just Iraq and Afghanistan. Through the use of normal committee legislative tools and processes we have uncovered fraudulent and wasteful cases and are conducting systemic oversight.

The Armed Services Committee has conducted numerous hearings and briefings on acquisition oversight and reform (including oversight of contracting in Iraq) and has initiated investigations by the GAO and the Inspector General on DOD acquisition practices and programs.

Other committees, such as Homeland Security and Governmental Affairs and Foreign Relations, with jurisdiction over government contracting, have similar oversight records.

The Office of the Special Inspector General for Iraq Reconstruction was established to look at Iraqi contracting. The special IG routinely briefs this Committee and others on its findings.

Just yesterday we approved an amendment to expand the special IG's oversight to include a broader range of funds being used to contract for Iraq reconstruction activities.

And, as I noted earlier this week, the special IG submits quarterly and semiannual reports to Congress. The inspector general operates a hotline for reports of possible waste, fraud and abuse and has uncovered criminal activity that has been referred for prosecution.

The special inspector general's efforts have yielded important oversight results and have prompted three specific lessons learned initiatives.

The lessons learned initiatives are: (1) human capital management; (2) contract management; and (3) program management.

The contract management report should be out later this summer.

The committee has also addressed contract and acquisition reform through a series of legislative provisions and initiatives.

I will highlight three recent examples:

No. 1, Section 817 of last year's defense authorization act addressed the need for a joint contingency contracting plan;

No. 2, Section 841 of that same legislation required GAO to review efforts of the Department to identify and assess areas of vulnerability for contracting waste, fraud and abuse. This report should be completed soon;

No. 3, the committee included a provision in this year's bill to build on previous oversight efforts in the contracting area. Section 864 of our bill would require the Department to develop contingency program management plans. This section is part of a series of provisions designed to improve acquisition and contracting outcomes across the department through better overall program management.

I believe our activities, which I have very briefly outlined here, represent the best approach to conducting oversight. We bring in the experts and have them address systemic and specific problems.

We want to avoid an approach that would lead to wasting much of our oversight efforts on anecdotes of individual fraudulent acts which mayor may not show that we have a systemic problem.

We need to prosecute those singular cases and protect against fraud, waste and abuse in a way that can still deliver goods and services to the warfighter as quickly as possible.

So I say to my colleague, I appreciate his concerns and I look forward to working with him to address problems with Federal acquisition.

However, I do not support the establishment of a new special Committee which would duplicate the work of this Committee and would only look at selected Federal expenditures and contracts.

I come back to this creation of the entity that the Senator from North Dakota wants and I again draw attention to the fact that Homeland Security has been given by the Senate the overall responsibility and an investigating committee with special funding, special staff to do investigations. Senator Nunn utilized it frequently when he was chairman of our committee. But there isn't a committee in this body that is not faced from time to time with the subject of fraud, waste, and abuse. And the Senate decided, rather than have each of the committees have their own special investigating team, to put together this subcommittee in the Government Operations Committee to do this work.

So I come back to my friend and just ask, why should we create something additional to what is already present, structured by the Senate to address the fraud, waste, and abuse problems in all the committees that we serve on and it was placed in the Homeland Defense Committee?

Mr. LEVIN. There have been requests—I believe from the chairman of the Homeland Security Committee—to get into this. And if the chairman would be willing to sign a letter with me making another request to that chairman to try to find time in either her committee work or in Senator COLEMAN's committee, I would again be very happy to join in that request.

Mr. WARNER. Mr. President, I would certainly entertain that.

Mr. LEVIN. If we are unable do that on our committee, which we have not been able to do anything that needs to be done here—and I understand the time pressures on the committee because of this annual bill we have; I know what is on the plate over at the Governmental Affairs Committee and on the Permanent Subcommittee on Investigations—

Mr. WARNER. You serve on that committee.

Mr. LEVIN. That is exactly right. I have been there throughout my tenure. I am personally familiar with the work they have undertaken. But if Senator WARNER would be willing to sign a request to Senator COLLINS, I would be delighted to join in that.

Mr. WARNER. What I would suggest we do is have a consultation with Senators COLLINS and LIEBERMAN and then follow up with a letter, if we deem appropriate.

Mr. LEVIN. That would be fine.

Mr. WARNER. That committee has done a prodigious amount of work. I certainly commend the chairman and ranking member of the Homeland Security Committee. They are workers.

Mr. LEVIN. I am on that committee, as you pointed out. I know the workload they have. Just yesterday, they completed a markup on one bill which took 2 days. I don't know of any people who work harder in the Senate than do Senator COLLINS and Senator LIEBERMAN.

Mr. WARNER. So we have a procedure on that. For the moment, I suggest we set aside the pending amendment and turn to the matter of trying to clear some amendments on this side. Is that appropriate at this time?

Mr. LEVIN. That would be fine.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENTS NOS. 4254 AND 4295, 4296, AND 4297, EN BLOC

Mr. WARNER. Mr. President, I send a series of amendments to the desk which have been cleared by myself and the distinguished ranking member. I ask unanimous consent that the Senate consider the amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. LEVIN. Reserving the right to object, and I will not, I just wonder if the Senator would identify the Senator who has sponsored the amendment so that they will hear their amendments have now been cleared.

Mr. WARNER. Fine. The Senators I have indicated here on my sheet are Senators SESSIONS, OBAMA, ALLARD, SALAZAR, and I judge that scribbling is Senator WARNER of Virginia.

Mr. LEVIN. I thank the chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4254

(Purpose: To require the use of competitive procedures for Federal contracts worth over $500,000 related to hurricane recovery, subject to existing limited national security, public interest, and other exceptions)

At the end of subtitle I of title X, add the following:

SEC. 1084. IMPROVED ACCOUNTABILITY FOR COMPETITIVE CONTRACTING IN HURRICANE RECOVERY.

The exceptions to full and open competition otherwise available under (2), (3), (4), and (5) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) and paragraphs (2), (3), (4), and (5) of section 2304(c) of title 10, United States Code, shall not apply to Federal contracts worth over $500,000 for the procurement of property or services in connection with relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season.

AMENDMENT NO. 4295

(Purpose: To require a report on reporting requirements applicable to the Department of Defense)

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on each report described in paragraph (2) that is required by law to be submitted to the congressional defense committees by the Department of Defense or any department, agency, element, or component under the Department of Defense.

(2) COVERED REPORTS.—Paragraph (1) applies with respect to any report required under a provision of law enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) that requires recurring reports to the committees referred to in that paragraph.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) Each report described by that subsection, including a statement of the provision of law under which such report is required to be submitted to Congress.

(2) For each such report, an assessment by the Secretary of the utility of such report from the perspective of the Department of Defense and a recommendation on the advisability of repealing the requirement for the submittal of such report.

AMENDMENT NO. 4296

(Purpose: To prohibit the acquisition by the Secretary of the Army of real property to expand the Pinon Canyon Maneuver Site until the Secretary submits a report analyzing such expansion and provides to the congressional defense committees the extent to which the expansion could be carried out through transactions with willing sellers of the privately held land)

On page 546, after line 22, add the following:

SEC. 2828. REPORTS ON ARMY TRAINING RANGES.

(a) LIMITATION.—The Secretary of the Army may not carry out any acquisition of real property to expand the Pinon Canyon Maneuver Site at Fort Carson, Colorado until 30 days after the Secretary submits the report required under subsection (b).

(b) REPORT ON PINON CANYON MANEUVER SITE.—

(1) IN GENERAL.—Not later than November 30, 2006, the Secretary of the Army shall submit to the congressional defense committees a report containing an analysis of any potential expansion of the military training range at the Pinon Canyon Maneuver Site at Fort Carson, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) A description of the Army's current and projected military requirements for training at the Pinon Canyon Maneuver Site.

(B) An analysis of the reasons for any changes in those requirements, including the extent to which they are a result of the increase of military personnel due to the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) A proposed plan for addressing those requirements, including a description of any proposed expansion of the existing training range by acquiring privately held land surrounding the site and an analysis of alternative approaches that do not require expansion of the training range.

(D) If an expansion of the training range is recommended pursuant to subparagraph (C), the following information:

(i) An assessment of the economic impact on local communities of such acquisition.

(ii) An assessment of the environmental impact of expanding the Pinon Canyon Maneuver Site.

(iii) An estimate of the costs associated with the potential expansion, including land acquisition, range improvements, installation of utilities, environmental restoration, and other environmental activities in connection with the acquisition.

(iv) An assessment of options for compensating local communities for the loss of property tax revenue as a result of the expansion of Pinon Canyon Maneuver Site.

(v) An assessment of whether the acquisition of additional land at the Pinon Canyon Maneuver Site can be carried out by the Secretary solely through transactions, including land exchanges and the lease or purchase of easements, with willing sellers of the privately held land.

(c) REPORT ON EXPANSION OF ARMY TRAINING RANGES.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the training ranges operated by the Army to support major Army units.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission essential training tasks supported by each such Army training range during fiscal year 2003.

(B) A description of the projected changes in training range requirements, including the size, characteristics, and attributes for mission essential training of each range and the extent to which any changes in requirements are a result of the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) The projected deficit or surplus of training land at each such range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing training range.

(D) A description of the Army's prioritization process and investment strategy to address the potential expansion or upgrade of training ranges.

(E) An analysis of alternatives to the expansion of Army ranges to include an assessment of the joint use of ranges operated by other services.

AMENDMENT NO. 4297

(Purpose: To make technical corrections to provisions related to the National Museums of the Armed Forces)

On page 65, line 16, insert "facility designated by the Secretary as the" before "National".

On page 65, line 24, insert "facility designated by the Secretary as the" before "National".

On page 66, line 17, insert "facility designated by the Secretary as the" before "National".

Mr. WARNER. Mr. President, the Senator from Michigan and I have been here, together with the leadership of both sides, making it clear we are ready to conduct business on such amendments as may be brought before the Senate on this bill. I believe at this time we have now completed such business as was ready. I anticipate the leadership will advise us with regard to the schedule on Monday, and most certainly we will be back up at some point in time during that day to continue. I hope I will be joined by my distinguished colleague from Michigan urging Senators to come to the floor.

On our side of the aisle, I only know of perhaps two amendments that might be offered—one, as you are quite familiar with, by the Senator from Georgia with regard to certain aircraft programs. That is clear on its face. The other one I will work through. Frankly, I would have to say to my colleagues throughout the Senate, most particularly to my ranking member, I begin to see the light at the end of the tunnel, certainly as regards the amendments that could be forthcoming from this side of the aisle.

Mr. LEVIN. I was hoping the Senator was referring to Iraq, but since he is referring to our bill, I also see that we ought to be able to finish this next week. We will have a good debate on Iraq, I guess probably next Tuesday. Next Monday, I believe we have an amendment lined up.

Mr. WARNER. I know the Senator from Georgia wishes to offer his.

Mr. LEVIN. On your side of the aisle. After Senator DORGAN offered his today, it would then go to your side of the aisle to offer the next amendment, if we want to keep that informal order which has been established.

Mr. WARNER. Correct.

Mr. LEVIN. Then we could perhaps pick up the debate on the Dorgan amendment on Monday after the debate on the judge.

Mr. WARNER. I think the distinguished Senator from Massachusetts intends to revisit his strong approach to some of the situations in Iraq, particularly regarding troop structure.

Mr. LEVIN. I wouldn't want to speak for the Senator from Massachusetts. I do believe, though, he is working on an amendment. There will be at least two amendments on this side relative to Iraq.

Mr. WARNER. In addition to the one from the Senator from Massachusetts?

Mr. LEVIN. There is one Senator JACK REED and I are working on, and I think there is one Senator KERRY is working on. I can't speak for others. There may be a number of amendments on this side.

Mr. WARNER. I see the distinguished minority whip here. Maybe he could advise us what his ascertainment might be with regard to the balance of amendments on that side.

Mr. DURBIN. Mr. President, I have an amendment related to the rendition of prisoners which I would like to say a word about before we adjourn today. There may be an indication that there are still a few more amendments to be forthcoming. I will bring my amendment to your attention today, and I hope all Members will do the same so that you can plot the schedule for the upcoming week.

Mr. LEVIN. Mr. President, we believe there are a number of amendments which will need debate. It would be useful for all Senators on either Monday or Tuesday morning, if they could, to let us know what amendments they are planning on offering so we could get an estimate—I know you would agree as the floor manager—as to how many amendments are out there.

Mr. WARNER. Mr. President, Senator FRIST and I have discussed that. I believe he is in conversation with the leadership on your side. I heartily endorse that approach. Perhaps we could formalize it in some way.

Mr. LEVIN. I think we might be better off not formalizing it.

Mr. WARNER. Only in the sense that the two leaders and you and I come to the floor. I am not suggesting cloture or anything of that nature. I would hope this bill could be passed on by the Senate without the benefit of any cloture motion.

Mr. DURBIN. Mr. President, I would like to ask through the Chair, if this would be an appropriate moment, I would like to speak to the amendment which I will offer and a few other remarks not to exceed 5 or 10 minutes.

Mr. WARNER. Whatever the distinguished Senator from Illinois wishes, please proceed.

The PRESIDING OFFICER. Is there objection to recognizing the Senator from Illinois for 10 minutes?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, after wars are completed, history stands in judgment of the leaders, not just whether there was a victory or defeat in the war but whether the war was conducted properly. Almost without fail, history has been a brutal, sometimes difficult judge of the conduct of war. Caught up in concern about protection and security, nations do things which don't stand the test of time and reflection. The man I think was our greatest President, Abraham Lincoln, in the course of the Civil War suspended the writ of habeas corpus. By suspending that writ, he held prisoners without charges and without due process for long periods of time. It was controversial. Later on, it was judged that perhaps President Lincoln had gone too far.

In the midst of the First World War, with our concern over espionage, Congress enacted the Sedition Act which unfortunately tarred and condemned innocent Americans, and later on we came to realize that. In World War II, the most notorious conduct by our own Government was against our fellow citizens of Japanese ancestry who were interred in camps, innocent people. I know some of them. I have grown up with some of them. I know they carry scars from that incarceration. Throughout our history, as we reflect, we find there are things we should not have done in the course of a war.

I have said on this floor several times that I believe eventually history will be a very strenuous judge of our conduct in this war on terror when it comes to the use of torture. For decades, the United States had established a clear standard that we would never engage in torture—cruel, inhuman, or degrading treatment. Then after 9/11, in the shock and fear that followed, this administration ended up trying to rewrite the standards for interrogation and torture. It wasn't a proud chapter in our history. We now know the administration abandoned that effort after some time. We know as well that some of the people who were involved in it have been reluctant to even discuss what they were doing. But there was a good ending when last year Senator JOHN MCCAIN offered an amendment in the Senate to state unequivocally that the United States would not engage in the torture of prisoners, not engage in cruel, inhuman, and degrading treatment of prisoners.

The reasons are obvious. Prisoners who are being tortured will say anything. It doesn't have to be true. Secondly, the standard we set in the treatment of our prisoners could one day be used against Americans who are taken as prisoners. So not only does it give you invalid information, it sets a standard that we never want our soldiers to be subjected to.

By a vote of 90 to 9, the Senate enacted JOHN MCCAIN's standard for torture, saying that we were not abandoning our longstanding commitment to it. I was happy to cosponsor that effort. There was a debate where Vice President CHENEY came forward and said we need to make an exception for agents of intelligence agencies in our Government. Thank goodness, the Vice President's recommendation was rejected. The President signed it, and I hope he is living by it. Sadly, most of that is being done behind closed doors, and we won't know for a long time, if ever, whether it is being followed. I trust the word of the President when he says we are not engaging in torture. Now comes the next chapter.

If the President's words are an indication, Guantanamo Bay is likely to be closed. That is a good thing. Guantanamo Bay and the prisoners who are being held there have to be moved to a different situation. If they are in fact a danger to the United States or to any soldiers or any person we value, they should be charged and held or held as enemy combatants. But if they are being held for intelligence purposes, we should be honest. After 3 years, for goodness' sake, what value could they possibly bring to our intelligence?

Several hundred men are being held. Last week, there was the startling discovery that three had committed suicide. It is an indication to me that Guantanamo Bay should be closed, as the President has suggested. I hope it is sooner rather than later.

Then what will happen to the prisoners? The amendment I will offer says that if we are going to be involved in the rendition of these prisoners, the transfer of these prisoners to some other place, some other country, we need to make sure that country abides by the same standards of humane conduct to which the United States ascribes. We cannot be content in sending these prisoners to some other place where they will be subjected to torture if, in fact, we have expressed a value in the United States that we are opposed to torture. That is what the amendment will say, that we make that effort to ascertain and to review regularly those detention facilities to make sure they live by that same standard.

There has been a debate this week in Washington over the war in Iraq. It was also a week when the Department of Defense reported that we have lost 2,500 soldiers. White House spokesperson Tony Snow was asked to comment on this loss of 2,500. I am sure the statement he made doesn't reflect what he really feels in his heart when he said:

It's a number.

I am sure he feels as we all do that it is more than a number. It is more than an aggregate. It is 2,500 precious lives that have been lost by men and women in uniform willing to stand and serve and risk their lives for America.

I have attended some of the funerals. They are heartbreaking. Most of the soldiers are very young. I recall going down to southern Illinois where the funeral service was right outside the farmhouse where this young man grew up, down in Perry County. His mom and dad brought out for us to see, around the tent where the service was taking place, little souvenirs from his life—his fishing rods, his hunting rifle. We were just a few feet away from the tree house he and his dad built. I will never forget that scene as long as I live. It was a reminder that before he was in uniform, he was a son, he was a boy. Their heartbreaking experience will be with them for a long time. There are 2,499 other stories just like that of grief which will be shared by families for years to come.

We are debating now what should we do in Iraq. The idea that we pull out our troops quickly, precipitously, is unacceptable. It would leave a situation which I am afraid would descend further into chaos and maybe create more instability and more problems to come.

But here is what worries me. When the President of the United States goes to Iraq and says to our enemies in Iraq that we are here to stay, that may be a strong message to our enemies of our resolve, but it is the wrong message to our allies and friends. The Iraqis have to understand we are not going to stay indefinitely. Think of what we have done in this country, not only giving 2,500 of our best and bravest lives, not only having 20,000 of our soldiers come home, half of them with serious permanent injuries, 2,000 of them with head injuries, not only spending $300 billion in behalf of this effort in Iraq, not only sacrificing at home where we can't afford to fund medical research, Amtrak, education, health care, and the programs which Americans value, not only all these things, but we have been successful; we have deposed their dictator, Saddam Hussein; we dug him out of a hole in the ground and put him on trial.

We have given the Iraqis more than ample opportunity to control their fate and future. We offered them free elections. We have given them a chance to form a government. We have given this country so much in the 3 years we have been there. Now we must say to them: The day has come when you must stand and defend your own country. If you value Iraq as a nation, be prepared to stand and fight and maybe even die on behalf of that nation. But if we say to the Iraqis that we are staying there indefinitely, it is the best deal on Earth because it is the best military on Earth that will be there for them serving as a babysitter and a referee in an ongoing civil war for an indeterminate amount of time.

How many more lives will America give to this conflict before the Iraqis stand and defend their own nation? And when the President and many in the Chamber here don't want to speak to any kind of withdrawal date, they are suggesting to the Iraqis we are there to stay. That is the wrong message. We need to tell them that we have fought and offered our best for their future and that they need to accept that responsibility from this point forward.

This week, I stood in silence at my desk on the floor of the Senate with my colleagues on both sides of the aisle in reverence to the 2,500 lives that have been lost, saying a prayer for their memory and their families, thinking as well of the veterans who have come home, some broken in body and in spirit, who have done so much for this country. We owe it to them, we owe it to their families to reach a point where we can come home with our mission truly accomplished.

It is more than just a number. Mr. President, 2,500 of our soldiers have given their lives. When this came up initially, I voted against authorization for war. I believed at the time that the administration had misled us as to what was happening there, this threat of weapons of mass destruction and nuclear weapons and connections with 9/11. It turned out they were all false. None of it was true, and we went to war anyway. We were told as soon as we arrived that the Iraqi Army would turn on Saddam Hussein and join us in the fight, and that didn't happen. We were told the Iraqi people would greet us with open arms, and I know many are appreciative for what we have done, but it is still so unsafe in that country. The average soldier just going down the street in a military vehicle is risking his life every single day, more than 3 years after our invasion.

Having voted against that authorization for war, though, I have voted for every penny this President asked for. I lived through Vietnam. I remember what happened. An unpopular war was taken out on our soldiers, and that is not fair. Our soldiers did what we asked of them in the Vietnam war, as they are doing today. Politicians and elected officials can debate and differ on policy, but the bottom line is our soldiers are serving us and we should stand by them. I voted for every penny because of one basic standard: If it were my son or daughter in uniform, I would want them to have everything they needed to come home safely. That is the way I feel, and that is why I voted this week for the supplemental appropriation. But that won't stop me today and in the coming days from challenging this administration and challenging this Congress to make it clear that the Iraqis have to stand and fight and defend, and the American troops are coming home. It is only when that happens that we can truly say that our mission is accomplished.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to share a few thoughts about the Strategic Forces Subcommittee of the Armed Services Committee, which I chair, which deals with space, missile defense, satellites, and many of the other high-tech systems on which our Defense Department relies. But I just want to respond to my colleague, Senator DURBIN. I don't think he actually meant to say that our soldiers are coming home broken in body and spirit, but he came close.

That is not what I am hearing. Go out to Walter Reed. They may have broken bodies and broken bones, but they are not broken in spirit.

The night before last, I attended a wonderful ceremony of the 231st birthday of the U.S. Army. I was talking with soldiers there. We were talking about the war and the politics of the Capitol. They are aware of what is going on. I told them that I thought the Congress would not vote for any immediate withdrawal, and indeed we voted yesterday 93 to 6 against any kind of withdrawal requirement for this year. That vote, represents a strong bipartisan consensus of the Senate. One of those soldiers said: I will tell you what we want, Senator: "We want to win." We want to win this war. That is what the American people want, that is what the soldiers who have gone there and sacrificed want, and that is what they believe in. The soldiers who have been there believe in what they have done. They have been courageous in performing their mission.

It is difficult for me and for them to understand this idea that we can support the soldiers but not support the mission we sent them on, sent them by a three-fourths vote of this Senate. A majority of Democrats and Republicans voted for this war, and we are going to stay the course, we are going to help our military succeed, and we are going to help them win.

The point I pick up more and more as I talk with these soldiers, what I am hearing from them, is they are afraid we are going to mess it up. They believe they are winning. They believe they are doing their job. They believe they will be successful. And they are really worried that this Congress will be the one that will lose its nerve and not stand with them after they put their lives on the line for this country.

I believe this is a big deal, and that success in Iraq is important for our Nation. I visited that region recently. I talked to the leaders of Turkey, Kuwait, Afghanistan, and Pakistan. What would it mean for us if we had a disastrous event in Iraq where the terrorists take over that country? What would it mean to their neighbors? What would it mean to the region? All nations of good will know we must succeed.

Iraq is stepping up. There are now 260,000 Iraqi soldiers and security personnel in uniform and reaching higher and higher levels of performance. They are doing a much better job every day. They will soon be at 350,000 by the end of this year. They are being better equipped and better trained, and I believe we are doing a much smarter job of imbedding our soldiers with the Iraqi units so we can call in air support, we can provide mentoring, we can provide advice, we can call on other kinds of support, if they need it, to be effective.

A majority of the raids and actions that are taking place in Iraq are taking place by the Iraqis. Iraqi soldiers are taking more casualties than American soldiers. We are not babysitting them. This image of millions casting their ballots for a freely elected government of Iraq is not a bad image for us to remember. We need to remember that, and it is important for us, let me note first and foremost, that this Nation not allow the terrorists to win in Iraq.

We are going to be successful. But I realize the American people are concerned. They don't like to see violence and continued death. They don't like to see our soldiers at risk. I certainly understand that; neither do I.

I have been an admirer of General Abizaid, CENTCOM commander, and his team of generals because General Abizaid has always resisted the temptation to see how many troops we can put in Iraq. He said that is not the way to win this war. We need the right number of troops, and we need to begin to draw them down as soon as it is appropriate to draw them down and lift up the Iraqi Army. That is what we need to do.

Some want to have the President set forth a detailed plan so they can criticize it, basically. How will some sort of formalized plan help our soldiers be effective in the battle? It just tells your enemy what you are going to be doing. More importantly, a detailed plan is not going to be permanent. It will have to change because the enemy changes. As soon as you shut off one avenue of enemy success, they take another one and you have to respond to that. That is the history of warfare. That is the way wars have always been fought: you constantly adjust and constantly alter your efforts to be successful toward your ultimate goal of victory. That is what our military is doing.

Trying to demand a date from our military to withdraw or trying to demand from them a plan of what they are going to do 5 months from now fails to understand and recognize the nature of this conflict, and this conflict more than most conflicts because we face an asymmetrical enemy, a nontraditional enemy, who knows it cannot stand and fight our military successfully, so it devises devious and sneaky ways to pit one religion against another, to attack American soldiers, to attack the local police, all designed to crumble the Government of Iraq. But it hasn't happened. Iraqis are still signing up and becoming policemen. Iraqis are still signing up and the army is growing. The Government of Iraq has elected, for the first time, their permanent leadership.

Prime Minister Maliki is in office. His whole Cabinet now has been established. The two key Cabinet positions on which they spent extra time, Defense and Interior, have now been established, confirmed and voted by the 275 member Parliament. So they have their government now, fully elected, a permanent government, just like any other nation in the world. There is no interim government now.

I believe they are going to be successful, and I tell you, it is going to be important for the United States that they are. We have invested a lot; our soldiers have invested a lot. They are proud of what they are doing. They are not broken in spirit. They want to be successful and win.

I have some numbers I will share with my colleagues and those around the country who might be listening. In this conflict, the Army has had the largest number of people serving in Iraq, yet their enlistment rate through May of this year was 104.3 percent. They have exceeded their enlistment goals for this year. They have exceeded their reenlistment goals. The Army for a few months did miss their goals, and some critics said it was a broken Army and predicted disaster. The Army said: No, we are not broken, and we are going to meet our goals. For 13 consecutive months, the Army has met its goals. The highest retention reenlistment rates come from the units that have just come back from Iraq and Afghanistan.

Staff Sergeant Barr, who was at Walter Reed, was injured by an explosive device. He was punctured by as many as 100 different pieces of shrapnel. He was told he would have difficulty walking and would probably never run again. He said he was going to run again, and he was going back to Iraq with the unit that he came with. And he worked at it and he worked at it and he ran. He eventually went back to Iraq and served again. That is the kind of spirit that we have. That is the kind of spirit that you see in our Army.

I was told by an officer who knew that story that every single soldier in his squad reenlisted. This is the spirit that this Congress needs to strive to be worthy of. This is the kind of professional commitment and courage that inspires us, or should inspire us. We should not be whining around here and trying to find some error that was made somewhere where body armor did not get to a soldier. Body armor is out there protecting soldiers. It is not a problem. To say that there has never been a shortage somewhere or somehow a supply failed to get where it was supposed to, I can't say; but it is not a systemic problem. But to go around and suggest to the citizens of our country that this Congress and the military is not committed to providing body armor to our soldiers is bogus and false and undermines what they are doing. It must be most confusing to our soldiers there.

But I think the vote yesterday should give them confidence that most of this talk is simply politics. Most of it is just complaining and second-guessing, like is done on the floor of the Senate every day. We hear it every day on many issues and debate and criticism is passed of the strength of American Government.

But I would urge my colleagues to think differently about soldiers in conflict, soldiers in harm's way. We need to be careful what we are saying here. It may sound good, it may hurt President Bush, to make this allegation or that allegation, but is it perhaps creating in the eyes of our enemies a belief that we are divided, that we won't stay the course, and that if they just kill enough people, civilians, Americans, Iraqis, that somehow, it will all just fail. Is that the possibility that we are creating? That is why I urge my colleagues to be very careful and watch what you say in terms of attacks on the efforts that our military have so courageously undertaken in Iraq. Things happen in war. Bad things happen. But no military has done a better job of striving for perfection than ours has.

I would also like to respond to charges that this Nation is going to be embarrassed historically because we have tortured people that were captured in this war on terrorism. We talked about Lincoln. Lincoln eliminated the writ of habeas corpus. Roosevelt, as Senator DURBIN said, locked people up, Japanese Americans, in a way that was not justified. He basically takes a view, as so many seem to be saying on the left and on the Democratic side, that we have a policy of torture in the United States. That is not so. The President has repeatedly, time and time again, said: We have no policy of torture; we do not torture.

There is a statute in the United States Code passed shortly before I came here that defines and prohibits torture. It does not say you can never put any stress on someone, but it says you can't subject them to torture, and it defines it precisely.

They say, well, what about Abu Ghraib. Let me remind everybody, we learned about Abu Ghraib when the Army general reported what happened in Abu Ghraib. Let me remind people that what happened to those prisoners in Abu Ghraib, so wrong that it was, had nothing to do with interrogation, had nothing to do with any plan of torture. These were not even prisoners who had any intelligence. It was the late graveyard shift and a group of soldiers lost their discipline—lost their discipline under the stress of war—and performed in a way that got them prosecuted and sent to jail by the U.S. military. That was not the policy of the United States of America. We have heard this most complex chain of thoughts and reasoning, this complex chain of reasoning which is almost laughable, and is worthy of the most incredible conspiracy theorists, that somehow President Bush is responsible for what happened in Abu Ghraib.

It is not so. The military responded firmly and aggressively to this terrible wrong. And do you remember the story—I know the Presiding Officer does—of the fine African-American colonel under the stress of attacks on his men in Iraq, he fired a gun near the head of an enemy that had been captured in order to attempt to frighten him and to get intelligence from him. Apparently, he got some intelligence of value that he believed helped protect the lives of his soldiers. But do you know what. He was booted out of the military because we don't tolerate that kind of thing. His actions went beyond what our standards allow, and he was cashiered from the Army. A fine person with a fine career who made a big mistake, and he paid for it because we don't accept that kind of thing.

It is demeaning, it is dishonest, it is wrong to suggest that we have a policy to torture prisoners. With regard to Guantanamo, I know the President said he would like to see it closed. Well, I want to know what he is going to do with those prisoners. I have been there twice. Those soldiers do their jobs under difficult conditions every single day. They are highly professional. They do not allow themselves to be baited into overreacting when these prisoners display the worst kinds of anti-Americanism.

Until just recently, not a single captive had died at Guantanamo. Now we have three suicides. So I suppose that is our fault now, that we had three people commit suicide who were being held down there. These are not bad conditions at all. They are good conditions. They are treated fine. They are given the Koran, given places to worship, given places to exercise, and given all kinds of things that most prisons around the world don't give to the prisoners of their own countries, much less to the people who want to destroy their country.

But what I would say is this: They committed suicide. Those suicides were a political statement. They were their efforts to attack and undermine the United States. Their fervent desire was that Members of this Senate and the House of Representatives would use their deaths to speak on the floor to try to undermine our war against terrorism to make us less successful in the war on terrorism. That is exactly what their goal was. And, I would say this: does anyone in this Chamber doubt that if they had access to a bomb, they would have put that bomb on their body and killed anybody they could have? They would have killed themselves to promote their terrorist agenda. If they had been given the opportunity, wouldn't they have put a bomb on and killed others at the same time?

I say those suicides are an absolute indication that we have in Guantanamo some of the most dangerous terrorists in the world.

Now, I heard an official of our great ally, the United Kingdom, say we ought to close Guantanamo. I wanted to write him and say: Do you want to take these prisoners to the U.K.? Do you want to hold them? And then if you get tired of holding them, are you just going to let them go in London on your subways and on your buses? Then the critics worry that if we turn them back to their home countries and we have a rendition of the prisoners back to their home countries, that we have to guarantee that they are going to be treated wonderfully. So we can't keep them in Guantanamo, we can't—who else wants them? We can't even send them back to their home countries to be held in prison, apparently.

So this reminds me of nuclear waste. Everybody has nuclear waste, but nobody wants to do anything with it, and they use the argument that you can't dispose of nuclear waste to try to block nuclear power. So this is just another attempt to make it more difficult, in my view, for us to be successful in handling these prisoners. They are not being tortured at Guantanamo. It is not the policy of the United States to torture anyone, and they are not being tortured. The few people who violated our high standards have been disciplined and punished.

So let me say this in conclusion, Mr. President. The good news is that we have free debate here, and we get to duke it out and we get to have our say. We just voted yesterday 93 to 6 to declare we have no intention of any precipitous withdrawal from Iraq; that we are going to stand there with our soldiers, and we are going to stand with our allies in Iraq and help them establish a free, decent, democratic government, a government that will be to our national interests to an incredible degree. It will be more valuable than most people can comprehend to us and to the world to have a decent, peaceful Iraq and to defeat the terrorists there who want to take it over and make it their place.

The other good news is that we have had a very successful attack on the CEO of terrorism, Zarqawi, and he has been killed. He clearly was the No. 1 executive officer of terrorism in the world, and that was a big victory.

We also now completed the confirmation of the Defense Minister and the Interior Minister for Iraq, so the entire Cabinet is in place, and an entire government is in place. The Iraqi Army continues to get better, and it continues to grow, and we are beginning to see the possibility that our troops can be withdrawn. If we have to send more troops there, I will listen to the commanders. If they can bring the troops down, that will make me happy. We are going to listen to our commanders and do what it takes and continue this process in a way that leads to—what? Victory. That is what the soldiers we have sent there want, that is what the American people want, and that is what we in this Congress have to do; to figure out how to help our military people go forward and achieve victory. That will be my effort, and I think for the most part that is the bipartisan consensus of this Senate.

Mr. President, again, I finish with a tribute to the professionalism of those in service, to the risk they have incurred; how they have attempted to conduct the violence of war in a way that mitigates civilian casualties and that reflects the highest ideals of the United States of America. I could not be more proud of their service. The conduct of this war on terrorism will be received as the most humane and careful war in history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

Mr. President, let me begin by saying I very much share the view of the Senator from Alabama about our troops. Day in and day out, they bring the utmost professionalism and the utmost courage and valor to the cause of standing up for American values. I very much share his views with respect to the tribute we ought to be paying to those who serve us, who wear the uniform of the United States and who do it with such extraordinary patriotism and service to our country.

(Mr. SESSIONS assumed the Chair.)

What I am here to talk about, though, is the political decisions that are made and how they affect those courageous troops and how they affect the security of the country.

In March of this year, at a press conference, a reporter asked President Bush:

> Will there come a day, and I'm not asking you when, not asking for a timetable—will there come a day when there will be no more American forces in Iraq?

The President responded:

> That, of course, is an objective and that will be decided by future Presidents and future governments of Iraq.
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> . . . decided by future Presidents. . . .
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> . . . decided by future Presidents. . . .
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> . . . decided by future Presidents. . . .

I found that statement troubling for two major reasons. First, staying in Iraq for years and years, in my view, will threaten Americans' preparedness to deal with a host of other threats that ought to concern all of us. Certainly at the top of that list would be Iran and North Korea, but suffice it to say, it is a dangerous world.

I serve on the Senate Select Committee on Intelligence. I know the distinguished Senator from Alabama has a great interest in military affairs. No Senator who looks at the facts and the world in a realistic way would conclude otherwise. It is a dangerous world. There are real threats to our country. It is my view that to stay and stay and stay in Iraq will threaten the preparedness of our country at a dangerous time.

Second, it seems to me that making this kind of open-ended commitment to stay in Iraq, an open-ended commitment that in effect says we will be there at least until 2009, doesn't send the right message to the Iraqis about getting serious about their most serious challenges. For example, when I was recently in Iraq with my colleague, Senator SNOWE, I was especially troubled by the Iraqis' response to my concerns about corruption in the Iraqi oil sector. We all know that 90 percent of the revenue generated in Iraq comes from oil, and there has been one independent analysis after another documenting widespread corruption in Iraq's oil sector. I brought that to the attention of the officials Senator SNOWE and I met with on our trip. Essentially, the response was one of denial: Well, Senator, it really isn't that bad; well, Senator, we are getting serious about it: well, Senator, we are thinking about trying X, Y, and Z.

But I say to the Senate today that we continue to read these independent analyses which have documented widespread corruption and malfeasance in the Iraqi oil sector. Yet it is not being dealt with. My view is that to say the future of American forces in Iraq will be decided by future Presidents is yet another signal to the Iraqis that they have plenty of time to deal with serious problems like corruption in the oil sector, which should have been dealt with some time ago.

Again, I share the view of the Senator from Alabama concerning the professionalism of our troops. Our country and the world is better as a result of the death of Mr. Zarqawi. The kind of carnage and the brutal campaign that Mr. Zarqawi conducted is well understood. We are all very hopeful, because we all root for success in Iraq, that this will deal a blow to the insurgency. Our soldiers and all concerned ought to be proud of what they accomplished in taking down Zarqawi. I am proud of them. I know the Senator from Alabama is as well.

But let us think about the implications of overstretching our Armed Forces. That is why I say I am troubled about what is going to happen to American preparedness for a dangerous world if we stay and stay and stay—until at least 2009. Oregon Guard members, for example, of whom we are exceptionally proud, are on their third rotation in the theater. Some Active-Duty Forces are on their fourth rotation. Others are getting ready for their fifth rotation into harm's way. I am sure that is also the case in Alabama. I am sure it is also the case in every part of the United States. I will tell the Senate today that I think the stress our courageous Armed Forces are dealing with now is at the point where, if we can't get the Iraqis to speed up securing their own defense, this is going to undermine America's preparedness to deal with a dangerous world.

Our Armed Forces are maintaining an exceptional level of professionalism under exceptional stress, but at a certain point it is just not possible to continue in that way and be ready for the kinds of crises and the kinds of national security challenges that exist today. So the preparedness of our U.S. military to deal with a host of national security challenges hinges on what happens in Iraq. The more responsibility the Iraqis take for their future, the less the United States must shoulder, and the sooner we can start bringing our troops home.

When our President says that a future American President will decide when to bring U.S. troops home, it seems to me that sends a message to the Iraqis that they have a lot more time. For the sake of preparedness, for the sake of Iraq securing its own future, we have to speed this timetable up. American troops cannot and should not be in Iraq forever.

Shortly, I will introduce a very simple resolution. It is a sense of the Senate on the President's intention to keep U.S. forces in Iraq until at least 2009. The resolution is very simple. I will just read it this afternoon:

> That it is the sense of the Senate that—
>
> (1) the members of the Armed Forces deserve the enormous respect and support of the Senate and the American people for the sacrifices that they are making on behalf of our country; and
>
> (2) the President's intention, as stated on March 21, 2006, that "future Presidents" will determine whether to keep members of the Armed Forces in Iraq undermines the preparedness of the United States military to respond to other crises and should not be supported.

I will close. Again I pick up on the Chair's statement about the commitment of our troops and their courage and their valor. This is not, today, a debate about whether it was right to go to war. We had that debate. I was on the side that voted against, and other Senators were for it. We are long past that point. What we are dealing with now is how to win the peace. That is something which all Senators should be looking to try to work together on and find some bipartisan common ground.

I commend the Senator from Alabama for his statement about our troops. But I do believe we have to find a way to get beyond some of these artificial choices—like cutting and running or staying the course. Hopefully we can do that. I believe one area for bipartisan cooperation should be to try to speed up Iraq taking over its own future.

I was very troubled by the statement that it was the President's intention that the future of our Armed Forces in Iraq would be dealt with by future

Presidents. We have to deal with it now. We have to find a way to win the peace and do it on a bipartisan basis. I intend to work with colleagues on both sides of the aisle to advance this goal, which is not about whether you are for the war or against the war, it is today about winning the peace, and that is why I will be offering my resolution.

I yield the floor.

Mr. GREGG. Mr. President, as chairman of the Budget Committee, I regularly comment on appropriations bills that are brought to the Senate for consideration and present the fiscal comparisons and budgetary data. I believe it is useful to expand that practice, when required, for authorization bills that we consider.

S. 2766, the national Defense authorization bill for fiscal year 2007, is, of course, one of the most important bills the Congress brings up on an annual basis. As Senators know, the Budget Committee does not enforce the levels of the authorizations of appropriations contained in the bill, even though they constitute the vast majority of programs and projects addressed. Ultimately, those authorizations of appropriations only spend money once the Appropriations Committee acts on its Defense bill.

But there is another category of spending in the Defense authorization bill which the Budget Committee does enforce because passage of this bill and its signature by the President would create automatic spending. By that, I mean the direct spending or mandatory spending provisions in the bill.

According to a Congressional Budget Office estimate of June 9, 2006, S. 2766 as reported increases budget authority for mandatory spending by $458 million in fiscal year 2007 and $1.508 billion over the next 5 years. Corresponding outlays are $307 million in fiscal year 2007 and $1.416 billion over the next 5 years.

Mr. President, I ask unanimous consent that a table of direct spending for S. 2766 excerpted from CBO's official cost estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 4.—ESTIMATED IMPACT OF S. 2766 ON DIRECT SPENDING AND REVENUES

	By fiscal year, in millions of dollars—									
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
CHANGES IN DIRECT SPENDING										
Military Housing in Korea:										
Estimated Budget Authority	160	160	160	0	0	0	0	0	0	0
Estimated Outlays	10	58	109	126	92	48	22	10	5	0
Pilot Projects for Military Housing:										
Estimated Budget Authority	0	0	30	0	0	0	0	0	0	0
Estimated Outlays	0	0	4	14	9	2	1	0	0	0
Maximum Term of Leases for Overseas Facilities:										
Estimated Budget Authority	1	2	5	5	5	5	5	5	5	5
Estimated Outlays	*	1	3	5	5	5	5	5	5	5
SBP Benefits:										
Estimated Budget Authority	53	57	61	63	66	68	70	72	74	76
Estimated Outlays	53	57	61	63	66	68	70	72	74	76
Paid-Up SBP:										
Estimated Budget Authority	202	213	0	0	0	0	0	0	0	0
Estimated Outlays	202	213	0	0	0	0	0	0	0	0
TRICARE Pharmacy Program:										
Estimated Budget Authority	42	61	62	54	46	39	31	22	12	2
Estimated Outlays	42	61	62	54	46	39	31	22	12	2
Total Changes:										
Estimated Budget Authority	458	493	318	122	117	112	106	99	91	83
Estimated Outlays	307	390	239	262	218	162	129	109	96	83
CHANGES IN REVENUES										
Thrift Savings Plan: Estimated Revenues	*	*	*	*	*	*	*	*	*	*

NOTES.—Numbers in the text may differ from figures shown here because of rounding. SBP = Survivor Benefit Plan. * = between −$500,000 and $500,000.

Mr. SPECTER. Mr. President, in evaluating our needs in the Department of Defense authorization bill, key factors will be our relationship with Iran and North Korea as we face two major problems of two nations: one having nuclear weapons and the other appearing to be intent on developing nuclear weapons. I applaud the President's recent move to agree to bilateral negotiations with Iran subject to certain conditions, and I think he was precisely correct in saying that notwithstanding the difficulties with Iran and their apparent intransigence, that all diplomatic efforts ought to be explored before any consideration is given to the use of military force. I think that is a way to approach the international issues. While we deal with some of these tough adversaries, all options should theoretically remain on the table. But to the extent that these problems can be solved through diplomacy, that is obviously the preferable course.

In dealing with countries such as Iran and North Korea, it is difficult when the United States has branded them as the "axis of evil." But President Reagan invited Soviet leader Leonid Brezhnev to a dialogue within weeks after labeling the U.S.S.R. as the "evil empire." So it is possible to have some tough dialogue and some tough rhetoric and, at the same time, work toward negotiations, no matter how difficult the adversary or potential adversary may be.

Early in my activities and public service, when I was an assistant district attorney in Philadelphia, I had an occasion to interview inmates at the State prison, Rockview, who were under the death sentence. Joining the district attorney's office, I was low man on the totem pole, and the low man got the job of traveling to the State prison and talking to people under the death penalty, people who wanted to have their death sentences commuted. It was quite an experience. Very, very tough people who had committed heinous crimes, outrageous lives, bad backgrounds, about as tough a gang as you could find off the streets of Philadelphia, Pittsburgh, and other parts of the State who had committed murders so atrocious that they had gotten the death penalty. That taught me a lesson, leading me to the conclusion that if you could talk to people like that, you could talk to anybody. You don't have to agree with people, but there is no reason not to talk. I am aware that it is a significant transfer to apply that kind of an experience to international diplomacy, but I think it has some weight.

There are those who oppose talking to Iran or North Korea on a bilateral basis because we don't want to recognize them, we don't want to give them any status. I think a comprehensive answer was made to that by Richard Armitage, who was Deputy Secretary of State right under Colin Powell during President Bush's first term. This is what Mr. Armitage had to say:

> It appears that the administration thinks that dialogue equates with weakness, that we have called these regimes evil and, therefore, we won't talk to them. Some people say that talking would legitimize the regimes. But we are not trying to change the regimes, and they are already legitimatized in the eyes of the international community. So we ought to have enough confidence in our ability as diplomats to go eye-to-eye with people, even though we disagree in the strongest possible way, and come away without losing anything.

Our relationship with Iran has obviously been extremely difficult since the Shah was deposed in 1979. And Iran is a proud country with a proud history. There is, at least, some part of the motivation to become a nuclear power, nuclear military force to be with the big boys as a matter of international status. I think if we were willing to meet with Iran in a straightforward, diplomatic way as negotiating equals—the United States is never going to be equal with Iran because of the great difference in our power in the international field—but I do believe that our foreign policy would be enhanced if we treated foreign leaders, foreign countries with more dignity and respect. I think it would be a significant step forward if Iran were treated as a diplomatic and negotiating equal, that it might take some of the pressure off their determination to be a nuclear military power or, at a minimum, I think it is worth a try.

I made my first trip to the Mideast back in 1964, and in the intervening 42 years I have made almost 30 trips to the region. I tried to go to Iran shortly after the Iran-Iraq war ended in 1988, and my efforts to go there have never been successful. It is possible to travel to Iran as a tourist, but it is not—they are not receptive to having an official visit.

In the absence of being able to go to Iran, I have contacted and had discussions with two of the Iranian Ambassadors to the United Nations. I made my first contact back in May of the year 2000, a little more than 6 years ago, and I discussed with the Iranian Ambassador to the United Nations the possibility of an exchange of parliamentarians; that a group of Members of the Senate and the House of Representatives might meet with a group of parliamentarians from the Iranian Parliament. I invited the Iranian Ambassador to the United Nations to a dinner in my hideaway, my office here in Washington, attended by a number of Members. I then met with his successor in August of 2003 and had moved toward concrete plans to have a group of Iranian parliamentarians meet with Members of Congress in Switzerland in January of 2004, but unfortunately, those plans fell through because there was a concurrent, harsh exchange of rhetoric, and the Iranians were not willing to meet at that time.

There was a significant development when the Iranian President, on May 8 of this year, sent President Bush an 18-page letter, and the President appropriately responded, showing interest in having negotiations with Iran. We had been pursuing efforts to have diplomatic pressure applied by Iran in concert with our European allies, trying to involve China and trying to involve Russia, and then Secretary of State Rice signified a shift of U.S. policy by indicating our willingness to negotiate directly with Iran by putting conditions on that offer to negotiate. To repeat, I believe that we ought to be willing to negotiate without conditions. We have similarly sought to deal with North Korea in collaboration with other nations, including Japan and South Korea, China, and Russia, and here again, it would be my hope that we would seek and be willing to have those talks without preconditions.

I was part of a CODEL led by Senator BIDEN in August of 2001, at the time when Senator BIDEN was chairman of the Foreign Relations Committee, and we traveled to the Far East and had plans to meet with the North Korean President, and that did not materialize because at that same time, the North Korean President made an unexpected trip to China. In looking toward the future, it is my hope to be able to go to North Korea. I think there is a climate there of receptivity to meeting with Members of Congress, and that is a course which I intend to pursue.

I have found that in the meetings I have had on foreign travels that, at least in my opinion, they have been a bit productive. In the 25 years of my service in the Senate, I have been on the Appropriations Subcommittee on Foreign Operations, and for 8 years I served on the Intelligence Committee, chairing that committee during the 104th Congress in 1995 and 1996, and those committee assignments and my interests generally in foreign policy have taken me to some 93 countries.

One of the countries I have visited on many occasions is Syria. I have visited Syria on 15 trips. On nine occasions I have had an opportunity to meet with President Hafez al-Assad. I was the only Member of Congress to accompany the Secretary of State to his funeral in the year 2000, and I have since had an opportunity to visit on three occasions with President Bashar al-Assad.

In the course of those meetings I got to know President Hafez al-Assad. The first meeting was in 1988, and it lasted for approximately 4½ hours. I had long heard about President Assad's willingness to engage in extended discussions. We covered a wide variety of subjects. We talked about Syrian relations with Israel. We talked about the Palestinian problems. We talked about the Iran-Iraq war. We talked about U.S.-Soviet relations. On a number of occasions I suggested that I had taken too much of his time. On each occasion he would say: No, I am interested in talking more.

In the course of meeting President Hafez al-Assad on some nine occasions, it developed into a cordial relationship, even, you might call it, a joking relationship. I would urge President Assad to meet with Israeli Prime Ministers and say that our meeting, always attended by the local photographers, would appear on the front page of the Syrian newspaper, the Damascus newspaper, but if President Assad would meet with the Israeli Prime Minister, it would be world news.

I told him when Prime Minister Rabin and Foreign Minister Perez and Palestinian Authority Chairman Arafat got the Nobel Peace Prize, if he would work for peace with Israel, that he would get the Nobel Peace Prize in Stockholm.

He replied: Well, I might be welcome in Stockholm under the arrangement you suggest, but I might not be able to get back to Damascus.

In 1988 I suggested to President Assad that he permit the Jewish women in Syria to leave the country because there were very few Jewish men for them to marry. That was a subject which Congressman Stephen Solarz had undertaken, and I was carrying forward some of what Congressman Solarz had sought to do. President Hafez al-Assad said to me that anyone who came to claim a Syrian Jewish bride would be permitted to take the bride with him out of the country. I relayed that message to the large Syrian community in Brooklyn, NY. Nothing much ever came of it. But in 1992, President Assad permitted all the Jews to immigrate out of Syria. My exhortations might have had some effect—who knows as to what that might have been.

I consistently would urge President Assad to negotiate with Israel, and he would say that he would not do so but entertained the possibility of negotiations with Israel if sponsored by the big 5: sponsored by the United States, the Soviet Union, Britain, France, and the China. Israel was unwilling to engage in those negotiations because only the United States would be neutral or perhaps friendly toward Israel. Finally, President Assad did agree to go to Madrid, in 1991, to negotiate with Israel.

I had extensive discussions with a very distinguished Syrian diplomat, Walid al-Moualem. When Benjamin Netanyahu was Prime Minister of Israel, in 1996, upon taking office Prime Minister Netanyahu made a forceful declaration that Israel and he would hold Syria responsible for the actions of Hezbollah in southern Lebanon. That led to a realignment of the Syrian military, and for a time it looked as if that was a tense situation. I was in Israel at that time and was asked by Prime Minister Netanyahu to carry a message to President Assad that Israel wanted peace. I conveyed that message to President Assad, and later, when I met with Walid al-Moualem, the Syrian Ambassador to the United Nations—met with him here in Washington—he told me that the conversations I had and the message I carried from Prime Minister Netanyahu to President Assad had been, as he put it, "helpful in deescalating the dangerous tensions."

Ambassador Moualem later told me I had gained the trust and confidence and personal relationship with President Assad because, as he put it, "they viewed me as being objective" even though, as he put it, "nobody could question my support for Israel."

I am not making any major contentions, or making any claims as to what effect these visits would have had. But every little bit helps. In getting to know Assad and getting to know his son, it does provide an opportunity for a statement as to our values in the United States, what we would like to see happen. I think it is helpful and certainly can do no harm.

In January of 1989, I made my first trip to Iraq and returned a year later with Senator SHELBY.

I will conclude briefly and will supplement my remarks today with more specification at a later time on exact dates, based on trip reports which I make after coming back from each of my travels.

I had referenced the conversation which Senator SHELBY and I had with Saddam Hussein in January of 1990. I do not know if it would have ever have been possible to have dissuaded Saddam Hussein from his practices of aggression, but on that occasion Senator SHELBY and I had a professional conversation with him, and it is my view conversations of that sort have the potential to be helpful.

I have had occasion to visit with Palestinian Authority Chairman Yasser Arafat on some eight occasions. I have conveyed messages from Prime Minister Netanyahu to Chairman Arafat about the terrorism issue. Whether it had any effect or not I do not know. I have had occasion to visit Cuba on three occasions, meeting with President Fidel Castro on a wide range of conversations, urging him to have respect for human rights. I questioned him about the deployment of Soviet missiles in 1962, asking about possible involvement in the assassination of President Kennedy, which he denied in talking to him about assassination efforts. I believe there is a fruitful basis to have cooperation with Cuba on drug interdiction, and it is something I have pursued and intend to pursue in the future.

I have had occasion to visit China on four visits. I have had discussions with the Chinese leader about their failure to respect human rights, about the detention of a librarian from Dickerson College, who later was freed after a condemnatory resolution was filed in the Senate, and I have taken the lead in urging Temple University to establish a school in Beijing to inform Chinese leaders about the due process of law.

I had an opportunity to meet with President Chavez in Venezuela last August. There was a controversy on drug enforcement. The Venezuelans would not meet with our ambassador, and I asked for a meeting of President Chavez with our ambassador. I met with the Venezuelan Minister of the Interior. I don't have time to summarize it now, but President Chavez was willing to discuss a protocol for drug cooperation.

I believe the talks with people, even our tough adversaries, our toughest adversaries, can be fruitful. As we structure our legislation for the Department of Defense and look later to the Department of Defense appropriations subcommittee, a subcommittee on which I serve, it is my hope that the United States would be vigorous in the pursuit of negotiations with Iran to diffuse the risk there, to try to find a way of recognizing them in respect and dignity, persuading them not to become a nuclear power, and to have bilateral talks with North Korea on the same unconditional basis—again treating them with respect and seeking to find a way to have an international protocol which would contain and control the significant threat posed by North Korea.

As I say, Mr. President, I have generalized. Most of what I have said has come from floor statements which I have made in the past 25 years. And I will document this further at a later time when there is more time for the presentation.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, I want to thank the Democratic Leader, Senator REID, for his leadership and the hard work he has done to include an amendment to National Defense Authorization Act which increases protections for the dedicated women and men throughout our judiciary. The recent shooting of a State judge in Nevada provides another terrible reminder of the vulnerable position of our State and Federal judges. Unfortunately, this is not the only recent reminder. Last May, the Judiciary Committee heard the courageous testimony of Judge Joan Lefkow of Chicago, the federal judge whose mother and husband were murdered in their home. We must protect judges where they work and where they and their families live.

The amendment now incorporated into the bill which I cosponsored with Senator REID, Chairman SPECTER, and Senator DURBIN, would enact provisions from the Court Security Improvement Act of 2005, CSIA, S. 1968, which Chairman SPECTER and I introduced last November. Our bill and this amendment authorize additional resources to improve security for State and local court systems. We also respond to requests by the Federal judiciary for a greater voice in working with the U.S. Marshals Service to determine their security needs. This amendment provides criminal penalties for the misuse of restricted personal information to seriously harm or threaten to seriously harm Federal judges, their families or other individuals performing official duties. It provides criminal penalties for threatening Federal judges and Federal law enforcement officials by the malicious filing of false liens, and provides increased protections for witnesses. It also includes an extension of life insurance benefits to bankruptcy, magistrate and territorial judges, and provides health insurance for surviving spouses and families of Federal judges, both of which are provisions that I suggested be included.

Finally, this amendment contains provisions which have passed the Senate several times extending and expanding to family members the authority of the Judicial Conference to redact certain information from a Federal judge's mandatory financial disclosure. This redaction authority is intended to be used in circumstances in which the release of the information could endanger the filer or the filer's family. I hope that the House of Representatives finally takes up and passes this extension and expansion of redaction authority.

U.S. MARINE CORPS BASE CAMP LEJEUNE WATER CONTAMINATION

Mr. JEFFORDS. Mr. President, the motto of the U.S. Marine Corps is Semper Fidelis. Translated, it means, "Always Faithful," but among members of the Marine Corps the motto holds a deeper meaning. Semper Fidelis represents our Nation's shared commitment to those who dedicate their lives to protect us. As a Navy veteran, I know we must always honor the men and women of our Armed Forces and their families for the sacrifices they make for our Nation everyday.

Lately, I am afraid Congress has not fulfilled its commitment to our men and women in the military, and this is especially evident in the lack of support for our military veterans and their families. Our lack of assistance for those exposed to the highly contaminated drinking water at U.S. Marine Corps base Camp Lejeune in North Carolina is one of the best examples of this body's shortcomings.

Camp Lejeune is the site of one of the largest drinking water catastrophes in our Nation's history. Between 1980 and 1985, Camp Lejeune drinking water samples conducted by the Marine Corps found high levels of volatile organic compounds used by the Marines in solvents for industrial degreasing. The contaminated wells were closed in 1985; however, the contamination itself may date back until the late 1950s. To put the contamination in perspective, the current EPA health standard for these chemicals is 5 parts per billon. The tap water samples taken at homes and the elementary school between 1980 and 1985 reached levels as high as 1,400 parts per billon.

While the health effects of exposure to the contaminates at Camp Lejeune are still being studied, the U.S. Agency for Toxic Substances, ATSDR, has documented at least 100 babies exposed in utero to the contaminated drinking water at Camp Lejeune have birth defects and cancers, including spina bifida, leukemia, and clef palates. This is at least twice the rate found in the general population.

For the last 20 years, the calls for assistance from those affected by this contamination have gone unanswered. The Department of Defense's cooperation has been slow, and the political will in Congress has been lacking. I will offer a modest amendment to answer the call for help.

Senator DOLE's amendment would do two things. First, it would provide veterans' health care benefits to those exposed in utero while at Camp Lejeune. The in utero exposures to Camp Lejeune's contaminated water happened under the Marine Corps watch, and it is our responsibility to assist those who were harmed. Medical assistance is a modest step to help restore faith among our veterans and their family members in the Government's commitment to them.

Second, it requires the Marine Corps to notify those who may have been exposed to the water contamination upon the completion of the ATSDR's study on the human exposures to drinking water. To date, the Marine Corps has issued targeted press releases, but information has not been sent to all who may have been exposed. The ATSDR's modeling of the contaminated water will make it possible to notify exposed segments of the Camp Lejeune population, without creating undue worry among the greater population that resided on base. This amendment will require the Marines to provide notice to those who may have been exposed, to outline the events leading to the exposures, to describe the potential adverse health effects, and to give the affected people resources they can use to obtain more information.

I thank Senator DOLE for her leadership on this issue. Without her, this tragic situation would not have gotten the attention it deserves.

Nevertheless, concerns have been raised about this amendment. The people exposed to the highly contaminated drinking water at Camp Lejeune have waited for decades for answers. Congress needs to take steps now and not delay for years debating this issue.

For this reason, I have worked with Senator DOLE on a second, compromise Dole-Jeffords amendment. This amendment would require a comprehensive National Academy of Sciences study to be completed within 18 months to evaluate the strength of the link between TCE and PCE exposure and adverse health impacts for prenatal, childhood, and adult exposures at Camp Lejeune.

It also requires the Navy to notify those potentially affected by the water contamination at Camp Lejeune so they can learn what happened, how it may have affected them, and what steps they may want to consider taking now to minimize the potential health impacts. While I am told by the Defense Department that individual notification by letter to each person affected is impractical, under this compromise amendment, the Navy would carry out a media blitz and place a letter on its Web page providing the information that those affected deserve to have.

Again, I thank Senator DOLE for taking a bipartisan approach to this issue and for pushing to make constructive progress. We have a moral responsibility to support our troops and their families, and any failure to do so, is a failure to fulfill our commitment embodied in the Marine's motto Semper Fidelis. I urge my colleagues to approve this compromise amendment.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FATHER'S DAY

Mr. FRIST. Mr. President, in a few moments we will be closing for the week. Before we leave, I want to take just a few moments to reflect on a very special holiday coming up this weekend, and that is Father's Day.

On Sunday, families all across America will celebrate their dads with dinners and lunches and gifts and, if my family is typical, some gentle teasing over the course of the day.

It is a day that we show our gratitude and how important our dads are—and have been and continue to be—in our lives.

In my own case, I cherish my memories of my dad. I think of him each and every day. He was my mentor in medicine, mentor in public service, mentor in humanitarian efforts, and my friend. It was his love and his wisdom and his encouragement that gave me the confidence to work outside of the box, to take risks, and to set high goals.

As I was thinking back a few moments ago as to what I would say, I remembered and recall most vividly, after returning back to Nashville, TN, and working at Vanderbilt—after having been away from Nashville for a long period of time with college and medical school and my internship and residency and training and moving back to Nashville—every day I would drive by my parents' home on the way to work at Vanderbilt Hospital.

As I would go by that house—and, ironically, it is the same house I live in today, but as I would go by that house, I would think, each day, about the values that dad—both parents and really the entire family—instilled in each of us.

I also used it as a marker place in coming home every night. As I drove by that white house, I would call. That number would be dialed as I was driving by. And by the time I got home, we would complete our conversation, on a daily basis—each and every day.

Indeed, he was an extraordinary man in many ways, not in his accomplishments or just being a great physician, a humble physician treating people throughout middle Tennessee, but in his acts of generosity and in his kindness, known throughout the community for his good works.

My father died in 1998. Mother and Dad both died within about 36 hours of each other of totally independent causes. In truth, it was referred at the funeral as a great love story. A lot of people arrived for the funeral of my dad—my mother died about 30 hours later—and there were two caskets there. Thinking about how tragic it was, in truth it was a manifestation of what was a great love story, a marriage of over 65 years.

Dad, not too long before he died, wrote a letter to his grandchildren and great-grandchildren and great-great-grandchildren that he would never know—that is the way he opened the letter to them—passing on in about a two-page letter the insights he had in very simple ways, humble ways. It is a long letter, and I won't read the whole of it but just a few paragraphs.

Again, this is a letter he left to be passed on to future generations. His advice was:

> Be happy in your family life. Your family is the most important thing you can ever have. Love your wife or your husband. Tell your children how great they are. Encourage them in everything they do.
>
> Be happy in your community. Charity is so important. There's so much good to do in the world and so many different ways to do it.

A little bit later in the letter he wrote:

> The world is always changing, and that's a good thing. It's how you carry yourself in the world that doesn't change. Morality, integrity, warmth, and kindness are the same things in 1910, when I was born, or in 2010 or later when you will be reading this. And that's a good thing, too.

Dad is the one who had the high ideals. I have done my best to try to live up to those ideals and to that sterling example he set before us. I have worked hard as a dad to instill those same values and commitments in my own sons.

This weekend, as we celebrate our fathers and the good news that America's fathers are more present in their children's lives than ever, we all realize that they have a huge impact. Children involved with loving fathers are more likely to do well in school, to have healthy self-esteem, to show empathy, to avoid destructive behaviors. Kids do better with their dads around.

For a while, America seemed to forget this. But now we know in our kids what we have always known in our hearts: America's dads deserve our respect and our support, dads on the frontline who risk their lives for our freedom, dads on the home front who work hard to support their families.

Fatherhood is the most important responsibility a man will ever take on. It is also the most rewarding.

Mr. BYRD. Mr. President, banks of day lilies are celebrating their brief moments of glory as they turn their vibrant orange faces to the sun. The days are warm and mellow, not too hot for working in the garden or in the yard. The evenings linger, fading slowly into velvet nights filled with the trill of crickets, the sparkle of lightning bugs and the soft songs of whippoorwills. These are perfect evenings to spend on a country porch, watching the day slide into night. Late spring, almost summer—it is a lovely time of year.

On Sunday, June 18, the Nation will celebrate Father's Day. Father's Day does not arrive with quite the same fanfare as Mother's Day. To be sure, stores have been busy reminding us to shop for Father's Day, and the racks are full of Father's Day cards, but there doesn't seem to be the same level of intensity as that which surrounds Mother's Day. The long distance lines will not be as busy. Florists will not be swamped with orders. But fathers around the country will be treated to brunch or to some other family gathering. They will open presents of golf shirts, ties, or cologne bought by family members frustrated because dad always just buys what he really wants whenever he wants it. He is forgiven for this fault only because his family is fairly sure that dad is unaware of the approach of any holiday, including Father's Day. Of course, fathers will put their dramatic skills to the test in order to express their gratitude. The comedian Bill Cosby famously once said, "Fatherhood is pretending the present you love most is 'soap-on-a-rope.'"

This is not to say that Nation does not appreciate men. Far from it. We observe the birthdays of our Founding Fathers. We celebrate the fathers and other men who brave the terrors of distant battlefields to defend the Nation. We have monuments and parks, schools and mountains named after men who have won battles, made important discoveries, or who have contributed to the growth and prosperity of our Nation. But rarely, if ever, are these memorials dedicated to the important role that men play in their own families. The role that fathers play in the lives of their children, in helping to shape the future of the Nation, certainly merits this one day of recognition. The poet William Wordsworth observed: "Father!—to God himself we cannot give a holier name."

Fathers carry a heavy load of duty, responsibility and worry. Every day, and during many sleepless nights, they worry about big things, like the state of the economy or the impact of trade agreements on their jobs. Will they be able to support their families and make their mortgages on time? Will they keep their job or lose it to an overseas competitor? Is their pension secure? Will they have health care—not for themselves, for men are not very good about going to the doctor regularly, but for their families. Fathers also worry about small details, like oil level in the lawn mower or that suspicious drip under the sink. Is the prime interest rate going up or down, and how will that affect their ability to pay the monthly bills? Everything that can affect their families is a concern for fathers, who take their role as providers for their families very seriously, indeed.

By June 18, children are out of school at last. In days past, that would mean long summer days to while away with swimming and in play, and idle hours spent reading a book in the shade. In today's world, however, summer vacation for children out of school is often a headache for families with two working parents. Summer becomes instead a scheduling nightmare of day camps or sitters, or of latchkey kids who must spend the day indoors behind lock and key because there is no adult available to supervise their play. Instead of two working parents meaning a better life, today two working parents may as easily signal a family working hard just to keep up. Many fathers endure long commutes between work and home so that their families can live in a nicer neighborhood than those same fathers did growing up. Fathers are often portrayed as workaholics who live for their jobs and who see families as a minor annoyance, if they notice them at all. In truth, fathers worry about their jobs because they fear that, if they do not concentrate on their work, they will lose their jobs and not be able to provide for their families. Today's economy is too uncertain, too volatile, and too global to take for granted.

This Father's Day, so many fathers are in harm's way in Afghanistan or in Iraq facing daily dangers that have already taken too many other fathers from their wives and children. To them and to their families, I offer my prayers of thanks and of safekeeping. May God bring them safely home. The families for whom this Father's Day will be a mix of loving remembrance and painful loss, I can offer only the comforting words of sympathy and the acknowledgment of their sad, sad loss. These fathers in heaven, for there they surely are, still have an important place in the family. Like all fathers, they teach by example. In this case, their example is one of bravery and sacrifice, patriotism and service.

Clarence Budington Kelland once wrote of his father: "He didn't tell me how to live; he lived, and let me watch him do it." These fathers in uniform, like good fathers everywhere, teach by the example of their own lives. "The words that a father speaks to his children in the privacy of home are not heard by the world, but, as in whispering-galleries, they are clearly heard at the end and by posterity." Jean Paul Richter made that observation, and that truism captures the essence of a father's importance. Each day they gird themselves for battle, whether that battle be in Iraq or in an office or a factory. They go, and they return. They do not complain, or at least not much, about how much time they must spend away from home. They simply do the best that they can for their families, day after day, year after year. They love their children. They play with them when they can. They monitor schoolwork and behavior. They set standards and measure performance. They mete out discipline. They scrutinize their children's friends. They say "yes" as often as they say "no." Good fathers participate in all aspects of their children's lives.

Our families are our Nation's greatest resource and greatest treasure. I am proud each year to take a few minutes to recognize the critical role of mothers and fathers on the days set aside for each of them. It reminds me to think always of how families are affected by the votes I cast here in the Senate. The votes we cast here affect the lives and well being of mothers and fathers and families. We need to make life easier for families, not harder. We should not send fathers into battle without good cause. We should not add to the burden of debt without good cause. Our spending decisions should add to the prosperity and well-being of the Nation and our families, first and foremost.

I close with a favorite poem of mine, one that I often recite for Father's Day. I learned it as young boy, and the words and the lesson have come to mean more to me with each passing year:

THAT DAD OF MINE

He's slowing down, as some folks say,
With the burden of years from day to day;
His brow bears many a furrowed line;
He's growing old—that dad of mine.

His shoulders droop, and his step is slow;
And his hair is white, as white as snow:
But his kind eyes sparkle with a friendly light;
His smile is warm, and his heart is right.

He's old? Oh, yes. But only in years,
For his spirit soars as the sunset nears.
And blest I've been, and wealth I've had,
In knowing a man like my old dad.

And proud I am to stand by him,

As he stood by me when the way was dim;
I've found him worthy and just as fine,
A prince of men—that dad of mine.

REFERRAL OF NOMINATION

Mr. FRIST. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, June 15, 2006.

Hon. BILL FRIST,
Senate Majority Leader,
Washington, DC.

DEAR MR. LEADER: On June 15, 2006, the Committee on the Judiciary reported favorably the nomination of Kenneth L. Wainstein to be the Assistant Attorney General for National Security. Pursuant to section 17(b)(1) of S. Res. 400 of the 94th Congress (as amended by Section 506(d) of the USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109–177 (Mar. 9, 2006)), I request that the nomination of Mr. Wainstein be referred to the Select Committee on Intelligence for a period not to exceed 20 calendar days.

Thank you for your attention to this matter.

Sincerely,

PAT ROBERTS,
Chairman.

Mr. McCONNELL. Mr. President, I today salute a hero for all Americans, a leader for his party, and my friend, Senator Robert Joseph Dole.

This week marks 10 years since Senator Dole retired from this Chamber, a day I remember well. Senator Dole left as the longest-serving Republican leader in Senate history. In fact, the beginning of his leadership tenure coincided with my first term in the Senate, starting in January 1985.

Even then, it was clear that Senator Dole was and is not just another Senator, but a national fixture in American politics. Author Michael Barone, writing in his Almanac of American Politics, has this to say about our friend from Kansas:

> Senator Bob Dole is one of the large political figures of our time, in the middle 1990s towering over everyone else in the political landscape, even the president . . . for Bob Dole is not only one of the most successful politicians of the second half of the 20th Century but also one of the most enduring.

Powerful words about a powerful leader. Many of my colleagues have already recounted Senator Dole's extensive political career, his record of legislative accomplishment, and his leadership of the Republican Party, here in the Senate and as the Republican candidate for both President and Vice-President of the United States. Beginning with his chairmanship of the Republican National Committee in 1971, Senator Dole was a prominent player on the national stage for a quarter-century.

Senator Dole's heroism on the battlefield is well-known and revered by us all as well. In 1945, a young Lieutenant Dole from Russell, KS, found himself on the hills of Italy, fighting the Nazis. Suddenly pain exploded in his back. Paralyzed by his war injury, Bob Dole spent 4 years in hospital wards, relearning how to do simple tasks, like button his shirt. To this day his right arm remains largely paralyzed.

I believe the determination and focus Senator Dole must have had to recover from that injury explains his success in politics, and with the American people. After struggling to regain control of one's body, lining up a vote on a difficult bill might be a little less daunting. I have heard Senator DOLE say before that no honor that has come his way has ever surpassed the pride he felt at wearing his country's uniform.

As a Republican Leader, Bob Dole was about results, not symbolism or showmanship. President George H.W. Bush, for instance, cited him as instrumental in the passage of the Americans with Disabilities Act in 1990. Out of office, he has continued to serve his country, fundraising for worthy causes and raising awareness of the dangers of prostate cancer.

Senator Dole is also famous for his dry, Midwestern wit, which has lifted many of us here in the Senate in times of despair as well as levity. This is a man who, after losing the Republican Presidential nomination in 1988, assured an audience that he "went home and slept like a baby. Every couple of hours, I'd wake up and cry."

My colleagues and I continue to be graced every day in this chamber by the presence of another prominent Senator DOLE, the Senator from North Carolina. ELIZABETH, I wish to express how happy we all are Bob has found you, and you have found Bob. You remind us of him every day, and we hope that you will tell him how much we all respect and miss him, and how pleased we are to honor his service.

Mr. HARKIN. Mr. President, last Sunday marked the 10th anniversary of Senator Bob Dole's retirement from the Senate. Bob Dole served the people of Kansas and the people of the United States of America as a Member of Congress for more than three and a half decades. He was outspoken on many issues, but, above all, I will always admire his tireless, passionate advocacy on behalf of people with disabilities.

The first speech that Bob Dole ever made on the floor of the Senate—on April 14, 1969—was about the challenges faced by Americans with disabilities. That date was the 24th anniversary of the day he was gravely wounded in World War II. In fact, every year that he was in the Senate, on or about April 14, Bob Dole made a statement on the floor about the challenges faced by individuals with disabilities. But Bob Dole did much more than just talk about expanding access and opportunity for people with disabilities. He was an outstanding leader in bringing about change for the good.

Most importantly, I will always be grateful for Senator Bob Dole's leadership in helping to pass the Americans with Disabilities Act in 1990. Both he and I remember the day that it was signed into law as one of the proudest in our entire legislative careers.

It is hard to believe, but it has been nearly 16 years since we passed the Americans with Disabilities Act. Just as many predicted, ADA has taken its place among the great civil rights laws in our Nation's history. Today, the impacts of ADA are all around us. Drive-through restaurants have visual displays allowing the deaf and hard of hearing to place their orders. Banks have talking ATMs, now, to assist those with visual impairments. Cities have installed curb cuts and ramps to allow wheelchair users easier access. And on and on. Just as important, because of ADA, we have seen an enormous change in attitudes. These changes that we see today, that we feel today, would not have been possible without the hard work and dedication of Senator Bob Dole in working cooperatively to help get the ADA passed.

On a bipartisan basis, we miss Bob Dole here in this body. But the good news is that there is still a Senator DOLE in the Senate, and our friend Bob has found a richly satisfying life after the Senate. Today, he continues to serve the American people in a whole range of voluntary capacities, proving President Reagan's dictum that "you don't have to be on the public payroll to be an outstanding public servant." I salute my good friend, Bob Dole, and I wish him all the best.

Mr. ALEXANDER. Mr. President, of all my colleagues, I suppose that in 1996 I was the one most hoping that Bob Dole would not retire from the Senate. That was because I was doing my best to defeat him in the New Hampshire Presidential primary. If I had, Bob had told several friends he was "going back to the Senate." Well, Pat Buchanan beat both of us by a few percentage points, and Bob beat me. Within a few weeks, I was back in Tennessee at a press conference endorsing Bob Dole and presenting him with one of my red and black plaid shirts. "I hope it's his last one," Bob's friend Howard Baker was heard to mutter, referring to my shirt.

I should have known better. In my first Iowa poll in June of 1995, pollster Whit Ayres said, "Governor, this is the professional challenge of my career. The poll says, 'Dole 54, Alexander 3, margin of error 4 percentage points.'" The end result in the caucuses 6 months later was a good deal closer, but Bob Dole won because he had earned for himself the unofficial title of "President of Iowa." Iowans liked his spare talk, his good humor, his war record, and his middle-America brand of politics.

So did and does the rest of America. Not everyone comes out of a Presidential race more admired than when he or she went in. But Bob Dole did. He ran three times, the last time securing the Republican nomination. And, I would judge, he is even more admired today than he was 10 years ago when he retired from the Senate.

Bob Dole is an emblem of America's greatest generation. He and our colleague ELIZABETH are together one of our country's most admired couples. When we think of him, and of them, we think of what is best about public service in America and about our country itself.

Mr. MARTINEZ. Mr. President, today I honor a great American, a man who devoted his life to this nation and to the just principles he believed in. Born in Russell, Ks. Robert J. Dole would serve his country as a war hero, risking his life for a fellow soldier fighting the forces of fascism and Nazism in Italy, as a Senator, a great Majority Leader, my party's candidate for Vice President and President and today as an active private citizen fighting for veterans and the causes in which he believes.

For his bravery in World War II, Bob Dole received two Purple Hearts for his injuries, and the Bronze Star Medal for his attempt to assist a downed radio man. Bob Dole served in the House and Senate representing his home State of Kansas. In 1971, President Nixon asked him to be the Chairman of the Republican National Committee, a post he held for 2 years. Then in 1976, President Ford selected Bob Dole as his running mate for the Republican nomination.

Recognizing his leadership, Bob Dole rose to the pinnacle of our leadership here in the U.S. Senate as the Majority Leader. He was a tireless worker and effective champion of conservative principles, a strong foreign policy and personal freedom and responsibility.

One decade ago, Senator Dole resigned his post to devote himself fully to his 1996 presidential campaign. As my party's nominee he crossed the country running on a platform of lower taxation and smaller, more accountable government. Unfortunately, he didn't win, but he developed a good working relationship with President Clinton and the two leaders have devoted their time and energy to many notable causes over the years. Shortly after the 1996 election, President Clinton bestowed upon Senator Dole the highest civilian award in Government, the Presidential Medal of Freedom.

To those who know him, Senator Dole is a regular comedian. One story goes that on the campaign trail in his home state of Kansas, he would spend an hour at each stop telling jokes and only 10 minutes talking about politics. Senator Dole was always able to demonstrate a quick wit, while also showing that he was well grounded in decency.

Senator Dole continues today to serve the many veterans of World War II who fought so valiantly to liberate Europe and defeat the Japanese. Most recently, it was his personal dedication and determination to see a monument honoring the sacrifice of the World War II veterans that led to the construction of the beautiful tribute to selfless service that now graces the National Mall.

I wish Senator Dole and his lovely wife, my colleague, Senator ELIZABETH DOLE, more happy years together and many happy returns to the United States Senate.

Mrs. HUTCHISON. Mr. President, I was first elected to the Senate in 1993 in a special election to fill the remainder of Lloyd Bentsen's term. Bob Dole, like my predecessor Lloyd Bentsen, is a member of the "Greatest Generation" —the generation of men who never wavered in answering the call to duty, fighting in distant lands to protect the free world, and returning home to build the greatest Nation on Earth. Bob Dole epitomizes the "Greatest Generation," not only for his heroic service in battle, but also for what he did when he came home, ultimately serving in the U.S. Senate.

When I first arrived in Washington, Nancy Kassebaum of Kansas was the only other female Republican Senator. Fortunately, our leader Bob Dole understood the unique and important voice women brought to the Senate. He graciously welcomed me from the first day, and I enjoyed working with him as he ascended from minority leader to majority leader. He was great in both roles, and I appreciate the leadership and support he provided in my early days.

One of my first discussions with Bob was committee assignments. I told him I wanted to serve on the Armed Services Committee, as there are more military members serving in Texas than any other State. I hoped to carry on the great tradition of helping our men and women in uniform like so many Texas Senators before me. He understood why this committee assignment was important to me and realized the unique perspective I would bring to the national discussion. I was the first woman to sit on this committee in over 30 years. Today, there are three women serving on the Armed Services Committee, including Bob's wife, Senator ELIZABETH DOLE, who was elected after Bob retired from her home State of North Carolina.

On the 10th anniversary of Bob Dole's retirement from the Senate, I am proud to honor him for his many accomplishments and tireless service to our country. While we all regretted to see him go, we are grateful for the legacy he left behind, and I hope we can carry it forward for generations to come. He was a giant during his time in this institution, and when the history of the Senate is written, I am confident that he will be fondly remembered as one of our great leaders.

Mr. ENZI. Mr. President, it was just about 10 years ago that Bob Dole announced his retirement from the Senate. It was 1996 and the Nation was in the midst of an intense campaign for the Presidency. Bob Dole had decided to resign his Senate seat for the good of his home State of Kansas, his party, and his country. He knew he would have to focus all his energies on his campaign for President if he were to be successful, so he left Washington to answer another call to serve his country and provide a choice to the people of Kansas and the rest of the United States when the election was held in November of that year.

We really shouldn't have been surprised. Answering the call to serve his country was nothing new for Bob Dole and he was proud to be able to do it. Over his life he had been many things, a legislator, a decorated war hero, and a leader both inside and outside of the Senate. Through the years, Bob Dole had always answered the call to serve his country when he was needed, and I have no doubt that he will continue to do so for many years to come.

It's no secret. Bob Dole has made it clear all his life. You want to know and understand him, you must first understand Russell, KS—the people who live there and the values and principles they hold dear. By coming to know the people of Russell, you understand the philosophy that Bob Dole has lived by his entire life. It's a philosophy ard work, and of always giving your best to whatever you choose to do. It is a reflection of his father's view of the world—"stewers versus doers." Needless to say, you will always find Bob Dole in the "doers" group.

That is why the story of Bob Dole's life is thoroughly intertwined with the story of Russell, KS. For it was when he was growing up in Russell that Bob Dole committed himself to the service of God, Country and family. They came to become his core values as he learned at a young age that there are things worth fighting for and that is what drew him to his service in the military.

Those who have chronicled those difficult years in our history have called him part of our greatest generation. Without any regard for himself, Bob Dole left everything he called dear behind to face a challenge as great as any generation had faced before. Pearl Harbor had been attacked and the whole world had taken up arms in a battle against an unspeakable evil that had been unleashed upon the world. World War II had called him to action and Bob Dole was a young man serving in the U.S. Army. He would never be the same again in mind or body. Given the circumstances, I don't think anyone would have returned home from the battlefields of Europe and the South Pacific and not have been changed forever.

As he bravely fought in the mountains of Italy, he was wounded in action, but still he fought on. Then, he was wounded again, this time far more seriously. The odds were against him, but he somehow made it through those vital first days. He then began what would be a lengthy recovery. He had a long stay in the hospital and despite the efforts of those who attended him, he had lost the use of an arm.

When he was released from the hospital, he returned home, and that special place of Russell, KS, again reached out to him with open arms and provided him with the support he needed to continue to recover from the wounds he had suffered on the battlefield. Once again, the bonds that tied him to the people of Russell and Kansas became stronger. Those bonds helped Bob Dole to regain his strength and begin to plan for the future.

Soon he heard the call to serve again. With the support of the people of his home town, he left to work for the people of Kansas in the State house and then in the U.S. Congress. His leadership skills were quite apparent and he compiled quite a record in the Senate. He progressed through the ranks and served his party as minority and then majority leader. Every day on the Senate floor, he took a leadership role on a wide variety of issues that he knew were important to the people of his home State. Through the years he worked to ensure that our American values we protected and preserved in all the proceedings of Congress. It was a remarkable record of service that continued until that day, ten years ago, when he resigned to pursue the call to carry the Republican banner for President.

Although that final political campaign of his was not successful, Bob Dole will always be remembered for a lifetime of service to the United States. He has received many honors for his service to the United States, and for being a part of a noble cause that the greatest generation took up for which so many fought and died. He never forgot those with whom he served or the needs of our Nation's veterans. In fact, it was those ties from so many years ago that led him to join the effort to construct a memorial for World War II to recognize those with whom he served—especially those who never returned. His leadership in that effort resulted in the dedication of a beautiful memorial that will stand forever in the shadows of the Lincolm Memorial and the Washington Monument on the Mall in our Nation's Capital.

Today, Bob Dole and his wife ELIZABETH continue to be a great team as she serves the people of North Carolina with the same care and attention that Bob Dole has always provided the people of Kansas.

Bob Dole has always said that his goal in life was to defend and serve the America he learned to love in Russell. I think the record shows that he succeeded in that effort and, in so doing, left his mark throughout much of the world as he fought in Europe to free the oppressed, and, in the Senate, for the principles and values he had learned to cherish as a young boy growing up in Russell, KS.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. COCHRAN. Mr. President, I take this opportunity to congratulate my friend, the distinguished Senator from West Virginia, who has achieved the distinction of being the longest serving Senator in the history of the Senate. Even though this is definitely a noteworthy achievement, what has set Senator BYRD apart from all others who have served as Senators is the dedication he has shown to the duties of his office, his respect for the traditions of the Senate, and his leadership of this body during his service in the Senate.

As President pro tempore, majority leader, and chairman of the Appropriations Committee, he has succeeded in protecting and enforcing the rules of the Senate, first written by Thomas Jefferson during his service as Vice President and the Presiding Officer of the Senate, and he used his leadership skills to successfully lead the Senate in changing the rules when a consensus for modernizing the rules permitted. His insights into the needs of his constituents and his devotion to their well-being have been admirable.

Perhaps his greatest contribution to our understanding of the Senate was his authorship of the "Addresses on the History of the United States Senate," the most comprehensive account of the role the Senate has played over the years.

I commend the Senator from West Virginia for his illustrious and record-breaking career in the Senate, and I wish for him many more years of service in this body.

Mr. BIDEN. Mr President, I am sorry that I was not present on the floor on Monday when my colleagues paid tribute to my friend, ROBERT C. BYRD, but I would like to add my voice to the chorus speaking on his unsurpassed contributions to the U.S. Senate and to America.

I say without hesitation Senator BYRD is one of the most remarkable men I have ever had the privilege to work with. Although I have been here for 33 years, he is the only Member whom I have looked up to as my senior—my senior in every way.

When my days are finished in this Chamber, my children, my grandchildren, and my great-grandchildren will know that I served with the greatest servant of the U.S. Senate of all who have served.

Once someone said of another West Virginian, Stonewall Jackson, that "his character and will make him a stonewall and more of a stonewall than any man I've ever known."

I say the same of ROBERT BYRD. When he walks on the floor, Constitution in his pocket, and he looks around, raises his voice, points his finger, he is our stonewall. He is the unshakeable rock of this institution. He is our foundation. He is the protector of this body.

I am absolutely certain that the Senator's service, knowledge, and contributions to the Senate will never be surpassed. This country gentleman has no peer. No one has given as much to this institution or loved it as much as the senior Senator from West Virginia.

The Senate is what it is because of ROBERT BYRD. And he is our wise senior, not because of the records but because he is a man of his conviction. He has told the truth on every issue that confronts our country. He is our rock of integrity.

When I was elected at age 29, and 6 weeks later, before I was sworn in, my wife and daughter were killed in a terrible car accident, Senator BYRD came to the funeral home. He waited in a long line to pay his respects. It was an act of kindness that I have never forgotten.

I know how bittersweet this honor is for him, as his lifemate, Erma, would have been 89 years old this week. We all admire the love and devotion the two of them had for each other, in health and in sickness. We know his first love was not in the Chamber; it was at home. We also know how proud she would be of him this week.

One of America's favorite West Virginians, who also set a lot of records in his day, is Mr. Clutch, Jerry West. He once said: "You can't get much done in life if you only work on the days when you feel good."

Senator BYRD has worked 17,331 days—days that have been good and bad. In all that time, he has made the most out of every one of them and gotten more done than anyone will ever know. It has been an honor serving with him for 12,209 of those days. I look forward to many more days and years together.

Mr. COLEMAN. Mr. President, I join my colleagues in paying tribute to one of our most distinguished Members, the Senior Senator from West Virginia, Mr. BYRD.

As he passes the milestone of becoming the Senate's longest serving Member, I would remind him of a statement by Yogi Berra when they asked him about one of his many records. He said, "I knew that one would stand until it was broken." Perhaps when medical science allows us to live to be 150 years old his record may be broken, but until then, I think he is safe.

Knowing the Senator's affection for the simple truth, I just want to make three points in recognizing this achievement which he embodies to an extraordinary degree.

The first is: Your life is what you make it.

Our former colleague, Senator Dave Durenberger told me the story of a Friday afternoon in the Senate in 1987 when he was standing in for Senator Dole for the procedural "wrap up" with Senator BYRD. The Twins were in the World Series at the time and on the Record, Senator Durenberger asked Senator BYRD if he wanted to come to Minnesota to see one of the games.

Senator BYRD said he has not seen a professional baseball game, or football game, or Hollywood movie for more than a decade. But he said he had not been idle. He shared that he had read the Bible cover to cover many times, had read all the plays of Shakespeare, all the Lives of Plutarch and the entire Oxford Unabridged Dictionary.

Many of us wonder what we might accomplish without the many distractions of modern life. We should look to Senator BYRD for the answer.

The second point I would like to make is: People change.

When we look at ROBERT BYRD's upbringing and the person he has become, it underlies a basic truth which has been made clear by all the great hearts and minds of history. Life is not what happens to you: life is what you choose to do with what happens to you.

Change and growth is always possible in people's lives, if they have the courage to change and discipline to grow.

And my third point is: This Senate is unique.

For the sake of the 100 of us who temporarily occupy these seats, Senator BYRD has embodied the truth that the Senate is unique in human history and its value must be preserved.

The genius of our Founders was their understanding of the heights and depths of human endeavor and their ability to translate those thoughts into practical institutions which maximized the heights and minimized the depths.

They knew that the philosophy of democracy must honor both the principle of majority rule and the protection of minority rights. And so in article I of the Constitution they created a House to operate mostly by majority rule and a Senate mostly to protect minority rights. The balance they struck has given a dynamic quality to the Congress that serves our Nation well on every conceivable issue.

I have often gone up to Senator BYRD on this floor and told him that he has given me something I could not get from any other source: a proper appreciation for the living history of the Senate that leads to reverence for this institution.

ROBERT BYRD and his service in the Senate is a great American story. It tells anyone who will listen how a person from humble origin can rise to leadership and then strive his whole life to keep the way open for those who would come up behind him.

We know that great ideas are just a generation from extinction. I am grateful to have had the chance to see many of those great ideas embodied and standing on this floor in the person of Senator ROBERT C. BYRD.

My tribute to him will be to try to learn and live out the lessons he has lovingly and forcefully tried to teach us all in this Chamber.

Mr. MARTINEZ. Mr. President, I rise today to offer a tribute to my colleague Senator ROBERT BYRD. Few men in our Nation's history have had such a large hand in shaping the U.S. Senate and the destiny of our country as ROBERT BYRD. No one in our country's history has served in the Senate longer or with more distinction.

Senator BYRD's Senate career truly is a remarkable American success story. Only in America could a young man from the coal fields of Appalachia use hard work, intelligence, and determination to one day become the longest serving Senator in U.S. history.

He has often been called the Senate's historian. I have often been amazed at Senator BYRD's prolific ability to weave the great authors and poets of the past into modern relevant lessons for today's society. Cicero, Shakespeare, Tacitus, Aquinas, Jefferson, and Washington are not simply names memorized from a textbook for Senator BYRD. They are living characters with indelible truths that we should all spend more time studying and give more time to in quiet reflection. Senator BYRD reminds us all of the importance of the august traditions of the Senate and why this is the world's greatest deliberative body.

You will never find Senator BYRD without his copy of the Constitution. I dare say there are few individuals here in this body with a greater love or commitment to those noble ideas our Founding Fathers fought and died defending.

But above all, I have been most impressed with his love and dedication to his family.

Senator BYRD and his beloved wife, Erma, were an amazing example for what we should all strive for in a loving marriage. For nearly 69 years ROBERT and Erma were together side by side, living and loving together. I would like to share some touching words that Senator BYRD gave in testament to his great wife—his greatest treasure:

> She met with kings and shahs, princes and princesses, Governors and Senators, Presidents. She entertained the high and the mighty, the powerful and the wealthy of this Nation in a foreign land because it was important to her husband who served as the majority leader of this Senate and various other Senatorial offices. She did it all with an innate, inherent graciousness, incredible patience, and a soft, warm smile. She was a remarkable lady of great wisdom, but most of all, great gentleness, yet she could be tough when she saw injustice or unfairness.

I think America could use more devotion like that.

In closing, I congratulate Senator BYRD on his amazing accomplishments and to his 17,329 days in service to his country in the U.S. Senate. When the history books record his deeds and actions, he will truly be remembered in the pantheon of legends that have forever left their mark on our great nation.

Mr. ENZI. Mr. President, just a few days ago Senator ROBERT C. BYRD set a very remarkable record. He is now the longest serving Senator in the history of the Senate. The Senate, the legislative body that means so much to him, now honors him for his achievement and for the remarkable record of service that he has given to the United States. I appreciate having the opportunity to be a part of our recognition of our colleague and his commitment to public service and the people of his home State of West Virginia.

For almost 48 years now, ROBERT C. BYRD has carried the title of U.S. Senator. I think it is fair to say that no one has done so with a greater awareness of what it means to be a Senator and of all the institution of the Senate represents. He is truly our institutional memory and he is the master of the Senate's rules and procedures. No one knows better than he the precedents and prerogatives of the Senate, and no one is a better protector, promoter and defender of them than he is.

It is not just for the length of his service that Senator BYRD is being honored, however. It isn't so much the years he has served but the service he has provided to the people of the United States and his State of West Virginia that has earned him the accolades he has received and will continue to receive from his colleagues and his constituents.

Our celebration of this moment and all he has achieved is softened by the loss of his beloved wife Erma, his greatest friend and supporter, his companion through life and almost 69 years of marriage, who passed away recently. I am sure she is looking down on us all, proud and thrilled to see Senator BYRD's continued efforts to address the issues of importance to his beloved friends of West Virginia and to note his recognition for being their champion for so many years.

During my service in the Senate I have appreciated working with Senator BYRD on a variety of issues, most recently the Miner Safety Act. We were both there at the President's side as he took up his pen and signed the bill into law. As he did, he noted Senator BYRD's presence because he knew the bill was the result of Senator BYRD's heartfelt concern for the miners of his State, for their safety, and the security of their families.

I have no doubt that if we were to look up the words "constituent service" in any book it would immediately refer us to Senator BYRD's work in the Senate. He has been an active and effective advocate for the people of West Virginia and he has worked tirelessly and diligently to address their needs in the Congress.

Looking back, Senator BYRD's life reads like a Hollywood movie script. He graduated first in his high school class and married his high school sweetheart. He then spent 12 years saving the money he needed to start college.

Through the years that followed, he held a variety of jobs that gave him an understanding of the needs of the working people of his State. He also developed his talent for the fiddle, and soon became known for that as well. Before long he was a member of the State legislature and, not too long thereafter, he came to the Senate.

Here in the Senate, no one has shown a greater understanding of the history and meaning of the U.S. Constitution and the role it plays in shaping our values and our way of life as Americans. We both have a habit of carrying a copy in our pocket to remind us of our job here in the Senate and our responsibility as Senators to adhere to the provisions of the Constitution and all it says and requires us to do.

Whenever I think of Senator BYRD, the first thing that comes to mind is his incredible knowledge and understanding of world history and the American experience. He also has a profound and substantive mastery of the legacy of the written word. Whenever he takes to the floor to present his views on an issue he always has a ready reference to the precedents of the past, or the words of some great author who had written something appropriate to the moment.

Now, Senator BYRD, the great student of the history of our Nation and so much more, is himself a part of the great story of America and the traditions of the Senate. Every day he joins us here to deliberate on the issues before the Senate, he writes another chapter of his own life's story, a story that will be forever told and retold back in his home State, in the mountains and valleys of West Virginia, by the people who live there who will forever remember him and his legacy as their Senator—a legacy that will never be forgotten.

HONORING OUR ARMED FORCES

1ST SERGEANT MICHAEL MATTHEWS

SERGEANT KENNETH KRAUS

STAFF SERGEANT JACOB LONG

Mr. CHAMBLISS. Mr. President, it is my honor today to pay tribute to three courageous soldiers from the city of Roswell, GA, whose service to country and community merits grateful recognition.

1SG Michael Matthews has served 21 years in the U.S. Army and Army National Guard and is currently a member of Charlie Co., 108th Armored Regiment, 48th Brigade of the Georgia Army National Guard. On August 30, 2005, Sergeant Matthews was seriously wounded when two Iraqis detonated an Improvised Explosive Device next to his convoy 25 miles south of Bagdad. Sergeant Matthews continues to recover from his injuries, and following his recovery, the Roswell Police Department will welcome him back to his position on the force. Sergeant Matthews worked for 17 years as a uniform police officer and SWAT team member and, in 2005, was named the Police Officer of the Year.

SGT Kenneth Kraus served as a U.S. Marine on duty at the U.S. Embassy in Iran during February of 1979. As revolutionaries overpowered the Embassy, Sergeant Kraus successfully negotiated the release of several American civilians before he was wounded and taken hostage himself. Beaten and interrogated repeatedly, he was given a 20 minute trial and sentenced to die the next day. Sergeant Kraus was pulled from his cell in the hours after his sentence while a representative from the U.S. Embassy finally secured his release. He was flown to Germany for medical treatment and then home to the United States. The Roswell Police Department has been fortunate to have Sergeant Kraus work with them as a detective for over 11 years.

SSG Jacob Long serves as Company Master Gunner in Charlie Co., First Battalion, 121st Infantry Regiment, 48th Brigade of the Georgia Army National Guard. On April 22, 2006, Staff Sergeant Long returned from a year-long deployment in Iraq during which Charlie Co. became responsible for sending Baby Noor, an Iraqi infant with spinal bifida, on a flight to obtain vital treatment in the United States and Baby Noor underwent successful surgery in Atlanta. In addition to his service abroad, Sergeant Jacob has worked with the Roswell Parks and Recreation Department for over 10 years.

These individuals continue to better their community and their Nation with selfless dedication to their careers in public service. I am proud to join the city of Roswell, the State of Georgia, and our Nation in honoring these brave men who have exemplified service to others on the local, national, and international level.

A BLOW TO GUN TRAFFICKING

Mr. LEVIN. Mr. President, a unique type of gun trafficking sting operation was completed recently. Teams of undercover law enforcement officials wearing hidden cameras traveled to Georgia, Ohio, Pennsylvania, South Carolina, and Virginia to make purchases which were designed to appear to be what are known as "straw purchases." Straw purchases are transactions that violate Federal law in which one individual submits to the required Federal background check for a gun that is clearly intended to be used by someone else. These purchasers play a crucial role in the illegal trafficking of guns by purchasing with the intention of reselling them to prohibited buyers.

In addition, a lawsuit was filed by the city of New York. The suit, filed in U.S. District Court for the Eastern District of New York in Brooklyn, asks the court to enforce gun laws regarding such sales and require extra training for and supervision of dealers. The lawsuit also seeks punitive and compensatory damages. According to New York City's Web site, its police have confiscated more than 500 guns that were sold by the 15 dealers named in the lawsuit and subsequently used in crimes there.

In January 2001, a 12-year-old boy in New York City, playing with a semiautomatic handgun from a pawnshop in Summerville, SC, accidentally shot someone in the chest. The gun involved was one of 49 such guns from the store linked to crimes and accidents in New York City. As New York Mayor Michael Bloomberg pointed out, "Our suit offers clear and compelling evidence that guns sold by these dealers are used in crimes by people ineligible to own a gun far more frequently than guns from other dealers."

To build its case, the city of New York compiled a list of gun dealers based on data it received from the Bureau of Alcohol, Tobacco, Firearms and Explosives. Investigators worked in pairs. One looked at the merchandise, talked with the salesman and handled the weapon, while the other wandered the store, seemingly uninterested. When it came time to complete the necessary background check forms, the first operator, often a man, would call over his partner, frequently a woman, who had not been part of the discussion of the weapon. The second investigator would fill out the background paperwork, and the first one would pay for the gun in cash. This procedure was used to clearly illustrate that the second person was making a "straw purchase" for the first person.

Gun-control advocates praise the sting operation and the lawsuit. This type of action sends a message to dealers that more government officials are not willing to look the other way. Other cities, including Gary, Indiana, Chicago and Detroit, have taken similar approaches in their own jurisdictions, often using local law enforcement officials. This operation however, marks the first time investigators across the country participated in such a sting involving a number of States.

I would like to commend everyone on both the Federal and local levels who aided in this investigation. This kind of illegal activity can be stopped by vigorously enforcing our existing gun laws, providing law enforcement with more tools to crack down on gun trafficking and corrupt gun dealers, and by passing sensible gun safety legislation.

PRELIMINARY 2005 UNIFORM CRIME REPORT

Mr. BIDEN. Mr. President, I rise today to talk about a very sobering report just issued by our FBI—its Preliminary 2005 Uniform Crime Report. This is the gold standard of crime reports in our country, taken from statistics by more than 12,000 law enforcement agencies all across our country.

Here is what the report says: Murders are up 4.8 percent. This means that there were 16,900 victims in 2005—16,900 in a single year. This is the most murders since 1998 and the largest percentage increase in 15 years. Violent crime more generally, which also includes forcible rape, robbery, and aggravated assault, rose 2 percent after seeing decreases over the last 3 years.

Some areas of the country were especially hard hit. The Midwest, for example, saw violent crime rise 5.7 percent. Medium-large towns—those with populations between half a million and 1 million—saw an increase in violent crime of 8.3 percent. Murders increased more than 12 percent in towns with populations between 50,000 and 250,000. These troubling increases come after more than a decade of record decreases in crime.

These historic decreases in crime happened for a reason and, I fear, the recent and dramatic increase in murders and violent crime are also happening for a reason.

Let me explain. In 1994, we passed the most sweeping anticrime bill in history. At the time, we faced a national crisis with respect to violent crime. Despite the tough-on-crime rhetoric of the 1980s, the Federal Government until that point had very little impact on crime rates. This is largely because only about 3 percent of all crimes are handled by the Federal Government.

We recognized in 1994 that the only way to seriously address crime in our communities would be to vigorously and consistently support State and local law enforcement. We made a commitment to do just that by creating the Community Oriented Policing Services Program—more commonly known as COPS.

This ambitious new program committed to put more than 100,000 new officers on the streets and to expand the concept of community-oriented policing. Crime rates went down every year for 8 consecutive years. Violent crime was reduced by 26 percent. The murder rate went down by 34 percent.

In just a few short years, Americans went from being afraid to go out on their streets to living in the safest neighborhoods in a generation. By giving State and local law enforcement the support they needed, we were able to improve the lives of millions of Americans.

I recognize there are many factors involved in whether crime rates go up and down and that the COPS Program was not the sole reason for this historic drop in violent crime. At the same time, the legacy of COPS is unmistakable. The Government Accountability Office, GAO, released a report in October 2005 that concluded what many police chiefs and sheriffs have said all along—the COPS Program helps reduce crime. Specifically, the GAO found that "as a demonstration of whether a federal program can affect crime rates through hiring officers and changing policing practices, the evidence indicates that COPS contributed to declines in crime above the levels of declines that would have been expected without it." For every $1 in COPS hiring grant expenditures per capita, there was a reduction of almost 30 index crimes per 100,000 persons.

Former Attorney General John Ashcroft called the COPS Program a "miraculous success." But, unfortunately, I fear that some of us have taken our eyes off the ball. Specifically, the Bush administration has forgotten the lessons we learned from the COPS Program. Despite the dramatic and historic COPS successes, President Bush has systematically eliminated the programs that helped to lay the foundation for our low crime rates.

President Bush has proposed to cut support for State and local law enforcement every year for the past 5 years, proposing a budget in 2007 that cut $2 billion in guaranteed funding for State and local law enforcement from the amount we provided only 5 years ago. President Bush has steadily tried to kill the COPS hiring program, routinely trying to zero out all hiring funding.

And Congress has not held the line. During the 1990s, roughly $1 billion per year was allocated for the COPS Program. In 2002, $385 million was allocated to hire officers. That allocation was steadily reduced until last year when, for the first time, funding to hire officers was completely eliminated. Let me repeat: No Federal COPS funding whatsoever to hire officers. Adding insult to injury, President Bush has also proposed to zero out the Byrnes Justice Assistance Grant Program.

From 1994 to 2003, this wildly popular program provided around $900 million per year to our States to improve their criminal justice systems, providing vital resources to our men and women officers. Since 2003, this number has steadily eroded, with President Bush proposing absolutely no funding in his 2007 budget request. And I fear that we are now seeing the results of this vast defunding of the COPS Program and the Byrne Program—a result that was certainly not unpredictable.

Earlier this year, in response to the President's latest budget request, the President of the International Association of Chiefs of Police, Mary Ann Viverette, stated: "these cuts have the potential to cripple the capabilities of law enforcement agencies nationwide and will undoubtedly force many departments to take officers off the streets, leading to more crime and violence in our hometowns and ultimately less security for our homeland."

Many of us in Congress have also tried to raise the warning flags repeatedly. This February, I released a report entitled, "Abandoning the Front Line: The Bush Administration's Record of Support for State and Local Law Enforcement" which warned that we need to keep our eye on the ball, otherwise we risk seeing dramatic increases in crime rates.

Another problem facing our local law enforcement agencies is the fact that the FBI is getting out of the crime business. Since 9/11, the number of FBI agents focusing on crime has gone down by over 1,000 agents. As a result, drug investigations have dropped by 60 percent and violent crime investigations have been reduced by 40 percent.

This has created a perfect storm for law enforcement, and I hope that these latest dramatic and troubling crime statistics serve as a wake-up call to Congress and the President.

We must build on the successes of the past; we must never become complacent. When I speak to law enforcement groups on the subject of crime, I make the point that keeping crime rates low is like cutting the grass. You mow your lawn and it looks great. You let it grow for a week, and it starts looking ragged. You let it grow for a month and you have a jungle.

The preliminary numbers released yesterday show that we have not been cutting the grass. In Cleveland, from 1994 to 2001, we spent $3.2 million per year for COPS hiring. From 2002 to 2005, we only spent $875,500 per year. A 2004 news article noted that Cleveland lost 250 officers, a reduction of 15 percent in their force. In their latest crime numbers, murder is up 38 percent; violent crime is up 7 percent. In St. Louis, from 1994 to 2001, we spend $770,000 per year for COPS hiring. From 2002 to 2005, that number was zero. A 2003 study found that St. Louis had lost 168 officers, a reduction of 11 percent in their force. In their latest crime numbers murder is up 16 percent, violent crime up 20 percent. The pattern is, unfortunately, clear.

In Philadelphia from 1994 to 2001, we spent $5,250,000 per year for COPS hiring. From 2002 to 2995, that number was again zero, Last year, I asked the Philadelphia police chief about the number of officers they have lost recently. He said since 2003, they were down 600 officers. In Philadelphia's latest crime numbers, murder is up 14.2 percent, violent crime up 3.4 percent.

Now is the time to see the error in our recent ways. It is my hope that the Appropriations, Commerce, Justice, and Science Subcommittee will see fit to fully fund the COPS Program, the Justice assistance grants, and other critical crime control programs when it reports out its appropriations bill later this summer. If they do not, I will be offering an amendment to restore full funding for the COPS Program. I have done this for the past several years.

The Senate has previously not adopted my amendments, however—with opponents arguing that the COPS Program has worked, so we should kill it, or that it is not a Federal responsibility to fund local law enforcement. Critics will also argue that adding funding to the COPS Program will bust the budget.

I believe that the safety of the American citizens is our No. 1 priority, and I cannot accept the argument that we cannot find funding for local law enforcement at the same time we are giving a tax cut to our nation's millionaires. They did not ask for this tax cut, and I know that they would be willing to give that back in order to keep their communities safer.

The COPS Program helps us prevent both crime and terrorism, and I hope my colleagues will support me in restoring funding for this critical program.

ADDITIONAL STATEMENTS

THE LIFE OF DR. JAMES CAMERON

• Mr. FEINGOLD. Mr. President, Dr. James Cameron, sadly, passed away on June 11, and with his passing, the Nation has lost one the 20th century's greatest civil rights pioneers.

James Cameron was born in 1914 in La Crosse, WI, but it was during the time that he lived in Marion, IN, that he would have a terrifying experience that would forever change the course of his life.

On August 7, 1930, when he was just 16, he was wrongly accused of and arrested for the murder of a White man and the rape of a White woman. While in jail, a mob broke in and dragged him, and the other two charged with the crime, out into the street. A rope was placed around Cameron's neck, but he was spared when a man in the crowd proclaimed Cameron's innocence. While Cameron survived the beating and attempted lynching, the other two men were lynched and killed.

Cameron was convicted as an accessory to involuntary manslaughter—for which he was later pardoned—but no one was ever accused, charged, or arrested for the lynching and murder of the other two men.

After surviving this horrific experience, Dr. Cameron dedicated his life to raising awareness of racial injustice in America. In the 1940s, he organized several chapters of the National Association for the Advancement of Colored People, NAACP, in Indiana. As the Indiana State director of civil liberties from 1942 to 1950, Dr. Cameron worked to end segregation. The strong presence of the Ku Klux Klan in Indiana at the time made his job that much more difficult and dangerous. Dr. Cameron faced threats of violence, including threats to his life.

After he moved to Milwaukee, he continued his civil rights work by protesting against segregated housing and police brutality. During the 1960s, he took part in marches in Washington, DC, with civil rights leaders Martin Luther King, Jr., and Coretta Scott King.

Furthering his commitment to civil rights education, Dr. Cameron mortgaged his home in 1982 to publish 5,000 copies of his memoir, "A Time of Terror." The book provides a moving account of his near-death experience in 1930.

After visiting Israel's Holocaust Museum, Dr. Cameron was inspired to construct a similar museum in Wisconsin, dedicated to the history and struggles of African Americans. His dream became a reality in 1988 when he opened the Black Holocaust Museum, which has made an important contribution to Milwaukee and an invaluable contribution to our understanding of American history.

It was particularly fitting that Dr. Cameron was able to watch in person as the U.S. Senate finally passed a resolution apologizing to victims of lynching. His monumental efforts were central to that important and long-overdue moment.

Dr. Cameron dedicated his life to ending racial injustice. Now his strength and resilience must inspire all of us as we carry on that critically important work. James Cameron's incredible story of survival is a part of history. But Dr. Cameron was more than just a part of history—he helped to shape history, with his determined commitment to promoting civil rights. With everything James Cameron did, he served the cause of justice. He led a courageous, remarkable life, and he will be greatly missed.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

100TH ANNIVERSARY OF MADISON, WEST VIRGINIA

• Mr. ROCKEFELLER. Mr. President, it is with great honor that I recognize the 100th anniversary of the founding of the town of Madison, WV. A celebration will take place this month, and I would like to take this opportunity to speak for a few moments about this wonderful Appalachian community. Madison was incorporated as the county seat of Boone County, which it remains today. It is also the home of a number of exemplary schools and dedicated churches. Madison has long been noted for its rich coal mining heritage, and was named for Colonel William Madison Peyton, pioneer coal operator and leader of the movement that led to the establishment of Boone County.

A significant percentage of Madison residents are employed by coal mining corporations, or related businesses. That makes it fitting that the township is the home of the Bituminous Coal Heritage Foundation Museum and the location of the West Virginia Coal Festival. Each year, thousands of people travel to Madison for this festival to celebrate coal heritage. This year, the festival will include a memorial service to the 18 West Virginians who tragically lost their lives in recent months in mining accidents. In light of these events, along with State and local officials and I have been working to better ensure the safety of all West Virginia coal miners. Another important asset to the City of Madison is Boone Memorial Hospital which serves the community with personalized care and respect for all in need of medical attention.

The town of Madison is the historical site of a crucial Union victory during the Civil War. The Battle of Boone County Courthouse, the name of the town before it was known as Madison, occurred early in the war on September 1, 1861, at a time when the Union army had suffered many devastating defeats. The original court house in Madison was burned by Union soldiers as a result of the skirmish. Madison's centennial celebration will take place on the grounds of the restored structure.

On the grounds of that courthouse stands a memorial to soldiers who died in service of their Nation. Madison and Boone County, as all of West Virginia, have given more than its share of brave men and women to the service of our Nation. Boone countians are fiercely patriotic and dedicated to their families, their community and their God. They are resilient and determined, having suffered the ups and downs of the coal economy. They are also kind-hearted people. When I first came to West Virginia as a young man in the VISTA program over 40 years ago, it was to a community on the Boone-Kanawha county line. The people of that community taught me so much and forever changed my life. I will forever have a special place in my heart for Boone County, the town of Madison, and their residents. I certainly wish the town and its people the best for the centennial celebration and much success during the next 100 years.

I hope my fellow Senators and fellow West Virginians will join me in celebrating this special occasion, the centennial of Madison, WV.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

ST. ALBANS FIRE DEPARTMENT

• Mr. ROCKEFELLER. Mr. President, I wish to recognize the St. Albans Fire Department for 100 years of dedicated service to its community. Their outstanding achievement has not only improved the town of St. Albans, but West Virginia as a whole. I am proud to represent such a courageous and selfless group of individuals, who serve West Virginia well every day. All first responders are enormously important to our well being and to their communities, but the longevity of this department deserves special recognition.

The St. Albans Fire Department was started in 1906 as the St. Albans Salvage Corps. The small group of committed volunteers ventures to preserve property and save lives in this small Kanawha County community. Their goal created a foundation on which the St. Albans Fire Department—SAFD—was built. Today, the SAFD is a 26 person team of 19 full time and seven part time firefighters. Although the operation has grown tremendously, the firefighters still strive to protect every aspect of the community. They respond not only to fires, but also to automobile accidents, water rescue, as well as providing emergency medical service. The firefighters that represent St. Albans are highly trained and capable of handling all types of emergencies.

The SAFD was presented with the Life Safety Achievement Award for the sixth time in 2005. This award is given to the departments that help reduce the number of fire related deaths each year. In 2004, St. Albans did not have any structural fire deaths. The Department was also able to improve their Insurance Safety Office rating from a Class 4 to a Class 3. The better rating will help not only the fire department, but the people they serve as well, by lowering their insurance premiums. This achievement shows the true dedication of the St. Albans Fire Department. Congratulations on such an amazing accomplishment, and let the next 100 years be as strong as the first.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3534. A bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 16, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1445. An act to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, CO, as the "William H. Emery Post Office".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 3531. A bill to appropriate $420,000,000 for medical care for veterans and $70,000,000 to improve the security for personal data of veterans held by the Department of Veterans Affairs, and for other purposes; to the Committee on Appropriations.

By Mr. LUGAR:

S. 3532. A bill to support the goals of the Commission on the Abraham Lincoln Study Abroad Fellowship Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN:

S. 3533. A bill to require the Department of Homeland Security to carry out certain activities with respect to delivering training in age-appropriate basic life supporting first aid skills to school children, including funding of a program to provide this education to the public; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DEWINE, Mr. KERRY, and Mrs. MURRAY):

S. 3534. A bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. REID):

S. Res. 514. A resolution to authorize testimony and legal representation in City of Eugene v. Peter Vincent Chabarek; considered and agreed to.

ADDITIONAL COSPONSORS

S. 930

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 1353

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 2148

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2148, a bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3275

At the request of Mr. ALLEN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3275, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 3487

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3487, a bill to amend the Small Business Act to reauthorize and improve the disaster loan program, and for other purposes.

S. 3503

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 3503, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. RES. 507

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Mr. BIDEN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day".

AMENDMENT NO. 4231

At the request of Mr. DEWINE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 4231 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4245

At the request of Mr. ENSIGN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 4245 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4246

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of amendment No. 4246 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4259

At the request of Ms. STABENOW, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Minnesota (Mr. DAYTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 4259 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DEWINE, Mr. KERRY, and Mrs. MURRAY):

S. 3534. A bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program; read the first time.

Mr. ENZI. Mr. President, I rise today to introduce the YouthBuild Transfer Act. I am pleased to be joined in this important effort by Senator KENNEDY, the ranking member of the Health, Education, Labor and Pensions Committee, and Senators DEWINE, KERRY, and MURRAY.

This bill transfers the YouthBuild program from the Department of Housing and Urban Development, HUD, the Department of Labor, DOL, as an amendment to the Workforce Investment Act, WIA. YouthBuild was enacted in 1992. It provides programs for young adults aged 16 to 24 to build or rehabilitate housing for homeless or low-income individuals in their communities while they study to earn their own high school diploma or GED. These youth gain occupational and technical skills while building their knowledge to help them become and remain productive participants in the workplace.

By transferring YouthBuild to DOL, the program will be more closely aligned with and benefit from collaboration with the larger workforce system at the State and local levels. It will continue to serve those young adults most in need of these services, and enable them to serve their communities by building affordable housing, and assists them in transforming their own lives and roles in society.

YouthBuild assists young adults not currently enrolled in school gain needed education, skills and knowledge. The skill and literacy requirements of today's and tomorrow's workplace cannot be met if we do not provide everyone access to lifelong education, training and retraining.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. KERRY. Mr. President, I am pleased to cosponsor and express my strong support for the YouthBuild Transfer Act which will preserve and extend the YouthBuild Program by transferring its operations from Department of Housing and Urban Development, HUD, to the Department of Labor, DOL.

Last year, President Bush's budget request recommended transferring the operations of the YouthBuild Program from HUD to DOL. In November 2005, I introduced the YouthBuild Transfer Act of 2005, S. 1999, to authorize that transfer, and it is very similar to this legislation being introduced today.

I express my appreciation to Senate Committee on Health, Education, Labor, and Pensions Chairman ENZI and the ranking member, Senator KENNEDY, for their work in developing this consensus legislation. I also thank Senator DEWINE for his efforts in both developing this legislation and for his efforts to obtain funding for YouthBuild for many years. I believe this bill continues the bipartisan spirit which has been the hallmark of the YouthBuild Program.

Poverty, neglect, abuse, and deprivation of all kinds can prevent people from reaching their true potential. Many of those who have fallen off track, suffered losses, and made mistakes can recover. If given the opportunity, they can learn to cope with obstacles and care effectively about themselves, their families, and their communities. YouthBuild helps young people who have lost their way to turn their lives around.

YouthBuild is a uniquely comprehensive program that offers at-risk youth an immediate productive role rebuilding their communities. While attending basic education classes for 50 percent of program time, students also receive job skills training in the construction field, personal counseling from respected mentors, a supportive peer group with positive values, and experience in civic engagement. They build houses for homeless and low-income people while earning their own GED or high school diploma.

YouthBuild is built on success. During the 1960s, YouthBuild's future founder, Dorothy Stoneman, formed the Youth Action Program to rebuild homes in New York City. The successful renovation of an East Harlem tenement led to a citywide coalition and in 1990, led to YouthBuild USA, an organization created to replicate this program around the Nation.

After visiting a YouthBuild site, I introduced legislation in 1992 authorizing Federal funding for YouthBuild through the Department of Housing and Urban Development which was enacted into law as part of the Cranston-Gonzalez National Affordable Housing Act. Since then, I have led a coalition of Senators in support of Federal funding for this important program. The $600 million that has been appropriated through HUD since fiscal year 1993 has leveraged over $1.5 billion of additional public and private investment at the local level due to the resourcefulness of local leaders and the high demand for YouthBuild programs.

The results have been dramatic. Since 1994, YouthBuild has helped more than 60,000 disadvantaged youth into productive employment, higher education, and civic engagement across the Nation. At the same time, YouthBuild has helped rebuild low- and moderate-income communities by creating more than 15,000 units of affordable housing. Over 1,000 local organizations, in every State, have applied for HUD funds to bring YouthBuild to their communities.

Research on 900 YouthBuild graduates, several years after they had completed the program showed that more than 75 percent of them were either employed at an average wage of $10 an hour or attending college and were positively contributing to their communities. Of those who had committed felonies, the recidivism rate was a strikingly low 15 percent and all studies to date have shown a recidivism rate below 20 percent strikingly lower than the 60 percent recidivism rate for most prison systems.

Today there are over 226 YouthBuild programs in 43 States engaging 8,000 young adults, and the number of programs could easily be expanded. Last year alone, 260 communities were denied YouthBuild funding. The demand is equally great from young people—in 2003 local programs turned away over 10,000 applicants solely for lack of funds, and in 2004 they turned away 12,000. The 20 percent cut suffered for fiscal year 2006 could cause the closing of 25 local programs; if the funds are restored and expanded, some of these closings can be averted. I am hopeful that the YouthBuild Transfer Act will be enacted into law. However, YouthBuild must continue to receive Federal funds in fiscal year 2007 in order to remain a successful program. President Bush included $50 million for YouthBuild in his fiscal year 2007 budget request to Congress. Senator DeWine and I have sent a letter to the Senate Appropriations Committee in support of $90 million for the program. I look forward to working with the members of the Appropriations Committee to insure that this critical program receives an increase in Federal funding next year.

Increasing Federal funding for YouthBuild will help address critical national problems that cost society dearly. Over 32 percent of America's youth are dropping out of high school with no prospect of becoming gainfully employed, contributing members of society, taxpayers, and in inner-city communities, that percentage- rises toward 50. States are spending $36,000 per year per person to house 365,000 16 to 24 year olds, 65 percent of whom have dropped out of high school. In addition, the construction industry is short 80,000 workers. Furthermore, in the aftermath of Katrina, the need for construction workers is increasing, and YouthBuild programs are a resource in the gulf, sending trained crews to Mississippi to rebuild homes as part of their service to the Nation.

YouthBuild is also on the cutting edge of education reform for dropouts and effective re-entry for offenders. Forty YouthBuild programs have now been chartered by their States or authorized by their superintendent of schools to provide high school diplomas and to receive public funds as successful public schools reclaiming high school dropouts. In several States, the criminal justice departments are now supplementing HUD funds to expand capacity of YouthBuild programs as successful re-entry programs for ex-offenders. To maximize the investment already made in YouthBuild as a resource for education of dropouts and reentry of ex-offenders, it is imperative to keep the foundation of its Federal funding strong.

I ask all of my colleagues to support the YouthBuild Transfer Act to allow the YouthBuild Program to expand this unique comprehensive program to provide at-risk youth an immediately productive role rebuilding their communities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 514—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY OF EUGENE V. PETER VINCENT CHABAREK

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 514

Whereas, in the case of City of Eugene v. Peter Vincent Chabarek, Citation No. 06-05546, pending in Municipal Court for the City of Eugene, testimony has been requested from Juine Chada, an employee in the office of Senator Ron Wyden;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent an employee of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Juine Chada is authorized to testify in the case of City of Eugene v. Peter Vincent Chabarek, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Juine Chada in connection with the testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4292. Mr. DORGAN (for himself, Mr. DURBIN, and Mr. HARKIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 4293. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4294. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4295. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 2766, supra.

SA 4296. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, supra.

SA 4297. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4298. Mr. KENNEDY (for himself, Mr. BINGAMAN, Ms. MIKULSKI, Ms. COLLINS, Ms. SNOWE, Mr. ROBERTS, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4299. Mr. KENNEDY (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4300. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4301. Mrs. DOLE (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4302. Mrs. DOLE (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4303. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4304. Mr. THUNE (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4305. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4306. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4307. Mr. REID (for himself, Mr. BIDEN, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4308. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4309. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4292. Mr. DORGAN (for himself, Mr. DURBIN, and Mr. HARKIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of division A, add the following:

TITLE XV—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. 1501. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 1502. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the "Special Committee").

SEC. 1503. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 1504. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 1505. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 1506. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) Meetings.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 1507. REPORTS.

(a) Initial Report.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 1503 not later than 270 days after the appointment of the Special Committee members.

(b) Updated Report.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) Additional Reports.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) Findings and Recommendations.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 1503.

(e) Disposition of Reports.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 1508. ADMINISTRATIVE PROVISIONS.

(a) Staff.—

(1) In general.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) Appointment of staff.—

(A) In general.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) Majority staff.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) Minority staff.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) Nondesignated staff.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) Compensation.—

(1) Majority staff.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) Minority staff.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) Nondesignated staff.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) Reimbursement of Expenses.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) Payment of Expenses.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 1509. TERMINATION.

The Special Committee shall terminate on July 1, 2008.

SEC. 1510. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 4293. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. WIND ENERGY FACILITIES AND RADAR FACILITIES IN THE UNITED STATES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall, in consultation with the Secretaries of the other military departments, the Secretary of Energy, the Secretary of Labor, the chief executive officers of the several States, representatives of the wind energy industry, and other appropriate individuals from the public and private sector, lead in the development of strategies to prevent, reduce, or mitigate interference by wind turbines with the operation of radars in the United States.

(b) Report.—Not later than December 30, 2006, the Secretary of the Air Force shall submit to Congress a report setting forth recommendations for legislative or administrative action to—

(1) facilitate the coexistence of military missions and wind energy facilities, to the greatest extent possible, including mechanisms to apply mitigation strategies on a case-by-case basis to the location and operation of any particular wind energy facility; and

(2) create a centralized process within the Department of Defense for the evaluation of the potential impact on military radars of the operation of a proposed wind energy facility in the United States, including a process to assure the early evaluation of such impact by the Department and for the right of appeal from a decision of the Department following such an evaluation.

(c) Construction.—The lack of submittal of the report required by section 358 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3208) should not be construed as a reason or justification for the delay of the construction or completion of any wind energy or windmill project.

SA 4294. Mrs. CLINTON (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3121. INCLUSION OF CERTAIN ADDITIONAL FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) Inclusion in Special Exposure Cohort.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following new subparagraph:

"(D) The employee was so employed at the Bethlehem Steel plant located in Lackawanna, New York, for a number of work days aggregating at least 250 work days—

"(i) which were during the period beginning on January 1, 1949, and ending on December 31, 1952; and

"(ii) during which the employee had direct exposure to material (including residual material) that emitted radiation.".

(b) Deadline for NIOSH Determination.—The National Institute of Occupational Safety and Health of the Department of Health and Human Services shall make the determination required by clause (i) of subparagraph (D) of section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SA 4295. Mr. WARNER (for Mr. Sessions) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on each report described in paragraph (2) that is required by law to be submitted to the congressional defense committees by the Department of Defense or any department, agency, element, or component under the Department of Defense.

(2) COVERED REPORTS.—Paragraph (1) applies with respect to any report required under a provision of law enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) that requires recurring reports to the committees referred to in that paragraph.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) Each report described by that subsection, including a statement of the provision of law under which such report is required to be submitted to Congress.

(2) For each such report, an assessment by the Secretary of the utility of such report from the perspective of the Department of Defense and a recommendation on the advisability of repealing the requirement for the submittal of such report.

SA 4296. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 546, after line 22, add the following:

SEC. 2828. REPORTS ON ARMY TRAINING RANGES.

(a) LIMITATION.—The Secretary of the Army may not carry out any acquisition of real property to expand the Pinon Canyon Maneuver Site at Fort Carson, Colorado until 30 days after the Secretary submits the report required under subsection (b).

(b) REPORT ON PINON CANYON MANEUVER SITE.—

(1) IN GENERAL.—Not later than November 30, 2006, the Secretary of the Army shall submit to the congressional defense committees a report containing an analysis of any potential expansion of the military training range at the Pinon Canyon Maneuver Site at Fort Carson, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) A description of the Army's current and projected military requirements for training at the Pinon Canyon Maneuver Site.

(B) An analysis of the reasons for any changes in those requirements, including the extent to which they are a result of the increase of military personnel due to the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) A proposed plan for addressing those requirements, including a description of any proposed expansion of the existing training range by acquiring privately held land surrounding the site and an analysis of alternative approaches that do not require expansion of the training range.

(D) If an expansion of the training range is recommended pursuant to subparagraph (C), the following information:

(i) An assessment of the economic impact on local communities of such acquisition.

(ii) An assessment of the environmental impact of expanding the Pinon Canyon Maneuver Site.

(iii) An estimate of the costs associated with the potential expansion, including land acquisition, range improvements, installation of utilities, environmental restoration, and other environmental activities in connection with the acquisition.

(iv) An assessment of options for compensating local communities for the loss of property tax revenue as a result of the expansion of Pinon Canyon Maneuver Site.

(v) An assessment of whether the acquisition of additional land at the Pinon Canyon Maneuver Site can be carried out by the Secretary solely through transactions, including land exchanges and the lease or purchase of easements, with willing sellers of the privately held land.

(c) REPORT ON EXPANSION OF ARMY TRAINING RANGES.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the training ranges operated by the Army to support major Army units.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission essential training tasks supported by each such Army training range during fiscal year 2003.

(B) A description of the projected changes in training range requirements, including the size, characteristics, and attributes for mission essential training of each range and the extent to which any changes in requirements are a result of the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) The projected deficit or surplus of training land at each such range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing training range.

(D) A description of the Army's prioritization process and investment strategy to address the potential expansion or upgrade of training ranges.

(E) An analysis of alternatives to the expansion of Army ranges to include an assessment of the joint use of ranges operated by other services.

SA 4297. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 65, line 16, insert "facility designated by the Secretary as the" before "National".

On page 65, line 24, insert "facility designated by the Secretary as the" before "National".

On page 66, line 17, insert "facility designated by the Secretary as the" before "National".

SA 4298. Mr. KENNEDY (for himself, Mr. BINGAMAN, Ms. MIKULSKI, Ms. COLLINS, Ms. SNOWE, Mr. ROBERTS, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. SCIENCE AND TECHNOLOGY.

(a) ARMY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103A for University Research Initiatives.

(b) NAVY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103N for University Research Initiatives.

(c) AIR FORCE SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103F for University Research Initiatives.

(d) COMPUTER SCIENCE AND CYBERSECURITY.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities,

as increased by paragraph (1), $10,000,000 may be available for program element PE 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SMART National Defense Education Program.—

(1) Additional amount for research, development, test, and evaluation, defense-wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $5,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $5,000,000 may be available for program element PE 0601120D8Z for the SMART National Defense Education Program.

(f) Sense of Senate.—It is the sense of the Senate that it should be a goal of the Department of Defense to invest not less than an amount equal to 15 percent of the science and technology budget of the Department of Defense in basic research programs.

(g) Offset.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $45,000,000.

SA 4299. Mr. KENNEDY (for himself and Mr. Sessions) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) Findings.—Congress makes the following findings:

(1) The Department of Defense and the United States depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

(2) Experts estimate that over 25 percent of the approximately 58,000 workers in the nuclear power industry in the United States will be eligible to retire within 5 years, representing both a huge loss of institutional memory and a potential national security crisis.

(3) This shortfall of workers is exacerbated by reductions to the University Reactor Infrastructure and Education Assistance program, which trains civilian nuclear scientists and engineers. The defense and civilian nuclear industries are interdependent on a limited number of educational institutions to produce their workforce. A reduction in nuclear scientists and engineers trained in the civilian sector may result in a further loss of qualified personnel for defense-related research and engineering.

(4) The Department of Defense's successful Science, Math and Research for Transformation (SMART) scholarship-for-service program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) Report on Education of Future Nuclear Engineers.—

(1) Study.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

(2) Report required.—The President shall submit to the congressional defense committees, together with the budget request submitted for fiscal year 2008, a report on the study conducted by the Secretary of Energy under paragraph (1).

SA 4300. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 147. MULTI-SPECTRAL IMAGING CAPABILITIES.

(a) Findings.—The Senate makes the following findings:

(1) The budget of the President for fiscal year 2007, as submitted to Congress under section 1105(a) of title 31, United States Code, and the current Future-Years Defense Program adopts an Air Force plan to retire the remaining fleet of U-2 aircraft by 2011.

(2) This retirement would eliminate the multi-spectral capability provided by the electro-optical/infrared (EO/IR) Senior Year Electro-optical Reconnaissance System (SYERS-2) high-altitude imaging system.

(3) The system referred to in paragraph (2) provides high-resolution, long-range, day-and-night image intelligence.

(4) The infrared capabilities of the system referred to in paragraph (2) can defeat enemy efforts to use camouflage or concealment, as well as provide images through poor visibility and smoke.

(5) Although the Air Force has previously recognized the military value of Senior Year Electro-optical Reconnaissance System sensors, the Air Force has no plans to migrate this capability to any platform remaining in the fleet.

(6) The Air Force could integrate such capabilities onto the Global Hawk platform to retain this capability for combatant commanders.

(7) The Nation risks a loss of an important intelligence gathering capability if this capability is not transferred to another platform.

(b) Sense of Senate.—It is the sense of the Senate that the Air Force should investigate ways to retain the multi-spectral imaging capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system after the retirement of the U-2 aircraft fleet.

(c) Report Requirement.—The Secretary of the Air Force shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress under section 1105(a) of title 31, United States Code, a plan for migrating the capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system from the U-2 aircraft to the Global Hawk platform before the retirement of the U-2 aircraft fleet in 2011.

SA 4301. Mrs. DOLE (for herself and Mr. Jeffords) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. HEALTH CARE BENEFITS FOR INDIVIDUALS EXPOSED IN UTERO TO CONTAMINATED WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) Eligibility for Benefits.—The Secretary of Veterans Affairs shall provide each individual described in subsection (b) with such health care as the Secretary determines is needed by such individual for any health problem, condition, or disability that is associated with the exposure of such individual as described in that subsection.

(b) Covered Individuals.—An individual described in this subsection is any individual, as determined by the Secretary of Defense in consultation with the Agency for Toxic Substances, who was exposed in utero to water contaminated with toxic chemicals at United States Marine Corps Base Camp Lejeune, North Carolina.

(c) Authority for Care To Be Provided Directly or By Contract.—The Secretary may provide health care under this section directly or by contract or other arrangement with a health care provider.

(d) Construction.—Nothing in this section shall be construed to affect the rights or obligations of any person or entity, including the Federal Government, under any other law.

(e) Notice on Exposure.—

(1) Notice required.—The Commandant of the Marine Corps shall, upon completion of the report by the Agency for Toxic Substances Disease Registry on human exposure to contaminated drinking water at Camp Lejeune, take appropriate actions to notify each person who may have been exposed to such drinking water of such exposure.

(2) Elements.—The notice provided under paragraph (1) shall include the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the contaminants in the contaminated drinking water at Camp Lejeune.

(D) A description of sources of additional information on—

(i) the contaminated drinking water at Camp Lejeune; and

(ii) the known and suspected health effects of exposure to the contaminants in such drinking water.

(f) Health Care Defined.—In this section, the term "health care" has the meaning given that term in section 1803(c)(1) of title 38, United States Code.

SA 4302. Mrs. DOLE (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

SA 4303. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. RECOVERY AND AVAILABILITY TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY OF CERTAIN FIREARMS, AMMUNITION, AND PARTS.

(a) IN GENERAL.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after the item relating to section 40728 the following new section:

"§ 40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries

"(a) RECOVERY.—The Secretary of the Army may recover from any country to which a grant of rifles, ammunition, repair parts, or other supplies described in section 40731(a) of this title is made under section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

"(b) COST OF RECOVERY.—(1) Except as provided in paragraph (2), the cost of recovery of any rifles, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

"(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

"(c) AVAILABILITY.—Any rifles, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance with the provisions of section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728 the following new item:

"40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries.".

SA 4304. Mr. THUNE (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 19, add after the period the following: "The prohibition in the preceding sentence shall not apply to any C-130E/H tactical airlift aircraft that are declared by the Air Force to be grounded and are determined by the Secretary of the Air Force to be unsafe for exceeding structural design limits or to have structural cracks in excess of an economic ability to repair, but only if the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a notice on such determination before retiring such aircraft."

SA 4305. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 568. EXEMPTION FROM PAYMENT OF INDIVIDUAL CONTRIBUTIONS UNDER MONTGOMERY GI BILL OF INDIVIDUALS WHO SERVE AS ACTIVE DUTY MEMBERS OF THE ARMED FORCES UNDER EXECUTIVE ORDER 13235.

(a) ACTIVE DUTY PROGRAM.—Notwithstanding section 3011(b) of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

(b) SELECTED RESERVE PROGRAM.—Notwithstanding section 3012(c) of such title, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

(c) TERMINATION OF ON-GOING REDUCTIONS IN BASIC PAY.—In the case of a covered member of the Armed Forces who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces before the date of the enactment of this Act and whose basic pay would, but for subsection (a) or (b) of this section, be subject to reduction under section 3011(b) or 3012(c) of such title for any month beginning on or after that date, the reduction of basic pay of such covered member of the Armed Forces under such section 3011(b) or 3012(c), as applicable, shall cease commencing with the first month beginning on or after that date.

(d) REFUND OF CONTRIBUTIONS.—(1) In the case of any covered member of the Armed Forces whose basic pay was reduced under section 3011(b) or 3012(c) of such title for any month beginning before the date of the enactment of this Act, the Secretary concerned shall pay to such covered member of the Armed Forces an amount equal to the aggregate amount of reductions of basic pay of such member of the Armed Forces under such section 3011(b) or 3012(c), as applicable, as of that date.

(2) Any amount paid to a covered member of the Armed Forces under paragraph (1) shall not be included in gross income under the Internal Revenue Code of 1986.

(3) Amounts for payments made by a Secretary concerned under paragraph (1) during fiscal year 2005 shall be derived from amounts made available for such fiscal year in an Act making supplemental appropriations for defense and the reconstruction of Iraq.

(4) In this subsection, the term "Secretary concerned" means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy or the Marine Corps;

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard.

(e) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term "covered member of the Armed Forces" means any individual who serves on active duty as a member of the Armed Forces during the period—

(1) beginning on November 16, 2001, the date of Executive Order 13235, relating to National Emergency Construction Authority; and

(2) ending on the termination date of the Executive order referred to in paragraph (1).

SEC. 569. OPPORTUNITY FOR INDIVIDUALS WHO SERVE AS ACTIVE DUTY MEMBERS OF THE ARMED FORCES UNDER EXECUTIVE ORDER 13235 TO WITHDRAW ELECTION NOT TO ENROLL IN MONTGOMERY GI BILL.

Section 3018 of title 38, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsection (d) and (e), respectively;

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Notwithstanding any other provision of this chapter, during the one-year period beginning on the date of the enactment of this subsection, an individual who—

"(A) serves on active duty as a member of the Armed Forces during the period beginning on November 16, 2001, and ending on the termination date of Executive Order 13235, relating to National Emergency Construction Authority; and

"(B) has served continuously on active duty without a break in service following the date the individual first becomes a member or first enters on active duty as a member of the Armed Forces,

shall have the opportunity, on such form as the Secretary of Defense shall prescribe, to withdraw an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive education assistance under this chapter.

"(2) An individual described paragraph (1) who made an election under section 3011(c)(1) or 3012(d)(1) of this title and who—

"(A) while serving on active duty during the one-year period beginning on the date of the enactment of this subsection makes a withdrawal of such election;

"(B) continues to serve the period of service which such individual was obligated to serve;

"(C) serves the obligated period of service described in subparagraph (B) or before completing such obligated period of service is described by subsection (b)(3)(B); and

"(D) meets the requirements set forth in paragraphs (4) and (5) of subsection (b),

is entitled to basic educational assistance under this chapter."; and

(3) in subsection (e), as so redesignated, by inserting "or (c)(2)(A)" after "(b)(1)".

SA 4306. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY RESERVES WHO SERVED ON ACTIVE DUTY FOR SIGNIFICANT PERIODS DURING THE GLOBAL WAR ON TERRORISM.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for the purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who, as a member of a reserve component of an armed force, served on active duty during a global war on terrorism service year under a provision of law referred to in section 101(a)(13)(B) of this title, the eligibility age for the purposes of subsection (a)(1) is reduced below 60 years of age by one year for each global war on terrorism service year during which such person so served on active duty for at least 90 consecutive days, subject to subparagraph (B).

"(B) The eligibility age may not be reduced below 55 years of age for any person under subparagraph (A).

"(C) In this paragraph, the term 'global war on terrorism service year' means—

"(i) the one-year period beginning on November 16, 2001, and ending on November 15, 2002; and

"(ii) each successive one-year period beginning on November 16 of a year.

(b) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of November 16, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

SA 4307. Mr. REID (for himself, Mr. BIDEN, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. NORTH KOREA.

(a) COORDINATOR OF POLICY ON NORTH KOREA.—

(1) APPOINTMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall appoint a senior presidential envoy to act as coordinator of United States policy on North Korea.

(2) DESIGNATION.—The individual appointed under paragraph (1) may be known as the "North Korea Policy Coordinator" (in this subsection referred to as the "Coordinator)".

(3) DUTIES.—The Coordinator shall—

(A) conduct a full and complete interagency review of United States policy toward North Korea;

(B) provide policy direction for negotiations with North Korea relating to nuclear weapons, ballistic missiles, and other security matters; and

(C) provide leadership for United States participation in Six Party Talks on the denuclearization of the Korean peninsula.

(4) REPORT.—Not later than 90 days after the date of the appointment of an individual as Coordinator under paragraph (1), the Coordinator shall submit to the President and Congress an unclassified report, with a classified annex if necessary, on the actions undertaken under paragraph (3). The report shall set forth—

(A) the results of the review under paragraph (3)(A); and

(B) any other matters on North Korea that the individual considers appropriate.

(b) REPORT ON NUCLEAR AND MISSILE PROGRAMS OF NORTH KOREA.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress an unclassified

report, with a classified annex as appropriate, on the nuclear program and the missile program of North Korea.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The most current national intelligence estimate on the nuclear program and the missile program of North Korea, and, consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments in the estimate.

(B) The most current unclassified United States Government assessment, stated as a range if necessary, of (i) the number of nuclear weapons possessed by North Korea and (ii) the amount of nuclear material suitable for weapons use produced by North Korea by plutonium reprocessing and uranium enrichment for each period as follows:

(I) Before October 1994.

(II) Between October 1994 and October 2002.

(III) Between October 2002 and the date of the submittal of the initial report under paragraph (1).

(IV) Each 12-month period after the submittal of the initial report under paragraph (1).

(C) Any other matter relating to the nuclear program or missile program of North Korea that the President considers appropriate.

SA 4308. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) IN GENERAL.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) EXPANSION TARGETS.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Crops is organized, the Secretaries of the military departments shall seek to organize unites at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

SA 4309. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 105. AMOUNT FOR PROCUREMENT OF HEMOSTATIC AGENTS FOR USE IN THE FIELD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that every member of the Armed Forces should carry life saving resources on them, including hemostatic agents.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized under section 104 for Defense-wide procurement, $20,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each soldier serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that MAJ Shannon Sentell, an Army congressional fellow serving in my office, be granted the privileges of the floor for the remainder of the debate on S. 2766.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 514, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 514) to authorize testimony and legal representation in City of Eugene v. Peter Vincent Chabarek.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony and representation in a criminal trespass action in Municipal Court in Eugene, OR. In this action, an antiwar protestor has been charged with criminally trespassing on the building housing Senator RON WYDEN's Eugene, OR, office on March 20, 2006, for refusing repeated requests by building management to leave the premises. A trial on the charge of trespass is scheduled to commence on June 20, 2006. The defendant has subpoenaed a member of the Senator's staff who had conversations with the defendant and other protestors before and during the charged events. The enclosed resolution would authorize that staff member to testify in connection with this action, with representation by the Senate legal counsel.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 514) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 514

Whereas, in the case of City of Eugene v. Peter Vincent Chabarek, Citation No. 06-05546, pending in Municipal Court for the City of Eugene, testimony has been requested from Juine Chada, an employee in the office of Senator Ron Wyden;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent an employee of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Juine Chada is authorized to testify in the case of City of Eugene v. Peter Vincent Chabarek, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Juine Chada in connection with the testimony authorized in section one of this resolution.

MEASURE READ THE FIRST TIME—S. 3534

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3534) to amend the Workforce Investment Act of 1998 to provide for a YouthBuild Program.

Mr. FRIST. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

RECORD TO REMAIN OPEN UNTIL 2 P.M. TODAY

Mr. FRIST. Mr. President, I ask unanimous consent that the RECORD remain open until 2 p.m. today for submission of statements only.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 19, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, June 19. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2766, the Defense authorization bill; further, that the previous order for executive session be changed so that at 4 p.m. on Monday, the Senate will proceed to executive session to consider the nomination of Sandra Ikuta; I ask unanimous consent that the time be equally divided as provided earlier, with the vote now occurring at 5 p.m., and that the remaining provisions of the order stay in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the first vote of the week will occur on Monday afternoon at 5:00. The vote is on a U.S. circuit judge nomination previously scheduled for 5:30. We have moved that up 30 minutes to 5 o'clock. We will extend the length of that vote slightly to allow for Members' arrival based on the previously ordered time.

Next week, we will continue to work through the amendments to the Defense authorization bill. Votes will be scheduled each day.

ADJOURNMENT UNTIL MONDAY, JUNE 19, 2006, AT 2 p.m.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:47 p.m., adjourned until Monday, June 19, 2006, at 2 p.m.

NOMINATIONS

Executive Nominations Received by the Senate June 16, 2006:

DEPARTMENT OF AGRICULTURE

NANCY MONTANEZ-JOHNER, OF NEBRASKA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES, VICE ERIC M. BOST.

COMMODITY FUTURES TRADING COMMISSION

MICHAEL V. DUNN, OF IOWA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING JUNE 19, 2011. (REAPPOINTMENT)

DEPARTMENT OF AGRICULTURE

NANCY MONTANEZ-JOHNER, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE ERIC M. BOST.

FEDERAL HOUSING FINANCE BOARD

GEOFFREY S. BACINO, OF ILLINOIS, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2013, VICE FRANZ S. LEICHTER, TERM EXPIRED.

DEPARTMENT OF STATE

THOMAS C. FOLEY, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MANFREDI PICCOLOMINI, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012, VICE ANDREW LADIS, TERM EXPIRED.

KENNETH R. WEINSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012, VICE DAVID HERTZ, TERM EXPIRED.

JAY WINIK, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012, VICE NATHAN O. HATCH, TERM EXPIRED.

JOSIAH BUNTING III, OF RHODE ISLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012, VICE WRIGHT L. LASSITER, JR., TERM EXPIRED.

WILFRED M. MCCLAY, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012. (REAPPOINTMENT)

ROBERT S. MARTIN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012, VICE JEFFREY D. WALLIN, TERM EXPIRED.

MARY HABECK, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012, VICE JAMES R. STONER, JR., TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

KARL HESS, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR THE REMAINDER OF THE TERM EXPIRING MAY 10, 2008, VICE DELORES M. ETTER, RESIGNED.

THOMAS N. TAYLOR, OF KANSAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2012, VICE DANIEL SIMBERLOFF, TERM EXPIRED.

RICHARD F. THOMPSON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2012, VICE MARK S. WRIGHTON, TERM EXPIRED.

MARK R. ABBOTT, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2012, VICE JANE LUBCHENCO, TERM EXPIRED.

CAMILLA PERSSON BENBOW, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2012, VICE WARREN M. WASHINGTON, TERM EXPIRED.

JOHN T. BRUER, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2012, VICE JOHN A. WHITE, JR., TERM EXPIRED.

PATRICIA D. GALLOWAY, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2012, VICE DIANA S. NATALICIO, TERM EXPIRED.

JOSE-MARIE GRIFFITHS, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2012, VICE NINA V. FEDOROFF, TERM EXPIRED.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES C. CHARLIFUE, OF COLORADO
CATHERINE M. TRUJILLO, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

KAREN LEE ANDERSON, OF MARYLAND
NOEL B. ANDERSON, OF VIRGINIA
SEAN EDWARD CALLAHAN, OF NEW YORK
JON M. CHASSON, OF FLORIDA
IDRIS M. DIAZ, OF THE DISTRICT OF COLUMBIA
ANDREW MARC HERSCOWITZ, OF CALIFORNIA
MAI L. HUANG, OF CALIFORNIA
MICHAEL HUTCHINSON, OF WASHINGTON
F. CATHERINE JOHNSON, OF PENNSYLVANIA
WILLIAM F. PENOYAR, OF VIRGINIA
ANNE MARIE YASTISHOCK, OF PENNSYLVANIA

DEPARTMENT OF STATE

BARBARA J. MARTIN, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

AGENCY FOR INTERNATIONAL DEVELOPMENT

ROLF RICHARD ANDERSON, OF NEW YORK
MICHAEL BLACKMAN, OF FLORIDA
ALEXANDER V. BOND, OF TEXAS
STEPHEN M. BRAGER, OF MARYLAND
CAROLINE B. BREARLEY, OF VIRGINIA
BRIAN L. CARNEY, OF FLORIDA
COURTNEY L. CHUBB, OF FLORIDA
DAVID JAMES CONSIGNY, OF WISCONSIN
CHRISTOPHER M. CUSHING, OF MASSACHUSETTS
ROBERT E. DAVIDSON, OF NEW YORK
REGINA R. DENNIS, OF MISSOURI
BARBARA J. DICKERSON, OF MARYLAND
ANNE MARGARET DIX, OF MARYLAND
LAWRENCE W. DOLAN, OF NEW JERSEY
JOHN LAURENCE DUNLOP, OF NEW JERSEY
RAMONA MARTINA MULLER EL HAMZAOUI, OF NEW HAMPSHIRE
MARGARET ELIZABETH ENIS, OF OKLAHOMA
MERVYN ANTHONY FARROE, OF FLORIDA
JEANNIE FRIEDMANN, OF CALIFORNIA
LUIS FERNANDO GARCIA, OF FLORIDA
NANCY GODFREY, OF FLORIDA
ANN HIRSCHEY, OF NEW YORK
MELINDA HOBBS, OF MISSOURI
GWENETH HUGHES, OF GEORGIA
PAUL R. KOLSTAD, OF VIRGINIA
YVES KORE, OF MISSISSIPPI
JEFFREY LEHRER, OF NEW JERSEY
ANDREW LEVIN, OF VIRGINIA
JEFFREY R. LEVINE, OF VIRGINIA
DALE D. LEWIS, OF FLORIDA
JENNIFER M. LINK, OF ILLINOIS
KURT P. LOW, OF TEXAS
MANUEL MARROQUIN, OF FLORIDA
JOSEPH T. MCGEE, OF FLORIDA
J. MICHAEL NEHRBASS, OF WASHINGTON
VAN N. NGUYEN, OF TEXAS
CRISTINA AUSTRIA OLIVE, OF FLORIDA
KATHRYN J. PANTHER, OF VIRGINIA
LYNE PAQUETTE, OF FLORIDA
JOHN A. PENNELL, OF FLORIDA
ANDREW K. POSACKI, OF FLORIDA
MARGARET KATE SANCHO-MORRIS, OF PENNSYLVANIA
JOHN MORRIS STAMM, OF OHIO
LOREN O. STODDARD, OF UTAH
TANYA SUZANNA URQUIETA, OF TEXAS
LYNN NORTHCUTT VEGA, OF TEXAS
VIRGINIA KAY WADDELL, OF TEXAS
SAIMING T. WAN, OF CALIFORNIA
LISA Y. WHITLEY, OF THE DISTRICT OF COLUMBIA
JAMES S. WRIGHT, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DARION K. AKINS, OF TEXAS
JOHN C. KELLEY, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

SARAH C. ELLERMAN, OF KANSAS
ROBIN KESSLER, OF OHIO
JAMES E. SITTON, OF FLORIDA

DEPARTMENT OF STATE

JAMES M. ACUNA, OF MARYLAND
MONA LAKHAL AINSWORTH, OF THE DISTRICT OF COLUMBIA
SUSAN MARIE ALEXANDER, OF VIRGINIA
ANA M. AMANS, OF VIRGINIA
GILLIAN R. APFEL, OF WASHINGTON
TARO BERNARD ARAI, OF MARYLAND
AMBER AURA, OF CALIFORNIA
LILA BLAKELY BANDY, OF VIRGINIA
JEREMY K. BARNUM, OF UTAH
DAVIDA A. BAXTER, OF VIRGINIA
AMITABHA BHOUMIK, OF VIRGINIA
BRENT LYLE BIGHAM, OF VIRGINIA
EMILY M. BISHOP, OF VIRGINIA
CHRISTINA LYNCH BOBROW, OF MARYLAND
MONICA ALEXANDRA BODUSZYNSKI, OF CALIFORNIA
MATT BONAIUTO, OF THE DISTRICT OF COLUMBIA
MANOELA GUIDORIZZI BORGES, OF THE DISTRICT OF COLUMBIA
KRISTEN M. BRADLEY, OF TEXAS
RANDALL BROWN, OF VIRGINIA
ANDREW WESLEY BROWNE, OF VIRGINIA
MARK W. BURT, OF VIRGINIA
JAMIE J. BYRD, OF VIRGINIA
HOWARD MATTHEW CAMERON, OF VIRGINIA
DOLORES CANAVAN, OF VIRGINIA
CATHERINE W. CARLETON, OF VIRGINIA

LAURA CHAMBERLIN, OF NEW MEXICO
LAUREN C.W. CHARWAT, OF VIRGINIA
KENNETH A. COCHRANE, OF VIRGINIA
NILES COLE, OF NEW YORK
STACY L. COMP, OF SOUTH DAKOTA
DAVID J. CONK, OF VIRGINIA
JERWAYNE DENNARD COOK, OF VIRGINIA
LESLIE KAY DAVIDSON, OF VIRGINIA
CYNTHIA DAY, OF TEXAS
JENNIFER FINNEY DUGMORE, OF VIRGINIA
SONJA W. EALEY, OF VIRGINIA
DANEAN F. EGAN, OF VIRGINIA
LULZIME ELMAZI, OF VIRGINIA
JASON DANIEL EVANS, OF VIRGINIA
RON FIE'EIKI, OF VIRGINIA
TERRY T. FINNECY, OF MARYLAND
MATTHEW BRENDAN FLACK, OF VIRGINIA
MICHAEL J. FLAHERTY, OF MARYLAND
DAVID E. FLIEG, OF VIRGINIA
KRISTI L. FLIS, OF VIRGINIA
ROBERT EMMETT FORD, OF VIRGINIA
JAMES T. GALLAGHER, OF VIRGINIA
LAUREN A. GARTMAN, OF SOUTH CAROLINA
JESSICA GAYLOR, OF THE DISTRICT OF COLUMBIA
PAUL W. GEARY, OF VIRGINIA
BETH W. GOLDBERG, OF MARYLAND
MEGAN ALANNA GOODFELLOW, OF VIRGINIA
CHARLES R. GOODMAN III, OF FLORIDA
JESSICA ELAINE GUPTA, OF VIRGINIA
ANGELA J. HAGER, OF VIRGINIA
MATTHEW CURTIS HALL, OF THE DISTRICT OF COLUMBIA
BENJAMIN C. HARRIS, OF VIRGINIA
ANDREW MICHAEL HARTSOG, OF FLORIDA
AARON B. HAWKINS, OF MARYLAND
KAREN E. HEIMSOTH, OF ILLINOIS
LISE JEAN HERBERT, OF VIRGINIA
REBECCA JOY HESTER, OF THE DISTRICT OF COLUMBIA
ERIC HEYDEN, OF TENNESSEE
THOMAS C. HILLEARY, OF VIRGINIA
DARCIE A. HOFFMAN, OF VIRGINIA
NAWANA S. HOLT, OF GEORGIA
MICHAEL D. HORTON, OF VIRGINIA
STEPHEN FRANK INGRAM, OF VIRGINIA
DAVID ALLAN JOHNSON, OF VIRGINIA
GAIL R. JOHNSON, OF VIRGINIA
DOUGLAS E. JOHNSTON, OF MASSACHUSETTS
NATHAN A. JONES, OF UTAH
JOHN C. KASTNING, OF NEBRASKA
JOHN G. KERSHAW, OF PENNSYLVANIA
BENJAMIN L. KESSLER, OF VIRGINIA
SOFIA MARIAM KHILJI, OF VIRGINIA
JIYOON KIM, OF VIRGINIA
BRIAN JAMES KLOETZEL, OF VIRGINIA
MICHELLE K. KOOP, OF VIRGINIA
ROBYN KIM LABBE, OF VIRGINIA
MICHAEL J. LACOMBE, OF VIRGINIA
R. NICHOLAS LARSEN, OF UTAH
CHRISTINE E. LEE, OF VIRGINIA
TI-YING LEE, OF VIRGINIA
GREGORY MICHAEL LEHMAN, OF THE DISTRICT OF COLUMBIA
HEIDI R. LIN, OF FLORIDA
ELIZABETH C. LINDER, OF VIRGINIA
THOMAS K. LIPPMANN, OF VIRGINIA
TISHA R. LOEPER-VITI, OF THE DISTRICT OF COLUMBIA
MARY JO A. LONG, OF VIRGINIA
AMY L. LORENZEN, OF SOUTH DAKOTA
DARIO N. LORENZETTI, OF VIRGINIA
HERBERT GORDON MACKAY, OF VIRGINIA
BRETT ALAN MAKENS, OF MICHIGAN
JOSEPH R. MARTELLO, OF VIRGINIA
ABRAMO MASTROIANNI, OF VIRGINIA
DOUGLAS J. MATHEWS, OF VIRGINIA
JEFFREY RYAN MILES, OF PENNSYLVANIA
CATHERINE CONNELL MCSHERRY, OF FLORIDA
JAMES F. MONTGOMERY, OF VIRGINIA
DEWEY E. MOORE, JR., OF VIRGINIA
DENISE MICHELE MORAGA, OF VIRGINIA
ROBIN K. MOSER, OF VIRGINIA
SUPRANORM MULVEY, OF VIRGINIA
ANGELA LOUISE NEAL, OF MARYLAND
DATHANH T. NGUYEN, OF VIRGINIA
MBALLE M. NKEMBE, OF PENNSYLVANIA
MIRIAM NOVIK, OF MARYLAND
ANDREW MICHAEL NOZNESKY, OF THE DISTRICT OF COLUMBIA
MAUREEN A. O'NEILL, OF CALIFORNIA
MATTHEW LANG OSBORNE, OF VIRGINIA
ALICE N. PATERAS, OF FLORIDA
JOAN D. PATTERSON, OF UTAH
EMILY S. PETERS, OF VIRGINIA
CRAIG T. PIKE, OF VIRGINIA
CHRISTOPHER G. PIXLEY, OF NEW HAMPSHIRE
LORI B. PORTER, OF MARYLAND
NADA N. PROUTY, OF VIRGINIA
MICHAEL P. RAHILL, OF VIRGINIA
LISA BETH RAYMOND, OF MARYLAND
GREGORY L. ROBERTS, OF VIRGINIA
RICHARD MILLER ROBERTS, OF TEXAS
THERON P. ROBISON, OF VIRGINIA
HEATHER MARIE ROGERS, OF MINNESOTA
ZACHARIAH L. ROLLINS, OF VIRGINIA
EMILY VICTORIA RONEK, OF NEW YORK
WAYNE M. ROSEN, OF VIRGINIA
MARK T. RYNIAK, OF VIRGINIA
BRIAN J. SALVERSON, OF CALIFORNIA
THOMAS MICHAEL SCHMIDT, OF MISSOURI
WAYNE D. SCHMIDT, OF IDAHO
LEO A. SERVELLO, OF VIRGINIA
GREGORY M. SHAFFER, OF VIRGINIA
TRACY L. SHOLES, OF MARYLAND
MIMI L. SMITH, OF FLORIDA
TRISTAN M. SPICELAND, OF WASHINGTON
KIMBERLY L. STERGULZ, OF VIRGINIA
DAVID J. STRASHNOY, OF CALIFORNIA
TODD STRUMKE, OF THE DISTRICT OF COLUMBIA
ANDREA R. TALLEY, OF TEXAS
MAURA L. TIERNEY, OF THE DISTRICT OF COLUMBIA
WILLIAM R. UDELL, OF THE DISTRICT OF COLUMBIA
KURT WESTON UPDEGRAFF, OF VIRGINIA
BRIAN J. WEISS, OF VIRGINIA
JENNIFER A. WHITE, OF THE DISTRICT OF COLUMBIA
MARINA S. WHITE, OF MARYLAND
CAROL F. WILLIAMS, OF VIRGINIA
JENNIFER LEIGH WILLIAMS, OF TEXAS
PETER M. WILLIS, OF VIRGINIA
BROCK DANIEL WILSON, OF VIRGINIA
SUSAN ELIZABETH WILSON, OF ILLINOIS
PETER YOON, OF VIRGINIA

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

HEATHER ANN SCHILDGE, OF VIRGINIA

DEPARTMENT OF THE TREASURY

BARBARA MATTHEWS, OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MAURICE L. MCFANN, JR., 9309

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. SILVA, 8763

HOUSE OF REPRESENTATIVES—*Friday, June 16, 2006*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. GILLMOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 16, 2006.

I hereby appoint the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As one Nation, indivisible, constant in vigilance, seeking liberty and justice for all, we place all our fears, anxieties, problems and concerns under Your protection, Almighty God.

As we pray for our troops, first responders in times of emergency, peacekeepers and all who fight the war against terrorism, this Chamber also seeks your guidance in all decisionmaking that we may prove ourselves worthy of their noble sacrifice.

Motivated by their bravery and willingness to shed their blood for our life and liberty as a Nation, we ask what is it You require of us that we may become the virtuous people responsible to uphold the sound principles that brought this country into being?

May law and order not only be the words echoed in the halls of government and the courts of this land, but let us give firm evidence to our promise to uphold the Constitution of this Nation by deeds. May goodness flow from the way we live. May integrity be found in the common practice of business and in the daily discourse of our people.

Lord, finally, awakened from our indifference to violence, evil and poverty, may we be a people truthful in our words and committed only to those actions which exhibit justice and lead to peace, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches on each side.

STREET TERRORIST STRIKES AGAIN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, a self-claimed sadistic pervert, Jerry Inman, is branded with tattoos of skulls, daggers, bats and the pentagram, the symbol of hell. The two-time convicted sex offender, after serving time in two southern States for several rapes, kidnappings and robberies, has been released and has struck again.

He recreated hell for 20-year-old Clemson University student Tiffany Souers. He stalked her, and in the shroud of darkness of the night, he broke into her apartment, strangled her, raped her and then murdered her. This devil of the South should not even have been in South Carolina, but the good behavior got him released from another State prison.

Mr. Speaker, rapists try to steal the very souls of their victims. Then they steal their lives. And as we fight the global war on terror, we need to fight the street terrorists in America. Repeat rapists are never cured. We cannot say they are misunderstood or need therapy or counseling, because some are just evil, and if we do not lock them up indefinitely, then it seems that outlaws like Inman are wasting good air breathing.

And that's just the way it is.

LEAVE IRAQ NOW

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. While soldiers are killing insurgents, insurgents are killing our soldiers. Iraq's Prime Minister is said to have considered amnesty for the growing number of insurgents, quote, as long as their hands weren't stained by Iraqi blood.

This kind of talk will only encourage more aggression against U.S. troops, more U.S. casualties, more U.S. deaths. Our soldiers are sitting ducks in a shooting gallery. If we really cared about them, we would bring them home.

Iraq's leaders will ultimately seek peace and reconciliation with its diverse armed groups through renouncing U.S. presence. Yet we are building permanent bases there.

It is time for our Nation to seek truth and reconciliation over 9/11 and the war in Iraq. Otherwise our national agenda will continue to be held captive in Iraq.

The Bible says, "Ye shall know the truth and the truth shall set you free". The truth is, Iraq had nothing to do with 9/11, did not have weapons of mass destruction. The truth is that in the name of fighting terrorism, we are creating more terrorists.

"Ye shall know the truth, and the truth shall set you free." We must free ourselves from this war. We must reconcile with those who wrongly took us into Iraq. We must seek the truth.

FISCAL DISCIPLINE IS DRIVING DOWN THE DEFICIT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, House Republicans have been working hard to exercise fiscal restraint and keep taxes low. These pro-growth policies are not only helping our economy grow at a fiery pace, they are helping drive down the Federal budget deficit as well.

This past Tuesday, the Wall Street Journal published a story I would like to quote. "Surging individual and corporate income tax receipts in May continued to help the Federal Government shrink the budget deficit to $227 billion for the first eight months of the fiscal year, down 16.6 percent from the same period a year earlier. To date, much of the deficit reduction stems from taxes being paid by corporations, which are seeing increased profits, and from high-income individuals, who are paying taxes on capital gains."

Mr. Speaker, fiscal restraint and tax relief is boosting the economy and increasing tax revenues. The Treasury Department predicts that if these Republican-led trends continue, we will

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cut the Federal deficit in half well before President Bush's goal of 2009.

BOGUS RESOLUTION ON IRAQ

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, Republican leaders say that this unamendable, nonbinding, purely oratory resolution crafted behind closed doors is a referendum on the war on terror. And it is, but not in the way they characterize it.

It is a blanket endorsement of the failed policies, of the diversion of troops and resources from Afghanistan, and the effort to eradicate the Taliban, al Qaeda and Osama bin Laden. Remember him, the leader of the 9/11 plot? We have not heard much about Osama bin Laden. He is still out there.

It is about the redirection of the bulk of our military intelligence efforts to an unnecessary, preemptive war against the bloody, loathsome dictator who did not have weapons of mass destruction, was not involved in 9/11, was contained, and no direct threat to the United States.

Secretary Rumsfeld, Vice President CHENEY said we would be in and out of Iraq in 90 days. Three years, 3 months later, 2,500 dead, we are still there in the middle of a civil war.

A vote for this resolution is a vote to stay the course, unconditionally, indefinitely in Iraq, and leave our troops in the middle of that war. You should not support it. If you want to lead our troops out of the middle of a civil war in Iraq, redeploy and redirect these efforts to a more productive use of our Nation's resources and put an end to al Qaeda and the Taliban once and for all.

VICTORY IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today is another significant day in the global war on terrorism, as the House will adopt the resolution supporting our troops to achieve victory over terrorism, to protect American families.

I know firsthand of the capabilities and competence of our troops, as a veteran with 31 years, service with the Army Reserves and National Guard. As a member of the Armed Services Committee, I have visited our troops eight times in Kuwait, Iraq and Afghanistan. I know especially firsthand of the progress from my oldest son, who served with the National Guard for a year in Iraq, and this year I will have four sons in the military keeping me informed.

Today we can join with the Senate's 93–6 vote for success in Iraq, and I urge my colleagues to put aside partisanship to stand with our troops promoting freedom.

I want to especially commend Chairman HENRY HYDE for the clarity and vision of the resolution. As cochairman of the Victory in Iraq Caucus, I believe our choice is to defeat terrorism overseas, or we will face them again on the streets of America.

The only way to achieve peace is through victory. In conclusion, God bless our troops, and we will never forget September 11.

CONSOLIDATION OF STUDENT LOANS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Republican leadership is doing nothing to help with rising college education costs. The average cost for 4 years in college at a State university is now over $40,000, and the cost to attend a private university now tops $107,000.

These massive costs are far too much for many families to cover. Republicans have limited the availability of student aid, and both students and their parents are forced to take on huge loans in order to earn their college degree.

In fact, the average college senior is graduating this year with more than $17,000 in student debt. Another problem looms for them, however, if they do not consolidate their loans before July 1st. That is when interest rates will nearly double on their Federal student loans.

Mr. Speaker, to avoid dramatic hikes in interest rates and to lock in rates as low as 4.75 percent, I strongly encourage students and graduates to consolidate their Federal loan payments before July 1. Consolidating your loans could save you thousands of dollars over the next decade.

□ 0915

SUPPORT OUR TROOPS AND THE GLOBAL WAR ON TERROR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I had the privilege of visiting our troops in Iraq last month. I asked General Casey, the commander of our troops, how the political carping in Washington affected the troops. He responded, It doesn't really affect the troops so much, but it really grates on their families back home.

During Vietnam, I will never forget, as a young Air Force officer flying combat, how much we despised the politicians in Washington who were undermining the war effort. We visited the Iraqi leaders and Prime Minister al Maliki said, Welcome to a free and democratic Iraq. He said, Please tell the American people of our deep gratitude for the sacrifices that your sons and daughters have made to give us our freedom. He said, Please finish the job. Don't abandon us. Don't go backward.

Mr. Speaker, I don't question the patriotism of our opponents in this manner, just their judgment. The cause of freedom is too important to quit. The world and the terrorists are watching. Let's not lose our resolve.

GLOBAL WAR NOT WORTH THE COST

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the full day's debate yesterday was of no consequence because the premise of the resolution before us is a false one. It suggests that the goal of a secure, stable, and unified Iraq is an achievable one. It is not.

Iraq has always been a failed state because it was created artificially by the British to serve the British interest, not the Iraqi's interest. The fact is, when you have no tradition of civil institutions at the local level, the only way that a country can be governed is by a brutal secular dictator or by a repressive religious theocracy, and neither of those options is going to be in America's interest, certainly not the pro-American liberal democracy that we have talked about.

Neither of those options, most importantly, will be worth the cost of the thousands more of American men and women who will lose their lives, the tens of thousands who will be seriously wounded or the hundreds of billions of dollars that we will have to borrow to finance this war. This resolution is not in America's interest, and it should be defeated.

HONORING MATT MAUPIN

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute.)

Mrs. SCHMIDT. Mr. Speaker, as we focus on the global war on terror, I am reminded of the brave actions of our military, including Matt Maupin, the only soldier missing and captured in Iraq on April 9, 2004.

Matt and his family live in my district. His parents, Keith and Carolyn Maupin, continue to support our military through their yellow ribbon campaign, sending literally thousands of boxes of food and other items to Iraq and Afghanistan for our brave men and women.

Please continue to pray for Matt and all who are fighting for us.

DECLARING THAT THE UNITED STATES WILL PREVAIL IN THE GLOBAL WAR ON TERROR

The SPEAKER pro tempore. Pursuant to House Resolution 868, proceedings will now resume on the resolution (H. Res. 861) declaring that the United States will prevail in the Global War on Terror, the struggle to protect freedom from the terrorist adversary.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. When proceedings were postponed on Thursday, June 15, 2006, 61 minutes of debate remained on the resolution.

The Committee on International Relations has 2 minutes remaining, the Committee on Armed Services has 5½ minutes remaining, the Committee on the Judiciary has 23 minutes remaining, and the minority leader's designee has 30½ minutes remaining.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield the remainder of our time to the gentleman from Pennsylvania (Mr. GERLACH) with whom I had the honor of visiting our troops in Afghanistan and Iraq, the front line of the war on terror.

Mr. GERLACH. I thank the gentlewoman from Florida.

Mr. Speaker, I think most of us understand we must succeed in Iraq if we are to win this global war on terror. Like any war, we may not want to be there, but now we must successfully complete the task before us.

It is not and will not be easy. But as one said, there is no substitute for victory. We must prevail. But at the same time, we also need to make it undeniably clear to the Iraqi Government that our patience and support are not blank checks that can be cashed with American lives and tax dollars ad infinitum.

To do that properly and effectively, it is imperative that the Congress do its job to proactively and comprehensively evaluate the current level of progress of the Iraqi Government and clearly report its findings on an ongoing basis to the American people.

By doing so, we would be firmly pushing the Iraqis themselves to continue their efforts to stand up and take charge of their destiny. The American people are looking to us to answer their questions on how much progress is being made, what are the Iraqis themselves willing to do to fight for their freedom, and when will the men and women come home.

For this very reason, I recently introduced a resolution calling on certain House and Senate committees to evaluate and issue specific findings and conclusions on the progress of the Iraqi Government to take over operational control to maintain proper civil order, to foster economic growth and self-sufficiency and preserve the Iraqi people's freedoms as set forth in their Constitution.

It is my firm belief that if this fact-finding and reporting process is undertaken, it will set the stage for further evaluation and consensus-building both inside and outside of Congress on our role in Iraq and will go a long way to ensure that our future involvement there continues to be the right policy, both for Iraq and America.

Mr. MURTHA. I yield 4 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, as a member of the Armed Services Committee, through the years I have had the opportunity to visit and watch those in uniform as they trained, as they sailed aboard ship. I have visited with them in difficult places through the years, most recently in Iraq and Afghanistan. I must tell you how immensely proud I am of those young men and young women who wear the uniform of the United States.

We asked for a debate on the issue of Iraq. We were led to believe that we would be debating and discussing at length the issue of Iraq. Then the resolution was put forward for us, which we are discussing today, which is a shotgun blast all across the Middle East and its problems and terrorism, and a footnote is Iran.

So we should be discussing the future of our young people as they proceed in Iraq, not everywhere else, because the issue we thought was before us was that. I must tell you that I take a back seat to no one in providing for the troops, the young people in uniform and their families, because their families are so very, very important. Having members of my family in uniform, I understand the importance thereof.

Sadly, this is not about Iraq. Last year this Congress drafted, and the President signed into law, words that said calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq.

That is what we should be discussing. It should be narrow, intellectual discussion, a serious discussion about that country and its future, full sovereignty transition to their government and how it is being stood up, how their security forces and Iraqi police forces are being stood up, and how we are training them and also creating conditions for the phased redeployment of American forces from that country.

That is the law of the land, signed by the President, passed by this Congress. That is in conflict with the resolution before us. As we say back home, they have done gee and haw together very well. But the law of the land is what we should be discussing today and all the parts thereof.

But what concerns me most of all is at the end of the day, what about the future of our military? Our forces will come out of this effort seriously strained, both in personnel and in equipment. The equipment in Iraq is wearing out two to nine times the peace time rate. Some equipment has added as much as 27 years' worth of wear and tear in the last 3 years in Iraq. We must continue to fund defense requirements to meet unpredictable future security needs.

Mr. COBLE. Mr. Speaker, after I recognize the distinguished gentleman from Virginia, I ask unanimous consent that the distinguished gentleman from California (Mr. DANIEL E. LUNGREN), who sits on the Judiciary Committee, be allowed to control the remaining time on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I am now pleased to recognize for 3 minutes the distinguished gentleman from Virginia (Mr. GOODLATTE) who chairs the House Agriculture Committee and who sits on the House Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, just over 3 years ago the world watched as a treacherous tyrant disregarded United Nations resolutions and burrowed into the bunkers of Baghdad. Within a short period of time, coalition forces dismantled Saddam Hussein's regime, which was built on fear, murders, assassinations, torture and lies. And today this despotic dictator stands on trial before the Iraqi people in a courtroom that is a stone's throw from his prison cell.

While insurgents and terrorists continue their attempts to dismantle the progress that the Iraqi people have made, our resolution to see a free Iraq must remain as strong as ever. Iraqis have also demonstrated their commitment to rebuilding their nation from the ashes of tyranny by their overwhelming participation in three democratic elections.

On the eve of completion of Iraq's democratically elected government, coalition forces and Iraqi police tracked down and killed the man Osama bin Laden referred to as the prince of al Qaeda in Iraq, Abu Musab al Zarqawi. Zarqawi led one of the bloodiest insurgent groups in Iraq in a bloody campaign of shootings, bombings beheadings and kidnappings aimed at derailing democracy in Iraq.

America is the world's leader in laying the foundations for freedom and future peace. We have stood for the spread of democracy around the world. We believe in it and have stood for it, not only for ourselves, for Europeans, Latin Americans, Asians and Africans. We have stood for it in the Middle East for the Israelis and now for Arabs in the wider Muslim world, in Afghanistan and in Iraq.

With our leadership ideals that have inspired our history, freedom, democracy and human dignity are increasingly inspiring individuals in nations throughout the world, because free nations tend toward peace. The advance of liberty will make America more secure.

Americans have felt the sting of the terrorist threat on our own soil, and we must make clear that we are dedicated to preventing any future attacks by tracking and eliminating terrorist threats. America is more secure today, thanks to the brave men and women of our Armed Forces whose dedication, patriotism and bravery are helping advance freedom and democracy in Iraq and around the world.

President Bush said it best while speaking to our troops during his recent visit to Iraq: this is a moment, this is a time where the world can turn one way or the other, where the world can be a better place or a more dangerous place. The United States of America and citizens such as yourselves are dedicated to making sure that the world we leave behind is a better place for all. Support freedom, support peace, support our troops, support this resolution.

□ 0930

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE) for a unanimous consent request.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I rise today to add my voice to the debate on this resolution on Iraq. I will vote for House Resolution 861 because I strongly support our troops.

Mr. Speaker, I recently returned from Iraq, which was my second trip to that war zone. I am tremendously proud of all the men and women serving there, especially all the North Carolinians who have served and continue to serve there. I am pleased that we have made progress in training the Iraqi military to begin to provide for that country's security needs. Unfortunately, there is a great deal of work to be done to train Iraqi police, government and other civil institutions that are critical to a stable and functioning society. There is a long way to go to make Iraq a sustainable, peaceful country, and the administration must change course to build coalitions with our allies and all peaceful nations of the world to cooperate in rebuilding Iraq.

Although I strongly support our troops, I have serious concerns about the administration's current policies regarding Iraq. I believe the ultimate goal must be victory in Iraq. We need more burden-sharing support from other countries because the whole world has a tremendous stake in a stable Iraq and a peaceful Middle East. The administration must do a better job of providing for our soldiers in the field and our veterans and military families here at home. Specifically, the communities surrounding Fort Bragg in my district need more Federal funds to build new schools to meet the needs of the children of our servicemembers. I have voted every time to approve the funds to rebuild Iraq, but if we can spend billions of American tax dollars on building new roads, water treatment plants and schools in Iraq, we can invest some public resources in our urgent infrastructure needs here at home.

Congress has played a critical role in issues like providing armor for our troops and their vehicles, improving pay and incentives for better recruitment and retention of our troops and care for their families and creating the Homeland Security Department to protect our people from the threat of terrorist attack. I call on Congress to reject the administration's proposed cuts to our vital National Guard, and I will continue to work on the U.S. House Committee on Homeland Security to support our first responders who keep our people safe.

I will vote for this resolution because I support our troops, but I have serious concerns both with certain provisions in the resolution and the administration's approach to Iraq. Specifically, the resolution states support for the goal of a "unified Iraq." I do not believe that the Congress should dictate the contours of the map of the Middle East. As long as they do so in a peaceful manner, the Iraqi people should be free to decide whether or not unity, confederation or independence is the best form of government to meet their needs. And the administration's failed approach of going it alone and refusing to hold high level officials accountable for clear mistakes must end. Stubbornness is not a strategy and slogans will not win this conflict.

Let me state clearly that last week's elimination of terrorist leader Abu Musab Al Zarqawi by American special forces is an important accomplishment. I commend our military personnel who carried out the operation. This success points out the importance of human intelligence methods and demonstrates the usefulness of offering awards of large sums of money for information on America's enemies. This success stands in sharp contrast to the administration's continued failure to find Osama bin Laden. We should immediately double the bounty on bin Laden and continue to increase it at regular intervals until the terrorist mastermind is defeated.

Finally, Mr. Speaker, I regret the partisan manner in which this resolution has been brought to this floor, which my North Carolina colleague Republican Congressman WALTER JONES has rightly termed "a charade." From the very beginning, the Bush White House and Republican congressional leadership have exploited the Iraq war for partisan gain. I believe the blood of our soldiers should be off limits for political gamesmanship, and with more than 20,000 American soldiers killed or wounded in Iraq, the American people deserve better than petty politics on this issue.

I will vote for this resolution because I support our troops, but we can do so much better.

Mr. MURTHA. Mr. Speaker, I yield myself as much time as I may consume.

I want to go over a couple of things here that some of it was talked about yesterday and I said we need a plan. We also need a change of direction.

Now, why do I say we need a change of direction? A number of people brought up Beirut. I remember being on the floor, and the Speaker of the House asked me to go to Beirut after the President had deployed 1,400 troops to Beirut. Go over to Beirut, see what is going on. I did.

A friend of mine who had been in Vietnam with me was there, the commanding officer, and the rules we engaged in were very loose. Only had 1,400 people, did not even have people on the high ground to protect themselves. They were shooting down at the Marines down in the valley.

I came back and I told the President, I told Weinberger, I told Tip O'Neill, you have got to get them out of there. They did not. 241 Marines were killed.

The President saw it was a mistake; he changed direction. One thing about President Reagan, he understood when to change. He understood when you change direction. He had one of the biggest tax cuts in the history of Congress, and then he had one of the biggest tax increases. People forget he had a tax increase because he wanted to change direction.

He changed directions in Central America. I supported him. They burned me in effigy back at home because I supported Reagan all through the Central American thing, but we came to compromise in the end, and he saw we had to change direction and he did.

What I am saying today, Somalia, I told President Bush I, do not go into Somalia because if you go into Somalia you will not be able to get out. He said to me, I will have them out by inauguration day. He had lost the election by that time. He went in after the election was over, and he said, I will have them out by inauguration day. Well, he did not get them all out by inauguration day, and we changed direction there. We changed direction in the wrong direction. We went after Adide, who was a tribal leader. We sent in special forces. They bungled the thing. They fired the Secretary of Defense. They had accountability, and President Clinton changed direction. We redeployed.

So these are not times to criticize Presidents. This is something that needed to be done.

Now, we are in the same position here. Iraqi civilian deaths, 2003, 250; Iraqi civilian deaths in 2006, 1,500 a month. Went from we are there, we are not someplace else, we are there, and that is how many deaths. Iraqi kidnappings per day, 2003, two; today, there is 35 a day, 35 a day. U.S. troop fatalities, there were 37 in May of 2003; in May of 2006, 68. We are there. We are there as occupiers in Iraq. Iraqi Army police fatalities were 10 in 2003; 149 in May of this year.

Now, this is not progress. We are on the ground with 138,000 troops. The number of estimated insurgents, and I do not know how they find out who they are, but he said there is 3,000, Mr.

Speaker, in May of 2003. There is now 20,000 insurgents. Now why did that come about? Because they look at us as occupiers.

Only the Iraqis can solve this problem. The United States cannot solve the problem as a foreign occupier, and our troops are caught in between a civil war.

Daily attacks by insurgents, 2003, there were five per day; today, there is 90. Monthly incidents of sectarian violence, you want to know what sectarian violence is? Sectarian violence is civil war. May 2003, 5; May of 2006, 250. We are there. We are there in the country, and it has increased from 5 to 250.

So do not tell me stay the course is the answer. We need a change in direction. We need to assess this situation and change. All of us want the same solution. We want a stable Middle East. It is important not only to the United States; it is important to the international community.

Bush I worked with the international community, and he got a coalition together, and it was successful, and he knew the limitations of what he could do. He did not go into Iraq, even though there were some zealots who wanted to go into Iraq. He knew, and he said in his book, If I go into Iraq, I will have to occupy it, I will have to reconstruct it, and I will lose the coalition. So he did not go into Iraq, and he was absolutely right. I supported him at the time, even though a lot of people had said they did not support what he was doing.

Somebody yesterday said, oh, you cannot measure the amount of water they have per day, that does not mean anything, the amount of electricity. Let me tell you something. I was without electricity for 8 hours last winter. It is not pleasant. I was cold. Now, it does not get that cold in Iraq, but I was without it for 8 hours and the house got cold. I thought to myself, in Iraq, they only have sometimes 8 to 10 hours of electricity a day. Water, they have 1 hour of water.

There is less oil production than before. Deputy Secretary Wolfowitz said we are going to pay for this with the oil production. Well, it has fallen far short of that. I think the OMB chairman, I think he at the time predicted this war would cost maybe $50 billion, and Wolfowitz said it would cost nothing because they would pay for it. Well, right now we have spent $450 billion. The longer we stay, the more we pay, in lives, in hurt to the families, the more we pay in financial resources.

It took us 15 years to get over the Vietnam War. We had 18 percent interest rates. We had 13 percent unemployment. Through the Reagan administration the Federal Reserve had to increase rates to 21 percent. I remember because at the time I was trying to buy a house. I remember trying to buy it at first, and I said 7 percent, I am not going to pay 7 percent. It went up to 21 percent. So we suffered because it was guns and butter. Here it is the tax cuts and troops in the field paying for the war.

So stay and pay is not a solution. I say redeploy and be ready. Get our troops out of harm's way and put them on the periphery and let the Iraqis settle this themselves. Only the Iraqis can settle this, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself 15 seconds just to say I do not dispute the figure given by the gentleman from Pennsylvania. I dispute his logic.

I question the cause-and-effect relationship. Our presence has not created terrorists. Terrorists were around much before that. In the instance he cited with previous Presidents, yes, they did react, but obviously the totality of their reaction did not stop terrorism. We have a different plan, a different approach. That is what this President is following.

Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE), a member of the Judiciary Committee.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this resolution and commend the Republican leadership of the House of Representatives for facilitating this extraordinary debate over the war on terror and our military efforts in Iraq.

I have made three trips to Iraq over the last 3 years. I have led delegations to Baghdad, Basra, Ramadi, Balad and Mosul, and I have two messages to contribute to this discussion.

In the course of those trips, I have met with our soldiers in mess halls. I have flown in the belly of C–130s. I have talked with soldiers far away from anyone with any brass on their shoulders, and I have never met a soldier that did not believe in the effort in Iraq. Let me say again, Mr. Speaker, in all of my three different travels throughout the lengths and bounds of Iraq, I have never met a U.S. soldier in uniform who did not believe in the mission. Each and every one I met believed in the nobility of the cause.

Each of them expressed the view of an Indiana soldier by the name of Jim Newland from Washington, Indiana, in Baghdad. I will never forget the day I said to Jim, what do you think, Jim; are we doing the right thing here? He looked me in the eye and he said, Congressman, we are out on patrol every day on the streets of Baghdad. We look this enemy in the eye every day, and he said to me very solemnly, we have got to stop these people right here. They kill Americans because they like it. That is the sentiment I heard from our soldiers.

My other message is very simply and plainly and humbly, while it will be hard for some around this country to hear, we are winning the war in Iraq. We are defeating the enemy in every engagement. The enemy has never taken down so much as a full platoon in any military engagement. It is an extraordinary credit to our soldiers.

We have had three national elections. We have stood up a quarter of a million Iraqis in uniform, and there is now a freestanding elected government in Iraq. We are winning the war in Iraq, Mr. Speaker. It is a message that I would deliver and from the hearts of the soldiers that I met. I would also say I believe in this mission.

Support the resolution.

Mr. MURTHA. Mr. Speaker, I yield myself 2 minutes.

Vietnam is the same thing. I believed in my mission in Vietnam. All of us believed in it, but in 1967 when I came back from Vietnam, they had an election. President Lyndon Johnson said everything's all right. Matter of fact, I have a bullet that they gave me, that the first Marines gave to us when we left there that said everything's all right. We all believed in our mission. That did not mean we were going to win the war. That is the problem.

At times we have to change direction. When we look at the Vietnam War, there was an election right after I came back in 1967, and President Lyndon Johnson said, now it is all over, they will be able to do this themselves. 37,000 Americans killed after that, and you know the results. It was not because of the public. It was because the enemy kept forcing us into the type of war they were fighting. It was the kind of war we cannot fight. We could have gone all out and obviously destroyed Hanoi, but we had to worry about the Russians and the Chinese.

This is a real problem. It is guerrilla-type war, and when we fight, we have to use overwhelming force. When we use overwhelming force, you make enemies, and when you make enemies, you lose the hearts and minds.

I am saying the same thing you are. We want to win some kind of, I do not say victory. We want to win stability in the Middle East. That is the key because it is important to the free world. That is what is so important.

So we all are saying the same thing. One of the top generals said to me, that part cannot be won militarily all the time they will say. General Pace said it cannot be won militarily. So how do we do it? Diplomatically, politically and when the Iraqis say we are going to give amnesty to people that kill Americans, I mean, they fired the guy, okay, but that is a signal to them. We have 47 percent of the Iraqis say that they want to kill Americans. They think that is patriotic for them to kill Americans. That is disturbing to me.

The reason I started speaking out, one of the reasons, I remember I was in the hospital. One young woman said to me, with her husband lying there on the bed, wounded after a second trip, she said, you know, he did not enlist, this woman said, to fight for the Iraqis. He enlisted to fight for America.

It has got to be in the national security interest of America.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT), a member of the Homeland Security Committee and the Government Reform Committee.

Mr. DENT. Mr. Speaker, I rise in support of this resolution.

Today, the global war on terror is being waged on two primary fronts, as we know: Afghanistan and Iraq.

In Afghanistan, a resurgent Taliban is attempting to undermine the efforts of the United States and our NATO allies. The threat from these murderous extremist terrorists remains real, and if one does not believe us, then I suggest reviewing the events of recent days in Canada, where the terrorists, motivated by Canada's participation in Afghanistan, unsuccessfully attempted to decapitate the Canadian government. Mr. Speaker, the United States and our NATO allies must remain resolute in Afghanistan.

In Iraq, which I visited last year, I believe it is important and imperative that this Congress must have a serious, sober discussion about the consequences of failure in Iraq and what that means for the future. Failure in Iraq means a more destabilized Middle East that will be manifested by increasing sectarian strife and a political vacuum that will be filled by murderers and anarchists who most assuredly are not committed to the rule of law.

What is worse, the war will continue, not only in a destabilized Middle East, but elsewhere and in places we would rather not fight. Our friends and allies will be at greatest risk and more exposed than is currently the case.

To be sure, mistakes have been made in Iraq, from pre-war intelligence to de-Ba'athification to the destructive events of Abu Ghraib, but these mistakes should not stop us from our goal: the establishment of a stable, representative, national unity government that can manage the security situation much better itself and that lives in peace with its neighbors.

Mr. Speaker, I, too, would like to submit additional remarks for the RECORD detailing the efforts of the House Homeland Security Committee's contributions in fighting this global war on terror.

The Global War on Terror is, by virtue of its title, a war with world-wide scope. As a member of the Homeland Security Committee, I am particularly concerned about the way in which this war can impact our way of life here, in these United States. And I believe that we have been doing a fine job of trying to make sure that terrorists or agents of foreign powers Do Not harm us on our shores.

Since September 11, the Homeland Security Committee has enacted or sponsored legislation designed to insure the safety of the people living in this country. In H.R. 1544, the Faster and Smarter First Responders Act, we tried to make sure that homeland security grant dollars are spent according to risk, and not with regard to political concerns. In H.R. 1817, the Homeland Security Authorization Act for Fiscal Year 2006, we authorized the recruitment and training of 2,000 new border patrol agents to insure that terrorists are not able to penetrate our land borders.

As part of the Global War on Terror we have likewise worked hard to make sure that goods moving into this country are secure. In H.R. 4954, the SAFE Port Act of 2006, the Committee authorizes $821 million annually for port security programs. This bill further requires the Department of Homeland Security, DHS, to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of FY07, an action that will cover 98 percent of incoming maritime containers. Further, it makes sure that the people working at our port facilities are properly cleared and identified by forcing DHS to set deadlines for the implementation of the Transportation Worker Information Credential, TWIC, program, a biometrically-enhanced identification card system designed to make sure that those who would seek to commit acts of terrorism against us are Not allowed to work within the U.S. port system.

We have also worked hard to make sure that our transportation modalities are also protected in this Global War on Terror. In H.R. 5441, the Homeland Security Appropriations bill, which the House passed on May 25, 2006, we appropriated $2.05 billion for Coast Guard port and waterway security operations, $2.6 billion to screen airline passenger baggage, $13.2 million for rail security inspectors and explosive detection canines, and $458 million for biological, chemical, and explosives countermeasures to protect the Nation's critical infrastructure.

Of course, in addition to securing our transportation modalities, we have also taken steps to make sure that terrorists in the Global War on Terror are not able to access what they clearly would most like to get their hands on—nuclear materials. The SAFE Port Act codifies in law the establishment of the Domestic Nuclear Detection Office, DNDO. Earlier this year I had the opportunity to visit the DNDO facility in Nevada, and I am firmly convinced of the importance of maintaining the vitality of this organization. The DNDO has one of the most important missions within the DHS—the detection and identification of nuclear materials. During my visit, I observed first-hand the testing of nuclear and radiological countermeasures, including detection devices designed to identify vehicles transporting nuclear explosive devices, fissile material, and radiological material intended for illicit use. The SAFE Port Act further requires the DNDO to conduct testing of next-generation nuclear and radiological detection equipment and to put forth a timeline for completing installation of such equipment at all U.S. seaports.

Members of the Homeland Security Committee have worked hard to insure the safety of Americans, our commerce, and our infrastructure. Since September 11, we have not had a major terrorist incident in this country. And I believe that it is appropriate to attribute this positive development at least in part to the efforts of the leadership of this Committee, which is determined to make sure that the homeland is indeed a safe place.

Mr. MURTHA. Mr. Speaker, I reserve the balance of my time.

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Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am pleased now to yield time to the distinguished gentlewoman from Ohio (Mrs. SCHMIDT), who sits on the Government Reform Committee, 2 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to celebrate the new freedoms women have recently discovered in the Middle East, freedoms that the hard-working heroes in uniform have given them, freedoms they now not only cherish but themselves will fight for.

There are 50 million new lovers of freedom in Iraq and Afghanistan. Their liberation from oppression should compel every freedom-loving citizen on Earth to rejoice. I too am so proud of the freedom we as a Nation have brought to the oppressed.

However, some were more oppressed than others. Women had no voice, no opportunity, no hope, no dreams. All of that is changing, changing because we have championed the cause of freedom. Millions of young girls this very day are getting something they dared not dream about a few short years ago: an education. Today, women are voting. They are also serving as legislators in town councils and places where, before our commitment to liberation, they dared not even look a man in the face. They have been liberated. We are their liberators. We can and should be proud.

Yes, more needs to be done, but in lands where women were treated worse than cattle, a revolution is occurring, a revolution of respect, a liberation of lives. Our actions have made the lives of millions of women not just better on the margins but have actually giving them hope, endowed them with freedom, and dared them to dream.

We have much to be proud of. I am proud of our men and women in uniform who stand in harm's way. I am proud that this great country stands for good and opposes evil. I am proud that this Congress and this President understand that freedom is God's gift to all mankind and that evil tolerated is evil assisted.

Mr. MURTHA. I yield 1 minute to the distinguished Democratic leader, the gentlewoman from California (Ms. PELOSI), who, on her first trip overseas went with me to Iraq to talk to the troops and tell them how much she supported the troops.

Ms. PELOSI. Mr. Speaker, at the opening of the debate, Mr. SKELTON asked the House to observe a moment of silence for the 2,500 troops that we have lost in the war in Iraq. The number is a staggering one, but we warned them one person at a time. I hope their families live with great pride. I know they will live with great sorrow.

My uncle was killed at the Battle of the Bulge, and for my father's entire life it was as if it had happened yesterday. As if it had happened yesterday. We know that experience has been repeated over and over again across our country.

In remembering those who died, and their families who mourn them, let us also salute all of our men and women in uniform who are doing their jobs with great courage, with great patriotism and dedication, and their families who are making enormous sacrifices: 2,500 killed, 18,000 wounded, more than half of them permanently, straining our military readiness and eroding our reputation in the world.

The President of the United States says, stay the course. Stay the course? I don't think so, Mr. President. It is time to face the facts.

On every important aspect in the Iraq war, President Bush and his advisors have been wrong: Wrong on the reason to go to war, wrong on the reception our troops would receive, wrong on the rapidity with which the Iraqi economy would be able to pay for the war and reconstruction, and wrong on the willingness of the international community to join in efforts to stabilize Iraq.

But don't take my word for it. This gross incompetence has driven some of our fighting generals to level devastating public criticism. MG John Batiste, who led the 1st Infantry Division in Iraq, has said: "My own decision to speak out goes back to watching firsthand the arrogant and contemptuous attitude of Rumsfeld as he ignored the advice of military experts during preparations for war, and then living with the impact of those strategic blunders as a division commander in Iraq. Secretary Rumsfeld and his team turned what should have been a deliberate victory in Iraq into a prolonged challenge."

That is why over 2 years ago I asked for the resignation of Secretary Rumsfeld, and I do so again today. No one has been held accountable for all of these mistakes in Iraq.

The incompetence comes at a great cost. The Bush administration is so obsessed with the effort to paint an optimistic picture of the situation in Iraq that it refuses to face the facts. The facts are these: more than 2,500 American troops have been killed. Again, more than 18,000 have been injured, half of them permanently. And as the war costs have grown to over $400 billion, key construction projects remain unfinished.

As defense and intelligence expert Anthony Cordesman recently wrote: "The U.S. aid process has failed. It has wasted at least half of the $22 billion in U.S. funds and much of the $34.6 billion in Iraq funds it attempted to use to secure and develop Iraq's economy."

I repeat: defense and intelligence expert Anthony Cordesman recently wrote: "The U.S. aid process has failed. It has wasted at least half of the $22 billion in U.S. funds and much of the $34.6 billion in Iraq funds in an attempt to secure and develop Iraq's economy."

This is outrageous. Where is the accountability?

In fact, Mr. Cordesman concludes that the U.S.-managed Iraq reconstruction efforts have been as failed as the U.S. response to Hurricane Katrina.

The Bush Iraq policy has diverted resources and attention from what should be the focus of our effort against terrorism in places like Afghanistan. The lack of stability and the deteriorating security situation in Afghanistan is a casualty of the war in Iraq. The war has not made our country safer. It has not made our military stronger. It has caused great damage to our reputation in the world, and it has hindered the fight against terrorism.

In face of all of this incompetence and the cost of the war, I repeat, the President urges us to "stay the course." Stay the course, Mr. President, is not a strategy. It is a slogan.

I will vote against this resolution because it is an affirmation of the President's failed policy in Iraq, and in doing so I will be pleased to join Mr. MURTHA and Mr. SKELTON. And I would like to at this moment salute them for their patriotism and their dedication to our country. They are second to none, as Mr. SKELTON said in his remarks. They are second to none in this Congress and in this country in looking out for the troops and being concerned and knowledgeable about troop readiness, about the strains on our military this war is putting on them and in deterring our ability to respond to other threats.

I salute them for their leadership and, in fact, their courage. Because here we have the Republicans putting on the floor a vacuous resolution, a challenge that if you say that you support the troops, you have to vote for this. That day is over. That day is over. The credentials on real security for our country, be it homeland security, be it willing to project military might to protect America's interests at home and abroad, we all share a that. So don't put something on the table that says you either vote for this if you support the troops or you don't.

This resolution is one thing and one thing only: It is an affirmation of President Bush's failed Iraq policy. The American people know the policy has failed. The American people know that. Hopefully, it will dawn on the President, and he, instead of stay the course, will change the course. He will stop digging the hole he is digging in Iraq and come out and see the light of day as to what is the right direction.

Across the country, Americans have had free and open debate about this war. But when the time came to debate Iraq in this Congress, Republicans shut down debate with a closed rule. This is not only an affront to the Democrats; it is an affront to the American people. Closed rule. Limited debate. Twice as many people on our side of the aisle would like to have spoken, but there wasn't enough time. There wasn't enough time to give Members of Congress the opportunity to give voice to the concerns of their constituents about a matter as important as sending and keeping our troops at war.

What a sad commentary on our democracy. We supposedly are going to Iraq to promote democracy, yet we don't even have it on the floor of the House of Representatives. What is sad about that is that we owe so much better, so much more to the American people, particularly to the brave men and women we have sent to fight in Iraq.

Democrats are calling for a new direction in Iraq. Our new direction would say to the Iraqi people that we will not be in your country indefinitely, we will not construct permanent bases, and we will not control the flow of your oil. We will work with you and your neighbors diplomatically to ensure that the reconstruction of Iraq is successful. We will do as Mr. MURTHA advocates. We will redeploy and be ready.

Republicans in Congress continue to try to mislead the American people by suggesting a link between the war in Iraq and the war on terror. They are distinct, as Mr. SKELTON has repeatedly and eloquently stated. They are distinct. And efforts to portray one as part of the other are a disservice to the truth and to the men and women sent to fight in Baghdad, Kirkuk, and Ramadi. The huge cost of the Iraq war in lost lives, life-altering wounds sustained, and billions of dollars spent demand better of us.

The defense authorization bill, as was quoted again by Mr. SKELTON, enacted last year, declares 2006 to be a year of significant transition to full Iraqi sovereignty, creating the conditions of the phased redeployment of United States forces from Iraq. That is in the 2006 DOD authorization bill: the phased redeployment of United States forces from Iraq. That is the law of the land. You all voted to support it.

We are halfway through 2006, significant transition has not occurred, and the only redeployment has been of U.S. forces into Iraq, not out. The war in Iraq has been a mistake. I say a grotesque mistake. It must be our resolve to end the war as soon as possible and to resolve to not make similar mistakes in the future. We owe it to the

American people. We owe it to the young men and women that we send in to fight the fight.

Again, Democrats take our responsibility to provide for the common defense very seriously. We are proud to have leaders like Mr. MURTHA and Mr. SKELTON to lead that charge for us.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it is my privilege to yield a real 3 minutes to the distinguished gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Government Reform Committee.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of the resolution before us today. I would like to first offer my gratitude to those brave men and women who are fighting or have fought in Iraq and Afghanistan. We owe you a debt which we can never repay.

Since the United States invaded Iraq, I have seen this as a high-stakes gambit. If we were successful in not only defeating the Iraqi Army, but in the more difficult task of establishing a democratic government, we would be far down the road to affecting a paradigm shift in the Middle East, one which would replace potentates, dictators, and repression with representative governments, transparency, and opportunities for both men and women.

If we were to fail, the cost would be incalculable. It would be a reaffirmation for many in the world that the United States lacked the fortitude to see a mission through to its completion. It would embolden terrorists the world over; threaten those states in the Middle East, such as Jordan and Israel, that are friends of the United States.

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Regardless, the situation in Iraq is what it is. There is no question Iraq is a petri dish for terrorists now. Our main nemesis in Iraq is called "al Qaeda in Iraq." Thus, our activities in both Iraq and Afghanistan are now clearly linked to a global war on terror. There is no other way to view the situation.

I am eager to build on the recent successes in Iraq. I truly hope that we have turned a corner with the death of Zarqawi and the forming of the government. If voter turnout is any indication, the Iraqi people are eager for democracy. They had a higher voter turnout in Iraq than we did in Virginia for our gubernatorial race. But make no mistake, what we are trying to do in Iraq has been and will continue to be extraordinarily difficult. Even with Zarqawi gone, there are many dangerous people who will stop at nothing to stop us.

I don't support a public date of certain withdrawal from Iraq. Doing so creates an untenable situation for our forces and our Iraqi allies and presents a real gift of predictability to the enemy. But there has to be a sense of urgency. We are in a war that we have to win, but we cannot plod along indefinitely.

Our Founding Fathers had 13 years between the beginning of the American Revolution, the ratification of the Constitution, and the inauguration of George Washington. We don't have that luxury in Iraq. Our troops are giving their lives in Iraq. Our country is spending hundreds of billions of dollars. We can't pull the rug out from the under the Iraqis, but we can't babysit the situation either. We don't have time to waste on activities that are ineffective. We don't have money to waste on bad equipment and services.

Some have charged that this Congress has been asleep at the wheel and has done no oversight. That's not true. I have. Our committee has held four hearings on contracting practices in Iraq, including a day for whistleblowers at Halliburton, and I intend to hold more.

Our subcommittees, particularly the one chaired by Mr. SHAYS, have held dozens of others. What we have found is a lot of mistakes in management and oversight. But remember, this is the first time we have contracted this extensively in a combat situation. Everything about doing business, everything in a war zone is difficult and costly, and it is disingenuous to deny this.

If we are going to see this mission through successfully, there must continue to be vigorous, comprehensive, constant oversight to ensure we stay on the right path. We should do everything we can to hasten the day when Iraq is able to handle its own affairs. Our role in Congress is to conduct the oversight that the people expect of us.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. FATTAH) for a unanimous consent request.

Mr. FATTAH. Mr. Speaker, I rise in opposition to this resolution.

Mr. Speaker, I rise again today in opposition to the war in Iraq, a position I have consistently held since the President first undertook this misguided policy at the expense of our nation's men and women in uniform and our domestic priorities. While I found myself in a relative minority at the time I first voted in opposition, I find myself now situated amongst a majority of the American people in addition to some of the most knowledgeable and committed patriots this country has ever known.

I am today opposed to H. Res. 861 and remain committed to a better course, one that is in the interest of American foreign policy, America's fighting men and women, America's future security and American victory. The Resolution, which has been discussed, is flawed, not only in substance, but in process. The decision to enter into and remain involved in foreign conflict is one of the most serious responsibilities the Framers of the Constitution granted to the Congress at the drafting in Philadelphia. The Republican leaders in this Congress have shirked their oversight responsibilities and have denied a democratic process even in the debate over a nonbinding resolution.

Throughout this conflict we have heard of shortages of supplies from armor to protect the lives of our soldiers to reliable intelligence to guide their mission. Surely the most devastating shortage has been the lack of leadership in this conflict. The President has failed, since the beginning, to chart a course for victory, to correct mistakes as they have arisen and to secure that the ideals for which the American forces are fighting are never compromised.

I rise in honor of the sacrifice that far too many men and women have been called to make and in the hope that this conflict will find a new direction, one which will support American victory, security and justice. I look forward to working with my colleagues on both sides of the aisle to chart a better course and plan a better future for the people of America and the people of Iraq.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE) for the purpose of a unanimous consent request.

Mr. KILDEE. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, let us be very clear on the points we can agree.

Every Member of this House was horrified by the terrorist attacks of September 11, 2001.

Every Member of this House believes we must do what is necessary to defend our country and our people from future attacks and to eliminate the threat of terrorism.

And every Member of this House supports our troops and their families, and we commend them for their honorable service under very difficult and stressful circumstances.

But today, Mr. Speaker, this House debates the ongoing war in Iraq, not the struggle against terrorism.

I voted no when the House considered the Congressional Resolution authorizing the President to Invade Iraq.

At that time, I had several crucial questions that needed clear answers:

1. What is the nature and the urgency of the Iraqi threat to the United States?
2. What is the mission of our troops?
3. How much international support will we have?
4. Will this military operation in Iraq increase terrorism or decrease terrorism?
5. What is the exit strategy to withdraw our troops from Iraq?

Despite my questions on the rationale for the war, I have consistently supported the funding for our troops.

They deserve our full support, and they deserve to have everything necessary for their mission.

And as the father of two sons who have served in the military, I would want no less.

Mr. Speaker, we now know that Saddam Hussein did not have weapons of mass destruction.

President Bush has publicly acknowledged that there was no link or connection between Saddam Hussein and the terrorist attacks on 9/11.

The mission of our troops seems to change and expand daily.

As for international support, the American taxpayer has foot the vast majority of the costs to the tune of hundreds of billions of dollars.

And American fighting men and women, and their families, have borne the vast majority of the deaths and injuries to coalition troops, over 2,500 killed and 18,000 wounded.

Moreover, many of the original members of our coalition have withdrawn or are withdrawing their troops from Iraq, leaving the U.S. to shoulder the burden almost alone.

Are we safer today than we were before the invasion of Iraq?

According to U.S. State Department data, there were 175 international terrorist attacks in 2003, and that was a 20-year high.

In 2004, the number jumped three-fold to 650 attacks.

In 2005, 11,111 terror attacks were reported by the state department.

Finally, the Bush Administration does not now nor ever has had a viable exit strategy for our troops in Iraq.

Saying, "we will stand down as the Iraqis stand up" puts the fate and future of American troops completely at the mercy of the competence of the Iraqi government and its security forces.

I agree with the resolution before us, we should not set an "arbitrary" date for withdrawal of U.S. troops from Iraq.

But we should set intelligent, well-thought out benchmarks that make the most sense for American national interests.

Setting reasonable benchmarks for the departure of our troops would send several important messages.

To the Iraqi national government—get your house in order now!

To the Iraqi Sunnis opposing our occupation now is the time to cut your best deal with the Shiite and Kurdish factions while the U.S. is still able to act as an honest broker.

To our American military leaders—here is a date to which you can plan, knowing when the rebuilding of our military capabilities can begin.

To the American people we have done what we could.

From this point on, it is now up to the Iraqi people to find their way, with the support of the international community.

And finally, to the terrorists the Iraqi people will deal with you now if you remain in Iraq.

For all the other terrorists outside of Iraq, the United States can now shift the full force of its military, diplomatic, law enforcement, and economic resources to the single task of hunting you down and bringing you to justice.

Mr. MURTHA. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. OLVER) for the purpose of a unanimous consent request.

Mr. OLVER. Mr. Speaker, I rise in opposition to the resolution before us.

Mr. Speaker, H. Res. 861 is a whitewash justification of every erroneous action of the Bush-Cheney administration in their war of choice on Iraq.

It's no surprise that Bush, CHENEY and Rumsfeld seek this late coating of whitewash that this resolution attempts to provide. The war on Iraq was unjustified, has been egregiously mismanaged, and has made all Americans less safe.

Americans were told repeatedly by President Bush and Vice President CHENEY that Iraq had weapons of mass destruction. None were ever found.

President Bush and Vice President CHENEY repeatedly implied that Iraq was involved in the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001. The preponderance of intelligence before the attack on Iraq contradicted that and no such evidence has been found.

The conduct of President Bush's war of choice has been plagued with incompetent civilian leadership decisions that have cost many lives and rendered the war on and occupation of Iraq a strategic policy disaster for the United States. The incompetence and corruption involved in the reconstruction have rendered that expensive effort largely ineffective.

The most critical, much-cited incompetent decision on the part of the Bush administration was to commit far too small a force for the huge, dangerous and multifaceted tasks at hand. Because of that egregious blunder in judgment and planning by the Bush administration, our severely overextended troops took many more casualties than necessary, and they could not:

Stop the looting of the treasures of Iraq's ancient culture and the public institutions of present day Iraq—its schools, universities and hospitals;

Seize control of Saddam's huge conventional weapons depots which have been used to kill our service men and women throughout the insurgency;

Control the borders against the influx into Iraq of senior terrorists from Bin Laden's international network who wanted to be part of killing Americans;

Provide the Iraqi civilian population security from the Sunni-Baathist insurgency as it grew in strength; and

Hold the ground fought over with insurgents in search and destroy missions which left whole cities in ruins and whatever remained of the civilian population a fertile recruiting ground for more insurgents.

The incompetence regarding body and vehicle armor rises almost to a level of criminal negligence.

The military's own report says that one-third of deaths and casualties could have been avoided if proper body armor and vehicle armor had been provided from the start of the war. Our soldiers' civilian leaders did not follow a first maxim of war: protect your troops. American service men and women deserved better, and the civilian leaders who failed them should be held accountable.

But instead of honoring our soldiers now with an honest debate about the war, its conduct and its prospects, we are presented today with a thick coating of whitewash. This resolution is dishonest on its very face.

Even though there was no connection between Afghanistan and Iraq, H. Res. 861 seeks desperately to make that false connection. It seeks to transform the bad decision to wage war on Iraq as a valid component of the global war on terror. It seeks to cast the missteps and incompetence in Iraq as progress in the global war on terror. Even though there was never any philosophical or operational connection between Saddam Hussein and Al Qaeda, the President and his Republican allies in Congress seek by this resolution to re-write history and re-cast the war on Iraq as having positive implications in the war on terrorism.

Exactly the opposite is true.

After 9/11, in part because so many nations lost citizens in the World Trade Center, America enjoyed virtually total global support and willingness to collaboratively destroy the Bin Laden Al Qaeda network. The opportunity was there to work carefully with the entire world, including almost all Muslim nations, to make Americans and the whole world safer by isolating and shutting down Al Qaeda.

Did we complete that mission? No; Bin Laden is still at large and the conditions in Afghanistan are deteriorating. Instead, President Bush started a second war unrelated to 9/11 and the hunt for Bin Laden's networks and his followers.

We've now spent well over $350 billion on an effort that has not achieved its own goals and, due to its astronomical cost and resource drain, has severely undercut our ability to pursue and destroy Bin Laden's international terrorist network with its many cells that existed in 2002, continue to exist today and certainly will exist into the future.

Twenty-five hundred fine young American men and women have lost their lives, 95 percent of whom have been killed since President Bush declared "Mission Accomplished" more than 3 years ago.

America has also forever lost the service of thousands of good soldiers who are now disabled as a result of battle wounds in Iraq. Many others will need mental and emotional rehabilitation before they can return to normal life. The multiple re-deployments of Guard and Reserve troops have severely undercut the retention and recruitment prospects for the fighting force we depend upon to protect us.

President Bush and his administration have defended torture and rendition and ignored the Geneva Conventions. America has lost the moral high ground with the rest of the world, and we have fewer allies as a result. President Bush and his administration have undermined the war on terror by using tactics outlawed by international treaty and condemned by even our closest friends.

And, finally, President Bush's war on Iraq has provided Al Qaeda a training and recruitdlent ground that it could not have hoped for in its wildest dreams, as well as a golden opportunity to target Americans right in the unprotected center of the Middle East. President Bush's war on Iraq is viewed broadly in Islamic communities as an attack on Islam, and thus the President has alienated a large part of one fifth of the world's population. The most extreme individuals and factions in Islamic countries are now more motivated than ever to kill Americans, and the number of potential terrorists has greatly expanded.

So a truthful assessment of how America is doing in the war on terror as a result of President Bush's war on Iraq is that we have been set back by decades. Bad decisions and incompetence have achieved a vast determination in countless desperate, impoverished, disaffected and oppressed young Muslim men and women to take out their anger and express their fundamentalism and radicalism by attacking Americans and American interests.

We are far less safe as a nation and will remain so throughout our lifetimes and our children's lifetimes.

Clearly, a stable, unified and democratic Iraq cannot be achieved militarily by the U.S. Our servicemen and women have done the best job that can be done in the situation into which their civilian leaders have placed them, and they deserve the highest level of gratitude from all Americans. They have already taken too many casualties—too many dead, too many wounded—because they were too few and too poorly provided with the armor they needed to succeed safely.

If a unified and stable Iraq is to emerge out of the ethnic and sectarian violence that is so perilously close to civil war, the Iraqi people and their government must make the political compromises necessary to secure a successful democracy. They must find in themselves a new nation. We cannot do that for them; we can only give them the opportunity to do it.

Nor should we accept the President's mantra, "When the Iraqis stand up, we will stand down." A nice slogan, but that is simply a recipe for an unlimited occupation.

We need to make it clear that we will withdraw from Iraq within 6 to 9 months—so that the Iraqis will know that they must stand up and defend the opportunity given to them.

We should immediately state that we will seek no permanent military bases in Iraq. In the remaining months, we should focus on achieving more robust international involvement in training of Iraqi soldiers, police officers, judges, teachers, and doctors—all key elements needed to end the sectarian and civil conflict and build Iraq's future. And we should prepare for the safe and orderly withdrawal of our troops.

The Bush administration has made many grievous and costly errors in Iraq over the past 3½ years and made little, if any, progress in the war on terrorism thereby. It is time to bring our young people home.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume to make a couple of the comments, and then I will reserve my time.

The gentleman just before I spoke talked about how long it took America to get its independence. Actually, it is more than just 6 or 7 years, it went on through the Civil War, but they were all Americans. It was not an occupying force that was trying to force democracy on the United States. Can you imagine what we would have done if we had an occupying force here trying to force democracy on the United States? It would not have worked. But of course they were not democracies in most cases anyway.

So I just want to point out that in Iraq we have become the occupiers, and 47 percent of the people in Iraq, and this is a poll only 3 months old, says it is okay to kill Americans. One of the officials in the Iraqi government offered amnesty.

Since I spoke out on November 17, things have gotten worse. We have 130,000 troops in Iraq. Every day it gets worse. From May to May, it gets worse and worse. It is not a matter of stay the course. It is a matter of change direction.

I said a little earlier, Ronald Reagan understood when it was time to change direction. He did one of the biggest tax cuts in history. He turned around a little bit later and adjusted that. This didn't call it a tax increase, it was an adjustment.

In Beirut he decided we have to make a change, it won't work. In Somalia, President Clinton did the same thing. And over that mistake, and it was a substantial mistake, the Secretary of Defense resigned because he had lost the confidence of the military in the way he handled the situation in Somalia. We changed direction there. We went in the wrong direction. We went after a tribal leader named Aideed.

In Iraq, unfortunately, the way we operate as a military, and there is no one who understands better than the gentleman with the 173rd in California, understands what the military does when it goes into a place. You have to use overwhelming force. I promote that. I am in favor of that. I do everything I can to make sure that the military has what they need to prevail and protect American lives.

But when you do that, you inadvertently kill people and you make enemies. Abu Ghraib was another example of the enemies that we made, and the public relations battle has been lost worldwide. People have discredited the United States and have little confidence in our ability.

Somebody brought up Spain yesterday. They said ask Spain about terrorism. Well, 56 percent of the people in Spain think the United States is more of a threat in Iraq than Iran is in the world. So we have got a lot of things we can talk about as rhetoric. The facts are the situation is not getting better. We have 130,000 troops on the ground and only Iraqis can handle this.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield to the gentleman from New York (Mr. SWEENEY) for a unanimous consent request.

Mr. SWEENEY. I thank the gentleman.

Mr. Speaker, after 9/11, our nation united against terrorism and those who want to kill innocent civilians and destroy our American way of life. New York was impacted deeply by these tragic events and we understand firsthand the kind of unthinkable damage that can be inflicted by hate-filled violent extremists.

I voted to support the use of force in Iraq for many reasons. Decades of deception and violation of United Nations resolutions; invading neighboring countries; and a litany of ruthless atrocities by Saddam Hussein involving murdering his own people.

I believe that the best way to safeguard freedom in our nation increasingly depends on supporting a democratic global strategy in areas beyond our borders. That is why supporting the creation of a self-governing Iraq is so critical to the future of both our countries.

Having said that, I am deeply disappointed in this resolution because I believe we owe Americans more than a simple declaration of our resolve in Iraq. We owe them an account of our progress in the Global War on Terror; an assessment of the situation, the stakes, and the strategy for victory in the battle for Iraq; and an affirmation we will defend our country, defeat the enemy, and win this unsought struggle for survival.

There are several points in this resolution that I am concerned about. It also strikes me as merely a reiteration of the resolution we passed last December.

First, I am disappointed in the choice of the word adversary in this resolution. History and reality illustrate that within Iraq and the broader Global War on Terror we do not face an adversary—we face a very real and dangerous enemy. We should not be afraid to clearly state what we as a nation are up against.

Secondly, philosophically, any state-sponsor of terror is a threat to the United States, because terrorism is an attack upon the self-evident, inalienable human rights to life, liberty and the pursuit of happiness. This point should be clearly expressed in a resolution of this nature.

Additionally, the second clause states ". . . for the past two decades, terrorists have used violence in a futile attempt to intimidate the United States." This clause is too sanitized. The hard truth is the enemy has not tried to intimidate us. The enemy has tried to kill us and often succeeded. The enemy does so because our very existence as sovereign citizens of a free Republic constitutes a beacon of hope for all who are—and all who yearn to be—free; thus, we are our enemy's paramount obstacle to world dominion.

I know first hand the difficulties we face in Iraq. I have heard it directly from the men and women that are fighting so hard in Afghanistan and Iraq.

I do hope that despite my concerns that this debate provides a clearer understanding of the threats we really face and the opportunity to develop a strategy that protects our troops and enables our military to develop a comprehensive strategy to win this war, transfer the power to the Iraqi people and bring them home. It should also demonstrate that the "cut and run" agenda of my colleagues on the other side of the aisle is the wrong approach to this problem and encourages the terrorists to wait us out and undo all that our soldiers have worked through blood, sweat, tears and their lives to establish—a victory for our nation and a stable and secure democracy in the Middle East.

Lastly, and most importantly, I will continue to stand by and support U.S. troops. I must take this opportunity to pay a personal tribute to the brave lives that have been claimed from my district: Nathan Brown, Stephen Madison, Kevin Kimberly, Isaac Nieves, and Joseph Robsky. Their sacrifice, and the sacrifice of their families and loved ones embody the spirit of our great nation and principles of democracy we hold dear.

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from Ohio (Mr. GILLMOR) for a unanimous consent.

Mr. GILLMOR. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise today to offer my support for the efforts of our brave men and women in uniform fighting to protect our Nation in the global war on terror. Today, some people are trying to make this debate about politics or another opportunity to convince some of our national media that our efforts in Iraq have not been successful, these people are wrong in their facts and their intent.

I recently led a delegation of members to Vietnam, India, Singapore and Thailand. After meeting with three prime ministers and their parliamentary leaders, I am ever more convinced of the need to stay the course in Iraq and Afghanistan. One common theme came from each of my meetings—the United States must win. It is a simple theme and a powerful one. We cannot leave Iraq before the job is done. If the terrorists who have invaded Iraq can prove to the world that they are able to overcome the will of the American people and force our early withdrawal, they can do that to any nation.

Mr. Speaker, we are the world's last remaining superpower. We are the leader of democracy and the pinnacle of freedom. If bands of murderous terrorists in Iraq and Afghanistan can convince this body to abandon our mission, they will have won. And they will not stop at simply expelling America from Iraq. They will work to destroy the western world, our values and our freedoms.

Our mission in Iraq has changed. Our forces easily defeated and captured Saddam Hussein and his henchmen. Now, our mission is to finish the job by building up Iraqi security forces and the Iraqi Government so that they can defend and govern themselves. I believe President Bush when he says, "as Iraqis stand up, we will stand down."

Today the Iraqi forces have gained great strength. There are now more than twice as many members of the Iraqi Security Forces as there are U.S. forces serving in Iraq. Iraqi forces are now a part of more than 90 percent of all operations in Iraq. With the complete formation of the presidential cabinet, three free elections and the elimination of al-Qa'ida leaders in Iraq, the global war on terror is indeed progressing and advancing freedom and democracy across the world.

Mr. Speaker, our debate today is a useful one. It is an opportunity to say to the world that we stand behind our troops 100 percent. This debate shows that we support the mission of our American patriots. Today, the United States Congress should pass this resolution and demonstrate to the world, once again, our commitment to freedom and democracy.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield to the gentleman from California (Mr. RADANOVICH) for a unanimous consent request.

Mr. RADANOVICH. Mr. Speaker, I rise in support of the resolution.

Thank you, Mr. Speaker, for this opportunity to discuss the Global War on Terror in Iraq and Afghanistan. With the events of the past few weeks, including the completion of a democratically elected government and the elimination of al-Qaeda terrorist Abu Musab al-Zarqawi, we have seen the development of democracies and another strong blow against terrorism. The importance of staying the course in Iraq and standing strong is evident with every success.

Steadfast determination in Iraq is key to the security of the United States and the global community. I strongly support the United States' continued military involvement in the Global War on Terror. The importance of keeping our country safe by standing up for democracy and freedom is our number one priority.

I had the opportunity to visit with our troops in Iraq and felt so proud. Their determination to bring peace and hope to the Middle East and end the terrorist threat to the U.S. was humbling and inspiring. Nothing demonstrates our military families' commitment more than the family of Corporal Michael Anderson Jr. who lost his life in Iraq. They came to Washington, from Modesto, California, recently to honor is life. It was a privilege to meet such an inspiring family, who, in the face of tragedy, demonstrated unwavering patriotism.

Our courageous soldiers, who are fighting for freedom and our way of life, deserve the full support of the American people. We owe it to those who have given their lives, to stay and complete this mission.

Mr. Speaker, I urge my colleagues to support the resolution declaring the United States will prevail in the Global War on Terror.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON) for a unanimous consent request.

Mr. KINGSTON. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise today in support of House Resolution 861, declaring that the United States will prevail in the Global War on Terror.

We have made great strides in the War on Terror. The men and women of our Armed Forces along with coalition partners deserve our continued support. They have displayed nothing short of true dedication and continued professionalism in carrying out their mission.

It is with high esteem that I rise to say we are winning the Global War on Terrorism. This is highlighted by the capture of Osama bin Laden's Prince of Iraq, al-Zarqawi. This is truly a milestone and has resulted in hundreds of raids which continue to provide an enormous amount of new intelligence to our commanders in the field. As political polls show, a majority of Iraqis wants the violence to end, and that Sunnis, Shiites, and other tribes were coming together to help make that happen. As an example of progress on the ground, he said that the number of intelligence "tips" had increased from 400 per month to 4,000 which makes the capture of terrorists like al-Zarqawi possible.

The newly elected prime minister, Nuri al-Maliki, the first constitutional prime minister of Iraq since the revolutionaries toppled the Iraqi monarchy and murdered the royal family in 1958, has been successful in establishing a diverse government; one that has demonstrated a willingness to work together. This cooperation has transcended to the general population. A new Iraqi society, one that seeks to live in harmony with each other and believe the government can improve the situation in Iraq, is a society that is much safer because the Iraqi Security Forces now conducted over 32,000 patrols during the month of April.

There are 263,400 forces assigned to the Ministry of Defense and they are capable of conducting over 86 percent of the planned operations. It is projected by the end of this year, the Iraqi Security Forces will have responsibility and capability to fulfill a 100 percent of such operations.

Mr. Speaker, our goal of defeating terrorists, establishing a free and independent Iraq is obtainable if we continue to pursue our current course.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), who sits on the Budget Committee and the Financial Services Committee.

Mr. HENSARLING. Mr. Speaker, I have listened to this debate very carefully for the last day. There are clearly those who want to debate whether we should have gone into Iraq. That point is moot.

There are some who want to debate immediate withdrawal regardless of the consequences. That is dangerous.

Some just want to criticize the administration yet offer no plan of their own. That is political posturing.

Finally, there are some who want to debate that victory is not only possible in Iraq, it is essential to our security. Count me among their numbers.

Like many Members of this body, I have been to Iraq to visit with our troops. Those whom I have spoken to, they believe we are winning. And they also believe it is essential, like one soldier told me, Congressman, I hate being here, but I know how important it is to my family and how important it is to my country that we succeed.

Mr. Speaker, I know that the American people are anxious, and I know that many days progress comes three steps forward and two steps backwards. And unfortunately, the national media tends to only portray the two steps backwards.

Mr. Speaker, Saddam Hussein has been captured. He has been defeated. Last week al Zarqawi, the number one terrorist in the region, has been eliminated. A quarter million of the Iraqi troops have been trained, equipped, and on patrol. After years of halting progress, we now have a fully functioning, democratically elected government in Iraq. This is important because we are not threatened by democracies. We are threatened by despotic regimes and terrorist ideologies.

But the news stories that are most important about why we are there are never written. I come from Dallas, Texas. I have never read the story that today no suicide bomber exploded in North Park Mall. I have never read the story that today no car bomb went off in Poteet High School, and I know I have never read the story that today JEB and Melissa HENSARLING put their 4-year old and 2-year old to bed in a safer, more secure Dallas, Texas, U.S.A.

Victory is costly. Defeat is even more costly.

Mr. MURTHA. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Pennsylvania for standing up for the last 10 hours in defense of our country and the troops that serve us and, most importantly, throughout his entire life, and I thank him for demanding that the Iraqi people stand up for their own country and responding to the American people who are demanding that this Congress stand up for our Nation's interest. Staying the course in Iraq is not in our Nation's interest.

Several times the proponents of this resolution have cited Winston Churchill. Wonderful, lofty rhetoric, but there's a disconnect. Saddam Hussein did not drop any bombs on the United States. He was not involved in 9/11, didn't harbor any terrorists who were.

It has been argued if we redeployed it might hurt our credibility around the world. As has been said, our approval ratings around the world are the lowest they have ever been. People rank us down with Russia in terms of trust and respect.

It has been argued if we redeploy it might encourage terrorists. Our continued presence is the rallying cry in the recruitment tool for terrorists around the world. It has been argued that it might hurt American troops' morale. Mr. Speaker, 2,500 brave men and women dead, 18,000 seriously wounded and you want to stay the course?

It has been argued that there might be a civil war if we redeploy. There is a civil war today. The fact is the Iraqis are going to have to seize control of their own country. We have to redeploy. We won't leave the region, but we will be there to fight off foreign terrorists. But the Iraqis are going to have to determine their own future.

That's why this resolution is not in America's interest. Defeat this resolution. Changing the course, having a definable objective in Iraq is in America's interest.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it is my pleasure to yield 1¼ minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, resolve, untested, is only an idea.

Today we are fighting a war against Islamic extremists. Make no mistake about it, this is a generational challenge. It was my grandparents' generation that fought the Nazis. It was my parents' generation that fought the communists. It is our generation that is fighting Islamic extremists wherever they are.

The left in this country have a policy that they are advocating here today, and they are advocating a policy called cut and run. They are advocating a policy of waving the white flag to our enemies. It is a policy, make no mistake about it, that the left in this country are advocating.

But we are fighting a war. We are fighting a war against Islamic extremists that hate the very fiber of our being as Americans. They hate our freedoms and they hate the fact that we embrace equality here in this country, although imperfect. They hate the fact that we have religious freedom and freedom of speech in this country. Make no mistake about it, these are important things to Americans, and our enemy hates those important things.

We are having a great debate here, 10 hours of debate here in this Congress on this war policy, and I am proud that the majority in this House will stand to fight and win this war. It is not about status quo, it is about victory.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is interesting to me, we stand here and fight in the air-conditioned Chambers of the United States Congress where these fellows are walking around in Iraq, men and women, with 70 pounds every day facing IEDs, never knowing when they may go off with tremendous stress. They are being deployed three and four times. It is easy to stay in an air-conditioned office and say I'm going to stay the course.

But let me tell you something, those troops, I hope they believe in what they are doing. That's what America is all about. But standing here and talking about policy and criticizing people just because they disagree with a policy is absolutely absurd. All of us support the troops and want them to come home as soon as they can.

What we need is a change in direction so we will be able to work this out. All of us want stability in the Middle East. That is what this whole thing is all about. We just disagree on how you do it. We disagree. Ever since the troops have been there, everything has gotten worse.

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Electricity production is below prewar levels; water only 1 hour a day in some parts. In Anbar Province no water. 90 percent unemployment. Not one project in Anbar Province. So it is not a matter of whether it is good or not. It is a matter only that the Iraqi's should solve this thing.

And when I hear somebody standing here sanctimoniously saying we are going to fight this out, we are not fighting at all. It is the troops that are doing the fighting, the families that are doing the sacrificing, a very small proportion of families in this country are doing the sacrificing. And that is why I get so upset when they stand here sanctimoniously saying we are fighting this thing. It is the troops that are doing the fighting, not the Members of Congress that are doing the fighting.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY) for a unanimous consent request.

Mr. GINGREY. Mr. Speaker, I rise in full support of H. Res. 861.

Mr. Speaker, I rise today in strong support of this resolution, H. Res. 861, and to emphatically declare that we will prevail in the War on Terror across the globe, and in Iraq.

We've already amassed a long list of accomplishments. Mr. Speaker, since being liberated from the oppressive Taliban regime, native Afghans have returned to their homeland in droves, many of whom are highly educated teachers, healthcare providers, and community leaders that were thrown out of the country by the Taliban.

The Afghan economy continues to power ahead and previously unheard-of opportunities are opening up, particularly for Afghani women.

Regrettably, these accomplishments don't seem to generate much enthusiasm with the mainstream media or our colleagues on the other side of the aisle. If you did nothing but listen to their negativity, you would not know that more than 3,600 schools in Iraq have been rehabilitated, or that 240 hospitals and 1,200 medical clinics have been reopened, nor that 13 power plants have been built, providing about 60 percent of Iraq's power generation, or that over 250,000 Iraqi security forces have been trained, equipped, and are fighting on the front line against the insurgency!

Further, Mr. Speaker, without our policies and efforts in carrying out the War on Terror, Libya would not have given up their WMD programs, free elections would not have taken place in Afghanistan and Iraq, a national unity government would not be in place in Iraq, and Abu Musab al-Zarqawi would still be carrying out terrorist operations.

Instead of heralding the unparalleled successes of our troops and our policies in prosecuting this war, my colleagues on the other side of the aisle would have the American people believe we are losing.

Perhaps Mr. Speaker, the hope of political gains has some of my colleagues seeking to exploit the few missteps we have incurred while ignoring a much greater number of victories.

Mr. Speaker, we cannot give in to the antiwar rhetoric, which only serves to embolden our enemies while offering little hope and little vision. It is always easier to pull back the reigns and watch from the sidelines, but we in America choose to be active in determining the course of history. Make no mistake, we are in a tough fight for the future of peace, freedom, and democracy in the Middle East and around the globe, but winning should be our only option.

As we debate this resolution today, let us not forget that nearly everyone of my colleagues on the other side of the aisle when presented with the same pre-war intelligence that President Bush had concluded with high confidence that Iraq was continuing its' WMD programs contrary to U.N. resolutions. For those who now want to claim the pre-war intelligence was in some way fabricated, both the bipartisan Senate Intelligence Committee in 2004 and bipartisan Robb-Silberman Committee in 2005 did not find any evidence to support that claim. It is shameful that "Monday Morning" critics who hate Secretary Rumsfeld and President Bush are now resorting to false claims about pre-war intelligence

Given that Sadaam Hussein had used weapons of mass destruction on neighboring countries in the past, along with his desire to bring us harm, Republicans and Democrats alike reached consensus that the potential for him to either harm us directly with these weapons, or indirectly by passing them on to terrorists, was too great a risk to take. The terrible human rights atrocities committed by Sadaam and his blatant disregard for repeated U.N. resolutions were further compelling grounds for our bi-partisan actions.

Mr. Speaker, none of these facts have changed. What has changed is the resolve of many on the other side of the aisle who in the process of changing their footing on the war, have become more interested in playing politics than in defeating terrorism and defending freedom. When these Members of Congress who are advocating a defeatist strategy, sometimes referred to as "cut and run", were presented with the opportunity in November 2005 to vote on withdrawing our forces from Iraq immediately, only 3 of those behind these calls stood by their words.

Mr. Speaker, Prime Minister Nouri al-Maliki of Iraq made the following statements this past Friday: "We believe we will soon reach a tipping point in our battle against the terrorists as Iraqi security services increase in size and capacity, taking more and more responsibility away from the multinational forces. With our allies, we will also persevere to make Iraq a prosperous democracy in the heart of the Middle East."

Mr. Speaker, it is easy to see great hope and potential in the Iraqi government and the Iraqi people. However, ill conceived and short sighted strategies threaten any chance of Iraq becoming a bastion for democracy in the Middle East. I sincerely hope the defeatist rhetoric of the minority party will not dishearten the brave men and women who are defending and advancing freedom around the globe.

Therefore Mr. Speaker, I urge all members to support this resolution. Let our brave men and women in uniform know that we will never break faith with them. Let the Iraqi people know that their patriots have not died in vain.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I have the greatest respect for the gentleman from Pennsylvania. When I returned to this House after an absence of 16 years, he was one of the first people to greet me. I have enormous respect for the work we did together with others here 25 years ago in fighting common battles.

I have a general disagreement with him on this approach. I don't question your patriotism. I certainly am attempting not to be sanctimonious about this. But I think there are some real questions that we must pose. One of them would be this: I have heard it said from your side of the aisle that we are attempting to force democracy on this country, and it will never work.

Look at the three elections they had, the increasing participation. And, frankly, contrast that with what occurred just this last Tuesday in the Commonwealth of Virginia, where, for a primary to determine who the Democratic nominee is going to be for the Senate, 3 percent of the people showed up, 3 percent of the registered voters.

I would suggest if we were on this floor talking about Iraq where only 3 percent supported, people would say democracy is a failure. I am not willing to give up on the Commonwealth of Virginia. I hope we are not willing to give up on Iraq.

Secondly, the question about Vietnam. And I have the greatest respect for the gentleman; he served there with distinction, just as my father served in World War II with distinction. But I would suggest there are a number of differences between Vietnam and this experience. And one of the chief ones is this: when we left Vietnam they did not follow us. If we leave Iraq, the terrorists would follow us.

Some would suggest that it is a shame that we are fighting them there. I say it is wonderful that we are fighting them there rather than here.

Mr. MURTHA. Mr. Speaker, I yield myself as much time as I may use.

I didn't mean to imply that the gentleman from California is sanctimonious. It is just some of the speakers have been sanctimonious. But that is not the point. We want the same thing. We want stability in the Middle East. It is important. We use more oil than any other country in the world, 20.6 million barrels of oil a day. The closest to us is China with 6 million barrels of oil a day. The whole free world wants stability in the Middle East. It is how we get it.

What I am saying is there is more instability in Iraq because of us, because of our troops. They have become occupiers. This is the thing that worries me. That is why I think we have to change direction.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 30 seconds to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, there is no greater obligation we have to the people of this Nation than to protect their freedom and their safety. We owe it to the public to pursue those who seek to destroy our way of life.

Democrat wartime President Franklin Roosevelt understood this when he said, "When you see a rattlesnake poised to strike, you do not wait until he has struck before you crush him."

Policies of appeasement did not work against Nazi Germany. They did not work against the Soviet Union, and they will most certainly not work against terrorists right now plotting violence and bloodshed against our citizens.

Our actions taken in Iraq and Afghanistan are aimed unequivocally at crushing global terrorism. We must complete our mission.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

I would just point out to the Speaker that Franklin Roosevelt might have said that, but he waited till they attacked us at Pearl Harbor before he took any action. He tried to build up the forces, but certainly didn't take any military action until we were attacked at Pearl Harbor.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Almost, in fact a little bit more than 61 years ago, the 101st Airborne parachuted into Normandy. And a few miles away the Fourth Infantry Division was wading through bloody waters onto Utah Beach. And thousands of miles away, the First Marine Division was culminating a series of island operations, including Guadalcanal, Pelalieu and many others, very dangerous, very bloody. We call them the Greatest Generation. And you know, today, the 101st Airborne anchors the Sunni Triangle. The Fourth Infantry Division, including many of the grandchildren of those great members of the Greatest Generation, are in Baghdad. And the First Marine Division is out in that very dangerous al Anbar Province in towns called Ramadi and Fallujah. I call them the New Greatest Generation.

But there is a difference between them and their forefathers of the 101st and the Fourth Infantry Division and the First Marine Division, and that is that the Greatest Generation of World War II had a Congress that was united behind their mission. I think we owe it to this New Greatest Generation to unite behind their mission, and not just because it is their mission and we are Congress and we oversee national security, but because we gave them the mission. We voted overwhelmingly in the House of Representatives to go into Afghanistan and Iraq. We, not somebody else, we gave them the mission. They have carried out that mission. They have carried it out in thousands of firefights at 10,000-foot elevations in Afghanistan, taking down safehouses in Mosul and Tikrit and Fallujah and many other areas in Iraq, winning 45,000 bronze stars for valor and meritorious service, among many other medals; and you know, all the while taking on the enemy, they inoculated over 5 million children against diseases, re-stood up over 3,000 schools, built hundreds of hospitals, and they carried the free elections of the Afghan and Iraqi people on their shoulders. That is why we had free elections in those two countries.

Now, you know, when we started this thing, and if you look at the literature of al Qaeda and the terrorist organizations, they question the capability of the American troops. They no longer question that capability. Mr. Zarqawi does not question that capability. Saddam Hussein does not question that capability. They have been convinced of it in thousands of firefights. They don't question the troops' commitment to this mission. And the troops' commitment to this mission is manifested in reenlistments rates. For the Fourth ID, the Third ID, the 101st, the 10th Mountain Division, the First Marines, reenlistments, after multiple tours of more than 130 percent of the requirement.

They don't question the continued commitment of the President. They have seen this President go through highs and lows in the polls and continue his commitment to the mission that we launched together. The only question they have now is us. They question our commitment to this mission. And this resolution, Mr. Speaker, is a chance to unite this House of Representatives by restating our commitment to this mission. Let's do it so that tonight, when those troops come home from their patrols and their recons and their convoys and they look at the news, they are going to say the United States House of Representatives, they stand with us.

Mr. MURTHA. Mr. Speaker, I yield myself as much time as I may consume.

The problem is, 42 percent of the people don't know what the mission is. When I talk to the young folks in the hospitals, they tell me their mission is to go out and find IEDs. That is explosive devices. Their mission is to be a target.

Hey, we all agree with everything that the gentleman from California said, Mr. Speaker. We agree. We support the troops. We have done everything we can do. It is the policy we disagree with. It is a change in direction we want. We are staying and we are paying and we are paying with troops' lives. We are paying with financial resources.

The first gulf war the United States paid $5 billion. We had 500,000 American troops. We had 160,000 coalition troops. President Bush I did a marvelous job, one of the finest international coalitions in the history of the United States. They paid and they produced and they supported. But he knew how far he could go. He understood the enemy and he understood what could be done. And he was willing to change direction. When they thought they had enough troops, General Schwartzkopf said he needed more troops, he put more troops on the ground.

So I am convinced all of us agree we want a solution. But the American troops, unfortunately, have become occupiers. And 80 percent of the Iraqis want us out of there. And I have a piece of paper here that the Vice President of Iraq, here, Tuesday night on the way home on Air Force One, President Bush said there are concerns about commitment in keeping our troops there. They are worried about it to a person. They said they will leave before capable.

Then the Associated Press reports, yesterday morning Iraqi's Vice President has asked President Bush for a timetable for withdrawal of foreign forces from Iraq. And Iraq's Vice President's office said Vice President of Iraq made the request during his meeting with Bush on Tuesday when the U.S. President made a surprise visit. I supported him, the President said. Eighty percent of the Iraqi people want us out. They want to solve these problems themselves. The Americans cannot force democracy on Iraq.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, having returned from my fourth trip to Iraq over the Memorial Day break, I rise in support of H. Res. 861.

Mr. Speaker, I rise in support of America. I rise in support of our active troops and those who have given their lives and those who will give their lives so that we will prevail in this global war on terrorism. These troops are part of an all-volunteer force that is the envy of the world.

I rise to reassure the American and Iraqi people that we reject any timetable for the withdrawal or redeployment of U.S. forces in Iraq before victory.

Al Qaeda and other terrorist organizations have attacked our family, neighbors and friend numerous times over the last three decades. What has been the response? For the most part, there has not been an adequate response.

And Mr. Speaker—that is hard to admit. Some would tell you we didn't respond due to lack of political will, others would say America just didn't have the stomach.

From the killing of 241 U.S. service members in Beirut in 1983 to the attack on the USS *Cole* in 2001, America responded in a cautious manner.

This is no longer the case. Due to the events of September 11, 2001 our country was forced to reevaluate our defensive and offensive strategies.

Led by our Commander-in-Chief and with the support of the Congress, our government decided to take the fight to every cave the enemy hides in—sending an unmistakable message. We will fight the enemy overseas and prevent him from reaching our shores.

Having been to Iraq during the recent Memorial Day holiday, I am pleased to report the message is getting across. Our enemies are starting to realize that America and its allies are not leaving and are not intimidated.

I say to the Iraqi people—we will not abandon you. We are committed to the completion of the mission to create a sovereign, free, secure and united Iraq.

During my 4 trips to Iraq in the last 3 years I have been heartened by the continued resolve of our forces. After receiving briefings from the Generals, I always make sure to spend an equal amount of time with the senior enlisted men and junior officers who are leading at the tip of the spear. The casualty count among this group is rising—and that is hard to grapple with—but it is for a purpose.

A man who was responsible for so many of these casualties—Zarqawi—is now dead. He was killed by a 500 pound bomb dropped from an F–16. This weapon and this method of employment were thoroughly developed and tested at Eglin Air Force Base in Okaloosa County, Florida.

The dedicated air force active duty, civilian personnel and contractors from the Test and Evaluation Community and the Air Force Research Laboratory can be equally proud.

I would like to remind my colleagues and the American people of the courage it must take to vote in a country that has never known democracy while under the threat of death—simply for making one's voice heard. This courage is commendable and is a cause worth fighting for.

Mr. Speaker, America and her citizens are strong. We will continue to lead the way in showing the Iraqi people how to establish a free and democratic nation and we and they will never forget the sacrifice of those who made their democracy possible.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I rise in support of the resolution.

International Terrorism—when we discuss this very important issue—an issue of life and death—not just for each of us individually, but for our nation and way of life—it is imperative that we begin our discussion—at the beginning. And that beginning wasn't on 9-11! We've been under attack for at least 30 years.

We did not want this fight—we did not invite this fight—we did not wish to engage in this battle. However, once our enemy crossed over the line—confirmed for us and the world—that they were unwilling to respect international law, respect individual liberty, respect sovereignty of nations—and that they were willing and desirous of engaging in mortal battle—no other option was left to us or the civilized world.

Abu Musab al-Zarqawi, on January 23, 2005, said: "We have declared a fierce war on this evil principle of democracy and those who follow this wrong ideology."

So, this discussion today comes down to a fundamental question—what is the appropriate strategy and tactic to adopt to win the War on Terror?

Will we withdraw and simply defend—a policy of isolation and containment—or will we aggressively combat terrorism—and take the battle to our enemy?

This war is unlike any other in history—without a doubt.

Our enemy has no single home. It recruits and trains its army from nations around the world. The only unifying element is hate—hate for the West—hate for democracy—hate for freedom of religion—hate for liberty.

The only message our enemy understands is force. Period. Terrorists don't negotiate—terrorists don't compromise—terrorists are not interested in peace. To them, that's weakness.

Thankfully we've stayed the course. Thankfully we've persevered in both Iraq and Afghanistan. The greatest threat to terrorism is freedom, liberty and democracy—in the Middle East and beyond.

Today the terrorists are truly on the run.

Last week U.S. and Iraqi forces eliminated Al Qaeda in Iraq's top terrorist—Abu Musab Al Zarqawi. This was accomplished with excellent intelligence—knowing where the bad guys were and when. And this information came from Iraqi civilians—that is a very positive sign.

This important step demonstrates many things: we will hunt down terrorists and eliminate them wherever they are hiding, the shackles of decades long terrorism are being removed from the Middle East, Iraqi security forces are stepping up to the challenge; Iraqi citizens want to be free of terrorists and they are not going to sit idly by.

Success breeds success.

Never has that been more evident than this past week.

While Zarqawi was eliminated—finding him brought a treasure trove of information allowing U.S. and Iraqi forces to dismantle many more pieces of Al Qaeda's puzzle.

Success breeds success.

Iraq just this past week selected 3 more officials—cabinet ministers—to serve in its standing government.

Success breeds success.

It is also important for us to recall and reiterate why we are engaged in this war.

It is imperative during this debate that we re-examine the conditions that required the United States to take military action in Afghanistan and Iraq in the aftermath of the attacks of September 11, 2001.

Just a short look at recent history—just the last 27 years—vividly demonstrates the death, destruction and terror brought to Americans by our enemy.

November 4, 1979—Iranian radicals seized the U.S. Embassy in Tehran and held 53 hostages for 444 days.

April 18, 1983—Sixty-three people, including the CIA's Middle East directory, were killed when our U. S. Embassy in Beirut was bombed.

October 23, 1983—simultaneous suicide bomb attacks on American and French compounds in Beirut, Lebanon; killing 242 Americans and 58 French troops.

March 16, 1984—Islamic Jihad kidnapped and later murdered Political Officer William Buckley in Beirut, Lebanon.

October 7, 1985—Achille Lauro Hijacking—terrorists seized the Italian cruise liner and murdered one American invalid in a wheelchair.

April 5, 1986—Berlin Discotheque Bombing—Two U.S. soldiers were killed and 79 American servicemen were injured in a Libyan bomb attack in West Berlin, West Germany.

December 21, 1988—Pan Am 103 Bombing—Pan Am 103 blown up over Lockerbie, Scotland by bomb placed by Libyan terrorists—all 259 people on board were killed.

February 26, 1993—First World Trade Center Bombing—car bomb exploded in an underground garage killing 6 people and injuring over 1000.

November 13, 1995—car bomb explodes at U.S. military complex in Riyadh, Saudi Arabia, killing one U.S. citizen, several foreign national employees of the U.S. government and over 40 others.

June 25, 1996—Khobar Towers Bombing—a truck bomb in Dhahran destroys Khobar Towers, a U.S. Air Force barracks, killing 19 U.S. military personnel and wounding 515 people, including 240 U.S. personnel.

August 7, 1998—U.S. Embassy Bombings in East Africa—two coordinated attacks on U.S. Embassies in Kenya and Tanzania—killing over 300.

October 12, 2000—Attack on U.S.S. Cole—a small dingy carrying explosives rammed the destroyer U.S.S. Cole, killing 17 sailors and injuring 39.

September 11, 2001—Terrorist Attacks on U.S. Homeland—Two hijacked airliners crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon was struck by a third hijacked plane. A fourth hijacked plane, suspected to be bound for a high-profile target in Washington, crashed into a field in southern Pennsylvania. The attacks killed 3,025 U.S. citizens and other nationals.

Treating these incidents as crimes—not acts of war—and providing reactionary measures rather than moving pro actively—will not work. How do we know? Because that is precisely what we did for decades—and the consequence was 9–11.

The attacks we witnessed that day serve as a reminder of the dangers we face as a nation in a post-9/11 world. We can no longer expect oceans between us and our enemies to keep us safe.

Policy of containment has been proven to be a dismal failure.

Just as the battle in Afghanistan was not simply to remove the Taliban. The battle in Iraq was not simply to remove Saddam Hussein and his murderous regime.

One has to look no further than the action of our enemy to see that we are fighting those who want to bring their brand of terror and fear to our shores.

We must not forget those threats that have been disrupted here at home and on our allies: the West Coast Airliner Plot; The Heathrow Airport Plot; and The Jose Padilla Plot.

The campaign against the United States and its allies is ambitious, simple and clear.

Terrorists will stop at nothing to achieve their distorted sense of reality.

Now, we could have easily stayed out of this conflict . . .

However, giving terrorists free reign would not make us any safer—history has proven that.

The price would be more innocent lives lost—more bombings—and not an ounce of peace.

We must not be held hostage by terrorism—that is not living in liberty and freedom!

There are defining moments every generation must face. For this generation that defining moment is how we engage in this War on Terror—highlighted by a very different post 9–11 world. When we came to that defining moment—that tragic day—we, as a nation with our allies around the world, decided we would not allow terrorists to win.

The choice is clear, our resolve is clear. We will and must prevail.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we have just two more speakers, the whip and then our majority leader.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that Mr. LUNGREN control the remaining 30 seconds of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 5½ minutes to the distinguished majority whip, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, and I thank you for presiding over this important debate and for the opportunity to address the House as this debate nears its conclusion.

Let's be clear about what is at stake today as we debate this issue. Whether or not we are successful in winning the global war on terror will define the future, and it will define this generation in the eyes of future historians. Our resolve is being tested by clever enemies with primitive philosophies of religion and government. When my colleagues cast their vote today, they are sending a message about what they believe America's capable of doing and about whether the global war on totalitarianism is worth fighting.

Our actions here on the House floor are being watched not only by our enemies, but by our friends and allies as well. The message we send will be received by the coalition partners fighting with us, the people and leaders of Afghanistan and Iraq, and the Americans fighting for peace and freedom who believe in their mission. This vote, I know, is not being taken lightly, and believe me, it should not be taken lightly. The resolution we are considering is clear and unambiguous. We are declaring that the United States will prevail in the global war on terror.

□ 1030

This war is not a war of choice, but one initiated and sustained by the action of terrorists. It is being fought in many parts of the world with all the diplomatic, cultural, financial and, when absolutely necessary, military resources available to us. In places like Iraq and Afghanistan, terrorists have chosen to make a stand. They understand the only way they can defeat the

United States is not in battle with our soldiers, who are the best in the world, but in the battle of public opinion. Information is the key weapon in that battle.

Over the week of Memorial Day, I was able to travel to both Afghanistan and Iraq to see again firsthand our Nation's efforts to combat terrorists and assist in the establishment of modern democracies. Universally in both countries, the people we talked to, including the leaders that we met with, told our delegation that withdrawing American troops before democracy has had a chance to take root would lead to disaster.

In Afghanistan, President Karzai believes that the southern part of the country is keeping a lid on the Taliban precisely because of the presence of our troops. He believes his countrymen uniquely understand how important it is that our soldiers, American soldiers, maintain a visible role, even as the day-to-day operations are often turned over to our NATO allies. And while we were there, our ambassador was able to report to President Karzai that both the Canadians and the Dutch had been vigorously and successfully engaged the day before. But President Karzai was equally vigorous in his sense that the commitment of America was the commitment that the Afghan people were worried about.

Today we will tell our friend, President Karzai, that America will not abandon our Afghan friends, that we will not close that embassy again and lock the door and walk away for 10 years.

In Iraq, which al Qaeda has call the central front, and that is their quote, not mine, the central front in their war against the West, the sentiment for America to stay is even more pronounced. In Baghdad I spoke with Speaker Mashhadani, a Sunni politician, a leader who had been very opposed to the United States coming to Iraq, but now believes that the presence of the United States, again, until democracy takes root, is essential to the establishment of democracy in that country.

And while visiting the newly formed Kurdish regional government in Erbil, I spoke with those leaders who have recently put aside generations of differences in favor of a unified Iraq. Officials from the new Iraqi Government I met with gave me additional reasons to be hopeful for the future. These elected leaders are committed to governing. Their predecessors had been committed to a political goal in each case, to write a Constitution, to conduct a temporary election, to conduct a permanent election.

This government is the first democratically elected government in the history of not just the country of Iraq that has only been in existence since World War I, but the history of the people who live in this area have never before had a permanent democratically elected government. This government also happens to be a broad-based government that is committed to serve.

I have said many times before, as many have said on this floor in the last 2 days, that only the Iraqis are ultimately capable of solving their problems. The only way to solve them is through increased transparency, economic reform, and democratic participation in government. None of this will be easy, and I have nothing but admiration for Iraqi leaders who are undertaking these tasks in the face of enormous personal risk.

It is in the context of this personal risk that I appeal to my colleagues, who live peacefully and safely in the world's oldest constitutional democracy, the United States of America, not to turn their backs on the leaders of the world's newest democracy.

Mr. MURTHA. Mr. Speaker, I have three unanimous consent requests.

I yield for the purpose of making a unanimous consent request to the gentlewoman from Minnesota (Ms. McCOLLUM).

Ms. McCOLLUM of Minnesota. Mr. Speaker, I ask unanimous consent to put my statement in the RECORD on House Resolution 861.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

Ms. McCOLLUM of Minnesota. Mr. Speaker today we mourn the death of the 2,500th American soldier in Iraq and are disgusted by the headline in yesterday's Washington Post stating, "Iraq Amnesty Plan May Cover Attacks on U.S. Military." With another American soldier killed and the news of Iraqi Prime Minister al-Maliki seeking amnesty for insurgents who have killed and maimed U.S. troops, this House debates H. Res. 861, a meaningless, nonbinding Republican resolution that is a political document designed as a partisan campaign ploy, not a serious attempt to address the failings and mismanagement of this disastrous Iraq policy. Our troops in Iraq are in harm's way, they are sacrificing tremendously for all Americans and the Iraqi people, and this Republican Congress honors their sacrifice with a farcical debate—it is shameful.

A majority of Americans know that the Bush administration's Iraq policy is strategically bankrupt and it has put U.S. troops in the untenable position of refereeing an Iraqi civil war. It is a policy that has made America less safe and more at risk in a dangerous world.

Earlier this week President Bush returned from a 5-hour visit to Baghdad and said, "I sense something different happening in Iraq." This profoundly unenlightened observation after 5 hours inside the safety of the "green zone" contrasts with U.S. troops who are on their third tour of duty in the midst of a chaotic, deadly and deteriorating civil war. This White House has made "victory" the basis for an end to the U.S. occupation of Iraq, but the only exit strategy this president has thus far developed was his own—for his departure from Baghdad after only 5 hours.

Outside of the safety and security of Baghdad's "green zone," there is "something different happening" and U.S. troops are surrounded by it—the depravity and brutality of an Iraqi civil war. Murderous militias, government sponsored death squads, paramilitary brigades, insurgents and organized criminals who kidnap and kill children—these are the forces that control neighborhoods, rule the streets and are on the payroll of Iraq's Ministry of the Interior.

Let me cite a May 7, 2006 article from the Los Angeles Times to underscore how different Iraq is today, "More Iraqi civilians were killed in Baghdad during the first 3 months of this year than in any time since the toppling of Saddam Hussein's regime—at least 3,800, many of them found hogtied and shot execution-style. Others were strangled, electrocuted, stabbed, garroted or hanged. Some died in bombings. Many bore signs of torture such as bruises, drill holes, burn marks, gouged eyes or severed limbs."

This horrific depravity does not reflect a global war on terror, it is a civil war and American troops have no business separating religious groups determined to kill each other in order to settle old scores or accumulate political power. "Now the killings are systematic, personal. Masked gunman storm into houses, and the victims—the majority of them Sunnis—are never seen alive. Such killings now claim nine times more lives than car bombings, according to figures provided by a high-ranking U.S. military official, who released them only on the condition of anonymity," the same Los Angeles Times article states.

Is this the vital American interest for which 2,500 Americans have given their lives? If we don't stop these barbarous murders in Iraq does it really mean they will then bring their torture and executions to America's towns and neighborhoods as the Republican scare tactics purport? Of course not; this simple-minded "fight them over there so we don't have to fight them here" Republican rhetoric reflects their blindness to the real situation on the ground in Iraq. Iraq's endless domestic atrocities and brutality is their domestic tragedy, not a global phenomenon, but the Republicans are more interested in using this argument in their political campaigns than they are in bringing our troops home from this civil war safely.

We know that President Bush's stated premise for the war in Iraq, weapons of mass destruction, was a fabrication and a deceptive exaggeration. But is it now the duty of U.S. soldiers to police the death-squads that are operating within the Iraqi police and committing gross human rights violations? Is it the duty of our brave troops to disarm Shiite militias that are extensions of the Iraqi Government and responsible for imposing religious law and hunting down violators of their sect of faith? Absolutely not.

The mantra from President Bush and the Republican Congress is "stay the course." It is an outrageous and irrational strategy that reflects the bankruptcy and myopic nature of this administration's assessment of the situation inside Iraq. An occupied Iraq will keep U.S. troops as targets of Iraq's nationalist insurgents and never allow that country to escape the current security crisis, political crisis and financial crisis. Only if this occupation ends is Iraq capable of truly being a sovereign nation that is responsible for its own problems and future.

Instead of allowing Iraq to determine its own destiny, President Bush has made an indefinite U.S. military commitment to Iraq, almost, assuring tens of thousands of additional U.S. soldiers will be sent to confront Iraq's problems. Since U.S. forces are in the fourth year of a war that was intended to last only months and the concept of a U.S. victory over all the various factions of murderers, criminals and armed insurgents is delusional, one can only surmise that U.S. troops will be in Iraq when the Bush administration leaves office in January 2009. For this reason, Congress needs to dictate a clear position that will allow for the redeployment of U.S. troops within the region to defend U.S. interests and refocus our attention to the war on terrorism. This will allow for a restoration of Iraqi sovereignty and the opportunity for Iraqis to determine their own future.

The Bush administration's mismanagement of its Iraq policy from a military and geopolitical perspective is only exacerbated by the tremendous investment of U.S. tax dollars that have yielded such unremarkable results. To date, more than $320 billion has been borrowed and spent in Iraq. Every single dollar has been added to our Nation's national debt with the burden for the financial cost of this war on the backs of all of our children and the grandchildren, including those of the very soldiers who are now fighting and sacrificing in Iraq. Image, this Congress and White House have looked the other way as almost $9 billion has simply disappeared into a system in which corruption is endemic and financial mismanagement the norm. Every American should feel betrayed by this Congress and its disregard for oversight and accountability with regard to the hard-earned tax dollars of U.S. citizens.

As Americans fight and die in Iraq and Americans pay hundreds of billions of dollars for this war, it is remarkable to hear the words of Iraq's Prime Minister al-Maliki. President Bush earlier this week, in a moment of poetry, looked into the prime minister's eyes. It was unclear what the President saw, but we do know the words the prime minister has used on June 1, 2006 to describe U.S. troops when he said, "They (troops in the American led coalition) crush them (Iraqi civilians) with their vehicles and kill them just on suspicion. This is completely unacceptable." The Prime Minister called the U.S. violence against Iraqis a "daily phenomenon." Now, President Bush's soul-mate wants to provide amnesty for those who murdered and maimed as many as 20,000 U.S. troops. Is this why the Republicans in Congress want to stay the course in Iraq?

Mr. Speaker, there is a civil war—a 21st Century civil war—raging in Iraq. It is based on religion and historical events that can never be remedied by 130,000 U.S. troops whether they remain as an occupying force for 1 more year or 50 years. What we have achieved in Iraq is certain. The end of Saddam's regime, three elections, an Iraqi constitution, a new permanent government and the training of more than 250,000 Iraq security forces are the frequently stated highlights of this war. These achievements are the sole result of U.S. troops and their sacrifice and bravery. Yet, this mission is confronting a reality that is darker and much more ominous in large part because this ill-conceived pre-emptive war has unleashed forces that are beyond the control of U.S. troops that are antithetical to U.S. interests.

On May 26, 2006, Tom Lasseter reported for Knight Ridder that "Southern Iraq, long touted as a peaceful region that's likely to be among the first areas returned to Iraqi control, is now dominated by Shiite Muslim warlords and militiamen who are laying the groundwork for an Islamic fundamentalist government, say senior British and Iraqi officials in the area."

Even with 130,000 U.S. troops and thousands more from coalition partners, Iraq is not on a path that will yield a free, democratic state in the Middle East. The occupation has cleared the way for the establishment of a theocratic order that will ensure clerics and militiamen dictate obedience to religious law—Sharia law—with absolutely zero tolerance for any form of pluralism. The current situation in Basra only highlights the incomprehensible ignorance of the designers of U.S. Iraq policy to consider the powerful cultural and religious forces the U.S. invasion of Iraq unleashed. Tragically, the 2,500 U.S. troops who have been killed, the almost 20,000 who have been wounded and the tens of thousands of Iraqi women, children and men who have been killed—often times brutally—have suffered the consequences of President Bush's Iraq policy.

Mr. Speaker, H. Res. 861 purposely avoids the dangerous reality and dismisses the tremendous challenges confronting U.S. troops in Iraq and America's real challenges with regard to terrorism and extremist threats. This resolution is a dishonest attempt to inject raw politics into a congressional debate that will do nothing to keep America secure or bring U.S. troops home safe and soon. As we look to the future, my intention is to continue to support a comprehensive strategy to combat terrorism, keep America secure from real strategic threats and to redeploy U.S. troops from Iraq's civil war. All Americans support our troops, but it is time for Congress to support a policy that ensures U.S. troops have an exit strategy from Iraq. This resolution should be defeated and I will vote against it.

Mr. MURTHA. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, it has been my honor to serve as a member of the Defense Appropriations Committee for 28 years here in the House of Representatives and to often engage in debates over important issues of national defense and national security here on the floor of this Chamber. It has always been my view that partisanship should end at the water's edge, and that all of us here in this body have a solemn obligation to consider the best interests of the Nation as we debate military involvement, especially at times when U.S. troops are involved in ongoing military actions.

With that said, let me make two points about this debate today over H. Res. 861. First, the House Leadership has brought this Resolution before the full membership of the House with the assertion that it will launch a full and open debate on U.S. policy in Iraq. It is unfortunate, Mr. Speaker, that the process of drafting the Resolution we are to consider today was totally closed to members of the Democratic party, and that the expressed intent of the Republican Leadership, as betrayed by the memorandum that was sent to Republican members by the Majority Leader, was to demonstrate that the Democrats are interested in "conceding defeat on the battlefield" and that we as a party "sheepishly dismiss the challenges that America faces in a post 9/11 world." Mr. Speaker, no political party has a monopoly on patriotism, and I can state with certainty that no member of either political party has any interest in conceding defeat or in ignoring real threats to our national security. This type of partisanship is unnecessary at any time, but especially in this debate today.

Secondly, if we are to have a full and open debate over U.S. policy in Iraq, it should be an ongoing activity here in the House, where we legitimately share the constitutional responsibility to "provide for the common defense" and to provide the funds necessary to adequately defend our Nation against aggression and any threats to the security of our people. As any observer of the House of Representatives knows, since the start of the war in Iraq we have rarely debated the merits of our policy in Iraq, and we have conducted very little oversight as we have spent $318 billion, as 2,500 American soldiers have been killed, and more than 18,000 troops have been wounded in battle. On the eve of the 2002 elections we were pushed into a premature debate and vote authorizing the use of force, based on what we now know was inaccurate or overstated information about the capability and intentions of the Iraqi government. Since the start of the military action in Iraq three years ago, we have been called together in this Chamber to debate resolutions commending the abilities and the bravery of our troops, which all of us in this Chamber were united in approving. But we have not, Mr. Speaker, conducted what I believe is the proper level of oversight of the decisions that took us to war, the decisions about troop levels at the outset of the conflict, the post conflict mistakes that were made, the handling of the insurgency and the overall plan for victory and redeployment of our troops. It is not sufficient to bring these occasional resolutions to the floor, drafted by the Republican caucus, intended to express political talking points rather than stimulate genuine discussion about our policy in Iraq.

So as we debate this particular Resolution today it must be said that all Members of this House support the troops who have been engaged in the conflicts in Afghanistan and Iraq, and that we are all encouraged when terrorists such as Abu Musab al-Zarqawi are brought to justice. To imply any different in today's debate would be an injustice.

But that is not all that this Resolution states. Nor is it all that it implies by the words that are printed in it or, even more revealingly, by the things that are omitted from it. Again, this is why it is inappropriate to draft a Resolution of this importance without any input or consultation with Members of the Democratic Party, and why this exercise today is not, in my judgment, worthy of the trust that the American people put in their Representatives here in the House.

The Resolution we are debating today, Mr. Speaker, misstates the mission of the United States actions in Iraq—implying very directly that there was a direct relationship between the 9/11 attacks and our invasion of Iraq, in addition to ignoring the use of the WMD threat in justifying the invasion to our coalition partners and to the American people. Beyond that, the only actions it says that we, as the House of Representatives, resolve to promote are actions that support the status quo, inferring that the Members of this Chamber are clearly satisfied with the status quo and believe the Administration's policy is headed in the right direction. I would contend, Mr. Speaker, that very few of the Members of this Chamber actually are satisfied with the status quo, and certainly it is clear that the American people, whom we represent individually and collectively in this House, believe we need to change course and adopt a new strategy in Iraq.

That is precisely what I believe the House should be doing today, instead of debating the merits of a partisan measure that effectively congratulates Secretary Rumsfeld for pursuing a responsible course of action. We need to change direction. Our strategy in Iraq is not working. It will not produce the victory we all say we believe in. Nor will it allow us to see far enough ahead to the time when we can legitimately redeploy our troops and bring them home. What has been needed, and what is still required, is accountability, and we can only accomplish that, Mr. Speaker, by greater oversight, more thoughtful questioning of the decisions that are made at the Pentagon and in the field, and more openness in considering new directions and new strategies, even if it risks conceding that some of the actions this Administration has taken have been wrong. The Resolution we are addressing today, Mr. Chairman, allows for no such questioning and it only assumes that we are all committed to a strategy that has put us in a position from which no one can say how long it will be . . . a year, two years, five years . . . before our mission is accomplished and our troops can return home.

It is not irresponsible for us to suggest that other members of our coalition in Iraq should be assuming a greater share of the burden. It is not irresponsible for us to suggest that we should be scaling back our role, accelerating the training of the Iraqi forces and encouraging the new Iraqi leaders to understand that they need to take charge of their own government, their own security and their own economy. We are helping, and should continue to help, restore the power grids, the water supplies and the oil production facilities so the Iraqi people will see signs of progress that thus far have disappointed them. We must continue to encourage the new Iraqi Prime Minister al-Maliki and his government in its campaign for national reconciliation and in its effort to disarm the militias, reduce the sectarian violence and bring social and economic stability to the nation. I remain hopeful about the future of a Democratic Iraq, but as we work with the new government to accomplish these objectives, Mr. Speaker, I believe it may be time to take the training wheels off, and to communicate directly to the Iraqis that they are running their own nation, as unsteady as it may seem in the near future.

But above all, what we should be doing today in the House of Representatives is sending a clear signal to the American people and to the international community that we are in favor of changing course . . . of moving beyond the status quo and adopting a new and more successful strategy to achieve a peaceful and stable Iraq.

This Resolution, Mr. Speaker, unquestioningly endorses the status quo, and for that reason I cannot and will not support it.

Mr. MURTHA. Mr. Speaker, I yield for the purpose of making a unanimous-consent request to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise today to commend the outstanding service provided by our men and women in the armed forces for the terrific job they do for us across the globe each and every day, often in very difficult and dangerous circumstances. This is especially true today in places such as Afghanistan and Iraq.

Active military, guard, and reserves forces from western Wisconsin have answered the call to service in the most recent conflict with global terrorism. I have been to numerous deployment ceremonies and witnessed the anguish in the hearts and faces of family and friends as they say goodbye to their loved ones being deployed abroad for lengthy stays. I have also been to numerous welcome home ceremonies to honor their service and to thank them for their sacrifice.

During my three visits to Iraq, I met with our military command and troops in the field, as well as numerous Iraqi leaders and civilians. I can honestly say that nothing made me prouder to be an American than seeing the performance of our troops in the field. They are well-trained, well-motivated and an inspiration to us all. They are, in short, the best America has to offer. I am sure everyone here today wishes them godspeed and safe travels as they carry out their missions.

Specifically, I would like to take a moment to recognize the soldiers from the Third Congressional District of Wisconsin who have lost their lives in the Iraq war: First Lieutenant Jeremy Wolfe of Menomonie, Major Christopher Splinter of Platteville, Private First Class Bert Hoyer of Ellsworth, Private First Class Andrew Halverson of Muscoda, Staff Sergeant Todd Olson of Loyal, Staff Sergeant Andrew Bossert of Fountain City, Specialist Charles Kaufman of Fairchild, Sergeant First Class Trevor Diesing of Plum City, Benjamin Smith of Hudson, Private First Class Anthony Gaunky of Sparta, Sergeant Andy Allen Stevens of Tomah, and Petty Officer 2nd Class Jaime S. Jaenke of Bay City. I would also like to recognize Christopher Lem of Lyndon Station who lost his life while working in Iraq as an independent contractor.

Furthermore, I would like to highlight the good work of the 128th infantry division out of western Wisconsin; the 1158th transportation company out of Tomah, Black River Falls, and Beliot; the Wisconsin Army National Guards' 229th Engineer Company out of Prairie du Chien and Platteville; the 829th Engineer Detachment out of Richland Center; the Army Reserve's 652nd Engineer Company out of Ellsworth; and the 32nd Engineer Company out of Onalaska. These units have served or are serving in Iraq, and I am extraordinarily proud of their service to our country.

But as good and capable as our troops are, it is incumbent upon us policy-makers to do everything in our power to get the policies right. We must ensure that they are fighting on our behalf for the right reasons and with the support and resources they need to do their job as safely and effectively as possible.

That's why this discussion we're having today is a disappointment. This resolution is a political document timed just before the fall elections rather than a serious substantive debate about our involvement in Iraq, Afghanistan and across the globe. Why else would the majority republican party prevent amendments from being offered or even the right of the others to offer an alternative resolution. Such an alternative resolution would more honestly focus on the shortcomings of this administration's policies, which has been highlighted by numerous retired military officers in recent months. Only through an honest assessment of those shortcomings will we have the ability to find the solutions and make adjustments to the goals being pursued.

As someone who supported the Iraq resolution in the fall of 2002, I believed it was important that we get weapons inspection teams back in Iraq to check on the status of Saddam Hussein's WMD capability. I also believed at the time that Hussein would not allow inspection teams back in unless there was a credible threat of force hanging over his head.

To this day, those who opposed the resolution have not been able to explain how they would have accomplished getting inspection teams back in Iraq or whether they viewed that as an important objective.

After we were successful in getting inspection teams back in, however, I led the effort in congress, with representative Sherrod Brown, to send the president a letter signed by 150 of our colleagues to give the inspection teams more time to do their job. At that time, we were informed in intelligence briefings that we were cooperating with those inspection teams by directing them to suspected sites of WMD. They, however, were not finding what the president suspected Hussein was hiding.

I felt increasingly uncomfortable with what I perceived to be faulty intelligence information given to us members of congress and the manipulation of intelligence to fit a preconceived ideological outcome.

Rather than have the intelligence facts shape our policy, I believe today that it was preconceived notions or ideology that distorted the intelligence to make the case for war. Even former Secretary of State Colin Powell has acknowledged his disappointment with the intelligence information he used to make the case before the United Nations. Numerous intelligence officers and State Department Officials have expressed similar reservations.

I also felt increasingly concerned about the President's haste to go to war, the lack of real effort to build international support, the lack of a plan for the day after or even a clear exit strategy once we got there. We now know by many retired generals, the president ignored the advice of our military leaders. My big regret is in believing the president when he said that the decision to go to war would be a matter of last resort. That is what the resolution required but instead the president ordered the inspection teams out of Iraq, even though they wanted to stay and finish their work, and then he ordered our military in. Today, our troops and our country are paying a very high price in loss of lives and resources due to this rush to war.

I was concerned that the main threat against the United States, Al Qaeda, was still a global threat with global reach, and that the person who was directly responsible for 9–11, Osama Bin Laden, was still at large and safe. I believed the President was taking his eye off the ball in Afghanistan and not doing everything in our power to bring those responsible for 9–11 to justice. It sends a terrible message to would-be terrorists who may be interested in striking us that all they have to do is go in hiding and lie low until we get distracted on another adventure.

Instead, the President should have, with the support of the American people and international community which we enjoyed at the time, made it our mission to never rest, never sleep until those responsible for 9–11 were brought to justice. Instead he diverted precious resources and personnel from Afghanistan and redirected them into Iraq. As a consequence, Osama Bin Laden is still at large, the Taliban are reconstituting themselves and Al Qaeda remains a global threat.

But we are where we are today. The question now is how do we move forward and what is at stake. Now that we have gone into Iraq, I believe the outcome in Iraq is important, not only for the Iraqi people, to whom we owe a duty to be responsible, but also for the region and for our Nation's long-term security interest. If the Iraqi people are successful in establishing a representative government, a government that respects human rights, religious tolerance, minority rights and the empowerment of women in their society, then Iraq could become a powerful model for change and reform in a region of the world that's in desperate need of reform.

I believe that a precipitous withdrawal from Iraq today will leave chaos, bloodshed and civil war in our wake. I believe that setting an artificial time for withdrawal will force our policy to merely revolve around that date rather than on the mission to be accomplished. And I've been informed by our military command in Iraq as well as our troops, that they do not desire a date certain because we could be setting them up for failure. They fear that conditions could change on the ground that they have no control over which might make adhering to that date difficult or ill-advised. They do not want artificial dates for the sake of political expediency.

I also believe, however, that this must be a crucial year of transition for us. Now that the Iraqis have established a coalition government and now that we have helped train over 250,000 Iraqi security forces, now is the time to put pressure on the Iraqi people to take control of their own future, through self-government and security responsibilities. We cannot do this for them; we cannot stay there indefinitely as the President proposes; we cannot want a free, stable and secure Iraq more than the Iraqi people want it. Such a change in tactics will enable us to begin the redeployment of our troops first within Iraq, off the front lines, then within the region and eventually back home to their families. It's time for a responsible and successful exit strategy to be implemented. In short, it's time to take the training wheels off.

There have been recent successes in Iraq that we all can applaud. Thanks should be given to our troops in their successful campaign against Abu Musab Al Zarqawi, the notorious and ruthless terrorist whose goal was to create chaos and destruction and fan the flames of civil war.

The Iraqis should be commended for finally, 5 months after national elections, forming a coalition government in which to govern, as well as making the important appointments to the interior and defense ministries.

Yet, even though our forces have proven they can kill the likes of Zarqawi, the question remains whether we can defeat Zarqawism? That is a question that should be discussed and debated.

Purple fingers alone do not make a democracy. Democratic institution building is vital, yet this administration is slashing funding for these programs dedicated to creating viable, long-lasting democratic institutions in Iraq. Getting support for the new Iraqi government from the United Arab League and the international community is also crucial to Iraq's ultimate success or failure. But again, it is difficult to work together and leave together when you didn't go in together.

Clearly, current conditions do not lend for much optimism. Over three years into this conflict, electricity generation is still below prewar conditions. Oil production is still below prewar conditions. Access to safe, clean drinking water is still below prewar conditions. The level of violence against coalition forces and the Iraqi people are at an all time high. Sectarian militias within the country and police forces and growing in numbers and strength. Unemployment, at 45 percent, is at an all time high which creates abject poverty and provides fertile ground for militia recruitment and more sectarian violence throughout the country.

Crime and corruption is rampant and increasing. Iraqi reconstruction is way behind schedule and infected with corruption and fraud. In my last visit to Iraq in October of 2005, I specifically sought explanations for the administration's failure to account for 9 billion dollars of missing reconstruction funds. No explanation could be given.

We're losing approximately 600 military personnel every month due to death or injuries. The administration is literally breaking our military with no plan to save it. We are spending 9 billion a month in Iraq with no plan on how to pay for it other than more borrowing and spending and legacy of debt for our children to inherit.

If there is a big winner in Iraq, it is Iran. The record high oil prices that Iraq helped bring is directly benefiting Iran. Iran continues down the path of developing nuclear cap ability because we have no leverage over them. Iran's influence grows in the region with the majority Shiite population in southern Iraq and their support of Hamas who recently won Palestinian elections.

What our involvement in the Middle East clearly demonstrates is the need for a new energy policy for a new century so we can break our dependence on foreign oil. Today we are financing both sides of global terror, the huge costs of our military excursions but also, through the petro-dollars flowing to many regimes in the Middle East, to charities and schools that support the teaching of radical Islam and helps turn a new generation of young people against us in the region. And again, there is no plan by the administration for a new direction.

Equally disturbing is a recent study that shows that anti-Americanism is rampant and growing throughout the world, not just throughout the Arab and Muslim world but also in those countries that have been traditional friends and allies of the United States. No matter how good and capable our military is, we cannot fight this battle against global terror without help and assistance in the international community.

And still, here today, there is no plan by this administration to turn these conditions around. Iraq and these other challenging issues deserve an honest and open debate. Unfortunately, that opportunity was taken from us today by the majority who would rather whitewash conditions and pretend we're heading in the right direction. The American people deserve better than this, our troops and their families deserve better than this and this Congress deserves better than this. We must reassert our role as a co-equal branch of government, capable of conducting proper oversight, demanding accountability of this and future administrations, and willing to make policy changes to address and overcome the challenges we face today.

I end as I began, by offering heartfelt thanks and undying admiration for our men and women in uniform for their service to our country. May God provide his special blessings and care for those who fell in the line of duty. And may God continue to bless these United States of America.

Mr. MURTHA. Mr. Speaker, I yield myself the balance of my time.

Let me go over what I said before.

All of us applaud the elections. All of us applaud the fact that Zarqawi was caught and the way he was caught, using Iraqis, giving information to Iraqis, and the United States operating and going in and eliminating Zarqawi.

The problem is because of the way we handled this at first, it got out of hand, and United States forces had to use overwhelming force in many cases. Fallujah, for instance, they went in and put 300,000 people outside their homes. Only 100,000 have come back.

Now, in Anbar Province they have no electricity at all. They have 2 million people there. They have zero projects in Anbar Province. That is the province where we had the most trouble. And then as I go through the liturgy of things that have happened with 130,000 troops there, this is the point: in May of 2003, we had 3,000 insurgents. In May of 2006, we have 20,000 insurgents. Now, we are there. The United States forces are occupying Iraq. The estimated number of foreign fighters in 2003 was 100. This comes from our intelligence people. And today there is an estimated 1,500. I think it is a little less than that, but it is estimated at 1,500.

Now, think. We have got 130,000 troops. They supposedly have 265,000, police and army trained. They have more confidence in their army than they have in the United States forces; yet there are only 1,000 foreign fighters. We have sectarian violence which is, in my estimation, a civil war and we are caught in between. Our troops have become the targets in a civil war.

All of us want this thing to be resolved. This is absolutely essential to stability in the free world because of the energy that comes from the Middle East. But how we do it is what we disagree with. As long as American troops are there, we actually are attracting terrorism.

Do you know who wants us in Iraq? al Qaeda wants us in Iraq. Iran wants us in Iraq. North Korea wants us in Iraq. Russia wants us in Iraq, and China wants us in Iraq. Why? Because we are depleting our financial resources and our human resources. Because we are destroying the future viability of the Army. We have $50 billion in backlog right now for the Army, equipment that needs to be repaired. We have had to lower the standards for the Army, taking category 4s, which we did not take for a long time. We have had Air Force people and Navy people we transferred over to the Army because they do not have enough people. And we can talk about reenlistment, but they had no reeinlistment bonuses that I know of during the old days. They now have up to $150,000 that they pay people in reenlistment bonuses. So we are having real problems. I agree the troops are doing everything they can. Their mission is actually accomplished.

But let me go on. Monthly attacks on oil and gas assets: there were five in 2003, and it has gotten worse in 2006. Oil production is less than the prewar level. Oil production. Somebody complained not long ago that electricity doesn't make any difference. Let me tell you something. If you have ever gone without electricity in your house, you know that it makes a difference.

I am just saying that we have 130,000 troops there, and it is not going well. That is what I am saying. I am saying we have a problem, and our troops are not able to solve the problem. We have become the enemy. It has got to be won on the ground.

We are giving a microphone to be people like Zarqawi. We talk about Zarqawi. We talk about all these foreign leaders and what they say. Why should we pay attention to what they say? Why should we pay attention when Zarqawi says they are going to drive us out of there? That is just rhetoric. That is only rhetoric.

The only way it is going to be won is a change of direction. I gave some examples before. When President Reagan went into Beirut, he went in with 1,400 people, and he decided he needed to change direction. When he had the biggest tax cut in history at that time, he decided he had to make some adjustments later on. He changed direction.

When President Bush went into Somalia, President Clinton changed direction in Somalia because we made a mistake and we went after Adid. There are times in our history when we have to be big enough as a country to change direction.

All of us want the same thing: stability in the Middle East. All of us want to find a way to stabilize the Middle East. If we stay, we are going to pay; and we are going to pay long term. After the Vietnam War, it cost us through the Reagan administration to pay for it. Now, I voted against every tax cut because I felt very strongly that we couldn't fight a war and cut taxes. Now, there is an argument about that and you can argue about the benefit of the tax cut. But you cannot fight a war and have tax cuts. And we will have spent $450 billion by the end of this fiscal year.

My proposal, if anybody has read, is to redeploy and be ready. Redeploy to the periphery. Now, we went after Zarqawi. What happened when we went after Zarqawi? The Iraqis reported to the Iraqis, and then the Iraqis reported to the United States forces and they worked together. This did not come from inside Iraq. This came from outside Iraq. This was the periphery. The F–16s came from outside of the country to go after him. And this was not something that just happened overnight. This was a long-term thing that they had been working on for a long time.

So in my estimation, the only way we can change things in Iraq is to change direction. It has to be changed on the ground. What we say here today, as President Abraham Lincoln said in the Gettysburg Address, is going to mean very little. It will get lost in the rhetoric. What means something is what happens on the ground. All of us support the troops. If you vote for the appropriation bill, the defense appropriation bill, you vote to support the troops. If you voted for the Armed Services bill, you voted to support the troops.

I believe this resolution, if you vote for it, you are voting to support a failed policy wrapped in illusion. And I would recommend to the Members they vote against this resolution.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time it is my pleasure to yield the balance of my time to the distinguished majority leader (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank my colleague for yielding.

This week the House has engaged in an important debate on the war in Iraq and how best to combat terrorism in a post-9/11 world. And there are major differences between those of us who support a strong national defense and national security policy and understand what we have at stake and those who would prefer to retreat from the world stage and attempt to manage the threat of terrorism and the danger that it poses.

During the 1990s, the enemies of freedom used terror and violence in futile attempts to intimidate the United States and the cause of freedom. I will remind all of my colleagues that on February 26, 1993, we had the first World Trade Center bombing. It killed six people and injured more than 1,000 people. And on June 25, 1996, a U.S. facility in Saudi Arabia, the Khobar Towers, was bombed, killing 20 people and injuring some 372 more. On June 7, 1998, our embassy in Kenya was bombed, killed 213 people and injured 5,000 people. And on June 7, 1998, the same day, our embassy in Tanzania was bombed, killed 11 people, injured 68 more. On October 12, 2000, the USS *Cole* was bombed, killing 17 of our sailors and injuring 39 more.

What was our response? During the 1990s, world leaders looked at the mounting threat of terrorism, looked up, looked away, and hoped the problem would go away. But what happened on September 11, 2001? 3,000 Americans were killed by these same terrorists. And in a post-9/11 world, looking up, looking away, and hoping the problem would go away is no longer the answer.

That is why we are having this important debate here on the floor today. The American public deserves to hear how their elected leaders will respond to international terrorism and those enemies who seek to destroy our American way of life.

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Will we fight or will we retreat? That is the question that is posed to us. Some of my friends on the other side of the aisle often refer to Iraq as a distraction.

They have called Operation Iraqi Freedom a war of choice that isn't part of the real war on terror. Someone should tell that to al Qaeda. Let's be clear here. Those who say this is a war of choice are nothing more than wrong. This is a war of necessity that we must fight.

But you don't have to believe me. Just listen to al Qaeda's own leader, their number two leader. Ayman al Zawahiri knows how important the future of Iraq is to his cause. In a 6,000-word letter to al Qaeda's then commander in Iraq, the recently eliminated Zarqawi, he made clear that the terrorists view Iraq as a central battlefield in the global war on terror.

For some reason, this brazen declaration from one of our nemesis about Iraq's importance hasn't registered with many opponents of the war who insist on conceding defeat and withdrawing. If the terrorists tell us directly they see Iraq as a central front on their violent ambitions across the globe, should we dismiss it? Should we dismiss their claims and simply wait for them to attack America?

Operation Iraqi Freedom was hardly a war of choice. Saddam was already a menace and a threat to international order when he ordered several divisions of the Iraqi army into Kuwait in 1990. He routinely supported and openly encouraged acts of terrorism. He relentlessly persecuted and tortured his own civilian population, including Shiias, Sunnis, Kurds and others. He engaged in a multi-billion dollar scandal involving a number of our allies aimed at thwarting the sanctions that were put in place after the gulf war, and abusing the Oil-for-Food Program, thus causing even greater harm to his own people.

He refused to disclose and foreswear his maniacal pursuit of weapons of mass destruction, and he ignored international sanctions and resolutions passed by the United Nations Security Council. Saddam made the case for his ouster better than anyone else could.

President Bush said, on the eve of the American-led invasion, that we would meet the threat before it became imminent, so that we would not have to meet it later with armies of firefighters, police, doctors and others on the streets of our own cities.

September 11 made it clear that we could no longer afford to ignore madmen who threaten our peace and stability. We can no longer let rogue regimes go unchecked and unchallenged.

And because of the combination of modern technology and a murderous ideology, we can no longer count on vast oceans or our own military supremacy to keep America safe. The enemy we must confront does not accept political negotiations or coexistence. The aims of our enemies are clear, to destroy anyone who stands for values, beliefs or political systems which are contrary to their warped and repressive ideology.

Their aims are to destroy the cause of freedom and democracy itself. That is why retreat is not an option in Iraq. As part of the global war on terror, the stakes for the American people are too great. The action we took in Iraq was in the best interests of the American people and the world community.

The events of 9/11 demonstrated that we had to show our own resolve as the world's premier defender of freedom and liberty before such ideals were preyed upon rather than after standing witness to their demise at the hands of our enemies.

Some of my friends on the other side have called the war in Iraq a failed effort. This is curious, given the constant drumbeat of progress since the toppling of the Hussein regime. More children are going to school now in Iraq than at any point in their country's history. The Iraqis have held successful elections, drafted and ratified a national constitution, and have put together the first sovereign, free and unified government in Iraq's history.

Just in the past week we have seen several positive developments in Iraq and the global war on terror. The U.S. military forces eliminated the terrorist al Zarqawi, al Qaeda's top commander in Iraq, and a cold-blooded killer.

The Iraqi Government named new Interior, Defense and Security Ministers as part of their new government's continued progress. And President Bush traveled to Baghdad to meet the newly appointed Prime Minister, Mr. Maliki, to discuss our growing partnership with our new democratic ally.

Yes, there have been some setbacks. No war is easy, but an honest account of our effort must acknowledge the staying power of the insurgency and the support it has received from foreign forces. But the effort and savagery of these insurgents and their sponsors only underscores our progress and the importance of this effort in the global war on terror.

If we had adopted the irrational policies of those who lack commitment to winning this fight, the terrorist, al Zarqawi, would still be alive and plotting attacks against Iraqis and Americans.

Defeating repressive, radical terrorists and their allies is our defining task of the 21st century. Crushing their deadly and poisonous ideology, freeing from tyranny the millions threatened with its bondage, is an effort which the United States and her allies are uniquely suited.

We are the primary target of radical terrorists, and the leader of nations with the capability and fortitude to wage a prolonged fight against these people. In my view, we must not shy away, if only so our children and their children may live in peace.

The American people are understandably concerned about our mission in a post-Saddam Iraq. There have been many tough days since Iraq's liberation and transition to a sovereign democracy. Advancing freedom and building democracies in a part of the world that has known nothing but tyranny is a difficult task. But achieving victory there and gaining a democratic ally in the region will be the best gift of security we can give to future generations of Americans and Iraqi people who have longed to rid themselves of tyranny and oppression.

The world scoffed at Ronald Reagan when he said, tear down this wall. They said communism could never be replaced by freedom. Mr. Speaker, Mr. Reagan was right. And the editorial writers and many in Congress back then were wrong. It is that same faith in humanity, that same faith in freedom that compels us to win in Iraq and to win the global war on terror. Freedom wins. And we will win, because Ronald Reagan noted at the Brandenburg Gate, freedom trumps those ancient hatreds. The freedom to raise your family, the freedom to walk your kids to school, the freedom to live in peace. As Ronald Reagan said, it is always freedom that is the victor.

President John Kennedy said once so eloquently, the cost of freedom is always high, but Americans have always paid it. And one path we shall never choose, and that is the path of surrender or submission.

This week's debate has given all of us an opportunity to answer a fundamental question, are we going to confront the threat of terrorism and defeat it, or will we relent and retreat in the hope that it just goes away?

Achieving victory is our only option. And for the sake of the American people and our kids and theirs, we have no choice but to confront these terrorists, win the war on terror, and spread freedom and democracy around the world.

Mr. NEAL of Massachusetts. Mr. Speaker, the war in Iraq reached another troubling milestone yesterday with the announcement that 2,500 American soldiers have now been killed in the 3-year conflict. In Massachusetts alone, more than 35 families have mourned the loss of a loved one, killed in action in places like Ramadi, Fallujah and Najaf. And since President Bush declared an end to "major combat operations," more than 17,000 troops have been wounded in combat.

Every Member of Congress supports the heroic efforts of our troops in Iraq, Afghanistan and around the globe. These brave men and women in uniform, and their service to our country, should never be forgotten. We have the finest armed forces in the world and they represent the United States of America with remarkable courage, honor and dignity.

During a recent memorial service for a young soldier from western Massachusetts who was killed in Iraq, a Marine Commander paid tribute to our fallen service members by saying: "we weep at their passing, honor their service and cherish their memories." I would simply add that we are also grateful for the enormous sacrifice they have made for our nation.

We are here today in this historic chamber to discuss the future of a war that has already taken so much from so many. A war that a majority Americans now disapprove of.

In October 2002, when this institution first debated authorizing the use of military force, I raised a number of concerns about a preemptive war with Iraq including its cost, the lack of connection between Saddam Hussein and 9/11, and the fact that Iraq was not a credible threat to the United States. I also believed that a pre-emptive strike would act as an effective recruiting tool for radical Islamic fundamentalism worldwide. For these reasons, I was 1 of 133 House Members who against the Iraq war resolution.

Unfortunately, as I stand on the floor of the House, nearly 4 years later, many of these concerns still exist. According to the non-partisan Congressional Research Service (CRS), the war in Iraq has now cost the U.S. taxpayer roughly $319 billion to date. That's $6.4 billion a month and more than $100,000 per minute. If you live in Massachusetts, $9 billion of your money has been spent in Iraq. And there is no end in sight.

I would point out to my colleagues that former White House economic adviser Lawrence Lindsey lost his job for predicting that the war would cost a mere $200 billion. From the start, the Bush administration has not been straight with the American people about the cost of the war in Iraq. And this partisan resolution does nothing to address that.

In fact, the White House has not been straight about most aspects of the war from the existence of weapons of mass destruction to the threat of the insurgency, and from Iraq's purchase of yellow cake uranium to Saddam's ties to al-Qaeda. And with this resolution, House Republicans will simply rubberstamp President Bush's poor planning and mismanagement. I believe it is time for a new direction in Iraq.

More importantly, so do many military leaders. Marine Corps General Anthony Zinni, Army Major General Charles Swannack, Army General John Batiste, Marine Corps Lieutenant General Gregory Newbold and others have all expressed real concerns about our future in Iraq. These are individuals who were deeply involved in the planning and execution of the war. And they do not like what they see.

As General Zinni recently said, "we are paying the price for the lack of credible plan. Ten years worth of planning were thrown away, troop levels dismissed out of hand . . . These were strategic mistakes, mistakes of policy made back here."

Mr. Speaker, like most Americans, I believe it is time for a new course in Iraq. I believe we need to develop an honorable exit strategy. I will vote against this resolution to give President Bush an open-ended commitment in Iraq. Let's bring the troops back home.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I have great respect for my colleagues here in the U.S. House of Representatives. I respect them for their service and for their dedication to their constituents. However, Mr. Speaker, I take offense that any member of this House would stand here and challenge the patriotism of a colleague—such a charge is unworthy of this institution and the democracy we fight for every day. I refuse to allow anyone on the other side, as they have done today and have since this war in Iraq began, to question—whether directly or indirectly—my love of our country, my unwavering commitment to our troops, and my firm belief that we must do whatever necessary to defend the citizens of the United States.

Mr. Speaker, I will oppose the resolution before us today. And, I do so because I love this country and who we are and what we stand for. My reason for opposing this particular resolution comes down to one word—accountability. At every level, the Republican majority here in Congress, has failed to hold this Administration accountable. It is simply astonishing that most of my Republican colleagues have time and time again simply bent to the will of the Administration and allowed themselves to believe meaningless rhetoric without asking tough questions. I urge my colleagues on the other side to abandon their blind faith in this Administration's rhetoric and instead demand accountability. For it is through information, recognition of errors, and the development of an honest plan that we will ultimately ensure our success in Iraq.

Misjudgments and miscalculations have led to a conflict that continues three years after the President declared "mission accomplished." History will judge the President and his cabinet for their performance. But, it is our responsibility as members of Congress to call for a clear plan going forward. It is past time that this Administration implement a strategy to meet our mission and bring our troops home, and it is past time that this Congress demand it.

Instead, this resolution supports a "stay the course" policy that has failed our troops and failed our nation. We all want to see a safe and democratic Iraq. However, the President's open-ended declaration to stay as long as it takes—a policy that this resolution defends—will not require the Iraqi government and the Iraqi people to make the tough choices that need to be made. That is why we must make clear that our military presence is contingent upon progress in the formation of a stable and functioning Iraqi government. We have to make it clear that we expect the Iraqis to take responsibility for their government and for their security. We will support them, but the time for a serious U.S. military presence is limited. To make that clear, we should begin to bring our Reservists and National Guard home, and put in place a strategy to bring the rest of our young men and women out of Iraq as soon as possible.

My colleagues, today, we could have had the opportunity to discuss these important policy issues, demand answers, and work together to better define our objectives in Iraq and our strategy for completing our mission. Instead, we are once again stuck in neutral—playing politics with resolutions about whether Republicans or Democrats support the troops and whether Republicans or Democrats are stronger against terrorism. Let's be clear: we all support the troops and we are all committed to fighting terrorism. That is not the issue—the issue is the Bush Administration's failed policy in Iraq and how Congress—as a separate and independent branch of government—should demand accountability for their failures and demand a real strategy to achieve success and bring our troops home. We owe this to our constituents. We owe it to the brave Americans serving this country overseas. And, we owe it to our great country and its legacy.

Mr. HIGGINS. Mr. Speaker, I thank you for this opportunity to offer supplemental remarks to the remarks I entered into the RECORD yesterday. I offer these supplemental remarks as a continuation of my thoughts relative to the debate held yesterday, Thursday, June 15 and continuing into this morning, Friday, June 16.

It is clear, Mr. Speaker, to anyone who reads the 730 words contained within the body of H. Res. 861 that this resolution concerns three principal objectives: (1) general support for American troops, (2) the Congress's stated belief that the United States will win the war on terror, and (3) the encouragement of the new permanent unity government in Iraq and Prime Minister Nuri Al-Maliki to succeed, toward the ultimate goal of stabilizing Iraq and returning American troops back to the United States. Like so many of my colleagues, I wish this resolution said much more: I wish that the Rules Committee had allowed amendments to this legislation; I wish that a Democratic substitute had been allowed. But none of those things occurred.

Try as they might, the spin doctors and the pundits on the other side of the aisle are trying to make this vote something which it is not—a vote indicating support for the war in Iraq. It is most certainly not that, but is instead a political football that this Majority sees no problem kicking around.

I was not a member of Congress when initial authorization was given to this President to enter into this conflict; I neither support this war nor President Bush's handling—or, rather, his mishandling, of it. This mismanagement has been evident practically from the conflict's inception.

The very simple fact is that the vote today on H. Res. 861 and the surrounding circumstances, are highly political, and not substantive in nature. All those voting on this measure today know and understand that this is a vote scheduled by the Republican majority in Congress only to put Democrats into what Republicans perceive is a potentially difficult political spot. While I did not take a vote to authorize this war, it is my responsibility to work with my colleagues to deal with its aftermath—something that is far more difficult. And I take that responsibility very seriously.

American troops are in Iraq right now. In my view, the establishment of an arbitrary deadline for a pullout—whether it is tomorrow, a month or a year from now—is irresponsible. Our military intervention has destabilized Iraq; as a result, this Nation maintains a duty to stabilize the situation before turning full control back over to the Iraqis. We must leave Iraq as soon as possible, but we must do so responsibly.

Unfortunately, H. Res. 861 does nothing toward ending the instability. It is emotive. It inflames passions. It is red-meat election year politics at its worst.

As I have said throughout my time in Congress, Iraq will be, in the end, what Iraqis themselves will make of it. Congress and the administration need to press forward and convert the well-intentioned but arbitrary deadlines for withdrawal of our troops into responsible, tangible plans that will serve to bring our troops home. We need to shunt aside the inflamed politics of the day—the politics that leads the House to take a day and a half to consider a resolution that accomplishes nothing—and begin a serious discussion about a responsible date for withdrawal of American troops from Iraq—a plan that builds upon the small but substantial positive steps we have seen in Iraq, such as the approval of a constitutional government, the holding of free elections and the institution of a democratic government under the leadership of Prime Minister Al-Maliki.

It is sad that June 15 to June 16, 2006, will be known more for slogans and empty election-year rhetoric than for a realistic solution to a difficult problem. Sadder still is the majority's steadfast commitment to inflaming the passions of the American populace for political gain. I supported H. Res. 861 today, but I eagerly look forward to a day when the majority overcomes its singular focus on politics and commences a serious discussion about how to responsibly bring conclusion to our role in Iraq. I look forward to the day when we can set aside the rhetoric and meaningless nonbinding resolutions and focus on a responsible and workable solution to the morass that the President and this administration have created half a world away.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am deeply disappointed in the Republican Congress' unwillingness to focus on the truth in Iraq. Calling today's spectacle a true debate of ideas on Iraq does not pass the "straight face test." If House Republican leadership choose to have a real debate on Iraq, Members of the House should be able to offer alternatives and ideas. Instead, they have blocked all alternatives by Democrats and for 10 hours the American people are left with the same empty rhetoric they have been hearing from the House Republicans on the floor for 3 years.

My constituents in the 37th District want a strategy in Iraq. They want to know when our brave young soldiers will return home to their families safely. Given this, I find it disingenuous for Republican leadership to talk tough about the war on terror when this debate is supposed to be about American troops in Iraq. It was the Republican leadership who could not wait to divert resources from the war on terror to chase after Saddam Hussein in the first place. Many Democrats said this was a dangerous path, and sadly, that is exactly where we find ourselves.

Mr. Speaker, I support withdrawing our troops at a specific time and redeploying them to the periphery of the arena. Redeploying our troops is the natural and timely evolution to our mission in Iraq. But now is the time that we need to start the process and planning of bringing our troops home. Our troops have contributed to the building of a democracy, assisted in training an Iraqi police and military force and overseen three elections as well as the drafting of a national constitution. They have accomplished a great deal. And we have supported them throughout.

I join the American people in their deep patriotism and love for our great land, and I join them in their solemn appreciation for the thousands of American families who have sacrificed a son or daughter.

However, our troops have been in Iraq for over 3 years. We knew that when we entered this conflict that our troops were not going to be a permanent fixture in Iraq. This was the understanding Congress had with the administration and the American people. The men and women who have given their lives in liberating Iraq have completed their mission and they have done so with valor.

Now it is time for the Iraqi people to rebuild their communities and it is time for us to make our communities whole again by bringing our troops home.

The resolution today is not what the Republican leadership had notified us of. I can only hope that the next Iraq debate on House floor takes place both soon and with greater substance.

Mr. AL GREEN of Texas. Mr. Speaker, although I am in opposition to the resolution, I strongly support our men and women in uniform who are fighting to protect our freedom. These brave men and women have made, and continue to make, the ultimate sacrifice on behalf of our great country. Approximately 2,500 soldiers have given their lives for our country in this war. Approximately 2,500 families across America have been left devastated by the loss of a loved one. Mothers and fathers have lost their cherished sons and daughters, men and women have lost their spouses, children have lost parents. Their sacrifices will forever be remembered.

Our Government has spent more than $250 billion on the war in Iraq, and that number is increasing at the rate of $177 million per day. However, just as we cannot put a dollar figure on the cost of lives and limbs our brave soldiers have lost, we also cannot put a dollar figure on the amount of pride that we as citizens have for them. While our soldiers fight and persevere because they, more than anyone, realize what is at stake in Iraq, it is my sincere hope that we can bring them home soon and reunite them with their loved ones.

Mr. Speaker, although I am in opposition to this resolution, today, tomorrow, and as long as our precious Republic shall exist, we should continue to honor our men and women for their sacrifice, devotion, and continued defense of our country.

God bless America and thank God for the sacrifices made by our brave men and women in uniform.

Mr. PEARCE. Mr. Speaker, all of history—and indeed, all of life—is a series of choices. International relations—and our national security—are mostly about choices.

The world chose to watch when Hitler published his blueprint for genocide in Mein Kampf. The world also chose to watch as Hitler took power on January 30, 1933; directing the boycott of Jewish businesses and opening the first concentration camp just 6 weeks later.

The world continued to stand by and watch as Hitler breached the Treaty of Versailles while denying Jews their fundamental rights through the Nuremberg Race Laws.

Then, on September 30, 1938, British Prime Minister Neville Chamberlain hailed "peace for our time" after appeasing Hitler in Munich.

Thirty-four years later, a terrorist massacre at the 1972 Munich Olympics launched a new era of appeasement. The world met the terrorists' murderous ambitions with an invitation to the negotiating table. Within weeks of the Munich Massacre, the German government let three jailed terrorists go to secure the release of a hijacked Lufthansa jet.

When terrorism first came to American soil with the 1993 World Trade Center bombing, our government treated it as a police matter rather than what it was: an act of war. Then came the Khobar Towers bombing in 1996 and the U.S.S. *Cole* attack in 2000. America—and the world—chose to stand by and watch.

9/11 was the most visible manifestation of a war that had been raging between the terrorists and civil societies around the world for decades. But even as the terrorists plotted to kill us, we had refused to engage them until President Bush committed America to fighting the global War on Terror.

The global War on Terror isn't just a struggle against al Qaeda. It's a war against a violent, evil ideology with which we can never compromise or achieve an armistice. We can't walk away from the fight and hope our enemy goes away.

Any withdrawal—any retreat—in Iraq or elsewhere will be met with more attacks, more bloodshed. Except that the blood could once again run in our streets, in our neighborhoods.

We will learn history's painful lessons at last? That's the choice this resolution poses today.

Mr. PAUL. Mr. Speaker, I rise in opposition to H. Res. 861. The resolution declares that "the United States is committed to the completion of the mission to create a sovereign, free, secure and united Iraq." That's a big job. Ask the British, who tried and failed to do this in the 20th century, what a big job it is. While President Bush has said repeatedly that when the Iraqis stand up we will stand down, this resolution asserts that our troops will remain in Iraq indefinitely. That is unfortunate.

A group of Republicans and Democrats tried to offer a more concrete and meaningful alternative to this resolution, which would have substituted the essence of H.J. Res. 55 for H. Res. 861. This is in line with every benchmark set by President Bush. Unfortunately, we were not allowed to offer an amendment.

Our approach is so reasonable that I believe 75 percent of the American public would strongly support it. Our amendment would simply require the President to develop and implement a plan for the withdrawal of U.S. Armed Forces from Iraq in a reasonable time frame. It does not give a specific date to complete a withdrawal. It does not say to be out in 30 days or else. It just says try to define an end point for the benefit of everybody. This is exactly in line with what the President himself has stated; it supports his statements.

We are not taking a radical approach. It is a very modest approach, a very mild approach. The reason that there was not a vote on our amendment is that we would have won. So this entire exercise is designed for politics. And men are dying. Women are dying! And we're going broke—we spend $300 million every single day in Iraq, at the same time programs here at home are being denied. So we're going to have a financial crisis, and we'll have a political crisis.

I I would like to see this effort taken out of the political realm and put it into the realm of policy discussions. We need to look for real solutions rather than just making political statements.

Mr. WALSH. Mr. Speaker, I rise today to reiterate that now is not the time to bring our troops home from Iraq. Our soldiers have done a valiant effort in fighting terrorism and bringing a semblance of law and order to the chaos in the region and it would be shortsighted to lay out a specific timetable to bring U.S. troops home prematurely before their mission is accomplished. Over the last 12 months, enormous progress has been made in training Iraqi security forces and already we are seeing the fruits of our labors. Iraqi forces took the lead in election security and maintaining order during the December elections. In Southern Iraq control of the countryside is already in the process of being transferred from Japanese and Australian peacekeepers to Iraqi security forces. Slowly but surely this approach of having Iraqi forces take the lead in patrolling the streets of their cities while the U.S. military moves their troops to the perimeter is taking hold. As Iraqi forces continue to stand up, American forces will stand down. Congress needs to ensure that by our actions we don't send a message to our Iraqi allies that the United States is lessening its resolve and going back on our commitment to achieve our strategy for victory in Iraq and defeat the terrorist insurgents who are threatening this victory. While the United States will continue to face setbacks as we move forward with our mission to transfer authority over to the Iraqi people, we have to be firm in maintaining our resolve and finish what we started by achieving a lasting peace in Iraq.

Everyone agrees that our ultimate goal is to establish a free, open and democratic Iraqi government and bring our men and women in uniform home as soon as possible. Nevertheless, we have a responsibility to our troops to ensure that terrorism does not prevail in the Middle East. Any Congressional agreement of an arbitrary time table to bring our troops home before we have accomplished our mission is unacceptable and could potentially increase the risk to our soldiers. I have confidence in our military leadership and in our troops that we will ultimately prevail in our war on terror. I look forward to the day when we can transfer U.S. authority over to Iraq's elected leaders and to a completed transition of power and governance of Iraq.

Mr. MEEK of Florida. Mr. Speaker, I rise in strong opposition to H. Res. 861. Republicans aren't interested in debating or discussing the merits or conduct of the War in Iraq; they only want to play politics with it.

Republicans wrote this resolution. Democrats were not consulted or allowed any input. Republicans then rigged the process and outlawed any amendments, so that the only real choice in voting was not yea or nay, but take it or leave it.

There are serious issues we have to discuss that are being ignored.

The war in Iraq has cost our country $320 billion so far—money we have had to borrow—and it will no doubt cost hundreds of billions more. It has cost the lives of 2,500 American service men and women and more than 18,300 have been wounded. The needs of our veterans are being shortchanged. Some of our troops are on their fourth deployment since 2001. Our military readiness is affected because we are wearing out both our equipment and our troops. And House Republicans are still pretending that the war against terror somehow has to be fought in the same basic way we fought in Korea and Vietnam.

The American people deserve better than a sham resolution and a staged debate.

Mr. CUMMINGS. Mr. Speaker, I rise in opposition to House Resolution 861.

As Americans of good conscience, we can find some comfort in the fact that Saddam Hussein is on trial for his crimes and that the Iraqi people have formed a representative government.

Yet, as we, the elected Representatives of the American people, engage in this discussion more than 3 years after President Bush declared "mission accomplished": 2,500 brave young Americans have died, over 18,300 have been injured, and more than 10,000 Iraqis have suffered a similar fate.

Our national treasury continues to be squandered—to date by over $300 billion, with over $9 billion of reconstruction funds squandered with no accounting.

And no believable argument has been advanced that our continued military presence in Iraq will make the American people more secure against the very real threats that we face in the Global War on Terror.

Tragically, this House is now debating a non-binding resolution that is as short-sighted and devoid of direction as the President's policy in Iraq, that purposely confuses the Global War on Terror with the war in Iraq. And despite the crafty and artful wording of the resolution—these two efforts are not synonymous. There is no connection between 9/11 and Saddam Hussein nor Saddam Hussein and Osama Bin Laden.

The President has admitted this, yet the Republican Party in the House continues to support his failed policies in Iraq under the guise of fighting terror—consistently providing billions of off-budget funding, allowing waste, fraud and abuse to go unchecked and failing to exercise even the semblance of oversight.

Upon close reading, the Resolution contains three different kinds of declarations.

Some are irrelevant—because everyone believes them to be true.

Some are cynical—because they contain assertions that no one can reasonably believe.

And some are illusory—because they assert objectives that, based upon the "facts on the ground in Iraq" we cannot reasonably expect to achieve in the foreseeable future.

The American people and especially the American troops deserve better than this. We all have unwavering pride for our troops—they are performing superbly. The quagmire that Iraq has become is not the fault of the troops—it is the failure of the President to plan for a transition to the peace.

As a member of the Out-of-Iraq Caucus, I have co-sponsored and continue to support Representative MURTHA's solution, House Joint Resolution 73.

It makes it clear to the Iraqi people that our Nation renounces any claim to permanent bases in their country.

It declares that we will bring our troops home at the earliest practicable date.

And it provides a plan for peace.

Saddam Hussein is no longer the ruler of Iraq.

A reasonably democratic constitution has been ratified.

A democratic government has been elected.

Now, the Iraqi people must forge their own future. Forging their own future is what 80 percent of Iraqis want—allowing them to do so would represent true freedom and democracy for Iraqis.

Now, this Congress is duty-bound to heed the reasoned assessments of American military commanders that we make both Iraqi and American soil less secure by our continued military presence there. In fact, sadly, our continued occupation has in fact increased the number of terrorist operatives in Iraq. Mr. Speaker, with this result it is time to rethink our "help" to the Iraqi people.

The Iraqi people should continue to receive our continued assistance as they rebuild their country, without our military occupation.

We should help them defend their borders against terrorist infiltration—if the need arises.

But, it is time for a change. Let's stop the carnage.

It is time to bring our troops home.

Mr. RUSH. Mr. Speaker, I rise today to show support for the Out of Iraq Caucus and to add my voice to this much needed debate on the war in Iraq.

Mr. Speaker, I voted against this war because I thought it was a mistake from the beginning. Iraq was not an imminent threat to our security, there were no weapons of mass destruction, and it has never been a part of American foreign policy to preemptively invade another country in order to spread our will on their citizens.

But Mr. Speaker we are in Iraq now, the President has committed our troops there and we now have an obligation to fix the mess that we've made over there.

But how long do we stay the course when the course that we have been on has not been a successful one. How long do we keep our troops in a country where they are not treated as liberators, but are instead fueling the violence there just by their mere presence?

The American people are starting to realize that this war was a mistake. The reason for going to war was wrong, the planning for keeping the peace after the war was nonexistent, and there does not seem to be any clear indication of what victory in Iraq looks like.

This was a war of choice and the people of Iraq are very suspicious about our motives for being there. Many people in and out of Iraq believed America's motivation for invading Iraq had more to do with its oil fields and strategic location in the Middle East, than with its supposed weapons of mass destruction.

The American public also overwhelmingly believes this war was not worth the human or financial burden, and how can we blame them?

At a time when our education system needs vast improvement, our schools are deteriorating, and our children are losing their edge in the fields of math, science, and engineering, we are sending billions of taxpayer's dollars overseas on a weekly basis.

While we have sent close to a half a trillion dollars over to Iraq, here at home many Americans still do not have the basic necessities they need to live whole, fruitful lives.

Millions of our citizens do not have healthcare, and millions more are working overtime just to make ends meet. Sadly, many Americans are not feeling the great economic boom that the Administration is trying so desperately to tout.

Constituents in my districts are feeling the pinch in their pockets due to skyrocketing fuel costs, an overpriced housing market, and debt that will follow them to their graves.

My constituents are starting to wonder, how can we continue to justify sending billions of dollars out of the country when they need better services and resources here at home?

How can we continue to ask our men and women in uniform to give their lives for a cause that was built on deceptions and misinformation?

Our national deficit is fast approaching $8 trillion, I repeat $8 trillion, and yet Congress is more concerned with enacting tax cuts for the wealthy, while simultaneously spending billions in Iraq.

Mr. Speaker, something has to give. We cannot continue on this path that we are currently on. The resources of this country, as great as they are, are being stretched too thin.

Our forces, as mighty as they are, are being stretched too thin for the long-term health of the country.

Mr. Speaker, for the sake of this great Nation, we need to set a new course. We need a new policy on Iraq and Congress needs to start focusing its attention on the problems facing our citizens here at home.

I urge all of my colleagues to support the Murtha Resolution, which establishes a time line for a responsible troop redeployment and allows Iraqis to stand up and take responsibility for the course of their own nation.

As long as we are there doing the job that Iraqis should be doing for themselves we cannot expect them to stand up and take control of their own country.

Mr. CONYERS. Mr. Speaker, GEN Anthony Zinni and other retired generals have been outspoken in their opposition to the planning and execution of our occupation of Iraq. The administration rejected their sound recommendations, which predicted exactly what would happen if we didn't plan for the occupation.

These generals explain that our forces were not provided enough resources to do the job, that we alienated allies that could have helped in rebuilding Iraq, and that the Defense Department ignored planning for the post-war occupation, unaware of the growing Insurgency.

I have heard from too many military families whose children have been wounded or killed in duty. Their grief is so much harder to bear knowing that we did not adequately equip their sons and daughters in battle.

I have met many times with Lila Lipscomb, a proud mother from Flint, Michigan, who lost her son Michael in Iraq. Initially, Lila supported the war on the assumption that the government knew best. A week after finding out her son had died, Lila received a letter from her son in which he forcefully argued that we should not be in Iraq because there was no connection between Iraq and Osama bin Laden.

Cindy Sheehan lost her son Casey in Iraq and became a voice for mothers of soldiers who oppose the war. Cindy's loss motivated her to unite with other grieving mothers in opposition to the war. Her willingness to speak truth to power has drawn attention to the misconduct of the war and the terrible price that servicemen and women and their families have paid.

We have endured strategic missteps and now find ourselves with insufficient troop levels to provide adequate safety in Iraq. Insurgent bombings, ethnic battles, and mass abductions by rival Sunni and Shiite militias are clear indications that our occupation has not provided for the conditions that Iraqis need to form an effectively functioning government.

United States reconstruction and infrastructure investment has had little impact in 3 years. Despite the billions of noncompetitive, cost-plus contracts given to businesses friendly to this administration, 54 percent of Iraqi households still lack access to clean water and 85 percent lack reliable electricity.

The administration's emphasis on unilateral action in this conflict has left America bearing too much of a military and financial burden. If Iraq is going to be stabilized and move toward a democracy, it will need a commitment and a will far greater than what America itself can provide on its own.

Why haven't we learned from the first gulf war? In the 1991 gulf war, our coalition partners shouldered over 75 percent of the cost of the war. We had over 100,000 Muslim troops fighting alongside a broad coalition of forces.

We need to encourage our friends and allies around the globe to help with Iraqi reconstruction and peacekeeping. We just don't have sufficient resources to manage this work on our own.

If we can bring the international community into Iraq to help establish a democracy, protect its citizens, and rebuild its infrastructure, it will free American forces and resources to the real problem we face: terrorism.

Let's heed the advice of our colleague JOHN MURTHA and redeploy our troops to find Osama bin Laden and fight terrorists. If we can shatter the myth that occupying Iraq is the same thing as fighting terrorism, then these 10 hours of debate will have been worth something after all.

Mr. MOORE of Kansas. Mr. Speaker, I rise today to share my comments and concerns regarding H. Res. 861. While this resolution is purely symbolic and does not have the force of law, I am voting for it, as I agree with the majority of the sentiments it expresses. In 2003, I voted for the use of force resolution, based upon what we later learned was flawed intelligence about the existence of weapons of mass destruction in Iraq. While I am glad that Saddam Hussein was removed from power and has been captured, and I hope that the new Iraqi government is successful, the U.S. must move toward a new policy in Iraq.

As I stated in a letter to President Bush last month, the time has come for the United States to give the Iraqis strong incentive to stand on their own feet and take control of their own affairs. I acknowledge this will be a challenge, as there is a persistent and strong insurgency, which continues to kill Iraqis every day. Therefore, they must speed up the process of training Iraqi security forces that are willing and capable of defending their country. There are many former members of the Iraqi Army who are still unemployed. The United States and the administration need to send a clear message to the Iraqis that we will not have a permanent military presence in Iraq. Taking this step will motivate Iraqis to take charge of their own affairs and create incentives for involvement from regional players and the international community.

Additionally, we need to begin private discussions with the leaders in Iraq regarding a timeframe for redeployment of our troops. To date, more than 2,500 U.S. soldiers have been killed and 19,000 wounded in Iraq. Extended and multiple deployments have eroded U.S. ground forces and overall military strength. A Pentagon-commissioned study recently concluded that the Army cannot maintain its current pace of operations in Iraq without doing permanent damage to the quality of the force. More than three years of continuous deployment of U.S. troops in Iraq has contributed to serious problems with military recruitment, forcing the Army to lower the standards for recruits, led to military equipment shortages that hamper the ability of ground forces to do their jobs in Iraq, and undermine the ability of the U.S. National Guard to deal with problems at home.

While I agree with concerns that publicly announcing a timetable for withdrawal would put our troops at risk, I'm concerned that political parties and new governments are very much like some people. If you undertake to do something for a person, some individuals will stand back and let you continue—and never step up to the plate to do for themselves.

We have saved the Iraqi people from Sadaam Hussein, but we cannot save the Iraqi people from the Iraqi people—if they are not able and willing to fashion a political solution and bring the Iraqi people together. We must encourage the new Iraqi government and give them strong incentive to assume responsibility and stand on their own.

Our fighting men and women have served bravely. We must commit ourselves to an outcome in Iraq that honors their sacrifices.

Mr. ROTHMAN. Mr. Speaker, I rise in opposition to the resolution, which inaccurately describes the war in Iraq as part of the Global War on Terror. While I strongly and proudly support our courageous and dedicated troops, coalition partners, and the Iraqi Security Forces who put their lives on the line each and every day to fight for a democratic, stable and secure Iraq, I cannot support a resolution that does not paint an accurate picture of what the true situation on the ground is in Iraq.

It is imperative that we acknowledge these realities: since we invaded Iraq in March 2003, more than 2,500 American service men and women have been killed in Iraq; 18,000 have been wounded. More than 100,000 innocent Iraqi civilians have lost their lives. Nearly $350 billion of U.S. taxpayer dollars have been spent. Terrorist leader al-Zarqawi has been killed and Saddam Hussein is in prison, but the pacification and reconstruction of Iraq have been a failure. Every single fact that the President has offered to justify both the invasion of and the sustained U.S. military presence in Iraq has proven to be wrong. The President said that the war would be short-lived, aided by our allies, paid for by Iraqi oil, welcomed by the Iraqi people, and would result in a reconstructed Iraq with an improved quality of life for its citizens. His strategy in Iraq is not working and, as we have seen so many times, he and his administration are incapable of admitting mistakes—even when those mistakes are irrefutable.

This war has exhausted our military, hurt our war on terrorism, damaged our country's credibility internationally, and strained our economy. I strongly believe that the President's current "stay the course" plan in Iraq is not working. We need a new strategy. We need to take our troops out of Iraq.

I strongly disagree with the assertion in this resolution that our continuing presence in Iraq is a vital part of fighting our war on terrorism. After all, the attacks on our troops in Iraq are not coming primarily from al-Qaeda. There are only approximately 1,000 al-Qaeda amidst the 26 million people of Iraq. The attacks on US. troops are planned by an insurgency that is comprised of native Iraqis. Once the American soldiers leave, we will remove the stimulus for the local Iraqi and worldwide incitement against America as an "occupier." We can continue to assist the Iraqi people in strengthening their fledgling democracy, but we must remove the provocation of an American military presence and instead, reinvest our resources in strengthening U.S. border and port security, defeating al-Qaeda in Afghanistan and elsewhere, and rebuilding our much-depleted U.S. military.

For this reason, I urge my colleagues to oppose the resolution and instead, support a new plan in Iraq that will bring our troops home.

Mr. SHAW. Mr. Speaker, I rise today in support of House Resolution 861, a resolution declaring that the United States will prevail in the Global War on Terror, the struggle to protect freedom from terrorist adversaries.

This is a critical time in American and world history. Only 5 years have passed since the al Qaeda network attacked us on our homeland. Over 3,000 people died on September 11, 2001, and the world as we knew it changed instantly.

Our principal terrorist enemies seek to establish regimes that rule according to a violent and intolerant distortion of Islam. As illustrated by Taliban-rules Afghanistan, such regimes would deny all political and religious freedoms and serve as sanctuaries for violent extremists to launch additional attacks—not only against the United States and its partners but the Muslim world itself.

The enemy uses suicide bombings, beheadings, and other atrocities against innocents as a means to achieve their dark vision. Their demonstrated indifference to human life and desire to inflict catastrophic damage on the United States and its partners around the world has fueled their pursuit of and intent to use WMD.

We cannot permit the world's most dangerous terrorists and their regime sponsors to threaten us with the world's most destructive weapons.

Our national strategy is to stop terrorist attacks against the United States, our citizens, our interests, and our friends and allies around the world.

We have and continue to defeat terrorists by attacking their established infrastructure, such as safe havens, management, power, and infrastructure. This disruption will naturally force the terrorists to disperse and decentralize, thereby removing their global influence.

We have and continue to deny terrorists support. Separating terrorists from their sponsors and support will deny availability of critical assets needed to plan, train for, and conduct operations. Denying sanctuary will prevent the terrorists from having the opportunity to reorganize and reestablish a global threat. A terrorist that is constantly on the move to survive does not have time to plan or conduct major operations.

We have and continue to work with the international community to diminish the underlying conditions that terrorists seek to exploit. It is in our best interest to continue focusing on resources and efforts towards at-risk regions to prevent the emergence or the reemergence of terrorists.

The United States Government, through our dedicated public servants, courageous men and women in uniform, and attentive intelligence officers are protecting the United States, our citizens, and our national interests at home and abroad—24 hours a day, 7 days a week, 365 days a year.

Today, American values, liberty, and lives are still at stake. While we engage the enemy on foreign soil, we are also simultaneously establishing homeland defenses, and extending such defenses to identify and neutralize any emerging threats as early as possible.

The American public is one of the world's most informed societies—the American people understand that the threat against our Nation and values are real and imminent.

And to mischaracterize the American people's support for the global war and the men and women in uniform fighting at the front lines of this war is unpatriotic and disingenuous. U.S. forces will withdraw from Iraq as soon as the mission is successfully accomplished. Success will be achieved when there is a free Iraq in which Iraqis themselves are sponsors of their own liberty and security. The criteria for withdrawing Coalition forces from Iraq are conditions based, not calendar based.

For America will remain the land of the free, home of the brave as long as Americans are willing to fight for the principles of freedom and democracy.

I urge my colleagues to support H. Res. 861.

Mr. CLEAVER. Mr. Speaker, I would like to associate myself with the comments of the ranking member of the Committee on Armed Services, Mr. IKE SKELTON. Had I not been called away to perform a funeral, I, like him, would have voted against this resolution, or, may have even walked out to protest this mockery in the People's House.

Mr. CHOCOLA. Mr. Speaker, today we debate an issue whose importance reaches farther than the citizens that live within the boundaries of our individual congressional districts—it touches citizens all over the world.

Frankly, it is easy for us in this legislative body to praise or criticize our efforts in Iraq. It is easy for us to come to this floor and talk about the violence in Iraq and the difficulties in forming a free, safe and secure government, then return to our offices and send out press releases.

It is easy because none of us have had to serve in a government that is breathing free air for the first time. None of us have had to form a government under intense international pressure to include members of all viewpoints to avoid sectarian violence. None of us have had to hold elections under the threat of terrorism and destruction. We have not lived under the oppression of a tyrant, nor have we had to fear that speaking our minds could lead to our execution or the execution of our family.

And now that the light of freedom is shining into the darkness that was Iraq, many criticize the Iraqi people for needing time for their eyes to adjust to the light. When did we become this arrogant? At what point did seeing over 70 percent of Iraqi citizens risk their lives to participate in electing a free and democratic government not be good enough for us?

It would be uninformed to characterize our nation's early history as a smooth transition. Sectarian division, violence, and human rights abuses were prevalent in the early United States. I would submit that our adversaries aren't ignorant of this. They understand that the work of forming a stable democracy cannot be accomplished in three and one half years. They are smart enough to recognize the monumental successes that have been achieved by the Iraqi people and our extraordinary men and women in uniform in the face of immense challenges. And they are determined to use the most horrific tactics to stop the spread of freedom.

Their opposition is a strategy of oppression and we must stand united to make sure it does not succeed. I would hope that every so often, the debate on this floor can be about more than temporary politics. I would hope that every once in a while, we can ask ourselves the hard questions and come together to find good answers to the problems not only in this country, but the problems facing the world.

We have risen to the challenge before. On June 9, 1944, shortly after the beginning of the D–Day invasion, the following appeared in the Washington Post: "There is a noise of wrangling on Capitol Hill which has a discordant, ugly sound today. There is a jostling among us for preferences which is incongruous in comparison with the unity among those safeguarding us oversees. Like them, we need to remember now how much unites us, and again draw together."

These words are just as relevant and commanding today as they were 62 years ago. The question we must answer is still the same as it was then: do all men and women deserve to be free? If our answer is yes, then what is our responsibility toward that goal? I was taught that to whom much is given, much is expected. In this nation we have been given a great gift of freedom. Will we now fail to remember what unites us and deny our hand of assistance to those that seek the same gift we are so fortunate to enjoy?

Mr. LANGEVIN. Mr. Speaker, I am pleased to join my colleagues on the Armed Services Committee to have a frank discussion about the Iraq war. We need to make hard choices to ensure that our presence in Iraq does not do long-term damage to our military or endanger the men and women who proudly defend our Nation. However, this resolution doesn't address any of those questions nor does it provide answers for a Nation that demands them. Instead, Republicans have given us more of the same.

In October 2002, I voted against the resolution authorizing the use of force against Iraq, but since then, I have supported every supplemental appropriations measure to fund our troops because it is Congress's responsibility to give them the resources needed to accomplish their mission. It is precisely that support for the troops that motivates me to point out how we may do irreparable harm to our military if we do not alter our mission in Iraq quickly. Our men and women in uniform have performed admirably in difficult conditions—in many cases adapting quickly to missions outside their traditional roles, such as policing and reconstruction. However, the current pace of operations is untenable, and we are seeing evidence of the impact it is having on our military.

Our troops have faced numerous deployments to the area, with the National Guard and Reserve in particular demand because of their expertise in needed skills such as policing, civil affairs, and engineering. Nearly 500,000 members of the Selected Reserves have been mobilized since September 11, with more than 10,000 members having been deployed more than three times. We are spending more and more money in an attempt to meet recruiting and retention goals in the active military and reserve components, and we are nevertheless starting to see increasingly more mid-level officers exiting the force—a dangerous sign for the future health of the military.

Furthermore, the harsh desert conditions in Iraq—coupled with the high operational tempo—have taken their toll on our equipment, which is wearing out at twice to nine times the normal rate. The National Guard has only one-third of its equipment on hand, which weakens our ability to respond to a natural disaster or other major event on U.S. soil. Despite the billions we have provided in supplemental appropriations, it will take years and tens of billions more dollars to restore our forces to appropriate levels.

General Barry McCaffrey recently traveled to Iraq and Afghanistan to assess U.S. operations there. Upon his return, he briefed the Armed Services Committee on his findings and gave us a very frank assessment. He has stated that we should know by the end of the year whether the new Iraqi government will be effective in controlling the insurgency. He has also claimed that we cannot sustain our current level of operations beyond Christmas without breaking our military and endangering our ability to fight future missions. In other words, we are quite possibly six months away from a point of no return that could have long-ranging effects on our military and the stability of the Middle East.

So what is our strategy to prevent the worst-case scenario from occurring? Where is the accountability? Where is the Congressional oversight? I'll tell you one thing—they're not in the resolution we're debating today. The Republican leadership promised a debate on Iraq but then refused to consider any alternatives to their own bill, preferring to embrace the status quo and ignore the very difficult decisions this Congress needs to make. We deserve better. Our brave men and women in uniform deserve better. The American people deserve better.

Mr. CARDIN. Mr. Speaker, it is right for Congress to ask the President to implement a plan to start bringing our troops home from Iraq. That would be the right message to send to the Iraqis: they must assume the responsibility for security of their own country.

Congress needs to have a real and meaningful debate on the future role of the U.S. military in Iraq as we approach the fourth anniversary of the congressional authorization to use force in Iraq. Congress should take seriously its obligation to oversee our military.

The majority has given us one option with this resolution, which is to make a political statement in support of President Bush. The House leadership has refused to allow amendments to this resolution. It is interesting that we are committed to building democratic institutions in Iraq but we are not willing to let the Members of Congress vote on alternative policies in Iraq. Our men and women in uniform that are putting their lives on the line every day deserve the full attention of Congress.

Mr. Speaker, we all agree with those parts of the resolution that: honor Americans who have taken part in the global war on terror, including our first responders, diplomats, military, and intelligence officers; honor the sacrifices of American, Iraqi, and Afghan military forces, and the families of those troops; congratulate the Iraqi people for holding free and fair elections, under a new democratic constitution; supports the efforts of the Iraqi and Afghan people to live in freedom; and declares that the United States will prevail in the global war on terror.

We should be debating whether or not and how to withdrawal or redeploy United States Armed Forces from Iraq, and members should be permitted to offer amendments to this resolution. We should not simply be asked to "stay the course." Congress must reclaim its oversight responsibility and ask serious questions about the Iraq war and reconstruction effort.

I am convinced that we must change course. The repositioning of our troops would help us to regain the focus on the war on terror.

The President came to Congress in October 2002 and asked Congress to authorize force against Iraq. I voted against giving the President this authority, and parted ways with most of my colleagues in Congress. This was not a popular vote at the time, but it was the right vote. I was proud of my vote then as I am now.

I have remained an outspoken critic of President Bush's policies in Iraq. There was no connection between the events of 9/11 and the Saddam Hussein regime. The Bush Administration distorted and misused intelligence information about Saddam Hussein's actual WMD capacity. Saddam Hussein did not have nuclear weapons, and did not pose an imminent threat to the United States.

During our debate in 2002, I stated on the House floor that I had "grave concerns" about a unilateral, pre-emptive military attack by the United States which could "endanger our global coalition against terrorism." I also stated that "we cannot overlook the massive cost and effort that the United States would have to undertake in a post-Saddam regime." Finally, I stated that "the United States will need the help of its allies as it attempts to transition Iraq from a dictatorship to a democracy." I regret to say that I was correct on all these counts.

The President prematurely disbanded the Iraqi security forces. After overthrowing Saddam, the President protected the oil ministries, but not the weapons and ammunitions depots, which were looted by insurgents and are now being used to attack American forces. The President did not provide the heavy armor needed for our troops and equipment. The President did not plan for an insurgency. Finally, the President invaded Iraq and then attempted to reconstruct Iraq without seeking any significant assistance from the international community.

We have paid a heavy price. More than 2,500 American soldiers are dead. More than 18,000 American soldiers have been injured. We have spent over $300 billion to date on the Iraq war and reconstruction.

Mr. Speaker, in December 2004 I visited Iraq as part of a Congressional delegation. I wanted to see the situation on the ground in Iraq firsthand. It is an experience that I will not soon forget. I thanked our troops for their service, including troops from Maryland and from our Maryland Guard and Maryland Reserve. Our troops have performed with honor and distinction and have done everything that we have asked of them. Our troops deserve to come home to their families and a grateful nation.

Yet the President still says that we must stay the course. We need to immediately change course in Iraq, which must include the drawdown of U.S. troops from Iraq. We currently have approximately 130,000 troops in Iraq, roughly 20 percent of which are Guard and Reserve troops. Military experts have recommended a drawdown of at least 10,000 troops a month. It is not necessary for us to announce a specific timeline for the withdrawal of our troops. It is reasonable to expect, however, that one-half of our combat troops should come home by the end of 2006, and that all of our combat troops should come home by the end of 2007.

We should make sure that our National Guard are the first to come home, as they were never intended to be used as the primary military force for overseas conflicts. Our Guard units should be made available for local needs.

The drawdown of American troops from Iraq back home will allow us to achieve certain necessary objectives. First, we will bring our troops home to their families, and take them out of the middle of a civil war. Our soldiers should not be used as police officers. Second, we will send an important message to the Iraqi government to take responsibility. U.S. troops cannot remain in Iraq indefinitely. Third, we will remove a powerful propaganda and recruitment tool for Al Qaeda that the United States is an occupation force. Fourth, we would be able to stage our troops outside of Iraq to work with our allies and the international community to fight the war against international terrorism. The repositioning of our troops would help us to regain the focus we have lost on the war on terror. Finally, bringing our troops home would help us preserve the strength of our all-volunteer military by improving troop morale and boosting our efforts to improve recruitment of new soldiers.

The United States should convene an international conference on Iraq which would include the government of Iraq. As the sole remaining superpower, the United States needs to mend diplomatic fences. Such a conference should achieve three primary goals. First, it should produce a verifiable cease-fire. Second, it would establish a mechanism for the completion of the training of Iraqi security forces. Finally, it would coordinate all international humanitarian and reconstruction assistance to the new Iraqi government.

Finally, we must honor our commitment to our military and veterans' families, which will strengthen our recruitment efforts for new troops. Our volunteer military is in danger. The morale of our troops is suffering due to longer tours of duties and budgets that have not fully funded veterans' benefits, particularly in meeting their health care needs.

Our recruitment efforts have fallen short in the military, as both the Army National Guard and Army Reserve have only met roughly 80% of their recruiting goals.

The answer is the proper deployment of our troops, and the full funding of our veterans' benefits, particularly their health care needs. These benefits are particularly relevant considering we have 18,000 wounded veterans so far as a result of the Iraq war. We must also bear in mind that estimates indicate that 50,000 war veterans will experience battle fatigue and post traumatic stress disorder, PTSD, and will require extensive treatment and rehabilitation.

Mr. Speaker, I call on the President to immediately change course in Iraq, including the implementation of a plan to start bringing our troops home from Iraq.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the last two days the House has debated for over 10 hours a politically motivated resolution on Iraq. Not one word in this resolution will do anything to bring us one step closer to success in Iraq, or one day closer to bringing our troops home.

This resolution is not about the troops.

If it were, this resolution would actually do something to hold accountable those responsible for the manipulation of pre-war intelligence, the poor planning, the incompetence, and the mismanagement that has brought us to this point in Iraq. This resolution does nothing to give our troops a real plan that charts a path toward victory and home.

Instead what we have is another attempt at re-writing history to buck up fading support for this administration's failed status quo policies.

As even Secretary Condoleezza Rice has acknowledged, the administration has made mistake after mistake when it comes to Iraq. It is the military that has saved them, even as civilian policymakers have scorned and marginalized senior combat generals who have criticized them.

Last week's elimination of al-Zarqawi was a reminder of the skill and determination of our men and women in uniform. It is our troops and their families who have borne the brunt of sacrifice in this war, and they continue to persevere despite the failures of this administration.

For the past 12 years, I have voted for every bill that supports our troops and honors the sacrifices they and their families make in defending our Nation. For every year of this war, I have voted for every appropriations bill funding our troops, fighting to provide them with the bulletproof vests and up-armored Humvees that they were sent into Iraq without.

But the administration needs to understand that more of the same P.R., rosier rhetoric, better stagecraft at another rally, or viciously attacking generals who served on the ground in Iraq will not achieve success in Iraq, nor bring us one step closer to bringing our troops home.

The administration needs to wake up and stop taking the American people for a spin.

Public confidence in this administration's handling of Iraq has plummeted because the American people have seen through the rhetoric to see the reality on the ground in Iraq.

No amount of publicity stunts and political posturing can change that.

More of the same from the administration will not make our country any safer from terrorists than we were on September 11, 2001. A poll conducted by Foreign Policy magazine of our Nation's top 100 foreign policy minds, liberal and conservative alike, found that 84 percent did not believe that the U.S. was winning the war on terror. Sharing that view was 71 percent of conservatives.

The status quo is not acceptable. We need a change. The administration needs to take the ideological blinders off and acknowledge the reality of the facts on the ground.

As GEN John Abizaid and Ambassador Khalilzad have stated, the reality is that civil war is now a greater threat than insurgency.

Because of the regional destabilization that could follow, I do not believe we can pull out of Iraq precipitously. But I cannot support letting Iraq become an open-ended commitment without limit or end.

So instead of occupying themselves with defending their mistakes of the past, the administration should focus instead on achieving real measurable progress on the ground in Iraq so our troops can begin to come home.

Miss MCMORRIS. Mr. Speaker, I rise today to stress the importance of our country's role in the Global War on Terror and to observe the heroic, enduring efforts of our men and women in uniform who are working to secure freedom and democracy for the people of Iraq.

In January, I stood with the Eastern Washington families and colleagues of nearly 100 airmen from Fairchild Air Force Base and said goodbye as they were deployed to Iraq for 4 months. In April, I had the opportunity to travel to Iraq and visit with these members of the 92nd Air Refueling Wing and the 141st Air National Guard Medical Squadron. And in May, I was privileged to welcome them back to Eastern Washington with gratitude for their work on behalf of our Nation and in pursuit of freedom and democracy in Iraq.

Troops based at Eastern Washington have long played a central role in the Global War on Terror. In Iraq, they assisted in the rebuilding of airfields and other crucial infrastructure projects. In April 2004, a crew deployed from Fairchild delivered the one-billionth pound of jet fuel in the Iraqi theater from a KC–135 to an F–16CJ Fighting Falcon from the 555th Fighter Squadron.

Much deserved attention is given to the combat efforts of our troops serving alongside Iraqi Defense Forces to protect the fragile but promising unity government and the Iraqi people whom it represents. Yet I would draw attention also to the remarkable accomplishments of service men and women who are rapidly restoring the infrastructure—roads, airports, and utilities—that is critical to Iraq sustaining itself.

But even beyond the duty and mission charged to them, many of our troops are volunteering to help out at orphanages and day cares in Iraq. We should be encouraged by the commitment and compassion that these soldiers show to the comprehensive task of restoration in Iraq.

Congress must continue to support the unity government of Iraq as it rebuilds its country. Like the generations before them, fighting Nazis and Communists, United States warfighters are today doing a duty for which we can never repay them. I express my undying appreciation for their commitment and their sacrifice.

One of the priorities in assisting the Iraqi people is establishing an independent, self-sufficient Iraqi Security Force. Here our progress has been astounding. Today, there are over 264,600 trained and equipped members of the Iraqi Security Force. The ISF is conducting 84 percent of company-level operations independently or along side coalition forces. This will give Iraq the ability to defend itself and participate as allies in the Global War on Terror.

On the urgency of the Global War on Terror, there is no debate. And it would be irresponsible for this Congress to deny the fact that Iraq is a front in that war or to abandon our efforts there.

The fierceness of the foreign-led insurgency that was drawn to Iraq after the collapse of Saddam Hussein's regime is evidence that the presence of democracy in Iraq and the United States aggressive pursuit of the roots of terror abroad are deadly threats to al-Qaida and others across the globe. We are fighting this tyrannical and ruthless enemy precisely where we should be—thousands of miles away from American families and American soil. To think that terrorists would confine their attacks to Iraq's borders is to not recognize the reality of the threats we face.

We must not abandon the people of Iraq. We must not neglect an opportunity to strike lethal blows to the Islamic extremist network. We must assist the Iraqi people in establishing a free, stable and secure nation and not give up until then. The security of our country and our families depend on it.

Mr. BARTON of Texas. I rise today in support of H. Res. 861 and our efforts in Iraq. Democracy's biggest strength is also its biggest weakness. Democracy is the strongest form of government when the people and allied governments are united in a common goal. Because the United States worked hand-in-hand with Europe, we were able to defeat fascism in World War II and the totalitarian threat of Hitler and imperial Japan.

Conversely, democracy's weakness arises when the people do not wholeheartedly believe in the cause. For example, Vietnam included a hazy mission and the drafting of unwilling participants. Policy was diverted due to powerful public opinion.

We are not in Iraq and Afghanistan today because the President seeks for us to be. We are there because the public was outraged after the attacks of September 11, and rightly so. We were deliberately attacked by a terrorist regime seeking to cripple the United States. It was the dramatic escalation of decades of terrorist attacks. We felt these attacks deeply in our financial center of New York, at the Pentagon, and were almost hit at the heart of our Government, the Capitol building, were it not for the brave passengers of Flight 93.

But as a nation, we chose to not lie dormant anymore. We chose to show the resolve of America and defeat the enemy of terrorist regimes and the countries that harbor them. I support the policy of not giving in to totalitarianism or terrorist threats. And I support the military if force becomes the necessary method of resolution. Progress is being made in Iraq, and our troops will be successful in supporting this new democratic government. We are not propping up a dictatorial regime; we are working to help democracy take hold in the Middle East. And our efforts are paying off.

The idea that all people desire to be free is a powerful one. This idea is our single biggest weapon, and will ultimately bring success to this fight. The government that allows its citizens to steer their own course is undeniably stronger and more peaceful. I believe our troops are making incredible progress and so are the people in Iraq who are working for an inclusive, stable government. I remain committed to supporting all of their good works.

Mr. UDALL of Colorado. Mr. Speaker, I rise in reluctant opposition to this resolution.

I say reluctant opposition—because I agree with much of what this resolution says.

I support its statements about honoring the sacrifices of our troops and their families. There's no question that our military is the most professional fighting force in the world, and we are all grateful to our men and women in uniform for putting their lives on the line for our country.

I support the resolution's statements congratulating the new prime minister upon forming his government and the Iraqi people for their courage in participating in elections, and calling on the nations of the world to work together for global peace.

I even agree with the statement that we should not set an arbitrary date for the redeployment of our troops.

I opposed the Iraq war resolution, but I have resisted supporting an artificial deadline for withdrawing troops. I believe that how we withdraw is as important as when we withdraw. This means giving the Iraqis time to get their newly installed permanent government up and running and establish the means for international support. We must exercise deep care in the way our country withdraws because leaving a failed state in Iraq will deeply endanger our country.

But I profoundly disagree with the overall tone of the resolution and disagree even more with the way this debate was conducted.

Mr. Speaker, a few months ago—in response to pressure from both sides of the aisle—the Republican leadership promised a full debate on Iraq.

What we got was certainly a long debate, but it was far from "full." A full debate would mean that Members would have been able to offer alternatives to this resolution. We would then have been able to debate the merits of all the resolutions offered.

I had hoped to offer the bipartisan resolution I introduced with my colleague JOE SCHWARZ of Michigan that recognizes political progress in Iraq, including the establishment of a national unity government, but also recognizes that more progress is needed, and that the Iraqis must meet their own deadline for modifications to their new constitution.

As it is, the debate has been tightly controlled, and our only choice is to vote up or down on a status quo resolution that doesn't focus on Iraq and that doesn't reflect reality on the ground.

If this were a real debate on Iraq, it would be about where we are versus where we thought we'd be, and where we should go from here. Just last year, Congress called for 2006 to be a year of transition in Iraq that would allow U.S. forces to begin to redeploy. But we're into the middle of June, and we are actually adding troops.

A real debate would begin by recognizing that Iraq is a distinct issue, only part of the "global war on terror" insofar as the security vacuum in Iraq has attracted terrorists. But as the gentleman from Missouri, Mr. SKELTON, has said—Iraq is a separate conflict, an insurgency with terrorist elements and sectarian violence.

A real debate would have been honest about how continuous deployment in Iraq hurts our military personnel and their families, strains recruiting and retention, and damages readiness.

A real debate would have looked at the human cost. We are losing one battalion every month of killed or wounded soldiers. Just yesterday the military reported that we've hit a tragic milestone. A total of 2500 American men and women have lost their lives in Iraq. More than 18,000 have been wounded. Attacks on U.S. forces are now at their highest rate ever—900 a month.

A real debate would have looked at the financial cost. We are mortgaging our future and the future of our children. So far Congress has appropriated $320 billion for Iraq alone, a war that was supposed to pay for itself through proceeds from the sale of Iraqi oil, and the "bum rate" is now up to $8 billion per month. That's $2 billion every week, or $286 million every single day.

And if we were really concerned about the well-being of our troops, we would be talking about the fact that every one of the Army's available active duty combat brigades has served at least one 12-month tour in Iraq or Afghanistan, 40 percent of the National Guard and Reserves has been mobilized since September 11th, and nearly half of those mobilized have been deployed two or more times. We need to consider that the readiness of Army units here in the U.S. is at the lowest level since the late 1970s.

We would also have considered what it means for current and future readiness that fully 40 percent of the Army and Marine Corps ground equipment is deployed to Iraq and that equipment in Iraq is wearing out five times faster than the rate in peacetime. If the war in Iraq ended today, the Army would require two years of supplemental appropriations and at least $24 billion dollars to repair and replace equipment.

If we were properly concerned about our National Guard, we would have addressed the fact that it only has about 34 percent of its equipment on hand, down from 75 percent of its requirement in 2001. The missing equipment has been left in Iraq or transferred to units deploying to Iraq. The Army National Guard has been directed to transfer more than 75,000 pieces of equipment valued at $1.76 billion to the Army to support operations in Iraq. There is no plan to replace these items.

No matter how each Member chooses to vote today, there's no question that we all honor and support our troops. But I would argue that if we really cared for our troops, we would make sure they had the equipment and training they need. We wouldn't make it less possible for them to meet some future mission. No one wants a new mission for our troops, but if we had to fight somewhere else, we wouldn't have the equipment or forces to do it.

These are the things that we should have been debating, not the "feel good" messages included in the Republican resolution. We all want to feel good about Iraq and believe that progress is possible. But we can't want progress so much that we blind ourselves to the reality on the ground.

Of course, it's hard to know reality on the ground if Congress does no oversight. Congress has a fundamental responsibility to review how the money it appropriates is being spent and to ask tough questions. The Republican majority would have us believe that asking questions makes us unpatriotic.

But that's just wrong. We abrogate our responsibility to the American people if we shut our eyes to how their tax dollars are being spent.

The Republican leadership seems unable to come up with anything other than the same old tired lines. They will all toe the Administration line when they vote today, but we all know that even Republicans are having doubts as to the wisdom of the President's direction in Iraq.

Mr. Speaker, we were led into war as a divided nation and today we are even more divided. A successful withdrawal from Iraq can only happen if Congress and the Bush Administration work to bring unity at home.

This resolution doesn't bring us together, Mr. Speaker, and I regret that the Republican leadership continues to seek to divide this House. But that is the course they have chosen, and so they have left me no choice but to reluctantly oppose this resolution today.

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to honor the brave soldiers who have sacrificed so much to ensure our Nation's freedom.

I am extremely proud of all of Western North Carolina's brave men and women, including the 210th and 211th Military Police Units, who have fought courageously to establish a united, free, and sovereign Iraq.

The sacrifices these men and women make are unimaginable, whether it's spending time away from their families, enduring financial hardships, or laying their very lives on the line for freedom. And while these sacrifices are great, we must not forget that they are fighting to protect the world from the grip of terrorism. By risking their lives in Iraq and abroad, these brave men and women, including my son, are protecting the lives of American families and making our country safer.

Four men from Western North Carolina have given their lives in the Iraq conflict. Attending the funeral of one of those men—

CW03 Mitchell Carver—served as a stark reminder that freedom is not free. It is not the press who protect a Nation's right to free speech; instead, it is men like Mitch Carver who choose the responsibility to do so. And Mitch Carver is not alone. In the eight years I have been privileged to serve as a representative on the Board of Visitors of our Nation's military academy at West Point, I have seen thousands of young men and women take the oath to protect us. Theirs is a simple pledge: "Duty, Honor, Country."

To me the great and central question in our debate is this: Are the Iraqi people capable of and deserving of democracy? The answer is quite simple. Any man or woman, nation, or civilization that thirsts to live free from tyranny, desires to speak freely, and wishes to freely and fairly elect their leaders is worthy of the great gift of democracy. We have seen the images of Iraqi men and women with tears in their eyes as they cast their first votes in the parliamentary elections. Iraq has embraced democracy with a contagious enthusiasm. Democracy is never easy, but in due time Iraq will be a beacon of hope for the Middle East. To turn our backs on the Iraqi people as they are making such great strides would be arrogant and foolish. In short, it is abandonment not only of the Iraqi people, but also of the principles which we have preached and practiced as a nation for more than two hundred years.

I wish to express my sincere gratitude to our brave troops and our Iraqi allies. We owe the men and women in our Armed Forces a debt of gratitude—their courage should inspire us all. I encourage all Americans to join me in continuing to keep our troops and their families in our thoughts and prayers.

Ms. VELÁZQUEZ. Mr. Speaker, today I rise once more to denounce our continued involvement in the Iraq war, which was the wrong decision, at the wrong time, based on wrong information. And, what are we doing today to correct all those wrong actions?—absolutely nothing—nothing but talk about it. It is time for a change; it is time for a new direction.

We are having a debate today to adopt a resolution that merely expresses this chamber's views and opinions on our current military engagements in the War on Terror. This resolution honors our men and women who have given their lives in the defense of this country and it honors our armed forces presently on active engagement overseas, among other things. These praises to our armed forces are indeed truly deserved, as they have been thrust into a very difficult conflict with perilous conditions.

However, I think our troops can better appreciate Congress' good intentions with actions rather than mere congratulatory words. This majority could have demonstrated our appreciation of the troops through laws that gave them all the equipment they needed when we sent them to war. This majority could have shown their commitment by demanding that the Commander in Chief clearly layout a plan of action and exit strategy, instead of allowing the continuing improvisation our troops have endured. This majority certainly might have demonstrated its commitment to the troops by not nickel and diming them on health care and making their reintegration to civil society more difficult and costly; and this majority definitely could have made the ultimate honor by acknowledging their well done job by bringing the troops home.

This majority only wants to praise them—but won't lift a finger to make sure our troops can come home sooner rather than later. We constantly hear the mantras such as: Stay the course; we are making progress and so on and so forth. That is the extent of their strategy. Mr. Speaker enough is enough! It is time to bring the troops home!

Iraq has a new democratic government; it is our responsibility to help them secure their country. This country can help Iraq, as it helps other countries, protect itself by providing resources and equipment. We need to let them fight for their country in their way. It is time to be friends and not guardians, let Iraq fight for Iraq. Our troops have done their job; it is time to bring them home.

Mr. GRIJALVA. Mr. Speaker, I rise today to say we need to bring our troops home.

Before continuing, though, I must say that this resolution before us, unfortunately, is perfectly irrelevant to the choices facing the American people and this Congress. It is transparently political, does nothing to get us out of our predicament in Iraq, and is a crude attempt to intimidate and smear those who wish to honor the desire of the American people by bringing our troops home. This resolution attempts to reinforce the lies that led us to war which have been refuted and disproved many times over.

All of the lies that were offered to justify sending our men and women to fight and die have evaporated in the light of truth. All that we are left with is this argument that we're there now, so we have to stay "as long as it takes." This is nonsense.

This is the same illogical rhetoric that kept our Nation in Vietnam, the rhetoric that doubled the cost of that conflict in American lives. More than half the combat deaths in Vietnam occurred after Richard Nixon was elected on a promise to bring the war to an end, and after the American people had already decided that they did not want one more soldier to die in Vietnam.

Our vital task today in this Congress is to prevent a repeat of that tragedy in Iraq, to stop the bleeding, to make the will of the American people, which is to bring our troops home, the policy of our government as soon as possible. Our task today is to save the lives of our troops who remain in Iraq by bringing them home.

We in this Congress have a choice. The American people have a right to exercise a choice on this issue, as to whether our men and women will continue to fight and die in a war based on deception and fantasy, or to start bringing the troops home.

The American people have decided that it was a mistake to choose to go to war in Iraq.

The American people deserve some answers, as to how we could spend so much in Iraq and achieve so little. They deserve to know why all this money is being spent on a war of choice, when one on eight Americans lives in poverty, and when 46 million Americans have no health insurance, including 13 million children.

No one in this body wants to see terrorism and the rule of force prevail in Iraq. Some on the other side say otherwise, but I believe they know better.

Bringing the troops home is necessary not just for the future of Iraq, but also for the people of the United States. We must stop the hemorrhaging of tax dollars that could go to meet our Nation's vital domestic needs.

This war of choice in Iraq is undermining the very fabric of American society.

By the end of this year, the costs of the invasion and occupation of Iraq will total $450 billion; $450 billion spent in Iraq, who knows how much of it going to corrupt, crony contractors.

All of the President's statements amount to excuses for an open-ended, seemingly never-ending commitment of our troops to occupy Iraq. He is trying to salvage the terrible wager he made in Iraq by doubling down the bet with human lives: Iraqi and American.

While this debate today is a belated effort to inform the American people, it is nevertheless an empty gesture. It is time to admit our mistake in Iraq and begin to bring our troops home with honor.

Mr. MATHESON. Mr. Speaker, I am deeply concerned about the current situation in Iraq, as are the vast majority of Americans. We need an honest assessment from the civilian leadership at the Pentagon about what is working and what is not working, and what needs to change in terms of our strategy.

I strongly oppose efforts to weaken the position of our military by setting an arbitrary deadline for withdrawal of our military forces. We all want American troops to return home from Iraq as soon as possible. Some Members of Congress have called for an immediate withdrawal from Iraq—I disagree with them.

As a longtime supporter of our military, I believe that a calendar-based date for withdrawal serves as a rallying point for insurgents. It also places a target on the backs of American troops. Finally, I am very concerned that the immediate withdrawal of U.S. troops would leave a volatile vacuum of power in Iraq, which would rapidly be filled by insurgents. A better alternative is for Congress to clearly delineate the conditions that, if met, would permit a U.S. withdrawal.

Standing around arguing about why we're in this position doesn't serve a good purpose, in my opinion. Instead, I think today's debate is an opportunity to talk about how we can develop a strategy for success. Regardless of when the last American soldier leaves Iraq, I want to be able to look at him or her and be able to say that the service of our military achieved something greater than the political ends of a few here in Washington. I hope all of my colleagues share that desire. A strategy for success should be comprehensive—it should include not just a military role, but also a plan for political, diplomatic, and economic success.

In the next few weeks, a field artillery unit from my district—the 222nd—is heading home after a long year in Iraq. These soldiers have made immense sacrifices on behalf of our great Nation and I am so grateful that they're going to be back in Utah. We all have constituents serving overseas and I would like to take this opportunity to sincerely thank our military service members for their work on behalf of all Americans.

Mr. GRAVES. Mr. Speaker, I rise today in strong support of House Resolution 861. Since the tragic events of September 11, 2001, we have pursued terrorists and brought them to justice around the world. In this Global War on Terror—where evil, bloodthirsty fanatics kill to prevent democracy and liberty from taking root—there is no option for the forces of freedom but victory. This resolution affirms our commitment to victory. It is a solemn declaration that we will prevail over the terrorists, and that we will do so hand in hand with all who cherish freedom and repudiate extremism.

Mr. Speaker, I came to Congress in January 2001. The Global War on Terror has been the defining issue during much of my time here on Capitol Hill. From that perspective, I can state that we have made tremendous progress in strengthening our defenses at home, and taking the fight to our enemies overseas.

I visited Iraq for the first time in December 2003, shortly before the capture of Saddam Hussein. At that time, the Iraqi Governing Council had been formed, but the Coalition Provisional Authority still exercised most of the essential functions of government. In December 2003, Iraqi sovereignty seemed possible, but distant.

I returned to Iraq this past Memorial Day recess. We are well on our way to achieving our goals. The death of Abu Musab al-Zarqawi, the foreign terrorist who was al-Qaeda's top commander in Iraq, puts us one step closer to neutralizing the insurgency and defeating the terrorists. Democracy and liberty have taken root in the heart of a region that is not known for either. The Iraq I visited two weeks ago had a sovereign, democratic government; the result of three successful elections.

And after much negotiation, the Iraqi government recently named interior, defense, and security ministers. These new ministers will continue to lead Iraq to security self-reliance.

As an example of the improved security on the ground, it was my honor and privilege to be part of the first Congressional Delegation to spend the night Baghdad.

The new leaders of Iraq implored me to bring back a message to this Congress: Iraq will never achieve security self-reliance if the United States leaves before its work is done. If we leave before our job is done, the terrorists and insurgents will not only wreak greater havoc upon the Iraqi people, but they will also create a terrorist state from which to perpetrate acts of violence against those who disagree with their world view.

For the sake of our own national security, we must do everything we can to support the new leaders of Iraq.

Mr. Speaker, I also had the opportunity to visit Afghanistan during the Memorial Day Recess. President Karzai heads a fully democratic government, the culmination of a complete transition to democracy. Women now have the right to vote and work. Although President Karzai's government has greatly extended its authority, history teaches us that we cannot let any part of Afghanistan remain a haven for terrorists. We must continue to pursue, capture, and eradicate the remaining Al Qaeda/Taliban terrorists.

What I saw overseas is not what is being reported by the media back home. The Iraqi economy is picking up steam: currency is more stable, the national stock exchange is up and running, and business registrations are on the rise. More roads and schools are being built as we speak, and the oil sector shows promise as pipeline security efforts increase. In Afghanistan, the Al Qaeda/Taliban terrorists are on the run and 28% of Afghan Parliament delegates are women.

What our troops told me is not what is being reported either. We have the finest military in the world, and morale is high. Our brave troops know the world will be safer when the mission is complete. We must stand strong and support our troops and allies in this fight against global terror.

Mr. MARCHANT. Mr. Speaker, America and its allies are engaged in a war against a terrorist movement that spans all corners of the globe. It is sparked by radical ideologues that breed hatred, oppression, and violence against all of their declared enemies. Since September 11, 2001, the powerful coalition of nations, led by the United States, has seen many successes against al-Qaeda and other terrorist groups. It is imperative that we remain united and steadfast in the quest to defeat terrorism around the world.

Last year I traveled to the Middle East to visit with troops in Kuwait, Iraq, and Afghanistan. I came away with several observations:

First, morale of the troops is HIGH. They are confident of the progress they have made in the mission to spread freedom and democracy in the Middle East. Not one serviceman or woman I encountered had any doubts about the purpose and importance of his or her presence there. The troops are positive and appreciative of all of the support they received from back home.

Their confidence in their mission is well-justified. Since my visit, the Iraqis have ratified a new constitution and installed a new, strong Prime Minister, Nuri Al-Maliki. And now the latest milestone: Abu Musab al-Zarqawi, al Qaeda's leader in Iraq, was killed in an air raid last week.

Mr. Speaker, as I sat in a tent in Kuwait eating dinner with troops from Texas, I was struck by how young most of them were. Those soldiers with me were 18–20 years old. Their experiences and their stories humbled me. Never in my life have I felt such emotion and love for our service men and women than when I sat and looked at these brave young soldiers. Barely out of high school, yet each day these heroes awaken knowing of the perils that lie ahead. Danger awaits them, but they continue to make a great sacrifice each day so that you and I can be free.

I sometimes feel that we Americans take our freedoms and our lives for granted. We forget the images of 9/11. Yet while on my trip to the Middle East, the London bombings occurred. This was yet another stark reminder that if we don't fight terrorists abroad, they just get closer to our home.

Mr. Speaker, the War on Terror is a global effort; it reaches beyond a small concentration of countries in the Middle East. I'd like to share the story of Marine Staff Sergeant Nathan Fletcher. Sergeant Fletcher's wife, Mindy, lived in Dallas and also worked for another war hero, my fellow Texas Congressman SAM JOHNSON, on Capitol Hill. He is currently experiencing his third extended separation from Mindy since they married a few years ago and the start of the war on terrorism.

Sergeant Fletcher is serving in a very remote region in the Horn of Africa. He is part of a Combined Joint Task Force focused on defeating transnational terrorist groups operating in the region. Sergeant Fletcher and his fellow troops in Africa lack amenities like running water, reliable power, and air conditioning. There is no internet, television, or even paved roads. Because they are so far away from the main camp they eat off the local economy. There are no fruits or vegetables where he is based, and so far he has eaten camel, goat, lamb, beef, and a couple things he could not identify. They cook their meals over an open fire and sleep outside every night.

Sergeant Fletcher's wife writes, "His team is doing well and I know they are working very long hours. I can't imagine going 40 days without running water in temperatures over 100 degrees without air conditioning, but I know Nathan and other servicemen and women do it everyday." She continues, "Iraq and Afghanistan get most of the focus, but our troops are fighting the global war on terror throughout the world. I am really proud that he is part of making sure al-Qaeda and other terrorists aren't able to expand into another part of the world."

Mr. Speaker, Sergeant Fletcher and the millions of other troops fighting the War on Terror around the world believe in what they're doing. They don't want to stop. They know their mission is right. We owe it to them to see this campaign for democracy through until we are completely victorious.

Mindy no doubt wishes that Nathan was at home with her. Nathan no doubt wishes he was at home sitting in the air conditioning and eating a t-bone steak rather than camel steak. Yet they both know the reasons and the importance of the mission.

Mr. Speaker, Sergeant Fletcher is enduring these harsh conditions for our freedom. Make no mistake—this mission is not only justified, it is essential. Let us never forget the Pearl Harbors, the attacks of 9/11. Let us never forget the freedom we have. Let us never forget the Sergeant Fletchers and the sacrifices they make for us.

Mr. Speaker, we must not lay down our arms now. We must press on, for freedom, for peace.

Mr. POMEROY. Mr. Speaker, the resolution under consideration today presents Congress with a single option—to endorse the Administration's handling of the War in Iraq. Such an endorsement means committing our troops to protracted, open-ended involvement for an indefinite number of years while incurring thousand of additional casualties and spending hundreds of billions of dollars.

Unfortunately, this is a counterproductive option. I do not believe the newly elected Iraqi government can achieve the politically daunting challenge of building a democracy as long as there is an expectation that the United States will always be there providing the principle security and defense roles for the country.

Exceedingly difficult compromises between the ethnic and secretarian factions in Iraq need to be made, and those compromises must be determined by the Iraqis themselves.

The Administration's course currently is emboldening these factions to seek maximum advantage for their respective groups—even as the business of building a united country is harmed significantly. The result is a full blown insurgency which increasingly looks like a civil war in destruction and effect.

The Administration did not foresee these challenges, and certain officials still appear to be in denial of this reality. The United States deserves new leadership on Iraq and a new course, and the Administration should take the steps to remove those who have brought us to the present circumstances and revitalize our effort with a new leadership team.

I have traveled to Iraq on three occasions. After my last trip in October 2005, I came away strongly believing in the need for a timely transition of responsibility to Iraqis. One month later, when this House debated a resolution ordering an immediate withdrawal of troops from the nation, I opposed the resolution, but I noted the following: "We need to come together on an exit strategy for our soldiers based upon the transition of security to the Iraqis themselves in order to give the new democratic government of the people of Iraq a fair chance of success."

I still oppose an "immediate withdrawal" ordered by the U.S. Congress. Some will argue that opposition to an indefinite U.S. military presence in Iraq means support for immediately abandoning Iraq. This is completely false. I favor leaving military commanders with authority for the military redeployment and troop drawdown. I do not favor near term deadlines imposed by Congress as the way to accomplish this result.

I strongly support our troops and their families. I support giving them the resources they need to do their job, and the benefits they deserve.

I support winning the Global War on Terror.

For these reasons, I cannot support this resolution. It is too open-ended, too blind to the reality of the difficulties we are facing, and too simplistic a resolution for the complex situation in which we find ourselves.

Mr. COSTELLO. Mr. Speaker, I rise today in support of the resolution before us today, despite the fact that it barely touches on the war in Iraq, which is the stated purpose of our debate, and makes some claims I do not agree with. While I will vote yes, I want to be absolutely clear that I am doing so to emphatically support our troops and the bravery they display every day in fighting the war on terror. I did not vote to authorize the Iraq War and continue to believe it was a mistake. I do not agree with parts of this resolution that misstate the original administration arguments for invading Iraq. The heart of this discussion needs to be that the Bush administration has been almost totally inept in its planning and prosecution of the war and occupation of Iraq.

Time and again, the Bush administration has been wrong. Before invading Iraq, we were told that Saddam Hussein was an imminent threat to the United States. After attending the briefings provided by the administration, I did not feel that administration officials made this case, and the lack of weapons of mass destruction certainly undercuts this argument. Even worse, we were given a stream of incorrect assumptions of the costs of the invasion and occupation of Iraq. Then-Deputy Secretary of Defense Paul Wolfowitz testified before a Senate Committee and predicted that the monetary cost of the war to the United States would not exceed $2 billion. Including money to be appropriated this year, we are approaching $400 billion, and continue to spend $8.1 billion every month in Iraq. Wolfowitz also said Iraq had no history of ethnic strife.

It is important to remember that the Bush administration assertions were not conventional wisdom at the time. Both then-Army Chief of Staff, GEN Eric Shinseki, and then-Bush economic adviser Larry Lindsey, soon left their positions after publicly stating, respectively, that the war would take large numbers of troops and hundreds of billions of dollars to prosecute.

Further, it quickly became clear that the planning of the occupation of Iraq was woefully inadequate, placing our soldiers in increasing danger. Stories of inadequate supplies of bulletproof vests and armor for humvees documented this fact. The outspoken concern of former generals in regard to these preparations further underscored the problems. The intensity of the insurgency caught the administration by surprise.

The United States has allocated $50 billion to private contractors for reconstruction and rebuilding efforts in Iraq since the beginning of the war. Nine billion dollars in reconstruction funds are unaccounted for, while the Defense Contract Audit Agency has deemed that $1.47 billion spent by the Halliburton Corporation was excessive or insufficiently documented. Oil production is at 2.2 million barrels per day—down from 2.6 million barrels per day prior to the war.

The resolution we are debating also says ". . . the terrorists have declared Iraq to be the central front in their war against all who oppose their ideology." This is true only because we gave them the opportunity to do so. Iraq clearly was not the central front before the U.S. invasion—another unfortunate outcome of poor planning.

I continue to believe that part of our decision making process concerning how to move forward in Iraq must include an analysis of how we got there. It is not enough to say that since we are there, we have to make the best of it. I agree that we cannot just walk away, and do not support a certain date for our exit, but we still do not have any framework for evaluating our progress there. While the death of Al Zarqawi is great news, and it seems that Iraqi security forces are taking on more responsibility, does anyone really believe that in one year, or two years, or even five years, that Iraq will be able to defend itself?

I said at the outset of this war that the United States was going to pay the vast majority of its costs, in both lives and dollars, and this has clearly been the case. We must reengage the international community to take on more of the burdens of the occupation, and seek to bring our troops home as soon as possible.

Today, I join my colleagues in celebrating the extraordinary efforts and accomplishments of our troops. But I do not celebrate our country's undertaking of the invasion and occupation of Iraq. It was a bad decision followed by numerous other bad decisions, and while I hope it ends well, we will feel the ramifications in many ways for years to come.

Mr. CANTOR. Mr. Speaker, the members of this House have had a lengthy and passionate debate today. When these hours of debate are over, I think the American people need a clear understanding of what the Democrats propose to do.

Lets look at the Democrats' blueprint, the Murtha Plan.

The Murtha Plan proposes to have our forces "redeployed at the earliest practicable date" with no details about what that means. Meanwhile, the Iraqi leadership only days ago requested for our forces to continue their side-by-side work with Iraqi forces. The Democrats' plan advocates redeployment before the job is done, which is nothing short of retreat.

The Murtha Plan calls for the creation of a "quick-reaction force" and an "over-the-horizon presence of U.S. Marines" with, again, no details about what exactly that means. The Democrats continue to advocate retreat, while our President has stated time and time again that our commanders on the ground will determine the tactical plans, not politicians in Washington.

The Murtha Plan calls for America to "pursue security and stability in Iraq through diplomacy." Are Democrats suggesting that we can negotiate with terrorists? This is a war unlike any other. If we leave this front now, the terrorists will come after us somewhere else. This is not about territory or conquest. This is a fight for the future of the free world.

The Murtha Plan supported by the Democrats is nothing more than an enormous step backwards in the fight against the Islamic fascists. It is a rehash of the same old policies of appeasement and retreat that contributed greatly to our lack of preparedness for the 9/11 attacks. The policy of appeasement and non-engagement has only emboldened terrorists in the past.

Thankfully, our President has charted a new course to take the fight to the terrorists so we do not have to fight them here at home. We must aggressively keep our resolve in this decades-old war with the terrorists.

Mr. SABO. I come to this House debate deeply frustrated over the chaos in Iraq. I voted against authorizing President Bush to take us to war in Iraq. I believed in 2002, and am more certain today that this war has been a grave mistake.

Mr. Speaker, I have nothing but respect for the honorable American service men and women who have been put into harm's way. However, the goodwill I feel for these brave Americans is contrasted by my lack of confidence in President Bush and the Defense Department leadership. Once they got us into this war, they have, time and again, ignored sound military planning and blatantly disregarded the violent, grinding reality that has steadily descended on Iraq over the past 3 years.

As members of Congress, it is one of our highest duties to hold the civilian and military leadership accountable when they take our nation to war. To date, 2,500 American service men and women have been killed, and more than 18,000 more have been injured. There are no higher stakes than these. Unfortunately, H. Res. 861 does nothing to demand that the Bush administration correct its disastrous policies in Iraq.

Earlier this year, General Anthony Zinni, former Commander of the U.S. Central Command, pointedly expressed the views of many, many Americans about Iraq when he said, "We are paying the price for the lack of credible planning, or the lack of a plan. Ten years worth of planning were thrown away, troop levels dismissed out of hand. . . . These were strategic mistakes, mistakes of policy made back here."

Mr. Speaker, my constituents and people across the nation want a clear plan for success in Iraq. Americans want to believe that there can be a successful end to this conflict, and that our soldiers, marines and other personnel will return home soon. Unfortunately, it is hard to hold onto this hope given the President's stubborn refusal to acknowledge the failures in his Iraq policy. We must change course.

The United States has a critical role in helping Iraqis to build a peaceful, democratic society. I am certain, however, that an open-ended U.S. military presence in Iraq will not accomplish peace and stability there. Furthermore, waving the flag, with Congressional resolutions like H. Res 861, accomplishes nothing.

With mounting casualties and the $320 billion in spending on this war, Americans deserve to hear the unvarnished truth from their President and elected representatives. I firmly believe that Congressman MURTHA has the right idea with his resolution to redeploy our troops. We must make it clear to Iraqis that we support their transition to a peaceful and prosperous society. Hard-nosed diplomacy, Iraqi institution-building and support from the international community are better tools than the U.S. military to accomplish this goal.

I still seek answers to questions I asked Defense Secretary Rumsfeld in appropriations hearings earlier this year: What is your plan for success in Iraq? When and under what conditions can our honorable men and women serving there come home? The House debate on H. Res. 861 will not provide the answers, and I am still waiting for a thoughtful and credible response from Secretary Rumsfeld.

Mr. DEFAZIO. Mr. Speaker, I rise today to discuss H. Res. 861. The Republican leadership has been promising for weeks that the House would have a genuine debate about the future of U.S. military involvement in Iraq. Given that promise, I am disappointed that H. Res. 861 is a truly hollow effort. Despite the eloquent words used, the resolution has no legally binding impact. It does nothing to require a re-evaluation of U.S. policies in Iraq or to change the status quo. It does nothing to address the mistakes that have been made in Iraq. The American people, particularly our troops serving honorably in difficult circumstances in Iraq, deserve more than cheerleading and sloganeering. Unfortunately, empty promises are all this resolution offers.

A vote for this resolution is a vote for the status quo. It is a vote for staying indefinitely in Iraq, perhaps a decade or longer. It is a vote for continuing with the current policies with no end in sight. I cannot support endorsing the status quo. On March 21, 2006, President Bush actually said that the question of bringing home U.S. troops from Iraq "will be decided by future presidents," signaling that U.S. troops will not be home until 2009 at the earliest. The American people need to understand that a vote in favor of this resolution is a vote to stay in Iraq until at least 2009.

Let me address my specific concerns with the text of the resolution.

First, I am concerned that the resolution inappropriately lumps Iraq in with the so-called global war on terror. It was Osama bin Laden and al-Qaeda who attacked the U.S. on September 11, 2001, not Saddam Hussein and Iraq. I believe it was a mistake to move intelligence and military assets away from the fight against al-Qaeda, which did not have a presence in Iraq prior to the U.S. invasion, in order to attack Iraq. Iraq did not pose a direct threat to U.S. national security, had not attacked the U.S., and could be contained with sanctions, inspections, and no-fly zones.

Second, and perhaps of most concern, the resolution endorses keeping U.S. troops in Iraq until there is a "sovereign, free, secure, and united Iraq." By that standard, the U.S. will be in Iraq for a decade or more. That is unacceptable and unnecessary. And, in fact, it undermines U.S. national security by indefinitely tying up U.S. intelligence and military assets that could be better used finding Osama bin Laden and breaking the back of al-Qaeda around the world.

The U.S. cannot impose freedom, security, and unity in Iraq by force. Those worthy goals can only be achieved by the Iraqi people themselves, which will only happen when the Iraqi people and their leaders decide to put aside their sectarian differences. The U.S. cannot force Sunnis, Shias, and Kurds to make peace or to act for the common good. They have been in conflict for 1,400 years. Nor should the U.S. military be forced to remain in Iraq essentially as an army for one side of a civil war. As long as the U.S. military remains stuck with the president's pledge of unending, open-ended support, Iraqi politicians and security forces will use the U.S. presence as a crutch. Establishing a timeline to bring the bulk of our troops home and redeploy others to fight al-Qaeda would force the Iraqi people, politicians and security forces to resolve their differences, establish an effective and inclusive government, end sectarian violence and create a secure society. The U.S. military cannot solve the sectarian problems in Iraq. Only the Iraqis can.

Proponents of the resolution say that those like me who want our troops to come home are defeatist and want to cut and run from Iraq.

To the contrary, I believe the U.S. military has already done all that has been asked of them. Saddam Hussein is on trial. The threat from alleged weapons of mass destruction programs in Iraq has been neutralized. The programs do not exist, and didn't before the war for that matter. The Iraqi people have written and adopted a new constitution and elected a new government. It is time to turn over control of the country to the Iraqi government, Iraqi security forces, and the Iraqi people to build their own future.

Second, the resolution contains the blatantly false assertion that negotiating a timeline for bringing U.S. troops home with the Iraqi government undermines U.S. national security. Such a statement shows a misunderstanding of the enemy we face in Iraq.

Although today the president and proponents of this resolution fail to distinguish between the various enemies we face in Iraq, in a speech on December 12, 2005, the president actually did make important distinctions between the insurgent elements in Iraq. He mentioned "rejectionists," which are mostly Sunni Arabs who miss the privileged status they enjoyed under Saddam Hussein. He mentioned "Saddamists", who are former regime elements who want to return to power. Again, they are Sunni Arabs. And, he mentioned foreign terrorists affiliated with or inspired by al-Qaeda, which even the president acknowledged was the "smallest" element of the insurgency. The one huge element he left out was nationalist Shias, such as those influenced by Moqtada al-Sadr.

The reality is that the rejectionists, Saddamists, and nationalist Shias, who combined make up the vast bulk of the insurgents in Iraq, have no interest in attacking the U.S. homeland. They just want U.S. military forces out of their own country. They have no designs on our country. So it is misleading, at best, to argue that if we don't fight the insurgents there, we will fight them in the streets of the United States. Even the foreign terrorist elements in Iraq seem more focused on igniting a Shia-Sunni civil war in the Middle East and attacking regimes they consider infidels in the region, such the Jordanian monarchy.

It is also misleading to pretend that if the U.S. leaves that somehow Osama bin Laden will take control of Iraq. There is no chance that the Shias and Kurds, who represent around 80 percent of the population in Iraq, will allow foreign terrorist elements to take over the country. Even the majority of the Sunnis have grown tired of foreign terrorists operating in Iraq.

With respect to the argument about waiting us out, as long as the Sunni, Shia and Kurds cannot resolve their political differences, violence will continue in Iraq. It is not a matter of whether we're there or not. It is ridiculous to assume that the insurgent elements will stop attacking once a timeline for bringing U.S. troops home is announced and will wait to start again until after we leave.

I believe that negotiating a timeline for bringing U.S. forces home is a prerequisite for stabilizing Iraq over the next several months.

Announcing the termination of the open-ended U.S. military commitment in Iraq and providing a concrete plan, including a timeline negotiated with the Iraqi government, for bringing our troops home would undermine support for insurgents. Public opinion polls show that nearly 9 in 10 Iraqis support announcing a timeline for U.S. withdrawal and 70 percent want the U.S. out by the end of 2007. The U.S. cannot want to stay in Iraq more than the Iraqis themselves want us there.

As, the Commander of U.S. forces in Iraq, General George Casey, testified to Congress last year, "the perception of occupation in Iraq is a major driving force behind the insurgency." A specific withdrawal plan, with benchmarks for measuring success in stabilizing Iraq, could unite Iraqis, Sunni, Shia and Kurd, against the foreign terrorists operating in

Iraq. That would be a key turning point in stabilizing the country.

A timeline for bringing U.S. troops home that is negotiated with the Iraqi government would also boost the Iraqi government's legitimacy and claim to self-rule, and force the Iraqi government to take responsibility for itself and its citizens. Negotiating a timeline and strategy with the Iraqi government could, more than possibly anything else, improve the standing of the Iraqi government in the eyes of its own people, a significant achievement in a region in which the standing of rulers and governments is generally low.

Similarly, establishing a firm timeline for bringing our troops home could accelerate the development of Iraqi security forces and deepen their commitment to defending their own country and their own government. It would eliminate the conflict they now feel by working with what many of them see as an occupying force. It would allow them to defend a sovereign Iraqi government, rather than fight alongside U.S. forces.

A plan to bring the bulk of our troops home from Iraq and free up intelligence and defense assets to redeploy to fight al-Qaeda, particularly in Afghanistan and along the Afghanistan-Pakistan border, could also help the United States in our broader fight against Islamic extremists with global ambitions. It would make the U.S. safer by taking away a recruiting tool and training ground. Former Director of the CIA, Porter Goss, testified to Congress that, "Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists. These jihadists who survive will leave Iraq experienced and focused on acts of urban terrorism." He went on to say, "The Iraq conflict, while not a cause of extremism, has become a cause for extremists."

In addition to a timeline, I have proposed that U.S. troops be removed from front line combat positions in Iraqi cities and towns, turning over daily security patrols, interactions with citizens, and any offensive security actions to the Iraqis themselves. The training and equipping of Iraqi security forces should be accelerated. The U.S. must renounce any U.S. interest in constructing permanent U.S. military bases in Iraq. It is also important to accelerate reconstruction spending and grant the bulk of reconstruction contracts to local companies employing Iraqis rather than multinational corporations, whom have proven inefficient, inflexible, sometimes fraudulent and have even imported workers rather than employing Iraqis. The U.S. embassy in Baghdad should also be reduced to normal size and authority rather than establishing one of the largest embassies in the world.

Third, I am concerned that the resolution continues to mislead the American people, about the threat posed by Saddam Hussein. Saddam Hussein was a brutal tyrant. I am glad he is now on trial for crimes against humanity. But, opposition to a dictator is not the measure I use when deciding whether to send our men and women in uniform off to war and possible death. For me, there must be a direct threat to U.S. national security to justify the sacrifice of the blood and wealth of fellow Americans. In the case of Iraq, I didn't see that. The resolution claims that Hussein "supported terrorists" and "constituted a grave threat against global peace and security." Saddam Hussein did pay the families of Palestinian suicide bombers. So in that sense he did support terrorists, but he did not support the terrorists who attacked the U.S. The 9/11 Commission and other experts have found no operational links between Iraq and al-Qaeda. Further, as I previously mentioned, Saddam Hussein did not have weapons of mass destruction programs and could be contained by sanctions, inspections and no-fly zones.

Finally, I would like to bring my colleagues' attention to a survey of 100 top foreign policy experts just released by the Center for American Progress and Foreign Policy magazine. The survey indicates that despite the cheerleading we're hearing on the House floor today, the U.S. is not winning the war against Islamic terrorists and Iraq has undermined our efforts. More than 80 percent of the experts surveyed believe the U.S. is becoming less safe. Even 71 percent of the self-identified conservative experts said the U.S. is not winning the war on terror. Twenty-eight percent of respondents, including 26 percent of the conservatives, said the Iraq war is the principal reason the U.S. is less safe, second only to the more generic reason of rising Muslim hostility toward the U.S. An astonishing 87 percent of respondents, including 69 percent of conservatives said that the war in Iraq has had a negative impact on U.S. security and nearly 60 percent said the U.S. needs to put more focus on bringing our troops home. The results of this survey of top foreign policy experts from across the ideological spectrum are sobering and directly contradict the blind optimism and endorsement of the status quo that is reflected in H. Res. 861.

It is unfortunate that the Republican leadership continues to prohibit an open and honest debate about the fight against radical Islamic terrorists like al-Qaeda, and the distinct issue of the best strategy for bringing our troops home from Iraq. The American people deserve better.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I join my colleagues in honoring those serving in our Armed Forces in Iraq and Afghanistan, and all the civilians serving here at home and abroad to protect America from terrorism.

With the support of their families, the brave men and women of our Armed Forces have performed their duties with professionalism and distinction. They and their families deserve the gratitude of this nation. We especially honor, and will never forget, the more than 2,500 Americans who have made the ultimate sacrifice in our nation's service. And their families have our enduring sympathies for their loss.

To honor all who have taken an active part in the war in Iraq and the fight against terrorism in Afghanistan and around the world, it is the duty of Congress to aggressively pursue the most effective strategy for winning the Iraq War by demanding accountability for poor planning, mismanagement, and lack of oversight, in addition to developing a new direction that includes a responsible redeployment of U.S. Forces.

While I agree with most of the content of H. Res. 861, I cannot vote in favor of it because it does not acknowledge the need for a new direction in Iraq. This resolution was offered without any opportunity for amendment, preventing the House of Representatives from holding a full and fair debate on the most important matter facing our nation today. Our troops, and all Americans, deserve a better and more responsible debate. While I will not support this resolution, I will always continue to stand by our troops and their families.

Mr. MICHAUD. Mr. Speaker, I rise today to speak against this politically motivated resolution. Our country is under a real and serious threat from extremists. We do not have time to waste on cheap political resolutions that distract us from the unity and sense of purpose that we should all have together, as Americans, in confronting the real threat.

We need to have a real debate on real solutions to determine an effective course of action in Iraq. An honest debate does not undermine our soldiers' morale, as some have suggested in an attempt to silence all questions. What is actually demoralizing to our service men and women is to be sent into harm's way lacking body armor and supplies and a definitive plan for success; and then coming back as veterans only to be harassed by creditors because the VA did not take steps to protect them, or not receiving the necessary treatment for medical issues like PTSD.

In fact, a real, open discussion of the facts on the ground and the challenges we face globally would show our soldiers that we are serious about this endeavor and their safety and that we want to be successful. That is good for our troops.

The way our current debate on Iraq is conducted, with resolutions like this, hurts all of us—this is political grandstanding. We can no longer allow political leaders to shield a badly conducted policy in Iraq behind the cloak of 9/11.

We were attacked on 9/11, and we had a united country and a united world join together in approval as we sought to stop the terrorists in Afghanistan. This had nothing to do with Iraq. And now, five years later, we find ourselves with a divided nation, and few allies who support our policies. This has everything to do with Iraq.

Despite the courage, dedication and professionalism of our men and women in uniform, our military has been strained as a result of the poor and extremely shortsighted leadership of the Secretary of Defense. Recruitment is down. Our National Guard has assumed a greater burden in military operations then ever before and as a result our homeland security is weakened.

The invasion of Iraq and our continuing occupation has damaged our standing in the world. Abu Ghraib, massive civilian casualties, lawlessness and little economic hope in Iraq have undermined the global support that we had to hunt down and destroy terrorists around the world. The war has not made us safer from terrorists—it has created more terrorists. 90 percent of the insurgents in Iraq are Iraqi. The sad reality is that we have created thousands of terrorists where there were none before.

But a review of these errors does not solve the problems. Now, we must look forward. We must ask, what is the best course for our Nation, our soldiers, and the Iraqi people? A policy of "Stay the course" does not address the real situation on the ground in Iraq. It does not provide a clear and understandable path to success and to bringing our troops home. It does not help us to address the damage that we have seen to our moral authority around the world and it certainly does not provide a plan to destroy al Qaeda and similar terrorist organizations.

Instead, we must have a new course in Iraq, a way of instituting fundamental change in our role there, and a way of removing our military presence. It is time for the Iraqi people to take full control of their country. The United States military cannot act as the dominant security force in Iraq indefinitely. I believe, as many leading military experts do, that our presence in Iraq incites and perpetuates the violence. We need a timeline for withdrawal so that the elected government of Iraq can fully assume its duties in the political, economic, and security arenas.

The principle of our efforts must be this: that we cannot want a free and stable Iraq more than the Iraqis themselves do. It is time for them to take control of their own country, and their own destiny.

I strongly believe that we must continue to support the efforts of the Iraqi people to establish a free, secure and sovereign state, but we cannot do this by occupying the country and dominating its internal security and economic development. International cooperation, economic aide, security training, and assistance for infrastructure development should be our aims.

Too many American and Iraqi lives have been lost. Too much money has been diverted to this endeavor instead of going toward hunting down al Qaeda and other terrorist organizations, who are the true enemies of our American freedom.

It is time for us to move forward together, in support of our soldiers, in support of the Iraqi people, with the support of our allies, and in the firm belief that with a change in approach in Iraq, we can secure greater freedom and prosperity here and abroad.

Mr. SODREL. Mr. Speaker, Sir Winston Churchill once said "An appeaser is one who feeds a crocodile—hoping it will eat him last." We followed the process of appeasement with terrorists for too long. We ignored the jihadists for too long, and they finally arrived on our soil.

Let me highlight a few examples of terrorist attacks for which we responded with appeasement.

December 21, 1988, Pan American Airlines Flight 103 was blown up by a bomb over Lockerbie, Scotland killing all 259 passengers on board;

February 26, 1993, an Islamic terrorist group attempted to blow up the World Trade Center using a bomb in an underground garage;

August 7, 1998, bombs exploded simultaneously in front of U.S. Embassies in Kenya and Tanzania killing 12 U. S. citizens and injuring thousands of innocent bystanders;

On October 12, 2000, they attacked the USS *Cole* while docked in Aden, Yemen killing 17 sailors and injuring 70 others.

After the loss of the World Trade Center and the attack on the Pentagon on September 11, 2001 our military was finally ordered to take the fight to the terrorists.

When a new recruit is inducted into the U.S. military he or she takes an oath. In part this oath pledges the soldier, sailor or airman to "protect and defend the United States Constitution from all enemies foreign and domestic." If I had to distill the U.S. Constitution down to a single word I would define it as "liberty."

Young Americans fought and died at Trenton and Yorktown to achieve liberty. They died at Gettysburg and Vicksburg to extend liberty to all Americans. They gave their all at Normandy and Iwo Jima to restore liberty to people they did not know. Throughout American history Americans have stood up to the enemies of liberty.

In my youth I heard the President of the United States say "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty.". That President was John F. Kennedy. He knew the value of liberty. As part of the "The Greatest Generation" he risked life and limb in defense of liberty.

The Greatest Generation spent 144 percent of our Gross Domestic Product defending liberty. Not 144 percent of the Federal budget, but 144 percent of the total annual output of goods and services in our country. Over 400,000 young Americans died in the effort. There are 9,387 crosses in the American cemetery on the bluffs overlooking the beaches of Normandy. The Greatest Generation of Americans was willing to pay any price, and bear any burden, in defense of liberty.

We have some people today who know the price of everything and the value of nothing. Has liberty depreciated so much? Is she worth less to us than she was to our parents? And their parents? Shall we tell those who lay at Flanders' fields we are not willing to support any friend, and oppose any foe, to make the world safe and secure for liberty?

Anyone who does not understand that Osama bin Laden is an enemy of liberty, deludes himself. Anyone who believes al Zarqawi was not determined to kill liberty is feeding the crocodile. The value of anything is determined by the price paid. For Americans throughout our nation's history we would not sell our liberty for any price. For our Founders it was worth their lives, their fortunes, and their sacred honor.

It took us 13 years after the start of our revolution to adopt our current constitution. The Iraqi people are progressing to a constitutional government at a comparatively rapid rate. I have a great deal of respect for those who are willing to serve in their government. Serving in our government often brings verbal abuse. Serving in the Iraqi government is often life threatening for them and their families. And I have the utmost respect for those serving in the U.S. military and coalition forces.

Mr. Speaker, as a young man grows up he is often confronted with bullying and intimidation. When my son, Noah, was a little boy I gave him two rules on fighting. The number one rule is: We don't start fights. I told him if I ever caught him bullying or picking a fight I would make him regret it. Looking for a fight is unacceptable behavior for our family. He asked me what the second rule was. I told him we don't lose fights. If he finds himself in a fight he did not instigate, if he is engaged in a fight through no fault of his own, then I expect him to win.

We did not ask for this fight, Mr. Speaker. The people who went to work at the World Trade Center on September 11 were not trying to pick a fight. The Americans at the Pentagon weren't spoiling for one. The enemies of liberty after being fed for two decades came to eat us at last. We all want our soldiers, sailors and airmen home safely, but not until the job is finished. Appeasement is not a logical policy and losing is not an option.

Mr. CAMP of Michigan. Mr. Speaker, throughout the centuries a test of the human spirit has arisen; a test of our foresight; and, a test of our most basic, fundamental belief that we are endowed by our Creator with inalienable rights that no person—through tyranny, terror or any other mechanism—may deprive another.

Today, we face a new evil that is unique in history. It comes not in the form of another nation. It calls radicalism home, while living in every country, spreading quietly like a cancer awaiting the most opportune time to strike.

The question we face is simple: Will we rise to that challenge or will we exit the arena leaving future generations to battle a more emboldened enemy?

We, as Americans, are blessed as a free people and are obliged to defend liberty. It is an inherited responsibility that does not end at our borders; and while the major battlefield is halfway around the globe, it is a challenge that cannot be dismissed by distance—a fact the last two World Wars should have taught us well.

On September 11, 2001, terrorists, in a murderous rage, sought to shake our foundation in hopes we would abandon the cause of freedom. Since that bloody day, our men and women in uniform have not only answered our Nation's call to duty; they have not only served ably and nobly; but they, like thousands of American soldiers before them, have responded without hesitation to freedom's call for help and they have followed her voice into the darkest corners, bringing new life and new light to generations of the oppressed.

Today, because of their actions Afghanistan is rid of the Taliban; Iraq has been released from the iron grasp of Saddam Hussein; Osama bin Laden has been sent scurrying; and, his "Prince of Al Qaeda," Abu Musab al-Zarqawi, has been delivered to his final fate.

After nearly two decades of being left virtually unchecked, we are now fighting back and beating back the terrorists. This is not a war on paper; it is a war with real costs and real lives are being lost—not the least of them the more than 3,000 innocent civilians who were murdered on 9/11.

We owe them and the men and women now serving on the front lines who have given the ultimate sacrifice an un-repayable debt of gratitude. We must live our lives in such a way as to be worthy of their sacrifice and we must pick up their cause and see it through to the end.

Make no mistake about it, the debate we are having today is an important one. The war we wage will dictate the course of human freedom for years to come. We can allow the terrorists to turn Iraq into a safe haven from which they can hatch and launch their plans to destroy our way of life, or we can create a stable Iraq that is an ally to free and democratic nations around the globe.

At every turn the people of Afghanistan and Iraq have made the right choice. Despite threats of violence, Iraqis voted not once but twice in national elections to establish a new government with new leaders. They have now completed the formation of that government and are on the brink of reclaiming their country.

My friends, I choose to continue to support our new friends, the Iraqi people, in their struggle. I choose to support our men and women in uniform. And, I choose to stand steadfast in this global war on terror.

I urge my colleagues to join with me and support this resolution.

Mr. BILIRAKIS. Mr. Speaker, I rise today to support H. Res. 861 and to stand beside the members of our armed services who have gallantly fought and died for our freedom.

Early in the morning on September 11, 2001, our Nation was at peace. Then at midmorning a group of terrorists attacked us. What had we done to deserve such an attack? We saved the world from fascism in the 1940s; then rather than punish our enemies, we helped them rebuild their war-torn countries. We saved the world from communism and helped those who were trapped in darkness behind the Iron Curtain see the light of freedom. We are the world's first responders to every emergency, but because a group of murderous cowards hate our way of life, our liberty, and our compassion and values, they attacked us.

Last September, I traveled to Iraq and had the privilege of seeing firsthand our troops' brave actions in combating terrorism. I spent a great deal of time listening to them and learning their perspectives. And these perspectives are contrary to what the American people hear from the media.

Their morale is extremely high and they are proud to serve their country. They believe that we are winning the fight against terrorism and that perseverance and patience will ensure our long-term victory. The most moving part of my trip came when I visited the Air Force Theater Hospital in Balad, Iraq. I was not surprised, but deeply touched, to see that all those I spoke with who were wounded in combat were eager to return to their units.

Mr. Speaker, I respect every Member's opinion on this extremely important subject. However, I submit that we cannot say we support our troops and also continue this overheated political rhetoric about Iraq being a mistake or an "un-winnable war." This undermines the efforts of our troops and jeopardizes our mission—just as was done during the Vietnam war. Having served on active duty for 4 years in the early 50s, I understand that.

Our brave men and women are winning this fight for us in the streets of Baghdad so we don't have to face terrorists on the streets of America. As long as I am in this body, I will continue to fight for our troops and veterans and I ask my colleagues to do the same.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to H. Res 861, the global war on terrorism resolution. I am opposed to the resolution because it is terribly flawed, nonbinding, and does not provide a viable plan that protects our soldiers or serves our country.

The general assumption is that the debate on the global war on terrorism, GWOT, will be a full and honest debate. In fact, the process we are engaged in represents nothing more than an exercise in rhetoric. H. Res. 861 is flawed because it does not reflect bipartisanship. Democrats were not allowed to offer our substitute or amend the Republican resolution. Further, I strenuously disagree with the language contained in the resolution.

I want to strongly emphasize that the failed Republican policy in Iraq includes poor planning that left troops without critical equipment, and provided no plan for success. The war in Iraq exemplifies gross mismanagement, as evidenced by $9 billion that is either lost or stolen and cannot be accounted for. There has been no oversight of spending to date. The Republican controlled Congress has refused to oversee military conduct and the policy that contributed to the war. There has been a complete lack of accountability regarding this war. No investigating committee has ensured taxpayer dollars were legally and well spent. This administration is guilty of entering into no-bid contracts, totaling $17 billion to Halliburton alone.

Let me be clear, Democrats want and demand a new direction in Iraq. We want a responsible redeployment of U.S. troops to take place immediately. We must redeploy and be ready.

I disagree with the resolution premise that the U.S. will prevail in the Global War on Terrorism due to the fact that the "terrorist adversary" cannot be identified or quantified. The misguided perpetrators of terrorism consist of disparate and loosely confederated groups, some of whom are religious zealots that justify their terrorist actions based on their Islamic beliefs; others are mercenaries seeking to retaliate against the U.S. for our invasion of Iraq. The terrorists identified as members of Al Qaeda led by Osama bin Laden do not adhere to a traditional command and control military structure, thereby making it impossible for our military forces to engage in traditional battlefield strategies.

H. Res. 861 presents the proposition that Saddam Hussein's regime supported terrorists and posed a threat to global peace. There is no documentation to support this premise. These allegations have been wholly disproved, yet supporters of the war and the architects of the resolution continue to propagate these mistruths. This is why today I reaffirm my steadfast opposition to another in a long list of resolutions that seek to delude Americans into believing that we are debating legislation that provides a clear direction to winning the so-called global war on terrorism. This resolution does not.

I oppose this resolution because it does not address the fact that to date we have spent in excess of $368 billion, mainly in the form of supplemental spending bills that are off-budget and contribute mightily to the Federal deficit. The resolution does not address that our President, the Secretary of State, the Secretary of Defense, and the National Security Agency, NSA, all provided the American public with undeniably wrong information and allegations contrived to seduce them and Members of Congress to support an act of aggression against Saddam Hussein. We engaged in a war without broad international support. America, through its actions in Iraq, reinforced the perception throughout the Middle East that the global war on terrorism is an attack on the religion of Islam, and in some measure that the interests of the U.S. related more to controlling oil in Iraq than promoting democracy. This war has united our enemies and divided our friends.

I reject this resolution because it does not acknowledge that we hastily entered this war and unnecessarily placed our soldiers in harm's way, resulting in 2,500 deaths.

My ongoing assessments of the situation in Iraq have caused me to conclude that it is critical for the House and our nation to develop a strategy that will ensure the redeployment of our forces from Iraq and return them home. I support my colleague Represenative MURTHA and his calls for a reevaluation of our military strategy and a return of our troops as soon as practicable. As our troops redeploy, they will be ready to respond to whatever challenges our Nation may be forced to confront.

Finally, I oppose H. Res. 861 because it will not deliver any tangible solutions to the quagmire that engulfs our soldiers and places them in perpetual danger. H. Res. 861 provides the appearance of substantive and honest debate. In reality, it is merely an exercise designed to appease the emotional and intellectual appetite of Americans seeking to justify what they believe and have been told is a real global war on terrorism. It is not.

I urge my colleagues to vote "no" on H. Res. 861.

Mr. OXLEY. Mr. Speaker, I rise in strong support of House Resolution 861, expressing our continued dedication to the global war on terror and the brave men and women serving on the front lines in that war. Alongside their counterparts from across the world, they have worked on our behalf to confront terrorist elements and foster freedom in the name of peace and stability.

I want to focus my remarks on the extraordinary efforts of the Bush administration to improve our Nation's intelligence-gathering capabilities and prevent future terrorist attacks. Armed with the new tools Congress provided in the Use of Force Resolution, the USA PATRIOT Act, and other intelligence laws, our military, law enforcement, and intelligence communities have scored many successes in the last 4 years. Their efforts to track terrorist networks and decipher their plans have broken up sinister plots here at home and around the world. An FBI supervisor has confirmed that the PATRIOT Act led to the breakup of an al Qaeda cell in suburban Buffalo, NY. And just a few days ago, months of painstaking information gathering by U.S., Iraqi, Jordanian, and other sources resulted in the killing of the terrorist mastermind Abu Musab al-Zarqawi.

For all the well-earned kudos that have been heaped upon the military and intelligence communities for their successful mission against Zarqawi, most of their successes aren't widely known and can't be publicly broadcast. The intelligence community can't take credit for them for fear of giving away secrets about their modes and methods of gathering this valuable information.

Which is why the revelation in the media last year of the National Security Agency's terrorist surveillance program was an outrageous breach of national security.

This leak—timed to coincide with Congress's debate on reauthorizing the USA PATRIOT Act—let al Qaeda and other terrorist groups know that the NSA had been intercepting the international communications of individuals with links to their groups.

Then-CIA Director Porter Goss confirmed before the Senate Intelligence Committee that the damage caused by the leak has been "very severe," leading to the loss or disruption of some sources and methods—not to mention the damage caused to our relationships with our intelligence counterparts in other countries.

This program has provided valuable intelligence on terrorist activities. CIA Director Michael Hayden, who oversaw this program at the NSA, stated "unequivocally" that we have obtained information through the terrorist surveillance program that would not otherwise have been available.

It's also consistent with Congress's direction that the President use "all necessary and appropriate force" against nations, groups, and individuals found to be responsible for the 9/11 attacks. We have tracked and intercepted calls in cases where we have reason to believe that at least one party in the conversation is a member of al Qaeda.

The program is also fully compliant with existing law, and has been reviewed by the Justice Department and White House counsel roughly every 45 days. Congress has been briefed regularly on its provisions, consistent with the National Security Act of 1947. Chairman PETE HOEKSTRA has confirmed that congressional leadership, along with the leaders of the two intelligence committees, had numerous opportunities to express concerns about the program.

Sadly, rather than giving the administration credit for working to gather intelligence and "connect the dots," the outrage of some in this Congress has been directed not at those who leaked information about the program, but at the NSA and the White House. Unbelievably, four of our colleagues in the other body even introduced a resolution to censure the President over this program—a program that, had it been in place before 9/11, could have led the NSA to locate and identify two of the 9/11 hijackers who settled in San Diego in 2000.

It's simply irresponsible to claim that this program is outside the administration's authority, since leaders of both parties have had every opportunity to express misgivings over the last 4½ years. Frankly, it smacks of political grandstanding that criticisms were raised only after the program's existence was leaked to the New York Times.

Some have tried to minimize the significance of this leak, saying that terrorists obviously know that we're spying on them. But the truth is that terrorist cells need to communicate, and they'll keep using methods of communication that they know to work—and stop using methods that have been compromised. You can guarantee they'll move on to other modes of communication, now that details of the terrorist surveillance program have been publicized.

It also defies logic to suggest that the privacy of communications with known terrorists is constitutionally protected. Just like in every military conflict our Nation has fought, the interception of enemy communications has been a fundamental part of the war on terror. The day after Pearl Harbor, President Franklin Roosevelt authorized the interception of all communications into and out of the United States. That act was necessary and lawful—as is this more focused interception of al Qaeda communications, given the nature of the enemy we face.

Future al Qaeda attacks on our homeland are likely to be conducted by operatives who are already here. Identifying and tracking them is a sizable challenge, and it's preposterous to suggest that our intelligence professionals will cast such a wide net that they threaten the privacy of ordinary American citizens in doing this work. They don't want useless information that takes them off the trail of criminals and terrorists; they have neither the time nor the resources to waste. They're constantly working against the clock to counter terrorists and terrorist sympathizers who are preparing to attack when and where they can.

As a special agent of the FBI, I conducted wiretaps. They're wrapped in layers of legal protections and never done without probable cause. The NSA's actions simply give intelligence services the same wiretap authorities that have been available to those fighting organized crime and drug lords. Americans not in contact with al Qaeda can be assured that their rights have not been violated.

Even as we debate this legislation, terrorist groups are plotting to kill Americans. If the NSA tracks a call from a known terrorist in Afghanistan to a phone number somewhere in the U.S., it's in our best interest to know who's on the other end of that call and what they're talking about.

This is no time to let our guard down or publicize details of our clandestine intelligence work. The fact that we have not had a major terrorist attack in this Nation since 9/11 is no accident. The focused efforts of our intelligence officials have helped detect and prevent attacks, and we as a nation are safer as a result. They deserve our gratitude, as do all of our service men and women serving on our behalf on all fronts in the global war on terror.

Mr. LEVIN. Mr. Speaker, the rationale for the Bush administration's going to war in Iraq has been one of shifting sands.

The first reason given for the action in Iraq was that it was necessary because Iraq possessed weapons of mass destruction, which turned out to be wrong. Then the rationale was the threat of nuclear weapons from Iraq's alleged purchase of uranium from Africa, which also was not true and was seriously questioned within the Bush administration before the military action.

Then it was said that there was a linkage between the Iraqi regime and the perpetrators of 9/11, a claim that has never been found to be true. The evidence is that al Qaeda did not have a presence in Iraq until after the President ordered military action in Iraq.

The Republicans try to paint Democratic opposition to the administration's Iraq policies as a reflection of refusal to use force. That is absolutely not true. It is a question of under what conditions and circumstances. That was at the heart of the debate over Iraq before the action was taken.

In 2002, a majority of Democrats voted for an alternative resolution allowing the President to undertake military force in Iraq, but only after first attempting a multilateral approach to dealing with Saddam Hussein through the Security Council, just as the first President Bush did in 1991. What Democrats rejected was implementation of an approach emphasizing the use of unilateral, pre-emptive military action by the U.S.

That approach has had a number of consequences: terminating inspections before the inspectors could fully disclose that there were no WMD; the twisting of truth about the lack of an Iraqi program of developing nuclear weapons and the lack of a connection between the Iraqi Government and 9/11; a belief that military action would not only be easy to begin with, but would lead to rapid development of a democracy in Iraq; inadequate equipment to safeguard our troops from the dire consequences of guerilla and radical insurgent attacks; and a vast and deep distrust of our Nation among peoples of the Middle East, Europe and elsewhere.

The situation in Iraq is not getting better. It's getting worse. As of today, 2,500 American soldiers have been killed in Iraq. Nearly 18,000 of our soldiers have been wounded. Tens of thousands of Iraqis have died. Iraq is teetering on the brink of a full-fledged civil war. Sectarian killings have risen rapidly.

This resolution represents a seal of approval of the Bush administration's approach to Iraq. I oppose it. It is essential that we change the course, not simply stay the course, and adopt policies that heighten the pressure to bring about that change and accelerate the reduction of American military involvement in Iraq.

Mr. ISRAEL. Mr. Speaker, I rise with respect to this resolution, H. Res. 861.

Mr. Speaker, I pride myself on being unapologetically supportive of a robust military. I do believe that President Wilson was correct when he said the United States can help make the world safe for democracy. I believe that we must stand decisively against totalitarianism in whatever form it takes—and today, it takes the form of a twisted misinterpretation of Islam that is radical, extremist, and murderous. And nothing is more important to me, as a member of the House Armed Services Committee, than supporting and honoring our troops.

Sadly and cynically, Mr. Speaker, the resolution before us has not been drafted to unify the American people around these principles. It has been drafted to divide the American people based on politics.

This resolution—a nonbinding sense of the House—is not a policy statement. It is a political strategy. It is designed not to win the war in Iraq, but to win elections at home.

First, Mr. Speaker, let there be no mistake about the legislative intent of this resolution.

It is a sign of this Republican leadership that they would introduce a resolution on an issue as critical as the war in Iraq; then refuse to include in that resolution a single idea, a single solution, a single policy that would actually win the war in Iraq; then refuse to allow sufficient debate or even consideration of alternative resolutions that would demonstrate our national resolve as well as our constructive ideas on how to prevail.

Who can be against the resolution's operative statement: "Declaring that the United States will prevail in the global war on terror, the struggle to protect freedom from the terrorist adversary"?

Who can be against the clause in the resolution that states that we "Honor the sacrifices of the United States Armed Forces" . . . that we "call upon the nations of the world to promote global peace and security"?

But the Republican leadership, in their callous attempt to politicize the war in Iraq has inserted other language that is troubling.

A clause I find questionable, Mr. Speaker, is this: "Whereas Iraqi security forces are taking over from United States and Coalition forces a growing proportion of independent operations and increasingly lead the fight to secure Iraq";

In fact, Mr. Speaker, there are reports that Iraqi Security Forces are not significantly leading independent operations. Proportionately, Iraqi security forces are performing fewer combat operations than just 6 months ago.

Mr. Speaker, the Majority should have worked on a bipartisan basis to write a plan to find Osama Bin Laden, and catch or kill him.

If the Republican Majority wanted near unanimity, they would have removed these clauses, or at least refined them. They would have allowed us to offer alternative language. They would have offered to hold bipartisan consultations to find language that would unite Congress and the American people.

Instead, they put partisanship ahead of bipartisanship on an issue that demands cooperation from both sides of the aisle: the war on terror, the war in Iraq, the well-being of our troops, the honor of their sacrifices.

Mr. Speaker, let me make two final points.

First, about the importance of honoring our troops. I passionately agree with the resolution's call for honoring our troops. In fact, while the House debated this resolution on the floor yesterday, I secured a public commitment from the Army at an Armed Services Committee hearing that they would end the shortages of life-saving coagulant products that help our soldiers from bleeding to death. Every day for the past 2 weeks I have been working on this issue.

It is proper that we pass a non-binding resolution honoring our troops. But I have secured a commitment from the Army to bind their wounds. So I will not take second place to anyone in this body on the issue of supporting and honoring our troops. And I am insulted that some of the very same people who rail about not degrading the morale of our troops will use the vote on this resolution to degrade the morale of our troops.

Second, Mr. Speaker, instead of passing non-binding resolutions that are political documents, let us pass a binding policy to win the war on terror. The resolution we should be voting on today would require the President to certify to Congress that number of Iraqi forces that have reached combat proficiency, and redeploy an equivalent number of U.S. forces. It would commit some of those forces to containing the growing resurgence of the Taliban in Afghanistan and finding, once and for all, the murderer who escaped our grasp and started the real war on terror—Osama Bin Laden. It would commit ourselves to properly funding our troops so that no American citizen has to dig into their own pockets and mail lifesaving coagulants to our troops because they were not properly equipped.

Indeed, Mr. Speaker, if those who wrote this resolution spent more time unifying us around those principles and less time dividing us on political rhetoric, we might be out of Iraq by now, and relentlessly finding, capturing and killing those who masterminded the attacks on our country in Afghanistan and elsewhere.

Mr. BISHOP of New York. Mr. Speaker, this resolution equates the Global War on Terror with the War in Iraq, which is in fact a diversion from the Global War on Terror. Our presence in Iraq has weakened our Armed Forces and reduced our ability to respond to more urgent threats.

Without exception, I have voted for every Iraq supplemental funding resolution, as I am determined to ensure that our troops in the field are properly equipped and protected. This resolution, however, is not about supporting the troops; it is about attempting to score points for partisan political gain.

I will not vote for a document that says we should simply stay the course in Iraq. Contrary to the misguided assertions of this resolution, redeploying U.S. troops from Iraq as soon as practicable is in fact in our national interest, and 2006 should be a period of significant transition toward full Iraqi sovereignty, as stated in last year's defense authorization law.

Regrettably, this resolution reaffirms the administration's flawed, stay-the-course policy and conduct of the war, neither of which has ever measured up to the valor and professionalism of the brave service men and women of our Armed Forces. Our troops continue to make America very proud while serving in harm's way in defense of our liberty. They deserve better than a cynical attempt at partisan exploitation.

Mr. FORTENBERRY. Mr. Speaker, on June 6 we commemorated D-day, the day that American military forces stormed the coast of France 62 years ago to turn the tide in one of the most brutal conflicts the world has ever known. The United States sustained 6,603 casualties that day, yet the final victory over the forces of fascism remained nearly a year away.

Rows of silent graves at the American Military Cemetery in Normandy bear witness to the high price of freedom. They solemnly remind us that there is no substitute for perseverance and sacrifice if we are to prevail over threats which challenge this Nation and the world today.

The Global War on Terror is a different war from the wars of the past. This is not a war of uniformed armies on clearly defined battlefields. It is a war that invades tranquil space and time without warning, carried out by those who hide among and behind civilian populations, seeking to exploit the vulnerable for ruthless purposes.

While we have endured the sacrifice of global wars during the past, we have never before waged such a war in an age of globalization, in an age when technology eviscerates the concept of distance, magnifies our losses, trivializes our accomplishments, and places our adversaries in a far better position to leverage the freedoms of our society against us.

In seeking to prevent another 9-11, the President and the United States Congress would have been utterly irresponsible to ignore the threat posed by Saddam Hussein in Iraq. It is important to note that in 1998, President Clinton ordered U.S. Armed Forces to strike military and security targets in Iraq because Iraq's nuclear, chemical and biological weapons programs posed a credible and serious threat.

But I am not here to argue the case for war today. The United States and our coalition partners made judgments to enter Iraq based on the best available evidence, and now the commitment is ours to complete. We are all in this together. The successful progression of our commitment in Iraq, from which I remain convinced that an abrupt withdrawal of U.S. troops would do more harm than good, is vital to achieving national security for America, stability and hope for all peoples of the Middle East, and establishing the prospects for civil reform and long-term peace throughout the world.

While our mission continues to be dangerous and costly, it continues to make strong progress as well. The recent establishment of democratic institutions in Iraq is without cultural or historical precedent. This fact, combined with rapid progress on the deployment of Iraqi security forces, gives us realistic hope of diminishing conflict and a stable foundation for the prospects of long-term peace.

As we proceed with our obligation, may each one of us endeavor to discharge our responsibilities in a manner that is worthy of the sacrifices of the United States Armed Forces.

And may each of us recall that this obligation is ultimately connected to the mantle of leadership that has fallen to the United States—not only for our own welfare, but for the welfare of the entire world.

Mrs. MALONEY. Mr. Speaker, instead of finding, capturing, or killing the man who viciously attacked our country almost 5 years ago, the administration misled our country and sent 150,000 troops to war with a country without any credible link to 9/11. Mr. Speaker, the resolution before us mentions Iraq 18 times, but it does not mention Osama bin Laden even once. Not only can we not find bin Laden in Afghanistan, but we can't find him in this resolution either.

If the other side of the aisle is serious about a resolution on the Global War on Terror, they would be better served to get their target correct.

Mr. Speaker, we all support the troops—our brave men and women who selflessly and bravely put themselves in harm's way. That point is not for debate. I carry the troops in my heart every day, and I hope that we work for their safe return home as soon as possible.

This is a time of great anxiety in America, especially for the families of our men and women in uniform, who, as we speak, are serving our country thousands of miles from home, in unfamiliar and often hostile lands. Today's debate should have been centered around a bipartisan resolution that would have allowed all of us to be on the record in support of our troops and against those who would seek to do harm to Americans at home and abroad.

Instead what the Republican Majority has brought before us today not only confuses the War in Iraq with the Global War on Terror, but it is also a transparent effort to divide this body by saying to those who want to start bringing the troops home that we do not support the national security interests of the United States. That is simply not true.

After the terrorist attacks against this country on September 11, 2001, we united behind the effort to remove the Taliban in Afghanistan. That country has made great strides by electing a government, establishing a constitution that grants equal rights to men and women, and opening schools for children who were denied an education by the Taliban. Our investment in the reconstruction and development of Afghanistan was both the right thing to do and critical to our security.

Yet our job there is not finished. Much remains to be done to improve security. And most importantly, the hunt for Osama bin Laden continues.

Critical resources that should have been focused on this mission have instead been used in Iraq, a war that was a conclusion in search of a reason, a war of choice rather than of necessity.

Time and again, this Administration used false and misleading information to sell the war to Congress and the American people. The troops were sent into battle without basic equipment, like body armor, night vision goggles, and armored Humvees. We have been playing catch-up ever since to ensure that U.S. soldiers are adequately protected as they serve in Iraq. Just today, the Pentagon announced that 2,500 soldiers have been killed in Iraq. How high will this number go?

Crucially, we invaded Iraq without a plan to win the peace and without enough soldiers to secure a country nearly the size of Texas. In fact, rather than listen to Army Chief of Staff Eric Shinseki, who suggested that as many as 300,000 troops were required to properly secure postwar Iraq, the Administration ignored him and fired him.

This Administration has repeatedly underestimated the war's cost, which is being funded with emergency spending instead of through the regular budget process. Rather than hold top advisers accountable for critical and fundamental lapses in judgment, the President praised, retained and even promoted them.

And the Administration and Congress have both failed to conduct any sort of real oversight of this bungled war effort. Billions of dollars have been passed to companies like Halliburton through no-bid contracts, unnecessarily bilking the American taxpayers, but no one has been held accountable. The incompetence in the Administration surrounding the mismanagement of this war is simply jaw-dropping.

All of us are relieved that Abu Musab al-Zarqawi can no longer lead and carry out attacks against American troops and innocent Iraqi citizens. Yet we cannot ignore the fact that Zarqawi gained support for his violent acts because of the instability in Iraq after Saddam Hussein was removed from power.

We have repeatedly asked the President to tell the American people what, specifically, remains for our troops to accomplish in Iraq. How many Iraqi soldiers, as the President himself might say, need to "stand up before our military stands down?" To what extent must the insurgency be defeated? How many attacks per day or per week will we tolerate? Most importantly, how many more young Americans are to give the ultimate sacrifice for a cause that has yet to be defined?

I am a member of the Out of Iraq Caucus, and a strong supporter of Representative MURTHA's legislation; H.J. Res. 73, which calls for the redeployment of troops from Iraq. Representative MURTHA is one of this body's greatest champions for our fighting men and women. As a veteran, he knows firsthand the dangers of war.

I have the greatest admiration for the Nation's service men and women. We all thank them for their service.

I only wish that we had the opportunity to vote for a resolution that honors the troops but leaves out the political tricks and traps that should not be a part of this debate.

Mr. MICA. Mr. Speaker, I rise today in support of the men and women bravely defending our country against terrorism and tyranny.

Regarding U.S. and allied actions against Saddam Hussein's Iraq, I believe it was appropriate for Congress on October 16, 2002 to authorize American military action and would vote again to provide President Bush this authority.

The question of whether Saddam Hussein had weapons of mass destruction, WMD, is a moot point and a distraction from a host of evidence that the United States was justified in its actions against the former Iraqi regime. The facts are that Saddam Hussein had the capability to produce WMDs and had weapons in defiance of United Nations agreements to deliver nuclear, biological or chemical warheads.

In fact, neither I nor the President knew for certain whether Saddam had WMDs at the time of our actions against Iraq. Many of us suspected he did possess that capability. Let me quote a few.

"Saddam Hussein possesses chemical, biological weapons, and if events are allowed to run their course, will someday possess nuclear weapons." Sen. EVAN BAYH (D.-Ind.), statement, Oct. 3, 2002.

"I believe that Saddam Hussein rules by terror and has squirreled away stores of biological and chemical weapon[s]." Sen. DIANNE FEINSTEIN (D.-Calif.), floor speech, Oct. 10, 2002.

"The people of the United States and the rest of the world are at risk as long as Saddam Hussein has weapons of mass destruction. Last night, the President . . . made the most effective case to date that the risk of inaction is too great to bear." Sen. JAY ROCKEFELLER (D.-W. Va.), statement, March 18, 2003.

"For the last 12 years he's [Saddam's] ignored UN resolutions and embargoes while rebuilding his illegal chemical and biological weapons. . . . He is dangerous. I believe he needs to be disarmed." Sen. BARBARA MIKULSKI (D.-Md.), floor speech, March 18, 2003.

"In 1991, the world collectively made a judgment that this man should not have weapons of mass destruction. And we are here today in the year 2002 with an un-inspected 4-year interval during which time we know through intelligence he not only has kept them, but he continues to grow them. . . . The threat of Saddam Hussein with weapons of mass destruction is real, but as I said, it is not new." Sen. JOHN KERRY (D.-Mass.), floor speech, Oct. 9, 2002.

"On Monday night, President Bush, I think spoke for all of us. I know of no one who really disagrees at all. He described Saddam Hussein as a homicidal dictator who is addicted to weapons of mass destruction. It is that addiction that demands a strong response. We all agree on that. There is no question that Iraq possesses biological and chemical weapons and that he seeks to acquire additional weapons of mass destruction, including nuclear weapons." Sen. CHRIS DODD (D.-Conn.), floor speech, Oct. 9, 2002.

"I believe if Saddam Hussein continues to refuse to meet his obligation to destroy his weapons of mass destruction and his prohibited missile delivery systems, that the United Nations should authorize member states to use military force to destroy those weapons and systems." Sen. CARL LEVIN (D.-Mich.), floor speech, Oct. 9, 2002.

"He [Saddam Hussein] stockpiles biological and chemical weapons." Sen. Jon Corzine (D.-N.J.), floor speech, Oct. 9, 2003.

Furthermore, the Saddam Hussein regime was marked by brutality, fear and terror. Over 270 suspected mass grave sites have been found by Iraqis and U.S. and allied forces. On September 23, 2004, Iraqi interim Prime Minister Ayad Allawi said, "Like almost every Iraqi, I have many friends who were murdered, tortured or raped by the regime of Saddam Hussein. Well over 1 million Iraqis were murdered or are missing. We estimate at least 300,000 are in mass graves which stand as monuments to the inhumanity of Saddam's regime."

The brutality of the former Iraqi regime knew no bounds. Victims of Saddam's torture chambers were subjected to vicious acts such as the gouging-out of eyes, severe beatings, electric shock, dismemberment and the cutting out of tongues. Documented chemical attacks by the regime from 1983 to 1988 resulted in some 30,000 Iraqi and Iranian deaths. Human Rights Watch estimates that Saddam's 1987 to 1988 campaign of terror against the Kurds killed at least 50,000. Saddam's ruthlessness even extended to his own family in which he had approximately 40 of his own relatives murdered.

Today there are many Monday morning Iraq quarterbacks. The U.S. did win the war against Iraq and captured Saddam Hussein. However, America and its allies have had difficulty in controlling insurgent attacks.

No one anticipated Islamic extremists would make a stand bringing in al-Qaeda, Baathists and others. No one anticipated civil conflict between the Shi'a, Sunni and Kurd populations. However President Bush, Secretary Rumsfeld and U.S. military leaders have done their very best in a difficult situation and deserve our support and continued backing.

Yes, we all want our troops home and an end to terrorism. Rhetoric and unwarranted criticism will not make that happen.

Mr. CARNAHAN. Mr. Speaker, I rise today to pledge my unwavering support of our troops, and of our efforts to fight terrorism around the world.

However, I rise in strong opposition to the Bush administration's handling of the war and reconstruction in Iraq, as well as the Republican controlled Congress's inadequate oversight of the administration's policies.

The International Relations Committee, on which I sit, has held only two hearings this year regarding Iraq—a woefully insufficient number.

The committee and this Congress should be functioning more like the bipartisan Truman Commission did in the 1940s—a pro-troop, pro-taxpayer, pro-American committee that conducted serious and meaningful oversight to ensure that our troops were supported and our tax dollars used wisely.

That commission focused on two things: first, prewar and ongoing day-to-day operations of World War II "with a view toward exposing deficiencies so that corrective action could be applied"; second, it focused on postwar activities, including investigations of excess profits, fraud, mismanagement, and inefficiencies.

It is irresponsible for this Congress to not investigate the President's lack of an exit strategy, and the fraud, waste, and abuse of U.S. tax dollars.

Mr. Speaker, it is not only our constitutional obligation to provide real and meaningful oversight into the Bush administration's policies in Iraq, it is our patriotic duty to question the President's mishandling of this war and reconstruction.

Mr. THOMPSON of California. Mr. Speaker, this resolution will not ensure any success in Iraq. It will not bring our troops home. It will only signal the death of true, honest debate within the walls of this great Chamber.

For many more years than any of us have been alive, this House, the People's House, has been democracy's citadel for intelligent, meaningful, real debate that has led to solutions to some of history's most important and vexing crises.

The charade that many on this floor are attempting to pass as a debate today does a great disservice to those monumental American leaders who have spoken from this same floor over the past two centuries. It does a great disservice to the American public, which expects its leaders to lead, not pander. And it does a great disservice to our military men and women who are depending on us to work together and complete our mission so that they may complete their mission and come home. Today's so called debate is politics at its worst—we're playing politics while U.S. men and women are being killed, wounded and kept away from their families.

Mr. Speaker, I remember lying in a military hospital bed just home from Vietnam while Congress played politics—it was disdainful then and when I think of those brave men and women I've visited at Walter Reed Hospital, Bethesda Hospital and Ramstein Hospital in Germany—it makes me sick today. Let's do our job and bring our troops home as soon as possible.

For weeks we have been told, and the American people have been promised, by the Republican majority that there would be a debate on this floor on the Iraq war. Instead, we get what the news is reporting as "Republican election year strategy." Mr. Speaker, this charade represents a shameless dereliction of our duties and a missed opportunity to provide the American public with the open and honest debate they have been demanding for the past 3 long years now.

This feel-good resolution ignores the issues most important to the men and women serving in Iraq, their families and the taxpayers who have already been billed nearly half a trillion dollars.

It ignores the issues raised by some of our most respected generals. Just listen to what a few have said about the Administration's rush to war:

> "We are paying the price for the lack of credible planning, or the lack of a plan."—General Anthony Zinni
>
> "What we are living with now is the consequences of successive policy failures."—Lieutenant General Greg Newbold
>
> "They pressed for open warfare before the diplomacy was finished. It was a tragic mistake. It's a strategic blunder."—General Wesley Clark

This resolution ignores the lack of accountability and oversight that's led to some of the most egregious and embarrassing examples of waste, fraud and abuse on record, such as:

$9 billion in missing reconstruction funds.

$263 million in excessive or unsubstantiated costs for importing gasoline into Iraq.

Over $20 million for items that weren't delivered, including:

Security for civilian flights at Baghdad International Airport that never occurred; nonexistent pipeline employees; old and broken down trucks; spray-painted Iraqi cranes passed off as new; police trucks; and a refurbished police academy and library. And millions more have been wasted at taxpayer expense due to no-bid and over-billed contracts awarded by the Bush administration.

This resolution ignores how the civilian leadership of the Defense Department grossly miscalculated the armor and equipment needs of our troops before sending them into combat, which resulted in:

40,000 troops who didn't have basic Kevlar vests or the ceramic plates needed for full protection, which left parents and spouses to buy body armor for their loved ones;

30,000 Marines who needed twice as many heavy machine guns, more fully protected armored vehicles and more communications equipment to perform their operations successfully;

Soldiers who were issued boots with cheap and soft soles that quickly wore out, thus having to sew material to the bottom of their boots out of desperation;

Soldiers who went to combat with inadequate or poor field radios, ammo carriers, weapon lubricant, socks and even rifle slings;

Military units that were deployed without the necessary armor needed to protect ground vehicles, making them vulnerable to IEDs. And when our troops jerry-rigged them with steel playing, they often flipped or rolled-over, injuring or killing soldiers;

And soldiers who subsequently had to sift through garbage dumps for scrap metal to uparmor ground vehicles.

Mr. Speaker, if you are in charge, you are responsible. That is why several respected generals have cast a vote of no confidence with our civilian leadership of the Defense Department for its lack of planning:

> Rumsfeld and his team turned what should have been a deliberate victory in Iraq into a prolonged challenge.—Major General John Batiste.
>
> I do not believe Secretary Rumsfeld is the right person to fight that war, based on his absolute failures in managing the war against Saddam in Iraq.—Major General Charles H. Swannack, Jr.
>
> They only need the military advice when it satisfies their agenda.—Lieutenant General John Riggs
>
> If I was President I would have relieved him three years ago.—Lieutenant General Paul K. Van Riper
>
> Two and a half more years of that leadership was too long for my nation, for my Army, and for my family.—Major General Paul Eaton

Mr. Speaker, we need to be working nonstop to bring our troops home as soon as possible, not to score political points while they are fighting a war. And we need to be working to keep them as safe as possible until they are home.

For starters, we need to send a loud message to the insurgents that we will not occupy Iraq and that we will not control Iraq's oil—a message that we want to leave Iraq as much as they want us to leave. Instead, Mr. Speaker, the President has given every impression that the U.S. military has become an occupying force. We are in the process of building a gigantic new U.S. embassy in Baghdad that will span 104 acres, the size of nearly 80 football fields. This does not give the impression that we are winding things down in Iraq. It says to insurgents that we want a permanent military presence and it serves as a recruiting tool to sign up more insurgents. Moreover, it provides no incentives for the Iraqi government to assume more responsibility for the security of its country.

On my last visit to Iraq everyone I spoke with—privates, sergeants and the officers in charge of training the Iraqi security forces—want the Iraqis to assume more of the security responsibilities. Our military has done its job—more often than not in two, three or four tours of deployment—an unconscionable demand on our troops, an unconscionable demand on their families and an unconscionable demand on their communities. And make no mistake—it's taking a toll on our military. Continuous deployment in Iraq has hurt military personnel and their families, and strained recruiting and retention. Consider some of the latest statistics on active duty personnel and selected reserves as well as on recruiting and retention:

Each month the equivalent of one battalion is lost due to deaths and wounds.

All the Army's available active duty combat brigades have served at least a 12-month tour in Iraq or Afghanistan.

At least half of those combat brigades have completed their second tour of duty.

By next year the Army projects that it will be short 3,500 active duty officers, primarily captains and majors.

Approximately 3,500 airmen, as well as sailors, are currently performing Army missions they were not adequately trained to do.

Ninety-seven percent of the National Guard combat and special operations battalions have been mobilized since September 11th.

The average tour for National Guard members is 342 days.

Continuous deployment has damaged readiness for mission skills necessary in the war on terror outside those required in Iraq. Consider some of the latest statistics:

Forty percent of all the Army's and Marine Corps' ground equipment is deployed to Iraq. That equipment is wearing out 2 to 9 time's peacetime rate.

Humvees that are designed for 14 years of operation needs are being overhauled or replaced in just 3 years.

The Army has lost over 100 tanks and armored vehicles and over 1,000 vehicles since the start of the war.

If the war in Iraq ended today, it would take the Army more than 2 years to repair or replace its damaged equipment.

The Marine Corps has determined that equipment deployed to Iraq has suffered such significant damage and wear and tear that 80 percent of it will need to be replaced.

In excess of $50 billion is needed to repair and replace equipment damaged or lost in Iraq for the Army and Marine Corps.

Mr. Speaker, stay the course is not a strategy for success and we're not doing our job by being a rubber stamp for the Administration. Each day, it becomes more apparent that the Administration does not have, nor has it ever had, a clear, concise and realistic strategy for ending large scale U.S. involvement in Iraq. The American people deserve a clear explanation of what we are doing in Iraq. They deserve to know what the President is going to do to reduce the incredible physical, emotional and financial burden that all Americans are bearing. If this Congress and the President expect the American people to continue making these sacrifices, then there must be a strategy for success.

Mr. Speaker, we must set the bar and identify what it will take for us to accomplish the mission in Iraq. When the Iraqi people conclude the process of amending their constitution, or by September 30, 2006, we must begin the process of redeployment as soon as practicable. This is a workable approach that tracks a timeline set by the Administration. That is why I have introduced H. Con. Res. 348, which would do just that. This legislation is a bipartisan, comprehensive plan to redeploy American forces out of Iraq and send a clear message to the Iraqi people that the United States has no plans to be a permanent occupying force and we have no designs on Iraqi oil. Six Republicans have signed onto this bill. This bipartisan measure has been introduced in the Senate (S. Con. Res. 93), making it the only bicameral approach to Iraq.

Mr. Speaker, I did not support the President's plan to invade Iraq. I considered it to be an unnecessary distraction from hunting down those responsible for the attacks of September 11th. But, as the U.S. has entered its fourth year in Iraq, this is where we are and now we must find a rational and reasonable way out of this mess.

Mr. Speaker, this is not an honest debate about this important issue and while the majority plays politics our men and women serving in Iraq are in terrible danger.

Rhetorical attempts to obfuscate failed tactical decisions in Iraq with the global war on terror will do nothing to solve the problem that is before us today. Nor will it correct this body's failure to provide its constitutional oversight responsibility that has led to the billions of American taxpayer dollars that have either been misused or remain unaccounted for in our efforts to rebuild Iraq.

Mr. Speaker, global terrorism remains a grave national security threat to the United States. However, the war in Iraq and this resolution is a distraction from our struggle against terrorism. As the President continues his stay the course strategy in Iraq, the Taliban is regaining strength in Afghanistan. If we are to prevail in the war on terrorism we must refocus our efforts on terrorist hotbeds, such as Afghanistan.

The brave men and women of the U.S. Armed Forces are the best-equipped, best-trained and most professional fighting forces in the world. They have been performing their jobs courageously and honorably and their morale remains high. These men and women deserve our thanks and our respect. They deserve better than this sham resolution.

Mr. Speaker, give this House back to the people for real debate on our policy in Iraq.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 868, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 153, answered "present" 5, not voting 19, as follows:

[Roll No. 288]

YEAS—256

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—153

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Grijalva
Harman
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Skelton

Slaughter
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—5

Boyd
Jones (NC)
McCotter
Miller (NC)
Sherman

NOT VOTING—19

Bachus
Bishop (NY)
Bishop (UT)
Burton (IN)
Cannon
Carter
Cleaver
Dingell
Evans
Gutierrez
Johnson, Sam
Kilpatrick (MI)
Lewis (CA)
Nussle
Reichert
Sensenbrenner
Sessions
Waxman
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1117

Mr. OBERSTAR and Mr. KENNEDY of Rhode Island changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. KILPATRICK of Michigan. Mr. Speaker, on Friday, June 16, 2006, had I been present, I would have voted "nay" on H. Res. 861, the resolution on the War in Iraq.

Mr. CLEAVER. Mr. Speaker, had I been present for rollcall vote 288, for H. Res. 861, I would have voted "nay" on this non-binding and toothless sham of a resolution, that was not a meaningful legislative document.

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, on June 15, 2006, I was unable to be present for rollcall vote 287 due to a family emergency.

On rollcall vote No. 287, if present, I would have voted "aye."

On June 16, 2006, I was unable to be present for rollcall vote 288 due to the same family emergency.

On rollcall vote No. 288, if present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably unable to be on the House Floor for rollcall vote 288, final passage of H. Res. 861: Declaring that the United States will prevail in the Global War on Terror, the struggle to protect freedom from the terrorist adversary. Had I been able to be here I would have voted "aye" on rollcall vote 288.

We are in a world war against terrorism, a world war, and Iraq is a major battlefield of that war right now. The reason we are not being attacked in large part here in the United States, in my opinion, is because our your men and women in uniform serving in Iraq are making sacrifices over there, in the middle of the storm, where terrorism has its genesis, where Iran and Syria and other countries are supporting terrorism. The terrorists and their state-sponsors do not want democracy to flourish over there, because they know their days will be numbered if democracy succeeds. The killing of Al Qaeda leader Abu Musab al-Zarqawi shows that our young men and women fighting over there are making the terrorist days numbered, in my opinion.

I would like to just make one quote from Sir Winston Churchill, when I think about my colleagues on the other side of the aisle and they start talking about how we have to get out of there right now. Sir Winston Churchill, who was one of the greatest leaders of the 20th century, he said in a speech that he made entitled "We Shall Fight on the Beaches," which is very famous, he says: "Wars are not won by evacuations." You do not win by retreating.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4157

Ms. ESHOO. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 4157, the Health Information Technology Promotion Act.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the calendar.

I yield to my friend Mr. BOEHNER, the majority leader.

Mr. BOEHNER. Mr. Speaker, I want to thank the whip for yielding.

Next week we will convene on Monday at 12:30 for morning hour and 2 o'clock for legislative business. We will consider several measures under suspension of the rules. A list of those will be sent out by the end of today. Any votes called on these will be rolled until 5 p.m. on Monday. I want to repeat that: 5 p.m. we will vote on Monday.

For the balance of the week, the House will consider on Tuesday, the Department of Defense appropriation bill; Wednesday, the Voting Rights Act, the reauthorization and several amendments; and on Thursday, we will do the legislative line item veto.

I will remind Members there are no votes next Friday.

Mr. HOYER. I thank the leader for his information.

The leader and I had a brief conversation, as you recall, with reference to the time when we would vote on Monday. I know that you have considered that, but I would again reiterate, as you know, one of the problems is in order for a Member on the west coast to get here, they need at least until 5:30 to be assured of being available for a vote. I know you must have considered this.

Mr. BOEHNER. If the gentleman would yield.

Mr. HOYER. I yield to my friend.

Mr. BOEHNER. We have discussed it. It is somewhat problematic, but I think what I would say to my colleague is let me keep working with you to see if we can't come to some agreement. I think 6 o'clock would be too late but 5:30 may work. We will continue to work with you on that.

Mr. HOYER. I thank the gentleman. I look forward to working with him on this to accommodate those Members on the west coast in particular.

There is a change in the announced schedule with regard to first votes, as we have discussed, and I appreciate your responding to that.

With respect to the Labor-Health bill, it was our expectation that the Labor-Health-Education appropriations bill, which was reported out of committee this week, would be on the floor this coming week. As you know, that included within it a bipartisan-approved increase in the minimum wage, by $2.10, to $7.25 over the next 30 months. I notice that that bill is not on the schedule for next week. Can you tell me the status of the Health and Human Services appropriations bill?

I yield to my friend.

Mr. BOEHNER. We are continuing to work with the appropriators, trying to resolve some issues in order to find a way to bring it to the floor, but we do not expect to consider it next week.

Mr. HOYER. I thank the gentleman for that information.

If I might follow it up, we would very much hope that the amendment that was adopted, and we believe is supported by over 80 percent of the American public, would be protected under the rule. We obviously understand that it is legislation on an appropriation bill and would require a waiver, as many have been given in the past. I would respectfully request that you look at that and, in light of the fact of the bipartisan support in the committee, seriously consider and hopefully give a waiver so that that matter may be considered on the floor with a vote by the membership.

If you have any comment, I would be glad to yield.

Mr. BOEHNER. I understand your interest.

Mr. HOYER. It will be continuing. I thank you.

We understood next week was supposed to be health care week. Yet no health care legislation is listed. For example, the Health IT or the bill authored by Mr. SHADEGG are not on your announcement. When do you anticipate we may see either of these pieces of legislation on the floor?

Mr. BOEHNER. We were hoping to do that Health IT bill next week. We have got some scoring issues and some what we believe are problems with CBO that we are trying to iron out. So I would expect hopefully those will be ironed out next week and possibly bring that bill up for the following week.

Mr. HOYER. Thank you.

The last question I would ask you, Mr. Leader, you and I have had a discussion. You have been in the leadership of the consideration of the pension reform legislation. Obviously, we all know it is critical to employees, critical to companies. It has been now pending in conference for many, many months. I am wondering whether or not you might give us some thought as to its status and its prospects.

I yield to my friend.

Mr. BOEHNER. As the gentleman knows, I do several media events every week where members of the press routinely ask me every Tuesday and every Thursday the same question, and as you know, this is a very difficult issue. Protecting Americans' pensions and the commitments that have been made to them by their employers is very important, and trying to strengthen the funding rules over these plans is critically important.

I can tell you that there are some issues that we are hung up on. We have had a lot of conversations. We are continuing to have conversations. I am a little more optimistic today than I was yesterday, but we are not there yet. There are Democrat Members who have been involved in at least informal conversations on both sides of the Capitol with regard to how we would proceed, but no timeline yet.

Mr. HOYER. I thank the gentleman for those comments.

As you recall when we discussed this matter, it is still my understanding that the Democratic conferees have yet to be really engaged in the conference proceedings. You and I had a discussion on that, and I would hope that that might happen.

Mr. BOEHNER. Mr. Speaker, if the gentleman would yield.

Mr. HOYER. I yield to my friend.

Mr. BOEHNER. Most of the Republican conferees have yet to sit down at the table as well. The principals have been involved and the leadership on both sides have been involved, and as I said, there have been a lot of informal conversations with Democrat Members on both sides of the Capitol.

Mr. HOYER. Reclaiming my time, you indicate that the leadership on both sides of the aisle have been involved.

Mr. BOEHNER. I said Democrat Members have been involved on both sides of the Capitol.

Mr. HOYER. I mean the leadership of the committees is what I was talking about.

Mr. BOEHNER. The leadership on the Senate side and the House side have been engaged in this as well.

Mr. HOYER. I appreciate the comments and would hope that is the case, and we will talk to our leaders on that so that we can both, working together, move this bill forward.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. McHENRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 19, 2006 AND HOUR OF MEETING ON TUESDAY, JUNE 20, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate; and further, when the House adjourns on that day, it adjourn to meet at 9:30 a.m. on Tuesday, June 20, 2006, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVING MEMBER FROM COMMITTEE ON WAYS AND MEANS

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 872) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 872

Resolved, That Mr. Jefferson is hereby removed from the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the resolution?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1130

REAPPOINTMENT AS MEMBER TO ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS

The SPEAKER pro tempore. Pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 18, 2005, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Election Assistance Commission Board of Advisors for a term of 2 years.

Mr. Thomas A. Fuentes, Lake Forest, California.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, it has been almost 39 months since our troops were sent to Iraq; and today, more than 37 months after the President declared their mission accomplished, they are still there, still fighting a guerrilla war for which they weren't properly trained or equipped, still paying for the tragic blunders of their civilian superiors, and still risking life and limb because of a security threat that never even existed.

If American troops are still in Iraq at year's end, and, unfortunately, it appears they might be, we will have been in Iraq longer than these soldiers' grandfathers fought in World War II. The difference is that that was a much different war, with a clearer objective, a national consensus, a moral core, and a just cause.

Not only has Iraq not made us safer; it has actually harmed our national security, making the United States an international pariah, provoking the range of anti-American jihadists around the Muslim world, and stoking the fires of an insurgency that gets stronger every day, every day that we are in Iraq.

And that doesn't even take into account the staggering human cost, the 2,500th American soldier killed just yesterday, more than 1,800 soldiers gravely wounded, thousands of others mentally and physically traumatized by their combat experience, not to mention the countless tens of thousands of Iraqi civilians who died for the cause of their own so-called liberation.

Mr. Speaker, the sham resolution that the Republicans in Congress brought to the floor yesterday and that we voted on just a few minutes ago is yet another partisan divisive attempt to stay the course and to link support for this war to support for our troops.

We could have debated particulars of a military disengagement. We could have a substantive discussion that results in an actual change in the Nation's Iraq policy. Instead, we did nothing more than a little Kabuki dance that at the end of the day won't change a single thing except to prove that my colleagues on the other side of the aisle are willing to distort the facts and use the war and our troops for politics.

There is nothing inconsistent about having the deepest contempt for the war, but the utmost admiration for the soldiers on the front lines. Last fall, I traveled to Iraq and visited with our troops. My conversations with them only confirmed what I already knew, that these are uniquely loyal, intelligent, and courageous Americans. They represent the very finest our country has to offer, and they deserve our unyielding gratitude every hour of every day.

If only they had civilian leaders who were worthy of their service and their sacrifice. If only the people who are running this war had half the honor, half the integrity of the men and women who are fighting it. It is because I support the troops that I have advocated so passionately for their return home. And we can do that, and we can do it without abandoning Iraq.

We must establish a multilateral security force to keep the peace in Iraq while shifting the U.S. role from military occupier to reconstruction partner. This is what the American people want, Mr. Speaker. They want to help Iraq rebuild and become a free democratic society, but they want it done without another drop of American bloodshed. They want their sons and daughters, they want their mothers and fathers, their brothers and sisters, their friends and neighbors back home where they belong.

What we need now is action from Washington, not platitudes and photo opportunities, not inconsequential resolutions that require lawmakers to risk absolutely nothing. The American people are looking to Washington. They are begging for leadership. It is time this Congress and the President of the United States provided some.

WAR ON TERROR

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia is recognized for 5 minutes.

There was no objection.

Mr. PRICE of Georgia. Mr. Speaker, international terrorism is an issue of life and death, not just for each of us individually but for our Nation and our way of life.

We did not want this fight. We didn't invite this fight. We did not wish to engage in this battle. However, once our enemy crossed over the line and confirmed for us and the world that they were unwilling to respect international law, respect individual liberty, and respect the sovereignty of nations, and that they were willing and desirous of engaging in mortal battle, no other option was left to us or to the civilized world.

Abu Musab al Zarqawi, on January 23, 2005, said this: "We have declared a fierce war on this evil principle of democracy and those who follow this wrong ideology." So this discussion over the past few days comes down to a fundamental question: What is the appropriate strategy and tactic to adopt to win the war on terror? Will we withdraw and simply defend a policy of isolation and containment, or will we aggressively combat terrorism and take the battle to our enemy?

Now, this war is unlike any other in history. Our enemy has no single home. It recruits and trains its army from nations around the world. The only unifying element is hate, hate for democracy and hate for liberty. Thankfully, we have stayed the course. Thankfully, we have persevered in both Iraq and Afghanistan, because the greatest threat to terrorism is freedom and liberty and democracy in the Middle East and beyond.

And great progress is being made. Last week, the U.S. and Iraqi forces eliminated al Qaeda's top terrorist, Zarqawi. This was accomplished with excellent intelligence, and that information came from Iraqi citizens themselves. A very positive sign. And while Zarqawi was eliminated, finding him brought a wealth of information, allowing U.S. and Iraqi forces to dismantle many more pieces of al Qaeda's puzzle. And Iraq just this past week selected three more officials, cabinet ministers, to serve in its standing government. These are very positive accomplishments.

But it is also important for us to remember what led up to this war, and just a short look at a couple of the incidents over the last 30 years will bring it into focus and vividly demonstrate the death, destruction, and terror brought to Americans by our enemy.

The Iran hostage crisis in 1979, where our hostages were held for 444 days;

1983 suicide bomb attacks in Beirut, Lebanon, killing 242 Americans;

1985, the *Achille Lauro* hijacking, where an invalid American was murdered in his wheelchair;

1988, Pan Am 103 bombing over Lockerbie, Scotland, killing 259 people on board;

February 26, 1993, the first World Trade Center bombing;

1996, Khobar Towers bombing, U.S. Air Force barracks in Saudi Arabia, killing 19 U.S. military personnel;

1998, U.S. Embassy bombings in Kenya and Tanzania, killing over 300;

The year 2000, the USS *Cole* bombing, killing 17 U.S. sailors;

And then, September 11th.

Now, treating these incidents as crimes and not as acts of war, providing reactionary measures rather than moving proactively will not work. And how do we know? Because that is precisely what we did for decades, and the consequence was 9/11.

The campaign against the United States and its allies is ambitious, simple, and clear. Terrorists will stop at nothing to achieve their distorted sense of reality. We could have stayed out of this conflict. However, giving terrorists free rein would not make us any safer, and history has proven that. The price would be more innocent lives lost, more bombings, and not an ounce of peace. We must not be held hostage by terrorism. That is not living in liberty and freedom.

There are defining moments for every generation. And for this generation that defining moment is how we engage in this war on terror, highlighted by a very different post-9/11 world. When we came to that defining moment, to that tragic day, we, as a Nation, with our allies around the world, decided we would not allow terrorists to win.

Mr. Speaker, freedom isn't free. The choice is clear, our resolve is clear: we must and we will prevail.

REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–504) on the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

IRAQ

Mr. CARDIN. Mr. Speaker, I rise to claim the time of the gentleman from Oregon.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. CARDIN. Mr. Speaker, I call upon the President of the United States to present a plan to Congress to start bringing our troops home from Iraq.

It has been almost 4 years since the President came to Congress and sought the use of force in Iraq. At that time, Mr. Speaker, I voted against giving the President the use of force. It was not a popular vote in my congressional district, but it was the right vote. I was proud of my vote 4 years ago, and I am proud of my vote today.

□ 1145

I have remained an outspoken critic of the President's policies in Iraq. There was no connection between Iraq and the attack on our country on September 11. There was no evidence of any weapons of mass destruction or nuclear weapons, and other weapons information was distorted. There was no direct threat against the United States.

We have paid a heavy price for the war in Iraq. Over 2,400 soldiers have died, 18,000 have been injured, and we have spent $300 billion-plus of taxpayer money.

Our international standing has suffered. In December 2004, I visited the troops in Iraq. I wanted to see firsthand what was happening in Baghdad. My experiences I will not soon forget. I thanked our soldiers for their service to our country. They deserve to come home to their families and a grateful Nation.

A lot has changed in Iraq. It has been 3 years since the Saddam Hussein regime fell. It has been 2 years since an interim government was formed and the sovereignty of Iraq was transferred to that interim government. It has been 15 months since the first elections in Iraq. Iraq has a new constitution. They have elected a permanent government.

In December of 2005 we went on record in the defense authorization bill that 2006 should be a year of transition in which the Iraqi security forces take control of their own security. That has not happened.

It is time to change the policies in Iraq, and yet the President still says let's stay the course. We need a new direction in Iraq. That direction should include the drawdown of American troops. We have 130,000 soldiers serving in Iraq. 20 percent are from our National Guard and Reservists. Military experts have recommended a drawdown of 10,000 troops a month.

Although we should not announce a specific time schedule, it is reasonable to expect that one-half of our combat troops could be home by the end of 2006, and all of our combat troops home by the end of 2007. It should start with our National Guard. They were never intended to be the primary coverage for a military operation. We need them home to meet local needs.

This would allow us to achieve certain necessary objectives, bringing our troops home to their families and not in the middle of a civil war. It is an important message to the Iraqi government that they cannot assume that American soldiers will be there indefinitely to take care of their own security needs. It would remove propaganda for al Qaeda in which they look at the United States as being an occupation force, and it allows us to stage outside of Iraq to work with our allies and international community to fight international terrorism. We have lost our focus in the war against terror. It would help us preserve an all-volunteer military.

We also need to organize an international conference, including the Iraqi government and our friends internationally. The United States is the only superpower. We need to mend our diplomatic fences. We need to engage the international community. It is in their interest to help us in Iraq, to create a ceasefire for the Iraqi government and its militia, train the security forces, and coordinate humanitarian aid and infrastructure assistance.

We need to honor our commitment to our military veteran families and strengthen troop recruitment. The voluntary military is in danger because of excessive deployments. Morale is down because of long tours of duty and our failure to live up to our commitments on veterans' benefits.

The recruitment goal in 2005 was missed by 6,000, and our National Guard and Reservists have only hit 80 percent of their goal. The answer is the proper deployment of our military and honoring our veterans, commitments on benefits, including health benefits, so that the 18,000 who are returning injured from Iraq and the 50,000 who we anticipate will have battle fatigue related issues are dealt with as we have promised.

Mr. Speaker, I call upon the President to change course in Iraq in order to further U.S. interests.

FISCAL RESTRAINT

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, there is an ongoing joke here in Washington that the Democrats have no agenda. It is a joke, Mr. Speaker, and it would be very funny if it were not so true. There are ongoing press reports, just this week there is a press report that the Democrats planned to roll out their agenda this week. Well, it is funny because they decided not to. Well, it is also funny because this is a press report that goes back since November of last year. They keep having these press reports that say we are going to roll out our agenda next week. The next week comes and goes, and no Democrat agenda.

It is an amazing thing that such a formerly great party with such high ideals and strong agenda can't even get together an election-year agenda. It is an amazing thing to me as a conservative who has an agenda, who is a member of a party who has an agenda. It is a wonderful thing that the party leadership won't come together. The party leadership won't come together and issue an agenda.

Now I know there are some on the other side of the aisle that have high ideals and have an agenda, but the Democratic leadership in Washington won't come together and issue an agenda. I am hopeful they will because I think what their agenda will show, when they do issue their agenda, it will show two things: Waving the white flag on the war against Islamic extremists and raising taxes. It is a two-part agenda, and I am going to boil it down to those two things.

They are going to wave the white flag and say this war is not worth fighting, let's bring all of our servicemen home. Let's just work with terrorist attacks on our home soil rather than taking the fight to the enemy wherever they are.

The second part of that is big government. How do you have big government, Mr. Speaker? You have big government by having big taxes, by taking more out of the economy and bring it here to Washington, D.C., by taxing people more wherever they are in this Nation, Mr. Speaker, by taxing them more, and bringing that money here to Washington and running programs out of Washington.

Big government liberalism is still at the heart of the Democratic Party, and that is something that is very out of step with what the American people want.

Let's talk about what the Republicans have done and what our conservative leadership here in Washington has done. Just in the last 33 months, we have had wonderful job growth across this Nation. Within the last 3 years, we have had 5.3 million new jobs. Why? Because we have restrained spending in Washington. Well, not as much as I would like as a conservative, but we have been able to restrain spending here in Washington, and excessive growth of government. And we have been able to pass tax cuts that let Americans keep more of what they earn.

Those two things have led to this wonderful job creation, and that is why this House continued to pass tax cuts every year since we have taken the majority as Republicans. Every year we have passed tax cuts since 1995. And those results that we have shown the American people have led to the economy expanding.

Moreover, when the economy expands and people have jobs through these lower taxes, through conservative fiscal policy, you know what happens? As they make more money, they pay more taxes. The Federal Government gets more revenue when people are working, Mr. Speaker.

These things work, and the American people know it and they are benefiting from the prosperity that through conservative fiscal policy, we have helped lead the Nation in this right direction.

So, Mr. Speaker, there is a very severe contrast between the two ideologies that underpin the Democratic Party and the Republican Party. They are two disparate views of the world and how we defend our Nation.

Mr. Speaker, we should have this great debate, not just on the war, which we have had for the last 10 hours on the House floor, but we should also have a debate about fiscal policy.

As a conservative, I don't believe we have done enough in terms of fiscal policy, but we are making progress and that progress is getting real results. That is a wonderful agenda for a conservative party to stand for. Now we look forward to our opposition on the other side of the aisle to one day to come up with an agenda.

REDEPLOY OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, we were promised another chance to debate our policies with respect to the war in Iraq. Yesterday and today we had that debate. But those who listened to that debate need to understand that it was mere theater.

We had before us today a resolution that could only be voted up or down, yea or nay. If I wished to offer an amendment giving voice to my desire and that of the majority of my constituents to redeploy our troops from Iraq, I could not. You heard me correctly, the rules of this debate that we had today precluded me from taking any substantive action.

I believe that one of the fundamental functions of the Congress is to act as a check and a balance to the executive branch. Yet here we are in the people's House, the people's House, unable to do the people's will.

Mr. Speaker, America is the lone superpower in an increasingly interconnected and interdependent world. Along with that awesome and unprecedented power comes responsibilities to humankind and the planet itself.

America's reasons for maintaining her superpower status must be to export the best of our democratic system of governance and the hope of the American dream to the rest of the world. But these cherished ideals cannot be exported through force. We must teach and lead by example. Leading by example means modeling the behaviors that we want others to emulate. We must respect the rule of law. We must respect civil rights and liberties. We must stand firmly for human rights, renouncing in all circumstances the use of torture, assassinations, kidnappings as political tools, illegal detention, and cruel and unusual punishment.

Mr. Speaker, we must renounce the preemption doctrine. President Kennedy had this to say about the use of America's military force: "The United States, as the world knows, will never start a war. We do not want war. We shall be prepared if others wish it. We shall be alert and try to stop it, but we shall always do our part to build a world of peace where the weak are safe and the strong are just."

Mr. Speaker, I voted against authorizing use of force in Iraq. I believed then, as I do today, that Iraq posed no threat to America's security. I agree with the 9/11 Commission members that there was no credible link between Iraq and the 9/11 terrorists. I feared that war in Iraq would divert our attention from anti-terrorism efforts and serve to make us less safe and secure.

I called upon the President to tell Congress and the American people what circumstances would be required in order to bring home our troops from Iraq. My letter demanding articulable milestones and an exit strategy was sent to the President before the war even started, and to this day that letter remains unanswered.

Mr. Speaker, since that time I have participated in fearful troop sendoffs and joyous homecomings. I have nothing but respect for our brave soldiers. During the past 4 years, I have embraced and stood and prayed with Wisconsin families as they said their last good-byes to brave sons, fathers and brothers.

As of yesterday over 2,500 young men and women of our military have given their lives in Iraq. During the past 4 years, I have also heard from parents who clearly see that it is their children and grandchildren who will pay the $320 billion that this war has cost to date.

Mr. Speaker, I am a member of the Out of Iraq Caucus and a proud cosponsor of Mr. MURTHA's resolution, H.J. Res. 73, to redeploy our troops. I only wish it was that resolution that we had debated over the past 2 days.

□ 1200

THE WAR IN IRAQ

Mr. DUNCAN. Mr. Speaker, I request unanimous consent to speak out of order and assume the time of Mr. BURTON.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. DUNCAN. Mr. Speaker, I requested this Special Order to read a statement that I earlier placed in the RECORD during the debate on the Iraq war resolution.

I did not request time during the debate because it was obvious that the chairmen controlling the time, all good friends of mine, wanted only speakers who support the war, and I did not want to place them in an uncomfortable position.

I did not request time from the Democrats because many of my colleagues in the minority were using this debate in a bitterly partisan way. Surely, war should be the last thing that should become partisan.

Yet 80 percent of the House Republicans, including me, voted against the bombings in Bosnia and Kosovo when President Clinton was in the White House. I believe 80 percent of Republicans would have opposed the war in Iraq if it had been started by President Clinton or Gore, and probably almost all the Democrats would have then been supporting it, as they did the bombings in Bosnia and Kosovo.

Much of the resolution that was just passed by this House contains language that everyone supports, especially the praise for our troops. Our troops do a great job everywhere they are sent. And it is certainly no criticism of them to criticize this war.

In August of 2002, 2 months before Congress voted for the war in Iraq, Dick Armey, then our Republican majority leader, in a speech in Iowa said, "I don't believe America will justifiably make an unprovoked attack on another nation. It would not be consistent with what we have been as a Nation."

Jack Kemp wrote before the war, "What is the evidence that should cause us to fear Iraq more than Pakistan or Iran? Do we reserve the right to launch a preemptive war exclusively for ourselves, or might other nations such as India, Pakistan or China be justified in taking similar action on the basis of fears of other nations?"

Mr. Kemp said, based on the evidence he had seen, there was not "a compelling case for the invasion and occupation of Iraq."

William F. Buckley wrote that if he had known in 2002 what he knew then in 2004, he would have been against the war. Last year he wrote another column against the war, saying, "A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride."

The very popular conservative columnist, Charley Reese, wrote that this war was "against a country that was not attacking us, did not have the means to attack us, and had never expressed any intention of attacking us. And for whatever real reason we attacked Iraq, it was not to save America from any danger, imminent or otherwise."

Many years ago, Senator Robert Taft expressed a traditional conservative position: "No foreign policy can be justified except a policy devoted to the protection of the American people, with war only as the last resort and only to preserve that liberty."

Millions of conservatives across this Nation believe this war was unconstitutional, unaffordable and worst of all, unnecessary. It was waged against an evil man, but one who had a total military budget only two-tenths of 1 percent of ours.

We are not going to be able to pay all our military pensions, civil service pensions, Social Security, Medicare and all the other things we have promised if we are going to turn the Department of Defense into the Department of Foreign Aid and attempt to be the policeman of the world.

This is contrary to every traditional conservative position on defense and on huge deficit spending. The conservative columnist Georgie Ann Geyer wrote, "Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by a minority in their name will inevitably come to a point where they will see they have to have a government that provides services at home, or one that seeks empire across the globe."

Mr. Speaker, a few days ago I found out that a rating service called voteview.com which studies all of our votes from the last Congress, 472 votes I think it was, from last year, in this Congress, rated me as the sixth most conservative Member of this body. And yet I am steadfastly opposed to this war and I have been since the beginning.

Mr. Speaker, we need to start putting our own people first once again and bring our troops home, the sooner the better. And when somebody says we can't cut and run, I surely hope they don't mean that we should stay there forever.

THE WAR IN IRAQ

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask to address the House out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I follow the distinguished gentleman from Tennessee. I thank him for his honesty, and I thank him for his eloquence. And I too, Mr. DUNCAN, wish that we could do this in a nonpartisan manner, and I would have hoped that we would have had every voice to have been able to be heard on this question. This is not a Democratic or Republican issue about the forces in Iraq, the freedom of this Nation, the right to defend our Nation, the right to tell the American people the truth that Saddam Hussein had nothing to do with the tragedy, the horrific, heinous act of 9/11.

If you looked at the 19 terrorists, you might think that we need to be engaged in war with Saudi Arabia. But we are not. That is why this debate had such insignificance because all of us believe in our troops. More importantly, we believe in the families and the wounded that have come home.

But I stand here today, Mr. Speaker, as someone who has just returned from Iraq, been to Iraq three times and Afghanistan; been to the border between Pakistan and Afghanistan where we truly believe Osama bin Laden hides. Do we remember that name? Someone that we allegedly have been in pursuit of for a number of years, a pursuit that has been stymied by the intrusion of the Iraq war. Rather than the global war on terror, we have misdirected and misconstrued the truth.

I am reminded of the somber presentation that Secretary Powell made before the United Nations; all the world was in awe, all the world's eyes were turned to America, America with the high moral compass. Yes, if America said it, it must be true. And now we can't get more than one or two countries to follow our lead. It cries out for a change in direction.

And so, Mr. Speaker, I hold up for the world to see and for America to see that these are the ones that we should be concerned about, those who have lost their lives in battle, 2,500 and growing, and the 19,000 casualties that are facing America. Are these the soldiers that we are going to say are cutting and running because we want a new direction that makes sense?

Well, I believe in the Declaration of Independence when brave patriots said we all are created equal, with certain unalienable rights of life and liberty and the pursuit of happiness. And our soldiers deserve the right to pursue happiness. And America deserves the right of the right investment of its tax dollars. The global war on terror is where we should be confronting the evilness of the Osama bin Ladens and the others who are mounting efforts around the world to fight against us.

The insurgency in Iraq, the foreign terrorists are a mere 10 percent or less. It is a civil war in Iraq between Sunnis and Shiia. And Mr. MURTHA is right: there is no mission. The mission is complete. Our soldiers are victorious. Saddam Hussein is gone. We are not broom sweepers. We don't go around cleaning up IEDs. That is what their mission is. That is not a mission of freedom.

And so Democrats today joined with more than one-third of this Congress to ask for a new direction. And I would venture to say that we would have more if there had not been the hard hand of the Republicans to scare their Members into not going against the tide.

The war in Iraq has increased the burden on taxpayers. We are paying $300 million a day, a day, for this war. And yet we do not have monies for our enlisted personnel. Our soldiers' families are on food stamps, and veterans health care has been cut when soldiers are coming with catastrophic injuries, brain injuries that they have yet not diagnosed of how long they will be impacted by what we call closed-brain injuries.

We asked the administration to tell the truth. We asked them to recognize the young soldiers that were kind enough to sign this scarf. Yes, they are true and the brave, and this is not a question of challenging the soldiers' bravery and duty. This is a burden on the policymakers like Secretary McNamara, who indicated that he was wrong in the Vietnam War. But, oh, what a price we paid: 50,000 dead in Vietnam and broken hearts and broken families and yet someone 20-some years later was willing to admit they were wrong.

Well, I voted against this resolution and I voted because I never want it to be said that any war to which we send young soldiers into battle, the military into battle does not have the truth and the strength to withhold the understanding that America's freedom is at risk.

I close, Mr. Speaker, by saying when I went to Iraq and visited many bases, one sailor took this off of his chest. It is a badge of honor I wear.

We are not cutting and running. We are holding up the Constitution and the Declaration of Independence. We want our soldiers to be able to pursue happiness, and we want a sovereign Iraq to protect its own nation.

NEWS FROM THE FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, news from the front: the war on the border continues. More disturbing news, this time from the forgotten front.

We have just voted to finish successfully the war on the first front, Iraq and Afghanistan. Our second front is the fight against armed illegals, human smugglers, drug runners and possible terrorists not just wanting to penetrate our homeland border with Mexico and Canada, but the forgotten front, Puerto Rico.

Mr. Speaker, here I have a map of the Caribbean islands. Puerto Rico is a part of the United States, the location: in the Caribbean islands next to the Dominican Republic, southeast of Cuba, east of Jamaica. It has earned a reputation among border patrol agents as America's biggest threat.

This is not a photo, the second one here, of Americans storming the beach at Iwo Jima or Normandy. Mr. Speaker, this is a photograph of 100 illegal immigrants with landing craft storming the American beaches in a yola, a homemade wooden boat. The boat is from the Caribbean islands. Its cargo, Dominicans, Middle Easterners and others from the islands. The Border Patrol says when people storm the American beaches here in Puerto Rico, they capture maybe one out of 10. And here we have a Blackhawk helicopter, at this particular time, having to view this firsthand.

One U.S. Border Patrol agent says he interviews the survivors of these ill fated trips, and they say they are coming to America for that free amnesty. Once they get to Puerto Rico, they can go anywhere in the United States with only a birth certificate or an easily forgeable photographic ID, if the one Border Patrol agent at the San Juan airport happens to ask for that identification.

We must remember that one of the 9/11 hijackers made his way into the United States through the Virgin Islands. Then he took flight lessons at San Juan, Puerto Rico. More than 2,600 illegals have been found entering the country just this way in Puerto Rico the past year. How many more weren't caught at all? And just where are they going and what are they taking with them?

Most of them, we must remember, are not from south of the border or north of the border; but they come from all over the world. Since we don't require passports to legally enter the United States from Mexico, Canada or the Caribbean islands, people can easily get to Puerto Rico pretending to be from these countries. Even people illegally getting into Puerto Rico then board a plane anywhere in the United States with some fake document that is mistaken for a valid American identification.

We have 22 border patrol agents in Puerto Rico, but only four of them are on duty at any one given time. They are doing the best they can, but they need help.

The border war must be won. We do it by first requiring all people in the Western Hemisphere to have a passport to get into the United States legally. Our 9/11 Commission recommends it. It is a national security issue of the United States. And then we give the resources to our border agents to make sure they can keep people from landing on our beaches and invading our country. It is a border security issue. We must win the war on this second front and prevent the unlawful invasion into America. Keep these landing craft from invading our beaches.

Mr. Speaker, lawlessness on our border breeds more lawlessness in the heartland of America.

Mr. Speaker, that is today's news from the front.

And that's just the way it is.

THE WAR IN IRAQ

Mr. UDALL of New Mexico. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New Mexico is recognized for 5 minutes.

There was no objection.

Mr. UDALL of New Mexico. Mr. Speaker, over 3 years our Nation has invested in Iraq. In human and political costs it has been a heavy toll. We have lost thousands of American and Iraqi lives, spent billions of dollars, and squandered the greatest outpouring of international support in decades. And through it all, we have misplaced our focus on the threat of Islamic terrorism.

It is time for us to prepare to redeploy our forces from Iraq by the end of the year. Mr. MURTHA is right: redeploy but be ready. Some successes have occurred.

☐ 1215

The recent killing of Islamic extremist al Zarqawi by coalition forces offers an opportunity to stem the steady tide of internal terrorist attacks in Iraq, while the welcome news that several important cabinet ministers have been appointed demonstrates that progress is being made. Nevertheless, these glimpses of optimism cannot mask the overwhelming recognition that this was a war of choice. The administration invaded Iraq without the necessary international support and without plans for stability, reconstruction, and governance.

Earlier this year I visited Iraq and saw firsthand the reality of our investment. While our troops bravely fight, there were few areas of security or safety. Sectarian violence and civil strife have eclipsed the progress of free elections. Unemployment continues unabated. Radical clerics promote hate, and anti-American sentiment has spread with fervor. At the same time the President is urging that we stay the course, we are approaching 2,500 American troops killed, and more and more we are learning the costs back home, families losing loved ones and soldiers physically and mentally scarred by war.

We have helped sow the seeds of democracy, but now the people of Iraq must take charge and bring about their own destiny. We cannot force our way of life or our ideals upon another nation, nor should that ever be our mission. Rather, we must encourage them to bring about their own change and promise that as long as democracy and liberty is their desire, we will be their ally and be devoted to their success. To prolong this transition will only deepen their dependence on our resources, will further radicalize those who use our presence as an enticement for hate, and will distract us away from where our focus must lie.

It was only a few years ago that this Congress, with bipartisanship and unity, supported the President in embarking against the terrorist threat by ousting the Taliban from Afghanistan. All of our allies and some of our enemies recognized the strength of our convictions in defeating those who promote radicalism and extremism, and we were joined by the largest coalition in history. But then we detoured and launched an ill-advised military operation in Iraq. The results have been damaging, and instead of achieving success globally, we have reached and sowed frustration and recalcitrance.

I believe we are seeing ever increasing signs that our resources in Iraq must now be shifted to finish the job in Afghanistan and work with our allies to defeat the terrorist threat around the world. Not because we have failed or succeeded but because the process of democracy is never ending. And it is time for the Iraqi people to stand up and lead the way toward their future. Through redeployment and reallocation, we can provide regional support to those areas most susceptible to terrorism. We can refocus our attention to eradicating the leaders of hate who use global networks to promote radicalism. And we can strengthen our ability to develop multilateral approaches, reinvesting in the idea that key alliances is the best way in which to bring about democracy and stability throughout the world.

There are some who will argue that patriotism and criticism are mutually exclusive. This is utterly false. Our strength of promoting democracy, liberty, and freedom must be coupled with the wisdom of recognizing our fallibility. The difference between those who believe we must stay the course in Iraq and those who believe we must change course lies not in degrees of patriotism but rather in truthful disagreement over policy. Confusing the two leads only to division and partisanship, and we must avoid at all costs to allow an issue of such importance to be clouded with such rhetoric.

Mr. Speaker, I was against our Nation going to war in Iraq, but at every step of the way I have supported our men and women in uniform in their mission. I have objected to the heavy-handed foreign policy of this administration but have desired to see hope and progress for the Iraqi people. And now I call for our troops in Iraq to be redeployed by the end of the year.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again, the 30-something Working Group. I would like to thank the Democratic leader, NANCY PELOSI, and also Mr. STENY HOYER, who is our whip; Mr. JAMES CLYBURN, our chairman; and also Mr. LARSON, who is our vice chairman.

And I think that it is very appropriate at this particular time, Mr. Speaker, to talk about the great comeback by the Miami Heat in the series of the NBA finals. And I can say on behalf of Ms. WASSERMAN SCHULTZ and those of us from the south Florida delegation and from the Florida delegation that we are very, very pleased of the outstanding play by the Heat. We want to continue to support them in every way possible. We know that they will be victorious. We have been wrestling with our friends in the back in the Speaker's lobby from Dallas and the surrounding area, letting them know that the final outcome will be a great parade in downtown Miami with the new NBA champions. As you know, as we look at it from a religious standpoint, you have to claim it. And we are excited.

There are some extraordinary things that are happening now. Dwyane Wade. If Shaquille O'Neal falls on a Chevy truck, he would hurt it. But Dwyane Wade has been able to overcome the injury, and also several of the Heat players and the Heat fans have persevered. So we look forward to Father's Day. I know that Shaquille O'Neal and Alonzo Mourning and Dwyane Wade are all fathers, and we know on Father's Day they will deliver a gift to themselves and to me and to other folks.

So I just want to say since we have the hour, Mr. Speaker, there are Members, I am pretty sure, from Texas, from Dallas who would love to come to the floor, whom we will not yield to at this time, to give their side of the story.

We are happy we have this hour. We honor the Heat and we are glad that there is a great series going on. And while we are at it, before I yield to Ms. WASSERMAN SCHULTZ to make comments on this, I want to thank the NBA for all the work that they have done not only in Dallas but in Miami, in their charities, and giving to the Heat center. At Little River Middle School, they have actually put some computers in, and they have been there over the years, but they have made a new commitment to that center and they have named it after the late wife of the Heat trainer. So we want to encourage the NBA to keep doing what they are doing.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you to my good friend from Florida, Mr. MEEK.

We are proud to wear the colors today, Mr. Speaker, and we have got the beads on. And because we could not be with the Heat in south Florida during their triumphant victory last night and the other night, we decided to stir up some spirit here and send some good karma home to them. And I can tell you that I have a little gastronomic wager with our good friend Ms. EDDIE BERNICE JOHNSON of Dallas. I am looking forward to enjoying some lunch, courtesy of her and her staff after the Heat grabbed the championship. And hopefully, we will be able to be down there with them on Sunday and take home some of the spirit that we have been able to generate up here.

Thanks to your good leadership and firing up the Heat troops up here. I have worn these beads all over the place the last couple of days and yesterday in the mall, walking with my husband and my kids, got stopped by a tourist up here saying, "Go Heat." So we can feel it all the way up here.

Mr. MEEK of Florida. Mr. Speaker, just as a point of information, as we start working in a bipartisan way towards the spirit of the Miami Heat, and it is bipartisan, we have Mr. MARIO DIAZ-BALART, LINCOLN DIAZ-BALART, also ILEANA ROS-LEHTINEN, also JEFF MILLER from the Panhandle of Florida that have joined in in this Heat spirit. On our side we have Ms. WASSERMAN SCHULTZ, myself, Congressman ALCEE HASTINGS, and also Mr. ROBERT WEXLER. So I mean it is kind of balanced off as it relates to who has the beads in support of the Miami Heat. We rallied them when they were down by 0-2, and we will continue to rally around them now that it is even.

With that, Mr. Speaker, we would like to go into what we usually do when we come to the floor as it relates to the 30-something Working Group, talking about the issues that we have been meeting on, wanting to bring to the floor and share with the American people and also share with the Members of the House.

We talk about the agenda that was released, "A New Direction for America" by the Democratic Caucus, and not talk about what we may do when we take the majority if the American people find it fit for us to take the majority, but what we will do, and I think it is important to say "will." And I always say we have the will and desire to lead. We have the will and desire to pass legislation. We also have the will and desire, Mr. Speaker, to take the rubber stamp out of the Republican majority's hands and put it in the garbage because that is not what this Congress should be all about. It should be oversight. It should be evaluation of policies that we would like to pass, need it be health care, need it be Iraq policy, need it be economic development. And in our plan, it is important to understand that we want to make health care more affordable for Americans, make sure that we have a fair share as it relates to prescription drugs on behalf of the American people, making sure that we can move into the area of investing in stem cell research for medical research for some of the cure that we can do now. Also work toward alternative fuels, making this country independent of the Middle East and invest in the Midwest as it relates to E-85, alternative fuels, making sure that we pass legislation to bring about flex vehicles.

Also helping working families. It is not a question of if we will. It is we will raise the minimum wage. And that is what we are saying on this side of the aisle. There is no question about it. The minimum wage will be raised, and that is a promise. Cutting also and reversing many of the Republican majority increases on student tuition. This is a very important point and we are going to talk a little further about it because we have legislation that is filed now to reverse that, make sure that families have tax credits and make sure students don't have to pay through the nose and come out of college in debt more than they are today.

Also ensuring that seniors and individuals receive Social Security benefits, need it be survivor benefits or need it be the disabled or just simple retirement, not privatizing Social Security. The "security" part is to make sure that when all else fails that there is some level of income for those individuals who have worked their entire lives. And requiring fiscal responsibility. This is the most important, if not the point, of the Democratic agenda of making sure if we say we are going to spend it, we had better show how we are going to pay for it. Not like we are doing now, spending and borrowing from foreign nations, making this country more indebted to foreign countries than at any other time in the history of the republic.

So we will talk a little further about that and define this a little bit more as we go along.

I would like to yield to my colleague, Ms. WASSERMAN SCHULTZ, and we will focus more on these issues as we go through the points again.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MEEK. It is a pleasure again to be here with you and spend some time talking about the priorities of the Democratic Caucus.

Mr. Speaker, I know when you were in the Chamber this afternoon you talked about what you would like the American people and the Republican Caucus, our colleagues on the other side of the aisle, would like the American people to believe. And I know it sounds good to continue to say that the Democrats do not have an agenda. Well, sadly for you, Mr. Speaker and our Republican colleagues, that is not true. Fortunately, for the American people we do have an agenda. We have had one for quite a long time. It is right here.

Many times it is easier to graphically depict things as opposed to just using words, and we can take you through, as Mr. MEEK just did, our agenda so that, Mr. Speaker, when you are finding yourself standing in front of a chair behind the podium on this floor, you can keep this in mind when you would like to say that we don't have an agenda because that is absolutely inaccurate. The Democrats' New Direction for America, as Mr. MEEK said, pledges that we will make health care more affordable, unlike the rising health care costs that continue to skyrocket out of control in this country led by the Republicans for the last 14 years that they have controlled this Congress.

□ 1230

We will make a commitment to lowering gas prices and spend—yes, spend—the American taxpayers' dollars on exploring alternative energy sources instead of just having things like President Bush putting words in the State of the Union where he said out loud, America has an addiction to foreign oil and then proceeded to do nothing about it. No meaningful policy on the part of the Republicans in this body. No meaningful change in the energy policy. No reduction in gas prices.

I want to digress from this chart for a minute. First of all, let's just demonstrate the difference between what a new direction for America would be versus the same old Republican policies that have failed the American people and don't work.

Under Republicans for the last 14 years, Mr. Speaker, you have college tuition that has increased 40 percent. You have gas prices that have increased 47 percent. You have health care costs that have increased 55 percent. And median household income, Mr. Speaker, that has decreased by 4 percent. If that is the direction that Republicans would like the country to continue to go, then, you are right, the American voters in November should vote for the Republicans and continue more of the same. But if they want a new direction, if they want to make sure that we can have a leadership in this Congress and in this country that is committed to making sure that college and higher education is more affordable, not less, if they want to make sure that we can expand access to health care and instead of adding more people to the rolls that do not have health care and that go uninsured and that have to wait till their family members are so sick that they have to take them to the emergency room before they can get them some health care treatment, then they should continue to vote for more of the same and elect Republicans. If they want to make sure that they can move this country in the direction that most Americans would like to go in, then they will choose Democrats in the fall and we will make a commitment to expanding alternative energy sources, expanding our commitment to making sure that we don't have a continued addiction to foreign oil.

Mr. Speaker, I find personally that sometimes graphic depictions, sometimes three-dimensional demonstrations are really incredibly helpful.

You see, Mr. Speaker, this is a gas pump. Apparently our colleagues on the other side of the aisle, many of them don't appear to have seen one of these since they looked like this. The gas pumps from what I understand looked like this, oh, in about the 1950s. It appears as though many of our Republican colleagues haven't put gas in their own car since they looked like this, because if they had then they would realize that in most places in this country, gas is now more than $3 a gallon, that it costs a mom or a dad that drives their kids around in a minivan or in an SUV more than $50 to fill up their tank, and I feel quite certain that if our Republican colleagues were actually pumping their own gas, were actually having to observe the counter on the gas pump that shows, Mr. Speaker, just so you know, those gas pumps actually show you how much you are spending per gallon while you are pumping the gas into your car, maybe we could just pass this around on the floor and our colleagues could see what a gas pump looks like so that they could remember the pain that Americans go through when they have to spend that much on a gallon of gas. Then maybe we would have our colleagues on the other side of the aisle not continue to vote like the rubber stamps that my colleague Mr. MEEK always talks about. Maybe they would get some courage. Maybe they would realize that they shouldn't be voting for an energy policy that actually gives money away to the oil industry, to an oil industry that has made record profits, Mr. MEEK, more money than any corporation in American history in the last quarter of last year. It is just unbelievable.

I am hopeful that by my three-dimensional depiction, by my bringing an actual model of a gas pump to the floor, Mr. Speaker, then maybe some of our colleagues will keep in mind the actual difficulty that most Americans are going through when they actually have to fill up their gas tank by using one of these. I just wanted to provide a public service to some of my colleagues.

I would be happy to yield to the gentleman from Florida.

Mr. MEEK of Florida. Thank you so very much, Ms. WASSERMAN SCHULTZ. I am glad that you brought a visual aid down because I think it is important, Mr. Speaker, that we break this down for the Members because we want to make sure that Members don't go back home in November and giving political speeches saying that, oh, well, I didn't know we were doing that. Or I didn't know that we were breaking a record in borrowing from foreign nations. We want to make sure that the CONGRESSIONAL RECORD reflects that those of us on this side of the aisle actually brought it to the floor in a form that a middle school or a fifth grader can understand. And it is important that we break it down to this point so that no one can say that they misunderstood, they didn't quite know what they were voting for, I made a mistake or whatever the case may be because now, in this day, in this Congress, we are making history in all the wrong places and in all the wrong ways.

I think it is important that we point this out. I want to make sure that I get that Washington Post article that talked about a special meeting at the White House. The innovation agenda. I want to make sure that the Members go on housedemocrats.gov and get a copy of the innovation agenda so that hopefully folks can be enlightened on what we have been talking about and promoting, not just yesterday, not just last month, this has been around, and the only reason why it is not implemented now is that the Republican majority will not allow legislation to come to the floor outside of the original thoughts of President Bush or the Republican leaders.

I think it is important that we understand an innovation agenda. We talk about education and creating the workforce for the future, making sure that there is math and science education, that we work on that and we provide the necessary dollars for it.

Invest in research and also development that promotes public-private partnerships, where many CEOs you will see on housedemocrats.gov have already become a part of what we are talking about and encouraging that to happen.

Affordable, guaranteed broadband access throughout the country. Need it be if you are in the heartland of America, you are on the east coast, you are on the west coast, you are down south, you are up north, you should be able to have an opportunity at this broadband initiative that we have for all Americans.

Achieving energy independence. We talked about that, within 10 years. Not maybe one day, not counting on the oil companies to do it but the Congress setting the stage, this House setting the stage for that to happen.

Providing small businesses with the tools that they need to be able to create jobs.

Mr. Speaker, I am just going to take about 10 minutes here breaking this thing down, if not shorter, of talking about how we are making history in all the wrong ways. The Republican majority, I must say, has done an outstanding job on behalf of President Bush. You have got to hand it to them. If there was an Oscar, an Emmy or a Grammy to give out, the Republican majority would get it as it relates to rubber-stamping everything the administration hands down.

I hold here, Mr. Speaker, and this is no secret to many of the Members and it should not be a secret to the staff that works here in the House of Representatives, this chart, this chart of the fact that in just 4 years, President Bush and the Republican majority has borrowed $1.05 trillion from foreign nations. We have the Republican Congress right under the President's picture because he couldn't do it by himself.

Forty-two United States Presidents, 224 years, were only able to borrow

$1.01 trillion from foreign nations. How could that be? One may say, how can you do this in 4 years? $1.05 trillion from foreign nations. In 224 years, 200 years shy of what the President has been able to do, $1.01 trillion.

Let me tell you, that is staggering. That is not something that it happened in the forties or it happened in the thirties once upon a time. Calculate it. Forty-two Presidents, 224 years. Mr. Speaker, we are not just here as the 30 Something Working Group and dreaming up something. Those numbers are from the U.S. Department of Treasury.

Who do we owe? Who has their hands in the pockets of the American taxpayer? I don't care if you are a Republican, independent, you don't vote yet, or whatever the case may be, a Democrat, you have to have a problem with these nations owning a piece of the American apple pie.

Japan. Like it or not, I know it is painful for some of the Members to hear this, but this is the reality under a Republican majority. Japan, $682.8 billion that they own of the American apple pie thanks to the Republican majority rubber-stamping the Bush policies.

China, $249.8 billion of the American apple pie that they own right now, not because of the American people lack of making the right fiscal decisions but it is because the Republican majority has allowed it to happen with the American taxpayer dollar.

The U.K., $223.2 billion

Caribbean nations, $115.3 billion.

Taiwan, $71.3 billion.

OPEC nations. Oh, my goodness, OPEC nations. We can't do enough for them, but they are buying our debt. $67.8 billion.

Germany, $65.7 billion.

Korea, $66.5 billion.

And Canada, $53.8 billion.

The reason why, Mr. Speaker, you see the American flag in silhouette as it relates to the United States of America, excluding Alaska and Hawaii and Puerto Rico and other U.S. territories, but just to show this silhouette of the mainland of the United States of America, the reason why we have that, if you want to do away with the debt, elect a Democratic majority because we have done it.

The Republican majority, they are saying, well, we're going to cut it in half. It is almost like if there is a cliff, Mr. Speaker, and you are in a vehicle and you have to stop the vehicle before it goes over the cliff. We are saying stop. You are saying go at half speed. You go at half speed, you are going over the cliff regardless. We have stopped the deficit from continuing to continue on when we balanced it, without one Republican vote. And so it is important if the American people, if they are looking at the resume, they will elect Democrats to be able to lead.

What are we doing right now, Mr. Speaker? I think it is important for us to outline this. We are saying pay-as-you-go. If you are going to spend a hundred dollars, you better talk about how you are going to pay for it. What the Republican majority is doing now, they are spending a hundred dollars and they are saying put it on a foreign credit card so we would owe foreign countries money and leave it for future generations and this generation, which is unfair to our young people. Before they even get a chance at life, they are already going to owe folks that they don't even know because of the wrong decisions that have been made here in the Republican majority and that they have been rubber-stamping.

Substitute amendment to House Concurrent Resolution 95 in the 2006 budget resolution. Mr. SPRATT, who is our ranking member on the Budget Committee, put forth an amendment for pay-as-you-go like I just outlined. Not one Republican voted for it. To say that we are going to have fiscal discipline, not one Republican voted for it. 228 Republicans voted against it.

Again in 2005, a substitute amendment to the budget, saying pay-as-you-go. Not one Republican voted for it, Mr. Speaker. 224 Republicans voted against it.

I am coming in for a close. I just want to share this with you. I mentioned the issue about energy. Oh, well, the Republican answer, the Republican majority here in this House because I do know some Republicans who do feel that the Congress should not be rubber-stamping everything that the administration puts forth, and let me just read my article real quick to bring this into focus. I thank my colleague for bearing with me.

November 16, 2005 front page of the Washington Post: White House documents show that executives from big oil companies met with Vice President DICK CHENEY's energy task force in 2001, something long expected by environmentalists but denied as recently as November 2005, last week by industry officials testifying before Congress. The document obtained this week by the Washington Post shows that officials from ExxonMobil, also Shell Oil Company, BP of America met in the White House complex with Cheney aides who were developing a national energy policy, parts of which became law, parts of which are still being debated.

I wanted to just read that to show you that when we talk about alternative fuel and we talk about flex vehicles, I don't think the oil companies are with us on this.

This is actually a picture of an ExxonMobil pump where it shows regular, special, super. That is keeping us, like the President says, addicted to oil. And that is an interesting statement, too, by him.

E85 is an alternative fuel. ExxonMobil has said you cannot use your Mobil credit card to purchase this product. I can take a Mobil credit card when I go there to put gas in the tank. I can go in there and buy a bag of chips.

☐ 1245

I am not a cigarette smoker, but somebody can go in and buy a carton of cigarettes with their Mobil card. Someone can go in there, probably end up in some States, buy a Lotto ticket with their Mobil card. But they can't buy an alternative fuel that is made here in America by American farmers and should be supported by the American people.

They are trying to make it even harder. They are putting the block in front of them, because they want to keep this thing going. Now I am not a Member of the House with a conspiracy theory; but, Mr. Speaker, Ms. WASSERMAN SCHULTZ talked about record profits.

Here are the facts. This is not fiction; this is fact. In 2001, a meeting took place in the White House. Then all of a sudden we started being handed down legislation, Republican majority by the Bush administration. Oil profits went up $34 billion in 2001. I think that was a meeting worth scheduling.

In 2003, oil profits went up $59 million, billion, goodness gracious. I am getting confused by saying a million, a billion dollars. In 2004, $84 billion in profits; and 2005, $113 billion.

What I can't help, Mr. Speaker, is to say that it will be over $113 billion in oil profits in 2006 even before the year has ended, because when you have the Republican majority passing subsidies, and you don't have to spend your own money for quote, unquote, innovation, you can have those kinds of profits and have the American people paying through the nose.

Last point on the relationship, just one more chart here. I could care less about the former CEO of ExxonMobil as a person. You know, I am not going after him as a person. I am just saying that the Republican majority has allowed this to happen. He has $398 million of a retirement package, and on top of the Republican majority's tax policy, he gets a $2 million tax break.

You want to talk about the winners and losers in America, this is a perfect example; and this is allowed to happen here in this House and here in this democracy because the special interest has a special relationship. Here is the King and the President, talk about relationships.

We are on the side of the American people; it is just that simple. "Energizing America," HouseDemocrats.gov, you get a copy of it, and you will see whose side we are on. If you are a Republican, you got to have a problem with the way this House has rubber-stamped what the President has handed down.

If you are an Independent, you have to have a problem with the K Street Project that was alive and well to allow the special interests to do a pay and you play as it relates to getting policy passed on to the House. If you are Independent and if you are a Democratic, you have to have a problem that there is no input as it relates to bipartisan approach to policymaking.

Because if there were, and we did have a bipartisan approach, I wouldn't be able to stand here with a straight face, Mr. Speaker, and share with the Members and American people what has happened here in this House with the facts backed by third-party validators by the U.S. Department of Treasury and the CONGRESSIONAL RECORD.

I just want to make sure that we break out many visual aids because some Members of the House seem to be a little confused about what is happening and what is not happening.

Ms. WASSERMAN SCHULTZ. You are absolutely right. No apology necessary. It is really important that we have this time on the floor, and that is why we appreciate Leader PELOSI giving us this opportunity to make some substantive arguments that actually demonstrate how we are going in the wrong direction and also to lay out the Democrats' plan for taking us in a new one.

What has really boggled my mind since I arrived in the Congress, at the beginning of last year, is that our friends on the other side of the aisle seem to have no qualms about just ceding their decisionmaking authority here to the executive branch. Why show up for work? Why run for Congress? This is not an easy job. This is a job that requires a lot of responsibility, it requires thoughtful decisionmaking, it requires time away from our family and all of which, at least each of us on our side, and I know many of our Republican colleagues feel this way, that this is an awesome responsibility that we are given when we are elected to the United States Congress.

The Founding Fathers did not separate the United States Government into three branches in order for the Congress to just be a rubber stamp of the executive. They feared tyranny. They feared an executive that was too strong, and they wanted to make sure that there was a system of checks and balances, so that when questions that come from the executive come before the Congress, that we aren't just a rubber stamp, that we aren't here just to say, yes, Mr. President, absolutely, can I get your hat, can I hold your coat, Mr. President.

Our role here is to ask questions, to exercise oversight, to put forth initiatives and to actually represent our constituents, like you said, in the people's House. That is why I was very surprised, but pleasantly, to see the former leader of this Chamber under the Republican revolution, Mr. Gingrich, the former House Speaker, when he cited in the Knight Ridder newspapers, third-party validator that we like to bring out on this House floor, so that that way people understand it is not just what KENDRICK MEEK says or DEBBIE WASSERMAN SCHULTZ or TIM RYAN or BILL DELAHUNT. Mr. Gingrich cited a series of blunders under the Republican rule from failures in the aftermath of Hurricane Katrina to the mismanagement of the war in Iraq. He said the government has squandered billions of dollars in Iraq.

You know, we just had 10 hours of debate yesterday, which if you listen to our colleagues on the other side of the aisle, according to them, what President Bush is doing, everything is wonderful. Everything is coming up roses.

Now, I think we could all acknowledge in this entire Chamber that we are, although I certainly am never pleased about any one individual's demise, because, obviously, we value life, but there were not too many Americans shedding tears about Mr. al Zarqawi's demise and the American contribution to it. The world, such as when we removed Saddam Hussein, is a more peaceful place without him being in it.

But you cannot, based on one individual's demise, in the cesspool that has been created by this President's policies in Iraq, you cannot say, now, you know, everything is great, this is the beginning of the end, this is the turning point.

Listening to our colleagues on the other side of the aisle. In the last 10 hours, one would think that this bombing of the leader of al Qaeda in Iraq was the be-all and end-all, and that is the thing that Americans were looking for to end this. Nothing could be further from the truth. That is why 42 people were killed in Iraq today, 42.

I mean, it is not like much has changed on the ground in that country. Our real security agenda that would take this country in a new direction, if we were able to win the majority back in November, Americans would see the direction that Democrats would take this country.

We would make a commitment to our troops. We would make sure that we had a real commitment to our troops, that we changed the military into a 21st-century one of military strength, and we would honor them. We would rebuild a state-of-the-art military by making the needed investments in equipment and manpower so that we can make sure we can handle the diverse needs and the diverse activity that we have going on across the globe.

What happened to Afghanistan, Mr. MEEK? I mean, when we first were attacked after 9/11, and we went into Afghanistan, and the Americans were united in that effort, we actually removed the Taliban. We were able to bring that country into the 21st century, restoring quality for women, and making sure that we had a democracy, democratic seedlings planted there.

Now, you fast forward to 2006, because we virtually pulled out of Afghanistan, save for about 17,000 troops that are still left on the ground. Now you have the rise of the Taliban again. You have Afghani women who are saying that they have been subjected to the same inequality and the same requirements of wearing the burqa and not being able to get an education.

We have abandoned Afghanistan; and, instead, we have added our resources in our effort to making Iraq more of a cesspool than it already was. If we are able to implement our real security agenda, we will make sure that our troops are well equipped, that we are funding the appropriate activity and making sure that we actually go after Osama bin Laden. We will make sure that the war on terror is waged both here in the United States and across the globe and that we strike a balance, so that Americans don't have to worry about being attacked in the United States.

We will make sure that we make a commitment to moving the country in a new direction militarily instead of continuing to fund an endless war in Iraq, that no matter what has been said in a 10-hour debate that occurred on this floor, still has no end in sight, still has more than 2,500 troops dead, and we know more to come every day.

Mr. MEEK, you are a member of the Homeland Security Committee and Armed Services Committee, so you are certainly more expert in this area than I am. But I literally heard in the last day and a half a policy of denial on the part of our Republican colleagues. It would be nice if they put both hands on the ground and yanked their heads out of it so that we could all come together and have a real debate, a real debate.

Yes, bring out that rubber stamp, because that is exactly what happened on this vote this morning. If we were allowed to have a real debate, if we were allowed to put forward our alternative, if we were allowed to file amendments, I would have been willing to consider to be able to vote for something and would have been appreciative for the opportunity to vote for something other than what the majority tried to cram down.

They certainly did cram it down their colleagues' throats. We refused to allow it to be crammed down ours. You know what, I don't check my brain at the door of the Chamber when I walk in the door. I represent my constituents.

You know, not everyone will agree with me back home in the 20th district of Florida. That is okay, because I wasn't elected to be a rubber stamp. I was elected to be a Representative, a United States Representative, someone who stands up for what I believe in and stands up for what my constituents believes in. I was not elected to rubber-stamp anyone's policy, not NANCY PELOSI's, not Mr. BOEHNER's, not the President. I was elected as an individual.

Unfortunately, our colleagues on the other side of the aisle, they do check their brains at the door. They bring in that big old rubber stamp, and they just pound it on whatever is put in front of them by the Republican leadership and say, yes, Mr. Leader, yes, Mr. President, I am glad to do your bidding and the heck with the checks and balances of the Constitution and our role here as a Member of the United States Congress.

At the end of the day, why be here, why run, why make the sacrifice, why leave your family behind? We only need one of their Members. We only need Mr. BOEHNER or Mr. HASTERT here. They are the only ones that bother showing up to work because these other guys on the other side of the aisle, they just do what they are told to do anyway. Really, they could go spend quite a bit of other time doing something useful and certainly could make sure that the country could begin to see what is really going on in this Chamber.

Mr. MEEK of Florida. I am glad you pointed out the fact that a lot of rubber-stamping is going on. The reason I voted against the Iraq resolution today, Mr. Speaker, is I will not dishonor the memory of those individuals that have died and those individuals who have been forever maimed or lost a leg or limb or that mother or that father that will never see their son or daughter, or that child that will never see their father, aunt, uncle or niece again.

The reason why I did that is that many men and women in uniform are fighting on behalf of, what, a democracy or something like it. You have a resolution that says, Democrats, we are not even going to allow you to put anything on the floor, we are not going to allow you to amend the resolution.

The rules are set on the third floor up here, Mr. Speaker, in the Rules Committee that says we won't even allow an alternative resolution. They say we won't even allow. Yes, welcome to the floor, and you will talk. But you know something? Talk is cheap. Action means everything.

So as a member of the Armed Services Committee along with my ranking member and along with a lot of other members of the Armed Services Committee, we voted against the resolution today, not because we believe in something else; we do believe this democracy. But we do believe in a fair debate in oversight and policy.

That is why it is important, Mr. Speaker, that we move in a way that will have our Constitution honored at the same time, and we move in a way as it relates to fairness for every Member of this House.

One thing that Leader PELOSI, if the Democrats take control will be the Speaker, had said we will work in a bipartisan way. Ms. WASSERMAN SCHULTZ talked about the whole rubber-stamping issue. This rubber stamp has been used far too many times for the Republican majority. How did we get in the deficits, the deficits as far as the eye can see? Because of the rubber stamp?

□ 1300

Defense contractors and contractors in Hurricane Katrina were able to steal money from the American taxpayer through a lack of oversight because of the rubber stamp.

States are suing the Federal Government under Leave No Child Behind because we are only funding it to the low 30 percent and allowing States and local governments to be able to have what they need to have to carry out the mission of educating our children.

The trouble is because the Republican majority has rubber stamped everything that the Bush White House has handed down, and when we look at tax policies, how does a billionaire here, Mr. Speaker, have a $398 million retirement package with a cherry on top, $2 million tax break, of the policies of the Republican majority? Still we have individuals going to work for $5 and some change on minimum wage.

So I think it is important that we look at this whole issue rubber stamping, and we look at this issue of following Article 1, section 1 of the U.S. Constitution and making sure that we do what we are supposed to do here at the House.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I appreciate your leadership so much and really the opportunity to be here with you almost every night. I am going to have to catch back up to the two of you guys, and I have some family in town this week. I look forward to continuing to talk about the new direction that the Democratic Caucus will take this country when we are given the opportunity in November.

I look forward to continuing this debate and this discussion on our commitment to making sure that we do not privatize Social Security and that we enact responsible legislation that truly shores it and does not use scare tactics against our seniors, implying that there is some sort of crisis that does not exist when Social Security will remain solvent for at least the next 47 years; that we make sure we enact a truly effective energy policy, invest in alternative energy resources and make sure that we actually generate the ability to become insulated from foreign oil, instead of giving away the store to the big oil company; that we make sure that we really expand access to health care, that we reduce the number of uninsured Americans and that when a child is sick, when an American is sick, that they can afford to go to the doctor and that cost is not the obstacle to basic health care.

Those are the things that we remain committed to. That is an agenda that we have put forward and that we look forward to talking about as the months progress through to the November election. I look forward to sharing the podium with you and talking about that for the next several months.

Mr. MEEK of Florida. I want to thank Ms. WASSERMAN SCHULTZ for coming down to the floor today, as you always do, and we continue to work on these issues that are facing Americans.

Mr. Speaker, I think it is important that since we are all kind of draped up in the flag this week and talking about who is a patriot and who is not, and I will not stand judgment even on my Republican colleagues, many of whom that have cast dye on some of the Members of the Democratic aisle of saying who is with the troops or who is not with the troops.

I just want to say that fact, not fiction, always prevails in history and also in the future.

We want to make sure, in the Republican budget, that we point out the fact that there will be a copayment for veterans. There will be a copayment of some $250 for veterans because that is what is in the Republican budget package. That is a fact. Their prescription drug costs will go up. That is a fact. So, if we want to get all draped up and teary-eyed and saying I have a tattoo, saying I support the troops more than you do. My car that I got is painted that I support the troops. It is not what you say or hear on this floor. It is about how you vote and where your dollars are as it relates to respecting the men and women that laid down their life, many of whom and those individuals that have that will never walk again to allow us to salute one flag here today.

I think it is important, and I take issue with the fact because I will not let their memory be dishonored. I take issue with the fact that individuals are coming to the floor saying one thing and doing another with their vote as it relates to those individuals.

When our men and women come home, they are going to have issues. They are going to have issues because they are not going to be able to deal with the effects of the IEDs that are going off, their friends being maimed, and still there is no policy as it relates to how we are going to deal with the issue of Iraq, how we are going to take the training wheels off the Iraqi government.

The only resolutions that have been put forward to deal with those issues are on the Democratic side of the aisle, and because the President does not want to talk about it, the Republican majority does not want to talk about it.

What is so frustrating is the fact that we have plans on this side to have discourse and dialogue in a bipartisan way so that those individuals that are there now in some areas in the Western parts of Iraq, eating meals Ready to Eat, okay, MREs, for those individuals and those individuals that are talking to their children by long distance, saying I am coming home soon and they really cannot answer the question because I have a 9-year-old son and I have an 11-year-old daughter.

I have been to Iraq twice, but you know something, when a Member of Congress goes to Iraq we are coming back in two or three days on a Federal plane, being served food and drink. We are coming home. We are going to land at Andrews Air Force Base, and the air force people, God bless them and I love them, they are going to give us a ride back here to the Capitol. We are going to get out and we are going to go home, not like those individuals who volunteered, not drafted, volunteered to serve this country.

If they agree or not, they deserve a policy on Iraq, not just a cheerleading resolution saying, well, we are going to do a lot of wordy stuff; then we are going to mail this over to the troops and say we are with you. They know that they are with us. There is not a Member of this House, there is not a person I have received a phone call from, that says I do not support the troops and I do not think you should support the troops.

That is not what this debate is about. The debate should be about how we are going to deal with the Iraqi government, how we are going to continue to pull coalition forces in.

Guess what, you would assume under the resolution that passed today and with the speeches that the President is giving, that we have coalition partners that are running in saying how can we help. There is something wrong, Mr. Speaker, when the coalition is getting smaller of nations that are involved in this effort with the United States of America.

I think if I start giving a speech, and I am home giving a political speech, a campaign speech and folks started leaving the room, that means I am saying something that they disagree with, that they do not believe in.

So I think it is important, Mr. Speaker, that we pay very close attention and tell my colleagues on the Republican side of the aisle that we pay very close attention. This is not a Republican executive committee. This is not a Democratic executive committee. This is not the Reform Party. This is not the Green Party. This is the U.S. House of Representatives, and I want the record to reflect in this time that we are making history in all the wrong places. We are allowing foreign countries to own a piece of the American apple pie who have never owned, at these numbers in the last 4 years, a piece of the American apple pie. The Republican majority is allowing it to happen, and it is unpatriotic for us to even think about being unpatriotic at a time such as this.

We should be coming together as Republicans and the one Independent in this House and Democrats, and figuring out how do we work our way out of this. It will take a generation fiscally for us to work ourselves out of the deficit that has been put forth here today and has been led on by the Republican majority because it has been handed down by the Bush White House.

Now, the President can invite as many Members of the House and the Senate to the White House for tea and coffee and cookies, but guess what, that is not going to cut it. That is not going to cut it. What is going to cut it is a Republican majority saying, you know something, enough is enough, let us put politics aside; let us make sure that Democrats are a part of a conference committee in a real discussion on a strategy of dealing with Iraq, dealing with education, dealing with how we are going to treat our veterans when they come home.

They are going to be at the dining room table with their families, and we cannot be stuttering when they get back as it relates to our commitment to those individuals that has sand in their teeth and are away from their families 12 months, in some cases being extended beyond that another 6 months, to say that, oh, well, we had to up on your copayment because we promised that we will provide health care to you because we want to make sure we guarantee these tax cuts for these billionaires.

Now, I think it is important and I think that we should get passionate and we should get emotional about what we should be doing versus talking back and forth at one another. We have to see it in black and white in the CONGRESSIONAL RECORD and legislation and resolutions that are passed here on this floor that are going to benefit those individuals in harm's way.

If that is going to be the topic of the day, then let it be the topic of the day. Let us see resolutions that come to the floor from the Democratic side of the aisle about how do we deal with Iraq, with Republican input. Let us see if there is some sort of resolution outside of a bunch of words saying, well, you know, we feel that the war on terror, and you know, the President and people are doing good work, and you know, the indicators show what the indicators show.

That is not policy. That is a speech for someone to go home and say you see, I voted for this because it said a lot of good things, but it did nothing. To say that we are passing this to send a message, well, guess what, that message is not penetrating the reality of this war, and it is important that we deal with it in a way that the American people and the troops know that we have their back 110 percent or reassure Americans that we have their back 110 percent by not shunting our policy responsibility. Right now we are punting. The Republican majority is punting because the White House does not want to do anything. Yet the White House, the White House says we listen to our military commanders.

Can we bring our military commanders out. We have eight generals that are retired that have said that they do not agree with how the way things are going now, eight of them, eight generals, eight generals that are saying they do not know what is happening. They have questions on what is happening, eight generals. So many generals are saying I was there, these policies are not right, but no one wants to listen. I guess they are not patriots now. I guess these generals, they have a cowardly way about them because they disagree with the President and they disagree with the Republican majority.

The thing about it is, in America someone should be able to say what they want to say, and there should not be any repercussions. I think, too, it is fighting in Iraq to try to bring some sort of democracy to Iraq. We are so much in the front seat, the Iraqi government cannot even get in the front seat because we have a policy that no one can figure out on the Republican side.

So I guess we are not going to figure it out. Forget about what those Democrats are saying in the House and Senate, about how can we do it in a comprehensive way and pull it together.

Maybe, Mr. Speaker, other coalition forces and other countries may come in and say now how are you going to deal with Iraq and have the Iraqi government take over security operations in Iraq, maybe we want to be part of it because we do not want to continue to go on with the plan of just saying let us just go on.

I will use this analogy by saying this as I close, Mr. Speaker. To pass a resolution without true instruction on how we are going to deal with the issue in Iraq is almost like taking a carton of milk out of the refrigerator and opening it, saying, oh, it is sour, let me put it back in, it will be fresh tomorrow. It may be okay when the issue is a carton of milk, but it is not okay when we are dealing with the lives of the American troops that are in Iraq and in harm's way at this time.

It is not the right policy, and it is not the right thing to do when we have got kids coming home from school saying is Daddy or Mama home yet. It is not the right policy as it relates to those individuals that are our generals and our commanders in Iraq that are looking for some policy direction from the Congress on what we feel because we are the representatives of the American people. It is not the right way to do things.

So I am here to say, Mr. Speaker, we want to talk about what we are going to do. We know we have a new direction for America. We know we have a security policy on this side of the aisle. We know that we have a policy as it relates to innovation. We know that we have a policy as it relates to the fact that the minimum wage will be raised. It is not a question of we are not. It is going to be raised if we are in the majority.

We have a promise to the American people of sending in a new direction on this side of the aisle, that if we get the control of this House of Representatives, that we will institute pay-as-we-go policies to make sure that we work towards balancing the budget, and you have a commitment on this side of the aisle, Mr. Speaker, from the Democratic side of the aisle that if we become the majority, that this country will be working towards energy independence within 10 years, using alternative fuels and passing policy that will have motor companies building flex vehicles so that we no longer have to be dependent on the Middle East and that we can fund and support the Midwest as it relates to corn, as it relates to sugar cane, as it relates to other energy-related issues to make E-85 here in the United States of America.

Maybe, just maybe, we will not be having the debate up here and resolutions of the House, spending a day and a half with speeches on a resolution that was written, handwritten by the Republican majority without not one word, not even an "and," "not," a "but," not a comma, not a dot, by the Democratic side of the aisle and expect for us to come to the floor in a democracy and just say, okay, I will vote for it?

☐ 1315

You wrote it, so I will vote for it, even though there was no input. My only input is to come in here and press the red or green button. Because the way you wrote it is the way you want it. And I think the American people are going to stand up against that kind of policy.

With that, I say for the Members to go on, if they want to get a copy of anything we talked about here today, to housedemocrats.gov/30something, that is housedemocrats.gov/30something. You can get everything, every chart that I showed here, Mr. Speaker.

I would like to thank the Democratic leader for allowing us to have this hour, and I want to thank my colleagues in the 30-something Working Group for all of their assistance and time that they have spent, and I would like to thank the staff. It was an honor addressing the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Ms. PELOSI) for today.

Mr. CLEAVER (at the request of Ms. PELOSI) for today.

Mr. DINGELL (at the request of Ms. PELOSI) for today.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today on account of attending the funeral of a dear friend and constituent.

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today on account of attending his son's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CARDIN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. NEAL of Massachusetts, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and June 23.

Mr. MCHENRY, for 5 minutes, June 19, 20, 21, and 22.

Mr. JONES of North Carolina, for 5 minutes, June 19, 20, 21, 22, and 23.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on June 15, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 4939. Making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, June 19, 2006, at 12:30 p.m., for morning hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T.

Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raul M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Ruben Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, John R. "Randy" Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sanchez, Linda T. Sánchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, John J. H. "Joe" Schwarz, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8110. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Order Amending Orders [Docket No. AO-14-A75, et al.; DA-06-06] received May 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8111. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Suspension of Handling Regulations, Establishment of Reporting Requirements, and Suspension of the Fresh Prune Import Regulation [Docket No. FV06-924-1 IFR] received May 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8112. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Amendment to the Hass Avocado Promotion, Research, and Information Order; Adjust Representation on the Hass Avocado Board [Doc. No. FV-06-701-IFR] received May 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8113. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Change in Certain Provisions/Procedures Under the Handling Regulations for Tart Cherries [Docket No. FV06-930-1 IFR] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8114. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2006-2007 Marketing Year [Docket No. FV06-985-1 FR] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8115. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Add Kazakhstan, Romania, Russia, Turkey, and Ukraine To List of Regions In Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered in Exist [Docket No. APHIS-2006-0010] received May 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8116. A letter from the Director, Program Accountability Division, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program; Civil Rights Data Collection (RIN: 0584-AC75) received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8117. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2005 Section 32 Hurricane Disaster Programs (RIN: 0560-AH45) received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8118. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Zoxamide; Pesticide Tolerance [EPA-HQ-OPP-2006-0088; FRL-8060-5] received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8119. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Termination of Abandoned Individual Account Plans (RIN: 1210-AA97) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8120. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for the Printing and Publishing Industry [EPA-HQ-OAR-2004-0441; FRL-8174-5] (RIN: 2060-AI66) received May 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8121. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; Redesignation of the Boyd County SO_2 Nonattainment Area [R04-OAR-2005-KY-0002-200531(a); FRL-8174-1] received May 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8122. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2006-0002; FRL-8166-9] received May 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8123. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Wisconsin; Wisconsin Construction Permit Permanency SIP Revision; Correction [EPA-R05-2005-0563; FRL-8171-1] received May 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8124. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements [A-91-07; FRL-8176-8] (RIN: 2060-AG22) received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8125. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan [EPA-R05-OAR-2005-MI-0001; FRL-8176-6] received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8126. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Alternative Public Participation Process [EPA-R05-OAR-2006-0012; FRL-8178-6] received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8127. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulation of Maintenance Plan Revisions; Ohio; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plan [EPA-R05-OAR-2006-0052; FRL-8177-8] received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8128. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From Motor Vehicles and Nonroad Diesel Engines: Alternative Low-Sulfur Diesel Fuel Transition Program for Alaska [EPA-HQ-OAR-2004-0229; FRL-8178-3] (RIN: 2060-AJ72) received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8129. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — EPAAR Prescription and Clause — Simplified Acquisition Procedures Financing [FRL-8179-6] received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8130. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Partial Approval of the Clean Air Act, Section 112(l), Delegation of Authority to the Washington State Department of Health [EPA-R10-OAR-2006-0001; FRL-8177-2] received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8131. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — PM2.5 De Minimis Emission Levels for General Conformity Applicability [EPA-HQ-OAR-2004-0491; FRL-8176-3] (RIN: 2060-AN60) received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8132. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuel and Fuel Additives; Refiner and Importer Quality Assurance Requirements for Downstream Oxygenate Blending and Requirements for Pipeline Interface [EPA-HQ-OAR-2003-0216; EPA-HQ-OAR-2005-0149; FRL-8178-5] (RIN: 2060-AM27) (RIN: 2060-AM88) received May 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8133. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-391, "Rent Control Reform Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8134. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Grains and Similarly Handled Commodities-Marketing Assistance Loans and Loan Deficiency Payments for the 2006 Through 2007 Crop Years; Cotton (RIN: 0560-AH38) received May 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8135. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Coordinated Communications [Notice 2006-10] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8136. A communication from the President of the United States, transmitting notification of the designations of Daniel Pearson as Chairman and Shara L. Aranoff as Vice Chairman of the United States International Trade Commission, effective June 17, 2006, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 5631. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–504). Referred to the Committee of the Whole House on the State of the Union.

Mr. NUSSLE: Committee on the Budget. H.R. 4890. A bill to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; with an amendment (Rept. 109–505 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHIMKUS (for himself, Mr. Engel, and Mr. Allen):

H.R. 5632. A bill to amend Chapter 301 of title 49, United States Code, to establish a national tire fuel efficiency consumer information program, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BIGGERT (for herself, Mr. Honda, Mr. Reichert, Mr. Schwarz of Michigan, Mr. Boehlert, Mr. Gordon, Mr. Ehlers, Mr. Lipinski, Mr. McCaul of Texas, and Mr. Baird):

H.R. 5633. A bill to establish a program of demonstration and commercial application of advanced energy efficiency technologies and systems for buildings, and for other purposes; to the Committee on Science.

By Mrs. BIGGERT (for herself, Mr. Boehlert, Mr. Calvert, and Mr. Ehlers):

H.R. 5634. A bill to authorize research, development, demonstration, and commercial application activities for advanced energy technologies; to the Committee on Science.

By Mr. BROWN of Ohio (for himself, Mr. Ryan of Ohio, Mr. Strickland, Ms. Kaptur, and Mrs. Jones of Ohio):

H.R. 5635. A bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Government Reform, Rules, Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. Allen, Mr. Burgess, Mr. Brown of Ohio, Mr. Paul, Mr. Calvert, and Ms. Harris):

H.R. 5636. A bill to reduce the risk of identity theft by limiting the use of social security account numbers on certain Government-issued identification cards and Government documents; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. Markey, Mr. McGovern, Ms. Watson, Ms. DeLauro, Mr. Doggett, and Mr. Capuano):

H.J. Res. 89. A joint resolution requiring the President to notify Congress if the President makes a determination to ignore a duly enacted provision of law, establishing expedited procedures for the consideration of legislation in the House of Representatives in response to such a determination, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN:

H. Res. 872. A resolution removing a Member from the Committee on Ways and Means; considered and agreed to.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Engel, Mr. Smith of New Jersey, Mr. Gallegly, Mr. Lantos, Mr. Oxley, Mr. Kind, Mr. English of Pennsylvania, Mr. Wexler, Mr. Hastings of Florida, and Mr. Issa):

H. Res. 873. A resolution recognizing the continued importance of the transatlantic partnership between the United States and the European Union by expressing support for the success of the forthcoming US–EU Summit in Vienna, Austria, on June 21, 2006; to the Committee on International Relations.

By Mr. GONZALEZ (for himself, Mr. Jones of North Carolina, Mr. Filner, Mr. McNulty, Mr. Brown of Ohio, Mr. Lewis of California, Mr. Case, Ms. Corrine Brown of Florida, Mr. Butterfield, Mr. Israel, Mr. Murphy, and Mr. Gutknecht):

H. Res. 874. A resolution recognizing and honoring America's Seniors; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia (for himself, Mr. Kingston, Mr. Bishop of Georgia, Mr. Payne, Mr. Scott of Georgia, Ms.

JACKSON-LEE of Texas, Mr. MARSHALL, Mr. NORWOOD, Ms. MILLENDER-McDONALD, Mr. GINGREY, Ms. GINNY BROWN-WAITE of Florida, Ms. SCHAKOWSKY, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 875. A resolution congratulating Spelman College on the occasion of its 125th anniversary; to the Committee on Education and the Workforce.

By Mr. PRICE of Georgia (for himself and Mr. DEAL of Georgia):

H. Res. 876. A resolution expressing that the House of Representatives recognizes the rising cost of health care and encourages greater patient empowerment, choice, and responsibility in health care decisions; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. JO ANN DAVIS of Virginia.

H.R. 284: Mrs. LOWEY.

H.R. 583: Mr. EHLERS.

H.R. 602: Mr. NEY.

H.R. 1405: Mrs. KELLY.

H.R. 1429: Mr. MICHAUD and Mr. SNYDER.

H.R. 1441: Mr. EMANUEL, Ms. MOORE of Wisconsin, Mr. YOUNG of Alaska, and Ms. LORETTA SANCHEZ of California.

H.R. 1545: Mr. ISSA.

H.R. 1634: Mr. GERLACH, Mr. HOSTETTLER, Mr. DELAHUNT, and Mr. HEFLEY.

H.R. 1663: Ms. BERKLEY.

H.R. 1849: Mr. CAPUANO and Mr. WALSH:

H.R. 2238: Mrs. DRAKE.

H.R. 2808: Mr. SCHWARZ of Michigan, Mr. SKELTON, Mr. WAXMAN, Ms. MATSUI, Mr. GALLEGLY, Ms. HARMAN, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. SHUSTER, Mr. DENT, Mr. ISSA, Mr. CANNON, Mr. LANGEVIN, Mr. HINOJOSA, and Mr. SODREL.

H.R. 3192: Mrs. MALONEY.

H.R. 3267: Mr. KUCINICH and Mr. CARDIN.

H.R. 3479: Ms. SCHWARTZ of Pennsylvania.

H.R. 3559: Mr. ROGERS of Alabama and Mr. BASS.

H.R. 4158: Mr. CARNAHAN.

H.R. 4236: Mr. WHITFIELD.

H.R. 4341: Mr. HERGER.

H.R. 4450: Mr. CHOCOLA.

H.R. 4725: Mr. MANZULLO.

H.R. 4746: Mr. BLUMENAUER.

H.R. 4761: Mr. FORD and Mr. ENGLISH of Pennsylvania.

H.R. 4772: Mr. GUTKNECHT, Mr. GOODE, Mr. ISSA, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. CARTER, Mr. MARCHANT, and Mr. COLE of Oklahoma.

H.R. 4838: Mr. WELDON of Florida.

H.R. 4896: Ms. DeLAURO and Mr. MEEHAN.

H.R. 4960: Mr. ROSS.

H.R. 4962: Mr. WALSH.

H.R. 4976: Mr. LEACH and Mr. HOLT.

H.R. 5005: Mr. DEAL of Georgia, Mr. BONILLA, Mr. HEFLEY, and Mr. EDWARDS.

H.R. 5011: Mr. BISHOP of Georgia, Mr. CONYERS, and Ms. SCHAKOWSKY.

H.R. 5013: Mr. PETERSON of Pennsylvania, Mr. TERRY, Mr. DEAL of Georgia, Mr. HALL, Mr. OTTER, and Mr. LARSEN of Washington.

H.R. 5060: Mr. KUHL of New York and Ms. HART.

H.R. 5150: Ms. ROYBAL-ALLARD and Mr. ABERCROMBIE.

H.R. 5188: Mr. FITZPATRICK of Pennsylvania.

H.R. 5201: Mr. NEY and Mr. BOYD.

H.R. 5206: Mr. UDALL of New Mexico and Mrs. MALONEY.

H.R. 5229: Mr. HIGGINS, Mr. CUMMINGS, Mr. NEAL of Massachusetts, and Mr. McCOTTER.

H.R. 5234: Mr. CONYERS.

H.R. 5246: Mr. BRADLEY of New Hampshire, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. KENNEDY of Minnesota, Mr. SCHWARZ of Michigan, Mr. SAM JOHNSON of Texas, Mr. YOUNG of Florida, Mr. BISHOP of New York, and Mr. CARTER.

H.R. 5257: Mr. JACKSON of Illinois.

H.R. 5275: Mr. LEWIS of Georgia, Mr. RUPPERSBERGER, Mr. NEY, Mr. PAYNE, Mr. BISHOP of New York, and Mr. MATHESON.

H.R. 5314: Mr. MARIO DIAZ-BALART of Florida and Mr. PUTNAM.

H.R. 5346: Mr. SOUDER.

H.R. 5348: Mr. CAPUANO and Mr. CARNAHAN.

H.R. 5351: Mr. WESTMORELAND, Mr. SESSIONS, and Mr. BRADLEY of New Hampshire.

H.R. 5356: Mr. PRICE of North Carolina.

H.R. 5358: Mr. PRICE of North Carolina.

H.R. 5371: Mr. INSLEE.

H.R. 5390: Mr. KENNEDY of Rhode Island, Mrs. CAPPS, Mr. JEFFERSON, and Mr. SIMMONS.

H.R. 5444: Ms. JACKSON-LEE of Texas.

H.R. 5474: Mr. BOUSTANY.

H.R. 5478: Mr. GONZALEZ.

H.R. 5491: Mr. JONES of North Carolina, Mr. GILLMOR, Mr. FEENEY, and Mr. PEARCE.

H.R. 5519: Mr. PORTER, Mrs. TAUSCHER, and Mr. BLUMENAUER.

H.R. 5555: Mr. GORDON.

H.R. 5588: Mr. STARK, Mr. OWENS, and Mr. EDWARDS.

H.R. 5604: Ms. GINNY BROWN-WAITE of Florida and Mr. CARNAHAN.

H. Con. Res. 298: Mr. SHAYS and Ms. ESHOO.

H. Con. Res. 428: Mr. McCAUL of Texas.

H. Res. 323: Mr. MELANCON.

H. Res. 350: Ms. SLAUGHTER, Mr. BROWN of South Carolina, Mr. McCOTTER, and Mr. BROWN of Ohio.

H. Res. 373: Mr. STARK, Mr. OWENS, Mr. CONYERS, Mr. SERRANO, Ms. BALDWIN, Ms. LEE, Mr. GRIJALVA, Mr. McDERMOTT, and Mr. KUCINICH.

H. Res. 518: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 723: Mr. SCHWARZ of Michigan and Mr. SANDERS.

H. Res. 841: Mr. RYAN of Ohio, Mr. SCHIFF, Mrs. McCARTHY, Mr. DICKS, Mr. INSLEE, Mr. CLYBURN, Mr. LARSON of Connecticut, Mrs. CHRISTENSEN, Ms. ESHOO, Mr. BAIRD, Ms. BEAN, Mr. BISHOP of New York, Mr. CASE, and Mr. HOLT.

H. Res. 846: Mr. TOWNS, Mr. STARK, Ms. WATSON, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, and Ms. WATERS.

H. Res. 852: Mr. BOEHLERT.

H. Res. 858: Ms. SCHAKOWSKY.

H. Res. 870: Mr. KANJORSKI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4157: Ms. ESHOO.

EXTENSIONS OF REMARKS—*Friday, June 16, 2006*

A TRIBUTE TO MICHAEL STYLES, FEDERAL PUBLIC SERVANT AND DESERT CIVIC LEADER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to a dedicated public servant for both the Federal government and the desert communities in my district—Michael B. Styles, the longtime national president of the Federal Managers Association and one of the guiding lights of Copper Mountain Community College.

My good friend Mike Styles has been a dedicated member of the Federal Manager Association's General Executive Board since 1986. He served as national vice president, zone president, and chapter president. As national president for some 15 years until this past March, his efforts are a testament to the highest level of commitment an individual can demonstrate on the behalf of federal workers.

His leadership among federal managers was recognized when the President appointed him in 1995 to the National Partnership Council, which advises the President on federal labor-management issues and relations. His six years on the council helped open up communication between the management industry and the Administration and Congress.

In his long career in Tactical Data Systems management with the Department of the Navy and United State Marine Corps, Mike helped make significant improvements in systems acquisition and logistics support. The Fleet Marine Force, one of his main projects, has been improved considerably by his efforts.

He spent 30 years as a lecturer, facilitator and consultant, specializing in education theory and practice. Since 1986, Mike has taught graduate and undergraduate courses as adjunct professor at the National University School of Management and Technology. He is a tremendous asset as President of the Federal Management Institute, the association's education division, having received a master's degree in education from the University of Redlands. He was also a fellow at Syracuse University's Maxwell Center for Advanced Public Management.

The citizens of Joshua Tree, a desert city in my congressional district, are particularly grateful for Mike Styles' contributions to the Copper Mountain Community College District. Mike was the original founder of the Friends of Copper Mountain College, established in 1983. This charitable organization provides students with educational support and introduces them to community service. He has served on the college's board of directors since 1996, and has been president of the College Foundation for the past two years. This college is especially important to our federal workforce, since it serves Marines and their dependents who are stationed at the nearby Air-Ground Combat Center at Twentynine Palms.

The Morongo Basin has also benefited greatly from Mike's community service. He serves on the United Way's Board of Directors, is a member of the Knight of Columbus, and plays an active role in the chamber of commerce. Having worked with Mike over the years, I can attest to his dedication in bettering the Inland Empire region of California.

Mr. Speaker, Mike Styles has been an exemplary public servant and civic leader, and thousands of our federal employees and students have benefited from his expertise and dedication to education excellence. In addition to ending his long service as FMA president this spring, Mike is stepping down as president of the college foundation. Please join me in thanking him for his dedication, and wishing him well in his future endeavors.

* * *

TRIBUTE TO THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS (AANA) ON THEIR 75TH ANNIVERSARY

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. CHANDLER. Mr. Speaker, I pay tribute today to an outstanding group of representatives from the Commonwealth of Kentucky, the American Association of Nurse Anesthetists (AANA) on their 75th anniversary of their founding, as well as the Certified Registered Nurse Anesthetists (CRNAs) for their dedication to quality anesthesia care and patient safety. CRNAs are advanced practice nurses who are the hands-on providers of approximately 65 percent of all anesthesia given in the United States each year.

Nurses were the first professional group to provide anesthesia services in the United States. Established in the late 1800s, nurse anesthesia has since become recognized as the first clinical nursing specialty. On June 17, 1931, pioneer nurse anesthetist Agatha Hodgins founded the National Association of Nurse Anesthetists (NANA) in Cleveland, Ohio. Eight years later, NANA officially changed its name to the present AANA. The oldest national organization of anesthesia providers in the country, the AANA is the professional association for more than 35,000 CRNAs and student nurse anesthetists.

CRNAs administer every type of anesthetic and provide care for every type of surgery or procedure, from open heart to cataract to pain management. CRNAs practice in every setting in which anesthesia is delivered: traditional hospital surgical suites and obstetrical delivery rooms; critical access hospitals; ambulatory surgical centers; the offices of dentists, podiatrists, ophthalmologists, plastic surgeons, and pain management specialists; and U.S. Military, Public Health Services, and Department of Veterans Affairs healthcare facilities.

CRNAs are the sole anesthesia providers in approximately two thirds of all rural hospitals in the United States, enabling these healthcare facilities to offer obstetrical, surgical, and trauma stabilization services. In some states, CRNAs are the sole providers in nearly 100 percent of the rural hospitals.

Since World War I, nurse anesthetists have been the principal anesthesia providers in combat areas of every war in which the United States has been engaged. During the Panama action, only nurse anesthetists were sent with the fighting forces. Nurse anesthetists have been held as prisoners of war, suffered combat wounds during wartime service, and have lost their lives serving their country. The names of two CRNAs killed in the Vietnam War are engraved on the Vietnam Memorial Wall in Washington, DC. Military nurse anesthetists have been honored and decorated by the United States and foreign governments for outstanding achievements, dedication to duty, and competence in treating the seriously wounded. In the 21st Century, CRNAs continue to care for servicemen and women, their dependents, and veterans—whether on the frontlines of Iraq and Afghanistan, or in military hospitals and VA facilities.

Mr. Speaker, I ask my colleagues to join me today in recognizing the American Association of Nurse Anesthetists (AANA and their 35,000 Certified Registered Nurse Anesthetists (CRNAs) as they celebrate 75 years of invaluable service to their patients and to our country.

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INTRODUCTION OF THE CORAL REEF LEGACY ACT OF 2006

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. POMBO. Mr. Speaker, today I am pleased to introduce the Coral Reef Conservation Legacy Act of 2006, an important environmental conservation bill, during Congressional Oceans Week.

This legislation builds on the foundation of bills introduced earlier this Congress by Senator INOUYE and Congressman FALEOMAVAEGA. Both of those bills sparked a discussion on coral reef conservation. I appreciate the leadership of these two gentlemen on this issue and I look forward to working with them as the legislation moves through Congress.

The development of the Coral Reef Conservation Legacy Act is a result of a collaborative effort to incorporate comments from a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

number of coral reef experts within the Department of Commerce, the Department of the Interior, the Coral Reef Task Force, and non-governmental organizations. All of these groups made suggestions on ways to improve the earlier legislation and this bill incorporates a number of their suggestions.

I believe the Coral Reef Conservation Legacy Act will benefit coral reef conservation and will strengthen the roles of the states and territories through community-based planning grants and through the Local Action Strategies. The bill supports the continued use of these successful conservation management tools. To be successful in the long-term it is imperative to have the local and regional entities involved in the conservation of coral reef resources from the start.

This legislation also recognizes the important role the Department of the Interior has played in coral reef conservation and would authorize much needed funding for their activities. This bill, however, does not change the fundamental jurisdictions and roles of the Department of the Interior and the Department of Commerce, but recognizes that the Department of the Interior has a role in this endeavor. In addition the bill continues to support and recognize the accomplishments and conservation efforts of the Department of Commerce. Both agencies have participated in coral reef conservation activities and this bill encourages their continued cooperation and coordination.

While the Coral Reef Conservation Act of 2000 has been very successful in restoring and protecting coral reefs, it has had limitations in its grant program. The Coral Reef Conservation Legacy Act would allow for multi-year cooperative agreements between the Federal Government and other agencies, states, territories, academic institutions, and non-governmental organizations. This multi-year authority will allow more stability in funding for important projects that might now be finalized in or limited to one year.

This legislation also codifies the U.S. Coral Reef Task Force. The Task Force has been an important voice for coral reef activities and has coordinated the activities in support of coral reef conservation. This codification recognizes the important work of the Task Force and the indispensable role they have played in the conservation of coral reefs.

The Coral Reef Conservation Legacy Act will continue the ongoing efforts to protect and restore coral reefs. I look forward to working with my colleagues as this bill moves through the legislative process.

STATEMENT HONORING ROGER ANDAL

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of Roger Andal, Vietnam veteran and former South Dakota Commander of the Disabled American Veterans, who died on Tuesday, June 13, 2006, at the age of 57 from complications after surgery in his battle against Crohn's disease.

I am deeply saddened by the news that my good friend Roger Andal has passed away. Roger lived a life of service to his fellow Americans. He was drafted in July 1969 and was sent to Vietnam that December where he served as a platoon medic with the Army's 4th Infantry Division. Roger served the next five months in the jungle around Pleiku in the central highlands of Vietnam before being hit with shrapnel from a rocket propelled grenade. He spent the following five months in military hospitals before being honorably discharged on April 13, 1971.

Following his tour of duty in Vietnam, Roger became one of the most tenacious and most effective advocates for veterans that South Dakota, or the nation, has ever seen. Roger's cause was righteous and his will was unyielding. But even in those tough and passionate battles on issues he cared about, he also brought a caring spirit, a hearty laugh, and a ready hug that touched all who knew him. Roger relished a good battle, but he was as kindhearted as he was dogged in his pursuit of ensuring that the federal government keep its promises to our nation's veterans. As State Commander of the South Dakota Disabled American Veterans, he was a true leader, who fought the tough fights and led by example. He quietly suffered the effects of his own injuries while working so hard to ease the pain of others, including the physical and mental pain experienced by his fellow combat veterans years after their service to the country.

Today, we remember and honor the noble service and the undeterred commitment of Roger Andal to the United States of America. I join with all South Dakotans in expressing my sympathies to his family. Roger's commitment to and sacrifice for our nation will never be forgotten. The lives of countless veterans and their families, including my own, were touched and helped by Roger's work, and we all have a heavy burden to carry in his absence. My thoughts and prayers are with Roger's wife Peggy, his children and all his family in this time of sorrow and I look forward to continuing to fight for those things Roger cared about so deeply.

PAYING TRIBUTE TO PATRICK JENNINGS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Patrick Jennings, who has diligently served the Subcommittee on the Federal Workforce and Agency Organization, of which I am the Chairman, for the past several months.

Prior to Patrick beginning his service with the Subcommittee, he served as the retirement policy expert on law enforcement and firefighter issues for the Office of Personnel Management (OPM). In this role, he took the lead for retirement-related input to the Congressionally-mandated OPM report entitled Federal Law Enforcement Pay and Benefits (July 2004). Patrick served as primary expert for advising the Center for Retirement and Insurance Services on competing survivor claims, state laws on inheritance and marriage, and foreign marriages. He also acted as agency representative in administrative litigation before the U.S. Merit Systems Protection Board, thereby promoting OPM's position in a variety of retirement areas.

Patrick began his service with the Subcommittee on the Federal Workforce and Agency Organization in January 2005, as a detailee from the OPM. Over the course of the past year and a half, Patrick has proven himself time and again as a man of exemplary professionalism. As Senior Counsel, Patrick's service was of an extraordinary caliber, where he made recommendations on a variety of issues and legislation before the Subcommittee.

Mr. Speaker, I am proud to honor Patrick Jennings. The dedication he has shown to the work of the Subcommittee on the Federal Workforce and Agency Organization is greatly appreciated, and he will be surely missed. I wish him the best in his future endeavors.

IN HONOR OF WYNNE ANTONIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mrs. Wynne Antonio, upon her retirement after 35 years of dedicated service in the Cleveland Municipal School District.

For 35 years, Mrs. Wynne Antonio has loved, nurtured and taught Cleveland's school children with all her heart. She has worked collaboratively with parents to involve them in both decision-making as well as supportive roles. Mrs. Antonio went beyond the call of duty to expose her students to the arts, culture and government of Ohio to prove that a child's education goes beyond the classroom.

In addition to her dedication to her students, Mrs. Antonio has been an active leader in the Cleveland Teachers Union as a building chair, a member of many internal committees, and the chair of Community Relations for the Cleveland Teachers Union Executive Board. On a political level, Mrs. Antonio has been active in local, state and national political campaigns. It is also not uncommon to find this distinguished educator at street rallies for peace, human rights and economic justice. Just this past spring, my office had the privilege of giving her and the students of Carl F. Shuler Middle School a tour of the Capitol building during their visit to Washington DC.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of Mrs. Wynne Antonio for commitment to education in Northeast Ohio. Mrs. Antonio's dedication to her work serves as a model to her colleagues and an inspiration to us all. I wish Mrs. Antonio many blessed years of happiness and am sure that while her professional career has come to an end, she will continue to have an affect on us all.

HONORING JAMES A. WILLIAMS, DIRECTOR, US-VISIT PROGRAM AT THE U.S. DEPARTMENT OF HOMELAND SECURITY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Ms. SLAUGHTER. Mr. Speaker, I rise to honor the accomplishments of James (Jim) Williams, Director of the Department of Homeland Security's US–VISIT program. After a strong tenure heading up US–VISIT, Jim has agreed to take on new challenges as Commissioner of the Federal Acquisition Service in the General Services Administration.

Jim is a selfless public servant, and has been an effective leader at the Department of Homeland Security. US–VISIT is a continuum of security measures that keep America's doors open and our Nation secure. US–VISIT begins overseas, at the U.S. consular offices issuing visas, where visitors' biometrics are collected and checked against a database of known criminals and suspected terrorists. When the visitor arrives at the port of entry, US–VISIT use the same biometrics to verify the person at the port is the same person who received the visa.

Jim understands that strong security measures, when done right, keep the Nation secure and open to legitimate travelers and tourists. He has had the vision and follow-through to oversee the installation of biometric entry procedures at 154 land border ports of entry and at airports and seaports with international arrivals. In turn, US–VISIT has processed nearly 60 million visitors to date, and denied entry to more than 1,100 criminals and immigration violators. At the same time, US–VISIT has not affected wait times at the border and in some instances has actually reduced inspection times. These accomplishments have been appropriately recognized by the ten members of the 9/11 Commission, who gave US–VISIT the highest grade on their final report card.

Thanks in large part to Jim and the team he has assembled, we now have 21st century tools to address our emerging security challenges. These tools are allowing the U.S. to deal more effectively with threats of terrorism, while keeping us competitive in the global economy. I know that Jim will be missed at US–VISIT. I have enjoyed working with him over the past 2 years, and would like to wish him well as he takes on new challenges at the General Services Administration.

PAYING TRIBUTE TO ARIEL COHEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ariel Cohen for her remarkable recovery from pediatric stroke and the inspiration she has provided to other pediatric patients at the National Rehabilitation Hospital (NRH).

Ariel's life was profoundly changed on November 30, 2005 when she was struck with a very rare, often initially misdiagnosed, and almost always seriously debilitating condition—pediatric stroke. Having initially experienced complete paralysis on the left side of her body, Ariel was truly fighting for her life. After eight days in Pediatric Intensive Care Unit, Ariel entered NRH. Upon her arrival Ariel quickly progressed in the Pediatric Unit at NRH to the point of being able to sit unassisted, and was soon capable of limited weight bearing on her left side.

The first two weeks at NRH saw a striking turn in Ariel's recovery as the strength and control in Ariel's leg, trunk and face progressed rapidly. The Cohen's credit NRH, and specifically the National Center for Children's Rehabilitation, for offering Ariel a well balanced approach to recovery, one that utilized the many disciplines of physical rehabilitation, counseling and aquatic therapy, the most technologically advanced equipment and processes, as well as the incorporation of peer support and an incredible amount of positive reinforcement. Within the first week, Ariel learned to really like and trust her therapists. She looked forward to her sessions, and she was always made to feel successful—no matter how small the gain.

For all that Ariel has received; she has given back—cooking her famous chocolate chip pancakes for the NRH team members who assisted in her rehab, using her own room decorations, surprising a fellow teen at NRH with a room makeover in a well-timed "sneak attack." She was an inspiration for all the pediatric patients at NRH—working incredibly hard with a spirit and determination to recover that has never waned. And while it is true that no 13-year-old girl wants to stand out, Ariel has taken in stride that by standing out, she offers much to other victims of pediatric stroke. From that day in November and Ariel's subsequent ongoing recovery springs a wealth of knowledge on the part of the medical community and, as Ariel hopes, educational resources for other families coping with the effects of pediatric stroke. Every day, Ariel pushes herself to recover more fully, always keenly aware of the gifts she received as a patient at NRH—the keys to own her recovery, mentally, emotionally and physically. As the signs and symptoms of her stroke fade by the day, a complete recovery of use and function now appears probable.

Mr. Speaker, I am proud to honor Ariel Cohen. Her recovery from pediatric stroke is truly an inspiration and her efforts to assist in the recovery of her fellow patients are commendable. When I met Ariel, I couldn't help but be inspired by her determination and passion, which is why I am recognizing her today. She is truly a remarkable young woman, and I wish her the best in her continuing recovery.

INTRODUCTION ON THE IRAQ CONGRESSIONAL OVERSIGHT ENHANCEMENT ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Ms. BARDALLO. Mr. Speaker, I rise today to introduce the Iraq Congressional Oversight Enhancement Act. I serve on the Committee on Armed Services in the House and have traveled to Iraq 8 times. These trips have allowed me to see Iraq first-hand, to meet with our fighting men and women and civilians serving there, and to learn from them the facts on the ground in that country. This legislation recognizes the complexity of the mission in Iraq and the need for enhanced Congressional oversight based upon comprehensive reporting from the administration.

This legislation is intended to enhance Congressional oversight of our operations in Iraq. This bill would not set a timetable to dictate the withdrawal of troops from Iraq. This bill would require that the President transmit periodically to Congress a consolidated, comprehensive report on the implementation of the National Strategy for Victory in Iraq. This bill would also provide the Congress the vital measures or other benchmarks for Iraq's political, security, and economic development and metrics by which progress towards these benchmarks can be more effectively measured and assessed.

This legislation would affirm Congress's support of our troops and civilian personnel in Iraq, and expresses its concern regarding the continued, deadly insurgent attacks against them. This legislation also would affirm Congress's support for the formation of a democratic, pluralistic, federal, and united Iraq, while urging elected Iraqi leaders to maintain and preserve a national unity government for the Iraqi people. Moreover, this bill recognizes the complex and interdependent nature of the challenges associated with the political, security, infrastructure, and economic development of Iraq, including governance capacity building at and between the various levels of government in Iraq.

The National Strategy for Victory in Iraq, presented by the President on November 30, 2005, is an informative document. The Strategy represents progress toward defining the terms for victory in Iraq. I believe, however, more progress on defining the current mission in Iraq and the benchmarks for achieving victory are necessary. This legislation would require the President to transmit to Congress a report to back-up the Strategy by identifying benchmarks and by using metrics.

It is true that two recent legislative initiatives have required reports along these lines. They are the section entitled "Measuring Stability and Security in Iraq" of House Conference Report 109–72 accompanying H.R. 1268, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109–13, and the U.S. Policy in Iraq Act, Section 1227 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163.

These reports, provided to Congress by the Secretary of Defense, contain useful information. But, when taken together, the reports are not sufficient for Congress to fully exercise its oversight responsibilities pertaining to this war. These reports also do not provide the American people a clear and full picture of what the United States seeks to achieve in Iraq, what the United States Armed Forces and civilian personnel are doing to achieve those objectives, and where we are in the process of achieving them—at the various levels of government within Iraq.

Our service in this body is never more consequential than it is when our troops are in harm's way. Debate regarding issues of war and peace deserves sober reflection, reasoned thinking, critical focus, and balanced perspective. This is an institutional responsibility for the House of Representatives. But it is also a personal responsibility for each of us as representatives of our constituents. The sacrifices made by our military and civilian personnel serving in support of Operation Iraqi Freedom, those made by Coalition personnel, and those made by Iraqis themselves only further reinforce the need to elevate our discussion on the merits of and challenges associated with what remains of the mission in Iraq.

I believe an honest and open exchange of views on the substance of what our country and our allies seek to achieve in Iraq is needed. This legislation would provide us the information we need to make better informed decisions on policy with regard to Iraq.

CELEBRATING THE 50TH WEDDING ANNIVERSARY OF CHESTER AND IRENE BROZEK

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. NEAL of Massachusetts. Mr. Speaker, it is my privilege today to pay tribute to Chester and Irene Brozek of Three Rivers, Massachusetts, upon the occasion of their 50th wedding anniversary.

It was June 16, 1956, that Chester and Irene wed at Saints Peter and Paul Church in Three Rivers, Massachusetts. They have lived their lives together in that small town, attended the same schools—in the same class—and raised four sons and a daughter; Steven, Jim, David, Carolyn and Michael.

Chester, or Zab, worked at the Monsanto Company in Indian Orchard for more than 30 years. Irene worked for the Town of Palmer in the Tax Collector's Office, becoming the tax collector and retiring from that position.

On Saturday, June 24th Chester and Irene will return to Saints Peter and Paul Church to celebrate with their children, their 12 grandchildren, relatives and friends this momentous occasion. I congratulate them and wish them health, best wishes and happiness in their years to come.

PAYING TRIBUTE TO GIBRAN BAYDOUN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Gibran Baydoun for winning the 2006 National Endowment for the Arts Nevada Poetry Out Loud State Championship.

Gibran Baydoun attends Green Valley High School in Henderson, Nevada and recently won the Nevada State Finals for the National Endowment for the Arts Poetry Out Loud Contest held in Carson City. Created by the National Endowment for the Arts and the Poetry Foundation, this program encourages high school students to memorize and perform great poems. Poetry Out Loud invites the dynamic aspects of slam poetry, spoken word, and theater into the English class. This exciting new program helps students master public speaking skills, build self-confidence, and learn about their literary heritage.

Mr. Speaker, having met and listened to Gibran Baydoun, I am proud to honor him for his success at the Nevada Poetry Out Loud State Championship. Gibran's successful memorization and performance of great poems at the Nevada State Finals is a note worthy achievement.

ANSWERED PRAYERS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. POE. Mr. Speaker, the costs of Hurricane Katrina and Rita are far more than dollar amounts. For days, thousands of people fought for survival among the rising flood waters, lack of food and water, and outlaws victimizing the weak and helpless. In an attempt to lead the smallest victims of the hurricanes to safety, desperate, yet well-meaning parents sent their children with family and evacuation workers fleeing for safety. Their hope was to reunite after the storm; however, full panic soon engulfed Louisiana and Texas. Many parents found it impossible to locate these children once the storms had passed. Terrified parents made heart wrenching pleas to anyone who would listen. They spent countless hours praying for news of their kids.

Mr. Speaker, one organization heard their prayers and responded with the will and manpower to find these children. The National Center for Missing and Exploited Children would undertake the tremendous task of locating 5,172 missing children. Mr. Speaker, after the winds stopped and the flood waters receded, all 5,172 children were found. It was only through the unwavering and relentless dedication that these children were found, and returned to the safe arms of their parents. I now pay tribute to those tireless children crusaders.

The National Center for Missing and Exploited Children, NCMEC, was established in 1984 by John and Reve Walsh in response to the kidnapping and disappearance of their son, Adam, in 1981. The center makes it their mission to locate, and successfully bring home, missing children across the United States. When Hurricanes Katrina and Rita hit Louisiana and Texas, the U.S. Department of Justice requested NCMEC's help in locating the displaced children of the hurricanes' victims. NCMEC responded with lightning speed, establishing a Katrina Missing Persons Hotline, with 30 telephones and 160 highly trained Project ALERT and Project ADAM volunteers to man the hotlines. Over the next few days, they would report thousands of missing child sightings.

These child crusaders spent long days and nights looking throughout America for these missing children. Photographs were used to help identify these children. The center tracked down leads, handled phone calls, and in the end, reunited families. They did not perform these tasks all on their own, however. The U.S. Postal Inspection Service, USPIS, American Airlines, and thousands of nameless, silent volunteers aided the NCMEC in the successful recovery of all 5,172 missing children.

The U.S. Postal Inspection Service responded to the prayers for help much like the NCMEC. These highly dedicated lawmen and women used the U.S. Postal Service's change of address information system to reunite these families. Safety precautions were taken by the USPIS to ensure no misuse of the information system occurred. Members of the highly trained Project ALERT and Project ADAM teams, as well as the NCMEC case analysts, worked in cooperation with the special Hurricanes Katrina and Rita change of address operation in Tennessee, reunited children with parents. American Airlines became the angels in the sky for the NCMEC, donating numerous airline tickets, which successfully led to 89 children being brought home safe.

I was present when First Lady Laura Bush held a reception on Monday, June 12, at the White House to show appreciation to all those wonderful people. She invited these heroes to join her, along with six Members of Congress, and several of the reunited families. Everyone extended heart-felt gratitude for the tireless efforts achieved by these individuals. Rebecca Gonzales, wife of Attorney General Alberto Gonzales and John and Reve Walsh were present as well. The First Lady praised the collaborative efforts of these organizations and individuals, expressing her gratitude for the heroes who relentlessly crusaded for the most helpless victims of the hurricanes—the children.

It is my honor to pay tribute to the National Center for Missing and Exploited Children, as well as the U.S. Postal Inspection Service, American Airlines, and thousands of volunteers for answering the prayers of the despondent hurricane parents. Today, 5,172 children have been led back to their families, another example of Americans helping Americans when the tidewaters of trouble have risen.

WE THE PEOPLE ALABAMA CLASS PLACES FOURTH AT NATIONAL COMPETITION ON THE CONSTITUTION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. BACHUS. Mr. Speaker, from April 29–May 1, 2006, approximately 1,200 students from across the country participated in the national finals competition of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. I am pleased to announce that Vestavia Hills High School from Birmingham, Alabama placed fourth in the competition. The We the People program is administered by the Center for Civic Education and funded by the U.S. Department of Education by act of Congress.

The We the People national finals is a three-day academic competition that simulates a congressional hearing in which the students "testify" before a panel of judges on constitutional topics. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. Among the questions students responded to in the competition includes, "Is judicial review essential for the functioning of our American constitutional democracy? Explain and justify your position."

Mr. Speaker, the names of these outstanding students from Vestavia Hills High School are as follows:

Grace Anthony, George Bolshinskiy, Barrett Bowdre, Courtney Bragg, Jeannettee Dooley, Daniel Driscoll, Claire Foster, Sarah Graffeo, Lauren Howard, Sarah McKibben, Patrick Mulligan, John Nicholson, Tiffany Parrish, Hanna Perry, Julie Phillips, Joseph Siegelman, Kendal Spires, Wes Stevenson, Emily Unnasch, Amy Watson, Ryan Woodford, and Ansley Zarra.

I also wish to commend the teacher of the class, Amy Maddox, who was responsible for preparing the student class for the national finals competition. Also worthy of special recognition are Janice Cowin and Kerri Williamson, the state coordinators and Jeff Northrup, the district coordinator, who are among those responsible for implementing the We the People program in my district.

Mr. Speaker and my colleagues in the House, please join me in congratulating these young constitutional experts for their outstanding achievement.

PAYING TRIBUTE TO FRANCES WILSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Frances Wilson, a wonderful woman whom I have known and admired all of my life. My Aunt Frances will be celebrating her 80th birthday on June 17th in Las Vegas, Nevada.

Born on July 1st, 1926, Frances was the youngest of four, with three older brothers: Don, Russ, and my Dad Ron. She spent her childhood years in Humbolt, Iowa. On January 19, 1947 Frances married the late Daryl "Buck" Wilson and had two children, Sandra and Brian. She also has two grandchildren: Joshua, who married Renee, and Jacob. She also has two great-grandchildren, Sidney and Sawyer.

In 1955 she began work as a telephone operator and was one of the first working mothers in her family. As a very hard-working independent woman, Aunt Frances finished a long employment career in the gift shop of the Gold Strike Hotel and Casino in Boulder City, Nevada, which is now known as the Hacienda Hotel and Casino, retiring at age 77. She currently resides in Denver, Colorado where she is close to her daughter and often visits her son and his wife Carleen in Minnesota.

She is proud of her family and has openly admitted that her greatest joy comes from spending time with her great-grandchildren, who adore their great-grandmother tremendously.

Mr. Speaker, I am honored to recognize my aunt, Frances Wilson on the floor of the House. I commend her for her contributions to me, the rest of my family, and for her commitment to the community.

INTRODUCTION OF A RESOLUTION HONORING OUR NATION'S SENIOR CITIZENS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. GONZALEZ. Mr. Speaker, today I introduced a House resolution recognizing and honoring America's senior citizens. Such a resolution is important because our seniors have made countless sacrifices and contributions that have helped make this country great. This resolution is an opportunity for Congress to officially recognize the impact of this influential segment of our society.

I would like to take this opportunity to thank my colleague, Representative WALTER JONES, for his fervent support of this resolution. His efforts reflect his value for senior citizens and the role they play in our society and our national conscience.

Undoubtedly, senior citizens have played an important role in the development of this nation. They have fought in significant military conflicts such as World War I, World War II, and the Korean War. I have full confidence that Americans throughout the ages will remember and honor such monumental sacrifices.

During their lifetimes, senior citizens have also experienced a myriad of profound social and cultural changes that have made this country what it is today. I believe that nothing is more important to our ability to effectively address our present than understanding the lessons learned from those who have come before us. This resolution encourages children and students to take the time to learn from senior citizens. The knowledge and experience that older Americans have acquired over their lifetimes serve as a window to our collective past. It is imperative that we as a society facilitate the sharing of this information between generations.

As we recognize the contributions of seniors, it is important that we understand their needs. So much of what we do in Congress directly impacts the lives of elderly men and women. The decisions that we make on Capitol Hill have tangible effects on the health, pocketbooks, and livelihood of each and every senior citizen. It is essential that we remember the individuals that our actions will impact as we consider issues such as Medicare, Social Security, veterans' benefits, housing, and healthcare.

After a lifetime of working, raising families, and contributing to the success of this nation in countless other ways, senior citizens deserve to retire with dignity. This resolution is a step in honoring the service of our seniors. However, I encourage all Americans to express their appreciation for and respect toward senior citizens in their lives.

Mr. Speaker, I strongly urge the House to pass this resolution in the coming weeks. My esteemed colleagues in Congress should give deserved recognition to America's senior citizens for the contributions they have made, and continue to make, to this great nation.

TRIBUTE TO WALTER MEYERHOF, PH.D.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of Dr. Walter Meyerhof who died on May 27, 2006, at the age of 84 of complications from Parkinson's disease.

Walter E. Meyerhof was Professor Emeritus of Physics at Stanford University. He was born in Kiel, Germany, in 1922, the same year that his father, Otto Meyerhof, won a Nobel Prize in Medicine. His mother, Hedwig Schallenberg, was a painter.

Dr. Meyerhof's parents were Jewish but raised their three children as Lutherans in an attempt to protect them from burgeoning Nazism. Despite this ruse, the family suffered from anti-Semitism and was ultimately helped to flee Vichy France by "the American Schindler", Varian Fry. Fry, a non-Jew who went to France to operate a rescue network, saved at least 2,000 people. In 1992, Meyerhof established and directed a foundation to honor the memory of Varian Fry. His film about Fry was narrated by Meryl Streep and distributed to more than 35,000 schools.

Dr. Meyerhof earned his M.S. and Ph.D. degrees from the University of Pennsylvania. At age 24 he married Miriam Rubin, who had worked at a child-care center directed by Anna Freud. In 1949 he began his distinguished 43-year career as a Professor of Physics at Stanford University.

Dr. Meyerhof was instrumental in the construction of the Stanford Linear Accelerator. He was awarded the Lloyd Dinkelspiel Teaching Award, the Tenured Faculty Development Award and was given an Honorary Doctorate by the University of Frankfort in 1980. He was named U.S. Senior Scientist by the Alexander von Humboldt Foundation in 1980–1981.

Mr. Speaker, I ask my colleagues to join me in extending our sympathy to Mrs. Meyerhof and the entire Meyerhof family. Dr. Walter Meyerhof was a national treasure, who loved his community and his country and served them exceedingly well. He will always be missed and never forgotten.

INTRODUCTION OF FAMILY AND MEDICAL LEAVE ENHANCEMENT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mrs. MALONEY. Mr. Speaker, I rise to introduce the Family and Medical Leave Enhancement Act. This legislation is identical to legislation introduced by Senator DODD of Connecticut.

Mr. Speaker, since enactment in 1993, more than 50 million employees have taken leave under the Family and Medical Leave Act. The Act guarantees eligible employees working for covered employers access to up to 12 weeks of unpaid, job-protected leave within any 12-month period to care for their health or the health of their families without putting their jobs or health insurance at risk. About 11 percent of private sector businesses are covered under FMLA; 77 percent of employees work in these covered businesses (although about 62 percent of employees are eligible for FMLA).

According to data from a 2001 Department of Labor study, 52 percent of leave-takers have taken time off to care for their own serious illness; 26 percent have taken time off to care for a new child or for maternity disability reasons; 13 percent have taken time off to care for a seriously ill parent; 12 percent have taken time off to care for a seriously ill child; and 6 percent have taken time off to care for a seriously ill spouse. About 42 percent of leave takers are men; about 58 percent of leave-takers are women. The median length of leave is 10 days; 80 percent of leaves are for 40 days or fewer. About 73 percent of leave-takers earn $30,000 or more.

While the Family and Medical Leave Act has proven invaluable to many Americans, too many are still not covered by the law and others cannot afford to take leave under the Act because leave is unpaid. Many women and men are unable to take time off to care for their families, whether due to the arrival of a new child or when a medical crisis strikes. More than three in four (78 percent) employees who have needed but who have not taken leave report that they simply could not afford it.

The Family and Medical Leave Expansion Act would expand the scope and coverage of FMLA to ensure that even more American workers do not have to choose between job and family. Too many eligible individuals simply cannot afford unpaid leave. Many forgo leave or take the shortest amount of time possible because the current FMLA law requires only unpaid leave. The Family and Medical Leave Expansion Act would:

Establish a pilot program to allocate grants to states to provide paid leave for at least 6 weeks to eligible employees responding to caregiving needs resulting from the birth or adoption of a child or family illness. States may provide for wage replacement directly or through an insurance program, such as a state temporary disability program or a state unemployment compensation program, or other mechanism. Such paid leave shall count toward an eligible employee's 12 weeks of leave under FMLA.

Expand the number of individuals eligible for FMLA by covering employers with 25 or more employees (to enable 13 million more Americans to take FMLA).

Expand the reasons for leave to include eligible employees addressing domestic violence and its effects, which make the employee unable to perform the functions of the position of such employee or, to care for the son, daughter, or parent of the employee, if such individual is addressing domestic violence and its effects.

Establish a pilot program within the federal government for the Office of Personnel Management (OPM) to administer a partial or full wage replacement for at least 6 weeks to eligible employees responding to caregiving needs resulting from the birth or adoption of a child or other family caregiving needs. Such paid leave shall count toward an eligible employee's 12 weeks of leave under FMLA.

Allows employees to use a total of 24 hours during any 12-month period to participate in a school activity of a son or daughter, such as a parent-teacher conference, or to participate in literacy training under a family literacy program.

COMMEMORATING NATIONAL HISTORY DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of the National History Day program. A basic knowledge of history is essential for our Nation's children to become informed participants in our democracy, and National History Day is promoting history education in Minnesota and throughout the Nation. National History Day empowers teachers to improve history education so that every student will have historical knowledge and skills to contribute to the public good of our Nation.

As Representative to the citizens of the 4th Congressional District of Minnesota, it brings me great pleasure to pay special tribute to Emily Brown, on this date, June 15, 2006, as she is recognized for her scholastic achievements in National History Day.

Emily Brown, a student at Sunrise Park Middle School in White Bear Lake, was one of twelve students chosen out of hundreds of thousands across America, to display and present her project at the White House. Emily will be presenting her project on Alice Paul. Alice Paul took a stand against a president to secure women's right to vote: she was the first to picket outside the White House. She later had to take a stand against other women leaders and against the American public who told her to stop picketing during WWI. The National History Day program allows students to create exhibits, documentaries and performances, by using their critical thinking and research skills in the subject of history.

I congratulate Emily and commend her for her dedication and commitment. I join with Emily's family, friends and teachers in wishing Emily well in all her future endeavors.

TRIBUTE TO DR. JACQUELINE A. YOUNG—"DR. JACQUELINE A. YOUNG EDUCATIONAL CENTER"

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to offer my heartfelt congratulations to Jacqueline A. Young, PhD, as the Dr. Jacqueline A. Young Education Center is dedicated on June 15, 2006, in Fairfield, New Jersey. It should come as no surprise to anyone who knows Dr. Young, who received her Doctorate of Education from Rutgers University, Graduate School of Education, that such an honor would be bestowed upon her for her many years of dedicated service to the Essex County Educational Services Commission.

An educator since 1974, Dr. Young has been involved with many aspects of this noble profession. She has been a teacher, a Basic Skills Consultant, a Coordinator, a Supervisor, a Director and has held her current post as Superintendent of the Essex County Educational Services Commission since July, 1992. Prior to being named Superintendent, Dr. Young served the commission as Director beginning in 1986. During this period, Dr. Young has been responsible for many new programs and initiatives which have resulted in sustainable growth and institutional stability. Under her guidance, both staff and students have been exposed to professionalism at its finest as Dr. Young is the epitome of excellence in leadership.

With facilities such as the Essex County Juvenile Detention Center under her control, Dr. Young is certainly challenged on a daily basis to provide educational opportunities to students that are coping with a variety of other distracting issues. In order for students to retain a semblance of their high school experience and to allow them to embark on their new life journey with a clean slate, Youth House graduates earn diplomas from their respective high schools. In part, this results in some students retaining their interest in education. Dr. Young manages to get their attention and to remain a woman of "grace under pressure."

Mr. Speaker, Dr. Young does an admirable job in serving her community well and the Essex County Educational Services Commission is thriving under her leadership. I know my fellow House Members join me in wishing Dr. Young continued success in her career with the Essex County Educational Services Commission. To have a building named after her is a well deserved honor and a fitting tribute to Dr. Jacqueline A. Young, Educator Extraordinaire.

HONORING PRESTON A. ENGLERT AFTER 25 YEARS OF SERVICE TO THE NATIONAL KIDNEY FOUNDATION OF THE NATIONAL CAPITAL AREA

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Preston A. Englert for twenty-five years of service to the National Kidney Foundation of the National Capital Area.

Mr. Englert, President and CEO of the National Kidney Foundation of the National Capital Area, has served at the Foundation since 1981.

Mr. Englert graduated from Louisiana State University in 1970 and attended graduate school at the University of Tulsa and George Washington University. A native of Memphis, Tennessee, Mr. Englert served as the Executive Director of the American Heart Association branches in Tulsa, Oklahoma and Atlanta, Georgia before joining the National Kidney Foundation in 1981. In July of 1986, Mr. Englert became the Vice President of the Foundation and he was named President and Chief Executive Officer in 1999.

The National Kidney Foundation has grown substantially under Mr. Englert's leadership. He is responsible for outreach programs, increased funding, early detection screenings and the expansion of both patient services and public awareness. Mr. Englert is extremely invested in the community, indicated by the numerous accolades he has accumulated over the years. He was named the Active Member of the Year by the Greater Washington Society of Association Executives in 1989. Mr. Englert's passion for helping humanity transcends the boundaries of this community, as he received the "Partnership Award" in 2005 from the National Kidney Foundation, Inc. for work with dialysis patients displaced or affected by hurricane Katrina.

Mr. Englert is a shining example of one man's ability to affect change. His creativity and innovation has turned the National Kidney Foundation into one of the most successful affiliations nationwide. He has dedicated his life to giving a voice to kidney disease patients around the country and he has made a lasting impact over the past twenty-five years. I look forward to Mr. Englert's continued service in the years to come.

I ask my colleagues to join me in applauding Preston A. Englert and congratulating him on this distinguished achievement.

TRIBUTE TO MR. JOEL M. CARP ON HIS RETIREMENT FROM THE JEWISH FEDERATION OF METROPOLITAN CHICAGO

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mrs. BIGGERT. Mr. Speaker, I rise today to salute Joel M. Carp on the occasion of his retirement from the Jewish Federation of Chicago. For more than 30 years, Joel has devoted his life and considerable talents to helping the disadvantaged in our community and across the country.

As the Senior Vice President for Community Services and Governmental Relations of the Federation, Joel was the voice of the Federation, both in the community and in the halls of the capitals in Springfield and Washington, D.C. Many were the times that he was a source of guidance and advice for me and my colleagues there, and for that I am grateful.

Joel's contributions to the social service network in Chicago have been enormous. His work with the poor, the sick and the homeless ensured that countless members of our community had access to health and human services in their hour of need.

As a public policy advocate and a writer, Joel has helped to steer local, State, and Federal Governments toward greater social responsibility. He has served on numerous task forces to address the needs of both the homeless and underprivileged children. In addition, he has supervised the Illinois State refugee and immigrant programs. Finally, through his writing and teaching, he has advanced the study and practice of social work.

Mr. Speaker, Joel Carp is truly an outstanding individual whose lifetime of work will continue to benefit communities throughout the Chicago area for generations to come. So, once again, I thank Joel Carp for his service, his humor and his humanity, and I congratulate him on a well-earned retirement.

A TRIBUTE TO KUM-OK KIM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Kum-Ok Kim, a distinguished member of the Brooklyn, NY business and civic communities. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Kum-Ok Kim was born in Bo-Ryong City, ChungChung Province, Korea. He came to the United States in1981, and started a fruits and vegetables business at Nostrand Avenue in Brooklyn in 1989. Mr. Kim, a Korean-American citizen, was ordained in 1996.

A member of several community organizations, Mr. Kim held many leadership positions such as: chairman of the board of the ChungChung Province Association of Eastern U.S.A. in 1997; vice president of the Korean Sports Association of New York; chairman of the Supporting Committee for Governor George E. Pataki, and director of the Korean-American Youth Foundation from 1995 to 2005.

Mr. Kim served 4 years, two terms, as president of the Korean-American Brooklyn Association, New York, Inc., a not for profit (501–c3) community-based organization, which was first established in April 1984, in order to reflect its wider civic role in providing outreach services to families and individuals. As president of the Korean-American Brooklyn Association, New York, Inc., Mr. Kim has been instrumental in assisting not only within the Korean community of Brooklyn, but other communities at large to contribute to the further developing relationships of an enlightened, healthy Korean-American community and culture, and to promote better understanding, friendship and cooperation with other ethnic groups in the greater New York area.

Mr. Kim planned and organized a free citizenship assistance and basic English program for Korean-American Brooklyn residents, developed an assistance program for the Korean-American Teacher Association, created seminars for small business owners that were sponsored by the New York State Attorney General, and developed a relief fund for flood victims in Korea. Every year on Thanksgiving day, under the supervision of the Brooklyn Borough President, Mr. Kim, along with several religious organizations and at least 28 community groups, participates in feeding the homeless at a help center and in the Brooklyn Toy Drive for Brooklyn Borough President's children's Christmas party.

Mr. Kim has been the recipient of numerous awards for his contributions to his community including citations from the Brooklyn Borough President and a State Senator Commemoration Award, and the Korean-American Community Service Awards.

Mr. Kim is a dedicated, loving husband and father. He resides with his wife Monica, sons Daniel and Joseph and daughters Tailer and Do-Kyung.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Kum-Ok Kim as he offers his talents and philanthropic services for the betterment of our community.

Mr. Speaker, Kum-Ok Kim's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

IN HONOR OF LT. PATRICK K. DOWDELL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. WEINER. Mr. Speaker, I rise today in recognition of Patrick K. Dowdell, upon his graduation from West Point as a second lieutenant.

Patrick K. Dowdell is a resident of Breezy Point, Queens, who has been a volunteer with the Point Breeze Volunteer Fire Department, Habitat for Humanity and Meals on Wheels. Along with his father Kevin Dowdell, a lieutenant at Rescue Company 4 of the New York City Fire Department, Patrick contacted my office in 2000 to request a nomination to West Point's Class of 2005. Despite my nomination, and a valiant effort by Lt. Kevin Dowdell to hand deliver the required documents for his son's application to West Point admissions officials, Patrick was waitlisted and instead attended Iona College.

Patrick K. Dowdell proved to be both resilient and determined, and sought admission to

West Point the following year while he excelled at Iona and was elected as Freshman Class Representative in the student government. Supported by teachers, neighbors and friends offering praise and letters of support, Patrick again asked for my nomination, with his father leading the charge.

When the dust of September 11, 2001 settled, Patrick Dowdell and his family learned that Lt. Kevin Dowdell was last seen entering the burning towers to help his fellow citizens and had been lost. Patrick Dowdell, as determined as ever to serve his country and make his dad proud, volunteered in the clean up efforts and continued to pursue his dream of attending West Point.

Patrick K. Dowdell was designated as my principle nominee in 2001 and was a member of the 2006 West Point graduating class. In President Bush's commencement speech last month to the first class to enter the academy after the attacks on the World Trade Center and the Pentagon, Patrick had the honor of being the only cadet singled out for praise by the President. In the words of the President, "We live in freedom because young Americans like Patrick and all the cadets here today have stepped forward to serve."

Patrick is now looking forward to serving his country and continuing to honor his father's memory. He also serves as a source of encouragement to his younger brother James Dowdell, who has followed in their father's footsteps by joining the New York City Fire Department, serving in Ladder 174 and providing support to his proud mother, Rose Ellen Dowdell.

Therefore, on behalf of the United States House of Representatives, I congratulate Patrick K. Dowdell upon the completion of his studies at West Point and upon his commission as a second lieutenant.

A TRIBUTE TO MARTHA RODRIGUEZ-TORRES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Martha Rodriguez-Torres, a distinguished member of the Brooklyn, NY, community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Martha Rodriguez-Torres was born and raised in Brownsville, Brooklyn and is one of five children born to the late Carmen Rodriguez. In spite of being raised in a one-parent household, her mother made certain that education and community involvement were a priority in her home. Martha has her bachelor of science from Boston College, a master of science and a professional diploma from Long Island University and was a member of the Harvard University Principal's Institute.

After working in several school districts throughout the city, Martha became the principal of PS 156, the Waverly School of the Arts where she accepted the challenge of leading a low performing school with only 17 percent of the children reading at or above grade level. Today, the school is one that stands as a model for others. The school has become a nurturing environment for both students and teachers and the reading scores at the school have more than tripled.

Martha is respected by both her superiors and peers and has served as a mentor principal and was a member of the Chancellor's Distinguished Faculty, where she trained new principals. Martha worked with Hunter College in the design and implementation of a new program for the training of future administrators.

It is through Martha's dedication, tenacity and courage that she has been able to make a positive impact on her school community and it is because of these very qualities that she now serves as a local instructional superintendent in Region 5 as well as the community superintendent for Community School District 19.

Martha is to be applauded for refusing to let her humble beginnings be an impediment for success, not forgetting from where she came and for continuing to serve those with challenging circumstances.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Martha Rodriguez-Torres as she offers her talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Martha Rodriguez-Torres's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

TRIBUTE TO THE 100TH ANNIVERSARY OF FILIPINO MIGRATION TO THE UNITED STATES

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. MEEK of Florida. Mr. Speaker, I want to take this opportunity to pay tribute to the more than three million Filipino-Americans and Filipino immigrants across the United States on the occasion of the 100th Anniversary of Filipino Migration to the United States. This is a significant milestone in the storied tradition of Filipinos in our Nation ever since the first fifteen farm workers, called sakadas, were recruited by the Hawaiian Sugar Planters Association, arriving in Hawaii on December 20, 1906. They were to become the precursors to millions of other contract workers, who soon came to build America in the succeeding years.

It was in 1919 that Filipino leader Pablo Manlapit organized the first labor union to demand higher wages and better working conditions for the farm workers of Hawaii. He was to be joined by other Asian farm workers, especially those coming from Japan. Though in 1920, some 12,000 farm workers from the sugar plantations were cruelly evicted and thrown out of work; their rugged determination and gritty character typified their conviction that America must live by its creed of equal opportunity and simple justice for all.

The downtrodden and the disenfranchised—these defined the miserable conditions to which those first immigrants were mercilessly subjected. What better way to memorialize those hardy spirits than to invoke their courage under fire during this Centennial of their epic journey to self-hood and recognition. They came to forge a better life and contribute to the building of America in Hawaii's sugar cane and pineapple fields, in the canneries of Alaska, and throughout the verdant farm lands of California and other west coast States.

In his stirring novel, America is in the Heart, Carlos Bulosan, the Filipino writer par excellence, described the first Filipino immigrants' abject exclusion from American society when he wrote: "I know deep in my heart that I am an exile in America . . . I feel like a criminal running away from a crime I did not commit. And this crime is that I am a Filipino in America." Despite this inglorious past, their pioneering efforts and resilient spirit were drawn by their genuine belief in America's spirit of idealism as the land of opportunity and promise.

I am confident that under the aegis of this Centennial, America will join Filipino-Americans in recognizing the untold sacrifices of the early Filipino migrants whose faith in God and whose work ethic sustained them in their ordeal. In converging this celebration with the indomitable spirit of those pioneers, we hope to be enlightened and enriched by the messages they wrote through their silent struggles to be recognized and appreciated. It is on this historic occasion that I congratulate the National Federation of Filipino American Associations (NaFFAA), the Philippine-American Federation of South Florida (PhilAmFed) and other bona-fide groups for their steadfast efforts in sensitizing us to the contributions that Filipino immigrants gave and continue to give to buttressing America's stature as the envy of world today.

Filipino-Americans in my District, and millions of others across this great Nation, may take heart in Mr. Bulosan's prophetic words: "America is not a land of one race or one class of men. We are all Americans that have toiled and suffered and known oppression and defeat . . . America is not merely a land or an institution. America is in the hearts of men that died for freedom; it is also in the eyes of men that are building a new world. America is a warning to those who would try to falsify the ideals of free men. All of us, from the first Adams to the last Filipino, native born or alien, educated or illiterate—We are America!"

Indeed, this Centennial is a proud reminder of the nobility and quiet dignity of Filipino Americans whose predecessors migrated to America 100 years ago, paving the way for countless others.

A TRIBUTE TO MIGUEL A. FELICIANO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Miguel A. Feliciano, a distinguished member of the business and civic communities. It behooves us to pay tribute to this outstanding leader and I hope by colleagues will join me in recognizing his impressive accomplishments.

A young successful entrepreneur and avid community activist, Miguel Feliciano has resided in Brooklyn, New York since moving from Puerto Rico in 1956.

Mr. Feliciano is known for his friendly, energetic and dynamic style. Servicing our community for over 25 years, Mr. Feliciano has left his mark on the real estate and banking fields. He is the president of Feliciano Properties Inc., and executive vice president of Equitable Funding, a licensed mortgage bank with offices in the neighborhood of City Line, Brooklyn.

Mr. Feliciano's honors include: Chairman of the Board of Managers of North Brooklyn YMCA, Recipient of the coveted YMCA of Greater New York Volunteer of the Year Award, Founder of the Brooklyn East Sports Federation, servicing our youth since 1987, Commissioner of the Pedrin Zorilla Baseball League, Member of New York City Community Planning Board #5, Treasurer of the East New York Urban Youth Corp, Former President of the Liberty Avenue Chamber of Commerce.

Mr. Feliciano demonstrated his leadership skills early on when he helped organized the youth at Our Lady of Presentation, a Catholic Church in Ocean Hill Brownsville the community where he was raised. He is a staunch supporter of his Hispanic heritage as shown by his participation and support in the annual celebration of the Feast of the Epiphany (three Kings Day) held on January 6th at the Twelve Towns YMCA.

Mr. Feliciano attended Thomas Jefferson High School in East New York Brooklyn and later graduated from Bernard Baruch College in 1977 with a Bachelor of Business Administration Degree with a major in Accounting. After obtaining his degree, he went into the banking and financial services business. Mr. Feliciano later applied his business acumen as District Business Manager for the Board of Education in District 12 in the borough of the Bronx before embarking on his own.

Mr. Feliciano is a dedicated loving husband and father who strives to be a role model for all his children and the children of his community.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Miguel Feliciano as he offers his talents and philanthropic services for the betterment of our local community.

Mr. Speaker, Miguel Feliciano's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

CAROLINE SPARROW HART MAKES HER MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate John Webb Hart and Virginia Sparrow Hart on the birth of their first child, Caroline Sparrow Hart. Caroline was born on Friday, June 9, 2006 and weighed 7 pounds and 5 ounces. Faye joins me in wishing John and Virginia Sparrow Hart great happiness during this very special time in their lives.

As a father and grandfather, I know the joy, pride, and excitement that parents experience upon the entrance of their child into the world. Representing hope, goodness, and innocence, a newborn allows those around her to see the world through her eyes . . . as a new, fresh place with unending possibilities for the future. Through a child, one is able to recognize and appreciate the full potential of the human race. I know the Harts look forward to the changes and challenges, that their new daughter will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch her grow.

I welcome young Caroline into the world and wish John and Virginia all the best as they raise her.

A TRIBUTE TO PASTOR TYRONE STEVENSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Pastor Tyrone Stevenson, a distinguished member of the Brooklyn, New York community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Pastor Tyrone Stevenson is blessed by the unique privilege to serve the Lord in the community where he was born and raised. As his purpose in life manifests itself, he has the distinct honor to be the Senior Pastor of Hope Christian Center in Brooklyn, New York.

Pastor Stevenson is fueled by his God-given mission to disciple those whom we touch that they may in turn disciple those they touch for generations to come. As such, his preaching and teaching is geared towards transforming his congregates into equipped disciples.

Pastor Stevenson has been married to the love of his life, Terrie Lane Stevenson, and from their union, God has blessed them with two beautiful daughters, Emoni and Hannah.

After graduating from Forest Hills High School, Pastor Stevenson enlisted in the United States Navy and was discharged with honors after eight years of service. After which, he was a successful mortgage banker, writing millions of dollars in residential loans.

In 1994, Pastor Stevenson and his wife joined the First Baptist Church of Glenarden, in Landover, Maryland, under the leadership of Pastor John K. Jenkins, Sr. It was there, in 1995 that Pastor Stevenson yielded his life and responded to the call of ministry. As he grew in the Lord, Pastor Stevenson faithfully served his spiritual father, Pastor Jenkins, and witnessed the hand of God move in his life as the Lord propelled him forward in fulfilling His mandate. Pastor Stevenson has traveled tirelessly teaching and proclaiming the Word of God. On August 26, 2001, Pastor Stevenson answered the call of God to pastor. Shortly after that an opportunity arose for Pastor Stevenson to revitalize his home church in Brooklyn, New York.

Pastor Stevenson is now celebrating another milestone in his working legacy of dedicated and faithful service to the Lord. Because he dares to believe in God, his life and lifestyle serves as an example to those he leads.

Pastor Stevenson is a much sought after preacher. God uses him in a tremendous way to minister directly to the hurts, issues and challenges of people with whom he comes in contact. God's effectiveness is manifested through the response of the unsaved to the preached Word.

Pastor Stevenson gives thanks to the Lord who has enabled him because God has counted him faithful by placing him in the ministry.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Pastor Tyrone Stevenson, as he offers his talents and services for the betterment of our local and national communities.

Mr. Speaker, Pastor Tyrone Stevenson's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

IN TRIBUTE TO THE LATE BEATRICE REEVES

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. MEEK of Florida. Mr. Speaker, it is my sad duty to inform my colleagues about the passing of a great lady of Miami and an anchor of one of Miami's great families: the late Beatrice "Bee" Reeves. Her sudden passing last Saturday, June 10, 2006 has truly left a deep void in our midst.

Mrs. Reeves represented the best and the noblest of our community. In her quiet but dignified way, she dedicated a major portion of her life to service in groups like the Alpha Kappa Alpha Sorority, the Links, and the MRS Club, where she served as a past president. Her mission in life girded her belief that understanding of and compassion for the less fortunate defined her life-vocation as a gifted Christian and as a community leader who never sought the limelight.

She also loved to play bridge, and she was a member of the Tuesday and Saturday bridge clubs. From the stories I have heard about her enthusiasm and skill, you definitely wanted to have Mrs. Reeves playing on your side.

She was a multi-talented servant of the people, a civic activist, and an indefatigable community-builder, always thinking of others in her endeavors. The genuineness of her stewardship on behalf of our community was buttressed by her utmost consecration to her vocation as God's faithful servant, bringing hope and optimism to countless ordinary folks whose lives she touched so deeply, never holding anyone at arm's length.

This remarkable lady was our community's friend and confidante. I am deeply saddened by her passing. She will indeed be an indelible reminder of the noble commitment and quiet power of friendship she extended to anyone who came to her for help and advice. Her faith was deep and genuine, and her love for our community evoked her dynamic friendship and thorough understanding of the struggles and travails we have had to endure throughout all the years. No one who knew her—and was struck by her sunny disposition and optimism—went away not acknowledging the presence of a caring and compassionate community leader.

This Friday, June 16, 2006 a funeral mass will be celebrated at Miami's Episcopal Church of the Incarnation officiated by the Rev. Kenneth Major, her pastor and spiritual adviser. I want to extend my deepest sympathies to her husband, Mr. Garth Reeves, the publisher emeritus of The Miami Times; her sister Dorothy Burrows Baker; and her stepdaughters Rachel Reeves and Lynnette Richardson.

I join the Miami-Dade community in celebrating her life and her friendship. She will carry on through the example she set and the wonderful thoughts and memories we all have of her. This is the wonderful legacy the late Beatrice "Bee" Reeves left behind.

A TRIBUTE TO VIVIAN YVETTE BRIGHT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Vivian Yvette Bright, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Ms. Bright represents an esteemed and respected instrument that is superbly tuned to the needs of others and who performs with beauty, depth and understanding in the orchestra of life.

Academically, her credentials include an M.S. in Human Resources Management from the New School for Social Research; graduate of the first class of the Pratt Institute Community Economic Development program; and a Bachelor of Science in Accounting. She has received numerous honors and is listed in "Who's Who of American Women".

Vivian Y. Bright wears numerous hats. She is committed to the never-ending fight for her community and the development of our youth. She believes that it is important to try and do as much as you can for as many as you can for as long as you can. This is illustrated by her exhaustive list of associations. Vivian is a life member of the Zeta Phi Beta Sorority, Inc. and past President of the Delta Alpha Zeta Chapter; life member of the National Council of Negro Women; former Chairperson of the Board of Directors Cypress Community Day Care Center; Trustee of the Addiction Research & Treatment Center/Urban Research Institute; member and former member of the Board of Directors of the Brooklyn NAACP; member of Community Board No. 5 and former Vice President and Chair of the Land Use Committee; President of the Women's Caucus for Congressman EDOLPHUS 'ED' TOWNS; President of the Leadership Council of Open Communities of Brooklyn, Inc.; Business Manager-Concerned Women of Brooklyn; and member of Stuy Park Lions—among many other affiliations. In addition to all of the above and more she has been a member of the historic Berean Baptist Church of Brooklyn, New York for over 55 years and has served as the church's Business Administrator since 1989.

Vivian has received many awards among which are: Brooklyn Navy Yard Community Leadership; The Lucille Rose Humanitarian Award-NAACP; Gov. Carey International Year of the Child Award; New Horizons Village Homeowners Leadership award; Community Service Awards from Assemblyman William Boyland, Assemblyman Darryl Towns and Senator Marty Markowitz; a CONGRESSIONAL RECORD Award from Congressman EDOLPHUS TOWNS; a citation from New York City Mayor David Dinkins, and the Robert J. Epslinger Distinguished Service Award from Lions Inc.

Vivian is a proud wife and mother receiving constant support from her husband of 47 years, Lonnie M. Bright and their children Gary, Teresa, Marvin, Jamal and Tiffany. Her involvement in community affairs in the East New York section of Brooklyn, where she has lived for over 40 years, has won her wide support and admiration from the residents.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Vivian Yvette Bright as she offers her talents and services for the betterment of our community.

Mr. Speaker, Vivian Yvette Bright's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

IN HONOR OF MIKE FREEZE, ARKANSAS GAME AND FISH COMMISSION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. BERRY. Mr. Speaker, I rise here today on behalf,of Congressmen JOHN BOOZMAN, MIKE ROSS, VIC SNYDER, and myself, to pay tribute to one of my good friends, Mike Freeze of England, Arkansas, who has served the last seven years on the Arkansas Game and Fish Commission. We are grateful to have such a leader in Arkansas committed to improving conservation and recreation across our state.

Freeze was appointed to the Commission for a seven year term on July 1, 1999, serving the last year as Chairman. He has brought a wealth of experience to the position, serving as the Commission's first former employee to return as Chairman, the Commission's first fish farmer, and the first ever member from Lonoke County. Freeze operates Keo Fish Farms, is the previous owner of Arkansas Aquatics Inc., and was the state fisheries research coordinator for the Arkansas Game and Fish Commission from 1978–1983.

Freeze graduated from Little Rock Hall High School in 1971, received a bachelor's degree in fisheries and wildlife management from Arkansas Tech University at Russellville in 1975, and a master's degree in biology from Murray State University in Kentucky in 1977. He has served many leadership roles over the years including President of the National Aquaculture Association, the American Fish Farmers Federation, the Striped Bass Growers Association, and State Chapter President of the American Fisheries Society.

It has been my pleasure and privilege to work with Mike Freeze for many years. I hope my colleagues in the U.S. House of Representatives will join the Arkansas delegation in thanking Mike for his service and wishing him the best in his future endeavors.

A TRIBUTE TO YOUNG-CHON MIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Young-Chon Min, a distinguished member of the business and civic communities. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Min was born in South Korea and immigrated to U.S. in 1988. He graduated Sunrin Business High School, but he started working as a musician right after his graduation in spite of his parents' objection to his career choice. He became a member of the MBC-TV Orchestra and he worked in various places such as the U.S. Army Base in South Korea.

After his immigration to the United States, Mr. Min became involved with the Korean American Entertainers Association of New York. In April 2001, he became chairman of the organization and later became the president in 2003. Coinciding with his chairmanship of the organization, Mr. Min also volunteered to provide entertainment for the elderly residents of the various nursing homes in the New York area, such as The Schulman Institute of Brookdale University Hospital, the Flushing Manor Nursing Home, the Union Plaza Nursing Home, the Queens Korean Catholic Church, and the Yonkers Nursing Home.

Mr. Min is also a faithful member and serves as a treasurer of the Church of Little Grain and the New York Association of The Swedenborgian Church. He has a lovely wife, Jung Hwa, a son, Sung-Sik, and a daughter Nicole who is married to Jung Min Kim. The couple has two children, Dean and Sean.

Mr. Min received numerous awards and appreciation plaques from various organizations such as CCM, Flushing Manor Nursing Home and the Brooklyn Roman Catholic Church Diocese.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Young-Chon Min, as he offers his talents for the betterment of our communities.

Mr. Speaker, Young-Chon Min's service to our communities makes him most worthy of our recognition today.

COMMEMORATING THE 150TH ANNIVERSARY OF CHEATHAM COUNTY, TN

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. COOPER. Mr. Speaker, today I commemorate the sesquicentennial anniversary of Cheatham County, Tennessee.

May 5, 2006 marked the official 150th anniversary of the county, and this week, with Ashland City Summerfest and Redd Stewart Homecoming Days, Cheatham County residents will take part in the culmination of a year's sesquicentennial celebrations.

Cheatham County was founded on February 28, 1856 when the Tennessee General Assembly designated the 50 acres of land to the west of Nashville and north of the Cumberland River as Cheatham County. It was named after Speaker of the State Senate, Edward Saunders Cheatham. Ashland City was established as the county seat. After the sale of the first town lots, the county was able to build its first courthouse and jail on the public square, where they stand today.

Cheatham County is the third fastest growing county in the State; today more than 38,000 people call it home. It is also a center of commercial and industrial growth with A.O. Smith Water Products, Triton Boats and Trinity Marine as the county's top three industrial employers. While agricultural production has declined in recent times, many Cheatham County farmers remain major contributors in the beef and tobacco sectors. Despite all the growth and industry, Cheatham County's beautiful rolling green hills are preserved in the Cheatham Wildlife Management Area, a 21,000 acre game reserve for hunting and fishing.

One of Cheatham County's most notable citizens was the late Redd Stewart, a singer and songwriter who wrote our state song, the "Tennessee Waltz." This week, the events of Redd Stewart Homecoming Days will pay tribute to the musician with two days of free bluegrass concerts. In addition, Cheatham County residents will commemorate the sesquicentennial anniversary at Summerfest in Ashland City. We'll get together at Riverbluff Park on the Cumberland River to share good times as our Cheatham County founders did: eating home-cooked food, playing games and dancing to old time bluegrass music.

I am proud to honor all the generations of Cheatham County families who have contributed so much to this special place. I join with everyone in Tennessee's Fifth District in commemorating Cheatham County's 150th anniversary, and I commend County Mayor Bill Orange and today's residents for ensuring that Cheatham County remains a community where folks can live, work and raise future generations of great Tennesseans.

A TRIBUTE TO DR. EDA HARRIS-HASTICK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Eda Harris-Hastick, a distinguished member of the Brooklyn, New York community.

Dr. Eda Harris-Hastick is a tenured Associate Professor of Social Work at Medgar Evers College of the City University of New York. A trained clinical social worker with over 30 years experience in alcoholism and substance abuse services and administration, she has also served as Assistant Chief of Alcoholism Services at Harlem Hospital Center and is a former Administrator at New York City Department of Mental Health, Mental Retardation and Alcoholism Services.

Dr. Harris-Hastick began her career at Medgar in 1984 in the dual capacity of Director of College Counseling Services and Chairperson of Special Programs. Since that time, she has initiated several innovative programs to assist students including an Emergency Financial Assistance Fund to aid students in financial crisis (1984), the Rose Ross Scholarship Fund for students interested in social work and/or social welfare, in memory of a former social work colleague (1998), and has served as the MEC Coordinator for the CUNY-wide Substance Abuse Information and Referral Services Unit. As director of the MEC Academic Success Center, Dr. Harris-Hastick supervised academic advisors and counselors, and in collaboration with the OAA, initiated creative strategies to implement counselor training, centralize and streamline the college's academic advisement and counseling services programs that were later expanded into a separate unit to serve students in a more comprehensive manner. A recipient of numerous research grants and academic awards, she has been engaged in several community initiatives and international health and mental health missions to the Caribbean, where she has utilized her expertise as educator, researcher and social worker to balance teaching and academic research with community service. Dr. Harris-Hastick has studied Korean and Caribbean immigrant cultures in Brooklyn and in the Caribbean and has involved students in collaborative research projects to teach research/problem solving skills in local/international community contexts. Her publications and her research continue to reflect her interest/commitment to understanding cultural differences, women's issues and public health concerns.

Dr. Harris-Hastick has completed the initial stages of the development of a Bachelor of Social Work degree. In addition, she has continued to serve as faculty advisor for the MEC Student Black Social Work Club, which she assisted in initiating in 1995. As an elected member of the City University Faculty Senate (UFS), she also serves as an elected member of the Executive Committee of the UFS. A founding member of the Caribbean American Chamber of Commerce and Industry (CACCI), she currently serves as board member of CACCI's Educational Foundation, Caribbean Research Center's Editorial Board, SUNY Downstate Medical Center Community Advisory Board, Journal of Social Work Practice in the Addictions Editorial Board, NYC Chapter of NASW Leadership Team, and NYS OASAS (Substance Abuse) Workforce Development.

Dr. Harris-Hastick was born on the Caribbean island of St. Kitts and has traveled extensively throughout the Caribbean where she has conducted research on substance abuse, organized training seminars and collaborated with faculty and administration at the University of the West Indies, and with social workers, health clinicians and others practitioners engaged in chemical dependency and HIV/AIDS studies, treatment and administration. Dr. Harris-Hastick's published work consists of several journal articles and a book chapter that include: Managing Stress in Challenging Times; Susus: New Life for a Caribbean Grassroots Approach to Savings; Voices of Korean American Women; Substance Abuse Treatment Among English Speaking People of Caribbean Ancestry; The Importance of Culture in HIV/AIDS Prevention in Grenada (with Dr. Clarice Modeste-Curwen, Minister of Health and the Environment, Grenada, W.I.), and a forthcoming article "Substance Abuse and AIDS: Intertwined Epidemics in the Caribbean region" is nearing completion.

Dr. Harris-Hastick has received numerous awards and citations for leadership and community service. A sought after speaker, Dr. Harris-Hastick has made numerous presentations to student groups as well as local, national and international groups including business, academic, social work, civic and community organizations such as the National Conferences of NASW and NABSW, National Association of Meeting Planners, Asian American Studies Conference, Congressional Black Caucus Annual Legislative Conference, CACCI, and the Addiction Studies Institute. Dr. Harris-Hastick received a BA in Sociology/Anthropology from Queens College, a Masters in Social Work from Smith College, School for Social Work, and a Doctorate in Education from Columbia University.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Eda Harris-Hastick as she offers her talents and services for the betterment of our local and global communities.

Mr. Speaker, Dr. Eda Harris-Hastick's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

FREEDOM FOR RICARDO PUPO SIERRA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Ricardo Pupo Sierra, political prisoner in totalitarian Cuba.

Mr. Pupo Sierra is a member of the Cuban Human Rights Party and a pro-democracy activist. Mr. Pupo Sierra has been a constant advocate for human rights for those currently toiling under the nightmare of repression called the Castro regime. He has bravely denounced the cruel policies of the tyrant and demanded that the people of Cuba be allowed their inalienable rights.

Mr. Pupo Sierra was arrested by the dictatorship and, after a sham trial, thrown into the totalitarian gulag. According to Prima News, in August 2005, Mr. Pupo conducted a hunger strike to protest the abhorrent treatment of prisoners in the grotesque gulag. According to Directorio, he began a hunger strike on June 9, 2006, to demand access to religious services.

Mr. Pupo Sierra also sent this message to the Cuban people saying: "Do not be afraid of the regime. Do not allow yourself to continue being deceived: dissent. Speak the truth without fear. Do not be discouraged. We are reaching the final point of the ruling system in Cuba. We will soon have a free, democratic Cuba with the rule of law."

Mr. Pupo Sierra is a brilliant example of the heroism of the Cuban people. His message exemplifies the Cuban desire to live in liberty, free of the tyrannical repression imposed on them by the murderous despot. Mr. Pupo Sierra knows the violence, abuse, and repression that will be used to try to break him. Yet he stands strong in the strength of his conviction: "We will soon have a free, democratic Cuba with the rule of law." Mr. Pupo Sierra is an apostle of freedom for Cuba.

Despite incessant repression, harassment, incarceration and abuse, he remains committed to the conviction that liberty and human rights are the birthright of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Mr. Pupo Sierra, who represent the best of the Cuban nation.

Mr. Speaker, let me be very clear, Mr. Pupo Sierra is languishing in the grotesque squalor of the gulag because he desires freedom for all Cubans. My Colleagues, read his message often. We must demand the immediate and unconditional release of Ricardo Pupo Sierra and every political prisoner in totalitarian Cuba.

A TRIBUTE TO DR. ROY A. HASTICK, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Roy A. Hastick, Sr., a distinguished member of the Brooklyn business and civic communities. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Dr. Roy A. Hastick has served as President/CEO/Founder of the Caribbean American Chamber of Commerce and Industry, Inc. (CACCI) for almost 20 years. Under his leadership, CACCI has promoted economic development on behalf of Caribbean American, African American, women and other minority small business owners and has become an internationally recognized business organization with a membership of over 1,700 in the United States and the Caribbean. Prior to starting CACCI, Dr. Hastick published the West Indian Tribune, a tabloid newspaper which served as a launching pad for the development of the Chamber, and which became the voice for the Caribbean American Community, and a business networking vehicle.

A tireless advocate for economic and community empowerment, Dr. Hastick helped to form several immigrant organizations and served for over 16 years in various capacities including 1st Vice Chairman of his local Community Board in Crown Heights Brooklyn. He currently serves on several small business advisory boards including: the New York State Governor's and New York City Mayor's Small Business Advisory Boards which advocates on behalf of minority and women owned business; JP Morgan Chase Bank, and the board of directors of the Brooklyn Navy Yard Development Corporation, Brooklyn Economic Development Corporation, New York Congregational Community Services, SUNY Jobs for Youth, and American Red Cross of Brooklyn. For six years, he has served as a delegate to the United Nations.

Dr. Hastick has been an ardent supporter of Two-Way trade between the United States and the Caribbean region. As an elected delegate to the 1995 White House Conference on Small Business, he campaigned to get Two-Way trade with the region into the final recommendations submitted to the United States Congress. Under his leadership, CACCI has undertaken several extraordinary and challenging initiatives including: conducting over 600 business seminars, providing weekly business clinics for start-ups and emerging businesses to access financing, contracting and procurement opportunities; promoting trade and investment opportunities between the Caribbean and the United States, and undertaking energetic and rapid responses to hurricane disasters in the Caribbean region. For the past 3 years, CACCI has managed, Flatbush Caton Merchants Mart, a city-owned Brooklyn-based micro enterprise incubator which houses 61 vendors and occupies 9,000 sq. ft. of space. CACCI's Educational Foundation supports micro-entrepreneurship, hurricane disaster relief efforts and provides scholarships for disadvantaged young people.

Dr. Hastick has led several trade missions to the Caribbean region, hosted numerous Caribbean Head of State on their visits to the United States and made presentations at Caribbean Heads of Government meetings. Under his leadership, the development of the first ever Caribbean Trade Center, a one stop capital shop for two-way trade that will occupy 20,000 sq. ft in a major commercial corridor in Central Brooklyn, is in its 2nd phase of development and has received financial support and commitments from the New York State Governor, Port Authority of New York and New Jersey, New York City Council, New York City Mayor, and has been endorsed by local, national and international business entities, including CARICOM. Expected completion date is Fall 2006.

Dr. Hastick has partnered with numerous economic development entities, academic and medical institutions, national and local community groups including the United States Small Business Administration (SBA) United States Department of Commerce MBDA, NYS Empire Development Corporation, NYC Small Business Services (NYC SBS), SCORE, City University of New York (CUNY), SUNY Downstate Medical Center, Caribbean Women's Health Association, African American Chamber of Commerce of Westchester and Rockland Counties, and the Korean American Small Business Service Center.

He has received numerous awards including: the United States Department of Commerce and the New York State Small Business Advocate of the Year Awards; Korean American Small Business Service Center "Harmony and Unity Award"; Dr. Martin Luther King Humanitarian Award from the Shirley Chisholm Institute; Ron Brown Business Advocate Award; "Chamber of the Year Award" from the NYS Hispanic Chamber of Commerce; honored by President William Jefferson Clinton at "New York Day" in Washington, DC; "CEO of the Year 2000" from the Brooklyn Branch of the NAACP, the New York State Hispanic Legislative Task Force 2002, and the New York State Black and Puerto Rican State Senators Award. Dr. Hastick was also honored with an Honorary Degree, Doctor of Humane Letters, Honoris Causa by Medgar Evers College, CUNY at its 2001 Annual Convocation Ceremony.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Roy A. Hastick, as he offers his talents and services for the betterment of our local and national communities.

Mr. Speaker, Dr. Hastick's selfless service has continuously demonstrated a level of altruistic, dedication that makes him most worthy of our recognition today.

A TRIBUTE TO REVEREND DR. CLARENCE KEATON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, I rise before you today in appreciation and admiration of Reverend Dr. Clarence Keaton for his continued commitment, serving as Pastor and founder of the True Worship Church Worldwide Ministries, as a spiritual leader to his congregants, peers, friends, family, and the entire community of Brooklyn, New York.

Ordained as a minister in 1983, Reverend Dr. Keaton is affectionately referred to as P.O.P. [Pastor of Pastors] by his faithful congregants because of the guidance and genuine support he offers to them through the words of God. He has specifically sought out young members, in need of a spiritual teacher, and has inspired them to fully embrace God's love while following his direction to lead an honest, devout life. In the eyes of his peers, he is known as the "preachers teacher," passionately devoted to spreading the biblical truths of the gospel. This man of god is a beacon of light for his congregation, a buttress of strength, and a source of wisdom for anyone so blessed to be in his presence and hear his voice.

Pastor Keaton was dignified with an honorary doctorate of divinity degree in 1992 by the acclaimed Jesus Saves Bible Institute. His ministry work is highlighted by his magnetic personality and encouraging speech. Pastor Keaton's inspirational teachings are broadcasted on the radio, to proclaim the guiding words of God to a greater audience. This led to his numerous commendations and awards of excellence in radio, because he is able to reach out to thousands of souls of men and women through WWRL radio station. In addition to his outstanding work in ministry, he has been honored for his extraordinary community work, specifically with the senior citizens of the Brownsville Recreation Center.

It gives me great pleasure to honor the many achievements of Reverend Dr. Clarence Keaton and offer my utmost respect for the honest work that he does out of the kindness of his heart. We pray for God's continued grace on his ministry.

SIKH, CATHOLIC LEADERS MEET

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2006

Mr. TOWNS. Mr. Speaker, recently a group of Sikh leaders met in New York with Catholic leaders in an all-day event hosted by an Interfaith organization. Sikh leaders in attendance included Dr. Manohar Singh, Dr. Tarunjit Singh Butalia, and Dr. Anahat Kaur Sandhu. Monsignor Felix Machado, an official at the Vatican, also attended the meeting.

It is good to see this kind of pluralistic cooperation and I thank Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing it to my attention.

Contrast this to the situation in India, where Sikhs, Christian, Muslims, and other minorities are subject to brutal and ongoing repression from the government. Perhaps "the world's largest democracy" could learn a thing or two from the meeting in New York.

We should stop our aid to India and we should demand self-determination for all the people of South Asia so that they can live in peace, freedom, harmony, and prosperity, as they do here in America and other Western democracies.

Mr. Speaker, I would like to put the article from India-West into the RECORD.

[From India-West, June 2, 2006]

SIKH, CATHOLIC LEADERS MEET IN NEW YORK

(By a Staff Reporter)

Representatives of the World Sikh Council-America Region met with Catholic leaders in New York in an all-day event hosted by the Religions for Peace-USA. the Sikh group has said.

Dr. Manohar Singh, the group's chairperson, and Dr. Tarunjit Singh, chair of the group's Interfaith Committee, led the Sikhs.

The U.S. Catholic Conference of Bishops' delegation was headed by Rev. James Massa, executive director of its Secretariat for Ecumenical and Interfaith Affairs.

Monsignor Felix Machado, undersecretary of the Pontifical Council for Inter-religious Dialogue at the Vatican in Rome, was a special guest and adviser.

Two observers of Religions for Peace attended the May 20 meeting.

"The universal message of Sikhism respects pluralism and we welcome our Catholic friends with open arms," Manohar Singh said. "This dialogue is an opportunity for our communities to begin a conversation at the highest level on how we may be able to work with each other in trust and friendship to make this world a more peaceful and just place for all."

Machado responded by saying the Catholic Church appreciates this dialogue with the Sikh community. "Sikhs respect us, not suspect us," he said.

Sikh and Catholic leaders expressed shared concerns over the challenges faced by immigrant communities in the U.S., the curtailment of religious freedom and human rights in South Asia, and the challenges of secularism to both religious communities.

The participants said they would meet again this year with a focus on "Divinity, Humanity and Creation." They also pledged to continue to meet at least once a year through a working committee.

After the meeting, the Catholic and Sikh participants visited the Mata Sahib Kaur Gurdwara Sahib in Glen Cove, N.Y., joined the evening service and partook of langar meal.

A TRIBUTE TO STANLEY HENRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Stanley Henry, a distinguished member of the Brooklyn, New York community. It behooves us today to honor a man who has exhibited the will to succeed, and the insatiable drive to bring his goals into fruition.

Stanley Henry is a man that went from working menial night jobs and attending high school during the day, to owning his own hardware distribution store and contracting firm and being one of the most respected men in Brooklyn.

Mr. Henry was born in British Guyana, South America in 1945. While he attended the Mackenzie Government and Technical High School during the day, he worked nights, a feat especially commendable for a teenager. After graduating in 1965, Mr. Henry worked as a construction apprentice with the Canadian Bauxite Company. In 1967, he migrated to Brooklyn. Not needing much time to adapt to a new culture, Mr. Henry graduated from The Delhanty Institute of Structural Design within 2 years. He then secured a position with Ewell W. Finley Engineer PC and for the next 10 years, Mr. Henry stayed with this company. While still employed with the company, Mr. Henry continued his education. He graduated from both the Institute of Design Construction adding to his structural engineering experience and from NYC Technical College to enhance his administrative skills.

Mr. Henry later moved on to establish Annie Henry General Hardware, his own building materials supply business named after his beloved mother. The name was later changed to Henry Wholesale & Resale Distributors, LLC. He is also the proud owner of Henry Builders Inc., a contracting firm that not only knows the people that it serves, but the people it serves knows and loves him. Mr. Henry's businesses have been a fixture on Broadway for over 35 years and he is affectionately known as the "Mayor of Broadway" and "The Master Builder."

Mr. Henry embodies the entrepreneurial spirit that is essential to any small business.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Stanley Henry as he offers his talents and services for the betterment of our community.

Mr. Speaker, Stanley Henry's selfless service has continuously demonstrated a level of altruistic dedication and today we should recognize this man and pay homage to a life truly worth celebrating.

TRIBUTE TO THE GAY, LESBIAN, BISEXUAL AND TRANSGENDER COMMUNITY CENTER OF COLORADO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Ms. DEGETTE. Mr. Speaker, I rise to commend the exceptional leadership and invaluable contributions of the Gay, Lesbian, Bisexual and Transgender Center of Colorado, "The Center," on the occasion of its 30th anniversary. It is fitting that we recognize The Center for its record of extraordinary service in providing support and advocacy for gay, lesbian, bisexual and transgender, GLBT, communities in the 1st Congressional District and throughout Colorado.

The Center has been on the front lines of progress since its inception and has proven to be a powerful force in transforming the landscape of our State. Founded in Denver in 1976, The Center is a statewide, nonprofit community center and is one of the oldest organizations serving GLBT communities in the country. It is a powerful advocate on a broad range of issues that affect GLBT people in our State and is a catalyst for community organizing and providing needed support services.

Health and wellness is a key focus of The Center. Its Healthy Living Program offers extensive health care services including free HIV testing in conjunction with Denver Health, low-cost hepatitis vaccinations, free mammograms for uninsured women, health care provider referrals and access to mental health services. It also devotes sizable effort to community health education as well as disease prevention. The Lesbian Cancer Support Service strives to increase early detection and a higher rate of cancer survival in lesbian and bisexual women. The Center also maintains Rainbow Alley, a drop-in center designed for GLBT youth that provides health care services, counseling and referral. Youth have access to a medical clinic, computer lab, kitchen and the Terry Mangan Library, all of which are drug, alcohol, tobacco and hate free.

The Center's advocacy and legal initiatives have done much to advance the cause of civil liberty and provide necessary assistance to those who experience discrimination, harassment and unequal treatment. The Legal Initiatives Project, CLIP, was founded in 1992 to challenge a discriminatory amendment to the Colorado Constitution. Amendment II would have precluded any action by the State or local governments designed to protect GLBT people. Amendment II passed by a slim margin, but due to CLIP's leadership, a lawsuit was filed and injunctive relief was granted to prevent the measure from taking effect. The decision was appealed to the United States Supreme Court and a national coalition of civil rights groups joined CLIP to uphold the lower court ruling. In a historic decision—*Romer* v. *Evans*, 517 U.S. 620 (1996)—the Supreme Court held that Amendment II was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. In 2000, CLIP merged with The Center and became its legal services program. It accomplishes its mission through the CLIP Legal Hotline, civil rights litigation and mediation, media work and public education. CLIP focuses on cases and issues that move the civil rights agenda forward serve the most oppressed and disadvantaged in the GLBT communities.

We are indeed fortunate to have The Center in our community. It is an invaluable resource and I am deeply appreciative of the good work The Center does in addressing systemic inequalities and providing continuity and stability in the efforts to secure greater equality, justice and participation in our democracy. The Center has helped provide a place at the table for GLBT people. It has provided needed health and community services. In summary, The Center's leadership and engagement has made a real difference in peoples lives and thereby in the communities it serves.

Please join me in commending the Gay, Lesbian, Bisexual and Transgender Center of Colorado. It is the strong leadership and meaningful service it provides on a daily basis that continually enhances our lives and builds a better future for all of our people.

CHILD WELFARE LEAGUE OF AMERICA TESTIMONY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. RANGEL. Mr. Speaker, I rise today to bring to your attention Part II of the testimony of the Child Welfare League of America (CWLA) when they testified before the Human Resources Subcommittee of the Ways and Means Committee on May 23, 2006.

The purpose of the testimony given was to share with the Subcommittee important measures to improve our nation's child protective services. It is my hope that my colleagues will find this information useful as well as informative as we focus on legislation that addresses the needs and care of our children.

CWLA POLICY RECOMMENDATIONS ON PROPOSED LEGISLATION

The Reauthorization of Promoting Safe and Stable Families—Of most immediate importance for this Committee is the reauthorization of the Promoting Safe and Stable Families program (PSSF) beyond FY 2006. PSSF supports four vital services that address four different types of families in need: those in need of basic support services to strengthen the family and keep them whole, families being reunified, families we are trying to preserve, and adoptive families in need of support. As you review some of the key needs included in this testimony, the Subcommittee can see how the issues of prevention, aftercare, permanency and stability and maintaining families are all addressed by these categories.

CWLA believes these services and families should continue to be the target for PSSF in a reauthorization bill:

Family Support Services (FSS) were developed to respond to the concerns, interests, and needs of families within a community. Family Support Services are targeted to families with difficulties and concerns related to the proper functioning of the family and care of the children. The focus of the program is on prevention. The services address the need to improve the well-being of a child, family functioning, and the parent's ability to provide for the family, before they are in crisis. In order to reach families in need of assistance, family support programs work with outside community organizations such as schools and child welfare agencies. The aim is to provide temporary relief to families and to teach them how to better nurture their children. Involvement in these services is voluntary. Types of services include parent education, child care relief, and selfhelp groups.

Reunification is the first permanency option states consider for children entering care. Yet, in many ways, it is the most challenging option to achieve in a plan-based, permanent way. We know that forty-eight percent of, or 246,650, children in care on September 30, 2003 had a case plan goal of reunification with their parents or other principal caretaker. At the same time, 151,770 children, or 55 percent of those children who left care in 2003, were returned to their parent's or caretaker's home.

Successful permanency through reunification requires many things, including skilled workers, readily available supportive and treatment resources, clear expectations and service plans, and excellent collaboration across involved agencies. Reunification also requires culturally appropriate support and treatment services for families and the critical need for after care or postpermanency services to ensure that safety and permanency are maintained following reunification.

Family Preservation Services (FPS) are comprehensive, short-term, intensive services for families delivered primarily in the home and designed to prevent the unnecessary out-of-home placement of children or to promote family reunification. The services are intended to protect a child in a home where allegations of child abuse or neglect have occurred, prevent subsequent abuse or neglect, prevent placement of a child, or reduce the stay for a child in out-of-home care. Families in need of family preservation services are usually referred by public welfare agencies. Services are provided within 24 hours of referral and the family's involvement is voluntary. These services respond to families on a 24-hour basis, including services such as family therapy, budgeting, nutrition, and parenting skills.

Adoption support is an important need as the number of adoptions have increased. There is still more work to be done. Services may include information and referral, case management services, support groups and a range of other services. Of the 523,085 children in foster care in 2003, approximately 119,000 were waiting to be adopted, with 68,000 of these children being free for adoption (parental rights had been terminated). Of the children waiting, 40 percent were black non-Hispanic, 37 percent were white non-Hispanic, 14 percent were Hispanic, and 4 percent were of undetermined ethnicity.In 2003, the median age of children waiting to be adopted was 8.7 years; 3 percent of the children waiting to be adopted were younger than 1 year; 32 percent were ages 1 to 5; 28 percent were ages 6 to 10; 30 percent were 11 to 15; and 6 percent were 16 to 18.

Use Of $40 Million PSSF Increase—CWLA supports the extension of the $40 million in mandatory funding that was included in the Deficit Reduction Act and we want to work with the Subcommittee and members of Congress to see that PSSF is at a minimum fully funded at the level of $505 million as adopted by this Subcommittee in 2001. We feel there a need for more. As indicated earlier in our testimony, forty percent of children substantiated as abused or neglected do not receive follow up services. We also feel it bears repeating that there is need for more reunification, adoption and other support services than PSSF attempts to address. To truly reach the goal of safe and stable families this country needs to go much further in its funding and priority of the entire child welfare system.

CWLA recognizes that the Subcommittee and members of Congress see the $40 million in mandatory funding as an opportunity to address some additional issues in the child welfare field. If that is the decision of the Congress we strongly urge you to make this the first step in a comprehensive strategy over the next few years to more fully address the needs of these children.

The draft legislation includes a workforce element tied to caseworker visits. CWLA supports regular and on-going visits to children in care. In the child welfare field visitation is not an isolated service or stand-alone intervention. Rather it is part of a larger case planning process. To reach this visitation goal we need a comprehensive strategy to strengthen the child welfare workforce.

We would not want a system of care where too few workers with very high caseloads are simply meeting an outcome measure of numbers. Rather each state should be assisted in implementing a long term workforce strategy that sets goals around reduced workforce turnover, higher education levels, adequate case loads, initial training and on-going training, adequate supervision and the proper partnerships with educational institutions and other partners in workforce development.

For each state this will be different so we would urge the Subcommittee to craft legislation around such a flexible allocation of funding and planning that will work with states to develop outcomes and provide related data that can demonstrate progress toward a comprehensive workforce strategy or goals. Again, this is a long-term strategy that requires federal, state and local partnerships. It should also be recognized that $40 million for fifty states may limit the kind of progress we all seek in advancing this goal. In addition, it will be difficult to determine how this designation of $40 million will supplement and not supplant current state efforts since it will overlap with Title IV–E Administrative funding used for these critical purposes but we do highlight that additional resources are needed.

Possible Improvements—Access For Tribal Communities—In your reauthorization, CWLA suggests that the Subcommittee include the recommendations being proposed by the National Indian Child Welfare Association, National Congress of American Indians and the Association of American Indian Affairs. Their joint proposal would set the reserved amounts of funding for tribal governments at 3 percent in both the mandatory and discretionary funding. A consortium of tribal governments could also apply for the funding and we endorse an authorization of a tribal court improvement program.

Better Data—As part of the application process, states submit information on how they intend to allocate their PSSF funding. This information should be collected and included in an annual report by HHS. We also urge the Subcommittee to include legislative language that would direct HHS to work with states to determine how to compile an annual report that would provide information on how funds are actually spent and would include information on families and children served. The annual reports by HHS on the Social Services Block Grant have only been issued since 1998, yet they have provided a stronger picture of why that funding is important to so many human service programs.

Mentoring of Children of Prisoners—We commend the Committee for including the reauthorization of the Mentoring Children of Prisoners program in this legislation. Mentoring for this population is an effective way to engage at-risk children and youth, provides connections to caring adults, and perhaps most importantly, builds relations among family members during and after incarceration. We know there are many areas in the country today where children of prisoners are not able to access this mentoring service due to lack of availability. Expansion is necessary and the Committee is to be commended for focusing on this. We urge the committee to carefully consider the following issues as this new initiative is implemented.

Currently there are 218 federally funded sites around the country where this mentoring is taking place, involving thousands of children. It would be tragic for these children to have their mentoring disrupted or ended prematurely. We urge the Committee to include provisions to allow these efforts to continue.

Researchers and mentoring experts have concluded that children facing multiple developmental risks benefit more from mentoring than other children; however, they require a higher quality of mentoring program and are more likely to be adversely affected by poor quality mentoring. We urge the Committee to examine carefully the expertise and background of all potential national entities specific to mentoring children of prisoners. New trainings, techniques and curricula, have recently been developed. Whatever entity is chosen will need to be fully knowledgeable of these tools and prepared to make them available.

IV–B Part 1 Child Welfare Services—CWLA appreciates the Subcommittee's efforts to better align the IV–B Part 1, Child Welfare Services program with that of PSSF. This can add clarity to the understanding of funding sources although it is unclear to what extent IV–B 1 funds are spent on adoption, foster care and child care on an annual basis. In practical terms, since federal Title IV–E funds cover half or less than half of the children in foster care, it is also unclear that this change in statute will result in any increase in funding for services covered under IV–B part 1 or PSSF. Inevitably states must pick up the cost of foster care for children ineligible for IV–E by relying on other federal funds, state funds, local funds or a combination of all three.

CWLA also appreciates the Subcommittee's efforts at updating the state plan requirements. In addition we suggest the requirement to include a description of efforts to address the overrepresentation of children of color in the child welfare system. These children represent African American/Black, Latino/Hispanic, American Indian/Alaskan Native, Asian, Hawaiian/Other Pacific Islander, or two or more races.

Conclusion—CWLA appreciates the opportunity to offer our testimony and comments to the Subcommittee in regard to this reauthorization of Promoting Safe and Stable Families. As this legislation moves forward we look forward to a continued dialogue with the Subcommittee and Members of Congress. We also hope that this reauthorization serves as a building block for future efforts that will create a comprehensive reform that results in reduced numbers of children being abused and neglected and safer and permanent families for those children who do come into contact with the child welfare system.

IN MEMORIAM TO DAVID HANSBERGER, FOR HIS CIVIC LEADERSHIP IN YUCAIPA CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to express my sadness at the passing of a friend, David Hansberger of Yucaipa, whose civic leadership helped guide this growing community to cityhood and set it on a course to become a highly-desired destination city in my California district. Mr. Hansberger passed away this week, and all of his friends will feel the loss.

David Hansberger is a native of Redlands, my hometown, and received all of his education in our area. As he grew up, the Inland Empire also grew, from a semi-rural group of small cities to a population powerhouse—one of the largest urban growth areas in the United States. That we have been able to remain a fabulous place to live is a credit to local leaders like David Hansberger and his brother, Dennis, who is now a San Bernardino County Supervisor.

His public service career actually began in the Coast Guard, where he served 8 years and became a First Class Petty Officer and received the Honor Man Award. When he returned to San Bernardino County, he became a leader in a number of our local industries: Owner-operator of Snow-Line Orchards for 13 years; manager of Tri-City Concrete and Perris Ready-Mix; Realtor for Hansberger-Teeters and Emerich and Company, and finally the District Manager of the Inland Empire Resource Conservation District, protecting the natural assets of the growing area.

David applied this intimate knowledge of how San Bernardino County ticked to his civic activities. He served on hospital and charity boards, and was very active in the Jaycees, ultimately becoming a District Governor for that group. He was very popular as a caller at auction events for charities, and was given credit for dozens of extremely successful fundraisers for groups over the years.

Perhaps David Hansberger's largest contribution, however, was in helping guide the citizens of Yucaipa into cityhood. This booming area in the foothills on the east side of San Bernardino Valley had made four attempts at incorporation by the mid-1980s, and the lack of success had caused deep divisions in the community.

Mr. Hansberger took over as president of the Yucaipa City Incorporation Committee, and is widely credited with smoothing the rivalries and disagreements. Yucaipa voters finally voted to incorporate in 1989, and the city has grown to a population of 47,000. David Hansberger became a charter member of the city planning commission, and helped set a tone of top-quality home development that has made the city a beautiful place.

The friends of David Hansberger are legion—indeed, most people who knew him would say he never let anyone be a stranger for long. His genuine concern and compassion drew people to him, and he welcomed them as friends.

Mr. Speaker, I ask you and my colleagues to join me in expressing condolences to Mr. Hansberger's wife of 41 years, Sheila, and his children, grandchildren, parents and siblings. I ask you to join me as well in celebrating his wonderful contributions to making his community, and our world, a friendlier and more livable place.

HONORING ARTHUR GLIDDEN, PRESIDENT OF THE BOARD OF THE WOLFEBORO CENTRE COMMUNITY CHURCH

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to Arthur Glidden for his hard work and dedication to the continuation and protection of the Wolfeboro Centre Community Church for over 43 years. Arthur Glidden is 83-years-old and has been a resident of my hometown of Wolfeboro for his entire life. Arthur's wife, Dotty, is also a lifelong resident of the community and a supporter of the church.

In 1841, a group of Wolfeboro citizens purchased one third of an acre for $17 to build a non-denominational worship center for the Christian members in the area. This traditional New England church was started and it continued in operation with the generous help of the congregation. In 1964, Arthur Glidden became President of the Church Board and began what has now become his long-standing devotion to the parishioners and the care and preservation of the building.

Arthur has taken the traditions of when the meetinghouse was first built and he has raised them to a higher level. For almost 25 percent of the life of the Wolfeboro Centre Community Church, he has been its greatest protector and benefactor. At times, almost single-handedly, Arthur lifted the church up to save it from declining attendance and carried it forward on his shoulders until it was safe and secure again.

Arthur Glidden is to be commended for his steadfast dedication to the Wolfeboro Centre Community Church, and all of his efforts to improve the community in which he lives.

H.R. 5252: THE COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, Federal telecommunications law was last reformed in 1996. Many new technologies have been developed since then that have changed how Americans receive and seek information. This reform legislation is long overdue. I support reforming telecommunications law that will encourage investment, innovation, and competition in both telecommunications software and hardware. The delivery of telecommunications services to consumers, such as universal service, community access, and public safety must be protected. And, most importantly, any changes to telecommunication law intended to enhance competition must ensure consumer protections.

Unfortunately, the bill before us today does little to meet those goals and instead the consumer protections and community access we have come to expect could be in jeopardy. In addition, this bill forces unfunded mandates onto State and local governments and does little to prevent businesses from discriminating against consumers in order to enhance profit margins.

The Congressional Budget Office estimates that intergovernmental mandates on State and local governments would increase over time—adding up to $100 to $350 million by 2011. This cost will ultimately be passed along to the families who use these services. And, while the bill maintains the rights of cities to manage rights-of-ways requirements, such as where telecommunications infrastructure can be laid and what city streets can be disrupted, this legislation prevents State and local consumer protection laws from applying to national franchise holders.

While the bill includes some "anti-discrimination" requirements intended to prevent providers from servicing areas based on income levels, these provisions are weak because the bill does not require companies to offer service to all communities within a specific area within a certain period of time. Weak anti-discrimination policies undermine the universal service principles that have been the pillars of fair access to U.S. telecommunications. I am concerned that the anti-discrimination policy contained in the bill does not go far enough in ensuring fair access to service and in allowing fair access to group claims and protections in the event that consumers feel that they and their neighbors have been discriminated against.

I also continue to remain concerned that this bill does not contain a stronger network neutrality provision—which would prevent Internet providers from discriminating against Internet content—whether through pricing or speed of delivery. The Internet has been a communication medium that has flourished due to the fact that content has moved freely and equally without interference from network providers. Financial incentives to move some content through the Internet faster than other content would undermine the innovation that has spurred competitive Internet content and services. It is my opinion that the network providers should not be the ones in charge of favoring one application over another—consumers should be in charge of that.

A broad coalition of groups opposes this bill for a variety of reasons, including the National Conference of State Legislatures, the National League of Cities, the National Association of Counties, the National Association of Telecommunications Offices and Advisors, and the National Governors' Association. Other groups share in the concern about the need for strong network neutrality provisions, including a broad coalition representing AARP, the American Library Association, colleges and universities across the country, and many others. I share in their concerns and that is why I rise today to oppose passage of this bill.

MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2006 (S. 2803)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, the recent tragedies of the Sago and Aracoma Alma mine disasters have been a difficult lesson in the efforts to improve mine safety regulations effectively and permanently. I rise today in strong support of long overdue coal miner safety legislation. Unfortunately, the Mine Improvement and New Emergency Response Act of 2006, S. 2803, while an improvement over current law, neglects to address three simple, much-needed reforms that could save lives.

I cannot support the bill before us today because I support stronger improvements to miner safety—which have been supported by miners, miner families, and industry. This legislation would be made stronger with three additional requirements: Provision of no less than a 2-day supply of breathable air for trapped miners; Assurance that within 15 months, communications and tracking devices will be available to find and communicate with trapped miners; regular inspections of miners' individual oxygen packs, known as self-contained self-rescuers, by the federal Mine Safety and Health Administration.

Congress can do better for working men and women by adopting these three provisions. In fact, since this bill passed the Senate, reports have indicated that these reforms could be easily implemented at very little cost. Unfortunately, the Republican leadership would not allow these simple and agreeable provisions to be offered as amendments to the bill.

The Bush administration has failed to make miner safety a priority and instead has proposed budget cuts and deregulation. Despite six U.S. mine tragedies and more than 30 miners' deaths this year already, the President did not request funding for additional safety enforcement personnel in his Fiscal Year 2007 budget. This proposal is after years of budget cuts to the Department of Labor's Mine Safety and Health Administration, MSHA, resulting in a decline of 170 full-time employees at MSHA and a decline of 217 employees in coal enforcement. In addition, President Bush has appointed former mining executives to the top political positions at the Mine Safety and Health Administration.

I will continue to support efforts to implement stronger miner safety laws. I oppose this bill and urge my colleagues in joining with me to fight for stronger regulations that will save lives and to fight for our working men and women.

A TRIBUTE TO WALTER T. MOSLEY III

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Walter T. Mosley III, a distinguished member of the Brooklyn, New York community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments. Walter T. Mosley III serves as Chief of Staff and Counsel to New York State Assemblyman William F. Boyland, Jr. Prior to his current assignment, Mr. Mosley served as Legal Counsel to the Deputy Speaker of the Assembly, Hon. Clarence Norman, Jr. from 2001 to 2005. In this capacity, he served as advisor to the Deputy Speaker on legislative and public policy issues related to statewide and borough-wide initiatives.

Mr. Mosley's current responsibilities include proposing and recommending legislative items and statewide sponsorship requests, serving as the assemblyman's consultant to social programs and economic development projects within central Brooklyn. He also serves as his re-election consultant, and manager of his staff, both in Brooklyn and Albany, New York.

Prior to accepting his current position with the New York State Assembly, Mr. Mosley served as a political consultant on several local and countywide campaigns, and in 2004, was assigned by the Democratic National Committee to work on behalf of Senator JOHN KERRY's presidential campaign. From 1998 to 2001, Mr. Mosley was a Legislative and Oversight Analyst and Investigator for the New York City Council's Office of Oversight and Investigations. In that capacity, Mr. Mosley issued a number of citywide reports and studies on several public policy issues for the City Council.

Mr. Mosley is involved with many community activities, which include his personal work with literacy programs, youth and civic organizations that have made him keenly aware of the importance of helping others while providing opportunities for individuals to reach their full potential. Presently, Mr. Mosley serves as Chairman and Volunteer Mentor to "Future Giant," a non-profit Harlem/South Bronx community based organization formed to support and mentor adolescents and young adults; Board Member, Bedford YMCA; Chairman of the Economic Development & Job Creation Committee for Community Board 2; Board Member, Cush Campus Schools in Brooklyn, NY; Mentor, Penn State Fast Start Program for incoming freshmen from New York City; and an active member of the Brooklyn Branch of the NAACP.

Recently, Mr. Mosley co-founded and is a managing partner for the consulting firm, Advent Consulting Group, LLC where he helps to advise and organize not-for-profit groups in New York City.

In his spare time, Mr. Mosley serves as a volunteer youth coach with the Brooklyn Skyhawks Football Club and as a participating coach with the National Football League's Junior Players Development Program. Mr. Mosley is a member of the oldest African-American fraternal organization in America—Alpha Phi Alpha Fraternity, Incorporated.

In addition to his volunteer work, Mr. Mosley actively fundraises for the internationally acclaimed HIV/AIDS advocacy group, The "Balm in Gilead," where he participates yearly in their annual marathon. Mr. Mosley sincerely hopes the level of his commitment not only helps to generate funding and awareness in the fight against HIV/AIDS, but will encourage other young adults to join in his efforts to raise money and awareness towards the fight against this horrible disease. This year, Mr. Mosley intends to run in the New York City Marathon to raise funds for the Bedford YMCA. As a result of his tireless work and efforts, Mr. Mosley is the recipient of numerous community awards and recognitions.

CONCERNING THE THREE SUICIDES AT GUANTANAMO BAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Ms. SCHAKOWSKY. Mr. Speaker there has been no organization, no strategy and no plan for the handling of the prisoners at Guantanamo Bay. They have been in prison for years and years, with no hope of being formally charged. They are given none of the rights afforded prisoners of war under the Geneva Convention nor are they given the rights of criminal suspects in the U.S. justice system. In fact, out of the roughly 500 detainees at Guantanamo Bay, only four have been charged with war crimes. And, since these detainees are classified as enemy combatants, they can be held until the Iraq war is over. Since no one can accurately determine when the war will end, the prisoners could be detained for an indefinite amount of time.

Mr. Speaker, I visited Guantanamo Bay in 2003. I saw firsthand the conditions of the prisoners and the facilities in which they were being held. These prisoners were being held in small cells for over a year without any hope of having their day in court—or even being formally charged with a war crime. With this desperate atmosphere, it is not surprising that there have been at least 41 unsuccessful suicide attempts by 25 detainees since the United States began taking prisoners to the base in January 2002.

I find it inexcusable that my own country has not demonstrated more concern for the basic Constitutional rights of these prisoners. If there is legitimate evidence of crime, these prisoners deserve a speedy trial.

Mr. Speaker, we must be a positive example to the world. We must prove to all those who would challenge our way of life that a worthy Democracy that upholds the rule of law even in the time of conflict, can exist. If we are to convince the world that terrorism is wrong and freedom is right and just, then as the most powerful voice of liberty, the United States of America must start acting as a leader and as an example.

PERSONAL EXPLANATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mrs. MILLER of Michigan. Mr. Speaker, due to a family emergency I was not in attendance in the House between June 12th and June 14th, and during that time I missed a number of roll call votes.

Had I been present, I would have voted "yes" on rollcall votes 250 through 262, 270, 273, 283, 286 and 287, and I would have voted "no" on rollcall votes 263 through 269, 271, 272, 274 through 282, 284 and 285.

I ask unanimous consent that this be entered into the RECORD in the appropriate place.

TRIBUTE TO MARK ABBOTT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to congratulate Mark Abbott, Dean of the College of Oceanic and Atmospheric Sciences at Oregon State University, on his nomination to the National Science Board. Oregon has long benefited from Dean Abbott's impressive scientific knowledge and I am delighted that he will now have the opportunity to share this insight with the rest of the country.

We in Congress have already benefited from Dean Abbott's scientific expertise. In July, 2002, he testified before the House Committee on Science's Subcommittee on Environment, Technology, and Standards about satellite data management at NOAA from the perspective of the Earth science community.

During his time at Oregon State, Dean Abbott's research has been focused on the interaction of biological and physical processes in the upper ocean. He has been a pioneer in the use of satellite ocean color data to study coupled physical/biological processes and he has also advised the Office of Naval Research and the National Science Foundation on ocean information infrastructure. Dean Abbott was also recently appointed a co-chair of the State of Oregon's Climate Change Integration Group. This panel, appointed by Oregon Governor Ted Kulongoski, has been charged with tracking the State's progress on greenhouse gas emission reductions and looking at future economic and societal implications of climate change.

The National Science Board is the governing body of the National Science Foundation, an independent federal agency established to promote the progress of science, advance the national health, prosperity, and welfare, and secure the national defense. The National Science Board has the duel responsibilities of serving as the national science policy advisor to the President and the Congress and serving as the governing board of the National Science Foundation.

Today, the Nation and the world are confronted with many questions about the possible impacts that human behavior is having on the environment. We need to make sure that our policy decisions are based on science and not the other way around. With Mark Abbott and others like him serving on the National Science Board, I know that this will continue to be the case.

A TRIBUTE TO WILLIAM D. PINKETT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of William D. Pinkett, a distinguished member of the Brooklyn, New York community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

William D. Pinkett was born in New Haven, Connecticut to the late William Sheridan and Hattie Pinkett. He is the fifth of five brothers, all of whom have preceded him in death.

William (Bill as he is affectionately called by most) came to Brooklyn as an infant, when his parents came to New York seeking a better life.

Bill was educated in the New York public school system, attending PS 41, Junior High School 210 and Boys High School. He received his Bachelor of Arts Degree and Masters in Sociology from Brooklyn College. He also received a Masters of Science Degree in Educational Supervision from Pace University. In 1950, the US Army drafted Bill and he served in the infantry in Korea. In 1953, Bill received an honorable discharge and was immediately hired by the US Postal System. While working as a clerk at night, Bill attended graduate school and taught in the NYC Public Schools on a per diem basis during the day.

After 10 years of postal employment, he assumed a fulltime career as classroom teacher for 22 years. He later served as an educational administrator at the Board of Education headquarters for the next 10 years. Bill's tenure at the New York City Board of Education lasted 33 years. He retired in 1991, as a licensed Senior Educational Administrator of Curriculum and Staff Development.

Wherever Bill worked, he also served as a union representative in those titles. Upon retirement at the Board it was to be expected that he would become an elected officer in the Retired School Supervisors Chapter of the Council of Supervisors and Administrators (CSA). In his capacity as a Trustee of the CSA Retiree Welfare fund, Bill continues to serve as a champion for the rights and benefits for retirees of his former union.

Given Bill's leadership abilities, it was not a surprise that he was elected Chairman of the City-Wide Council of Municipal Retiree Organizations (COMRO), which is comprised of retirees from over 40 New York City unions, representing in excess of 150,000 retirees. Bill is completing his second term as Chairman of this distinguished organization of uniformed and civilian retirees, which seeks to maintain and improve the health benefits of all municipal retirees as well as keeping a watchful eye on legislation that impact upon New York City's five pension systems.

Bill will be quick to tell you that whatever skills in public relations with workers and retirees he might have, came about because he learned so much from his master teacher (and late wife), New York City Councilwoman Mary Glover Pinkett.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of William D. Pinkett as he offers his talents and services for the betterment of our local and national communities.

Mr. Speaker, William Pinkett's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

TRIBUTE TO FRANCIS P. CANALI ON THE OCCASION OF HIS RETIREMENT FROM THE WORCESTER, MASSACHUSETTS PUBLIC SCHOOLS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. McGOVERN. Mr. Speaker, I rise today to pay special tribute to Francis (Frank) P. Canali on the occasion of his retirement from the Worcester, Massachusetts Public Schools. The end of this school year marks the end of Frank's distinguished thirty-four year career as a teacher and administrator at Worcester Vocational High School. During his long tenure, Frank has gained a well-deserved reputation as a talented professional educator who is widely respected and admired for his unfailing devotion to Worcester Voke.

The longevity of Frank Canali's career is not only impressive, it is also inspiring. In an age when loyalty is becoming an increasingly rare quality, Frank's steadfast commitment to the students, faculty and staff of Worcester Voke reminds us all what one man can accomplish when he dedicates his life's work to the betterment of a single institution. When Frank walks out the doors of Worcester Voke for the last time, he will leave the school an infinitely better place than he found it.

Frank began teaching at Worcester Vocational High School in 1972 as a graphic arts instructor in the evening program. He later taught offset lithography, both in the Career Educational Training Program and at Worcester Vocational High School, before becoming head of the graphic communications department in 1980. Along the way Frank furthered his own education by earning a bachelor's of science degree in education and a master's degree in administration of occupational education. He was subsequently appointed assistant principal in 2000 and ultimately principal in 2003. As Frank now prepares to end his career as principal, he leaves Worcester Vocational High School as one of the highest-performing public schools in the City of Worcester and with a new state-of-the-art facility that is the envy of every community in the Commonwealth of Massachusetts. Both remarkable achievements are due in no small part to the immeasurable and lasting contributions Frank has made during his career. His positive influence has benefited an untold number of young men and women, and his legacy will be that he tirelessly demanded that vocational education receive the attention, emphasis and investment it rightly deserves and that our nation so desperately needs.

Mr. Speaker, as the brother of two Worcester public school teachers, I know well the great challenges and demands our educators face on a daily basis. For thirty-four years, Frank Canali has met and mastered those daily challenges. He enters retirement with the quiet pride and satisfaction of knowing that he has truly made a difference. I wish to offer my heartfelt appreciation for Frank's public service to the families of Worcester, Massachusetts, and I wish him and his wife Pattie, their children and grandchildren a happy and healthy retirement. He has earned it.

CONGRATULATING THE LEWIS CASS "LADY KINGS" SOFTBALL TEAM ON WINNING THE CLASS 2A INDIANA STATE CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. CHOCOLA. Mr. Speaker, I rise to congratulate the 2006 Class 2A State Champion Lewis Cass Softball team.

Led by coach Brent Blinn and assistant coaches Scott Rouch, Greg Comoglio, and Mike Stow these 17 talented girls beat Frankton High School 3–0 to clinch the championship.

The Championship game, all five and a half hours of it, capped off an incredible 28–2 season where the Lady Kings faced and defeated the best competition Indiana has to offer. These talented young ladies are a great example of how teamwork, commitment, discipline, and confidence will lead to success.

The team includes: Krista Weber, Kayla Blinn, Misty Collins, Rachel Comoglio, Brittany LoCoco, Jennifer Berlet, Emily Watkinds, Taylor DeHaven, Alexandra Rouch, Ollmay Wilson, Molly Naphew, Anna Tweed, Samantha Roller, Morgan Baker, Danya Long, Ashley Snider and Haley Tolle.

I am truly fortunate to have the opportunity to recognize these incredible women. It is my wish that their story of triumph will encourage both men and women of all walks of life, whether they play sports or not, to follow their dreams, believe in their friends, and not give up until they can hoist the trophy of victory above their heads like the Lady Kings of Lewis Cass.

THE IMPORTANCE OF U.S. FOREIGN AID

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD, an article by Pulitzer Prize winning journalist Nicholas D. Kristof discussing the merits of U.S. foreign aid. In the article, titled Foreign Aid Has Flaws. So What?, published in the June 13, 2006 edition of the New York Times, Mr. Kristof demands a dialogue to increase the effectiveness of our foreign aid. It is good to see the subject of foreign aid being addressed in the New York Times editorial pages because there needs to be public education about the benefits of foreign aid for the poor and also for the United States.

Eradicating global poverty is the first objective of the United Nation's Millennium Development Goals. With that in mind we must recognize the need for increasing the effectiveness of the money that is provided through foreign assistance programs every year. Mr. Kristof initiates his point by acknowledging the central reality that "helping people can be much harder than it looks." For example, food assistance lowers prices in the markets of the recipient countries and continues the impact by discouraging local farmers from planting the next season.

Economists have argued that aid can have adverse effects on a country's economic system. It pushes up the local exchange rates, discouraging local manufacturing; it breeds foreign assistance dependency by cutting down room for internal development of industries and opportunities. At the same time our aid saves lives. "For pennies [we] can vaccinate a child and save his/her life. For only $5, [we] can buy a mosquito net and save several people from malaria." In Darfur we haven't done nearly enough to establish permanent peace and stability, but our aid has kept thousands of people alive.

Keeping these facts in mind, my dear colleagues, I ask you all to join me in taking constructive steps to increase both the amount of U.S. foreign aid and the efficiency in distributing it to nations that are in dire need of assistance. We, as representatives of the most powerful nation of the world, must lead the way and work with international organizations that can share this burden with us.

[From The New York Times, June 13, 2006]

FOREIGN AID HAS FLAWS. SO WHAT?

(By Nicholas D. Kristof)

Don't tell anyone, but a dirty little secret within the foreign aid world is that aid often doesn't work very well.

Now that truth has been aired (and sometimes exaggerated) in a provocative new book by William Easterly, "The White Man's Burden." Mr. Easterly, a former World Bank official who is now an economics professor at New York University, has tossed a hand grenade at the world's bleeding hearts—and, worst of all, he makes some valid points.

Let me say right off that stingy Republicans should not read this book. It might inflame their worst suspicions.

But the rest of us should read it, because there is a growing constituency for fighting global poverty, and we need to figure out how to make that money more effective.

I disagree with many of Professor Easterly's arguments, but he's right about one central reality: helping people can be much harder than it looks. When people are chronically hungry, for example, shipping in food can actually make things worse, because the imported food lowers prices and thus discourages farmers from planting in the next season. (That's why the United Nations, when spending aid money, tries to buy food in the region rather than import it.)

On one of my last trips to Darfur, I had dinner at a restaurant in Nyala called K2. Out back were 18 big white S.U.V.'s belonging to the U.N. and aid groups; that amounted to nearly $1 million worth of vehicles, in a country where people are starving.

The aid workers are struggling heroically in a dangerous and difficult place, and I don't begrudge them reliable vehicles. But something seems wrong when international agencies are more successful at maintaining S.U.V.'s than clinics. (One reason is that budgeting is often done annually, and one of the ways to spend a grant in a single year is to buy a vehicle.)

It's well-known that the countries that have succeeded best in lifting people out of poverty (China, Singapore, Malaysia) have received minimal aid, while many that have been flooded with aid (Niger, Togo, Zambia) have ended up poorer. Thus many economists accept that aid doesn't generally help poor countries grow, but argue that it does stimulate growth in poor countries with good governance. That was the conclusion of a study in 2000 by Craig Burnside and David Dollar. Professor Easterly repeated that study, using a larger pool of data, and—alas—found no improvement even in countries with good governance.

Saddest of all, Raghuram Rajan and Arvind Subramanian of the International Monetary Fund have found that "aid inflows have systematic adverse effects on a country's competitiveness." One problem is that aid pushes up the local exchange rate, discouraging local manufacturing. Mr. Subramanian also argues that aid income can create the same kinds of problems as oil income—that famous "oil curse"—by breeding dependency and undermining local institutions.

All these findings can be pretty shattering to a bleeding-heart American. But cheer up.

Some other studies indicate that aid does improve growth (economists don't agree about this any more than they agree about anything else). And whatever the impact on economic growth rates, aid definitely does something far more important: it saves lives.

For pennies, you can vaccinate a child and save his or her life. For $5 you can buy a family a large mosquito net and save several people from malaria. For $250, you can repair a teenage girl's fistula, a common childbirth injury, and give her a life again.

The Center for Global Development, a Washington think tank, has published a terrific book, "Millions Saved," demonstrating how health projects have saved lives. Eradicating smallpox and reducing river blindness have improved the lives of more people for less money than almost any investment imaginable. In Darfur, we haven't done nearly enough. But our aid shipments have kept alive hundreds of thousands of people.

For my whole adult life, I've sponsored children through Plan USA, and in visiting my "adopted" child in places like the Philippines and Sudan, I've seen how the kids' lives are transformed by American sponsors. Aid is no panacea, but it is a lifesaver.

So let's not shy away from a conversation about the effectiveness of aid. The problems are real, but so are the millions of people alive today who wouldn't be if not for aid. In the end, if we have tough conversations about foreign aid, then I believe Americans will acknowledge the challenges—and then, clear-eyed, agree to dig more deeply than ever, for that is simply the best way we have of asserting our own humanity.

HENRY GLOVER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Henry Glover, a distinguished member of the Brooklyn, New York community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Glover was born and raised in South Carolina and moved to Brooklyn, New York after graduating from high school.

He's married to his high school sweetheart Mabel and is the proud father of four children and one adopted son. Mr. Glover graduated as an auto mechanic from Berk Trade School. He also attended LaGuardia Community College and earned his certification in Management. After many years of loyal and dedicated service, Mr. Glover retired from Eagle Electric Company.

Noting a need for change, Mr. Glover started volunteering in the community in the late seventies with the East New York Democratic Club. He later was appointed President of the Tenant Association of Marcus Garvey Houses, where he started the development's first free lunch program and youth jobs program.

Mr. Glover later moved to Bedford Stuyvesant and became very active with the Unity Democratic Club, where he serves as Chairperson of the Membership Committee and Office Manager. In his spare time, he loves to watch sports and two of his most beloved teams are the NY Yankees and the NY Football Giants.

Everyone who knows Mr. Glover knows that if you can't catch him during the week, you will be sure to find him on Sunday at Mt. Carmel Baptist Church where he serves as a faithful Deacon. He is also a member of the Association of Deacons.

Mr. Glover's motto is "If I Can't Help Somebody Along the Way, Then My Living Would Have Been in Vain," and his life is a living testament.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Henry Glover, a man who offers his talents and services for the betterment of our community.

Mr. Speaker, Henry Glover's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

TRIBUTE TO JOSEPH HENRY WASHINGTON

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. WATT. Mr. Speaker, I rise today as Chair of the Congressional Black Caucus, to pay tribute to a fallen American hero. Joseph Henry Washington passed away on June 13, 2006. He was not well known beyond his Charleston, South Carolina community, but he represents so many unsung African American heroes who courageously defended America in the armed forces at a time when this country was denying their civil rights.

Joe Washington was a survivor of Pearl Harbor. His life was an ordinary one, but on December 7, 1941, it became extraordinary.

Mr. Washington was the youngest son of Isaac and Elvira Delura McCants Washington. After his father's death, his mother struggled to raise her two young boys by "taking in washing" for wealthy Charleston residents. Despite the hardships, no one wanted young Joe to leave home and join the Navy. Yet he was determined to see the world, and his mother gave permission for her son to fulfill his dream.

Navy recruiting officers welcomed young Joe. However, he quickly learned that the only place for men of color was as a Mess Attendant for Naval officers. Still he boarded a train for Raleigh, North Carolina and took the oath to dutifully serve his country. On August 9, 1937, Joe Washington reported for Basic Training in Norfolk, Virginia. In just three short months, he was prepared for his first assignment in the Ward Room on the USS *Arizona*. His initial duties included seeing to the needs of the ship's officers, including LCDR Commander Samuel G. Fuqua, a man Mr. Washington would later credit with saving many lives at Pearl Harbor.

While serving on the USS *Arizona*, he attended the Cook and Stewards School, which was the only upwardly mobile field open to African Americans in the Navy. After completing the course, Mr. Washington was assigned to Steward's Duty and helped plan the meals.

His time on the USS *Arizona* passed uneventfully until the "day that will live in infamy." While on duty in the Ward Room, Joe Washington heard a big explosion and then alarms sounded. His first thought was this was a drill, but when bullets began hitting the decks he knew this was the real thing.

Mr. Washington later recalled that a Japanese plane dropped a bomb right down the smoke stack directly into the ammunition room resulting in a terrific explosion. He joined his fellow sailors in securing the ship by closing portholes in their section to keep out the water and bullets. Then he tried to return to his quarters and found the hatches closed and locked by those who had gone before. He made his way to the deck and found most of the crew there dead or badly burned. He went to work helping those he could. A lifeboat came to rescue some of the men. Mr. Washington escaped by wading to shore. He came through the bombing without a scratch, and was one of only two surviving African Americans on the ill-fated Arizona.

Joe Washington spent two days at a hanger at Hickam Air Field in Washington. Yet because of his dedication to the Navy and his need to distract himself from the tragedy at Pearl Harbor, Mr. Washington volunteered to go back to work on the USS *Oklahoma* and the USS *California*.

In November 1946, Mr. Washington was admirably discharged from Navy. Some twelve years later, he returned to Hawaii to appear with then-retired Rear Admiral Fuqua on the popular television show "This Is Your Life." During that visit, he returned to the site of the Arizona's remains and said a silent prayer. In a 1985 interview he recalled, "I couldn't help thinking that I hope they didn't die in vain."

Joseph Washington spent the rest of his professional career as a government employee at the Brooklyn Navy Yard in New York. He returned home to Charleston in the 1970s after retirement and became an active and faithful member of Morris Brown AME Church. He never spoke of the events of December 7, 1941 unless he was asked, yet when he did, he would always exclaim, "It was a miracle that I came through the bombing. I was one of the lucky ones."

Joe Washington died last Tuesday at the age of 87, and will be buried in Charleston on Saturday. Mr. Washington never married. He leaves to mourn his passing a sister-in-law, and five beloved nieces including Emily E. Clyburn, the wife of our colleague JIM CLYBURN.

Mr. Speaker, I ask you and my colleagues to join me and members of the Congressional Black Caucus in remembering Joseph Henry Washington by saying that we are the lucky ones. We enjoy many freedoms today because men like him were willing to fight for their country even when they didn't enjoy the full benefit of what it meant to be an American. Because of Joe Washington and so many other unsung heroes, today our country is truly the home of the brave and the land of the free.

IN TRIBUTE TO DR. JOHN H. LOUNSBURY

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. MARSHALL. Mr. Speaker, I rise today to honor Dr. John H. Lounsbury, of Milledgeville, GA for his efforts on behalf of Georgia's children and for his long record of service in the field of education.

After serving our country during World War II, Dr. Lounsbury went back to school. He earned both a Bachelor's and a Master's Degree and quickly started his long, distinguished career in education. In 1954, he received his Doctorate and shifted his career from teaching students to teaching teachers. In 1960, he accepted the position of chairman of the Department of Education at Georgia College, and in 1977 became dean of the School of Education. Since 1983, he has served as dean emeritus.

Throughout his career, Dr. Lounsbury has been a leading force in middle grades education. He helped shape the future of middle grades education while working on the original development committee for Middle School/Junior High School Evaluative Criteria as well as the revision committee a decade later. The long-lasting impact he's had in this area is perhaps his most important legacy.

In addition to his work at Georgia College, Dr. Lounsbury has been the chairman of many professional associations, and has also served as a member or chairman of more than 25 visiting committees for the Southern Association of Colleges and Schools, the National Council of Accreditation of Teacher Education and the Georgia State Department of Education.

Mr. Speaker, despite these many obligations, Dr. Lounsbury still found the time to author or co-author more than 130 articles, 2 college textbooks, and 5 national research reports. He has made scores of presentations to various professional conferences, professional institutes and conventions.

Roundly respected as a man who has truly dedicated his life to bettering education, Dr. Lounsbury has received so many awards and honors from his peers that I cannot name them all for fear I will omit one. The most recent of those honors included a presentation here in Washington, DC. Dr. Lounsbury received the Joan Lipsitz Lifetime Achievement Award, presented by the National Forum to Accelerate Middle Grades Reform "Schools to Watch" Program, for his significant and continuous contributions to the development, implementation and sustained growth of middle level education.

Mr. Speaker, there was a time when middle school students were treated no differently than their younger counterparts, with no attention to their unique needs, abilities and challenges. Today, we know that children learn differently at different ages. Dr. Lounsbury played a key role in teaching all of us this important lesson. He is an architect of middle grades education and to this day remains a champion for this special age group.

A TRIBUTE TO DR. SHELBY SAMUEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Shelby Samuel, a distinguished member of the medical community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Shelby Samuel, M.D. is Chief of Gastroenterology at North General Hospital. He is an Assistant Professor of Medicine at Downstate Medical Center, State University of New York. Dr. Samuel received his undergraduate degree at Yale University and his Medical Degree at Downstate Medical Center.

Dr. Samuel is the recipient of awards for community involvement and leadership. He has been involved in efforts for promoting the academic advancement of young people at the level of junior high school, high school, college, and medical school. Dr. Samuel is involved in active research regarding problems in gastroenterology and hepatology that affect the minority community. He has presented his research findings at national academic meetings, including research findings on the knowledge and attitudes regarding colon cancer prevention in a high-risk urban population. Dr. Samuel has a private practice in gastroenterology with offices in Brooklyn and Manhattan.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Shelby Samuel, a man who has made giant strides in the field of medicine, and whose service makes him most worthy of our recognition today.

Mr. Speaker, Dr. Shelby Samuel's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

HONORING CAMP MAC SUMMER CAMP FOR BOYS AND GIRLS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to Alabama's own Camp Mac, as well as all the other fine summer camps located throughout the country.

Truly an "institution" in Alabama, Camp Mac Summer Camp for Boys and Girls was established in 1948 by Mr. and Mrs. E.A. McBride. Today, almost 60 years later, Camp Mac is still owned and operated by the McBride family, a true success story spanning three generations.

Camp Mac is situated in the beautiful Cheaha Mountains and surrounded by the two hundred thousand plus acres that make up the Talladega National Forest. The location is ideal for the fun and safe summer programs that are the hallmark of Camp Mac.

Since its founding, Camp Mac has provided a refuge from the negative influences that the world has to offer today's youth. Campers enter into a world of "Safety, Fun, and Instruction." With over 70 activities to choose from, campers are strengthened both in skill and confidence through the instruction they receive.

The summers spent in this wholesome environment provide an opportunity for the campers to independently develop unique and special relationships which can—and often do—last a lifetime. Campers are also given the independence to choose their own adventure for the summer because they are free to choose the activities in which they wish to participate.

These new-found friendships and activities are all carefully watched over by a staff that is second to none. The caring and nurturing staff of Camp Mac is made up of individuals who are of the highest character and are dedicated to the camp's mission. The devoted staff is just one more hallmark of Camp Mac.

It is my sincere hope that the mission of this wonderful refuge and those who work towards that mission will continue to thrive in the years to come, and I rise today to honor Camp Mac and the McBride family, and salute them for the positive difference they have made in the lives of so many young people.

H.R. 5522

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. CAPUANO. Mr. Speaker, Darfur is in a state of chaos and the humanitarian situation is more dire than it was a year ago. Security is desperately needed and unfortunately the 7,400 African Union personnel have not been able to provide stability in the region. Their lack of numbers, limited mandate and supplies have hindered their ability to stop the atrocities.

However, they are currently the only force on the ground. We hope that the African Union Mission in Sudan, AMIS, will be transitioned into a United Nations mission as soon as possible, but there are no guarantees as to when that will occur. I understand that a joint AU–UN Assessment Mission is currently on the ground in Sudan and that we are expecting a deployment of troops by October 1. Despite the beginnings of this work, it is unclear that this will lead to a deployment by the expected date. In fact, the Government of Sudan is still opposed to a U.N. force in Darfur.

I understand that the Appropriations Subcommittee on Foreign Operations did not include funding for AMIS in this bill as the U.N. mission is expected to begin before this bill is completed. However, I am concerned that the U.N. mission will take much longer and that AMIS will not have enough funds to provide security and complete their new daunting tasks under the Darfur Peace Accord.

The needs of AMIS are great and I hope that a U.N. mission will be deployed to Darfur in the immediate future.

However, if the U.N. mission is not in place when we go to conference on this bill and AMIS is in need of funding, I hope that the committee will support reprogramming funds in this bill to support AMIS.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. ROTHMAN. Mr. Speaker, on June 14, 2006, I was attending my daughter Karen's middle school graduation ceremony in New Jersey and, therefore, missed 13 recorded votes.

I take my voting responsibility very seriously, and had I been present, I would have voted "yes" on recorded vote No. 274; "yes" on recorded vote No. 275; "no" on recorded vote No. 276; "no" on recorded vote No. 277; "no" on recorded vote No. 278; "no" on recorded vote No. 279; "no" on recorded vote No. 280; "yes" on recorded vote No. 281; "yes" on recorded vote No. 282; "yes" on recorded vote No. 283; "no" on recorded vote No. 284; "no" on recorded vote No. 285; "yes" on recorded vote No. 286.

A TRIBUTE TO DR. CLIFFORD YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Clifford Young, a distinguished member of the medical community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Dr. Clifford Young is affectionately known by members of the Brooklyn, New York community as "The People's Doctor." Dr. Young is a man who overcame tremendous challenges to practice medicine, and then did his best to help people once he got his degree.

Dr. Young was born on the multiple island nation of St. Vincent and the Grenadines located in the eastern Caribbean. Upon graduation from secondary school, he received a PAHO/WHO scholarship to the Barbados Community College where he studied laboratory technology. After a short tenure at the lab of the Kingstown General Hospital, he migrated to the U.S. to continue his studies. In 1980, he enrolled at Hunter College of the City University of New York and in 1984 he graduated with a bachelor's degree in chemistry. In 1989, he received a doctor of medicine degree from the State University of New York, Downstate Medical Center. After completing his residency, Dr. Young served as an attending physician at the Woodhull Medical Center in Brooklyn, a position he still holds today. Dr. Young is also an attending physician in the Department of Medicine at the Brookdale University Hospital, and is the medical director of Citi Medical of Carnasie in Brooklyn. But Dr. Young doesn't stop there. He is also a clinical assistant professor with the Department of Medicine at Downstate Medical School, SUNY; a Diplomat of the Medical Board of Medical Examiners, a Diplomat of the American Board of International Medicine and a Fellow of the American College of Physicians. In recognition of his outstanding charitable work and contributions, Dr. Young also received the Family Service Network of New York 2005 Community Health Award and the Thomas R. Fortune Professional Health Care Award in 2006.

Dr. Young is happily married to the former Hilma Foster; they have two daughters, Nyasha and Chantay, and one son, Clifford Jr.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Clifford Young, a man who has made giant strides in the field of medicine, and whose service makes him most worthy of our recognition today.

EXPANDING DEMOCRACY IN SOUTHEAST ASIA

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize an upcoming event that should be of interest to my colleagues. The Democratic Pacific Union was founded in August 2005 and its Pacific Congressional Caucus (Taiwan Chapter) was inaugurated on May 20, 2006. Chaired by Taiwan Vice President Lu Hsiu-lien, the Taiwan Chapter has been very active in promoting democracy, peace and prosperity through the publication of the Democratic Pacific Union Quarterly, the scheduling of regional meetings in the East and the West Pacific regions, the initiation of the Pacific Economic Advisory Group and the Pacific Congressional Caucus project.

I commend Chair Lu Hsiu-lien of the Democratic Pacific Union for her hard work and applaud the Taiwan Chapter for all its initiatives on behalf of the Democratic Pacific Union in their pursuit of a stronger democratic process.

The Taiwan Chapter will also sponsor a symposium on congressional reform this summer in Taipei from August 12–14. The symposium will discuss the relationships between legislature and democracy, the electoral process, rules and campaign finance. As the world's strongest democracy, the United States can contribute greatly to this event. I urge my colleagues to attend this symposium and share their knowledge and expertise with fellow lawmakers from the Pacific region.

TRIBUTE TO THEODORE FLOYD: RESPECTED COMMUNITY LEADER AND DEVOTED PUBLIC SERVANT

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to honor a dear friend, Detective Theodore Floyd of the Indian River Sheriff's Department.

As a former Florida Highway Patrolman myself, I have proudly worn the titles "law enforcement officer" and "first responder." But

Theodore Floyd is more than that, because he is truly a peace officer who takes a broader view of his responsibilities.

On Saturday, June 17, 2006, at St. Peter's Missionary Baptist Church in Vero Beach, Florida, a service of appreciation will be held for Mr. Floyd, who has had a distinguished 15-year career in law enforcement with the Indian River Sheriff's Department.

Detective Floyd recently implemented crime prevention strategies in communities throughout Indian River County. He has built strong relationships with community leaders and elected officials that have increased the security and safety of Indian River County residents. He has aided in rallying county government to improve living conditions for the County's less fortunate.

Detective Floyd has previously been honored by many organizations over his long career. He has been recognized by the Daytona Beach and Volusia police departments, and has been named Pastoral Law Enforcement Man of the Year.

Mr. Floyd is an active member of many community-based organizations, including the Progressive Civic League, the local NAACP, Habitat for Humanity, the Treasure Coast Business League, and the Gifford Activity Center, among many others.

Mr. Speaker, I am pleased to join the Pastor's Association, Indian River County Sheriff Roy Raymond, Indian River County Commissioner Gary Wheeler and Vero Beach City Commissioner Bob Solari in honoring Detective Floyd for his incredible dedication and service, both on-duty and off.

As a dear friend of Teddy's, I take pride in his distinguished career. As a public servant myself, I admire what he has been able to achieve.

TRIBUTE TO MICHAEL DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. LANGEVIN. Mr. Speaker, I rise today to pay my respects to Michael J. Day, who tragically died in the line of duty earlier this week. Mr. Day, the Deputy Assistant Fire Chief and 27-year veteran of the Providence Fire Department, was dedicated to his profession and to serving his community.

On June 13, Mr. Day had returned to the Washington Street Fire House after responding to a fire earlier in the night. As the overnight shift began, Michael had been working in his office when a coworker found him unconscious. While his fellow firefighters did all in their power to resuscitate him, they were unable to do so.

A lifelong resident of Providence, Mr. Day came from a family of firefighters, which included his father and three brothers. He attended LaSalle Academy and after graduating from the fire academy, he was appointed to the Providence Fire Department in 1979. He earned a Bachelor of Arts in Physical Education from Rhode Island College in 1980 and another B.A. in Fire Science at Providence College in 1981.

Michael was promoted to Lieutenant in 1989, the same year he was honored as the Providence Firefighter of the Year and received the Heroic Action commendation for rescuing four people from the roof of a burning house. This was just one of many times he would be recognized for his outstanding service and courage on the job. He was promoted to Captain in 1995, Battalion Chief in 2000, and most recently to Deputy Assistant Fire Chief on June 30, 2005. He oversaw operations at multiple fire stations and was the top ranking officer of his shift. Michael had just completed his final class in the Executive Officer program at the National Fire Academy.

As a beloved father figure to his fellow firefighters, I have no doubt that Michael Day will leave a lasting legacy to the entire Providence Fire Department and the Providence community. I extend my condolences to all who knew and loved Michael Day, especially his wife, Cynthia; his son, Michael; and his daughters, Amanda, Brianne and Stephanie. May we keep his loved ones in our thoughts and prayers as they endure this difficult period.

50TH WEDDING ANNIVERSARY OF SAMUEL R. AND JESTINE W. FOSTER

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. SPRATT. Mr. Speaker, I want to call to the attention of the House a milestone in the lives of an all-American family. Fifty years ago, on June 14, 1956, Samuel R. Foster and Jestine Wright were united in a marriage that inspires all of us who know them. Both dedicated their lives to public service as school teachers and administrators. Early in the era of school integration, Sam Foster was selected as principal to start a new school, Northwestern High School in Rock Hill, South Carolina. This was a great challenge for an African-American educator, but Sam rose to the challenge and won the respect of students and parents, white and black. Sam Foster moved from education to elective office and served with distinction in the South Carolina General Assembly. He became known throughout the state for his wisdom and ability and especially for his facility to see all sides of an issue and cut to the essence of an argument. Sam Foster completed his career in public service as a commissioner on the South Carolina Employment Security Commission. All who know the couple well know that Sam Foster has derived much of his wisdom and insight over the years from the counsel of his wife, Jestine.

Two sons were born to Sam and Jestine Foster, Sam and Alan, both of whom have been successful in their own right, bringing further distinction to their parents.

Mr. Speaker, I call the Fosters to the attention of the House because their marriage and family are exemplary and worthy of recognition throughout the Nation.

A TRIBUTE TO CHERYL McKISSACK FELDER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Cheryl McKissack Felder, a distinguish member of the business and civic communities. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Born in Nashville, Tennessee, to teacher Leatrice and architect, William D. Berry McKissack, Cheryl McKissack Felder's passion for the skill and art of design/build evolved through five generations of master builders. In sustaining the McKissack tradition in a male-dominated industry, Cheryl's innovative ideas and business leadership skills has proven to be triumphant in exceeding the expectations of clients and colleagues alike.

Joining the family business in 1989 after achieving her Master of Science Degree in Civil Engineering from Howard University, Cheryl holds a unique position in the construction and engineering industries as the head of the Nation's oldest African-American and women-owned design and construction firm. Her hands-on and close client interaction management approach assure clients that every detail of each project will be handled with care and precision. With McKissack providing services throughout the United States, Cheryl has contracted over $50 billion dollars in projects. Some of Cheryl's most distinguished clients include the City of Philadelphia, Philadelphia Housing Authority, Dormitory of the State of New York, Metropolitan Transportation Authority, New Jersey Port Authority and Philadelphia International Airport.

With offices in Philadelphia and New York, Cheryl has pioneered the McKissack company to today's, McKissack & McKissack, LLC; the corporate entity and holding company and 721 Chestnut; a real-estate company. Cheryl serves as the President of The McKissack Group, Inc., a full service construction management firm specializing in new construction and renovation projects. She is the Chief Executive Officer of McKissack and Associates, Inc., a professional architecture firm that provides conceptual and schematic design, preconstruction administration and design development services. Cheryl stays on the cutting edge of technology as the Chief Executive Officer of M&M Solutions, LLC, an information technology firm providing advanced web-based technology, Geographic Information Systems (GIS), infrastructure, telecommunications and IT project management. Services provided by MMS include business process integration, web development, multimedia design, wireless communications and application development.

Cheryl is also a community leader. She has served as the Vice Chair of the Philadelphia Authority of Industrial Development, and co-chair on Philadelphia Mayor John Street's Transition Committee for Small Business. Cheryl is also an active member of the National Liberty Museum Board, where she has been honored as a "Hero of Liberty" for her support of humanitarian initiatives and promoting the responsibilities of a free and diverse America.

A strong community leader and a business mogul, Cheryl prides herself with her most dedicated and greatest accomplishments of being a wife and mother.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Cheryl McKissack Felder as she offers her talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Cheryl McKissack Felder's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

A STIRRING STORY ABOUT SERGEANT CEDRIC CALDWELL

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. SPRATT. Mr. Speaker, I am pleased to share with my colleagues a stirring story about Sergeant Cedric Caldwell, one of my constituents, from Rock Hill, South Carolina. His story is one example of the brave men and women serving in Iraq.

[From the Herald, May 28, 2006]

ROCK HILL SOLDIER SAVED LIVES OF COMRADES IN IRAQ WHEN BOMB SHREDDED CONVOY TRUCK

(By Andrew Dys)

The U.S. Army convoy rolled where death lives.

About 30 miles north of Baghdad. Night in Iraq couldn't have been darker. Late April, a little more than a month ago.

Rock Hill's "Corn Dog," Sgt. Cedric Caldwell, manned the front machine gun on one of the convoy escort trucks. A sergeant from California named Torres was beside him. A private first class named Squires drove.

The truck looked like America. A black guy, a white guy and a Hispanic guy.

But Iraq in the night is not like America where so many spend nights howling about blacks and Hispanics. In Iraq in Alpha Battery, 3rd Battalion, 321st Field Artillery Regiment, your brothers who don't look like you are all you've got.

No color matters but the indigo of night and the yellow of fire and the red of blood.

"All of a sudden, there was a loud explosion, and I fell down inside the cab on Torres," Caldwell remembered.

The truck rolled and tipped over on its top.

"I must have gotten knocked out for a minute," Caldwell said. "Then all I could see was fire and smoke everywhere. Except for the picture in my mind. It was just like a photograph. My wife and my daughter. It's true. Your life does flash in front of your eyes. I saw it."

Caldwell saw the hatch opening for the truck and climbed through as the calls of "I'm hit! I'm hit" pierced the night and cut through the flames.

Caldwell didn't run for the safety of the roadside ditch. He didn't call for a doctor for himself. He pulled Torres to safety through the hatch. Then he dragged Torres about 20 meters from the truck so the explosions wouldn't kill him.

The munitions in the truck were blowing up in the fire. Bullets, shells, shrapnel designed to kill the enemy now trying to kill them.

"I could still hear screaming," Caldwell said.

PUTTING OTHERS' NEEDS FIRST

Again, Caldwell didn't run for safety.

"All I could see was Squires' hand," Caldwell said. "So I reached in, grabbed on, and pulled him out."

Squires was burning alive.

"It was like a stunt double in the movies," Caldwell said. "His whole legs were on fire. I rolled him around to try and put the fire out, but it didn't work. So I took off my vest and my shirt and tried to smother the fire."

Finally, the fire was out, but Squires' clothes were so hot Squires was still burning. Shirtless, bare-chested in a place where snipers are the law, Caldwell knelt in the road and pulled off Squires' clothes. Finally, he got Squires to the ditch.

Before the medics arrived, Caldwell poured what water he could find over Squires' wounds.

"I kept telling him he was going to be OK, that he was going to live," Caldwell said. "He was yelling. I was yelling. But I wasn't going to let him die. Both of them are really good soldiers. They would have done the same for me."

Torres suffered a broken arm and other injuries and is now back at Fort Bragg, N.C., where all three soldiers are based. Squires is in intensive care at the Brook Army Medical Center burn unit in San Antonio, Texas, hospital officials confirmed.

Caldwell suffered a concussion and has a dent in his forehead where an ammunition box thumped him. He has shrapnel in his leg. He has cuts and bums on his face and hands. His back is covered with an 18-inch burn.

STRONG SENSE OF HONOR, DUTY

He is a sergeant with responsibility for 14 men. He said his superiors have put in for a Purple Heart for his wounds in action and a Combat Action Badge, and either a Bronze Star or Silver Star for valor.

Caldwell could have come home, too. But he chose to stay in Iraq.

"My men here need me," Caldwell said by telephone this week.

Caldwell's wife and parents were distraught that he was injured, but they rejoice he is alive. Maybe even more, they take pride that Cedric Caldwell did what every man hopes he would do when an overturned truck is on fire with men underneath that truck.

Caldwell did not run. He didn't ask for help for himself. He helped his men.

"He went back," said the Rev. Willie Caldwell, the father. "I prepared myself when he left that my son could come back in a pine box. I supported this war then and now. I believe in freedom. It's not cheap. And then when he was at the hospital, he saw all those other guys who are hurt worse. He told me, 'Daddy, I need to stay. These guys need to come home, not me.'"

Caldwell's wife, Tiffani, is a military child whose parents are both immigrants from the Caribbean. Her father came from Jamaica to the Air Force. He served in the first Persian Gulf War. Her mother came from Barbados to the Army.

Torres came from Mexico, Caldwell said.

Americans gnash their teeth over immigration, ask for fences to be built or borders to be shuttered, while the sons and daughters of immigrants or immigrants themselves fight the wars over freedom.

"CORN DOG": A LOCAL HERO

"My best friend is a hero," said Travis Canty, who has been "like a brother" with Caldwell since both were little kids in Rock Hill. It is Canty who spilled the beans that the nickname "Corn Dog" comes from Caldwell eating corn dogs for lunch during school.

"He didn't run. He didn't hide. He saved those guys," Canty said.

Caldwell went first to Kosovo when the war on terror began. He was home a short while, then spent almost a year in Afghanistan. A few months with his wife and then Iraq. Caldwell was home for a few days in January, just missing the birth of daughter Tiffanie. He saw her, kissed her and his wife a few times, then went back to Iraq.

And then he cheats death. And still he stays in Iraq.

"I guess my military background prepared me for this," Tiffani Caldwell said. "I haven't cried yet. My husband is alive. He is a soldier. He'll come home when his deployment is finished."

RETURN TO A SIMPLER LIFE

Caldwell's enlistment is up in February. He said he's not staying in the Army.

"No way, no more Iraq," said Williatte, his mother.

"We are done," said Tiffani, his wife.

Caldwell plans to come back to Rock Hill with his wife and daughter. He'll play music in his father's Abiezer Baptist Church. He wants to be a Realtor.

"I truly believe that without God, me and Torres and Squires would not have survived," Caldwell said.

Caldwell may be right.

Maybe God wanted the black and the Hispanic and the white guys to live.

But one thing seems to be for sure.

A Rock Hill guy, Northwestern High class of 1998, who joined the National Guard while still in high school then leapt into active duty and never left, didn't leave his brothers to die in the dirt and flame and blood of Iraq.

Monday, on Memorial Day, no monuments will be etched with the names Torres or Squires on granite.

PAYING TRIBUTE TO GRACE COMMUNITY CHURCH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Grace Community Church in Boulder City, Nevada, which is celebrating its 75th anniversary this year.

The Grace Community Church began as an inter-denominational Protestant religious church in April of 1932, and the first service was held on January 29, 1933. The church was officially dedicated on February 22, 1933, "to the glory of God and the Blessing of Man." The church quickly became a center for various community groups, and assumed a key role in the development of the community.

The Reverend Thomas Stevenson of California, who gave his first sermon in the unfinished basement of the church, was chosen as the church's first minister, and led the church's congregation until 1937. The Reverend Harold Eymann replaced Reverend Stevenson, and the formal by-laws for the congregation were adopted and the church was incorporated under state law during Reverend Eymann's ministry. Reverend Eymann left Grace Community Church in 1942, feeling he should serve as a military chaplain during World War II. Reverend Winston Trever from Azusa, California served from 1942–1949. The Reverend Olaf Stoeve ministered at Grace from 1949–1953. The Presbyterian Reverend Earl Seymour Fox (1953–1961) found the congregation growing and recommended that two services be held on Sunday and a building be added next to the American Legion Hall, which soon became Fox Hall.

Boulder City incorporated as a Nevada Municipality in 1960 and inherited all government land leases. The Reverend Guy Holliday (1961–1978) became the minister, and Grace Community Church entered a 50-year lease for the land under the church facility. The Reverend Melvin Pritts (1978–1982), from First Methodist Church of Phoenix, succeeded Reverend Holliday. The Reverend M. Kenneth Criswell (1982–1985) arrived from Ventura, California in time to give support and leadership to the committee working on the church's 50th anniversary. He found a debt-free church and a vital, caring congregation. The Reverend Dr. John J. Rousseau (1985–1990), who served three Methodist churches in Hawaii, arrived on July l, 1985. The Reverend Dr. Richard Smith (1990–1999), was serving Grace Community Church when the land was purchased from Boulder City in 1990. The Reverend Dr. Ronald S. Freel (1999–2004), who was worshipping with and volunteering as an Associate Pastor, became the Senior Pastor. Pastor Kevin Roach, the new senior pastor, preached his first sermon on July 18, 2004, and continues to serve today. Serving under the direction of Senior Pastor Kevin Roach are: Associate Pastor Gard Jameson, Music Director Carol Simak, Assistant Music Director Barbara Walker, and Sharon Wieczorek, who served as the Office Manager for the past 7 years is retiring, and is being replaced by Jan Liebhauser.

The church recently recognized 14 people who have been members for 48 years or longer, and four who have been members for more than 60 years. Carol Bourne, Jack and Dorothy Rants, Lin Diebold, Roy and Elnor Gear, Byron Miller, Robert Austin, Del and Eloise Blue, Agnes Lockette, Lillian Rigney, and Bob and Virginia Moore have all been members for 48 years or longer, and at the age of 94, Mary Eaton has been a member for 72 years, Violet Tracht at 96, has been a member for 63 years, with Velma Stice a member for 65 years and Innis Risley being at the 60 year mark.

Mr. Speaker, it is an honor to recognize Grace Community Church and its accomplishments in Nevada's history. I commend the church for its long history of service to the city of Boulder City and wish them good fortune for the next 75 years.

A TRIBUTE TO CHRISTOPHER SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Christopher Smith, a distinguished member of the Brooklyn, New York, educational and civic communities. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Smith considers that the very nature of education dictates that it takes place all the time, anytime and anywhere. As an educator in the New York City Public School System, Mr. Smith employs the concept of "teachable moments" in and out of the classroom. Mr. Smith posits that teachable moments are times in the life of an individual where one consciously learns from trial and error. He believes that learning through this method allows students cognition to develop critically and to balance multitudinous tasks tossed at them by life.

The village it takes to raise a child is evident at Boys and Girls High School. Mr. Smith provides students and staff with many opportunities to learn how to develop, implement and evaluate programs and extracurricular activities. This includes the development of the Exemplary Mentoring Program, after-school tutoring, the Annual Scholarship Luncheon, the Annual Talent Show, the development of Black & Latino Awareness programs, the Academic Bowl, Pep rallies, Student Government, and other activities to increase school spirit. It is important to Mr. Smith that the legacy of this great institution continues.

Born and raised in Bedford Stuyvesant (Gates Avenue), Christopher Smith is a product of the New York City Public Schools system. After graduating from Boys and Girls High School in 1996, he received his Bachelors of Science Degree in Business Administration at the State University of New York at Oswego, and received his Master's Degree in General Education and Special Education from Touro College in New York City. This summer, Mr. Smith is embarking on a path in his pursuit of obtaining an Educational Administration Master's Degree at the College of St. Rose in Albany, New York. When he successfully completes his Educational Administration Degree, he looks to earn his Educational Doctorate.

Mr. Smith works hard to keep the Boys and Girls High School legacy alive in the Bedford Stuyvesant community. He knows that his children are definitely the "Jewels of Bedford Stuyvesant". Although this task is not easy, God has equipped him with valor to complete this stringent journey and he works according to the following mantra: "It doesn't matter where my children come from but where I hope to help them get to."

Mr. Smith further states that when we derive pleasure from our daily lives, are stimulated or challenged by our work, enriched by the new things we learn, and by our contact with others; our lives are successful regardless of the specific setbacks of a particular day. When it is all said and done, and he recalls the day's events; he is satisfied in knowing that he was able to help his community.

Mr. Speaker, Christopher Smith's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

HONORING GENE AND MARY McCARTHY ON THE OCCASION OF THEIR RETIREMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. HIGGINS. Mr. Speaker, it gives me a tremendous sense of pleasure the recognize the personal accomplishments and the long career of two of Western New York's finest citizens, a couple I am proud to call my friends Mary Dories and William Eugene "Gene" McCarthy.

Mary and Gene McCarthy are lifelong—and tremendously proud—residents, of the Old First Ward in South Buffalo, New York. Mary grew up on Sidway Street and Gene grew up a few streets away on Kentucky Street.

Mary and Gene were married on May 7, 1955 and resided on Hamburg Street before moving to 271 Katherine Street where they live today. They raised their three children, Patty, Billy and Maureen in this home in the Old First Ward Neighborhood.

This neighborhood holds great significance in my Congressional District because it has long been recognized for the Irish legacy instilled upon the area during the city's formative years. Irish immigrants who worked on the construction of the Erie Canal made their home here. They went on to work in the shipping industry, as scoopers, railroad operators, and factory workers to name a few.

Gene McCarthy followed in this tradition working for several years in Buffalo's grain mills, ending his industry career at Pillsbury Flour Mill to pursue a business venture of his own.

Gene and Mary opened the doors to McCarthy's Tavern on July 20, 1964 at 73 Hamburg Street. McCarthy's Tavern, a classic neighborhood Irish Pub that has become a First Ward Landmark and a favorite spot for grain workers, firefighters, police officers, politicians, lawyers and First Ward regulars alike.

Hard work, long hours, true friendships and constant generosity were the hallmarks of Gene and Mary McCarthy's life in the Tavern Business.

Mr. Speaker, It is my distinct honor to recognize Gene and Mary McCarthy on the occasion of their well deserved retirement from the tavern business after 42 years of service. The wonderful memories, stories, and good times shared by those who routinely came in for the welcoming atmosphere that McCarthy's Tavern offered will be present in the minds and hearts of many Western New Yorkers for years to come.

H.R. 5252, THE COMMUNICATION OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise in opposition to H.R. 5252, the Communication and Enhancement Act. The COPE Act would allow telephone companies to reap the rewards of the, cable business with few responsibilities and could also threaten the innovative nature of the Internet. I believe the passage of this bill would be a major setback for consumers, communities, and the public interest.

I think we all agree that there is a need for consumer choice and competition in cable. Currently, most communities are served by the cable industry's quasi-monopolies. However, "competition" in cable shouldn't have the effect of, cutting consumer protections, reducing public broadcasting, and eliminating local rights. "Competition" shouldn't be about providing lucrative markets with several cable service options and leaving those in poorer neighborhoods with low-quality service and the potential for ever increasing cable raising rates.

The COPE Act would put the Federal Communications Commission in charge of what our localities have been successfully handling for years. Do we really think the Federal Communications Commission will do a better job at resolving consumer complaints? Is the FCC going to come out to Skokie, Illinois and take care of problems that may arise concerning the town's public right-of-way? And, does the FCC have the resources—both in budget and personnel—to do so?

I am also greatly concerned that there are not adequate protections in this bill for the Internet as we know it. The telecom industry has already told us that they plan to operate their own form of censorship, slowing down or speeding up delivery of content depending on it relationship to the provider. I am concerned that they could also start blocking email from advocacy groups they don't agree with and shutting down startups that may offer competition to products they provide.

I understand that many argue that the cost of continuing with an open Internet will fall on the shoulder of consumers, and that the Titans of the Internet will get a free ride if we pass a net neutrality provision. However, while the COPE Act would allow the telcos to set up their tollbooths, there are no guarantees, no protections, nothing to stop the telcos from bilking consumers—even if the telcos were to charge Google and Yahoo. They could double dip—and why wouldn't they? One can say that it probably won't happen, but there is nothing in this bill to stop them.

Mr. Speaker, the COPE Act is not the answer to lack of competition in cable service. I urge my colleagues to oppose its passage.

TRIBUTE TO FRANK KOGOVSEK

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mrs. MUSGRAVE. Mr. Speaker I rise today to pay tribute to Frank Kogovsek, a man of quiet but firm character who spent his life making a difference in the lives of "underdogs."

Frank Kogovsek was born June 22, 1939 in Pueblo, Colorado, to Frank L. and Mary Blatnick Kogovsek. He graduated from Pueblo Catholic High School in 1957 and went on to the seminary. He was ordained a Catholic priest in 1965. His fifth assignment was in La Junta, where he served as assistant pastor of Assumption Churchl in Bessemer.

He taught at Seton High as well, a Catholic school for girls. At Seton High he reconnected with a former classmate who had become a nun, Leona Reinert. Frank left the priesthood and Leona gave up being a nun and they were married in November 28, 1970 in Lakewood, Colorado.

Leona fondly remembered his work with students, describing him as a mentor who was "always looking out for the underdog, trying to guide them and educate them as to things available to assist them. He was a kind, understanding, soft-spoken person."

Frank continued to work with underdogs when he and Leona moved to Adams County. He took on a job as a probation officer for the City of Denver. Until 1995, he worked with at-risk youth, mentoring and guiding young people that were mixed up with the law.

Frank and Leona's love of children led them to adopt three of their own. They had a daughter, Jennifer, and two sons, Greg and Jerome. Jennifer fondly remembered her father's love for the simple things in life. "He loved his backyard," she said. "He built a patio when we were kids. He just loved to be outside in summer."

Weakened by Parkinson's disease, Frank succumbed to pneumonia on February 22, 2006 at the age of 66. Frank was a common man that spent his life making an uncommon mark upon individuals that often had nowhere else to turn. I join his family in grieving his loss and commemorating his life of service as an example for all of us.

A TRIBUTE TO HENRY FRANK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Henry Frank, a distinguished member of the Brooklyn, New York community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Henry Frank was born in the Republic of Haiti, and was trained as an anthropologist. His research works have taken him all over Africa, Europe, the Caribbean and South America, particularly Bahia, the bastion of the African culture in Brazil.

Dr. Frank has given lectures on the African Preserved Religions in the New World especially Vodou as well as other aspects of the New World Cultures at many Universities and Museums in the U.S. and abroad. For nine years, Dr. Frank was the Assistant Director of Caribbean Studies in the Education Department at the American Museum of Natural History in New York City. He has also participated in conferences and has given lectures at several prominent institutions, hospitals and healthcare facilities.

From 1982 to 1990, Dr. Frank served as a scholar for the New York Council for the Humanities program, "Speakers in the Humanities". In April 1990, he was appointed Consul General of Haiti in New York in the government of Mme.Ertha Trouillot, the first woman president of Haiti. From 1986 to 1990, Dr. Frank serve as the Executive Director of the Haitian Neighborhood Service Center (HNSC) in NYC while simultaneously serving as a lecturer on African/Caribbean Culture and History for the NYC Council for the Humanities.

Dr. Frank has participated in many radio and TV programs in the U.S. and Europe. He appeared on French and German television and was a specialist on African Preserved Religion in the Americas and narrator for FINNISH TELEVISION in Finland. He was a consultant for the Voodoo segment of the series "In Search of Voodoo by Landsburg Productions". The program was first aired on WNBC–TV. He also was a consultant for WABC–TV in the 20/20 segment on "Zombification". He appeared with Wade Davis, the author of The Serpent and the Rainbow, as a guest on The Geraldo Riviera Show in opposition to the film of the same name. Dr. Frank was a consultant for the fabulous exhibit at the American Museum of Natural History in New York entitled, "The Sacred Art of Haitian Vodou" that was on view from October 10, 1998 to January 3, 1999 and attracted 70,000 viewers. He also gave numerous lecture presentations and participated in panel discussions in conjunction with the exhibit. He continually serves as a consultant for that scientific and cultural institution.

Since April 1991, Dr. Frank has been the Executive Director of the Haitian Centers Council, a consortium of eight Haitian Centers nationwide. It is important to note that the Haitian Centers Council (HCC) offers the most comprehensive HIV/AIDS education and prevention program to the Haitian community at large for over 20 years, but not exclusively. It also provides services to other Caribbean and minority communities including French-speaking Africans. The oganization has a 16 unit residential facility with support services for people with AIDS (PWA). In collaboration with the NYC Department of Education and United Way of NYC, HCC conducts programs for high school students pertaining to academic enhancement, cultural and historical enrichment, leadership, and socialization skills. HCC also provides a comprehensive Domestic Violence Prevention program to the Haitian community at large and other minority communities. Under Dr. Frank's direction, HCC has been on the forefront of immigration issues, and the protection and defense of Haitian immigrant rights in the U.S and beyond.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Henry Frank, as he offers his talents and services for the betterment of our local and global communities.

Mr. Speaker, Henry Frank's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

CONGRATULATING BOXER BERNARD HOPKINS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. FATTAH. Mr. Speaker, I rise today to congratulate celebrated boxer Bernard Hopkins on his illustrative career spanning 18 years and 53 fights as the former WBA, WBC, IBF, and WBO undisputed middleweight world champion and light heavyweight world champion.

At the age of 41, Bernard Hopkins accomplished what few other boxers were able to do successfully. A 3–to–1 underdog, Hopkins jumped two weight classes and soundly defeated light heavyweight champion Antonio Tarver, who previously had a 24–4 record. Hopkins' victory over Tarver quieted critics who claimed Hopkins was overly ambitious in his desire to challenge Tarver for the light heavyweight championship, and secured his place in the boxing world as one of the best pound-for-pound fighters in history.

Overcoming adversity as an underdog is a situation in which Hopkins is well familiar. Born and raised in North Philadelphia, Pennsylvania, Bernard Hopkins grew up in an environment surrounded by poverty, hardship, and violence. A repeat juvenile offender at the age of 13, Hopkins was a frequent visitor to a detention facility for juveniles in Philadlphia. By 17 years of age, Hopkins estimates that he appeared before a juvenile offender judge at least 30 times. After being charged with his eighth felony for strong-armed robbery, Hopkins was convicted and served in an adult detention facility until the age of 22. It was in prison where Hopkins found religion and his inspiration to dedicate his life to boxing.

Citing his time of incarceration as a "blessing," Hopkins boxed in prison and turned pro shortly after his release. Despite suffering several early career losses, Hopkins quickly gained the reputation of being an "old school" type fighter, dispatching his opponents mercilessly with speed and precision. By the end of 2000, Hopkins defended his IBF title 12 times without a loss, while beating upper-echelon fighters such as John David Jackson, Glencoff Johnson, Simon Brown, and Antwun Echols. Perhaps the most defining fight of Hopkins boxing career occurred when he defeated six-division titleholder Oscar De La Hoya for the undisputed middleweight championship with a jarring knockout blow in the ninth round.

Mr. Speaker, please join me today in congratulating Bernard Hopkins for establishing his place in boxing history as one of the most prolific professional fighters of all time.

A TRIBUTE TO GWENDOLYN TOWNS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mrs. Gwendolyn Towns, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Mrs. Gwendolyn Towns attended college in her home State of North Carolina where she received a Bachelor of Science degree in Early Childhood Education from North Carolina Agricultural and Technological State University. Later, she earned a masters degree in Guidance and Counseling from Brooklyn College, and obtained postgraduate credits from Pace University.

She has advocated for quality education for children and adults through her work with several organizations including the Women's House of Detention and NYC Public Schools where she spent over 30 years training both students and teachers to fulfill their potential.

Mrs. Towns continues her leadership and commitment to education issues as a member of various national and local committees. Her accomplishments include raising over $850,000 for undergraduate and graduate scholarships as chairperson of the Congressional Black Caucus (CBC) Spouses Annual Golf and Tennis Tournament. In the 10th Congressional District, she administers the General Mills/CBC Spouses scholarship program, which provides financial resources to undergraduate, graduate and doctoral candidates pursuing careers in a health-related profession.

Additionally, Mrs. Towns serves on the Board of Directors of the Brooklyn Children's Museum, and as President of the Interfaith Medical Center Auxiliary where she coordinates Toys for Tots and insures that each patient is remembered during the holiday season. As co-chair of the Interfaith Medical Center Foundation's annual fund raising ball, she is helping to ensure that the hospital continues to grow to meet the community's needs. Mrs. Towns is also affiliated with the NYC Chapter of Jack and Jill of America, Inc., Concerned Women of Brooklyn, Zeta Phi Beta Sorority, Boys and Girls High School Women's Day (Women on the "High"), Bridge Street Martin Luther King Day Award, Barber Scotia College, New Lots Lion Club, NAACP and Berean Missionary Baptist Church.

Most importantly, she and her husband, Congressman ED TOWNS, are the proud parents of two children: Assemblyman Darryl Towns and Deidra Towns Blount. They have five grandchildren: Kiara, Jasmine, Kristian, Trinity and Dale.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Mrs. Gwendolyn Towns as she offers her talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Mrs. Gwendolyn Towns' selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

TRIBUTE TO WILLIAM "BILL" LAWRENCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 16, 2006

Mr. LANTOS. Mr. Speaker, I rise in profound sadness to express my deepest sympathy and condolences to the family and friends of William "Bill" Lawrence. Bill was a dear friend of mine who touched the lives of all who came in contact with him and I am privileged to have known such a wonderful person.

Bill was truly a great man who dedicated his life to our country. He began this service at the young age of 16 when he enlisted in the Navy. Following his four years of naval service in China in 1927, Bill was honorably discharged, and he chose to make his home in San Francisco. Once again, Bill sought a job that would benefit the public. He first worked as a cable car conductor on the Market Street Railway, one of the few union jobs in San Francisco at that time.

In 1938, Bill began working for the U.S. Postal Service in San Francisco, and he became an active and dedication member of the Golden Gate Branch 214 of the National Association of Letter Carriers. He delivered mail in the City of San Francisco for 35 years and worked as Secretary of Golden Gate Branch 214 of the NALC for 6 years. Bill remained a member of the National Association of Letter Carriers until the day he died.

Bill's dedication to his local community was even more evident when he began his political career. In 1970, Bill was elected to the Brisbane City Council and over the next two decades he continued in that position, serving twice as Mayor. In an effort to better his community, he oversaw the construction of Crocker Industrial Park. After his tenure on the City Council, Bill continued to act as the Legislative Liaison for the California State Association of Letter Carriers.

Bill's love of public service and his desire to improve the quality of life of Brisbane residents led him to join the Brisbane Lions Cub. His unfaltering dedication was obvious, as he insisted in participating in every Lions Club initiative. Each year, Bill Lawrence painted 1,800 Easter eggs and volunteered at the Christmas tree lot. He continued to attend meetings, even after his hearing and eyesight began to fade.

Although Bill Lawrence officially retired at the age of 65, he could not imagine not serving his country and local community. He refused to allow age and deteriorating health to stand in the way of public service. For the past 30 years, Bill has served as Brisbane's "Santa Claus," bringing smiles to many families during the holiday season. Only last year, at age 97, Bill finally was forced to retire from this post, which brought so much joy to him and children throughout the community.

Mr. Speaker, I am honored to be able to call Bill Lawrence my friend. He always said that his love of politics stemmed from the rewarding feeling he got from helping people. Indeed, Bill helped thousands of people throughout his lifetime. His naval service, postal work, and political activism allowed him to touch lives throughout the world for the past 98 years. It is rare to come across a man who not only dedicated his life to his country but also to his family, his dear wife, Honey Bee, and his children and grandchildren. Bill Lawrence will be sorely missed by the residents of Brisbane as well as by all who knew him, but Bill's legacy of love for his country and for public service will forever remain alive in our hearts.

SENATE—*Monday, June 19, 2006*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Bounteous God, whose grace is the crown of Your glory, teach us to be more gracious. Forgive us for uncharitable acts, for cutting words, and for harsh judgment. Deliver us from bitterness of spirit that makes us revel in that which is petty and unkind. Empower our lawmakers to do Your will. Use them to bring down walls of injustice and to confront the evil that festers in our world. May their work bring light to the darkness of these times.

Lift us all into the sunlight of Your generous spirit that we may focus on things pure, true, lovely, productive, and helpful. Let Your peace which passes all understanding reign in our hearts.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are resuming our work on the Department of Defense authorization bill. This afternoon provides a good opportunity for Senators to come to the floor and offer Defense-related amendments. Under last week's order, at 4 o'clock today the Senate will proceed to executive session to begin consideration of Sandra Ikuta to be a circuit court judge for the Ninth Circuit. We have allocated an hour of debate on the nomination and, therefore, the vote will occur at 5 p.m. on the Ikuta nomination.

Tomorrow we will return to Defense authorization again. I encourage Members to work with the two bill managers to determine the best time to debate their amendments. I hope the Senate will maintain focus on the pending issue of authorizing appropriations for our military activities. We can complete this bill in a reasonable period of time this week if Senators will work with the chairman and ranking member on relevant amendments. Our two managers have a great deal of experience in shepherding this bill through on the floor and have already done a great job working together to clear amendments on both sides of the aisle.

Having said that, I look forward to moving forward on this bill and completing our work on it at the earliest possible time.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, the two leaders and I and Senator KENNEDY have had an opportunity to talk about, first, the parliamentary situation and, secondly, an amendment that the Senator from Massachusetts desires to bring up. We have come to an agreement whereby for the next 30 minutes, we will leave the procedure of the pending amendment in place, and the Senator from Massachusetts will be recognized to address the Senate with regard to the subject of an amendment that he intends to bring up at some point in time. I ask unanimous consent that the Senator from Massachusetts now be recognized for a period of 30 minutes.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2005

Mr. WARNER. Before I finish, I have a request of the leadership. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 389, S. 2012.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2012) to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.
Sec. 3. Changes in findings and definitions.
Sec. 4. Highly migratory species.
Sec. 5. Total allowable level of foreign fishing.
Sec. 6. Western Pacific Sustainable Fisheries Fund.
Sec. 7. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Cumulative impacts.
Sec. 102. Caribbean Council jurisdiction.
Sec. 103. Regional fishery management councils.
Sec. 104. Fishery management plan requirements.
Sec. 105. Fishery management plan discretionary provisions.
Sec. 106. Limited access privilege programs.
Sec. 107. Environmental review process.
Sec. 108. Emergency regulations.
Sec. 109. Western Pacific community development.
Sec. 110. Western Alaska Community Development Quota Program.
Sec. 111. Secretarial action on State groundfish fishing.
Sec. 112. Joint enforcement agreements.
Sec. 113. Transition to sustainable fisheries.
Sec. 114 Regional coastal disaster assistance, transition, and recovery program.
Sec. 115. Fishery finance program hurricane assistance.
Sec. 116. Shrimp fisheries hurricane assistance program.
Sec. 117. Bycatch reduction engineering program.
Sec. 118. Community-based restoration program for fishery and coastal habitats.
Sec. 119. Prohibited acts.
Sec. 120. Enforcement.

TITLE II—INFORMATION AND RESEARCH

Sec. 201. Recreational fisheries information.
Sec. 202. Collection of information.
Sec. 203. Access to certain information.
Sec. 204. Cooperative research and management program.
Sec. 205. Herring study.
Sec. 206. Restoration study.
Sec. 207. Western Pacific fishery demonstration projects.
Sec. 208. Fisheries Conservation and Management Fund.
Sec. 209. Use of fishery finance program and capital construction fund for sustainable purposes.
Sec. 210. Regional ecosystem research.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Sec. 211. Deep sea coral research and technology program.
Sec. 212. Impact of turtle excluder devices on shrimping.
Sec. 213. Shrimp and oyster fisheries and habitats.

TITLE III—OTHER FISHERIES STATUTES

Sec. 301. Amendments to Northern Pacific Halibut Act.
Sec. 302. Reauthorization of other fisheries acts.

TITLE IV—INTERNATIONAL

Sec. 401. International monitoring and compliance.
Sec. 402. Finding with respect to illegal, unreported, and unregulated fishing.
Sec. 403. Action to end illegal, unreported, or unregulated fishing and reduce bycatch of protected marine species.
Sec. 404. Monitoring of Pacific insular area fisheries.
Sec. 405. Reauthorization of Atlantic Tunas Convention Act.
Sec. 406. International overfishing and domestic equity.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Appointment of United States commissioners.
Sec. 504. Authority and responsibility of the Secretary of State.
Sec. 505. Rulemaking authority of the Secretary of Commerce.
Sec. 506. Enforcement.
Sec. 507. Penalties.
Sec. 508. Cooperation in carrying out convention.
Sec. 509. Territorial participation.
Sec. 510. Authorization of appropriations.

TITLE VI—PACIFIC WHITING

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. United States representation on joint management committee.
Sec. 604. United States representation on the scientific review group.
Sec. 605. United States representation on joint technical committee.
Sec. 606. United States representation on advisory panel.
Sec. 607. Responsibilities of the Secretary.
Sec. 608. Rulemaking.
Sec. 609. Administrative matters.
Sec. 610. Enforcement.
Sec. 611. Authorization of appropriations.

SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. CHANGES IN FINDINGS AND DEFINITIONS.

(a) Ecosystems.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

"(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.".

(b) In General.—Section 3 (16 U.S.C. 1802) is amended—

(1) by inserting after paragraph (6) the following:

"(6A) The term 'confidential information' means—

"(A) trade secrets; or

"(B) commercial or financial information the disclosure of which is likely to result in substantial harm to the competitive position of the person who submitted the information to the Secretary.";

(2) by inserting after paragraph (13) the following:

"(13A) The term 'regional fishery association' means an association formed for the mutual benefit of members—

"(A) to meet social and economic needs in a region or subregion; and

"(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.";

(3) by inserting after paragraph (20) the following:

"(20A) The term 'import'—

"(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

"(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.";

(4) by inserting after paragraph (23) the following:

"(23A) The term 'limited access privilege'—

"(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish that may be received or held for exclusive use by a person; and

"(B) includes an individual fishing quota; but

"(C) does not include community development quotas as described in section 305(i)."; and

(5) by inserting after paragraph (27) the following:

"(27A) The term 'observer information' means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.".

(c) Redesignation.—Paragraphs (1) through (45) of section 3 (16 U.S.C. 1802), as amended by subsection (a), are redesignated as paragraphs (1) thorough (50), respectively.

(d) Conforming Amendments.—

(1) The following provisions of the Act are amended by striking "an individual fishing quota" and inserting "a limited access privilege":

(A) Section 402(b)(1)(D) (16 U.S.C. 1881a(b)(1)(D)).

(B) Section 407(a)(1)(D) and (c)(1) (16 U.S.C. 1883(a)(1)(D); (c)(1)).

(2) The following provisions of the Act are amended by striking "individual fishing quota" and inserting "limited access privilege":

(A) Section 304(c)(3) (16 U.S.C. 1854(c)(3)).

(B) Section 304(d)(2)(A)(i) (16 U.S.C. 1854(d)(2)(A)(i)).

(C) Section 407(c)(2)(B) (16 U.S.C. 1883(c)(2)(B)).

(3) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is amended by striking "individual fishing quotas," and inserting "limited access privileges,".

SEC. 4. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting "(a) In General.—" before "The"; and

(2) by adding at the end the following:

"(b) Traditional Participation.—For fisheries being managed under an international fisheries agreement to which the United States is a party, Council or Secretarial action, if any, shall reflect traditional participation in the fishery, relative to other Nations, by fishermen of the United States on fishing vessels of the United States.

"(c) Promotion of Stock Management.—If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.".

SEC. 5. TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended—

(1) by striking "shall be" and inserting "is";

(2) by striking "will not" and inserting "cannot, or will not,";

(3) by inserting after "Act." the following: "Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess harvest capacity."

SEC. 6. WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.

Section 204(e) (16 U.S.C. 1824(e)(7)) is amended—

(1) by inserting "and any funds or contributions received in support of conservation and management objectives under a marine conservation plan" after "agreement" in paragraph (7);

(2) by striking "authority, after payment of direct costs of the enforcement action to all entities involved in such action," in paragraph (8); and

(3) by inserting after "paragraph (4)." in paragraph (8) the following: "In the case of violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out the provisions of this Act—

"(1) $328,004,000 for fiscal year 2006; and

"(2) such sums as may be necessary for fiscal years 2007 through 2012.".

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. CUMULATIVE IMPACTS.

(a) National Standards.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by inserting "by utilizing economic and social data and assessment methods based on the best economic and social information available," after "fishing communities".

(b) Contents of Plans.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking "describe the likely effects, if any, of the conservation and management measures on—" and inserting "analyze the likely effects, if any, including the cumulative economic and social impacts, of the conservation and management measures on, and possible mitigation measures for—".

SEC. 102. CARIBBEAN COUNCIL JURISDICTION.

Section 302(a)(1)(D) (16 U.S.C. 1852(a)(1)(D)) is amended by inserting "and of commonwealths, territories, and possessions of the United States in the Caribbean Sea" after "seaward of such States".

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Tribal Alternate on Pacific Council.—Section 302(b)(5) (16 U.S.C. 1852(b)(5)) is amended by adding at the end thereof the following:

"(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.".

(b) Scientific and Statistical Committees.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by striking so much of subsection (g) as precedes paragraph (2) and inserting the following:

"(g) Committees and Advisory Panels.—

"(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

"(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch or maximum sustainable yield, and reports on stock status and health, bycatch, habitat status, socio-economic impacts of management measures, and sustainability of fishing practices.

"(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts with strong scientific or technical credentials and experience.

"(D) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106-554—Appendix C; 114 Stat. 2763A–153).

"(E) In addition to the provisions of section 302(f)(7), the Secretary may pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal government or a State marine fisheries agency.";

(2) by striking "other" in paragraph (2); and

(3) by resetting the left margin of paragraphs (2) through (5) 2 ems from the left.

(c) Council Functions.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking "authority, and" in paragraph (5) and inserting "authority;";

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) adopt annual catch limits for each of its managed fisheries after considering the recommendations of its scientific and statistical committee or the peer review process established under subsection (g); and".

(d) Regular and Emergency Meetings.—The first sentence of section 302(i)(2)(C) (16 U.S.C. 1852(i)(2)(C)) is amended—

(1) by striking "published in local newspapers" and inserting "provided by any means that will result in wide publicity (except that e-mail notification and website postings alone are not sufficient)"; and

(2) by striking "fishery) and such notice may be given by such other means as will result in wide publicity." and inserting "fishery).".

(e) Closed Meetings.—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking "notify local newspapers" and inserting "provide notice by any means that will result in wide publicity".

(f) Training.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

"(k) Council Training Program.—

"(1) Training course.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

"(A) fishery science and basic stock assessment methods;

"(B) fishery management techniques, data needs, and Council procedures;

"(C) social science and fishery economics;

"(D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

"(E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

"(F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

"(G) public process for development of fishery management plans; and

"(H) other topics suggested by the Council.

"(2) Member training.—The training course shall be available to both new and existing Council members, and may be made available to committee or advisory panel members as resources allow.

"(l) Council Coordination Committee.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.".

(g) Procedural Matters.—Section 302(i) (16 U.S.C. 1852(i)) is amended—

(1) by striking "to the Councils or to the scientific and statistical committees or advisory panels established under subsection (g)." in paragraph (1) and inserting "to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).";

(2) by striking "of a Council, and of the scientific and statistical committee and advisory panels established under subsection (g):" in paragraph (2) and inserting "of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):"; and

(3) by inserting "the Council Coordination Committee established under subsection (l)," in paragraph (3)(A) after "Council,"; and

(4) by inserting "other committee," in paragraph (3)(A) after "committee,".

(h) Conflicts of Interest.—Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by inserting "lobbying, advocacy," after "processing," in paragraph (2);

(2) by striking "jurisdiction." in paragraph (2) and inserting "jurisdiction, or with respect to any other individual or organization with a financial interest in such activity.";

(3) by striking subparagraph (B) of paragraph (5) and inserting the following:

"(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable times; and"; and

(4) by adding at the end the following:

"(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection.".

(i) Gulf of Mexico Fisheries Management Council.—Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

"(D)(i) The Secretary shall appoint to the Gulf of Mexico Fisheries Management Council—

"(I) 5 representatives of the commercial fishing sector;

"(II) 5 representatives of the recreational fishing and charter fishing sectors; and

"(III) 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

"(ii) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

"(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

"(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

"(iii) If the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (ii), the Secretary shall—

"(I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

"(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

"(iv) For purposes of clause (ii), an individual who owns or operates a fish farm outside of the Unites States shall not be considered to be a representative of the commercial fishing sector.".

(j) Report and Recommendations on Gulf Council Amendment.—

(1) In general.—Before August, 2011, the Secretary of Commerce, in consultation with the Gulf of Mexico Fisheries Management Council, shall analyze the impact of the amendment made by subsection (i) and determine whether section 302(b)(2)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)(2)(D)) has resulted in a fair and balanced apportionment of the active participants in the commercial and recreational fisheries under the jurisdiction of the Council.

(2) Report.—By no later than August, 2011, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources setting forth the Secretary's findings and determination, including any recommendations for legislative or other changes that may be necessary to achieve such

a fair and balanced apportionment, including whether to renew the authority.

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

(a) In General.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) striking "and charter fishing" in paragraph (5) and inserting "charter fishing, and fish processing";

(2) by inserting "economic information necessary to meet the requirements of this Act," in paragraph (5) after "number of hauls,";

(3) by striking "fishery" the first place it appears in paragraph (13) and inserting "fishery, including their economic impact,";

(4) by striking "and" after the semicolon in paragraph (13);

(5) by striking "allocate" in paragraph (14) and inserting "allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,";

(6) by striking "fishery." in paragraph (14) and inserting "fishery; and"; and

(7) by adding at the end the following:

"(15) provide a mechanism for specifying annual catch limits in the plan (including a multiyear plan), the implementing regulations, or the annual specifications that shall be established by the Council or Secretary based on the best scientific information available at a level that does not exceed optimum yield, and, for purposes of which harvests exceeding the specified annual catch limit (including the specified annual catch limit for a sector) shall either be deducted from the following year's annual catch limit (including the annual catch limit for that sector), or by adjusting other management measures and input controls such that the fishing mortality rate for the following year is reduced to account for the overage to achieve the overfishing and rebuilding objectives of the plan for that sector.".

(b) Effective Date.—The amendments made by subsection (a)(5) shall take effect 2 years after the date of enactment of this Act.

SEC. 105. FISHERY MANAGEMENT PLAN DISCRETIONARY PROVISIONS.

Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by inserting "(A)" after "(2)" in paragraph (2);

(2) by inserting after paragraph (2) the following:

"(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

"(C) with respect to any closure of an area to all fisheries managed under this Act, ensure that such closure—

"(i) is based on the best scientific information available;

"(ii) includes criteria to assess the conservation benefit of the closed area;

"(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

"(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;";

(2) by striking "fishery;" in paragraph (5) and inserting "fishery and take into account the different circumstances affecting fisheries from different States and port, including distances to fishing grounds and proximity to time and area closures;";

(3) by striking paragraph (6) and inserting the following:

"(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

"(A) the conservation requirements of this Act with respect to the fishery;

"(B) present participation in the fishery;

"(C) historical fishing practices in, and dependence on, the fishery;

"(D) the economics of the fishery;

"(E) the capability of fishing vessels used in the fishery to engage in other fisheries;

"(F) the cultural and social framework relevant to the fishery and any affected fishing communities;

"(G) the fair and equitable distribution of access privileges to a public resource; and

"(H) any other relevant considerations;";

(4) by striking "(other than economic data)" in paragraph (7);

(5) by striking "and" after the semicolon in paragraph (11); and

(6) by redesignating paragraph (12) as paragraph (14) and inserting after paragraph (11) the following:

"(12) establish a process for complying with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) pursuant to section 304(h) of this Act;

"(13) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and".

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) In General.—Title III (16 U.S.C. 1851 et seq.) is amended—

(1) by striking section 303(d); and

(2) by inserting after section 303 the following:

"SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

"(a) In General.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

"(b) No Creation of Right, Title, or Interest.—A limited access system, limited access privilege, quota share, or other authorization established, implemented, or managed under this Act—

"(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

"(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation for failure to comply with the terms of the plan or if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

"(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

"(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

"(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

"(c) Requirements for Limited Access Privileges.—

"(1) In general.—In addition to complying with the other requirements of this Act, any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

"(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding; and

"(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

"(C) promote—

"(i) the safety of human life at sea; and

"(ii) the conservation and management of the fishery;

"(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish;

"(E) require that all fish harvested under a limited access privilege program be processed by vessels of the United States, in United States waters, or on United States soil (including any territory of the United States).

"(F) specify the goals of the program;

"(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the establishment of the program and every 5 years thereafter;

"(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers;

"(I) include an appeals process for administrative review of determinations with respect to the Secretary's decisions regarding administration of the limited access privilege program;

"(J) provide for the establishment by the Secretary, in consultation with the Department of Justice and the Federal Trade Commission, for an information collection and review process to provide any additional information needed by the Department of Justice and the Federal Trade Commission to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

"(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

"(2) Waiver.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

"(A) the fishery has historically processed the fish outside of the United States; and

"(B) the United States has a seafood safety equivalency agreement with the country where processing will occur (or other assurance that seafood safety procedures to be used in such processing are equivalent or superior to the applicable United States seafood safety standards).

"(3) Fishing communities.—

"(A) In general.—

"(i) Eligibility.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

"(I) be located within the management area of the relevant Council;

"(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

"(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

"(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of fishing communities, including those that have not historically had the resources to participate in the fishery, for approval based on

criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

"(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny limited access privileges granted under this section for any person who fails to comply with the requirements of the plan.

"(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

"(i) traditional fishing or processing practices in, and dependence on, the fishery;

"(ii) the cultural and social framework relevant to the fishery;

"(iii) economic barriers to access to fishery;

"(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

"(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

"(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

"(4) REGIONAL FISHERY ASSOCIATIONS.—

"(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

"(i) be located within the management area of the relevant Council;

"(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

"(iii) be a voluntary association with established by-laws and operating procedures consisting of participants in the fishery, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities; and

"(iv) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

"(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny limited access privileges granted under this section for any person who fails to comply with the requirements of the plan.

"(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

"(i) traditional fishing or processing practices in, and dependence on, the fishery;

"(ii) the cultural and social framework relevant to the fishery;

"(iii) economic barriers to access to fishery;

"(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion, upon the administrative and fiduciary soundness of the association and its by-laws; and

"(v) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

"(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

"(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

"(i) current and historical harvests;

"(ii) employment in the harvesting and processing sectors;

"(iii) investments in, and dependence upon, the fishery; and

"(iv) the current and historical participation of fishing communities;

"(B) to the extent practicable, consider the basic cultural and social framework of the fishery, especially through the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements;

"(C) include measures to assist, when necessary and appropriate, entry-level and small vessel operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges and, where appropriate, recommending the provision of economic assistance in the purchase of limited access privileges to harvest fish;

"(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

"(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquired, or use; and

"(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges;

"(E) establish procedures to address geographic or other consolidation in both the harvesting and processing sectors of the fishery; and

"(F) authorize limited access privileges to harvest fish to be held, acquired, or used by or issued under the system to persons who substantially participate in the fishery, as specified by the Council, including, as appropriate, fishing vessel owners, vessel captains, vessel crew members, fishing communities, and regional fishery associations.

"(6) PROGRAM INITIATION.—

"(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

"(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

"(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

"(D) NEW ENGLAND AND GULF REFERENDUM.—

"(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than ⅔ of those voting in a referendum among eligible permit holders with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

"(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

"(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

"(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

"(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

"(A) establish a policy on the transferability of limited access privilege shares (through sale or lease), including a policy on any conditions that apply to the transferability of limited access privilege shares that is consistent with the policies adopted by the Council for the fishery under paragraph (3); and

"(B) establish criteria for the approval and monitoring of transfers (including sales and leases) of limited access privilege shares.

"(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(g).

"(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council may consider, and provide for, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

"(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of subsection (c)(3)(A); and

"(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

"(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

"(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs

that are directly related to and in support of the program; and

"(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

"(f) LIMITED DURATION.—In establishing a limited access privilege program after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, a Council may establish—

"(1) a set term after which any initial or subsequent allocation of a limited access privilege shall expire;

"(2) different set terms within a fishery if the Council determines that variation of terms will further management goals; and

"(3) a mechanism under which participants in and entrants to the program may acquire or reacquire allocations.

"(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

"(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to issue obligations that aid in financing—

"(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

"(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

"(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

"(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, shall be construed to require a reallocation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation, under development or submitted by a Council or approved by the Secretary or by Congressional action before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005.".

(b) FEES.—Section 304(d)(2)(A) (16 U.S.C. 1854(d)(2)(A)) is amended by striking "management and enforcement" and inserting "management, data collection, and enforcement".

(c) INVESTMENT IN UNITED STATES SEAFOOD PROCESSING FACILITIES.—The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson—Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(d) CONFORMING AMENDMENT.—Section 304(d)(2)(C)(i) (16 U.S.C. 1854(d)(2)(C)(i)) is amended by striking "section 305(h)(5)(B)" and all that follows and inserting "section 305(h)(5)(B).".

(e) APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a), shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

"(i) ENVIRONMENTAL REVIEW PROCESS.—

"(1) PROCEDURES.—The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

"(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

"(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

"(2) USAGE.—The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

"(3) SCHEDULE FOR PROMULGATION OF FINAL PROCEDURES.—The Secretary shall—

"(A) propose revised procedures within 12 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005;

"(B) provide 90 days for public review and comments; and

"(C) promulgate final procedures no later than 18 months after the date of enactment of that Act.

"(4) PUBLIC PARTICIPATION.—The Secretary is authorized and directed, in cooperation with the Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.".

SEC. 108. EMERGENCY REGULATIONS.

(a) LENGTHENING OF SECOND EMERGENCY PERIOD.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking "180 days," and inserting "186 days,".

(b) TECHNICAL AMENDMENT.—Section 305(c)(3)(D) (16 U.S.C. 1855(c)(3)(D)) is amended by inserting "or interim measures" after "emergency regulations".

SEC. 109. WESTERN PACIFIC COMMUNITY DEVELOPMENT.

Section 305 (16 U.S.C. 1855) is amended by adding at the end thereof the following:

"(j) WESTERN PACIFIC REGIONAL MARINE EDUCATION AND TRAINING.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific to foster understanding, practical use of knowledge (including native Hawaiian and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific Regional Fishery Management Council, regional educational institutions, and local Western Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians and other underrepresented groups in the region.

"(2) PROGRAM COMPONENTS.—The program shall—

"(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

"(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

"(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii and the Western Pacific;

"(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western and Central Pacific;

"(E) develop means by which local and traditional knowledge (including Pacific islander and Native Hawaiian knowledge) can enhance science-based management of fishery resources of the region; and

"(F) develop partnerships with other Western Pacific Island agencies, academic institutions, and other entities to meet the purposes of this section.".

SEC. 110. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

Section 305(i)(1) (16 U.S.C. 1855(i)(1)) is amended—

(1) by striking "To" in subparagraph (B) and inserting "Except as provided in subparagraph (E), to"; and

(2) by adding at the end the following:

"(E) A community shall be eligible to participate in the western Alaska community development quota program under subparagraph (A) if the community was—

"(i) listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on January 1, 2004; or

"(ii) approved by the National Marine Fisheries Service on April 19, 1999.".

SEC. 111. SECRETARIAL ACTION ON STATE GROUNDFISH FISHING.

Section 305 (16 U.S.C. 1855), as amended by section 109, is further amended by adding at the end thereof the following:

"(k) MULTISPECIES GROUNDFISH.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary of Commerce shall determine whether fishing in State waters without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan. If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency.".

SEC. 112. JOINT ENFORCEMENT AGREEMENTS.

(a) IN GENERAL.—Section 311 (16 U.S.C. 1861) is amended—

(1) by striking "and" after the semicolon in subsection (b)(1)(A)(iv);

(2) by inserting "and" after the semicolon in subsection (b)(1)(A)(v);

(3) by inserting after clause (v) of subsection (b)(1)(A) the following:

"(vi) access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from Global Maritime Distress and Safety Systems, vessel monitoring systems, or any similar system, subject to the confidentiality provisions of section 402;";

(4) by redesignating subsection (h) as subsection (j); and

(5) by inserting after subsection (g) the following:

"(h) JOINT ENFORCEMENT AGREEMENTS.—

"(1) IN GENERAL.—The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

"(2) ELIGIBLE STATE.—A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

"(3) REQUIREMENTS.—Joint enforcement agreements executed under paragraph (1)—

"(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

"(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

"(C) shall provide for confidentiality of data and information submitted to the State under section 402.

"(4) ALLOCATION OF FUNDS.—The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

"(i) IMPROVED DATA SHARING.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from Global Maritime Distress and Safety Systems, vessel monitoring systems, or similar systems—

"(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

"(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

"(2) AGREEMENT REQUIRED.—The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

"(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

"(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.".

(b) REPORT ON USING GMDSS FOR FISHERY PURPOSES.—Within 15 months after the date of enactment of this Act, the National Marine Fisheries Service and the United States Coast Guard shall transmit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources containing—

(1) a cost-to-benefit analysis of the feasibility, value, and cost of using the Global Maritime Distress and Safety Systems, vessel monitoring systems, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system;

(2) an examination of the cumulative impact of existing requirements for commercial vessels;

(3) an examination of whether the Global Maritime Distress and Safety Systems or similar requirements would overlap existing requirements or render them redundant;

(4) an examination of how data integration from such systems could be addressed;

(5) an examination of how to maximize the data-sharing opportunities between relevant State and Federal agencies and provide specific information on how to develop these opportunities, including the provision of direct access to the Global Maritime Distress and Safety Systems or similar system data to State enforcement officers, while considering the need to maintain or provide an appropriate level of individual vessel confidentiality where practicable; and

(6) an assessment of how the Global Maritime Distress and Safety Systems or similar systems could be developed, purchased, and distributed to regulated vessels.

SEC. 113. TRANSITION TO SUSTAINABLE FISHERIES.

(a) IN GENERAL.—Section 312 (16 U.S.C. 1861a) is amended—

(1) by striking "measures;" in subsection (a)(1)(B) and inserting "measures, including regulatory restrictions imposed to protect human health or the marine environment and judicially imposed harvest restrictions;";

(2) by striking "1996, 1997, 1998, and 1999." in subsection (a)(4) and inserting "2006 through 2012.";

(3) by striking "or the Governor of a State for fisheries under State authority, may conduct a fishing" in subsection (b)(1) and inserting "the Governor of a State for fisheries under State authority, or a majority of permit holders in the fishery, may conduct a voluntary fishing";

(4) by inserting "practicable" after "entrants," in subsection (b)(1)(B)((i);

(5) by striking "cost-effective and" in subsection (b)(1)C) and inserting "cost-effective and, in the instance of a program involving an industry fee system, prospectively";

(6) by striking subparagraph (A) of subsection (b)(2) and inserting the following:

"(A) the owner of a fishing vessel, if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the vessel owner and permit holder relinquish any claim associated with the vessel or permit that could qualify such owner or holder for any present or future limited access system permit in the fishery for which the program is established and such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions (including loss of the vessel's fisheries endorsement) that permanently prohibit and effectively prevent its use in fishing in federal or state waters, or fishing on the high seas or in the waters of a foreign nation; or";

(7) by striking "The Secretary shall consult, as appropriate, with Councils," in subsection (b)(4) and inserting "The harvester proponents of each program and the Secretary shall consult, as appropriate and practicable, with Councils,";

(8) by striking "Secretary, at the request of the appropriate Council," in subsection (d)(1)(A) and inserting "Secretary";

(9) by striking "Secretary, in consultation with the Council," in subsection (d)(1)(A) and inserting "Secretary";

(10) by striking "a two-thirds majority of the participants voting." in subsection (d)(1)(B) and inserting "at least a majority of the permit holders in the fishery, or 50 percent of the permitted allocation of the fishery, who participated in the fishery.";

(11) by striking "establish;" in subsection (d)(2)((C) and inserting "establish, unless the Secretary determines that such fees should be collected from the seller;" and

(12) striking subsection (e) and inserting the following:

"(e) IMPLEMENTATION PLAN.—

"(1) FRAMEWORK REGULATIONS.—The Secretary shall propose and adopt framework regulations applicable to the implementation of all programs under this section.

"(2) PROGRAM REGULATIONS.—The Secretary shall implement each program under this section by promulgating regulations that, together with the framework regulations, establish each program and control its implementation.

"(3) HARVESTER PROPONENTS' IMPLEMENTATION PLAN.—The Secretary may not propose implementation regulations for a program to be paid for by an industry fee system until the harvester proponents of the program provide to the Secretary a proposed implementation plan that, among other matters—

"(A) proposes the types and numbers of vessels or permits that are eligible to participate in the program and the manner in which the program shall proceed, taking into account—

"(i) the requirements of this section;

"(ii) the requirements of the framework regulations;

"(iii) the characteristics of the fishery;

"(iv) the requirements of the applicable fishery management plan and any amendment that such plan may require to support the proposed program;

"(v) the general needs and desires of harvesters in the fishery;

"(vi) the need to minimize program costs; and

"(vii) other matters, including the manner in which such proponents propose to fund the program to ensure its cost effectiveness, as well as any relevant factors demonstrating the potential for, or necessary to obtain, the support and general cooperation of a substantial number of affected harvesters in the fishery (or portion of the fishery) for which the program is intended; and

"(B) proposes procedures for program participation (such as submission of owner bids under an auction system or fair market-value assessment), including any terms and conditions for participation, that the harvester proponents deem to be reasonably necessary to meet the program's proposed objectives.

"(4) PARTICIPATION CONTRACTS.—The Secretary shall contract with each person participating in a program, and each such contract shall, in addition to including such other matters as the Secretary deems necessary and appropriate to effectively implement each program *(including penalties for contract non-performance) be consistent with the framework and implementing regulations and all other applicable law.*

"(5) Reduction Auctions.—Each program not involving fair market assessment shall involve a reduction auction that scores the reduction price of each bid offer by the data relevant to each bidder under an appropriate fisheries productivity factor. If the Secretary accepts bids, the Secretary shall accept responsive bids in the rank order of their bid scores, starting with the bid whose reduction price is the lowest percentage of the productivity factor, and successively accepting each additional responsive bid in rank order until either there are no more responsive bids or acceptance of the next bid would cause the total value of bids accepted to exceed the amount of funds available for the program.

"(6) Bid Invitations.—Each program shall proceed by the Secretary issuing invitations to bid setting out the terms and conditions for participation consistent with the framework and implementing regulations. Each bid that the Secretary receives in response to the invitation to bid shall constitute an irrevocable offer from the bidder.".

(b) Technical Amendment.—Sections 116, 203, 204, 205, and 206 of the Sustainable Fisheries Act are deemed to have added sections 312, 402, 403, 404, and 405, respectively to the Act as of the date of enactment of the Sustainable Fisheries Act.

SEC. 114. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

Title III (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

"SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

"(a) In General.—When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster.

"(b) Program Components.—

"(1) In general.—Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

"(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure;

"(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

"(C) funding, pursuant to the requirements of section 312(b), to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

"(D) any other activities authorized under section 312(a) of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

"(2) Job training.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

"(3) State participation obligation.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

"(4) No matching required.—The Secretary may waive the matching requirements of section 312 of this Act, section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

"(A) no reasonable means are available through which applicants can meet the matching requirement; and

"(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

"(5) Net revenue limit inapplicable.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

"(c) Regional Impact Evaluation.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

"(d) Catastrophic Regional Fishery Disaster Defined.—In this section the term 'catastrophic regional fishery disaster' means a natural disaster, including a hurricane or tsunami, or a judicial or regulatory closure to protect human health or the marine environment, that—

"(1) results in economic losses to coastal or fishing communities;

"(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

"(3) is determined by the Secretary to be a commercial fishery failure under section 312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).".

SEC. 115. FISHERY FINANCE PROGRAM HURRICANE ASSISTANCE.

(a) Loan Assistance.—Subject to availability of appropriations, the Secretary of Commerce shall provide assistance to eligible holders of fishery finance program loans and allocate such assistance among eligible holders based upon their outstanding principal balances as of December 2, 2005, for any of the following purposes:

(1) To defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan.

(2) To allow for an extension of the term of the loan for up to 1 year beyond the remaining term of the loan, or September 30, 2013, whichever is later.

(3) To pay the interest costs for such loans over fiscal years 2006 through 2012, not to exceed amounts authorized under subsection (d).

(4) To provide opportunities for loan forgiveness, as specified in subsection (c).

(b) Loan Forgiveness.—

(1) In general.—Upon application made by an eligible holder of a fishery finance program loan, made at such time, in such manner, and containing such information as the Secretary may require, the Secretary, on a calendar year basis beginning in 2005, may—

(A) offset against the outstanding balance on the loan an amount equal to the sum of the amounts expended by the holder during the calendar year to repair or replace covered vessels or facilities, or to invest in new fisheries infrastructure within or for use within the declared fisheries disaster area; or

(B) cancel the amount of debt equal to 100 hundred percent of actual expenditures on eligible repairs, reinvestment, expansion, or new investment in fisheries infrastructure in the disaster region, or repairs to, or replacement of, eligible fishing vessels.

(c) Definitions.—In this section:

(1) Declared fisheries disaster area.—The term "declared fisheries disaster area" means fisheries located in the major disaster area designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita.

(2) Eligible holder.—The term "eligible holder" means the holder of a fishery finance program loan if—

(A) that loan is used to guarantee or finance any fishing vessel or fish processing facility home-ported or located within the declared fisheries disaster area; and

(B) the holder makes expenditures to repair or replace such covered vessels or facilities, or invests in new fisheries infrastructure within or for use within the declared fisheries disaster area, to restore such facilities following the disaster.

(3) Fishery finance program loan.—The term "fishery finance program loan" means a loan made or guaranteed under the fishery finance program under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce for the purposes of this section not more than $15,000,000 for each eligible holder for the period beginning with fiscal year 2006 through fiscal year 2012.

SEC. 116. SHRIMP FISHERIES HURRICANE ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico shrimp fishing industry.

(b) Allocation of Funds.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the shrimp catch landed by each State, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

(c) Use of Funds.—Of the amounts made available to each State under the program—

(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

(2) the remainder of the amounts shall be used for—

(A) personal assistance, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

(B) assistance for small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

(C) domestic product marketing and seafood promotion;

(D) State seafood testing programs;

(E) the development of limited entry programs for the fishery;

(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce $17,500,000 for fiscal years 2006 through 2011 to carry out this section.

SEC. 117. BYCATCH REDUCTION ENGINEERING PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 114 of this Act, is further amended by adding at the end the following:

"SEC. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

"(a) Bycatch Reduction Engineering Program.—Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird bycatch, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

"(1) be regionally based;

"(2) be coordinated with projects conducted under the cooperative research and management program established under this Act;

"(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

"(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

"(b) Incentives.—Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird bycatch amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

"(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

"(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird bycatch rates; and

"(3) measures that, based on the best scientific information available, will reduce bycatch and seabird bycatch, bycatch mortality, post-release mortality, or regulatory discards in the fishery.".

SEC. 118. COMMUNITY-BASED RESTORATION PROGRAM FOR FISHERY AND COASTAL HABITATS.

(a) In General.—The Secretary of Commerce shall establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.

(b) Authorized Activities.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;

(2) advance the science and monitoring of coastal habitat restoration;

(3) transfer restoration technologies to the private sector, the public, and other governmental agencies;

(4) develop public-private partnerships to accomplish sound coastal restoration projects;

(5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;

(6) promote stewardship of fishery and coastal habitats; and

(7) leverage resources through national, regional, and local public-private partnerships.

SEC. 119. PROHIBITED ACTS.

Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (O);

(2) by striking "carcass." in subparagraph (P) and inserting "carcass;"; and

(3) by inserting after subparagraph (P) and before the last sentence the following:

"(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation; or

"(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).".

SEC. 120. ENFORCEMENT.

(a) Civil Enforcement.—Section 308 (16 U.S.C. 1858) is amended—

(1) by striking "$100,000" in subsection (a) and inserting "$240,000";

(2) by striking "this section," in subsection (f) and inserting "this Act (or any other marine resource law enforced by the Secretary),";

(3) by inserting "a permit, or any interest in a permit," in subsection (g)(3) after "vessel," each place it appears;

(4) by striking "the vessel" in subsection (g)(3) and inserting "the vessel, permit, or interest";

(5) by inserting "or any amount in settlement of a civil forfeiture," after "criminal fine," in subsection (g)(4); and

(6) by striking "penalty or fine" in subsection (g)(4) and inserting "penalty, fine, or settlement amount".

(b) Criminal Penalties.—Section 309 (16 U.S.C. 1859) is amended to read as follows:

"SEC. 309. CRIMINAL PENALTIES.

"(a) Fines and Imprisonment.—

"(1) In general.—Any person (other than a foreign government or entity thereof) who knowingly violates subparagraph (D), (E), (F), (H), (I), or (L) of paragraph (1) of section 307, or paragraph (2) of section 307, shall be imprisoned for not more than 5 years and fined—

"(A) not more than $500,000 if such person is an individual; or

"(B) not more than $1,000,000 if such person is a corporation or other legal entity other than an individual.

"(2) Aggravated offenses.—Notwithstanding paragraph (1), the maximum term of imprisonment shall be for not more than 10 years if—

"(A) the violator is an individual; and

"(B) in the commission of a violation described in paragraph (1), that individual—

"(A) used a dangerous weapon;

"(B) engaged in conduct that caused bodily injury to any observer described in section 307, any officer authorized to enforce the provisions of this Act under section 311, or any Council member or staff; or

"(C) placed any such observer, officer, Council member, or staff in fear of imminent bodily injury.

"(b) Other Violations.—Any person (other than a foreign government or entity thereof) who knowingly violates any other provision of section 307 shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

"(c) Jurisdiction.—

"(1) In general.—The district courts of the United States shall have jurisdiction over any action arising under this Act.

"(2) Venue.—For purposes of this Act—

"(A) each violation of this Act shall constitute a separate offense and the offense shall be deemed to have been committed not only in the district where it first occurred, but also in any other district as authorized by law;

"(B) any offense not committed within a judicial district of the United States is subject to the venue provisions of section 3238 of title 18, United States Code; and

"(C) American Samoa shall be included within the judicial district of the United States District Court for the District of Hawaii.".

(c) Civil Forfeitures.—Section 310(a) (16 U.S.C. 1860(a)) is amended—

(1) by striking "(other than any act for which the issuance of a citation under section 311(a) is sufficient sanction)"; and

(2) by striking "States." and inserting "States, except that no fishing vessel shall be subject to forfeiture under this section as the result of any act for which the issuance of a citation under section 311(a) is sufficient sanction.".

(d) Enforcement Responsibility.—Section 311(a) (16 U.S.C. 1861(a)) is amended—

(1) by striking "Act" and inserting "Act, and the provisions of any marine resource law administered by the Secretary,"; and

(2) by striking "State agency," and inserting "agency of any State, Territory, Commonwealth, or Tribe,".

(e) Powers of Authorized Officers.—Section 311(b) (16 U.S.C. 1861(b)) is amended by striking "Federal or State".

(f) Payment of Storage, Care, and Other Costs.—Section 311(e)(1)(B) (16 U.S.C. 1861(e)(1)(B)) is amended to read as follows:

"(B) a reward to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act or any other marine resource law enforced by the Secretary of up to the lesser of—

"(i) 20 percent of the penalty or fine collected; or

"(ii) $20,000;".

TITLE II—INFORMATION AND RESEARCH

SEC. 201. RECREATIONAL FISHERIES INFORMATION.

Section 401 (16 U.S.C. 1881) is amended by striking subsection (g) and inserting the following:

"(g) Recreational Fisheries.—

"(1) Federal program.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program shall provide for—

"(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

"(i) in the Exclusive Economic Zone;

"(ii) for anadromous species; or

"(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

"(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

"(2) State programs.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

"(3) Data collection.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery conservation and Management Reauthorization Act of 2005, the Secretary shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery. Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

"(A) an adequate number of dockside interviews to accurately estimate recreational catch and effort;

"(B) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

"(C) collection and analysis of vessel trip report data from charter fishing vessels; and

"(D) development of a weather corrective factor that can be applied to recreational catch and effort estimates.

"(4) Report.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.".

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended—

(1) by striking "(a) Council Requests.—" in the subsection heading and inserting "(a) Collection Programs.—";

(2) by resetting the text following "(a) Collection Programs.—" as a new paragraph 2 ems from the left margin;

(3) by inserting "(1) Council requests.—" before "If a Council";

(4) by striking "subsection" in the last sentence and inserting "paragraph";

(5) by striking "(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)" each place it appears; and

(6) by adding at the end the following:

"(2) Secretarial initiation.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.".

SEC. 203. ACCESS TO CERTAIN INFORMATION.

(a) In General.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3) and resetting it 2 ems from the left margin;

(2) by striking all preceding paragraph (3), as redesignated, and inserting the following:

"(b) Confidentiality of Information.—

"(1) Any information submitted to the Secretary, a state fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act that contains confidential information shall be confidential and shall be exempt from disclosure under section 552(h)(3) of title 5, United States Code, except—

"(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

"(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of confidential information relating to any person;

"(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

"(D) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

"(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

"(F) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

"(G) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

"(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (G) of paragraph (1), or—

"(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

"(B) when such information is necessary in proceedings to adjudicate observer certifications; or

"(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

"(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

"(ii) to validate the accuracy of the observer information collected."; and

(3) by striking "(1)(E)." in paragraph (3), as redesignated, and inserting "(2)(A).".

(b) Conforming Amendment.—Section 404(c)(4) (16 U.S.C. 1881c(c)(4)) is amended by striking "under section 401".

SEC. 204. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 115, is further amended by adding at the end the following:

"SEC. 317. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

"(a) In General.—The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants, and educational institutions.

"(b) Eligible Projects.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

"(c) Funding.—In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

"(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

"(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

"(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

"(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

"(5) Projects designed to collect and compile economic and social data.

"(d) Experimental Permitting Process.—Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

"(e) Guidelines.—The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

"(f) Exempted Projects.—The procedures of this section shall not apply to research funded by quota set-asides in a fishery.".

SEC. 205. HERRING STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 204, is further amended by adding at the end the following:

"SEC. 318. HERRING STUDY.

"(a) In General.—The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

"(b) Report.—The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

"(c) Authorization of Appropriations.—There are authorized to be appropriated $2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.".

SEC. 206. RESTORATION STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 205, is further amended by adding at the end the following:

"SEC. 319. RESTORATION STUDY.

"(a) In General.—The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

"(b) Authorization of Appropriations.—There are authorized to be appropriated $500,000 for fiscal year 2007 to conduct this study.".

SEC. 207. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.

Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. 1855 note) is amended—

(1) by striking "and the Secretary of the Interior are" in paragraph (1) and inserting "is";

(2) by striking "not less than three and not more than five" in paragraph (1); and

(3) by striking paragraph (6) and inserting the following:

"(6) In this subsection the term 'Western Pacific community' means a community eligible to participate under section 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(2)(B)(i) through (iv)).".

SEC. 208. FISHERIES CONSERVATION AND MANAGEMENT FUND.

(a) In General.—The Secretary shall establish and maintain a fund, to be known as the "Fisheries Conservation and Management

Fund", which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) PURPOSES.—Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

(A) expanding the use of electronic catch reporting programs and technology; and

(B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;

(2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;

(3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;

(4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;

(5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States; and

(6) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia.

(c) DEPOSITS TO THE FUND.—

(1) QUOTA SET-ASIDES.—Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) OTHER FUNDS.—In addition to amounts received under sections 311(e)(1)(G) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(e)(1)(G), and amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

(A) appropriations for the purposes of this section; and

(B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) REGIONAL ALLOCATION.—The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to consensus recommendations of the Councils, based on regional priorities identified through the Council process, except that no region shall receive less than 5 percent of the Fund in each allocation period.

(e) LIMITATION ON THE USE OF THE FUND.—No amount made available from the Fund may be used to defray the costs of carrying out other requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 209. USE OF FISHERY FINANCE PROGRAM AND CAPITAL CONSTRUCTION FUND FOR SUSTAINABLE PURPOSES.

(a) PURPOSE OF OBLIGATIONS.—Section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)) is amended to read as follows:

"(7) financing or refinancing including,

"(A) the reimbursement of obligors for expenditures previously made, for the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act;

"(B) activities that assist in the transition to reduced fishing capacity; or

"(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.".

(b) EXPANSION OF PURPOSES FOR QUALIFIED WITHDRAWALS.—Section 607(f)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)) is amended—

(1) by striking "for:" and inserting "for—";

(B) by striking "vessel," in subparagraph (A) and inserting "vessel;";

(C) by striking "vessel, or" in subparagraph (B) and inserting "vessel;";

(D) by striking "vessel." in subparagraph (C) and inserting "vessel;"; and

(E) by inserting after subparagraph (C) the following:

"(D) in the case of any person for whose benefit the fund was established and who participates in the fishing capacity reduction program under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a)—

"(i) if such person remains in the fishery, the satisfaction of any debt obligation undertaken pursuant to such program; and

"(ii) if such person withdraws 1 or more vessels from the fishery, the substitution of amounts the person would otherwise receive under such program for such person's vessel or permit to engage in the fishery;

"(E) the repair, maintenance, or upgrade of an eligible vessel or its equipment for the purpose of—

"(i) making conservation engineering changes to reduce bycatch, improve selectivity of fishing gear, or reduce adverse impacts of fishing gear;

"(ii) improving vessel safety; or

"(iii) acquiring, installing, or upgrading equipment to improve collection, reporting, or accuracy of fishery data; or

"(F) the acquisition, construction, reconstruction, upgrading, or investment in shoreside fishery-related facilities or infrastructure in the United States for the purpose of promoting United States ownership of fishery-related facilities in the United States without contributing to overcapacity in the sector.".

SEC. 210. REGIONAL ECOSYSTEM RESEARCH.

Section 406 (16 U.S.C. 1882) is amended by adding at the end the following:

"(f) REGIONAL ECOSYSTEM RESEARCH.—

"(1) STUDY.—Within 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

"(A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal, state, and regional sources;

"(B) recommendations for processes for incorporating broad stake holder participation;

"(C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and

"(D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

"(2) AGENCY TECHNICAL ADVICE AND ASSISTANCE, REGIONAL PILOT PROGRAMS.—The Secretary is authorized to provide necessary technical advice and assistance, including grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.".

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

Title IV (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

"SEC. 408. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

"(a) IN GENERAL.—The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal agencies and educational institutions, shall establish a program—

"(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

"(2) to locate and map locations of deep sea corals and submit such information to the Councils;

"(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

"(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

"(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

"(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

"(b) REPORTING.—Beginning 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify and monitor, and the Councils to protect, deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.".

SEC. 212. IMPACT OF TURTLE EXCLUDER DEVICES ON SHRIMPING.

(a) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall execute an agreement with the National Academy of Sciences to conduct, jointly, a multi-year, comprehensive in-water study designed—

(1) to measure accurately the efforts and effects of shrimp fishery efforts to utilize turtle excluder devices;

(2) to analyze the impact of those efforts on sea turtle mortality, including interaction between turtles and shrimp trawlers in the inshore, nearshore, and offshore waters of the Gulf of Mexico and similar geographical locations in the waters of the Southeastern United States; and

(3) to evaluate innovative technologies to increase shrimp retention in turtle excluder devices while ensuring the protection of endangered and threatened sea turtles.

(b) OBSERVERS.—In conducting the study, the Undersecretary shall ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary.

(c) INTERIM REPORTS.—During the course of the study and until a final report is submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, the National Academy of Sciences shall transmit interim reports to the Committees biannually containing a summary of preliminary findings and conclusions from the study.

SEC. 213. HURRICANE EFFECTS ON SHRIMP AND OYSTER FISHERIES AND HABITATS.

(a) Fisheries Report.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on—

(1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas;

(2) shrimp fishing vessels in those States; and

(3) the oyster industry in those States.

(b) Habitat Report.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

(c) Habitat Restoration.—The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.

TITLE III—OTHER FISHERIES STATUTES

SEC. 301. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.

(a) Civil Penalties.—Section 8(a) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f(a)) is amended—

(1) by striking "$25,000" and inserting "$200,000";

(2) by striking "violation, the degree of culpability, and history of prior offenses, ability to pay," in the fifth sentence and inserting "violator, the degree of culpability, any history of prior offenses,"; and

(3) by adding at the end the following: "In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.".

(b) Permit Sanctions.—Section 8 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f) is amended by adding at the end the following:

"(e) Revocation or Suspension of Permit.—

"(1) In general.—The Secretary may take any action described in paragraph (2) in any case in which—

"(A) a vessel has been used in the commission of any act prohibited under section 7;

"(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 7; or

"(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue.

"(2) Permit-related actions.—Under the circumstances described in paragraph (1) the Secretary may—

"(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

"(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(C) deny such permit; or

"(D) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to any foreign fishing vessel, on the approved application of the foreign nation involved and on any permit issued under that application.

"(3) Factors to Be Considered.—In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

"(4) Transfers of ownership.—Transfer of ownership of a vessel, a permit, or any interest in a permit, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, permit, or interest in a permit, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel, permit, or interest at the time of the transfer.

"(5) Reinstatement.—In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty, criminal fine, or any amount in settlement of a civil forfeiture, the Secretary shall reinstate the permit upon payment of the penalty, fine, or settlement amount and interest thereon at the prevailing rate.

"(6) Hearing.—No sanction shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed either in conjunction with a civil penalty proceeding under this section or otherwise.

"(7) Permit defined.—In this subsection, the term 'permit' means any license, certificate, approval, registration, charter, membership, exemption, or other form of permission issued by the Commission or the Secretary, and includes any quota share or other transferable quota issued by the Secretary.".

(c) Criminal Penalties.—Section 9(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773g(b)) is amended—

(1) by striking "$50,000" and inserting "$200,000"; and

(2) by striking "$100,000," and inserting "$400,000,".

SEC. 302. REAUTHORIZATION OF OTHER FISHERIES ACTS.

(a) Atlantic Striped Bass Conservation Act.—Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 5156(a)) is amended to read as follows:

"(a) Authorization.—For each of fiscal years 2006, 2007, 2008, 2009, and 2010, there are authorized to be appropriated to carry out this Act—

"(1) $1,000,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.".

(b) Yukon River Salmon Act of 2000.—Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking "$4,000,000 for each of fiscal years 2004 through 2008," and inserting "$4,000,000 for each of fiscal years 2006 through 2010,".

(c) Shark Finning Prohibition Act.—Section 10 of the Shark Finning Prohibition Act (16 U.S.C. 1822 note) is amended by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2006 through 2010".

(d) Pacific Salmon Treaty Act.—

(1) Transfer of section to act.—The text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A–56), as introduced on November 17, 1999, and enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113)—

(A) is transferred to the Pacific Salmon Treaty Act (16 U.S.C. 3631 et seq.) and inserted after section 15; and

(B) amended—

(i) by striking "Sec. 623."; and

(ii) inserting before "(a) Northern Fund and Southern Fund.—" the following:

"SEC. 16. NORTHERN AND SOUTHERN FUNDS; TREATY IMPLEMENTATION; ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.".

(2) Technical correction.—The amendment made by the Department of Commerce and Related Agencies Appropriations Act, 2005 under the heading "Pacific coastal salmon recovery" (118 Stat. 2881), to section 628(2)(A) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 is deemed to have been made to section 623(d)(2)(A) of title VI of H.R. 3421 (113 Stat. 1501A–56), as introduced on November 17, 1999, enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113) instead of to such section 628(2)(A), as of the date of enactment of the Department of Commerce and Related Agencies Appropriations Act, 2005.

(3) Reauthorization.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act, as transferred by subsection (a), is amended—

(1) by inserting "sustainable salmon fisheries," after "enhancement,"; and

(2) by inserting "2006, 2007, 2008, and 2009," after "2005,".

(e) State Authority for Dungeness Crab Fishery Management.—Section 203 of Public Law 105–384 (16 U.S.C. 1856 note) is amended—

(1) by striking "September 30, 2006." in subsection (i) and inserting "September 30, 2016.";

(2) by striking "health" in subsection (j) and inserting "status"; and

(3) by striking "California." in subsection (j) and inserting "California, including—

"(1) stock status and trends throughout its range;

"(2) a description of applicable research and scientific review processes used to determine stock status and trends; and

"(3) measures implemented or planned that are designed to prevent or end overfishing in the fishery.".

TITLE IV—INTERNATIONAL

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

"SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.

"(a) In General.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

"(b) Specific Authorities.—In carrying out subsection (a), the Secretary may—

"(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

"(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

"(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements;

"(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed *by international fishery management organizations;*

"(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

"(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

"(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.".

SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

"(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.".

SEC. 403. ACTION TO END ILLEGAL, UNREPORTED, OR UNREGULATED FISHING AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES.

(a) In General.—Title VI of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.), is amended by adding at the end the following:

"SEC. 607. BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.

"The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, and every 2 years thereafter, a report that includes—

"(1) the state of knowledge on the status of international living marine resources, including a list of all fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources;

"(2) a list of nations whose vessels have been identified under sections 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610;

"(3) a description of efforts taken by nations on those lists to comply with the provisions of sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

"(4) progress at the international level, pursuant to section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

"(5) a plan of action for ensuring the conclusion and entry into force of international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.

"SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.

"The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

"(1) urging international fishery management organizations to which the United States is a member—

"(A) to incorporate multilateral sanctions against member or nonmember governments whose vessels engage in illegal, unreported, or unregulated fishing;

"(B) to seek adoption of lists that identify fishing vessels engaged in illegal, unreported, or unregulated fishing, including authorized (green) and unauthorized (red) vessel lists, that can be shared among all members and other international fishery management organizations;

"(C) to seek international adoption of a centralized vessel monitoring system with an independent secretariat in order to monitor and document capacity in fleets of all nations involved in fishing in areas under the an international fishery management organization's jurisdiction;

"(D) to increase use of observers and technologies needed to monitor compliance with conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

"(E) to seek adoption of greater port state controls in all nations, particularly those nations whose vessels engage in illegal, unreported, or unregulated fishing;

"(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

"(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

"(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

"(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

"(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

"SEC. 609. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

"(a) Identification.—The Secretary shall identify, and list in the report under section 607, a nation if—

"(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in illegal, unreported, or unregulated fishing; and

"(2) the relevant international fishery management organization has failed to implement effective measures to end the illegal unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization, or where no international fishery management organization exists.

"(b) Notification.—An identification under subsection (a) or section 610(a) is deemed to be an identification under section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)(1)(A)), and the Secretary shall notify the President and that nation of such identification.

"(c) Consultation.—No later than 60 days after submitting a report to Congress under section 607, the Secretary, in consultation with the Secretary of State, shall—

"(1) notify nations listed in the report of the requirements of this section;

"(2) initiate consultations for the purpose of encouraging such nations to take the appropriate corrective action with respect to the offending activities of their fishing vessels identified in the report; and

"(3) notify any relevant international fishery management organization of the actions taken by the United States under this section.

"(d) IUU Certification Procedure.—

"(1) Certification.—The Secretary shall establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of any nation listed by the Secretary under subsection (a), for determining if that government has taken appropriate corrective action with respect to the offending activities of its fishing vessels identified in the report under section 607. The Secretary shall determine, on the basis of the procedure, and certify to the Congress no later than 90 days after the date on which the Secretary promulgates a final rule containing the procedure, and biennially thereafter in the report under section 607—

"(A) whether the government of each nation identified under subsection (b) has provided documentary evidence that it has taken corrective action with respect to the offending activities of its fishing vessels identified in the report; or

"(B) whether the relevant international fishery management organization has implemented measures that are effective in ending the illegal, unreported, or unregulated fishing activity by vessels of that nation.

"(2) Alternative procedure.—The Secretary may establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that—

"(A) the vessel has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party; or

"(B) the vessel is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities.

"(3) Effect of certification.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

"(e) Illegal, Unreported, or Unregulated Fishing Defined.—

"(1) In general.—In this Act the term 'illegal, unreported, or unregulated fishing' has the meaning established under paragraph (2).

"(2) SECRETARY TO DEFINE TERM WITHIN LEGISLATIVE GUIDELINES.—Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, the Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act.

"(3) GUIDELINES.—The Secretary shall include in the definition, at a minimum—

"(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;

"(B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

"(C) fishing activity, including bottom trawling, that have adverse impacts on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2006 through 2012 such sums as are necessary to carry out this section.

"SEC. 610. EQUIVALENT CONSERVATION MEASURES.

"(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

"(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices beyond the exclusive economic zone that result in bycatch of a protected living marine resource;

"(2) the relevant international organization for the conservation and protection of such species or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce the impacts of the fishing practices of the nation's vessels on such species, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

"(3) the nation has not adopted a regulatory program governing such fishing practices and associated bycatch of protected living marine resources that are comparable to those of the United States, taking into account different conditions.

"(b) CONSULTATION AND NEGOTIATION.—The Secretary, acting through the Secretary of State, shall—

"(1) notify, as soon as possible, other nations whose vessels engage in fishing activities or practices described in subsection (a), about the requirements of this section and this Act;

"(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, fishing activities or practices described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species;

"(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

"(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.

"(c) CONSERVATION CERTIFICATION PROCEDURE.—

"(1) CERTIFICATION.—The Secretary shall determine, on the basis of a procedure consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of any nation identified by the Secretary under subsection (a). The Secretary shall certify to the Congress by January 31, 2007, and annually thereafter whether the government of each harvesting nation—

"(A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of the protected living marine resource, including measures to ensure maximum probability for survival after release, that is comparable to that of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

"(B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.

"(2) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

"(A) are comparable to those of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

"(B) include the gathering of species specific data that can be used to support international and regional stock assessments and conservation efforts for protected living marine resources.

"(3) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

"(d) INTERNATIONAL COOPERATION AND ASSISTANCE.—To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary shall—

"(1) provide appropriate assistance to nations identified by the Secretary under subsection (a) and international organizations of which those nations are members to assist those nations in qualifying for certification under subsection (c);

"(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

"(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under subsection (c); and

"(4) provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans.

"(e) PROTECTED LIVING MARINE RESOURCE DEFINED.—In this section the term 'protected living marine resource'—

"(1) means non-target fish, sea turtles, or marine mammals occurring in areas beyond United States jurisdiction that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

"(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2006 through 2012 such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENTS.—

(1) DENIAL OF PORT PRIVILEGES.—Section 101(b) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)) is amended by inserting "or illegal, unreported, or unregulated fishing" after "fishing" in paragraph (1)(A)(i), paragraph (1)(B), paragraph (2), and paragraph (4)(A)(i).

(2) DURATION OF DENIAL.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by inserting "or illegal, unreported , or unregulated fishing" after "fishing".

SEC. 404. MONITORING OF PACIFIC INSULAR AREA FISHERIES.

(a) WAIVER AUTHORITY.—Section 201(h)(2)(B) (16 U.S.C. 1821(h)(2)(B)) is amended by striking "that is at least equal in effectiveness to the program established by the Secretary;" and inserting "or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;".

(b) MARINE CONSERVATION PLANS.—Section 204(e)(4)(A)(i) (16 U.S.C. 1824(e)(4)(A)(i)) is amended to read as follows:

"(i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;".

SEC. 405. REAUTHORIZATION OF ATLANTIC TUNAS CONVENTION ACT.

(a) IN GENERAL.—Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

"(1) $5,495,000 for fiscal year 2006;

"(2) $5,770,000 for each of fiscal years 2007 and 2008;

"(3) $6,058,000 for each of fiscal years 2009 and 2010; and

"(4) $6,631,000 for each of fiscal years 2011 and 2012.

"(b) ALLOCATION.—Of the amounts made available under subsection (a) for each fiscal year—

"(1) $160,000 are authorized for the advisory committee established under section 4 of this Act and the species working groups established under section 4A of this Act; and

"(2) $7,500,000 are authorized for research activities under this Act and section 3 of Public Law 96-339 (16 U.S.C. 971i), of which $3,000,000 shall be for the cooperative research program

under section 3(b)(2)(H) of that section (16 U.S.C. 971i(b)(2)(H).".

(b) Atlantic Billfish Cooperative Research Program.—Section 3(b)(2) of Public Law 96–339 (16 U.S.C. 971i(b)(2)) is amended—

(1) by striking "and" after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

"(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and".

SEC. 406. INTERNATIONAL OVERFISHING AND DOMESTIC EQUITY.

(a) Rebuilding Overfished Fisheries.—Section 304(e) (16 U.S.C. 1854(e)) is amended by adding at the end thereof the following:

"(8) The provisions of this paragraph shall apply in lieu of paragraphs (2) through (7) of this subsection to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

"(A) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

"(B) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

"(i) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

"(ii) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.".

(b) Highly Migratory Species Tagging Research.—Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is amended by striking "(16 U.S.C. 971d)" and inserting "(16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act,".

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the "Western and Central Pacific Fisheries Convention Implementation Act".

SEC. 502. DEFINITIONS.

In this title:

(1) 1982 Convention.—The term "1982 Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) Agreement.—The term "Agreement" means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(3) Commission.—The term "Commission" means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention.

(4) Convention area.—The term "convention area" means all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141th meridian of east longitude to its intersection with the 55th parallel of south latitude; thence due east along the 55th parallel of south latitude to its intersection with the 150th meridian of east longitude; thence due south along the 150th meridian of east longitude to its intersection with the 60th parallel of south latitude; thence due east along the 60th parallel of south latitude to its intersection with the 130th meridian of west longitude; thence due north along the 130th meridian of west longitude to its intersection with the 4th parallel of south latitude; thence due west along the 4th parallel of south latitude to its intersection with the 150th meridian of west longitude; thence due north along the 150th meridian of west longitude.

(5) Exclusive economic zone.—The term "exclusive economic zone" means the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983.

(6) Fishing.—The term "fishing" means:

(A) searching for, catching, taking, or harvesting fish.

(B) attempting to search for, catch, take, or harvest fish.

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose.

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons.

(E) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (A) through (D), including transshipment.

(F) use of any other vessel, vehicle, aircraft, or hovercraft, for any activity described in subparagraphs (A) through (E) except for emergencies involving the health and safety of the crew or the safety of a vessel.

(7) Fishing vessel.—The term "fishing vessel" means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels, and any other vessel directly involved in such fishing operations.

(8) Highly migratory fish stocks.—The term "highly migratory fish stocks" means all fish stocks of the species listed in Annex 1 of the 1982 Convention occurring in the Convention Area, and such other species of fish as the Commission may determine.

(9) Secretary.—The term "Secretary" means the Secretary of Commerce.

(10) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(11) Transhipment.—The term "transshipment" means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

(12) WCPCF convention; Western and Central Pacific convention.—The terms "WCPCF Convention" and "Western and Central Pacific Convention" means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, with Annexes, which was adopted at Honolulu, Hawaii, on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

SEC. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) In General.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) Alternate Commissioners.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) Administrative Matters.—

(1) Employment status.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) tort claims liability as provided under chapter 171 of title 28 United States Code;

(C) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(D) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) Compensation.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) Travel expenses.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) Advisory Committees.—

(1) Establishment of permanent advisory committee.—

(A) Membership.—There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

(B) TERMS AND PRIVILEGES.—Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. Members of the advisory committee may attend all public meetings of the Commission, Council, or any Panel and any other meetings to which they are invited by the Commission, Council, or any Panel. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) PROCEDURES.—The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion, and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) COMPENSATION; STATUS; EXPENSES.—Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall not be considered Federal employees by reason of their service as members of an advisory committee, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(f) MEMORANDUM OF UNDERSTANDING.—For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that specifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

SEC. 504. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary and the United States Commissioners, approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

SEC. 505. RULEMAKING AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and the appropriate Regional Fishery Management Council, shall promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this title. The Secretary shall promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) ADDITIONS TO FISHERY REGIMES AND REGULATIONS.—The Secretary may promulgate regulations applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with, fishery conservation and management measures and regulations adopted under the WCPFC Convention.

SEC. 506. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title, including enforcement of any such regulations within the boundaries of any State bordering on the convention area;

(2) request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(A) the administration and enforcement of this title; and

(B) the conduct of scientific, research, and other programs under this title;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) assess and collect fees to recover the costs of implementing and enforcing this title, policy and rulemaking activities, user information services, international activities under this title, and the costs to the United States of enforcing the WCPFC Convention, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone.

(b) PROHIBITED ACTS.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

SEC. 507. PENALTIES.

This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Commission under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 508. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The United States Commissioners, through the Secretary of State and with the concurrence of the Secretary, institution, or organization concerned, may arrange for the cooperation of Federal agencies and of State and private institutions and organizations in carrying out responsibilities under the WCPFC Convention.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies are authorized, upon the request of the Secretary of Commerce Commission, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

SEC. 509. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 510. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this title and to pay the United States' contribution to the Commission under section 5 of part III of the WCPFC Convention.

TITLE VI—PACIFIC WHITING

SEC. 601. SHORT TITLE.

This title may be cited as the "Pacific Whiting Act of 2005".

SEC. 602. DEFINITIONS.

In this title:

(1) ADVISORY PANEL.—The term "advisory panel" means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) AGREEMENT.—The term "Agreement" means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) CATCH.—The term "catch" means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) JOINT MANAGEMENT COMMITTEE.—The term "joint management committee" means the joint

management committee established by the Agreement.

(5) JOINT TECHNICAL COMMITTEE.—The term "joint technical committee" means the joint technical committee established by the Agreement.

(6) OFFSHORE WHITING RESOURCE.—The term "offshore whiting resource" means the transboundary stock of Merluccius productus that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) SCIENTIFIC REVIEW GROUP.—The term "scientific review group" means the scientific review group established by the Agreement.

(8) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(9) UNITED STATES SECTION.—The term "United States Section" means the United States representatives on the joint management committee.

SEC. 603. UNITED STATES REPRESENTATION ON JOINT MANAGEMENT COMMITTEE.

(a) REPRESENTATIVES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) TERM OF OFFICE.—Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) CHAIR.—Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) ALTERNATE REPRESENTATIVES.—The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

SEC. 604. UNITED STATES REPRESENTATION ON THE SCIENTIFIC REVIEW GROUP.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) TERM.—An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual's predecessor shall be appointed to serve for the remainder of that term.

(c) JOINT APPOINTMENTS.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel—

(1) up to 2 independent members of the scientific review group; and

(2) 2 public advisors.

SEC. 605. UNITED STATES REPRESENTATION ON JOINT TECHNICAL COMMITTEE.

(a) SCIENTIFIC EXPERTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(b) INDEPENDENT MEMBER.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

SEC. 606. UNITED STATES REPRESENTATION ON ADVISORY PANEL.

(a) IN GENERAL.—

(1) APPOINTMENT.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and

(B) not employees of the United States.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

SEC. 607. RESPONSIBILITIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is responsible for carrying out the Agreement and this title, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) REGULATIONS; COOPERATION WITH CANADIAN OFFICIALS.—In exercising responsibilities under this title, the Secretary—

(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this title; and

(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

SEC. 608. RULEMAKING.

(a) APPLICATION WITH MAGNUSON-STEVENS ACT.—The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this title rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this title.

(b) JOINT MANAGEMENT COMMITTEE RECOMMENDATIONS.—For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) YEARS WITH NO APPROVED CATCH RECOMMENDATIONS.—If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

SEC. 609. ADMINISTRATIVE MATTERS.

(a) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(1) injury compensation under chapter 81 of title 5, United States Code;

(2) tort claims liability as provided under chapter 171 of title 28 United States Code;

(3) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(4) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual appointed under this title shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this title.

(2) SCIENTIFIC REVIEW GROUP.—Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 604(a) to serve as a scientific expert on the scientific review group who is not employed by the United States Government, a State government, or an Indian tribal government in accordance with section 3109 of title 5, United States Code.

(c) TRAVEL EXPENSES.—Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this title in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704

through 5708, and 5731 of title 5, United States Code.

(d) JOINT APPOINTEES.—With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 604(c), and the 1 independent member to the joint technical committee jointly appointed under section 605(b), the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

SEC. 610. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title;

(2) request and utilize on a reimbursed or nonreimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this title, subject to sections 552 and 552a of title 5, United States Code.

(b) PROHIBITED ACTS.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) PENALTIES.—This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Secretary under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this title.

CDQ PROGRAM

Mrs. MURRAY. Mr. Presdient, as part of the conference report on the Coast Guard and Maritime Transportation Act of 2006, which is expected to be passed by the Senate shortly, there is a provision in section 416 that amends section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), which authorizes the Western Pacific Community Development Quota (CDQ) Program for fisheries of the Bering Sea and Aleutian Islands (BS/AI).

Mr. STEVENS. That is correct. Section 416 provides more specific authorities and direction concerning the operations and fishing allocations to and among CDQ groups, in accordance with the recommendations of a Blue Ribbon panel established by the Governor of Alaska.

Mrs. MURRAY. I am familiar with this program, which originated in the North Pacific Fishery Management Council in 1992, and I support its goals of providing economic opportunities for rural coastal communities in Western Alaska. It is my understanding that section 416 ensures the CDQ groups will continue to receive the same annual percentage allocations as they do now under existing Federal law, and that it would preserve existing treatment of such allocations—consisting of a directed fishing allowance if that is the current law, i.e., the BS/AI pollock fishery, or including both directed and non-target fishing in fisheries where that is the current practice. Is that correct, Senator STEVENS?

Mr. STEVENS. Yes, that is correct. Are you concerned about those provisions?

Mrs. MURRAY. No, my concerns relate to Section 416's amendment to MSA section 305(i)(1)(B), which would increase CDQ group allocations for certain BS/AI groundfish fisheries, including Pacific cod, mackerel, and flatfish species, from 7.5 percent to 10 percent, and treat this allocation as a directed fishing allowance, which does not include incidental catch. All allocations in these fisheries, including the CDQ allocations, are currently-managed as total quotas, not as directed fishing allowances, which obliges all participants to keep both the directed and incidenteal catch within a "hard cap." Did you intend to change the current manner in which the council sets CDQ allocations in these fisheries, from a hard cap allocation to a directed fishing allowance allocation?

Mr. STEVENS. Yes, we wanted to create the same approach for these groundfish fisheries that we created legislatively for pollock. However, these allocations would become effective only upon the establishment of a quota program, fishing cooperative, sector allocation or rationalization program in the fishery, and the intent is to ensure that management measures apply equally to both CDQ and non-CDQ groups. With respect to application of this section to the Pacific cod fishery, however, the new CDQ allocations under section 416 are not intended to take effect until full rationalization of that fishery, or January 1, 2009, whichever date is earlier.

Mrs. MURRAY. We are both justifiably proud of the success of the pollock cooperatives established under the American Fisheries Act, AFA, and particularly their low bycatch rates. However, it is my understanding from speaking with NOAA and council staff that making this directed fishing allowance in statute for the CDQ portion of these other BS/AI groundfish fisheries would deprive the council of its current authority to limit incidental catch associated with these allocations, although it would retain such authority for the non-CDQ allocations. I am concerned that this lack of authority could unintentionally promote increases in incidental catch for CDQ groups. In addition, any unconstrained growth in incidental catch under the legislatively directed fishing allowances could result in less available catch allowance for the non-CDQ groups subject to incidental catch controls, which seems contrary to your intent that each set of groups be subject to the same management controls.

While the pollock fishery has very low incidental catch rates, in 2005 its incidental catch was only 0.16 percent above the directed fishery allowance, the directed fisheries of the BS/AI, other than halibut, sablefish, pollock, and crab, have a relatively higher level of bycatch. The council has taken actions to limit and reduce the amount of incidental catch allowance to all directed fishery participants in order to reduce overall bycatch levels. Prohibiting the council from establishing an incidental catch allowance is antithetical to current public policy and resource management in the BS/AI. Moreover, it is not consistent with provisions included in the Senate's version of the Magnuson-Stevens Act reauthorization, S. 2012. I suggest Section 416 (MSA section 305(i)(1)(B), as amended) be modified to include this explicit authority.

Do you agree with me that the council should retain its ability to set incidental catch allowances for the CDQ groups in the fisheries affected by section 416's amendment to MSA section 305(i)(1)(B)?

Mr. STEVENS. Yes, I agree. We did not intend to eliminate any management authorities regarding incidental catch that are currently available to the Council.

Mrs. MURRAY. In view of our agreement on these points, do you agree to authorize the council and the Secretary to establish incidental catch limits for these fisheries without prohibiting the council from providing the CDQ program with an incidental catch allowance.

Mr. STEVENS. Yes, I would agree to that clarification to subparagraph (B). However, that change must also guarantee that any management measures will apply equally to both CDQ and non-CDQ portions of the fisheries affected by subparagraph (B). Do you agree?

Mrs. MURRAY. Yes, I do agree that we must ensure fair treatment of both groups in these fisheries, and would support including such language in these changes. Do I have your commitment that you will include these changes to Section 416 in the Coast Guard Conference Report before final passage in the Senate, or, if not procedurally possible, in another bill that will be enacted this year, including the final version of the Magnuson-Stevens Act reauthorization?

Mr. STEVENS. Yes. Do you give your consent for final passage of S. 2012 today?

Mrs. MURRAY. I fully support passage of S. 2012, your and Senator INOUYE's bill to reauthorize the Magnuson-Stevens Act, particularly in view of your commitment to make these changes to section 416 of the Coast Guard Conference Report. Senator INOUYE, are you in agreement with Senator STEVENS and me on these points?

Mr. INOUYE. Yes, I would be pleased to work with you and Chairman STEVENS on ensuring that the items you have agreed upon are enacted.

ECONOMIC AND SOCIAL IMPACT ANALYSIS

Mr. LOTT. Mr. President, I congratulate the chairman of the Senate Committee on Commerce, Science and Transportation on Senate passage of S. 2012, the Magnuson-Stevens Fisheries Conservation and Management Reauthorization Act of 2006. The chairman has worked very hard to gain the consensus necessary to pass this bill to reauthorize marine fisheries conservation and management programs. The Commerce Committee report on this bill provides a wealth of information concerning the bill's provisions. However, I would like to ask the chairman to clarify two provisions in the bill.

Mr. STEVENS. Mr. President, I thank the Senator from Mississippi for his kind words and I would be happy to respond to his questions.

Mr. LOTT. Mr. President, section 104(a) of S. 2012 would amend section 303(a) of the Magnuson-Stevens Fisheries Conservation and Management Act in several places to require the collection of certain economic information from fisheries participants and require that fisheries management plans and amendments analyze the economic and social impacts of such plans' or amendments' conservation and management measures on, and possible mitigation measures for, fisheries participants and fishing communities affected by these plans or amendments.

Is it the chairman's understanding that the committee intended, for the purposes of this provision, that only the economic impact of direct participants in the fishery that engage in fishing or fish processing be subject to this economic information collection and impact analysis? Does the chairman agree that attempting to consider such economic impacts on persons such as consumers of fish or suppliers of fishing sectors would add unwarranted complexity to this analysis and would detract from the proper focus on only those persons who have a direct economic stake in the fishery?

Mr. STEVENS. The Senator from Mississippi is correct. Regional Fishery Management Councils are tasked with analyzing a large amount of data in order to develop fisheries management plans and amendments. The committee intended that the economic and social impact analysis described in section 303(a) of the act, as amended by this bill, be limited to direct participants in the fishery that engage in fishing or fish processing, and not include persons such as consumers of fish or suppliers of fishing sectors.

Mr. LOTT. I thank the chairman for that response. Additionally, section 105 of the bill would amend section 303(b)(2) of the Act to provide additional direction on the authority of Regional Fishery Management Councils to close areas to fishing, or restrict fishing in areas of the waters under their jurisdiction. Is it the chairman's understanding that the committee intended, for the purpose of this provision, that any restriction or closure under this authority will be of the minimum size, and include the minimum restrictions on fishing, that are necessary to achieve the intended conservation and management benefits?

Mr. STEVENS. Mr. President, the Senator from Mississippi is correct on this matter as well. The committee intended that any restriction or closure under this authority will be of the minimum size, and include the minimum restrictions on fishing that are necessary to achieve the intended conservation and management benefits.

Mr. LOTT. Mr. President, again, I thank the chairman for his clarification of these provisions of S. 2012. I also thank him for his years of work to improve the framework through which our Nation's marine fisheries are conserved and managed. I can think of no other Member of this body who more deserves to have his name included in the name of the law that governs marine fisheries conservation and management.

Mr. REED. I thank Senators STEVENS and INOUYE for including a report in Magnuson-Stevens Fishery Conservation and Management Reauthorization Act, S. 2012, to study council management coordination between the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council, MAFMC. This report speaks to an issue of great importance to Rhode Island fishermen. I would also like to thank Senator LAUTENBERG for working with me on developing this language.

In October 2005, I introduced the Rhode Island Fishermen's Fairness Act in order to address a serious flaw in our Nation's regional fisheries management system by adding Rhode Island to the MAFMC, which currently consists of representatives from New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina. The legislation would create two seats on the MAFMC for Rhode Island: one seat nominated by the Governor of Rhode Island and appointed by the Secretary of Commerce, and a second seat filled by Rhode Island's principal state official with marine fishery management responsibility. There is a precedent for this proposed legislation. In 1996, North Carolina's representatives in Congress succeeded in adding that State to the MAFMC through an amendment to the Sustainable Fisheries Act. Like Rhode Island, a significant proportion of North Carolina's landed fish species were managed by the MAFMC, yet the State had no vote on the council.

While I am disappointed that this reauthorization bill did not include my legislation, I believe that the report will provide useful information to the Senate that will support Rhode Island's participation as a voting member on the MAFMC based on the Magnuson-Stevens Act's National Standards and the economic value of MAFMC managed species to Rhode Island. The report will provide an opportunity for the Mid-Atlantic Fishery Management Council, in consultation with the New England Fishery Management Council, to: evaluate the role of council liaisons in the development and approval of management plans for fisheries in which Rhode Island has a demonstrated interest and significant landings; evaluate approaches developed by the councils to improve representation of non-member States in decision-making; and analyze characteristics that supported North Carolina's inclusion in the MAFMC and how those characteristics support Rhode Island's position.

The MAFMC manages the following 13 species, all of which are landed in Rhode Island: Illex squid, loligo squid, Atlantic mackerel, black sea bass, bluefish, butterfish, monkfish, scup, spiny dogfish, summer flounder, surfclam, ocean quahog, and tilefish. Rhode Island fishermen target a large proportion of species managed by MAFMC. These species make up a large proportion of landings within Rhode Island every year. Between 1995 and 2004, MAFMC species represented between 42 percent and 56 percent of all finfish landed in Rhode Island annually, for an average of 37 percent of total landings by weight. The economic value of these species to Rhode Island in 2004 totaled $72.8 million. Between 1995 and 2004, squid, Illex and loligo, was the number one marine species, based on economic value, landed in Rhode Island, with a value of $24.7 million in 2004. Because of these fisheries importance to Rhode Island, both in terms of the economic value and overall landings by weight, I believe the State deserves a vote in the management of these species on the MAFMC.

Again, I want to thank Senators STEVENS, INOUYE, and LAUTENBERG for their assistance in addressing Rhode Island's interest to become a voting member of the MAFMC. I look forward to working with my colleagues on this issue.

Mr. WARNER. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4310) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee-reported substitute, as amended, was agreed to.

The bill (S. 2012), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

Mr. WARNER. Mr. President, I return to my original unanimous consent request.

The PRESIDING OFFICER. Is there objection to the Senator from Massachusetts being recognized for 30 minutes in morning business? Without objection, it is so ordered.

The Senator from Massachusetts.

RAISING THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I support the John Warner National Defense Authorization Act of fiscal year 2007, and I commend the impressive way in which the distinguished Senator from Virginia has led the Senate Armed Services Committee over these last 6 years. He has provided a consistently steady hand on the tiller in these troubled times, and the Senate's action in naming the bill is eminently well deserved.

In a time of conflict, our first and foremost responsibility is to provide for our troops in the field, and this bill provides for our soldiers, our sailors, marines, and airmen defending our great country in all parts of the world. We have improved on the administration's request for our service members. Our forces overseas are being stressed, and they bear the heavy burden of combat. Yet the administration would cut their end strength and reduce the value of the retirement health benefits they may well need to cope with the effect of the war.

The committee wisely chose not to follow this path. Instead, we maintained the end strength and benefits in addition to a 2.2-percent pay raise and larger targeted increases for midgrade, enlisted, and warrant officers. The bill also improves on the administration's request for future readiness. It authorizes substantial investments in key ships, aircraft, and Army transformation programs. It also ensures long-term value for the taxpayer by preserving competition in our vital aircraft engine and shipbuilding industries.

In addition, it calls for continued acquisition reforms to reduce fraud and waste in defense spending. Even more important, the bill invests in the protection of our personnel. It authorizes over a billion dollars in force protection equipment, including up-armored HMMWVs and body armor. And it also provides $2.1 billion for the joint improvised explosive device defeat fund to support a Manhattan project effort to deal with IEDs, the No. 1 threat to our forces in the field and to innocent Iraqis.

So this is a very worthy piece of legislation. It bears the name of one of our most honorable Members, the chairman of our committee, and I welcome the opportunity to support that.

I had intended this afternoon to offer an increase in the minimum wage as an amendment to the Defense authorization bill. I think it is a fair question to ask, does this really make sense on a Defense authorization bill? I respond to that that so many of those brave men and women are fighting in Afghanistan or Iraq or fighting for the values this Nation represents, and one of the values this Nation represents is fairness and decency to hard-working American workers. Fairness and decency for hard-working American workers means they are going to be paid a fair, just wage. That is why I think it is consistent with this legislation. I know we are going to have important debates and discussions on other parts of the Defense authorization bill, but we welcome the opportunity to raise this issue. It is not a new issue, it is a familiar issue. It doesn't take a great deal of time, although a number of our colleagues wish to be heard on it because it is an issue we have debated and discussed going back to the 1930s. The Members of this body are extremely familiar with it as a public policy issue in question and can express an informed judgment about it in virtually short order.

For generations, Americans have believed that if they worked hard and played by the rules, they could achieve the American dream. They believed they could be better off than their parents or could join the middle class. They could earn more each year, provide safety and security for their families, and save for their retirement. But today, more and more Americans are losing faith in that dream as prices for everyday necessities, such as gasoline and housing and health care, skyrocket. Too many hard-working people are living on the edge—just one serious illness, one pink slip away from bankruptcy.

For minimum wage workers, the American dream is even further from reality. Minimum wage workers are men and women of dignity. They care for their children and for young children in daycare centers. They care for senior citizens in nursing homes. They check out groceries in the supermarket. They clean our office buildings. But the minimum wage they receive no longer covers their bills. A minimum wage worker who works 40 hours a week, 52 weeks a year, earns just $10,700. That is almost $6,000 below the poverty line for a family of three.

At these wages, no matter how hard they work, minimum wage workers are forced to make impossible choices between paying the rent and buying groceries, paying the heating bills or buying clothes. They cannot afford health care. They cannot earn enough to pay for adequate housing for their families anywhere in the country. Minimum wage workers' daily fear is poverty, hunger, and homelessness. Our Republican colleagues continue to turn a blind eye to the struggles of working families in this country, particularly the hard-working people who work for the very lowest wages.

It has been almost 10 years since Congress raised the minimum wage. Time and again, many have called on the Senate to increase the minimum wage. Yet, time and again, Republican colleagues refuse to give working people the raise they deserve, even though we grant annual pay increases to Senators. What could be more hypocritical?

Fortunately, the American people understand what the Republican leadership does not, and that is nobody who works hard for a living should have to live in poverty. That is why the American people overwhelming support an increase in the minimum wage. Year after year, as the GOP Congress keeps refusing to help minimum wage workers, the American people are rising up. They are marching in the streets and praying in churches and synagogues. They are also taking their battles to the ballot box and telling us overwhelmingly that a minimum wage increase is long overdue.

This amendment that I am offering with a number of my colleagues will raise the minimum wage to $7.25 an hour in 3 steps over the next 2 years—70 cents now, 60 cents a year from now, and 60 more cents 2 years from now. This increase will directly raise the pay of more than 6.5 million workers, indirectly benefitting more than 8 million more.

Contrary to public perception, these workers are not teenagers looking for their first job for pocket change. Eighty percent of those who benefit are adult workers, more than a third the sole breadwinners of their families. Raising the minimum wage is something I believe is enormously important, and the time to do it is now.

I want to review for the Senate for a few minutes a brief history of where we are in terms of the minimum wage. It started in 1938. We see the Presidents listed here. They represent Republican Presidents, as well as Democratic Presidents, who have supported an increase in the minimum wage, going back to 1938. Franklin Roosevelt, three different steps; Harry Truman; Dwight Eisenhower, a Republican; John Kennedy saw an increase; Lyndon Johnson;

Richard Nixon; George Bush; and William Clinton.

The history of the minimum wage up to the last few years has basically been a bipartisan effort. Yet we have not been able to get a bipartisan effort to increase the minimum wage over the period of the last 9 years. What has happened to those who are on the lowest rung of the economic ladder? As I mentioned, these are men and women of dignity.

At the start of this debate, we have to understand who the minimum wage workers are. They are men and women of dignity. These are tough, difficult jobs, but they try to do them well, and they take great pride in their jobs. They work as assistants to teachers, in nursing homes looking after the elderly, cleaning out the great buildings of American commerce, and they are maids in various buildings all across this Nation. They are men and women of dignity.

I thought we had sort of an agreement in this body, with Republicans and Democrats alike, that if you have a job, you ought to have a job that gets you out of poverty, not one that keeps you in poverty. Currently, the minimum wage keeps you in poverty; it doesn't get you out of it. I thought we could all agree that we want to get people who work hard and play by the rules out of poverty and have their work be rewarding. I thought that would be something at least Republicans and Democrats could agree on. But we have not been able to get that agreement, Mr. President.

What we have seen over the period since 2000 to 2004 is the number of Americans now living in poverty—those lowest income people have increased by 5.4 million of our fellow American citizens. Well over a million of those are children who are living in poverty in the United States. The principal reason for that is because we have not seen an increase in the minimum wage, which is something we can do that can make a major difference in the reduction of poverty for these people who are working hard.

Now, this chart shows what the poverty line is. Look where the minimum wage is in the 1960s, right at the poverty line. In the late sixties, it was even above the poverty line. It would have been close to $19,000 a year in terms of real purchasing power. Then in the 1970s and through the 1970s up until 1980, we kept the minimum wage at the Federal poverty level. Then we have seen the decline in the purchasing power of the minimum wage now to be less than $5,888. It was up to $19,000 at one time, but is now down to $5,888. You see, Mr. President, if you look at this chart, the 1990 figure—just above it—that was when we raised the minimum wage. And again, in 1997, we saw an increase in the minimum wage. That is when we see those red indicators go up. That shows how far we have seen a decline in the minimum wage. The real minimum wage declined 20 percent in the 9 years of Republican opposition. It is not just the fact that the figures have been frozen, it is the fact that its purchasing power has declined significantly.

Look at this, Mr. President. This shows the dramatic reduction down 20 percent in the purchasing power of what we have passed previously. We are not only not increasing the value of the minimum wage in terms of purchasing power, which has declined; now we see in our proposal, effectively over a 2-year period, we raise it to $7.25. We know that we will hear from some that we cannot raise that to $7.25 because of the dramatic impact, adverse impact, it would have on the American economy. It is interesting that this fall in the No. 2 economy in Europe, which is Great Britain, it will be $9.80 an hour. In another leading economy in Western Europe, which happens to be Ireland, it is $9.60 an hour. They have robust economic growth in their economy.

Listen to their chancellor, Gordon Brown, talk about the difference the increase in the minimum wage has made. The number of people they brought out of poverty is 2½ million people, and a million and a half people they brought out of poverty in Great Britain. We have the possibility of making a modest difference with this. This is a modest increase to $7.25.

I put this chart up because it is a clear indication about what is happening out in the workforce with American workers. They are working longer and harder. More than 39 million Americans, which is 28 percent of the workforce, work more than 40 hours a week. Nearly one in five workers works more than 48 hours a week. More than 7.6 million Americans are working two or more jobs, and 334,000 of them hold two full-time jobs. So American workers' hours have increased more than in any other industrialized nation.

American workers are working longer and harder and getting less pay, Mr. President. We have seen an explosion in terms of productivity, but that is not being passed down to the workers at the lower rung, although it was done at other times by Republicans and Democrats. So what do we say? Are we saying the minimum wage workers are slackers, or that these workers are not working the full time? Are we saying they are not showing up for work? Absolutely not. We see from these statistics that American workers—and particularly the workers at the lower income—are working longer and harder than any workforce in any other industrialized nation in the world.

These are the figures from the OECD in 2004. You see that Americans have increased more than any other industrialized country. Many countries have actually gone down. Canada has gone up, from 16.8 percent since 1970 to 2002, and America is up 20 percent. This is what we have.

So what are we talking about? We are talking about an issue that primarily affects women because nearly 60 percent of workers affected by a minimum wage increase are women. So this is primarily a women's issue. Better than half of all of those women have children. So this is also a children's issue. This is a children's issue and a women's issue.

We hear a great deal about family values in this Chamber. This is a family value—how that child is going to grow up, whether that worker will be treated with respect and dignity, whether that mother or father is going to be able to spend time with that child. That is all reflected in whether we are going to get the increase in the minimum wage. This is also a civil rights issue because so many of those who earn the minimum wage are men and women of color. So it is a women's issue, a children's issue, and civil rights issue.

Mr. President, this $4,400 means that would be the cumulative value of that over the period of a year—2 years of childcare—at a time that this body is cutting back on childcare, and the waiting lists in our States are becoming extensive.

We know now this would help a family with childcare, with a full tuition for a community college degree, a year and a half of heat and electricity, more than a year of groceries, and more than 8 months of rent. This is not insignificant. It may be to Members of this body, but it is not insignificant to those people who are out there working hard.

What I believe is the most difficult point for Americans to understand is that from the time we raised the minimum wage last in 1997 to 2006, Members of Congress have increased their salary by $31,600, but we have refused to increase the minimum wage by 5 cents. Maybe someone can explain that. We have increased our salaries by $31,600, and we haven't increased the minimum wage 5 cents. That is not right, that is not fair, that is wrong, and we have an opportunity to change it.

At other times when we have talked about the minimum wage and the impact it has had on the total wages that have been paid in this country, many have said: If you increase the minimum wage, it is going to add to the problems of inflation. We see that the increase in the total amount of minimum wage we include in this is less than one-quarter of 1 percent of total wages that are paid. So it is incidental to that.

If we look back over the increases of the minimum wage in the 1990s, it had virtually no impact in terms of employment. Employment actually increased, and unemployment was reduced during that period of time. If we look at the various polls that have been taken even with small business, they say they don't believe they are adversely impacted by an increase in the minimum wage.

I submit that we are prepared to move ahead and increase the minimum wage as I open these remarks. I want to retain a few minutes for my friend from New Mexico. We sent our fighting men and women to Afghanistan and Iraq to fight for the values of fairness, decency, and justice, and we are talking about economic justice in this instance. If we are talking about trying to maintain our commitment to the kind of values for which they are fighting—economic justice, economic fairness is certainly one of them—then this issue about increasing the minimum wage is about as basic and fundamental in terms of economic justice as any issue we will have before the Senate.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator controls an additional 10 minutes.

Mr. KENNEDY. I yield such time as the Senator from New Mexico uses.

Mr. BINGAMAN. Mr. President, I thank my colleague for bringing this amendment to the Senate for consideration. I understand he is not offering it at this moment but will at a later point. I wish to speak briefly about some of the points he has made and make a few others.

There is a philosophical argument which has raged around the world for a long time about whether it is appropriate to have a minimum wage. I am certain that when this Congress decided in 1938 that the United States should have a minimum wage, there was a substantial amount of debate on that philosophical issue. So I concede that to start with.

They are having a similar debate in Mexico today. They have a Presidential election coming up in Mexico in a couple of weeks. One of the issues in Mexico is whether they should raise the minimum wage. The minimum wage in Mexico is $4.50 a day. The question is, Should we have a minimum wage and, if so, should it be a minimum wage that actually helps people to stay out of poverty or to work their way out of poverty? That is the issue which the Senator from Massachusetts is raising for consideration today.

I believe very strongly that we should have a minimum wage. I believe very strongly that we should change that minimum wage as necessary to keep up with the cost of living and with the poverty rate, as we have determined it, so that people who do work full time for a minimum wage can stay above the poverty line. That would be the ideal.

In fact, when we look at the chart that was referred to by the Senator from Massachusetts, which I think is an excellent chart, it points out that beginning about 1980, the minimum wage began to drop precipitously relative to the Federal poverty line. It remains very low and is declining even further today because of the refusal of this Congress and this administration to take action to deal with it.

I fear, while very few today would argue that we should have no minimum wage, in fact, that is where we are headed with the policy this administration has adopted. We are continuing to resist efforts to change the minimum wage. The minimum wage is becoming less and less a support for the low-paid workers of this country, and clearly we are way behind in trying to deal with this issue.

There is one other issue which I wish to particularly call to my colleagues' attention, and that is the question of whether or not, if there should be a minimum wage, should it be set at the national level or should it be set at the State level or the local level? In fact, we made a decision in 1938 to have a minimum wage set at the national level. Now since the Federal Government has refused in the last 9 years to take any action to moderate or adjust that minimum wage, more and more communities, more and more States are acting to fill that vacuum, and that is what we are seeing all over my State.

Let me point out that in my State in 2003, the Santa Fe City Council passed the highest minimum wage increase in the country. In January of 2004, the minimum wage increased to $8.50 per hour. In January of this year, the minimum wage went to $9.50 per hour. It is scheduled to go to $10.50 per hour in 2008 in the city limits of Santa Fe, NM. According to the mayor of Santa Fe, approximately 9,000 families received a raise because of that city ordinance that changed the minimum wage. Believe it or not, the Santa Fe economy did not crumble. In fact, according to a University of New Mexico study that was released last year, job growth in Santa Fe was 3.5 percent the first year that the $8.50 wage was in effect. It was ahead of the 2.1-percent growth in jobs for our State as a whole. Overall, employment increased in each quarter after the living wage went into effect, and it has been especially strong for hotels and restaurants, which have the most low-wage jobs.

Mr. KENNEDY. Will the Senator yield?

Mr. BINGAMAN. Yes, I will be glad to yield.

Mr. KENNEDY. Mr. President, there have been a number of cities, including Boston, across this country that have adopted a living wage. Of course, as the Senator knows, there have been a number of States even in the most recent times—North Carolina, Arkansas, the most recent—that have increased the minimum wage. I am wondering whether the Senator from New Mexico found out in Santa Fe, with an increase in the living wage, what we found out in Baltimore, for example, and that was, first of all, there is much lower turnover by workers in the community, and therefore there is much less training that is necessary for the municipality when they get new workers. There is a much higher degree of attendance, fewer people who are dropping out of the labor market, productivity has increased, and in all we have seen in so many living-wage communities that the concerns which have been expressed by the opposition have melted away because what has happened is the workforce that has remained has become more loyal, more productive, higher morale, and less willing to move or change jobs, better and continued training for their job, and the output for those workers has been a significant improvement. I wonder if the Senator has some general impressions with regard to his own observations and results.

Mr. BINGAMAN. Mr. President, I do think my strong impression is there have been many of the positive benefits the Senator cited that we have realized in Santa Fe and other communities in my State where there has been an increase in the minimum wage.

One other I would mention is that the number of families in need of temporary assistance has declined significantly since we moved to a higher minimum wage in Santa Fe, and that has been another benefit to the community.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. BINGAMAN. Yes, I will be glad to yield.

Mr. KENNEDY. What we have seen is if the employers are not paying the minimum wage, then the workers are eligible for a variety of different Federal programs that are paid for by the general taxpayers; while if they pay the minimum wage or a living wage—and the living wage is more in correspondence to the poverty wage—then these workers are no longer eligible for the range of social programs that are available and there is less of a burden on working Americans. In other words, we find that many of the companies that are paying low wages are actually being subsidized by the taxpayers with either food assistance or additional housing or additional benefits for which they otherwise would not be eligible. This has been estimated to be in the billions of dollars.

The Senator makes a very good point that this is just an example about how many of these employers are being subsidized by the taxpayers by keeping low wages so their workers are eligible for other governmental programs.

while if they are paid a decent wage, they wouldn't be eligible, and that would relieve the burden on the American taxpayers.

Mr. BINGAMAN. Mr. President, I agree entirely with what the Senator from Massachusetts has said. In fact, the governmental assistance programs that are required and that are in place do not have to do the job of filling in the gap between this poverty line and the minimum wage as we have allowed it to exist. So there is a serious issue here.

I wish to mention one other aspect of this issue.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has used 30 minutes. The Senator's time has expired.

The Senator from Virginia.

Mr. WARNER. Mr. President, first, I ask unanimous consent that I may be allowed to speak in morning business not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, for the information of all Senators, we have yet to bring up the Defense authorization bill. The leadership is continuing to work out, hopefully, an accommodation for the initiative of the Senator from Massachusetts on the very important amendment on minimum wage. So I wish to inform colleagues that hopefully this will be procedurally worked out, such as we can bring the bill up and then proceed on the bill. But in the meantime, we remain in morning business, and if there is additional time the Senator from Massachusetts would like or the distinguished Senator from New Mexico—and I see the Senator from Kentucky—I will be perfectly willing to try to accommodate Senators.

Might I inquire of the Senator from Kentucky the subject on which he would like to speak?

Mr. BUNNING. It is on the nomination of the Federal Reserve vice-chairmanship.

Mr. KENNEDY. Mr. President, could the Senator from New Mexico just be given a final few minutes to wind up, and then I have no objection to proceeding with the nomination.

Mr. WARNER. Fine. Yes. Thank you very much, Mr. President. I ask unanimous consent that another 10 minutes be allocated to Senator KENNEDY under his jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I yield to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleagues. I thank the chairman of the committee, Senator WARNER. Let me just make one additional point and then yield the remainder of the time to Senator KENNEDY to conclude the argument.

The other point is I find the positions of many of the employers who have come in to see me and talk to me about this issue of minimum wage has changed very dramatically over the last year or two. For a long period of time, I found that the owners of hotels and restaurants and other businesses in my State would come to town each year and lobby me against an increase in the minimum wage, believing that increasing the minimum wage would make it more difficult for them to compete. The truth is, now the local communities such as the community of Santa Fe, the community of Albuquerque, and other local communities around the country have begun to change the minimum wage and to essentially take action where the Federal Government has failed to take action. I am finding that these same employers are now coming in and saying: Would you please adjust the Federal minimum wage? Would you please take what is the normal course and keep the Federal minimum wage at a reasonable level so that we do not have every community in the country feeling under pressure to pass an ordinance on the subject? I think that is a reasonable position for them to take.

So those same businesses that used to lobby me against increasing the minimum wage are now lobbying me in favor of increasing the minimum wage because they believe very strongly that this is a national issue, that we ought to have a national minimum wage, it ought to be reasonable, and it ought to be adjusted as the cost of living goes up and as the Federal poverty line requires.

Mr. President, I urge my colleagues to support this amendment when it actually gets offered. I thank my colleague for allowing me to speak on this issue.

Mr. KENNEDY. Mr. President, I will just speak briefly and then yield to the Senator from Kentucky.

Just a point I want to underline, and that is the impact of a low minimum wage on children—on children. America's children are more likely to live in poverty than Americans in any other group. Nearly one in five children live in poverty. The poverty rate for children in the United States is substantially higher, often two or three times higher, than that of most of the other major western industrial nations. Sweden's child poverty rate is a fifth of America's. Poland's child poverty rate is half of America's. African-American and Latino children are more likely to live in poverty than White children. One-third of African-American children live below the poverty line, as do nearly one-third of Latino children. We must give these children a boost in life by ensuring that their hard-working parents receive a living wage. Raising the minimum wage will help raise these families out of poverty, making a difference in the lives of their children. Increasing the minimum wage will help nearly 7.5 million children whose parents would receive a raise, and over 3 million kids have parents who would get an immediate raise.

Reducing child poverty is one of the best investments that Americans can make in our Nation's future. Fewer children in poverty will mean more children entering school ready to learn, more successful schools and fewer dropouts, better child health, and less strain on hospitals and public health systems, less strain on our juvenile justice system, and less child hunger and malnutrition and other important advances. It is long past time to raise the minimum wage. No child in this country should have to live in poverty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I understand from the distinguished Senator from Massachusetts that this concludes for this period of time his comments on the minimum wage. I would simply ask at this time unanimous consent that those Senators desiring to have statements on the minimum wage amendment printed in the RECORD appear following Senator KENNEDY's colloquy with his colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We will, of course, I say to my good friend, in due course comment and provide a response to, first, your request on procedure, and, second, to the substance of this very important amendment. So I thank you for the cooperation that you have shown this morning.

Mr. KENNEDY. I thank the Senator.

EXECUTIVE SESSION

NOMINATION OF DONALD KOHN TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 711, Donald Kohn; provided further that Senator BUNNING be recognized to speak for up to 15 minutes; following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, with no further intervening action or debate.

Finally, I ask unanimous consent following the vote, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I simply would say, it says "Senate resume legislative session." It should be: The Senate will resume the session of morning business. We wouldn't return to legislation right away.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for consideration of Executive Calendar No. 711, which the clerk will report.

The assistant legislative clerk read the nomination of Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for 15 minutes.

Mr. BUNNING. Thank you, Mr. President. I will not require 15 minutes, but I do have some things to say about the nominee. I just want to speak for a few minutes to explain why I am going to vote no on the nomination of Donald Kohn to be Vice Chairman of the Board of Governors of the Federal Reserve.

I am going to vote against Dr. Kohn because I do not think he has been an independent voice at the Fed. Since he joined the Fed in 2002 as a member, he has agreed with all of the interest rate decisions that Chairman Bernanke and former Chairman Greenspan advanced. And because of recent statements, some as recently as Friday, I am convinced he is not going to speak up against yet another decision to hike interest rates when the Fed open market committee meets at the end of this month.

Interest rate and inflation fears caused by statements from the Fed members have put our stock markets into free fall. Ever since the last Fed hike, stock values have been plummeting. A lot of value has been destroyed. Even counting a few good days last week, most of the major indexes are, at best, flat for 2006, despite a great runup in the first 4 months of the year. Individual investors and pension funds have lost billions of dollars, investors' confidence is shaken, and for what? Inflation data is at worst mixed. I certainly do not believe it is out of control. Oil and commodity prices have fallen significantly lately. Consumer spending is still strong.

Former Fed Chairman Greenspan said recently that the economy has been able to handle the high gasoline prices. And even Chairman Bernanke admitted last week that the signs of inflation have weakened.

But the Fed keeps raising interest rates, and its members keep talking like another rate increase is coming, even after the June meeting. Inflation indicators talked about by Fed members look at what has been, not what is coming. And interest rate increases take time to impact the economy. But the Fed has not taken a break in raising rates for over 2 years—2 years. The Fed has a bad record of overshooting, and I am afraid they will overshoot this time if they have not already done so.

We all know that interest rate hikes will slow the economy. I just hope that it won't kill it. We need the Fed to stop the madness. I am not convinced that Dr. Kohn will be a voice to stop the madness sooner rather than later. Because I am not convinced Dr. Kohn will be the right voice at the Fed or an independent voice as Vice Chairman, I will vote no.

So. Mr. President, I ask unanimous consent that when the vote occurs on Dr. Kohn's nomination, the RECORD reflect that I voted no.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the vote now occurs on the nomination. The question is, Will the Senate advise and consent to the nomination of Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System?

The nomination was confirmed.

Mr. WARNER. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. WARNER. Mr. President, unless there are other Members seeking recognition, I know our distinguished colleague from New Mexico wishes to speak, and we will continue in morning business with Senators speaking up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in a period of morning business with Senators allowed to speak for up to 10 minutes each.

The Senator from New Mexico is recognized.

GUANTANAMO PRISONERS

Mr. BINGAMAN. Mr. President, when it is appropriate, I would like to offer an amendment to the Defense authorization bill, and I have provided that amendment to the chairman of the committee and to the ranking member. I would like, obviously, to get a vote on that at whatever time is convenient to them and the orderly processing of that legislation. I am told that right now is not the right time, and that I should go ahead and speak as in morning business and explain the amendment, which I am glad to do.

This is amendment No. 4317. It has been filed. It is at the desk. I would just explain to people this is an amendment that would propose to expedite the processing of individuals who are being held in Guantanamo.

Let me take a brief moment and describe more specifically what the amendment does. With respect to individuals currently held at Guantanamo, the amendment would require that the Government charge, repatriate, or release those prisoners within 180 days of the enactment of this legislation; that is, the completion of the signing by the President of the Defense authorization bill. However, if for any reason the Government has not charged or repatriated or released the individuals within that timeframe provided in the amendment, then the Department of Defense would be required to provide a report regarding why they have not done so to the appropriate committees of the Congress, and this report could be submitted in classified form, if necessary, or in unclassified form.

Nothing in the amendment would require the Department of Defense to release any individual who is a threat to the security of the United States. Also, to make it perfectly clear, this amendment does not state that the Guantanamo facility would be closed within 180 days. The amendment merely provides that within that period, which I believe to be a reasonable timeframe, the United States will make a determination regarding what it intends to do with the individuals currently being held there. For example, if an individual is charged and tried before a military tribunal, there is nothing in the amendment that prevents the Government from continuing to detain that person at Guantanamo, either while they are awaiting trial or after they are sentenced, if a sentence is imposed and they are found guilty. My amendment is simply aimed at moving this process along, not at closing the facility.

The amendment also provides the Government with flexibility regarding the appropriate venue if it decides to bring charges against an individual. The Government could file charges in a United States district court, in a military tribunal, or in an international criminal tribunal. On June 9, President Bush stated that he believes that those held at Guantanamo "ought to be tried in courts here in the United States."

Several days later, on June 14, he said that the best way to "handle these types of people is through our military courts."

Frankly, whether they are tried in our military courts or in domestic courts is not of great consequence, as long as the trial is conducted in accordance with due process. What is important is that the individuals whom we believe have committed a crime are brought to justice and those who are not a threat to this Nation are released. This is one of the fundamental premises of our traditional notion of justice, and it is time that we restore our adherence to this important principle.

Serious questions have been raised with respect to the military commissions that are currently being used in the few cases where individuals have been charged. In fact, the Supreme Court is expected to rule within the next week or so regarding the legality of such commissions. However, the amendment that I am offering does not favor any one venue over any other venue, should the United States decide to try an individual. The amendment simply states that a person may be charged in a "military tribunal." This could include court martial proceedings under the Uniform Code of Military Justice or military commissions.

The amendment does not provide the Government with any new authority, nor does it restrict the ability of the Government to bring charges in an appropriate military tribunal. Regardless of what the Supreme Court rules in the Hamdan case, the amendment still maintains flexibility with regard to such decisions.

Some may assert that under the laws of war there is no requirement that a person be charged with a crime and that individuals can be held until the end of hostilities. While I understand this argument, we have not applied traditional laws of war with respect to these people. Neither have we applied traditional notions of domestic criminal law.

Over the last several years the administration has been adamant that it would not apply the requirements of the Geneva Convention to these prisoners and that Federal courts have no role in providing judicial oversight of the detention of these individuals. The fact is that the administration has made up the rules that apply to these persons as they have gone along.

In addition, as the President likes to say, we are fighting an unconventional war of an indefinite duration. The threat of terrorism is not going to be resolved with some formal peace treaty. It is and will remain for some time one of the most significant challenges that you or our Nation will face.

It is time that we begin to close the legal black hole that has existed with respect to these individuals and begin to deal with them within some recognized legal framework. As the President stated on June 14 of this year, "We better have a plan to deal with them in our courts." I agree with that. The amendment I am offering would help expedite this process and would ensure that the United States has such a plan. It would also reassert congressional oversight of the process.

Under the amendment I am offering, the Government could also send an individual back to his home country, so long as there are not substantial grounds to believe that the individual would be subjected to torture or, if appropriate, the Government could release the individual to a third party country. Nothing in my amendment biases what is done with these individuals. As I have said, the decision of whether a person is charged or repatriated or released is in the discretion of the Government and would be made in a manner consistent with our national security.

Some may argue that the 180 days provided under the amendment is not enough time to make such a determination. First, let's remember that many of the people we are talking about have been at Guantanamo for over 4 years. It is my understanding that no new prisoners have been sent to Guantanamo for over 21 months. Every person held at Guantanamo has already gone before a Combatant Status Review Tribunal to determine whether they are so-called enemy combatants.

As part of this process, the Department of Defense presents the evidence that it believes provides a basis for the continued detention of the individual. All of the prisoners have been interrogated repeatedly and the intelligence regarding their alleged wrongdoing has been thoroughly vetted. As such, the 6 months provided under this amendment is more than sufficient time to make a decision of what to do with these individuals. There has been plenty of time to gather the information necessary to make a determination of whether or not they should be tried for committing a crime or whether they should be sent to their home country or whether they should be released if they are not in fact a threat to the United States. But, as I mentioned before, if the Government is unable to comply or chooses not to comply, it is simply required at that point—the Secretary of Defense is required—to provide the relevant congressional committees with information regarding why this deadline was not met.

These are not earth-shattering proposals that are contained in my amendment. These are all options on which the President has said that he is moving forward. President Bush has stated on several occasions recently that he would like to close Guantanamo and that the individuals being held there should be tried in a court and repatriated or released.

This last May, while on a trip to Germany, the President said, "I would like to close the camp and put the prisoners on trial." He has reiterated this position twice this month. He has also stated that the Government is in the process of repatriating certain individuals. According to the Department of Defense, there are about 120 prisoners who have been determined to be eligible for transfer or release.

Unfortunately, despite the statements that progress is being made in processing these individuals, the facts are clear. There are currently approximately 460 prisoners that remain in a state of indefinite imprisonment with little prospect of either being held accountable for their actions or being allowed to prove their innocence. Since the United States began sending people to Guantanamo in 2002, only 10 individuals have ever been formally charged with any wrongdoing.

From a diplomatic standpoint, the continued indefinite detention of individuals at Guantanamo has damaged our own country. As President Bush said on June 14:

> No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say the United States is not upholding the values that they are trying to encourage other countries to adhere to.

The President is right. I strongly believe that the prolonged indefinite imprisonment of persons without charges is inconsistent with the traditions and values of the United States and that it will continue to cause difficulty in our relations with other nations, including the allies that we rely upon in confronting the threat of terrorism. Frankly, it is embarrassing that when our leaders travel the world they have to constantly respond to questions about why the United States is indefinitely imprisoning people and whether it is engaging in interrogation methods that amount to torture.

Where the United States was once a champion of due process and an advocate for the humane treatment of prisoners, we are now subjected to almost universal criticism throughout the world community over our violation of these principles. Our handling of these individuals has not only resulted in serious doubts by our allies about whether we are a nation that respects the rule of law, but they have also given the terrorists around the world an opportunity to use this resentment to advance their goals.

In July 2003, almost 3 years ago and over a year and a half after the first person was sent to Guantanamo, I introduced a similar amendment to the Defense Appropriations bill that would have required the Secretary of Defense to simply report to Congress regarding the status of individuals held at Guantanamo and whether it intended to charge or repatriate or release such individuals.

The amendment was aimed at encouraging the Department of Defense to make decisions as to what it intended to do with the individuals and to provide for basic congressional oversight. Opponents of the measure argued that even a report on the administration's intentions placed unwarranted pressure on the administration to make decisions and that additional time was needed to investigate those individuals and to exploit useful intelligence. Since that time, these persons have been interrogated, have been investigated at length, and any useful intelligence information has been gathered.

Once again, I anticipate there will be those who say that we need to wait, we need to do nothing, we need to let the process work itself out in the courts or within whatever timeframe the executive branch believes is proper. As Senators, I believe our responsibility is not to sit back and watch as another several years roll by. The time to act is now. Reasserting congressional oversight of this process is long overdue.

We have been holding people at Guantanamo for over 4½ years. The time has come to begin to close this chapter in our Nation's history. It is time for the Senate to provide a clear message that the United States takes seriously its obligation to uphold the rule of law.

I have no doubt that we will look back at the Guantanamo experience as an aberration, as a mistaken endeavor that has taken us away from our historic commitment to the rule of law and respect for basic human rights. However, I also believe that we are at a transition period. We have before us an opportunity to change course. I hope my colleagues will support this important measure when I do offer it as an amendment to the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his cooperation on the procedure this afternoon. This is a very significant and important amendment. In due course we will have comments from our side with regard to the amendment. I am certain the distinguished ranking member and I will work out a timely schedule for you to bring it up again, take such time as you need for further debate, be followed by a debate on this side and then a vote, because it certainly is one that deserves the attention of the Senate.

Mr. President, I see my distinguished ranking member here. We are in morning business. I say to my colleague.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me commend the Senator from New Mexico for his amendment. It is a very significant amendment. It is carefully worked out. It is very much worthy of the Senate's consideration.

I know we are in morning business. I simply want at this point to inform the body that an amendment which I have now filed on behalf of myself, Senator JACK REED, Senators FEINSTEIN and SALAZAR, is now at the desk. Its number is 4320. Its purpose is to state the sense of Congress on the United States policy on Iraq.

I am not going to speak on the amendment at this time.

Mr. WARNER. Why don't you go ahead and speak on it?

Mr. LEVIN. No, I would rather save my remarks for a time when it relates more to the issue at hand, when we call up this amendment. I thank my good friend from Virginia for that suggestion, but I think I would rather, at the time I call up the amendment, make the remarks.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in his usual courtesy, the Senator from Michigan handed me, a few moments ago, this amendment. I glanced over it. It is, indeed, I think, a very serious-minded approach. I am not sure at this point in time I am ready to say that I concur in all provisions. But it is reminiscent of the initiative taken last year by the distinguished Senator from Michigan when he put in an amendment with regard to the situation in Iraq. I recall very well having taken that amendment and reworked it in some several ways, and eventually the Senate adopted that amendment. So I will, accordingly, give it very serious consideration, and at an appropriate time I look forward to engaging him in debate on this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me again thank my good friend from Virginia. I, too, indeed, remember that debate last year on that amendment. The Senator from Virginia made a very constructive contribution to the debate. The final outcome was not the original amendment that I filed, but what remained of the amendment was significant and I think had an impact on the policy of this country. I commended him then and I commend him now for that effort on his part. I look forward to a discussion about this amendment, No. 4320.

Mr. WARNER. Mr. President, I thank my colleague. I notice in this amendment, though, language quite similar to what we had last year in one provision on this amendment.

At this time, unless the Senator from New Mexico desires to further address the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2005

Mr. STEVENS. Mr. President, the Senate just passed critical legislation to ensure the productivity and sustainability of our Nation's fishery resources. S. 2012, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, is the product of over a year and a half of discussions, hearings, drafts, revisions, and compromise.

My good friend and cochairman of the Commerce Committee, Senator INOUYE, worked closely with me on drafting this bill to manage and regulate the fisheries in the United States Exclusive Economic Zone. The bill is cosponsored by Senators LOTT, HUTCHISON, SNOWE, SMITH, VITTER, KERRY, BOXER, LAUTENBERG, BILL NELSON, CANTWELL, and PRYOR.

In a speech last week, President Bush urged the Congress to pass legislation to reauthorize the Magnuson-Stevens Act. The Senate has now acted and I will work closely with the House to get our bills resolved in conference and get this important legislation to the President for his signature.

The Magnuson-Stevens Fishery Conservation and Management Act of 2005 implements many of the recommendations from the U.S. Commission on Ocean Policy, the first such Congressionally authorized commission to review our Nation's ocean policies and laws in over 35 years. The recommendations of the commission were important to the development of this Act. The intent of this legislation is to authorize these recommendations and to build on some of the sound fishery management principals we passed in the Sustainable Fisheries Act in 1996, the last time we reauthorized the Act.

Specifically, our bill will preserve and strengthen the Regional Fishery Management Councils. The eight regional councils located around the United States and Caribbean Islands are a model of Federal oversight benefiting from local innovation and management approaches. This reauthorization legislation establishes a council training program designed to prepare members on the numerous legal, scientific, economic, and conflict of interests requirements that apply to the fishery management process. In addition, to address concerns over the transparency of the regional council process, the bill provides for additional financial disclosure requirements for council members and clarifies the Act's conflict of interest and recusal requirements.

The bill mandates the use of annual catch limits that shall not be exceeded to prevent overfishing and preserve the sustainable harvest of fishery resources in all 8 regional council jurisdictions. The President mentioned in his speech last week that overfishing must end. The bill the Senate passed today will achieve this goal by requiring every fishery management plan contain an annual catch limit be set at or below optimum yield—this will provide accountability in our fisheries and ensure that harvests do not exceed a level that provides for the continued productivity of the fishery resource.

An important recommendation from the U.S. Commission on Ocean Policy was to establish national standards for quota programs. Our legislation establishes national guidelines for Limited Access Privileges Programs for the harvesting of fish. Limited access privilege programs, called LAPPs for short, include individual fishing quota, and are expanded to allow for allocation of harvesting privileges under these programs to fishing communities or regional fishery associations, which can take into account impacts on shoreside interests in a rationalized fishery. In addition, there is a 5-year administrative review to ensure future quota programs are meeting the goals of the program and the conservation and management requirements of the act.

An important objective of the bill the Senate passed today is to provide a more uniform and consistent process for fishery management.

The bill requires a revision and updating of agency procedures for fishery management compliance with the national Environmental Policy Act, known as NEPA. This would allow for the development of one content process for councils to consider the substantive requirements of NEPA under the timelines provided in the Magnuson-Stevens Act when developing fishery management plans, plan amendments, and regulations. The regional councils, the administration, and to a lesser extent the U.S. Commission on Ocean Policy, all recommended the need for addressing the inconsistencies between the two acts and resolving timelines or process issues such that councils are not spending all their time and funding on developing litigation proof Environmental Impact Statements and Environmental Assessments under NEPA.

This legislation will strengthen the role of science in council decision making, another important recommendation of the U.S. Commission on Ocean Policy, through a number of provisions. It specifies that the role of the Scientific and Statistical Committees SSCs is to provide their councils with ongoing scientific advice needed for management decisions, which may include recommendations on acceptable biological catch or optimum yield, annual catch limits, or other mortality limits. The SSCs are expected to advise the councils on a variety of other issues, including stock status and health, bycatch, habitat status, and socio-economic impacts.

Improvements for data collection and better management are important enhancements to the overall effectiveness of the Magnuson-Stevens Act. The bill the Senate passed today authorizes a national cooperative research and management program, which would be implemented on a regional basis and conducted through partnerships between Federal and state managers, commercial and recreational fishing industry participants, and scientists. It provides a mechanism for improving data relating to recreational fisheries by establishing a new national program for the registration of marine recreational fishermen who fish in Federal waters. And it directs the Secretary, in cooperation with the councils, to create a regionally based Bycatch Reduction Engineering Program to develop technological devices and engineering techniques for minimizing bycatch, bycatch mortality, and post-release mortality.

Finally, it is important to note the Magnuson-Stevens Act has worked well and provided for the effective conservation and management of U.S. fishery resources. For instance, the fisheries managed by the North Pacific Council, which both the U.S. Commission on Ocean Policy and the Pew Oceans Commission lauded as the example for proper fisheries management, does not have an overfished stock or endangered species of fish. It consistently sets an optimum yield far below the acceptable biological catch and as a result the fisheries in its jurisdiction have remained sustainable and productive. Our goal here is to improve the act and allow for continued sustainability of the resource for generations to come.

Unfortunately, management internationally and especially on the high-seas is lacking. Illegal, unreported, and unregulated fishing, IUU, as well as expanding industrial foreign fishing fleets and high bycatch levels, are threats to sustainable fisheries worldwide. Ultimately, these types of unsustainable and destructive fishing practices on the high seas threaten the good management that does take place in U.S. waters.

The bill the Senate has passed today strengthens U.S. leadership in international conservation and management by requiring the Secretary of Commerce to establish an international compliance and monitoring program, provide reports to Congress on progress in reducing IUU fishing, promote international cooperation, and strengthen the ability of regional fishery management organizations to combat IUU and other harmful fishing practices. In addition, the legislation allows for the use of measures authorized under the High Seas Driftnet Act to force compliance in cases where regional or international fishery management organizations are unable to stop IUU fishing.

I have enjoyed very much the bipartisan spirit that has defined this legislation and in particular working closely with my Commerce Committee cochairman Senator INOUYE to produce such important legislation to ensure the conservation and management of our Nation's fishery resources.

I end by congratulating all for the bipartisan spirit which defines this legislation, and in particular my close working relationship with Senator INOUYE to produce this important legislation and for the action of Senator MURRAY. She and I entered into an agreement for comments. I congratulate her for her work with me on this important legislation to ensure the conservation and management of our fisheries resources, and I thank the managers of the bill.

Mr. WARNER. Mr. President, I am advised the distinguished majority leader will momentarily come to the floor for purposes of stating the proposal we have with regard to the matters Senator KENNEDY addressed earlier. Until such time occurs, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. The clerk will please report the pending business.

The legislative clerk read as follows:

A bill (S. 2766) to authorize preparations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the act after John Warner, a Senator from Virginia.

Nelson (FL)/Menendez amendment No. 4265, to express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

McConnell amendment No. 4272, to commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces.

Dorgan amendment No. 4292, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Mr. KENNEDY. Mr. President, I ask unanimous consent to lay aside the pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4322

Mr. KENNEDY. I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 4322.

Mr. KENNEDY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage)

At the appropriate place, insert the following:

SEC. . INCREASE IN THE MINIMUM WAGE.

(a) FEDERAL MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(b) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

AMENDMENT NO. 4323 TO AMENDMENT NO. 4322

Mr. FRIST. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 4323 to amendment No. 4322.

Mr. FRIST. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions)

At the end of the amendment add the following:

SEC. ___. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec.
"2431. Transportation of minors in circumvention of certain laws relating to abortion.

"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

"(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors in circumvention of certain laws relating to abortion .... 2431".

Mr. FRIST. Mr. President, a lot of discussion has been going on in the Senate with regard to a shift that we are making that I don't entirely agree with. That is a shift off of the underlying bill—not literally off the bill but in terms of substance—addressing the issue of minimum wage that my colleague from Massachusetts has addressed.

Personally, as I have explained to my colleagues, I don't believe this is the appropriate bill on which to be addressing the minimum wage. We should be debating the war on terror and the progress that has been achieved in Iraq and the way we can further that success in the future.

We have agreed to set aside amendments so that the Senator from Massachusetts can offer an amendment on the minimum wage, and I second-degreed that amendment with a child custody protection amendment.

Our discussions have led to the understanding that after we figure out how we are going to address both the minimum wage and child custody protection over the course of this afternoon or tonight or tomorrow, we will get around to having a vote on the minimum wage issue.

There has been some discussion whether we had to file cloture on the minimum wage or on child custody protection, but we agree that, after further discussion, we will figure out the most appropriate manner to bring to the floor and address these issues over the next—I am not sure how long it will take, but figure out exactly how long that is. I do encourage our Members to come to the floor and to continue debating the underlying bill as well, the Department of Defense authorization bill.

Again, I wish that neither one of these issues that we just offered were going to be debated on this particular bill, but I understand it is the right of each Senator to come forward and offer those two bills.

Again, I will turn to my colleague from Massachusetts to make a statement as to whether that is the general understanding of where we are.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the leader for his cooperation. As I understand what he is basically saying is that he will work out, I imagine with the Democratic leader, an appropriate time so at least the Senate will have an opportunity, before final passage of this legislation, that we will get a vote on my amendment or action on it related thereto. Am I right?

Mr. FRIST. That is correct.

Mr. KENNEDY. I thank the leader. Earlier in the day, I listened to the concerns of the leader about the appropriateness of my amendment on this legislation. I pointed out earlier, when I addressed the Senate, that I believe that our fighting men and women in Iraq, Afghanistan, and around the world are fighting for American values, and part of American values is economic fairness and economic justice, and part of economic fairness and economic justice is making sure we are going to treat American workers decently and fairly.

So I want to indicate both to the leader and, most particularly, to the chairman of the Armed Services Committee, we will work with him in every possible way to work out the appropriate timing on it so that other serious work of the committee can move ahead in a timely way.

I thank both leaders.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. The challenge with the Department of Defense authorization bill is really just this, what is playing out; that is, for us to address what is the issue, I believe, that is most important to the United States today. That is supporting our men and women who are fighting so bravely and gallantly for us right now in this war on terror.

Thus, I believe that a minimum wage amendment should not be debated on this particular bill, but it looks like it will be debated on this particular bill. In the colloquy that was just entertained, it is clear we will be debating it on the bill.

It was clear last week the other side did not really want to stay on this issue of debating Iraq, surrounding Iraq. And by offering this amendment, they made it clear they do want to shift debate off to an entirely different issue, an issue that does have a time and a place that is more appropriate for it to be addressed. At that time, we should be debating the overall economy and the impact that it would have on small business and on jobs in this country.

We need to also have that debate on how to maintain, to continue the strong economic growth that we are seeing in this country today because of President Bush's strong progrowth economic policies which have created 5.3 million jobs in the last 3 years. We have unemployment that is down to 4.7 percent, which is lower than the average of the 1990s and 1980s and 1970s.

In order to keep the economy growing, we need to continue to debate how to open new markets, how to reduce the burden on our economy of taxation and regulation, how we make education more affordable, how we tackle health care costs—all of which are very important issues.

Again, I prefer not to debate all those issues on this important bill, the Department of Defense authorization bill. We need to look, at some point, at the issues surrounding our overall economy, a progrowth package, and look at the issues surrounding the minimum wage, but to do it in isolation on a totally unrelated bill I don't think is the way to go.

On this bill, I do believe America can do better.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the matter before the Senate at this time?

The PRESIDING OFFICER. The second-degree amendment of the Senator from Tennessee, Mr. FRIST, to the amendment from the Senator from Massachusetts.

Mr. REID. We are on the Defense bill, then?

The PRESIDING OFFICER. That is correct, until 4 o'clock.

Mr. REID. Mr. President, at an appropriate time I will lay down an amendment. Right now I will just speak on it for a few minutes.

(The remarks of Mr. REID pertaining to the introduction of S. 3536 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. President, the hour of 4 o'clock will be here in a couple minutes, and I have a few more minutes to speak. I ask unanimous consent that I be allowed to finish my statement using leader time, and that the 4 o'clock time for consideration of the judicial nomination be extended for probably less than 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I extend my appreciation to the distinguished Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I had stepped off the floor for a minute. You are going to introduce your legislation as an amendment to the authorization bill.

Mr. REID. Yes, but I will do it at a subsequent time.

Mr. WARNER. I appreciate that cooperation.

Mr. REID. I want to talk to Senator LEVIN and the chairman before offering it.

Mr. WARNER. I thank my colleague. I believe we should proceed under the standing order.

EXECUTIVE SESSION

NOMINATION OF SANDRA SEGAL IKUTA TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will proceed to executive session for consideration of Executive Calendar No. 699, which the clerk will report.

The legislative clerk read the nomination of Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 5 p.m. shall be equally divided between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from Vermont, Mr. LEAHY, or their designees.

Mr. WARNER. Mr. President, it is my understanding that at 5 o'clock we will have the vote; is that correct?

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senate will vote at 5 p.m. on the nomination.

Mr. WARNER. Upon the conclusion of that vote, would the Chair advise, are there any orders with regard to the business to be conducted then by the Senate?

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. WARNER. On the authorization bill for the Armed Forces?

The PRESIDING OFFICER. The authorization bill is the pending legislative business, so the answer is yes.

Mr. WARNER. I thank the Chair. It is my understanding two Senators, both of whom are members of the Armed Services Committee, the senior Senator from Georgia and the Senator from Rhode Island, desire to address the Senate. I want it clearly understood, we do not wish to have additional amendments filed. I will have to work this out in the interim period. I will do my best to accommodate these Senators without amendments being filed to the bill at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Momentarily, I will ask that the quorum call be reinstated, but I ask unanimous consent that the time be allocated equally between both sides on the pending nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to speak on the nomination of Ms. Sandra Segal Ikuta to be a judge for the U.S. Court of Appeals for the Ninth Circuit. Ms. Ikuta was nominated by President Bush to be a judge for the Ninth Circuit on February 8, 2006. Her hearing was held on May 2, 2006. Thanks to the cooperation of the distinguished ranking member, Senator LEAHY, and all members of the committee, we processed her through on May 25, 2006, and she is now ready for a confirmation vote by the Senate.

Ms. Ikuta has an extraordinary record. She received a bachelor's degree from the University of California, Phi Beta Kappa, a master's degree from Columbia University School of Journalism, and a law degree from the University of California. She clerked for Judge Kozinski of the Ninth Circuit. Ms. Ikuta then clerked for U.S. Supreme Court Justice Sandra Day O'Connor. Following her Supreme Court clerkship, she went to work for O'Melveny & Myers as an associate, becoming a partner in 1997. She specialized in environmental law, including serving as co-chair of the firm's environmental practice group.

She then entered public service as Deputy Secretary and General Counsel to the California Resources Agency in Governor Schwarznegger's administration. She has written extensively in the field of environmental law, served as chair of the environmental section of the Los Angeles County Bar in 2001 and 2002, and she received a unanimous "well qualified" rating from the American Bar Association. I urge my colleagues to confirm her.

Mr. President, before yielding to my distinguished colleague, let me again thank him for all of his cooperation, and we will soon celebrate a year and a half of very productive, very cooperative, very collegial work on the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Pennsylvania. He and I have been friends since the day we were both prosecutors, and I think that has helped in running that committee.

Today the Senate will confirm another lifetime appointment to our Federal courts. Sandra Segal Ikuta, who has been nominated to a seat on the Court of Appeals for the Ninth Circuit, has the support of her home-state Senators, Senator FEINSTEIN and Senator BOXER. Her nomination was reported unanimously by the Judiciary Committee last month as we expedited consideration through the committee.

I am pleased that the Republican leadership has scheduled debate and consideration of this nomination and am glad that the Republican leadership is this month taking notice of the fact that we can cooperate on swift consideration and confirmation of consensus nominations. Working together, we confirmed 5 judges in 1 week earlier this month. All of them could have been confirmed last month if the Republican leadership had chosen to make progress instead of picking a fight on a controversial nomination. I look forward to working with the Republican leadership to schedule debate and consideration of Andrew Guilford, who has been nominated to the United States District Court for the Central District of California.

I, again, commend the Republican Senate leadership for wisely passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

During the 17 months I was Chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After today, in the last 17 months under Republican control, the Senate will have confirmed 44. With this nomination, the Senate has confirmed 22 judicial nominations this year and equaled its total for all of last year.

Judicial vacancies continue to hover just under the 50 mark, but more than half of these vacancies have no nominee. I urge the White House to work with Senators from both parties to select nominees who can be expeditiously considered and confirmed like Ms. Ikuta.

I am particularly pleased that they have chosen to turn to the nomination of Ms. Ikuta who, like Judge Milan Smith, is a nominee to the Ninth Circuit. Ms. Ikuta is a consensus nominee who can be easily confirmed. Unfortunately, the same cannot be said about another pending Ninth Circuit nominee, Norman Randy Smith. In nominating Judge Smith of Idaho for a lifetime appointment to the Ninth Circuit, President Bush broke with the longstanding precedent of replacing each circuit court vacancy with a nominee from the same State, taking away a California seat on the Ninth Circuit. Senators FEINSTEIN and BOXER expressed their strong opposition to this nomination in a January 30, 2006, letter to Chairman SPECTER.

I have urged President Bush to resolve this impasse by doing the right thing and nominating Judge Smith not for a California seat but for the vacancy created by the retirement of Judge Thomas G. Nelson from Idaho. Regrettably, he has not done so.

In their letter to Chairman SPECTER, Senators FEINSTEIN and BOXER expressed their concerns that the confirmation of Judge Smith to the Ninth Circuit would transfer a judgeship from California to Idaho, violating historical precedent. Judge Smith has been nominated to fill the seat last occupied by Judge Stephen Trott, an appointee of President Ronald Reagan from California, whose retirement in 2004 created this vacancy. Judge Trott was from California, where he had practiced for much of his career prior to becoming a judge. In fact, he was nominated to fill the seat of another Californian, Judge Joseph Sneed. At the time of his nomination, while he worked at the Department of Justice in Washington, the Senators from California were consulted and it was understood to be a California seat.

While an agreement can sometimes be worked out among Senators and the White House to proceed with someone from another State within the circuit first, so long as the subsequent nomination comes from the first State. I do not know of any precedent for shifting a circuit seat based on a judge's personal decision to change his or her personal residence. If that were to become the rule, I expect that Vermont might well benefit from judges initially named as from New York or Connecticut recognizing the beauty and lifestyle that Vermont has to offer and moving to the Green Mountain State. But that is not the rule and has never been the rule. Instead, we have worked out circuit court allocations among the States based on tradition and history.

Of course this White House has attempted to steal a seat before, when it attempted to replace a Maryland Fourth Circuit judge with someone from Virginia. That attempt was unsuccessful. That was the ill-fated nomination of Claude Allen, a White House insider who has since resigned his high-ranking position and been arrested on charges of retail theft.

I am sensitive that every State within a circuit should have at least one judge come from that State. I supported legislation to ensure that and to afford Hawaii a seat on the Ninth Circuit. I will defend Idaho's right to a seat on the Ninth Circuit, just as I defend Vermont's right to a seat on the Second Circuit. However, Judge Smith was not nominated to Idaho's seat. If the President would take my suggestion and renominate him to that Idaho vacancy, that would resolve this problem.

Judge Ikuta will occupy a California seat on the Ninth Circuit previously held by Judge James R. Browning. Judge Browning was an extraordinary jurist for whom the Ninth Circuit's building in San Francisco was recently named. She has a great tradition to uphold an I wish her well. I congratulate her and her family on her confirmation.

While I am pleased that the Senate will today confirm Ms. Ikuta to the Ninth Circuit, I note that President Bush has yet to nominate a single Asian-Pacific American candidate to any of the dozens of vacancies that have arisen on our federal circuit courts. Indeed, President Bush has nominated only one Asian-American candidate out of the hundreds of Federal judicial nominees he has named overall. There are many, many qualified Asian-American attorneys and judges. There is no quota or requirement that the Federal bench be diverse, but it is surprising that given the nominations he has had the opportunity to make, which are approaching 300, I can remember only a single Asian-Pacific American judicial nominee, and not one Asian-Pacific American appellate nominee. This lack of diversity in nominees is quite a contrast with the record of President Clinton, who appointed several Asian-Pacific nominees to the district and appellate courts. President Clinton appointed Judge Denny Chinn, Judge George H. King, Judge Anthony W. Ishii, and Judge Susan Oki Mollway to Federal district courts in New York, California and Hawaii, and who elevated Judge A. Wallace Tashima to the United States Court of Appeals for the Ninth Circuit. The current President is more interested in naming White House insiders and ideologues. In fact, he has nominated more people associated with the Federalist Society than African-American, Hispanic, and Asian-Pacific American nominees combined.

With the retirement of Judge Tashima from the Ninth Circuit, there are no Asian-American circuit court judges. Despite the opportunity presented with two Supreme Court vacancies in the past year to make the Nation's highest court better reflect America's diversity, the President has made the Supreme Court less diverse, failing even to fill the seat of the Court's first female Justice, Sandra Day O'Connor, with a qualified woman. Of course he was forced by the extreme faction of his own party to withdraw his nomination of his friend and counsel Harriet Miers before she even had a hearing.

President Clinton sought to add diversity to the Federal bench. This President is more focused on guaranteed results and making sure certain circuits will be stocked with those who tilt the courts to the right and rule in his favor.

Mr. President, if I have remaining time, I yield it back.

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the hour of 5 p.m. having arrived, the Senate will proceed to vote on the nomination.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Montana (Mr. BURNS), the Senator from Louisiana (Mr. VITTER), the Senator from South Carolina (Mr. DEMINT), the Senator from Wyoming (Mr. ENZI), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that if present and voting, the Senator from Washington Ms. (CANTWELL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 175 EX.]

YEAS—81

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Bunning
Burr
Byrd
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NOT VOTING—19

Biden
Brownback
Burns
Cantwell
DeMint
Durbin
Enzi
Inouye
Jeffords
Johnson
Kerry
Lott
Martinez
McCain
Menendez
Murkowski
Rockefeller
Santorum
Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Idaho.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON TRIP TO THE NETHERLANDS AND FRANCE

Mr. SPECTER. Mr. President, in the 2 minutes I have left, I would like to comment very briefly on a trip made by the Veterans' Affairs Committee to oversee World War I and World War II cemeteries in the Netherlands and France. The chairman of the committee, the distinguished Senator from

Idaho, Mr. CRAIG, organized the trip, with Senator BURR, Senator ISAKSON, and myself.

Let me say to you that it was inspirational to visit the cemeteries—I had never done that before—to see so many marble crosses and marble stars of David. It was especially poignant for me because my father fought in World War I. He left Russia at the age of 18 in 1911 to escape the tyranny. The Czar wanted to send him to Siberia. He wanted to go to Kansas. It was a close call. I say that jokingly. He was proud to serve in the U.S. Army as a Doughboy. It took all of 30 days for him to be inducted, until he was shipped overseas, really, with a big bull's eye on his back as cannon fodder by all means.

When I was growing up, he would regale my brother, my two sisters, and me with World War I songs, such as "It's A Long Way To Tipperary." I recall his singing the song about the bugler in the famous World War I song, "Oh, How I Hate To Get Up In The Morning." It said that if given a chance, he would have shot the bugler. And my father liked to sing that song. He got up early a lot of mornings.

Fighting in the Argonne Forest, he was wounded in action by shrapnel fire. He carried shrapnel in his legs until the day he died. Had the shrapnel hit him a little higher, Harry Specter might have been in one of those cemeteries and he wouldn't have been my father.

It was quite an inspirational trip.

I ask unanimous consent that my written statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I have sought recognition to comment on a trip by the Senate Veterans' Affairs Committee to the Netherlands and France from May 26th through June 1st to conduct congressional oversight on World War I and World War II cemeteries in those countries. The trip was organized by the Committee Chairman, Senator LARRY CRAIG (R–ID) and with Senators RICHARD BURR (R–NC) and JOHNNY ISAKSON (R–GA) and myself in attendance. The itinerary included the following cemeteries: Aines-Marne American Cemetery, France; Ardennes American Cemetery, Belgium; Henri-Chapelle American Cemetery, Belgium: Netherlands American Cemetery, The Netherlands; Normandy American Cemetery, France, and Suresnes American Cemetery, France.

It was a sobering and thought provoking trip to see so many marble Crosses and marble Stars of David in symmetrical rows. We know the history of those two wars with so many casualties but until you actually see the tombstones it is an abstraction.

We found all of the cemeteries to be meticulously maintained. The grass was manicured, the foliage was magnificent and the unique shrines at each cemetery were very impressive. From the point of view of congressional oversight, the Senate delegation was unanimous in concluding that the American Battle Monuments Commission has done a superb job in maintaining the cemeteries.

On May 28th we attended a particularly impressive cemetery at the Netherlands American Cemetery with dozens of wreaths being laid in honor of the fallen veterans. At the Suresnes American Cemetery in Paris, the memorial recounted the statistics of the 126,000 U.S. soldiers who were killed in World War I and the 407,300 U.S. soldiers killed in World War II.

On a personal level, I was especially touched by the graves of World War I veterans because my father, Harry Specter, fought in that War. He came to the United States at the age of 18 in 1911 to escape the Czar's tyranny. The Czar wanted to send him to Siberia. He wanted to go to Kansas. I jokingly say it was a close call.

My father was inducted on May 6, 1918 at Fairbury, Nebraska and shipped out of the United States for France thirty days later. His discharge papers bear the notation: "Character: Excellent".

The reality was that he, like so many others, was sent to France as cannon fodder—with really a big bull's-eye painted on his back. He patriotically brushed off that off and was proud to serve in the Army of his adopted country. He talked jokingly that frequently all they had to eat was "jam sandwiches" which meant two pieces of bread jammed together. He talked about climbing a tree in France to pick fruit for himself and his buddies. That is what his family had done in the village of Batchkurina in the heart of the Ukraine about 160 miles southwest of Kiev. He commented that he was never required to fire his rifle at the German enemy.

When I was growing up, he would regale my brother, two sisters and me with World War I songs such as "It's a Long Way to Tipperary." I recall his singing about the bugler on the famous World War I song "Oh How I Hate to Get Up in the Morning." Fighting in the Argonne Forest, he was wounded in action by shrapnel fire. He carried shrapnel in his legs until the day he died. Had the shrapnel hit him a little higher, Harry Specter might have lain in one of the cemeteries and he wouldn't have been my father.

The U.S. Ambassador to France, Craig R. Stapleton, invited the delegation to dinner on May 31st, attended by French officials and embassy personnel. During the course of the evening, Ambassador Stapleton spoke about a relative, Flem Stapleton, the son of his grandfather's first cousin Benjamin Franklin Stapleton. He recounted finding his relative's name on the roster of World War I veterans killed in action which prompted him to do some research. He found that Flem Stapleton was killed in action in his first battle at the age of twenty. When Ambassador Stapleton recounted the story, tears came to his eyes and he was unable to continue for a few moments.

When I was asked to speak a few moments later, I said Ambassador Stapleton had really captured and articulated the emotion which I felt on seeing the Crosses and Stars of David.

The visits to the cemeteries gave me new meaning for patriotism and the great contributions which our servicemen and women have made to the security of our nation and the freedom we all enjoy.

THE CONTINUING SERVICE OF SENATOR ROBERT C. BYRD

Mr. LEAHY. Mr. President, the Senate has just marked another milestone with the extraordinary service of the senior Senator from West Virginia. I consider him a mentor and a friend. I have had the privilege of serving with Senator BYRD on the Judiciary Committee and I currently serve with him on the Appropriations Committee. I know firsthand his work as the Senate majority leader, the Senate Democratic leader, and as our President pro tempore.

He understands the role of the Senate and the need for it to act as a check and a balance on the President. In recent years, he has been discovered by a new generation of Americans as a true Senator.

By his work and his example he teaches each of us every day what the Senate should be and must be if the constitutional design of the Founders is to serve and preserve our rights and liberties.

One of the great privileges of serving in the Senate is to serve with the senior Senator from West Virginia. One of the great pleasures is to hear him speak on this floor. His continuing contributions to the Senate and the Nation are too numerous to recount but I would like to mention one of the many outstanding moments.

Senator BYRD has preserved the Constitution from numerous assaults. He takes seriously the Senate oath to "support and defend" the Constitution. He has protected it from a number of ill-conceived and politically-motivated amendments, including the so-called balanced budget amendment and the line-item veto. The last time the Senate considered amending the Constitution to cut back on our individual liberties and limit the first amendment, that guarantee in the Bill of Rights of our freedom of religion and speech, it was in no small way thanks to Senator BYRD that the Constitution and the rights of Americans were preserved.

On March 29, 2000, he gave an extraordinary speech. I was a manager on the matter and was fortunate to be present. I noted at the time that "periodically, we hear greatness in speeches," and observed that this was a case where the Senate had heard greatness. It is a speech that students of the Constitution and of constitutional history should study.

In the days ahead, we will again be challenged to amend our Bill of Rights for the first time in over 200 years. I can think of no one I would rather stand with and fight for the Constitution than the senior Senator from West Virginia. Every day he walks on the floor of this Senate carrying the Constitution because he knows that the liberties of the American people are not to be sacrificed for passing political favor. He is a fierce advocate for the Nation, the Constitution, the Senate, but first and foremost, for the people of the State of West Virginia whom he represents so ably.

I have said that I sit in the white hair row. It is a row that I picked. Because of my seniority, I can sit just about anywhere I want, but I sit in this row to sit near Senator BYRD.

Senator BYRD is a Senator's Senator, but he is also a Senator who respects and preserves the Constitution. We are supposed to be the conscience of the Nation. There is only 100 of us to represent 219 million Americans. Thank goodness one of those 100 is ROBERT C. BYRD of West Virginia.

COMMONSENSE CONSUMPTION ACT OF 2005, S. 908

Mr. LEAHY. Mr. President, I would note that regrettably, we have on the Senate's calendar legislation designed to limit the rights of consumers, the so-called Commonsense Consumption Act of 2005, as bad public policy.

It defies common sense to give entire industries blanket immunity from potential harm they impose on Americans. The incentives involved in litigation are one of the few remaining measures leading to real corporate responsibility, not to mention accountability. The handful of lawsuits that would have been barred by this legislation actually resulted in settlements providing for more nutritious food in our schools, more accurate labeling for consumers, and the removal of harmful trans fats from some of the foods we eat. A blanket ban on such measures will lead to more serious problems such as increases in heart disease and diabetes and other chronic conditions that are taxing this Nation's health system.

There are many problems with the sweeping language of this legislation. It would dismiss existing State and Federal cases, as well as preempt future cases. Sponsors of the bill claim that it would not prevent false advertising claims but the language in the bill does not guarantee this result. It prevents suits against manufacturers, marketers, distributors, advertisers or sellers of specific products but the exception for false advertising only applies to manufacturers and sellers. Why should advertisers and sellers be excluded from this exception? They are just as likely to deceive consumers as manufacturers and sellers. Also, the legal standard will be heightened so that consumers would be required to prove intentional violation of Federal or State statutes, rather than simply having to prove violations of government regulations on advertising and food safety. Why would we want to give immunity to companies that violate safety regulations? And why should the injured consumer be required to prove a corporation's intent if it can be proved that the corporation violated the law? We all know how impossible it is to prove "corporate intent" without the extraordinary help of a whistleblower. And we all know that were it not for citizens' lawsuits, we may never have learned of the harm that big tobacco companies knowingly caused to so many, for so long, while denying so much of what they knew. Time and again, the legal system has been more effective than government watchdog agencies in prying loose consumer information like that, which we otherwise might never see.

This legislation does not create any alternative method for keeping a check on corporate misconduct that has a detrimental effect on the health of all Americans. If this bill passes, American consumers will only be left with the thin hope that suddenly the Bush-Cheney administration will begin true regulation of corporations on behalf of American consumers.

If we are serious about trying to address the national health epidemic that is related to obesity, then we should be considering legislation to clarify food labeling so consumers can make informed choices. How about legislation requiring nutritious food in our schools? How about listening to the scientific and health community about the needless dangers of trans fats in our food? How about ending cuts in education that lead to the cancellation of physical education and health courses?

Consideration of this corporate immunity legislation would be especially ill-timed in light of the numerous pressing issues that face this Nation today. The Senate's time would be better spent debating stem cell research, or the life saving technologies that would make Americans' lives better. We should also be moving forward with comprehensive immigration reform, reauthorizing the Voting Rights Act, and addressing the horrific genocide in Darfur. This bill also yet to be subject to committee consideration. If the Judiciary Committee had considered this legislation, I am confident we would have amended the sweeping language of this blanket immunity bill.

This legislation favors the interests of corporations over the health of our children and the health of their parents. This is not the fix that is needed. Let us direct our energies towards making American health care better by finding cures to diseases, making it easier for consumers to make informed choices, getting more Americans insured and investing in health care prevention.

BIRTHDAY WISHES TO DAW AUNG SAN SUU KYI

Mr. McCONNELL. As with all supporters of freedom and democracy in the, world, I rise today to extend birthday wishes to Daw Aung San Suu Kyi, the Nobel Laureate who remains under house arrest in Burma.

Much like her previous several birthdays, Suu Kyi's birthday today almost certainly will not be a happy one. The "gift" given to Suu Kyi by the ruling State Peace and Development Council, SPDC, a few weeks ago was the news that it was again extending her detention.

Under the autocratic rule of the SPDC, drug trafficking, disease and human rights violations are rampant and pose growing problems to the region as a whole. The SPDC adheres to policies that seek only to consolidate its own power, and the ruined lives of the Burmese people are the result. Indeed, there is little reason for celebration in Burma today.

The plight of Suu Kyi symbolizes the plight of her countrymen. Moreover, her commitment to freedom and justice through peaceful political change has created a legacy that will endure long after the SPDC's reign is no more.

The best gift the free world can give Suu Kyi is to remain steadfast in support of freedom in Burma today. She can count on my support.

Mr. President, I ask unanimous consent that an op-ed in today's Wall Street Journal by Under Secretary of State Paula Dobriansky be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 19, 2006]

"PRESS FOR CHANGE IN BURMA"

(By Paula J. Dobrainsky)

Today marks the 61st birthday of Aung San Suu Kyi, the elected leader of Burma's National League for Democracy. It is the third consecutive birthday that she has spent under detention—and a stark reminder that not only she, but 50 million fellow Burmese are living without basic freedoms and human rights. Absent change, Burma is likely to continue a dangerous decline that threatens the welfare of its people and its neighbors alike.

Only by unconditionally releasing Ms. Suu Kyi and all other political prisoners, restoring a democratic form of government, and observing international standards of human rights can Burma's regime bring stability, prosperity and peace to its country—and international respect to its leaders. Toward that end, we are seeking a United Nations Security Council resolution that underscores the aforementioned goals, which were communicated by U.N. Undersecretary General for Political Affairs Ibrahim Gambari to senior Burmese officials during his visit to the country last month. The U.S. is committed to working with the U.N. Security Council, U.N. Secretary General Kofi Annan, regional institutions and governments to press for genuine national reconciliation in Burma.

The threat to the Burmese people from their own leaders is clear: In only the last few months, attacks against ethnic minorities have displaced thousands. Military units abuse their power regularly and commit egregious human rights abuses with impunity, including rape, forced labor, murder and torture. The regime's continued economic mismanagement and corruption have led to a widespread failure of the banking system and rampant inflation, which increases the daily hardships of the Burmese people. Making matters worse, the military's restrictions on U.N. and nongovernmental organizations have hampered the ability of relief organizations to deliver assistance to Burma's most vulnerable populations.

Infectious diseases like HIV/AIDS, tuberculosis and avian flu are best controlled by responsible governments with transparent public health systems that cooperate closely with international institutions. Yet even as the Burmese regime spends considerable sums to finish relocating its capital, malnutrition is rising and thousands are dying from treatable diseases like malaria and tuberculosis. This tragic failure calls into question the Burmese junta's willingness and ability to protect and improve the well-being of its people.

Burma's people are not alone in facing the consequences of their government's actions: the country's deterioration poses a real danger to its neighbors and—in today's interconnected world—even to those far away. The drug trade and trafficking in persons are rampant; both flow across porous borders and spread corruption, political instability and disease.

America will persist in its strategy to increase international pressure on Burma by working with individual governments and regional organizations, such as the European Union, to seek to return the country to its people through a transparent, inclusive political process. The U.S. administration will continue to impose economic sanctions on the Burmese government, while insisting upon the unconditional release of Ms. Suu Kyi and other political prisoners; an end to attacks on civilians and other human rights violations; and a real dialogue leading to peace, democracy and national reconciliation.

In Asia, the U.S. will continue to collaborate with Burma's neighbors, including members of the Association of Southeast Asian Nations, who have a particular interest in seeing Burma's decline reversed. Asean leaders have already publicly called for the release of political prisoners and for the resumption of a national dialogue with all political stakeholders. On June 3, Indonesian Foreign Minister Hasan Wirayuda stated that "the junta [can] not deflect criticism of the Nobel peace laureate's detention by saying it was an internal matter. The truth is no country can claim that human rights abuses are its own internal affairs."

Finally, the U.S. will work in the U.N. to press for change in Burma. We are pleased that the U.N.'s Economic and Social Council will discuss Burma's forced labor practices in its July session. The U.S. will continue to pursue a U.N. Security Council resolution. As U.S. Secretary of State Condoleezza Rice has said, America stands with the people of Burma, and we have not forgotten their dream of democracy.

The economic, political and public health situation in Burma has deteriorated to the point where the regime's combination of repression and its unwillingness—or inability—to meet its own citizens' needs pose a threat to the peace, security and stability of the region. We must all act together to help the Burmese people win the freedom and prosperity they deserve.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DURBIN. Mr. President, on vote No. 175, I was necessarily absent due to a weather delay with my plane from New York (Delta 1959). Had I been present for that vote, I would have voted to confirm the nomination of Sandra Segal Ikuta to be U.S. Circuit Judge for the Ninth Circuit.•

TRIBUTE TO SENATOR BOB DOLE

Mr. INHOFE. Mr. President, I rise today to pay tribute to Senator Bob Dole, a person who is often thought of as one of the most prominent political figures of our time. Perhaps former Secretary of State Colin Powell described Senator Dole best when he said he is, "A plain-spoken man of strength, maturity and integrity."

This "plain-spoken" man from Oklahoma's neighboring State of Kansas is legendary for his brave sacrifice to our great country in World War II. In the war, he was a platoon leader in the distinguished Tenth Mountain Division in Italy. He was awarded two Purple Hearts and a Bronze Star after being seriously injured in battle, but his service and sacrifice did not end there. After a long, determined road to recovery, a renewed faith in God, and loving support from family and friends, he began his political career.

After earning his law degree, Senator Dole served in the Kansas Legislature from 1951 to 1953. He came to Washington to serve in the House of Representatives in 1960. He was then elected to the Senate in 1968. His leadership skills gained swift recognition as he became chairman of the National Republican Committee in 1971 and Senate majority leader in 1984.

After Republicans lost control of the Senate in 1986, Senator Dole continued serving his party as Senate minority leader. In this capacity, he became known for his "watch-dog" tactics fighting against Democrat tax-and-spend, big-government policies. Thanks to his help in exposing the unrestrained behavior of the Democrats, the American people voted to put Republicans back in control of both Houses of Congress in 1994. After this overwhelming victory, Senator Dole was once again voted to the post of majority leader, making him the longest serving Senate leader in the history of the Republican Party.

I was privileged to serve with Bob Dole in this body from 1994 to 1996 and work on different issues with him. I supported him in 1996 when he was fighting tax increases and other excessive governmental policies.

After leaving the Senate to run for an unsuccessful Presidential bid in 1996, Senator Dole continued his public service by becoming chairman of the National World War II Memorial to erect a memorial on The National Mall to honor the sacrifice of the brave men and woman who served in the largest and deadliest war in history. He also served as cochair of the Families of Freedom Scholarship Fund to assist the educational needs of the families of victims of the September 11 attacks.

Through media appearances, speeches, two best-selling books, "Great Presidential Wit, I Wish I Was In The Book" and "Great Political Wit, Laughing (Almost) All the Way to the White House," and his personal World War II memoirs, "One Soldier's Story," Senator Dole continues to leave a legacy of the values and principles that have made this great country what it is today.

Bob Dole is a man of character and integrity, and I am proud to honor him with this deserving tribute today.

MARRIAGE PROTECTION AMENDMENT

Mr. SCHUMER. Mr. President, I rise to speak about the Marriage Protection Amendment. This poorly conceived, divisive proposal does not belong in the U.S. Constitution. To me, the Constitution is a sacred document, one that protects rights and preserves liberties, and we should not amend it lightly. Never once has our Constitution been amended to deny rights to a group of Americans. And we should not do it now.

This divisive and unnecessary amendment—which failed overwhelmingly when last brought before the Senate—would undermine rights like civil unions now enjoyed by people in many States throughout the Nation. This amendment would override State laws that grant fundamental protections such as hospital visitation rights, inheritance rights, and health care benefits.

Unfortunately, the White House and some Members of Congress think it is more important to attempt to divide our Nation over an amendment that they know has no chance of passing than to actually govern. The timing of this marriage debate and vote—just months before a heated midterm election—proves that this amendment is a political ploy to distract the American people from the issues that the President and his party are failing to address, like skyrocketing oil prices, the war in Iraq, and the lack of affordable prescription drugs.

Therefore, Mr. President, I join a broad range of opponents to the amendment, including former Republican Representative Bob Barr, various clergy groups, and countless voters in my State and across the country in opposing this amendment.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES REID

• Mr. TALENT. Mr. President, today I wish to recognize James Reid of St. Charles, MO, who earned the distinct honor of reaching the rank of Eagle Scout. James has earned such an honor through his outstanding dedication to his community and his commitment to citizenship.

James's rise to the rank of Eagle Scout is an achievement that is truly worthy of recognition. With this achievement, he joins a prestigious group of individuals, including U.S. Presidents, Members of Congress, astronauts, entertainers, businessmen, and clergymen.

James's dedication to community is evident in and around the St. Charles area. At a young age, he brought his community together through the fundraising and construction of the flagpole that now completes the city's monument to Lewis and Clark. In addition, he serves as an advocate for the homeless, working countless hours building houses throughout the St. Louis metropolitan area. In recognition of his dedication, James earned the President's Gold Volunteer Service Award. As for many Eagle Scouts, this honor is merely the beginning of success, and I wish him the best of luck in his future endeavors.

The honor of achieving the rank of Eagle Scout is truly a momentous occasion for James Reid and his family and has come as a result of his diligence and hard work. I thank James for representing St. Charles and the State of Missouri in such an exemplary manner.•

TRIBUTE TO JOHNNY WILSON

• Mr. KENNEDY. Mr. President, today I take a moment to honor the extraordinary accomplishments of a young citizen from Massachusetts, 10-year-old Johnny Wilson. Last October, Johnny set a world record as the youngest person ever to swim from Alcatraz Island to Aquatic Park in San Francisco, a distance of 1.4 miles. It was an impressive accomplishment in and of itself, but Johnny's swim had far greater meaning and purpose than setting a record. For every quarter mile he swam, Johnny collected pledges for disaster relief for the victims of Hurricane Katrina, and his swim produced over $150,000.

Johnny first got the idea from a family friend, Rick Murray, an Iron Man triathlete, who suggested the idea after noticing Johnny's strength as a swimmer and offered to be his coach. Johnny spent over a year in training, swimming 10 miles a week in pools during the school year and in the ocean near Hyannis Port during the summer. In addition, he spent 3 months training in the cold water of the San Francisco Bay to further prepare for the conditions of his swim.

Johnny first got the idea to use his swimming ability to raise funds last September, when his school began to emphasize efforts to aid the victims of Katrina. He and seven of his classmates rallied the local community, calling all the families they knew and asking for pledges for every quarter mile of the swim that Johnny would complete. By the day of the swim, these efforts had already yielded over $30,000 in donations.

The swim began before sunrise at 6 a.m. last October 10. The large waves, freezing water, and the fact that he was the only child attempting the swim did not deter Johnny from diving in the water that morning. Flanked 10 feet on either side by adult safety swimmers and kayaks in case of an emergency, Johnny swam into Aquatic Park Cove 1 hour 6 minutes later to the cheers of his family, teacher, and classmates. Halfway through the swim, he stopped to warm his numbed limbs, but when asked if wanted to stop swimming, he said no and continued on his way. His commitment to himself and to the Katrina victims he wanted to help enabled him to deal with the long, cold waters to reach his goal.

The media attention to Johnny's swim and its admirable purpose increased his fundraising ability. Word of his mission spread in over 600 broadcasts in 20 countries and led to appearances on the "Today Show", "Oprah" and "CNN." The additional publicity helped raise $20,000 more for Johnny's cause, as people throughout the country and around the world were touched by the strength of his spirit and heart demonstrated by this remarkable young man. In the end, Johnny was able to make an amazing contribution of $51,000 to the Hurricane Katrina victims' fund of the Red Cross.

Able and caring young people like Johnny inspire a new sense of hope for the Nation's future. He demonstrated the difference that one committed person can make in bringing people together to touch the lives of others. I commend Johnny Wilson for his impressive achievement, his caring heart, and his wonderful contribution to the lives of those devastated by Hurricane Katrina. He represents the best of our country, and I wish him well in the years ahead.•

PLANKINTON, SOUTH DAKOTA, TO CELEBRATE 125 YEARS

• Mr. THUNE. Mr. President, today I recognize Plankinton, SD. The town of Plankinton will celebrate the 125th anniversary of its founding this year.

The county seat of Aurora County, Plankinton officially became a town in 1881. Plankinton is well known for being South Dakota's No. 1 hunting and fishing destination. Plankinton has much to be proud of, and I am sure the next 125 years will be even more productive and noteworthy.

I offer my congratulations to Plankinton on their anniversary, and I wish them continued prosperity in the years to come.•

VIVIAN, SOUTH DAKOTA, CELEBRATES 100 YEARS

• Mr. THUNE. Mr. President, today I recognize Vivian, SD, which is celebrating its centennial this year.

Located in Lyman County, Vivian was founded during an extension of the Chicago, Milwaukee, and St. Paul Railroad rail lines in 1906 and was named after the wife of one of their officials. Vivian is a welcoming community that reflects the values and principles that we as Americans hold dear.

I offer my congratulations to Vivian on their anniversary, and I wish them continued prosperity in the years to come.•

MT. VERNON, SOUTH DAKOTA, CELEBRATES ITS 125TH ANNIVERSARY

• Mr. THUNE. Mr. President, today I recognize Mt. Vernon, SD. The town of Mt. Vernon will celebrate the 125th anniversary of its founding this year.

Located in Davison County, Mt. Vernon was originally named Arlandton and served as a shelter for pioneers on their way to Fort Thompson trail. The name was changed to Mt. Vernon with the arrival of the railroad in 1881.

I offer my congratulations to Mt. Vernon on their anniversary, and I wish them continued prosperity in the years to come.•

MOBRIDGE, SOUTH DAKOTA, CELEBRATES ITS 100TH ANNIVERSARY

• Mr. THUNE. Mr. President, today I recognize the 100th anniversary of the town of Mobridge and its citizens' dedication to the Main Street Revitalization Project.

Beginning as a parcel of private land, Mobridge was founded when GEN S. E. Olson, bridged the gap between the two banks of the Missouri River to provide the opportunity for a railway crossing. Although Mobridge began as a railroad town, it thrives today as community that continues to make industrial and economic progress while offering several scenic opportunities to enjoy hunting, fishing, and other outdoor activities.

It gives me great pleasure to rise with the town of Mobridge in celebration of their centennial festivities and hope that this "Grand Crossing" into the next 100 years will be as fruitful as the first.•

MILLER, SOUTH DAKOTA, CELEBRATES ITS 125TH ANNIVERSARY

• Mr. THUNE. Mr. President, today I rise to recognize the 125th anniversary celebration of Miller, SD.

Located in Hand County, the town of Miller was originally founded in 1881 by pioneer Henry Miller. Since its founding 125 years ago, the community of

Miller has continued to serve as a strong example of South Dakota values and traditions.

I offer my congratulations to Miller on this milestone accomplishment and wish them continued prosperity in the years to come.●

IONA, SOUTH DAKOTA, CELEBRATES ITS 100TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I recognize Iona, SD. The town of Iona will celebrate the 100th anniversary of its founding this year.

Located in Lyman County, Iona celebrates its centennial on the year the town cemetery was founded, 1906. Although Iona has never officially been incorporated, it is an example of the values and traditions found in communities throughout South Dakota.

I offer my congratulations to Iona on their centennial, and I wish them continued prosperity in the years to come.●

HOWARD, SOUTH DAKOTA, CELEBRATES ITS 125TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I recognize Howard, SD. The town of Howard will celebrate the 125th anniversary of its founding this year.

Located in Miner County, Howard was founded in 1881. Howard was South Dakota's first community to operate its own wind turbines, providing "green energy" to residential and commercial customers.

I offer my congratulations to Howard on their anniversary, and I wish them continued prosperity in the years to come.●

CRESBARD, SOUTH DAKOTA, TO CELEBRATE 100 YEARS

● Mr. THUNE. Mr. President, today I recognize Cresbard, SD. The town of Cresbard will celebrate the 100th anniversary of its founding this year.

Located in north central South Dakota, Cresbard, like many rural towns in South Dakota, has its roots in agriculture. Now, 100 years later, the town still relies on agriculture but has also expanded into a hunting destination in the fall. Cresbard continues to be a great example of what makes South Dakota such a great place to live and do business.

I offer my congratulations to Cresbard on their centennial, and I wish them continued prosperity in the years to come.●

CHELSEA, SOUTH DAKOTA, CELEBRATES 100 YEARS

● Mr. THUNE. Mr. President, today I recognize Chelsea, SD. The town of Chelsea will celebrate the 100th anniversary of its founding this year.

Located in Faulk County, Chelsea was founded as an agricultural town in 1906. Although 100 years has passed since its founding, the city remains a great example of what makes rural South Dakota a welcoming place to live and raise a family.

I offer my congratulations to Chelsea on their anniversary, and I wish them the best in the years to come.●

BRENTFORD, SOUTH DAKOTA, TO CELEBRATE 100 YEARS

● Mr. THUNE. Mr. President, today I recognize Brentford, SD. The town of Brentford will celebrate the 100th anniversary of its founding this year.

Located in Spink County, Brentford was the last town established in the county and has outlasted many of its neighbors. The town of Brentford has the unique distinction of being the only so-named town in the United States. I am confident that the Brentford community will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I offer my congratulations to Brentford on their anniversary, and I wish them continued prosperity in the years to come.●

BALTIC, SOUTH DAKOTA, TO CELEBRATE 125 YEARS

● Mr. THUNE. Mr. President, today I recognize Baltic, SD. The town of Baltic will celebrate the 125th anniversary of its founding this year.

Located in Minnehaha County, Baltic was founded in 1881 on the banks of the Big Sioux River. Baltic has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I offer my congratulations to Baltic on their anniversary, and I wish them continued prosperity in the years to come.●

100TH ANNIVERSARY OF STRATFORD, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize the city of Stratford which is celebrating its 100th anniversary.

Located in Brown County, Stratford was founded in 1906 as an agricultural community. Stratford is a welcoming community that reflects the values and principles that we as Americans hold dear.

It gives me great pleasure to rise with the citizens of Stratford to celebrate the 100th anniversary of their fine city.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTIFICATION OF THE ISSUANCE OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY OF PERSONS IN CONNECTION WITH THE SITUATION IN BELARUS—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the "order") blocking the property of persons in connection with the situation in Belarus. In that order, I declared a national emergency with respect to the policies and actions of certain individuals in Belarus, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and circumstances involving Belarus, as described below. This action follows the issuance of Proclamation 8015 of May 12, 2006, "Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten the Transition to Democracy in Belarus," in which I determined that it is in the interest of the United States to suspend the entry into the United States of members of the government of Alyaksandr Lukashenka and others who formulate, implement, participate in, or benefit from policies or actions, including electoral fraud, human rights abuses, and corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus.

The United States, the European Union, and other allies and partners around the world have repeatedly expressed support for the democratic aspirations of the Belarusian people and condemned the Belarusian government's human rights abuses, assaults on democracy, and corruption. The Belarusian authorities have resorted to intense repression in an attempt to preserve their power, including the disappearances of four regime critics in 1999 and 2000, which the authorities have failed to investigate seriously despite credible information linking top government officials to these acts.

The undemocratic 2006 presidential election was only the latest example of the Belarusian government's disregard for the rights of its own citizens. Hundreds of civic and opposition activists were arrested—and many beaten—both before and after the vote for exercising their rights. The authorities forcibly dispersed peaceful post-election demonstrations. There is simply no place in a Europe whole and free for a regime of this kind.

The order also takes an important step in the fight against public corruption, which threatens important United States interests globally, including ensuring security and stability, the rule of law and core democratic values, advancing prosperity, and creating a level playing field for lawful business activities. As noted in Proclamation 8015, the persistent acts of corruption by Belarusian government officials in the performance of public functions has played a significant role in frustrating the Belarusian people's aspirations for democracy. This order authorizes the Secretary of the Treasury to block the assets of senior-level officials of the Government of Belarus, their family members, or those closely linked to such officials engaged in such corruption.

Thus, pursuant to IEEPA and the NEA, I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and I have issued the order to deal with this threat.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State: to be responsible for, or to have participated in, actions or policies that undermine democratic processes or institutions in Belarus; to be responsible for, or to have participated in, human rights abuses related to political repression in Belarus; and to be a senior-level official, a family member of such official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, was effective at 12:01 a.m. eastern daylight time on June 19, 2006.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2006.*

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 20, 2005 (70 FR 35507).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2006.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3534. A bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7181. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to the Department of Transportation's Research and Innovative Technology Administration (RITA) in the Research and Development Account (69X1730); to the Committee on Appropriations.

EC-7182. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Navy, case number 05-04; to the Committee on Appropriations.

. EC-7183. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05-19; to the Committee on Appropriations.

EC-7184. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05-16; to the Committee on Appropriations.

EC-7185. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act, Small and Disadvantaged Business Utilization Office (SADBU), case number 05-04; to the Committee on Appropriations.

EC-7186. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2005; to the

Committee on Homeland Security and Governmental Affairs.

EC–7187. A communication from the Secretary of Health and Human Services, transmitting, pursuant to the Medical Device User Fee and Modernization Act (MDUFMA), the Department of Health and Human Service's Annual Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC–7188. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services Office of Inspector General Semiannual Report for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7189. A communication from the Administrator, National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, NASA's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7190. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7191. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Training—Reporting Requirements" (RIN3206–AK46) received on June 12, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7192. A communication from the Chairman and the Vice Chairman, U.S.-China Economic and Security Review Commission, transmitting, pursuant to law, a report relative to the Commission's February 2–3, 2006 hearing on "Major Internal Challenges Facing the Chinese Leadership"; to the Committee on Armed Services.

EC–7193. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Mentor-Protege Program annual report for fiscal year 2005; to the Committee on Armed Services.

EC–7194. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Department of Defense (DoD) Report to Congress on Recommendations in the National Research Council Assessment of DoD Basic Research"; to the Committee on Armed Services.

EC–7195. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Henry P. Osman, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7196. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General George P. Taylor, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7197. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Radio Frequency Identification" ((RIN0750–AF31)(DFARS Case 2006–DO02)) received on June 7, 2006; to the Committee on Armed Services.

EC–7198. A communication from the Deputy Secretary, Department of Education, transmitting, pursuant to law, a report relative to the Government Accountability Office, the Department of Education, and the violation of the Antideficiency Act; to the Committee on Health, Education, Labor, and Pensions.

EC–7199. A communication from the Co-Chairs of the Science, Technology, Engineering, and Mathematics (STEM) Initiative, Business-Higher Education Forum, transmitting, a report entitled "Securing America's Leadership in Science, Technology, Engineering, and Mathematics"; to the Committee on Health, Education, Labor, and Pensions.

EC–7200. A communication from the Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners" (RIN1219–AB29) received on June 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7201. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's report on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–7202. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on June 5, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7203. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects—National Data and Statistical Center for the Spinal Cord Injury Model Systems and the National Data Statistical Center for the Traumatic Brain Injury Model Systems" received on June 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1509. A bill to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species (Rept. No. 109–263).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TALENT (for himself, Mr. MARTINEZ, Mr. ISAKSON, and Mr. CHAMBLISS):

S. 3535. A bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for himself, Mr. BIDEN, Mr. LEVIN, and Mr. DURBIN):

S. 3536. A bill to ensure oversight of intelligence on Iran, and for other purposes; to the Select Committee on Intelligence.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN:

S. Res. 515. A resolution expressing the sense of the Senate on the continued presence of United States troops in Iraq until at least 2009; to the Committee on Foreign Relations.

By Mr. OBAMA (for himself, Mr. FRIST, Mr. LEVIN, Mr. REID, and Mr. BROWNBACK):

S. Res. 516. A resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future; considered and agreed to.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 965

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 965, a bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1896

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1896, a bill to permit access to Federal crime information databases by educational agencies for certain purposes.

S. 1930

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2125

At the request of Mr. OBAMA, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2125, a bill to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2278

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2342

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2342, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 2435

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2617

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2617, a bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes.

S. 3061

At the request of Mr. TALENT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3061, a bill to extend the patent term for the badge of the American Legion Women's Auxiliary, and for other purposes.

S. 3062

At the request of Mr. TALENT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3062, a bill to extend the patent term for the badge of the American Legion, and for other purposes.

S. 3063

At the request of Mr. TALENT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3063, a bill to extend the patent term for the badge of the Sons of the American Legion, and for other purposes.

S. 3069

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 3069, a bill to amend section 2306 of title 38, United States Code, to modify the furnishing of government markers for graves of veterans at private ceremonies, and for other purposes.

S. 3513

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3513, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the Lewis Clark expedition, and for other purposes.

S. 3521

At the request of Mr. GREGG, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 3521, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S.J. RES. 38

At the request of Mr. MCCONNELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S.J. Res. 38, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 42

At the request of Mr. OBAMA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 42, a concurrent resolution recognizing the historical significance of the Juneteenth Independence Day, and expressing the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. RES. 383

At the request of Mr. BIDEN, the name of the Senator from Rhode Island

(Mr. CHAFEE) was added as a cosponsor of S. Res. 383, a resolution calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with an emphasis on civilian protection.

S. RES. 405

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

AMENDMENT NO. 4256

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maine (Ms. COLLINS) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 4256 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4259

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 4259 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4261

At the request of Mr. CHAMBLISS, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Connecticut (Mr. DODD), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Mexico (Mr. DOMENICI), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. COLLINS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 4261 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4288

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4288 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4309

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4309 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. BIDEN, Mr. LEVIN, and Mr. DURBIN):

S. 3536. A bill to ensure oversight of intelligence on Iran, and for other purposes; to the Select Committee on Intelligence.

Mr. REID. Mr. President, we live in a dangerous time, and that is an understatement. The threats to our freedom are many. They range from terrorist attacks such as those that hit our shores on 9/11 to rogue nations with nuclear ambitions such as North Korea and Iran.

It is important that we, as a country, address each of these threats. Recent history is rife with examples of what happens if we fail to do so. The threats don't go away; they only get worse.

This is a fact we can see in today's headlines about North Korea's new missile tests—they have not fired a missile since 1998; and from all reports we have been able to pick up on the news, they are now fueling another missile just prior to launch—and also in Iran, where efforts to halt the country's nuclear program have been delayed and complicated by the administration's, I believe, failures in Iraq.

This weekend, the Washington Post reported that top Bush administration officials ignored an offer from Iran in 2003, when American leverage in the region was at its height. The offer from Iran was to curtail its nuclear activities. This is very troubling.

Paul Pillar, the former head of Middle East analysis for the intelligence community, said that the U.S. position regarding Iran is "inherently weaker now" because of Iraq, and that "there have been a lot of lost opportunities." One expert analyst said the administration's mismanagement "strengthened the hands of those in Iran who believe the only way to compel the United States to talk or deal with Iran is not by sending peace offers but by being a nuisance."

Today, I am introducing legislation which would improve Congress's oversight of the administration's efforts on Iran—the Iran Intelligence Oversight Act. The legislation will ensure that Congress is fully engaged in the Iran debate, and it will also push the Bush White House to develop and implement the right policy for dealing with Iran.

All of us are painfully aware of this Congress's unwillingness to hold this administration accountable for its mistakes and misjudgments. There has been virtually no oversight on anything.

I have said before that there has been a lack of a legislative branch of Government. The executive exists, the judicial branch exists, but the Founding Fathers' view to have three separate but equal branches of Government has not been in existence for the last 5½ years. The reason the President has not had to veto a single bill is he has gotten anything he wants from this Republican Congress.

The Senate Intelligence Committee has led the way in terms of stonewalling and rubber-stamping the Bush administration. Nearly 3 years into its investigation of the White House's politicization of Iraq intelligence, we still don't have a report.

Unfortunately, the committee record on Iran is not any better.

U.S. News and World Report had a quote earlier this spring from the committee's chairman, saying:

> [W]e have not made the progress on our oversight of Iran intelligence, which is critical.

U.S. News further said the panel had done only piecemeal scrutiny of the spy agencies' work on Iran, quoting a Republican staffer as saying:

> There is no organized committee staff effort to look at Iran right now. . . . It's all sort of on hold.

That is really too bad.

Perhaps Tehran will be kind enough to wait for them, but the Senate should not. The Senate must be engaged as we move our diplomacy forward with Iran. We must take seriously our responsibility to insist on a thorough review of the facts, a full debate of the threat, and full consultation as events move forward.

The legislation I am introducing today would put in place the rigorous oversight necessary to hold the administration accountable for its rhetoric and its all too frequent tendency to spin and distort the facts.

The act requires the administration to give Congress and the American people solid answers to three questions.

First, what is the judgment of the Government's professional intelligence analysts about the threat of Iran, and what tools are most likely to influence the Iranians to change their ways?

Second, what are the President's policy objectives with Iran, and what is his strategy for achieving these objectives?

Currently, we are only left to guess.

To the best of my knowledge, Congress has not yet been briefed on any of the key details of the deal offered to Iran a few weeks ago. The Iranians have been briefed, the Europeans have been briefed, the Russians have been briefed, the Chinese have been briefed—but not the U.S. Senate.

Congress needs to be in on the takeoff, not asked to board the plane for the crash landing.

Third, this legislation asks the question: What is the process for making sure that senior administration officials do not publicly mischaracterize the evidence and the challenge of Iran?

Much of what we heard from the administration in the run-up to Iraq about mushroom clouds, yellow cake, and aluminum tubes turned out to be overstated or based on intelligence that was known to be very, very suspect.

I am told that the most famous of the Vice President's speeches on Iraq—the August 2002 VFW speech that set the rush to war and dramatically overstated the threat from Iraq—was never even cleared by the intelligence community.

With my legislation in place, and with vigilance from Congress, we will be one step closer to ensuring this kind of misleading information does not happen regarding the threat posed by Iran.

I want to be clear: President Bush must take seriously the challenge of Iran, as I know he does, but the way to success will be a policy based on the facts. Under my legislation, the administration will be held accountable for anything less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Intelligence Oversight Act".

SEC. 2. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 515—EXPRESSING THE SENSE OF THE SENATE ON THE CONTINUED PRESENCE OF UNITED STATES TROOPS IN IRAQ UNTIL AT LEAST 2009

Mr. WYDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 515

Resolved, That it is the sense of the Senate that—

(1) the members of the Armed Forces deserve the enormous respect and support of the Senate and the American people for the sacrifices that they are making on behalf of our country; and

(2) the President's intention, as stated on March 21, 2006, that "future Presidents" will determine whether to keep members of the Armed Forces in Iraq undermines the preparedness of the United States military to respond to other crises and should not be supported.

SENATE RESOLUTION 516—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY AND EXPRESSING THE SENSE OF THE SENATE THAT HISTORY SHOULD BE REGARDED AS A MEANS FOR UNDERSTANDING THE PAST AND SOLVING THE CHALLENGES OF THE FUTURE

Mr. OBAMA (for himself, Mr. FRIST, Mr. LEVIN, Mr. REID, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 516

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4310. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 2012, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes.

SA 4311. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4312. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4313. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4314. Mr. ALLEN (for himself, Mr. CRAIG, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4315. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4316. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4317. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4318. Mrs. FEINSTEIN (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4319. Mr. PRYOR (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4320. Mr. LEVIN (for himself, Mr. REED, Mrs. FEINSTEIN, Mr. SALAZAR, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4321. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4322. Mr. KENNEDY proposed an amendment to the bill S. 2766, supra.

SA 4323. Mr. FRIST proposed an amendment to amendment SA 4322 proposed by Mr. KENNEDY to the bill S. 2766, supra.

SA 4324. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4325. Mr. BYRD (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4326. Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4327. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4328. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4329. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4330. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4331. Mr. TALENT (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4310. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 2012, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.
Sec. 3. Changes in findings and definitions.
Sec. 4. Highly migratory species.
Sec. 5. Total allowable level of foreign fishing.
Sec. 6. Western pacific sustainable fisheries fund.
Sec. 7. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Cumulative impacts.
Sec. 102. Caribbean Council jurisdiction.
Sec. 103. Regional fishery management councils.
Sec. 104. Fishery management plan requirements.
Sec. 105. Fishery management plan discretionary provisions.
Sec. 106. Limited access privilege programs.
Sec. 107. Environmental review process.
Sec. 108. Emergency regulations.
Sec. 109. Western Pacific community development.
Sec. 110. Western Alaska Community Development Quota Program.
Sec. 111. Secretarial action on state groundfish fishing.
Sec. 112. Joint enforcement agreements.
Sec. 113. Transition to sustainable fisheries.
Sec. 114. Regional coastal disaster assistance, transition, and recovery program.
Sec. 115. Fishery finance program hurricane assistance.
Sec. 116. Shrimp fisheries hurricane assistance program.
Sec. 117. Bycatch reduction engineering program.
Sec. 118. Community-based restoration program for fishery and coastal habitats.
Sec. 119. Prohibited acts.
Sec. 120. Enforcement.

TITLE II—INFORMATION AND RESEARCH
Sec. 201. Recreational fisheries information.
Sec. 202. Collection of information.
Sec. 203. Access to certain information.
Sec. 204. Cooperative research and management program.
Sec. 205. Herring study.
Sec. 206. Restoration study.
Sec. 207. Western Pacific fishery demonstration projects.
Sec. 208. Fisheries conservation and management fund.
Sec. 209. Use of fishery finance program and capital construction fund for sustainable purposes.
Sec. 210. Regional ecosystem research.
Sec. 211. Deep sea coral research and technology program.
Sec. 212. Impact of turtle excluder devices on shrimping.
Sec. 213. Hurricane effects on shrimp and oyster fisheries and habitats.
Sec. 214. Northwest Pacific fisheries conservation.
Sec. 215. New England groundfish fishery.
Sec. 216. Report on council management coordination.
TITLE III—OTHER FISHERIES STATUTES
Sec. 301. Amendments to Northern Pacific Halibut Act.
Sec. 302. Reauthorization of other fisheries acts.
TITLE IV—INTERNATIONAL
Sec. 401. International monitoring and compliance.
Sec. 402. Finding with respect to illegal, unreported, and unregulated fishing.
Sec. 403. Action to end illegal, unreported, or unregulated fishing and reduce bycatch of protected marine species.
Sec. 405. Reauthorization of Atlantic Tunas Convention Act.
Sec. 406. International overfishing and domestic equity.
Sec. 407. U.S. catch history.
Sec. 408. Secretarial representative for international fisheries.
TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION
Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Appointment of United States commissioners.
Sec. 504. Authority and responsibility of the Secretary of State.
Sec. 505. Rulemaking authority of the Secretary of Commerce.
Sec. 506. Enforcement.
Sec. 507. Prohibited acts.
Sec. 508. Cooperation in carrying out convention.
Sec. 509. Territorial participation.
Sec. 510. Exclusive economic zone notification.
Sec. 511. Authorization of appropriations.
TITLE VI—PACIFIC WHITING
Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. United States representation on joint management committee.
Sec. 604. United States representation on the scientific review group.
Sec. 605. United States representation on joint technical committee.
Sec. 606. United States representation on advisory panel.
Sec. 607. Responsibilities of the Secretary.
Sec. 608. Rulemaking.
Sec. 609. Administrative Matters.
Sec. 610. Enforcement.
Sec. 611. Authorization of appropriations.

SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. CHANGES IN FINDINGS AND DEFINITIONS.

(a) ECOSYSTEMS.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

"(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.".

(b) IN GENERAL.—Section 3 (16 U.S.C. 1802) is amended—

(1) by inserting after paragraph (6) the following:

"(6A) The term 'confidential information' means—

"(A) trade secrets; or

"(B) commercial or financial information the disclosure of which is likely to result in substantial harm to the competitive position of the person who submitted the information to the Secretary.";

(2) by inserting after paragraph (13) the following:

"(13A) The term 'regional fishery association' means an association formed for the mutual benefit of members—

"(A) to meet social and economic needs in a region or subregion; and

"(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.";

(3) by inserting after paragraph (20) the following:

"(20A) The term 'import'—

"(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

"(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.";

(4) by inserting after paragraph (23) the following:

"(23A) The term 'limited access privilege'—

"(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

"(B) includes an individual fishing quota; but

"(C) does not include community development quotas as described in section 305(i).

"(23B) The term 'limited access system' means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation."; and

(5) by inserting after paragraph (27) the following:

"(27A) The term 'observer information' means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.".

(c) REDESIGNATION.—Paragraphs (1) through (45) of section 3 (16 U.S.C. 1802), as amended by subsection (a), are redesignated as paragraphs (1) thorough (51), respectively.

(d) CONFORMING AMENDMENTS.—

(1) The following provisions of the Act are amended by striking "an individual fishing quota" and inserting "a limited access privilege":

(A) Section 402(b)(1)(D) (16 U.S.C. 1881a(b)(1)(D)).

(B) Section 407(a)(1)(D) and (c)(1) (16 U.S.C. 1883(a)(1)(D); (c)(1)).

(2) The following provisions of the Act are amended by striking "individual fishing quota" and inserting "limited access privilege":

(A) Section 304(c)(3) (16 U.S.C. 1854(c)(3)).

(B) Section 304(d)(2)(A)(i) (16 U.S.C. 1854(d)(2)(A)(i)).

(C) Section 407(c)(2)(B) (16 U.S.C. 1883(c)(2)(B)).

(3) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is amended by striking "individual fishing quotas," and inserting "limited access privileges,".

SEC. 4. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) TRADITIONAL PARTICIPATION.—In managing any fisheries under an international fisheries agreement to which the United States is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the United States on fishing vessels of the United States.

"(c) PROMOTION OF STOCK MANAGEMENT.—If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.".

SEC. 5. TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended—

(1) by striking "shall be" and inserting "is";

(2) by striking "will not" and inserting "cannot, or will not,";

(3) by inserting after "Act." the following: "Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess harvest capacity."

SEC. 6. WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.

Section 204(e) (16 U.S.C. 1824(e)(7)) is amended—

(1) by inserting "and any funds or contributions received in support of conservation and management objectives under a marine conservation plan" after "agreement" in paragraph (7); and

(2) by inserting after "paragraph (4)." in paragraph (8) the following: "In the case of

violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out the provisions of this Act—

"(1) $328,004,000 for fiscal year 2006;
"(2) $337,844,000 for fiscal year 2007;
"(3) $347,684,000 for fiscal year 2008;
"(4) $357,524,000 for fiscal year 2009;
"(5) $367,364,000 for fiscal year 2010;
"(6) $377,204,000 for fiscal year 2011; and
"(7) $387,044,000 for fiscal year 2012.".

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. CUMULATIVE IMPACTS.

(a) National Standards.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by inserting "by utilizing economic and social data that meet the requirements of paragraph (2)," after "fishing communities".

(b) Contents of Plans.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking "describe the likely effects, if any, of the conservation and management measures on—" and inserting "analyze the likely effects, if any, including the cumulative economic and social impacts, of the conservation and management measures on, and possible mitigation measures for—".

SEC. 102. CARIBBEAN COUNCIL JURISDICTION.

Section 302(a)(1)(D) (16 U.S.C. 1852(a)(1)(D)) is amended by inserting "and of commonwealths, territories, and possessions of the United States in the Caribbean Sea" after "seaward of such States".

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Tribal Alternate on Pacific Council.—Section 302(b)(5) (16 U.S.C. 1852(b)(5)) is amended by adding at the end thereof the following:

"(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.".

(b) Scientific and Statistical Committees.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by striking so much of subsection (g) as precedes paragraph (2) and inserting the following:

"(g) Committees and Advisory Panels.—

"(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

"(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch or maximum sustainable yield, and reports on stock status and health, bycatch, habitat status, socioeconomic impacts of management measures, and sustainability of fishing practices.

"(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts with strong scientific or technical credentials and experience.

"(D) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106–554—Appendix C; 114 Stat. 2763A-153).

"(E) In addition to the provisions of section 302(f)(7), the Secretary may pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal government or a State marine fisheries agency.";

(2) by striking "other" in paragraph (2); and

(3) by resetting the left margin of paragraphs (2) through (5) 2 ems from the left.

(c) Council Functions.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking "authority, and" in paragraph (5) and inserting "authority;";

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6) develop annual catch limits for each of its managed fisheries after considering the recommendations of its scientific and statistical committee or the peer review process established under subsection (g); and".

(d) Regular and Emergency Meetings.—Section 302(i)(2)(C) (16 U.S.C. 1852(i)(2)(C)) is amended by striking "published in local newspapers in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity." and inserting "provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient.".

(e) Closed Meetings.—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking "notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports," and inserting "provide notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery),".

(f) Training.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

"(k) Council Training Program.—

"(1) Training course.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

"(A) fishery science and basic stock assessment methods;

"(B) fishery management techniques, data needs, and Council procedures;

"(C) social science and fishery economics;

"(D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

"(E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

"(F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

"(G) public process for development of fishery management plans; and

"(H) other topics suggested by the Council.

"(2) Member training.—The training course shall be available to both new and existing Council members, and may be made available to committee or advisory panel members as resources allow.

"(l) Council Coordination Committee.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.".

(g) Procedural Matters.—Section 302(i) (16 U.S.C. 1852(i)) is amended—

(1) by striking "to the Councils or to the scientific and statistical committees or advisory panels established under subsection (g)," in paragraph (1) and inserting "to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).";

(2) by striking "of a Council, and of the scientific and statistical committee and advisory panels established under subsection (g):" in paragraph (2) and inserting "of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):"; and

(3) by inserting "the Council Coordination Committee established under subsection (1)," in paragraph (3)(A) after "Council,"; and

(4) by inserting "other committees," in paragraph (3)(A) after "committee,".

(h) Conflicts of Interest.—Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by inserting "lobbying, advocacy," after "processing," in paragraph (2);

(2) by striking "jurisdiction." in paragraph (2) and inserting "jurisdiction, or with respect to an individual or organization with a financial interest in such activity.";

(3) by striking subparagraph (B) of paragraph (5) and inserting the following:

"(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable hours; and"; and

(4) by adding at the end the following:

"(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection.".

(i) Gulf of Mexico Fisheries Management Council.—Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

"(D)(i) The Secretary shall appoint to the Gulf of Mexico Fisheries Management Council—

"(I) 5 representatives of the commercial fishing sector;

"(II) 5 representatives of the recreational fishing or charter fishing sectors; and

"(III) 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

"(ii) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

"(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

"(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

"(iii) Notwithstanding the requirements of 302(b)(2)(C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (ii), the Secretary shall—

"(I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

"(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

"(iv) For purposes of clause (ii), an individual who owns or operates a fish farm outside of the Unites States shall not be considered to be a representative of the commercial fishing sector.

"(v) The requirements of subparagraph (D) shall expire at the end of fiscal year 2012.".

(j) REPORT AND RECOMMENDATIONS ON GULF COUNCIL AMENDMENT.—

(1) IN GENERAL.—Before August, 2011, the Secretary of Commerce, in consultation with the Gulf of Mexico Fisheries Management Council, shall analyze the impact of the amendment made by subsection (i) and determine whether section 302(b)(2)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(b)(2)(D)) has resulted in a fair and balanced apportionment of the active participants in the commercial and recreational fisheries under the jurisdiction of the Council.

(2) REPORT.—By no later than August, 2011, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources setting forth the Secretary's findings and determination, including any recommendations for legislative or other changes that may be necessary to achieve such a fair and balanced apportionment, including whether to renew the authority.

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) striking "and charter fishing" in paragraph (5) and inserting "charter fishing, and fish processing";

(2) by inserting "economic information necessary to meet the requirements of this Act," in paragraph (5) after "number of hauls,";

(3) by striking "fishery" the first place it appears in paragraph (13) and inserting "fishery, including its economic impact,";

(4) by striking "and" after the semicolon in paragraph (13);

(5) by striking "allocate" in paragraph (14) and inserting "allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,";

(6) by striking "fishery." in paragraph (14) and inserting "fishery;"; and

(7) by adding at the end the following:

"(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that optimum yield is not exceeded in the fishery; and

"(16) establish a mechanism under which harvests exceeding the specified annual catch limit (including the specified annual catch limit for a sector) shall be deducted in the following fishing year, or the next action in a multiyear specification that establishes or adjusts annual catch limits (including those specified for that sector), and which may use the type of adjustment measures already relied on in the plan, unless sufficient information on the harvest level cannot be obtained in that timeframe, but the deduction shall occur not later than 3 fishing years after the close of the fishing year in which the overage occurs.".

(b) EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(7)—

(1) shall take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing.

SEC. 105. FISHERY MANAGEMENT PLAN DISCRETIONARY PROVISIONS.

Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by inserting "(A)" after "(2)" in paragraph (2);

(2) by inserting after paragraph (2) the following:

"(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

"(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

"(i) is based on the best scientific information available;

"(ii) includes criteria to assess the conservation benefit of the closed area;

"(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

"(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;";

(3) by striking "fishery;" in paragraph (5) and inserting "fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;";

(4) by striking paragraph (6) and inserting the following:

"(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

"(A) present participation in the fishery;

"(B) historical fishing practices in, and dependence on, the fishery;

"(C) the economics of the fishery;

"(D) the capability of fishing vessels used in the fishery to engage in other fisheries;

"(E) the cultural and social framework relevant to the fishery and any affected fishing communities;

"(F) the fair and equitable distribution of access privileges in the fishery; and

"(G) any other relevant considerations;";

(5) by striking "(other than economic data)" in paragraph (7);

(6) by striking "and" after the semicolon in paragraph (11); and

(7) by redesignating paragraph (12) as paragraph (14) and inserting after paragraph (11) the following:

"(12) establish a process for complying with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) pursuant to section 304(h) of this Act;

"(13) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and".

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended—

(1) by striking section 303(d); and

(2) by inserting after section 303 the following:

"SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

"(a) IN GENERAL.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

"(b) NO CREATION OF RIGHT, TITLE, OR INTEREST.—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

"(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

"(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation for failure to comply with the terms of the plan or if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

"(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

"(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

"(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

"(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

“(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

“(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding; and

“(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

“(C) promote—

“(i) fishing safety; and

“(ii) fishery conservation and management;

“(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privlege;

“(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

“(F) specify the goals of the program;

“(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the establishment of the program and every 5 years thereafter;

“(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

“(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

“(J) provide for the establishment by the Secretary, in consultation with the Department of Justice and the Federal Trade Commission, for an information collection and review process to provide any additional information needed by the Department of Justice and the Federal Trade Commission to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

“(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

“(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

“(A) the fishery has historically processed the fish outside of the United States; and

“(B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

“(3) FISHING COMMUNITIES.—

“(A) IN GENERAL.—

“(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

“(I) be located within the management area of the relevant Council;

“(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

“(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

“(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of fishing communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

“(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan.

“(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

“(i) traditional fishing or processing practices in, and dependence on, the fishery;

“(ii) the cultural and social framework relevant to the fishery;

“(iii) economic barriers to access to fishery;

“(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

“(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

“(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

“(4) REGIONAL FISHERY ASSOCIATIONS.—

“(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

“(i) be located within the management area of the relevant Council;

“(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

“(iii) be a voluntary association with established by-laws and operating procedures;

“(iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;

“(v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is members contribute; and

“(vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

“(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

“(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

“(i) traditional fishing or processing practices in, and dependence on, the fishery;

“(ii) the cultural and social framework relevant to the fishery;

“(iii) economic barriers to access to fishery;

“(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

“(v) the administrative and fiduciary soundness of the association; and

“(vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

“(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

“(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

“(i) current and historical harvests;

“(ii) employment in the harvesting and processing sectors;

“(iii) investments in, and dependence upon, the fishery; and

“(iv) the current and historical participation of fishing communities;

“(B) to the extent practicable, consider the basic cultural and social framework of the fishery, especially through—

“(i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and

“(ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

“(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

“(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

“(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and

“(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

“(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

“(6) PROGRAM INITIATION.—

“(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

"(B) Petition.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

"(C) Certification by secretary.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

"(D) New england and gulf referendum.—

"(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than ⅔ of those voting in a referendum among eligible permit holders with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

"(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

"(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

"(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

"(7) Transferability.—In establishing a limited access privilege program, a Council shall—

"(A) establish a policy on the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

"(B) establish criteria for the approval and monitoring of transfers (including sales and leases) of limited access privileges.

"(8) Preparation and implementation of Secretarial Plans.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

"(9) Antitrust savings clause.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(d) Auction and other programs.—In establishing a limited access privilege program, a Council may consider, and provide for, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

"(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

"(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

"(e) Cost Recovery.—In establishing a limited access privilege program, a Council shall—

"(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

"(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

"(f) Limited Duration.—In establishing a limited access privilege program after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may establish—

"(1) a set term after which any initial or subsequent allocation of a limited access privilege shall expire;

"(2) different set terms within a fishery if the Council determines that variation of terms will further management goals; and

"(3) a mechanism under which participants in and entrants to the program may acquire or reacquire allocations.

"(g) Limited Access Privilege Assisted Purchase Program.—

"(1) In general.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)), to issue obligations that aid in financing—

"(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

"(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

"(2) Eligibility criteria.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

"(h) Effect on Certain Existing Shares and Programs.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

"(i) Transition Rule.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation placed on a Council agenda for final action, submitted by a Council to the Secretary, or approved by the Secretary or by Congressional action, within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

"(1) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

"(2) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program approval; and

"(3) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.".

(b) Fees.—Section 304(d)(2)(A) (16 U.S.C. 1854(d)(2)(A)) is amended by striking "management and enforcement" and inserting "management, data collection, and enforcement".

(c) Investment in United States Seafood Processing Facilities.—The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson—Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(d) Conforming Amendment.—Section 304(d)(2)(C)(i) (16 U.S.C. 1854(d)(2)(C)(i)) is amended by striking "section 305(h)(5)(B)" and all that follows and inserting "section 305(h)(5)(B).".

(e) Application with American Fisheries Act.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a), shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

"(i) Environmental Review Process.—

"(1) Procedures.—The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

"(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

"(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

"(2) USAGE.—The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

"(3) SCHEDULE FOR PROMULGATION OF FINAL PROCEDURES.—The Secretary shall—

"(A) propose revised procedures within 12 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;

"(B) provide 90 days for public review and comments; and

"(C) promulgate final procedures no later than 18 months after the date of enactment of that Act.

"(4) PUBLIC PARTICIPATION.—The Secretary is authorized and directed, in cooperation with the Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.".

SEC. 108. EMERGENCY REGULATIONS.

(a) LENGTHENING OF SECOND EMERGENCY PERIOD.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking "180 days," the second time it appears and inserting "186 days,".

(b) TECHNICAL AMENDMENT.—Section 305(c)(3)(D) (16 U.S.C. 1855(c)(3)(D)) is amended by inserting "or interim measures" after "emergency regulations".

SEC. 109. WESTERN PACIFIC COMMUNITY DEVELOPMENT.

Section 305 (16 U.S.C. 1855) is amended by adding at the end thereof the following:

"(j) WESTERN PACIFIC REGIONAL MARINE EDUCATION AND TRAINING.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific to foster understanding, practical use of knowledge (including native Hawaiian and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific Regional Fishery Management Council, regional educational institutions, and local Western Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians and other underrepresented groups in the region.

"(2) PROGRAM COMPONENTS.—The program shall—

"(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

"(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

"(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii and the Western Pacific;

"(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western and Central Pacific;

"(E) develop means by which local and traditional knowledge (including Pacific islander and Native Hawaiian knowledge) can enhance science-based management of fishery resources of the region; and

"(F) develop partnerships with other Western Pacific Island agencies, academic institutions, and other entities to meet the purposes of this section.".

SEC. 110. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

Section 305(i)(1) (16 U.S.C. 1855(i)(1)) is amended—

(1) by striking "To" in subparagraph (B) and inserting "Except as provided in subparagraph (E), to"; and

(2) by adding at the end the following:

"(E) A community shall be eligible to participate in the western Alaska community development quota program under subparagraph (A) if the community was—

"(i) listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on January 1, 2004; or

"(ii) approved by the National Marine Fisheries Service on April 19, 1999.".

SEC. 111. SECRETARIAL ACTION ON STATE GROUNDFISH FISHING.

Section 305 (16 U.S.C. 1855), as amended by section 109, is further amended by adding at the end thereof the following:

"(k) MULTISPECIES GROUNDFISH.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine whether fishing in State waters without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan. If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).".

SEC. 112. JOINT ENFORCEMENT AGREEMENTS.

(a) IN GENERAL.—Section 311 (16 U.S.C. 1861) is amended—

(1) by striking "and" after the semicolon in subsection (b)(1)(A)(iv);

(2) by inserting "and" after the semicolon in subsection (b)(1)(A)(v);

(3) by inserting after clause (v) of subsection (b)(1)(A) the following:

"(vi) access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from Global Maritime Distress and Safety Systems, vessel monitoring systems, or any similar system, subject to the confidentiality provisions of section 402;";

(4) by redesignating subsection (h) as subsection (j); and

(5) by inserting after subsection (g) the following:

"(h) JOINT ENFORCEMENT AGREEMENTS.—

"(1) IN GENERAL.—The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

"(2) ELIGIBLE STATE.—A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

"(3) REQUIREMENTS.—Joint enforcement agreements executed under paragraph (1)—

"(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

"(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

"(C) shall provide for confidentiality of data and information submitted to the State under section 402.

"(4) ALLOCATION OF FUNDS.—The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

"(i) IMPROVED DATA SHARING.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from Global Maritime Distress and Safety Systems, vessel monitoring systems, or similar systems—

"(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

"(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

"(2) AGREEMENT REQUIRED.—The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

"(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

"(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.".

(b) REPORT ON USING GMDSS FOR FISHERY PURPOSES.—Within 15 months after the date of enactment of this Act, the National Marine Fisheries Service and the United States Coast Guard shall transmit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources containing—

(1) a cost-to-benefit analysis of the feasibility, value, and cost of using the Global Maritime Distress and Safety Systems, vessel monitoring systems, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system;

(2) an examination of the cumulative impact of existing requirements for commercial vessels;

(3) an examination of whether the Global Maritime Distress and Safety Systems or similar requirements would overlap existing requirements or render them redundant;

(4) an examination of how data integration from such systems could be addressed;

(5) an examination of how to maximize the data-sharing opportunities between relevant State and Federal agencies and provide specific information on how to develop these opportunities, including the provision of direct access to the Global Maritime Distress and Safety Systems or similar system data to State enforcement officers, while considering the need to maintain or provide an appropriate level of individual vessel confidentiality where practicable; and

(6) an assessment of how the Global Maritime Distress and Safety Systems or similar systems could be developed, purchased, and distributed to regulated vessels.

SEC. 113. TRANSITION TO SUSTAINABLE FISHERIES.

(a) IN GENERAL.—Section 312 (16 U.S.C. 1861a) is amended—

(1) by striking "measures;" in subsection (a)(1)(B) and inserting "measures, including regulatory restrictions (including those imposed as a result of judicial action) imposed to protect human health or the marine environment;";

(2) by striking "1996, 1997, 1998, and 1999." in subsection (a)(4) and inserting "2006 through 2012.";

(3) by striking "or the Governor of a State for fisheries under State authority, may conduct a fishing" in subsection (b)(1) and inserting "the Governor of a State for fisheries under State authority, or a majority of permit holders in the fishery, may conduct a voluntary fishing";

(4) by inserting "practicable" after "entrants," in subsection (b)(1)(B)((i);

(5) by striking "cost-effective and" in subsection (b)(1)C) and inserting "cost-effective and, in the instance of a program involving an industry fee system, prospectively";

(6) by striking subparagraph (A) of subsection (b)(2) and inserting the following:

"(A) the owner of a fishing vessel, if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the vessel owner and permit holder relinquish any claim associated with the vessel or permit that could qualify such owner or holder for any present or future limited access system permit in the fishery for which the program is established and such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions (including loss of the vessel's fisheries endorsement) that permanently prohibit and effectively prevent its use in fishing in federal or state waters, or fishing on the high seas or in the waters of a foreign nation; or";

(7) by striking "The Secretary shall consult, as appropriate, with Councils," in subsection (b)(4) and inserting "The harvester proponents of each program and the Secretary shall consult, as appropriate and practicable, with Councils,";

(8) by striking "Secretary, at the request of the appropriate Council," in subsection (d)(1)(A) and inserting "Secretary";

(9) by striking "Secretary, in consultation with the Council," in subsection (d)(1)(A) and inserting "Secretary";

(10) by striking "a two-thirds majority of the participants voting." in subsection (d)(1)(B) and inserting "at least a majority of the permit holders in the fishery, or 50 percent of the permitted allocation of the fishery, who participated in the fishery.";

(11) by striking "establish;" in subsection (d)(2)((C) and inserting "establish, unless the Secretary determines that such fees should be collected from the seller;" and

(12) striking subsection (e) and inserting the following:

"(e) IMPLEMENTATION PLAN.—

"(1) FRAMEWORK REGULATIONS.—The Secretary shall propose and adopt framework regulations applicable to the implementation of all programs under this section.

"(2) PROGRAM REGULATIONS.—The Secretary shall implement each program under this section by promulgating regulations that, together with the framework regulations, establish each program and control its implementation.

"(3) HARVESTER PROPONENTS' IMPLEMENTATION PLAN.—The Secretary may not propose implementation regulations for a program to be paid for by an industry fee system until the harvester proponents of the program provide to the Secretary a proposed implementation plan that, among other matters—

"(A) proposes the types and numbers of vessels or permits that are eligible to participate in the program and the manner in which the program shall proceed, taking into account—

"(i) the requirements of this section;

"(ii) the requirements of the framework regulations;

"(iii) the characteristics of the fishery;

"(iv) the requirements of the applicable fishery management plan and any amendment that such plan may require to support the proposed program;

"(v) the general needs and desires of harvesters in the fishery;

"(vi) the need to minimize program costs; and

"(vii) other matters, including the manner in which such proponents propose to fund the program to ensure its cost effectiveness, as well as any relevant factors demonstrating the potential for, or necessary to obtain, the support and general cooperation of a substantial number of affected harvesters in the fishery (or portion of the fishery) for which the program is intended; and

"(B) proposes procedures for program participation (such as submission of owner bids under an auction system or fair market-value assessment), including any terms and conditions for participation, that the harvester proponents deem to be reasonably necessary to meet the program's proposed objectives.

"(4) PARTICIPATION CONTRACTS.—The Secretary shall contract with each person participating in a program, and each such contract shall, in addition to including such other matters as the Secretary deems necessary and appropriate to effectively implement each program (including penalties for contract non-performance) be consistent with the framework and implementing regulations and all other applicable law.

"(5) REDUCTION AUCTIONS.—Each program not involving fair market assessment shall involve a reduction auction that scores the reduction price of each bid offer by the data relevant to each bidder under an appropriate fisheries productivity factor. If the Secretary accepts bids, the Secretary shall accept responsive bids in the rank order of their bid scores, starting with the bid whose reduction price is the lowest percentage of the productivity factor, and successively accepting each additional responsive bid in rank order until either there are no more responsive bids or acceptance of the next bid would cause the total value of bids accepted to exceed the amount of funds available for the program.

"(6) BID INVITATIONS.—Each program shall proceed by the Secretary issuing invitations to bid setting out the terms and conditions for participation consistent with the framework and implementing regulations. Each bid that the Secretary receives in response to the invitation to bid shall constitute an irrevocable offer from the bidder.".

(b) TECHNICAL AMENDMENT.—Sections 116, 203, 204, 205, and 206 of the Sustainable Fisheries Act are deemed to have added sections 312, 402, 403, 404, and 405, respectively to the Act as of the date of enactment of the Sustainable Fisheries Act.

SEC. 114. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

"SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

"(a) IN GENERAL.—When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster.

"(b) PROGRAM COMPONENTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

"(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure;

"(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

“(C) funding, pursuant to the requirements of section 312(b), to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

“(D) any other activities authorized under section 312(a) of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

“(2) JOB TRAINING.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

“(3) STATE PARTICIPATION OBLIGATION.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

“(4) NO MATCHING REQUIRED.—The Secretary may waive the matching requirements of section 312 of this Act, section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

“(A) no reasonable means are available through which applicants can meet the matching requirement; and

“(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

“(5) NET REVENUE LIMIT INAPPLICABLE.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

“(c) REGIONAL IMPACT EVALUATION.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

“(d) CATASTROPHIC REGIONAL FISHERY DISASTER DEFINED.—In this section the term ‘catastrophic regional fishery disaster’ means a natural disaster, including a hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment, that—

“(1) results in economic losses to coastal or fishing communities;

“(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

“(3) is determined by the Secretary to be a commercial fishery failure under section 312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).”.

(b) SALMON PLAN AND STUDY.—

(1) RECOVERY PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.

(2) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on—

(A) the actions taken under the recovery plan and other law relating to recovery of Klamath River Coho salmon, and how those actions are specifically contributing to its recovery;

(B) the progress made on the restoration of salmon spawning habitat, including water conditions as they relate to salmon health and recovery, with emphasis on the Klamath River and its tributaries below Iron Gate Dam;

(C) the status of other Klamath River anadromous fish populations, particularly Chinook salmon; and

(D) the actions taken by the Secretary to address the calendar year 2003 National Research Council recommendations regarding monitoring and research on Klamath River Basin salmon stocks.

(c) OREGON AND CALIFORNIA SALMON FISHERY.—Federally recognized Indian tribes and small businesses, including fishermen, fish processors, and related businesses serving the fishing industry, adversely affected by Federal closures and fishing restrictions in the Oregon and California 2006 fall Chinook salmon fishery are eligible to receive direct assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)). The Secretary may use no more than 4 percent of any monetary assistance to pay for administrative costs.

SEC. 115. FISHERY FINANCE PROGRAM HURRICANE ASSISTANCE.

(a) LOAN ASSISTANCE.—Subject to availability of appropriations, the Secretary of Commerce shall provide assistance to eligible holders of fishery finance program loans and allocate such assistance among eligible holders based upon their outstanding principal balances as of December 2, 2005, for any of the following purposes:

(1) To defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan.

(2) To allow for an extension of the term of the loan for up to 1 year beyond the remaining term of the loan, or September 30, 2013, whichever is later.

(3) To pay the interest costs for such loans over fiscal years 2006 through 2012, not to exceed amounts authorized under subsection (d).

(4) To provide opportunities for loan forgiveness, as specified in subsection (c).

(b) LOAN FORGIVENESS.—

(1) IN GENERAL.—Upon application made by an eligible holder of a fishery finance program loan, made at such time, in such manner, and containing such information as the Secretary may require, the Secretary, on a calendar year basis beginning in 2005, may—

(A) offset against the outstanding balance on the loan an amount equal to the sum of the amounts expended by the holder during the calendar year to repair or replace covered vessels or facilities, or to invest in new fisheries infrastructure within or for use within the declared fisheries disaster area; or

(B) cancel the amount of debt equal to 100 hundred percent of actual expenditures on eligible repairs, reinvestment, expansion, or new investment in fisheries infrastructure in the disaster region, or repairs to, or replacement of, eligible fishing vessels.

(c) DEFINITIONS.—In this section:

(1) DECLARED FISHERIES DISASTER AREA.—The term “declared fisheries disaster area” means fisheries located in the major disaster area designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita.

(2) ELIGIBLE HOLDER.—The term “eligible holder” means the holder of a fishery finance program loan if—

(A) that loan is used to guarantee or finance any fishing vessel or fish processing facility home-ported or located within the declared fisheries disaster area; and

(B) the holder makes expenditures to repair or replace such covered vessels or facilities, or invests in new fisheries infrastructure within or for use within the declared fisheries disaster area, to restore such facilities following the disaster.

(3) FISHERY FINANCE PROGRAM LOAN.—The term “fishery finance program loan” means a loan made or guaranteed under the fishery finance program under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the purposes of this section not more than $15,000,000 for each eligible holder for the period beginning with fiscal year 2006 through fiscal year 2012.

SEC. 116. SHRIMP FISHERIES HURRICANE ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico shrimp fishing industry.

(b) ALLOCATION OF FUNDS.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the shrimp catch landed by each State, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

(c) USE OF FUNDS.—Of the amounts made available to each State under the program—

(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

(2) the remainder of the amounts shall be used for—

(A) personal assistance, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

(B) assistance for small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

(C) domestic product marketing and seafood promotion;

(D) State seafood testing programs;

(E) the development of limited entry programs for the fishery;

(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $17,500,000 for fiscal years 2006 through 2011 to carry out this section.

SEC. 117. BYCATCH REDUCTION ENGINEERING PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 114 of this Act, is further amended by adding at the end the following:

"SEC. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

"(a) Bycatch Reduction Engineering Program.—Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird bycatch, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

"(1) be regionally based;

"(2) be coordinated with projects conducted under the cooperative research and management program established under this Act;

"(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

"(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

"(b) Incentives.—Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird bycatch amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

"(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

"(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird bycatch rates; and

"(3) measures that, based on the best scientific information available, will reduce bycatch and seabird bycatch, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

"(c) Coordination on Seabird Bycatch.—The Secretary, in coordination with the Secretary of Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

"(1) outreach to industry on new technologies and methods; and

"(2) projects to mitigate for seabird mortality.".

SEC. 118. COMMUNITY-BASED RESTORATION PROGRAM FOR FISHERY AND COASTAL HABITATS.

(a) In General.—The Secretary of Commerce shall establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.

(b) Authorized Activities.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;

(2) advance the science and monitoring of coastal habitat restoration;

(3) transfer restoration technologies to the private sector, the public, and other governmental agencies;

(4) develop public-private partnerships to accomplish sound coastal restoration projects;

(5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;

(6) promote stewardship of fishery and coastal habitats; and

(7) leverage resources through national, regional, and local public-private partnerships.

SEC. 119. PROHIBITED ACTS.

Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" after the semicolon in subparagraph (O);

(2) by striking "carcass." in subparagraph (P) and inserting "carcass;"; and

(3) by inserting after subparagraph (P) and before the last sentence the following:

"(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation; or

"(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or in the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).".

SEC. 120. ENFORCEMENT.

(a) Civil Enforcement.—Section 308 (16 U.S.C. 1858) is amended—

(1) by striking "$100,000" in subsection (a) and inserting "$240,000";

(2) by striking "this section," in subsection (f) and inserting "this Act (or any other marine resource law enforced by the Secretary),";

(3) by inserting "a permit, or any interest in a permit," in subsection (g)(3) after "vessel," each place it appears;

(4) by striking "the vessel" in subsection (g)(3) and inserting "the vessel, permit, or interest";

(5) by inserting "or any amount in settlement of a civil forfeiture," after "criminal fine," in subsection (g)(4); and

(6) by striking "penalty or fine" in subsection (g)(4) and inserting "penalty, fine, or settlement amount".

(b) Criminal Penalties.—Section 309 (16 U.S.C. 1859) is amended to read as follows:

"SEC. 309. CRIMINAL PENALTIES.

"(a) Fines and Imprisonment.—

"(1) In general.—Any person (other than a foreign government or entity thereof) who knowingly violates subparagraph (D), (E), (F), (H), (I), or (L) of paragraph (1) of section 307, or paragraph (2) of section 307, shall be imprisoned for not more than 5 years and fined—

"(A) not more than $500,000 if such person is an individual; or

"(B) not more than $1,000,000 if such person is a corporation or other legal entity other than an individual.

"(2) Aggravated offenses.—Notwithstanding paragraph (1), the maximum term of imprisonment shall be for not more than 10 years if—

"(A) the violator is an individual; and

"(B) in the commission of a violation described in paragraph (1), that individual—

"(A) used a dangerous weapon;

"(B) engaged in conduct that caused bodily injury to any observer described in section 307, any officer authorized to enforce the provisions of this Act under section 311, or any Council member or staff; or

"(C) placed any such observer, officer, Council member, or staff in fear of imminent bodily injury.

"(b) Other Violations.—Any person (other than a foreign government or entity thereof) who knowingly violates any other provision of section 307 shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

"(c) Jurisdiction.—

"(1) In general.—The district courts of the United States shall have jurisdiction over any action arising under this Act.

"(2) Venue.—For purposes of this Act—

"(A) each violation of this Act shall constitute a separate offense and the offense shall be deemed to have been committed not only in the district where it first occurred, but also in any other district as authorized by law;

"(B) any offense not committed within a judicial district of the United States is subject to the venue provisions of section 3238 of title 18, United States Code; and

"(C) American Samoa shall be included within the judicial district of the United States District Court for the District of Hawaii.".

(c) Civil Forfeitures.—Section 310(a) (16 U.S.C. 1860(a)) is amended—

(1) by striking "(other than any act for which the issuance of a citation under section 311(a) is sufficient sanction)"; and

(2) by striking "States." and inserting "States, except that no fishing vessel shall be subject to forfeiture under this section as the result of any act for which the issuance of a citation under section 311(a) is sufficient sanction.".

(d) Enforcement Responsibility.—Section 311(a) (16 U.S.C. 1861(a)) is amended—

(1) by striking "Act" and inserting "Act, and the provisions of any marine resource law administered by the Secretary,"; and

(2) by striking "State agency," and inserting "agency of any State, Territory, Commonwealth, or Tribe,".

(e) Powers of Authorized Officers.—Section 311(b) (16 U.S.C. 1861(b)) is amended by striking "Federal or State".

(f) Payment of Storage, Care, and Other Costs.—Section 311(e)(1)(B) (16 U.S.C. 1861(e)(1)(B)) is amended to read as follows:

"(B) a reward to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act or any other marine resource law enforced by the Secretary of up to the lesser of—

"(i) 20 percent of the penalty or fine collected; or

"(ii) $20,000;".

TITLE II—INFORMATION AND RESEARCH

SEC. 201. RECREATIONAL FISHERIES INFORMATION.

Section 401 (16 U.S.C. 1881) is amended by striking subsection (g) and inserting the following:

"(g) Recreational Fisheries.—

"(1) Federal program.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program, which shall not require a fee before January 1, 2011, shall provide for—

"(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

"(i) in the Exclusive Economic Zone;

"(ii) for anadromous species; or

"(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

"(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

"(2) State programs.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

“(3) DATA COLLECTION.—

“(A) IMPROVEMENT OF THE MARINE RECREATIONAL FISHERY STATISTICS SURVEY.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

“(B) NRC REPORT RECOMMENDATIONS.—The program shall take into consideration and, to the maximum extent feasible, implement the recommendations of the National Research Council in its report *Review of Recreational Fisheries Survey Methods* (2006), including—

“(i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and

“(ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

“(C) METHODOLOGY.—Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

“(i) an adequate number of dockside interviews to accurately estimate recreational catch and effort;

“(ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

“(iii) collection and analysis of vessel trip report data from charter fishing vessels; and

“(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates.

“(D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2011.

“(4) REPORT.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.”.

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended—

(1) by striking “(a) COUNCIL REQUESTS.—” in the subsection heading and inserting “(a) COLLECTION PROGRAMS.—”;

(2) by resetting the text following “(a) COLLECTION PROGRAMS.—” as a new paragraph 2 ems from the left margin;

(3) by inserting “(1) COUNCIL REQUESTS.—” before “If a Council”;

(4) by striking “subsection” in the last sentence and inserting “paragraph”;

(5) by striking “(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)” each place it appears; and

(6) by adding at the end the following:

“(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.”.

SEC. 203. ACCESS TO CERTAIN INFORMATION.

(a) IN GENERAL.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3) and resetting it 2 ems from the left margin;

(2) by striking all preceding paragraph (3), as redesignated, and inserting the following:

“(b) CONFIDENTIALITY OF INFORMATION.—

“(1) Any information submitted to the Secretary, a state fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act that contains confidential information shall be confidential and shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, except—

“(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

“(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of confidential information relating to any person;

“(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

“(D) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

“(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

“(F) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

“(G) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

“(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (G) of paragraph (1), or—

“(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

“(B) when such information is necessary in proceedings to adjudicate observer certifications; or

“(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

“(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

“(ii) to validate the accuracy of the observer information collected.”; and

(3) by striking “(1)(E),” in paragraph (3), as redesignated, and inserting “(2)(A),”.

(b) CONFORMING AMENDMENT.—Section 404(c)(4) (16 U.S.C. 1881c(c)(4)) is amended by striking “under section 401”.

SEC. 204. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 115, is further amended by adding at the end the following:

“SEC. 317. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

“(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants, and educational institutions.

“(b) ELIGIBLE PROJECTS.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

“(c) FUNDING.—In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

“(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

“(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

“(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

“(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

“(5) Projects designed to collect and compile economic and social data.

“(d) EXPERIMENTAL PERMITTING PROCESS.—Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

“(e) GUIDELINES.—The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

"(f) Exempted Projects.—The procedures of this section shall not apply to research funded by quota set-asides in a fishery.".

SEC. 205. HERRING STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 204, is further amended by adding at the end the following:

"SEC. 318. HERRING STUDY.

"(a) In General.—The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

"(b) Report.—The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

"(c) Authorization of Appropriations.—There are authorized to be appropriated $2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.".

SEC. 206. RESTORATION STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 205, is further amended by adding at the end the following:

"SEC. 319. RESTORATION STUDY.

"(a) In General.—The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

"(b) Authorization of Appropriations.—There are authorized to be appropriated $500,000 for fiscal year 2007 to conduct this study.".

SEC. 207. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.

Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. 1855 note) is amended—

(1) by striking "and the Secretary of the Interior are" in paragraph (1) and inserting "is";

(2) by striking "not less than three and not more than five" in paragraph (1); and

(3) by striking paragraph (6) and inserting the following:

"(6) In this subsection the term 'Western Pacific community' means a community eligible to participate under section 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(2)(B)(i) through (iv)).".

SEC. 208. FISHERIES CONSERVATION AND MANAGEMENT FUND.

(a) In General.—The Secretary shall establish and maintain a fund, to be known as the "Fisheries Conservation and Management Fund", which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) Purposes.—Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

(A) expanding the use of electronic catch reporting programs and technology; and

(B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;

(2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;

(3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;

(4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;

(5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States;

(6) improving data collection under the Marine Recreational Fishery Statistics Survey in accordance with section 401(g)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)); and

(7) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia.

(c) Deposits to the Fund.—

(1) Quota set-asides.—Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) Other funds.—In addition to amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

(A) appropriations for the purposes of this section; and

(B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) Regional Allocation.—The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to recommendations of the Councils, based on regional priorities identified through the Council process, except that no region shall receive less than 5 percent of the Fund in each allocation period.

(e) Limitation on the Use of the Fund.—No amount made available from the Fund may be used to defray the costs of carrying out requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) other than those uses identified in this section.

SEC. 209. USE OF FISHERY FINANCE PROGRAM AND CAPITAL CONSTRUCTION FUND FOR SUSTAINABLE PURPOSES.

(a) Purpose of Fishery Finance Program Obligations.—Section 1104A(a)(7) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(a)(7)) is amended to read as follows:

"(7) financing or refinancing including.

"(A) the reimbursement of obligors for expenditures previously made, for the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act;

"(B) activities that assist in the transition to reduced fishing capacity; or

"(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.".

(b) Expansion of Purposes for Qualified Withdrawals.—Section 607(f)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)) is amended—

(1) by striking "for:" and inserting "for—";

(B) by striking "vessel," in subparagraph (A) and inserting "vessel;";

(C) by striking "vessel, or" in subparagraph (B) and inserting "vessel;";

(D) by striking "vessel." in subparagraph (C) and inserting "vessel;"; and

(E) by inserting after subparagraph (C) the following:

"(D) in the case of any person for whose benefit the fund was established and who participates in the fishing capacity reduction program under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a)—

"(i) if such person remains in the fishery, the satisfaction of any debt obligation undertaken pursuant to such program; and

"(ii) if such person withdraws 1 or more vessels from the fishery, the substitution of amounts the person would otherwise receive under such program for such person's vessel or permit to engage in the fishery;

"(E) the repair, maintenance, or upgrade of an eligible vessel or its equipment for the purpose of—

"(i) making conservation engineering changes to reduce bycatch, improve selectivity of fishing gear, or reduce adverse impacts of fishing gear;

"(ii) improving vessel safety; or

"(iii) acquiring, installing, or upgrading equipment to improve collection, reporting, or accuracy of fishery data; or

"(F) the acquisition, construction, reconstruction, upgrading, or investment in shoreside fishery-related facilities or infrastructure in the United States for the purpose of promoting United States ownership of fishery-related facilities in the United States without contributing to overcapacity in the sector.".

SEC. 210. REGIONAL ECOSYSTEM RESEARCH.

Section 406 (16 U.S.C. 1882) is amended by adding at the end the following:

"(f) Regional Ecosystem Research.—

"(1) Study.—Within 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

"(A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal, state, and regional sources;

"(B) recommendations for processes for incorporating broad stake holder participation;

"(C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and

"(D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

"(2) Agency Technical Advice and Assistance, Regional Pilot Programs.—The Secretary is authorized to provide necessary technical advice and assistance, including grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.''.

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

Title IV (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

"SEC. 408. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal agencies and educational institutions, shall establish a program—

''(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

''(2) to locate and map locations of deep sea corals and submit such information to the Councils;

''(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

''(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

''(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

''(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

''(b) REPORTING.—Beginning 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify and monitor, and the Councils to protect, deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.''.

SEC. 212. IMPACT OF TURTLE EXCLUDER DEVICES ON SHRIMPING.

(a) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall execute an agreement with the National Academy of Sciences to conduct, jointly, a multi-year, comprehensive in-water study designed—

(1) to measure accurately the efforts and effects of shrimp fishery efforts to utilize turtle excluder devices;

(2) to analyze the impact of those efforts on sea turtle mortality, including interaction between turtles and shrimp trawlers in the inshore, nearshore, and offshore waters of the Gulf of Mexico and similar geographical locations in the waters of the Southeastern United States; and

(3) to evaluate innovative technologies to increase shrimp retention in turtle excluder devices while ensuring the protection of endangered and threatened sea turtles.

(b) OBSERVERS.—In conducting the study, the Undersecretary shall ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary.

(c) INTERIM REPORTS.—During the course of the study and until a final report is submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, the National Academy of Sciences shall transmit interim reports to the Committees biannually containing a summary of preliminary findings and conclusions from the study.

SEC. 213. HURRICANE EFFECTS ON SHRIMP AND OYSTER FISHERIES AND HABITATS.

(a) FISHERIES REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on—

(1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas;

(2) shrimp fishing vessels in those States; and

(3) the oyster industry in those States.

(b) HABITAT REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

(c) HABITAT RESTORATION.—The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.

SEC. 214. NORTHWEST PACIFIC FISHERIES CONSERVATION.

Section 313 (16 U.S.C. 1862) is amended—

(1) by striking ''all fisheries under the Council's jurisdiction except salmon fisheries'' in subsection (a) and inserting ''any fishery under the Council's jurisdiction except a salmon fishery'';

(2) by striking subsection (a)(2) and inserting the following:

''(2) establishes a system, or system, of fees, which may vary by fishery, management area, or observer coverage level, to pay for the cost of implementing the plan.'';

(3) by striking ''observers'' in subsection (b)(2)(A) and inserting ''observers, or electronic monitoring systems,'';

(4) by inserting ''a fixed amount reflecting actual observer costs as described in subparagraph (A) or'' in subsection (b)(2)(E) after ''expressed as'';

(5) by inserting ''some or'' in subsection (b)(2)(F) after ''against'';

(6) by inserting ''or an electronic monitoring system'' after ''observer'' in subsection (b)(2)(F);

(7) by striking ''and'' after the semicolon in subsection (b)(2)(H); and

(8) by redesignating subparagraph (I) of subsection (b)(2) as subparagraph (J) and inserting after subparagraph (H) the following:

''(I) provide that fees collected will be credited against any fee for stationing observers or electronic monitoring systems on board fishing vessels and United States fish processors and the actual cost of inputting collected data to which a fishing vessel or fish processor is subject under section 304(d) of this Act; and''.

SEC. 215. NEW ENGLAND GROUNDFISH FISHERY.

(a) REVIEW.—The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies Fishery Management Plan.

(b) REPORT.—The Secretary shall report the Secretary's findings under subsection (a) within 30 days after the date of enactment of this Act. The Secretary shall include in the report a detailed discussion of each of the following:

(1) The economic and social implications for affected parties within the fishery, including potential losses to infrastructure, expected from the imposition of Framework 42.

(2) The estimated average annual income generated by fishermen in New England, separated by State and vessel size, and the estimated annual income expected after the imposition of Framework 42.

(3) Whether the differential days-at-sea counting imposed by Framework 42 would result in a reduction in the number of small vessels actively participating in the New England Fishery.

(4) The percentage and approximate number of vessels in the New England fishery, separated by State and vessel type, that are incapable of fishing outside the areas designated in Framework 42 for differential days-at-sea counting.

(5) The percentage of the annual groundfish catch in the New England fishery that is harvested by small vessels.

(6) The current monetary value of groundfish permits in the New England fishery and the actual impact that the potential imposition of Framework 42 is having on such value.

(7) Whether permitting days-at-sea to be leased is altering the market value for groundfish permits or days-at-sea in New England.

(8) Whether there is a substantially high probability that the biomass targets used as a basis for Amendment 13 remain achievable.

(9) An identification of the year in which the biomass targets used as a basis for Amendment 13 were last evident or achieved, and the evidence used to determine such date.

(10) Any separate or non-fishing factors, including environmental factors, that may be leading to a slower rebuilding of groundfish than previously anticipated.

(11) The potential harm to the non-fishing environment and ecosystem from the reduction in fishing resulting from Framework 42 and the potential redevelopment of the coastal land for other purposes, including potential for increases in non-point source of pollution and other impacts.

SEC. 216. REPORT ON COUNCIL MANAGEMENT COORDINATION.

The Mid-Atlantic Fishery Council, in consultation with the New England Fishery Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation within 9 months after the date of enactment of this Act—

(1) describing the role of council liaisons between the Mid-Atlantic and New England Councils, including an explanation of council policies regarding the liaison's role in Council decision-making since 1996;

(2) describing how management actions are taken regarding the operational aspects of current joint fishery management plans, and how such joint plans may undergo changes through amendment or framework processes;

(3) evaluating the role of the New England Fishery Council and the Mid-Atlantic Fishery Council liaisons in the development and approval of management plans for fisheries in which the liaisons or members of the noncontrolling Council have a demonstrated interest and significant current and historical landings of species managed by either Council;

(4) evaluating the effectiveness of the various approaches developed by the Councils to

improve representation for affected members of the non-controlling Council in Council decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act; and

(5) analyzing characteristics of North Carolina and Florida that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support Rhode Island's inclusion on a second Council (the Mid-Atlantic Council).

TITLE III—OTHER FISHERIES STATUTES

SEC. 301. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.

(a) CIVIL PENALTIES.—Section 8(a) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f(a)) is amended—

(1) by striking "$25,000" and inserting "$200,000";

(2) by striking "violation, the degree of culpability, and history of prior offenses, ability to pay," in the fifth sentence and inserting "violator, the degree of culpability, any history of prior offenses,"; and

(3) by adding at the end the following: "In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.".

(b) PERMIT SANCTIONS.—Section 8 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f) is amended by adding at the end the following:

"(e) REVOCATION OR SUSPENSION OF PERMIT.—

"(1) IN GENERAL.—The Secretary may take any action described in paragraph (2) in any case in which—

"(A) a vessel has been used in the commission of any act prohibited under section 7;

"(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 7; or

"(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue.

"(2) PERMIT-RELATED ACTIONS.—Under the circumstances described in paragraph (1) the Secretary may—

"(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

"(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(C) deny such permit; or

"(D) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to any foreign fishing vessel, on the approved application of the foreign nation involved and on any permit issued under that application.

"(3) FACTORS TO BE CONSIDERED.—In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

"(4) TRANSFERS OF OWNERSHIP.—Transfer of ownership of a vessel, a permit, or any interest in a permit, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, permit, or interest in a permit, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel, permit, or interest at the time of the transfer.

"(5) REINSTATEMENT.—In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty, criminal fine, or any amount in settlement of a civil forfeiture, the Secretary shall reinstate the permit upon payment of the penalty, fine, or settlement amount and interest thereon at the prevailing rate.

"(6) HEARING.—No sanction shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed either in conjunction with a civil penalty proceeding under this section or otherwise.

"(7) PERMIT DEFINED.—In this subsection, the term 'permit' means any license, certificate, approval, registration, charter, membership, exemption, or other form of permission issued by the Commission or the Secretary, and includes any quota share or other transferable quota issued by the Secretary.".

(c) CRIMINAL PENALTIES.—Section 9(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773g(b)) is amended—

(1) by striking "$50,000" and inserting "$200,000"; and

(2) by striking "$100,000," and inserting "$400,000,".

SEC. 302. REAUTHORIZATION OF OTHER FISHERIES ACTS.

(a) ATLANTIC STRIPED BASS CONSERVATION ACT.—Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 5156(a)) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2006, 2007, 2008, 2009, and 2010, there are authorized to be appropriated to carry out this Act—

"(1) $1,000,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.".

(b) YUKON RIVER SALMON ACT OF 2000.—Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking "$4,000,000 for each of fiscal years 2004 through 2008," and inserting "$4,000,000 for each of fiscal years 2006 through 2010,".

(c) SHARK FINNING PROHIBITION ACT.—Section 10 of the Shark Finning Prohibition Act (16 U.S.C. 1822 note) is amended by striking "fiscal years 2001 through 2005" and inserting "fiscal years 2006 through 2010".

(d) PACIFIC SALMON TREATY ACT.—

(1) TRANSFER OF SECTION TO ACT.—The text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A-56), as introduced on November 17, 1999, and enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113)—

(A) is transferred to the Pacific Salmon Treaty Act (16 U.S.C. 3631 et seq.) and inserted after section 15; and

(B) amended—

(i) by striking "SEC. 623."; and

(ii) inserting before "(a) NORTHERN FUND AND SOUTHERN FUND.—" the following:

"SEC. 16. NORTHERN AND SOUTHERN FUNDS; TREATY IMPLEMENTATION; ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.".

(2) REAUTHORIZATION.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act, as transferred by subsection (a), is amended—

(1) by inserting "sustainable salmon fisheries," after "enhancement,"; and

(2) by inserting "2006, 2007, 2008, and 2009," after "2005,".

(e) STATE AUTHORITY FOR DUNGENESS CRAB FISHERY MANAGEMENT.—Section 203 of Public Law 105–384 (16 U.S.C. 1856 note) is amended—

(1) by striking "September 30, 2006." in subsection (i) and inserting "September 30, 2016.";

(2) by striking "health" in subsection (j) and inserting "status"; and

(3) by striking "California." in subsection (j) and inserting "California, including—

"(1) stock status and trends throughout its range;

"(2) a description of applicable research and scientific review processes used to determine stock status and trends; and

"(3) measures implemented or planned that are designed to prevent or end overfishing in the fishery.".

(f) PACIFIC FISHERY MANAGEMENT COUNCIL.—

(1) IN GENERAL.—The Pacific Fishery Management Council shall develop a proposal for the appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery under its jurisdiction. The proposal may include only the Pacific whiting fishery, including the shore-based sector, if the Pacific Council determines that a rationalization plan for the fishery as a whole cannot be achieved before the report is required to be submitted under paragraph (3).

(2) REQUIRED ANALYSIS.—In developing the proposal to rationalize the fishery, the Pacific Council shall fully analyze alternative program designs, including the allocation of limited access privileges to harvest fish to fishermen and processors working together in regional fishery associations or some other cooperative manner to harvest and process the fish, as well as the effects of these program designs and allocations on competition and conservation. The analysis shall include an assessment of the impact of the proposal on conservation and the economics of communities, fishermen, and processors participating in the trawl groundfish fisheries, including the shore-based sector of the Pacific whiting fishery.

(3) REPORT.—The Pacific Council shall submit the proposal and related analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources no later than 24 months after the date of enactment of this Act.

TITLE IV—INTERNATIONAL

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

"SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.

"(a) IN GENERAL.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

"(b) SPECIFIC AUTHORITIES.—In carrying out subsection (a), the Secretary may—

"(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

‘‘(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

‘‘(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements;

‘‘(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed by international fishery management organizations;

‘‘(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

‘‘(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

‘‘(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.’’.

SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

‘‘(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.’’.

SEC. 403. ACTION TO END ILLEGAL, UNREPORTED, OR UNREGULATED FISHING AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES.

(a) In General.—Title VI of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.), is amended by adding at the end the following:

‘‘SEC. 607. BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.

‘‘The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and every 2 years thereafter, a report that includes—

‘‘(1) the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources;

‘‘(2) a list of nations whose vessels have been identified under sections 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610;

‘‘(3) a description of efforts taken by nations on those lists to comply take appropriate corrective action consistent with sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

‘‘(4) progress at the international level, consistent with section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

‘‘(5) steps taken by the Secretary at the international level to adopt international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.

‘‘SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.

‘‘The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils and any relevant advisory committees, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

‘‘(1) urging international fishery management organizations to which the United States is a member—

‘‘(A) to incorporate multilateral market-related measures against member or nonmember governments whose vessels engage in illegal, unreported, or unregulated fishing;

‘‘(B) to seek adoption of lists that identify fishing vessels and vessel owners engaged in illegal, unreported, or unregulated fishing that can be shared among all members and other international fishery management organizations;

‘‘(C) to seek international adoption of a centralized vessel monitoring system in order to monitor and document capacity in fleets of all nations involved in fishing in areas under the an international fishery management organization's jurisdiction;

‘‘(D) to increase use of observers and technologies needed to monitor compliance with conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

‘‘(E) to seek adoption of stronger port state controls in all nations, particularly those nations in whose ports vessels engaged in illegal, unreported, or unregulated fishing land or transship fish;

‘‘(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

‘‘(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

‘‘(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

‘‘(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

‘‘(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

‘‘SEC. 609. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

‘‘(a) Identification.—The Secretary shall identify, and list in the report under section 607, a nation if fishing vessels of that nation are engaged, or have been engaged at any point during the preceding two years in illegal, unreported, or unregulated fishing; and—

‘‘(1) the relevant international fishery management organization has failed to implement effective measures to end the illegal unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization; or

‘‘(2) where no international fishery management organization exists with a mandate to regulate the fishing activity in question.

‘‘(b) Notification.—An identification under subsection (a) or section 610(a) is deemed to be an identification under section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)(1)(A)), and the Secretary shall notify the President and that nation of such identification.

‘‘(c) Consultation.—No later than 60 days after submitting a report to Congress under section 607, the Secretary, acting through the Secretary of State, shall—

‘‘(1) notify nations listed in the report of the requirements of this section;

‘‘(2) initiate consultations for the purpose of encouraging such nations to take the appropriate corrective action with respect to the offending activities of their fishing vessels identified in the report; and

‘‘(3) notify any relevant international fishery management organization of the actions taken by the United States under this section.

‘‘(d) IUU Certification Procedure.—

‘‘(1) Certification.—The Secretary shall establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of any nation listed by the Secretary under subsection (a), for determining if that government has taken appropriate corrective action with respect to the offending activities of its fishing vessels identified in the report under section 607. The Secretary shall determine, on the basis of the procedure, and certify to the Congress no later than 90 days after the date on which the Secretary promulgates a final rule containing the procedure, and biennially thereafter in the report under section 607—

‘‘(A) whether the government of each nation identified under subsection (b) has provided documentary evidence that it has taken corrective action with respect to the offending activities of its fishing vessels identified in the report; or

‘‘(B) whether the relevant international fishery management organization has implemented measures that are effective in ending the illegal, unreported, or unregulated fishing activity by vessels of that nation.

"(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that—

"(A) the vessel has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party; or

"(B) the vessel is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities.

"(3) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) (except to the extent that such provisions apply to sport fishing equipment or fish or products thereof not managed under the relevant international fishery agreement (or, where there is no such agreement, not caught by the vessels engaged in illegal, unreported, or unregulated fishing)) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

"(e) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.—

"(1) IN GENERAL.—In this Act the term 'illegal, unreported, or unregulated fishing' has the meaning established under paragraph (2).

"(2) SECRETARY TO DEFINE TERM WITHIN LEGISLATIVE GUIDELINES.—Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act.

"(3) GUIDELINES.—The Secretary shall include in the definition, at a minimum—

"(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;

"(B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

"(C) fishing activity, including bottom trawling, that has adverse impacts on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2006 through 2012 such sums as are necessary to carry out this section.

"SEC. 610. EQUIVALENT CONSERVATION MEASURES.

"(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

"(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices;

"(A) beyond the exclusive economic zone of any nation that result in bycatch of a protected living marine resource; or

"(B) beyond the exclusive economic zone of the United States that result in bycatch of a protected living marine resource shared by the United States;

"(2) the relevant international organization for the conservation and protection of such resources or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

"(3) the nation has not adopted a regulatory program governing such fishing practices designed to end or reduce such bycatch that is comparable to that of the United States, taking into account different conditions.

"(b) CONSULTATION AND NEGOTIATION.—The Secretary, acting through the Secretary of State, shall—

"(1) notify, as soon as possible, other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;

"(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, fishing activities or practices described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species;

"(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

"(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.

"(c) CONSERVATION CERTIFICATION PROCEDURE.—

"(1) CERTIFICATION.—The Secretary shall determine, on the basis of a procedure consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, and including notice and an opportunity for comment by the governments of any nation identified by the Secretary under subsection (a). The Secretary shall certify to the Congress by January 31, 2007, and biennially thereafter whether the government of each harvesting nation—

"(A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of the protected living marine resource that is comparable to that of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

"(B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.

"(2) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

"(A) are comparable to those of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

"(B) include the gathering of species specific data that can be used to support international and regional stock assessments and conservation efforts for protected living marine resources.

"(3) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) (except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

"(d) INTERNATIONAL COOPERATION AND ASSISTANCE.—To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary shall—

"(1) provide appropriate assistance to nations identified by the Secretary under subsection (a) and international organizations of which those nations are members to assist those nations in qualifying for certification under subsection (c);

"(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

"(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under subsection (c); and

"(4) provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans.

"(e) PROTECTED LIVING MARINE RESOURCE DEFINED.—In this section the term 'protected living marine resource'—

"(1) means non-target fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

"(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2006 through 2012 such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENTS.—

(1) DENIAL OF PORT PRIVILEGES.—Section 101(b) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)) is amended

by inserting "or illegal, unreported, or unregulated fishing" after "fishing" in paragraph (1)(A)(i), paragraph (1)(B), paragraph (2), and paragraph (4)(A)(i).

(2) DURATION OF DENIAL.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by inserting "or illegal, unreported, or unregulated fishing" after "fishing".

SEC. 404. MONITORING OF PACIFIC INSULAR AREA FISHERIES.

(a) WAIVER AUTHORITY.—Section 201(h)(2)(B) (16 U.S.C. 1821(h)(2)(B)) is amended by striking "that is at least equal in effectiveness to the program established by the Secretary;" and inserting "or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;".

(b) MARINE CONSERVATION PLANS.—Section 204(e)(4)(A)(i) (16 U.S.C. 1824(e)(4)(A)(i)) is amended to read as follows:

"(i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;".

SEC. 405. REAUTHORIZATION OF ATLANTIC TUNAS CONVENTION ACT.

(a) IN GENERAL.—Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

"(1) $5,495,000 for fiscal year 2006;

"(2) $5,770,000 for each of fiscal years 2007 and 2008;

"(3) $6,058,000 for each of fiscal years 2009 and 2010; and

"(4) $6,361,000 for each of fiscal years 2011 and 2012.

"(b) ALLOCATION.—Of the amounts made available under subsection (a) for each fiscal year—

"(1) $160,000 are authorized for the advisory committee established under section 4 of this Act and the species working groups established under section 4A of this Act; and

"(2) $7,500,000 are authorized for research activities under this Act and section 3 of Public Law 96-339 (16 U.S.C. 971i), of which $3,000,000 shall be for the cooperative research program under section 3(b)(2)(H) of that section (16 U.S.C. 971i(b)(2)(H).".

(b) DISQUALIFICATION FROM APPOINTMENT TO INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS.—Section 3(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)) is amended by adding at the end the following:

"(4) An individual who has directly represented, aided, or advised a foreign entity in any marine resources negotiation, or marine resource dispute, with the United States may not be appointed or serve as a Commissioner.".

(c) ATLANTIC BILLFISH COOPERATIVE RESEARCH PROGRAM.—Section 3(b)(2) of Public Law 96-339 (16 U.S.C. 971i(b)(2)) is amended—

(1) by striking "and" after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

"(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and".

SEC. 406. INTERNATIONAL OVERFISHING AND DOMESTIC EQUITY.

(a) INTERNATIONAL OVERFISHING.—Section 304 (16 U.S.C. 1854) is amended by adding at the end thereof the following:

"(i) INTERNATIONAL OVERFISHING.—The provisions of this subsection shall apply in lieu of subsection (e) to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

"(1) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

"(2) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

"(A) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

"(B) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.".

(b) HIGHLY MIGRATORY SPECIES TAGGING RESEARCH.—Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is amended by striking "(16 U.S.C. 971d)" and inserting "(16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act,".

SEC. 407. U.S. CATCH HISTORY.

In establishing catch allocations under international fisheries agreements, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, and the Secretary of State, shall ensure that all catch history in a fishery associated with a vessel of the United States remains with the United States in that fishery, and is not transferred or credited to any other nation or vessel of such nation, including when a vessel of the United States is sold or transferred to a citizen of another nation or to an entity controlled by citizens of another nation.

SEC. 408. SECRETARIAL REPRESENTATIVE FOR INTERNATIONAL FISHERIES.

(a) IN GENERAL.—The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.

(b) ADVICE.—The designated official shall, in consultation with the Deputy Assistant Secretary for International Affairs and the Administrator of the National Marine Fisheries Service, advise the Secretary, Undersecretary of Commerce for Oceans and Atmosphere, and other senior officials of the Department of Commerce and the National Oceanic and Atmospheric Administration on development of policy on international fisheries conservation and management matters.

(c) CONSULTATION.—The designated official shall consult with the Senate Committee on Commerce, Science, and Transportation and the House Committee on Resources on matters pertaining to any regional or international negotiation concerning living marine resources, including shellfish, including before initialing any agreement concerning living marine resources or attending any official meeting at which management measures will be discussed, and shall otherwise keep the committees informed throughout the negotiation process.

(d) DELEGATION.—The designated official may delegate and authorize successive redelegation of such functions, powers, and duties to such officers and employees of the National Oceanic and Atmospheric Administration as deemed necessary to discharge the responsibility of the Office.

(e) DISQUALIFICATION FROM DESIGNATION.—The Secretary may not designate an individual under subsection (a) who has directly represented, aided, or advised a foreign entity (as defined in section 207(f)(3) of title 18, United States Code) in any marine resource negotiation, or marine resource dispute, with the United States.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the "Western and Central Pacific Fisheries Convention Implementation Act".

SEC. 502. DEFINITIONS.

In this title:

(1) 1982 CONVENTION.—The term "1982 Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) AGREEMENT.—The term "Agreement" means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(3) COMMISSION.—The term "Commission" means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention.

(4) CONVENTION AREA.—The term "convention area" means all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141th meridian of east longitude to its intersection with the 55th parallel of south latitude; thence due east along the 55th parallel of south latitude to its intersection with the 150th meridian of east longitude; thence due south along the 150th meridian of east longitude to its intersection with the 60th parallel of south latitude; thence due east along the 60th parallel of south latitude to its intersection with the 130th meridian of west longitude; thence due north along the 130th meridian of west longitude to its intersection with the 4th parallel of south latitude; thence due west along the 4th parallel of south latitude to its intersection with the 150th meridian of west longitude; thence due north along the 150th meridian of west longitude.

(5) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means the zone

established by Presidential Proclamation Numbered 5030 of March 10, 1983.

(6) FISHING.—The term "fishing" means:

(A) searching for, catching, taking, or harvesting fish.

(B) attempting to search for, catch, take, or harvest fish.

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose.

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons.

(E) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (A) through (D), including transshipment.

(F) use of any other vessel, vehicle, aircraft, or hovercraft, for any activity described in subparagraphs (A) through (E) except for emergencies involving the health and safety of the crew or the safety of a vessel.

(7) FISHING VESSEL.—The term "fishing vessel" means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels, and any other vessel directly involved in such fishing operations.

(8) HIGHLY MIGRATORY FISH STOCKS.—The term "highly migratory fish stocks" means all fish stocks of the species listed in Annex 1 of the 1982 Convention occurring in the Convention Area, and such other species of fish as the Commission may determine.

(9) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(11) TRANSHIPMENT.—The term "transshipment" means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

(12) WCPCF CONVENTION; WESTERN AND CENTRAL PACIFIC CONVENTION.—The terms "WCPCF Convention" and "Western and Central Pacific Convention" means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, with Annexes, which was adopted at Honolulu, Hawaii, on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

SEC. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) IN GENERAL.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) tort claims liability as provided under chapter 171 of title 28 United States Code;

(C) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(D) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) TRAVEL EXPENSES.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

(B) TERMS AND PRIVILEGES.—Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. Members of the advisory committee may attend all public meetings of the Commission, Council, or any Panel to which they are invited by the Commission, Council, or any Panel. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) PROCEDURES.—The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion, and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) COMPENSATION; STATUS; EXPENSES.—Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall not be considered Federal employees by reason of their service as members of an advisory committee, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(f) MEMORANDUM OF UNDERSTANDING.—For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that specifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

SEC. 504. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary and the United States Commissioners, approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

SEC. 505. RULEMAKING AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) Promulgation of Regulations.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this title, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the WCPFC Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) Additions to Fishery Regimes and Regulations.—The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.

SEC. 506. ENFORCEMENT.

(a) In General.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title, except to the extent otherwise provided for in this Act;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(A) the administration and enforcement of this title; and

(B) the conduct of scientific, research, and other programs under this title;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) if recommended by the United States Commissioners or proposed by a Council with authority over the relevant fishery, assess and collect fees, not to exceed three percent of the ex-vessel value of fish harvested by vessels of the United States in fisheries managed pursuant to this title, to recover the actual costs to the United States of management and enforcement under this title, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone, under such terms and conditions as the Secretary may prescribe, and shall remain valid for a period to be determined by the Secretary.

(b) Consistency with Other Laws.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act (16 U.S.C. 951 et seq.), the South Pacific Tuna Act (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), and the Atlantic Tunas Convention Act (16 U.S.C. 971).

(c) Actions by the Secretary.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) Confidentiality.—

(1) In general.—Any information submitted to the Secretary in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

(A) to Federal employees who are responsible for administering, implementing, and enforcing this Act;

(B) to the Commission, in accordance with requirements in the Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business or any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

(2) Use of information.—The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted in compliance with any requirement or regulation under this Act.

SEC. 507. PROHIBITED ACTS.

(a) In General.—It is unlawful for any person—

(1) to violate any provision of this title or any regulation or permit issued pursuant to this title;

(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, or an applicable permit issued pursuant to this title;

(3) to refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigations, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(5) to resist a lawful arrest for any act prohibited by this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this title or any regulation, permit, or agreement referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any chapter prohibited by this section;

(8) to knowingly and willfully submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishery vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this title;

(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer one a vessel under this title, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this title;

(10) to engage in fishing in violation of any regulation adopted pursuant to section 506(a) of this title;

(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this title to be made, kept, or furnished;

(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(14) to import, in violation of any regulation adopted pursuant to section 506(a) of this title, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 506(a) of this title.

(b) Entry Certification.—In the case of any fish described in subsection (a) offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to the Secretary that such fish is not ineligible for such entry under the terms of section 506(a) of this title.

SEC. 508. COOPERATION IN CARRYING OUT CONVENTION.

(a) Federal and State Agencies; Private Institutions and Organizations.—The Secretary may cooperate with agencies of the United States government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this title.

(b) Scientific and Other Programs; Facilities and Personnel.—All Federal agencies are authorized, upon the request of the Secretary, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

(c) Sanctioned Fishing Operations and Biological Experiements.—Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the WCPFC Convention.

(d) State Jurisdiction Not Affected.—Except as provided in subsection (e) of this section, nothing in this title shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(e) Application of Regulations—

(1) In general.—regulations promulgated under section 506(a) of this title shall apply within the boundaries of any State bordering on the Convention area if the Secretary has provided notice to such State, the State does not request an agency hearing, and the Secretary determines that the State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this title, enacted laws or promulgated regulations that implement the recommendations of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations that implement the recommendations of the commission within the boundaries of such State that—

(i) are less restrictive that the regulations promulgated under section 506(a) of this title; or

(ii) are not effectively enforced.

(2) Determination by Secretary.—The regulations promulgated pursuant to section 506(a) of this title shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures that are not less restrictive than the regulations promulgated under section 506(a) of this title.

(3) Hearing.—If a State requests a formal agency hearing, the Secretary shall not apply the regulations promulgated pursuant section 506(a) of this title within that State's boundaries unless the hearing record supports a determination under paragraph (1)(A) or (B).

(f) Review of State Laws and Regulations.—To ensure that the purposes of subsection (e) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (e) applies or may apply and the extent to which such laws and regulations are enforced.

SEC. 509. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 510. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of nations fishing for species under the management authority of the Western and Central Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to, or as soon as reasonably possible after, entering and transiting the Exclusive Economic Zone seaward of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area—

(1) notify the United States Coast Guard or the National Marine Fisheries Service Office of Law Enforcement in the appropriate region of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter United States waters;

(2) ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing; and

(3) where requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this title and to pay the United States' contribution to the Commission under section 5 of part III of the WCPFC Convention.

TITLE VI—PACIFIC WHITING

SEC. 601. SHORT TITLE.

This title may be cited as the "Pacific Whiting Act of 2006".

SEC. 602. DEFINITIONS.

In this title:

(1) Advisory panel.—The term "advisory panel" means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) Agreement.—The term "Agreement" means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) Catch.—The term "catch" means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) Joint management committee.—The term "joint management committee" means the joint management committee established by the Agreement.

(5) Joint technical committee.—The term "joint technical committee" means the joint technical committee established by the Agreement.

(6) Offshore whiting resource.—The term "offshore whiting resource" means the transboundary stock of *Merluccius productus* that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) Scientific review group.—The term "scientific review group" means the scientific review group established by the Agreement.

(8) Secretary.—The term "Secretary" means the Secretary of Commerce.

(9) United States section.—The term "United States Section" means the United States representatives on the joint management committee.

SEC. 603. UNITED STATES REPRESENTATION ON JOINT MANAGEMENT COMMITTEE.

(a) Representatives.—

(1) In general.—The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) Term of office.—Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) Chair.—Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) Alternate Representatives.—The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

SEC. 604. UNITED STATES REPRESENTATION ON THE SCIENTIFIC REVIEW GROUP.

(a) In General.—The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) Term.—An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual's predecessor shall be appointed to serve for the remainder of that term.

(c) Joint Appointments.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel —

(1) up to 2 independent members of the scientific review group; and

(2) 2 public advisors.

SEC. 605. UNITED STATES REPRESENTATION ON JOINT TECHNICAL COMMITTEE.

(a) Scientific Experts.—

(1) In general.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) Term of office.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(b) Independent Member.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

SEC. 606. UNITED STATES REPRESENTATION ON ADVISORY PANEL.

(a) In General.—

(1) Appointment.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and

(B) not employees of the United States.

(2) Term of office.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

SEC. 607. RESPONSIBILITIES OF THE SECRETARY.

(a) In General.—The Secretary is responsible for carrying out the Agreement and this title, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) Regulations; Cooperation with Canadian Officials.—In exercising responsibilities under this title, the Secretary—

(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this title; and

(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

SEC. 608. RULEMAKING.

(a) Application with Magnuson-Stevens Act.—The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this title rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this title.

(b) Joint Management Committee Recommendations.—For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) Years with No Approved Catch Recommendations.—If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

SEC. 609. ADMINISTRATIVE MATTERS.

(a) Employment Status.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(1) injury compensation under chapter 81 of title 5, United States Code;

(2) tort claims liability as provided under chapter 171 of title 28 United States Code;

(3) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(4) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) Compensation.—

(1) In general.—Except as provided in paragraph (2), an individual appointed under this title shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this title.

(2) Scientific review group.—Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 604(a) to serve as a scientific expert on the scientific review group who is not employed by the United States government, a State government, or an Indian tribal government in accordance with section 3109 of title 5, United States Code.

(c) Travel Expenses.—Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this title in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(d) Joint Appointees.—With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 604(c), and the 1 independent member to the joint technical committee jointly appointed under section 605(b), the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

SEC. 610. ENFORCEMENT.

(a) In General.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this title, subject to sections 552 and 552a of title 5, United States Code.

(b) Prohibited Acts.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) Actions by the Secretary.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) Penalties.—This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Secretary under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this title.

SA 4311. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 509. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Condition.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

"§529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency

"As a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, an officer shall acknowledge that upon termination of service in such position the officer shall be retired in accordance with section 1253 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

"529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency.".

(b) RETIREMENT.—

(1) IN GENERAL.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

"§1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency

"Upon termination of the appointment of an officer to the position of Director of National Intelligence or Director of the Central Intelligence Agency, the Secretary of the military department concerned shall retire the officer under any provision of this title under which the officer is eligible to retire.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

"1253. Mandatory retirement: Director of National Intelligence: Director of the Central Intelligence Agency.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

SA 4312. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. ENHANCEMENT OF BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve," and inserting "an individual referred to in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.".

(b) AMOUNT OF BONUS.—Subsection (d) of such section is amended to read as follows:

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable in two lump sums as provided in subsection (e).".

(c) PAYMENT OF BONUS.—Subsection (e) of such section is amended to read as follows:

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person referred.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.".

(d) COORDINATION WITH RECEIPT OF RETIRED PAY.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to such member is entitled under title 10, 37, or 38, United States Code, or under any other provision of law.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

SA 4313. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§329. Special pay: accession bonus for officer candidates

"(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

"(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—

"(1) to complete officer candidate school;

"(2) to accept a commission or appointment as an officer of the armed forces; and

"(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

"(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

"(d) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"329. Special pay: accession bonus for officer candidates.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 1, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) LIMITATION ON AMOUNT.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) CONSTRUCTION WITH ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

SA 4314. Mr. ALLEN (for himself, Mr. CRAIG, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. CREDIT MONITORING AND DATA THEFT PROTECTION SERVICES FOR VETERANS AND MEMBERS OF THE ARMED FORCES AFFECTED BY THEFT OF PERSONAL INFORMATION FROM THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CONTRACT FOR SERVICES REQUIRED.—The Secretary of Veterans Affairs shall enter into a contract with an appropriate entity under which contract such entity shall provide appropriate credit or identity protection monitoring services to veterans and members of the Armed Forces (including members of the National Guard and the Reserve) affected by the theft of personal information from the Department of Veterans Affairs on May 3, 2006.

(b) LIMITATION.—The Secretary shall ensure that the contract under subsection (a) permits only those veterans and members of the Armed Forces who choose to receive monitoring services under such contract to elect to have personal information monitored by the contractor under such contract.

(c) FIXED PRICE FOR SERVICES.—The contract under subsection (a) shall, at a minimum, provide a fixed price for any veteran or member of the Armed Forces who elects to receive services under such contract. Such price for such services shall be in effect under such contract for not less than 12 months beginning on the date of the commencement of the provision of services under such contract.

SA 4315. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended to read as follows:

"SEC. 721. REVIEW AND INVESTIGATION OF MERGERS, ACQUISITIONS, AND TAKEOVERS BY FOREIGN PERSONS AND GOVERNMENTS.

"(a) REVIEW OF TRANSACTIONS INVOLVING FOREIGN PERSONS AND GOVERNMENTS.—

"(1) REVIEWS REQUIRED.—

"(A) IN GENERAL.—CFIUS shall review any merger, acquisition, or takeover proposed or pending on or after the date of enactment of this section by, with, or on behalf of a foreign person or foreign government which could result in foreign control of a person engaged in interstate commerce in the United States, for which a review is requested, in the manner prescribed by regulations promulgated under this section.

"(B) PURPOSES.—The purpose of such review shall be to determine the effect on national security of such merger, acquisition, or takeover, whether an investigation of such transaction is required under subsection (b), or both.

"(2) TIMING OF REVIEWS.—

"(A) IN GENERAL.—A review of a proposed or pending merger, acquisition, or takeover described in paragraph (1) shall be completed not later than 30 days after the date of receipt by CFIUS of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated under this section.

"(B) EXTENSIONS UPON REQUEST.—Upon written request by the Secretary, Deputy Secretary, or Under Secretary of one or more of the agencies that make up CFIUS (including any agency described in subsection (c)(4)(I)) for additional time to review a case, the 30-day period described in subparagraph (A) shall be extended by not longer than an additional 30 days, if the Secretary, Deputy Secretary, or Under Secretary concludes that there is credible evidence to believe that if permitted to proceed with the transaction, the foreign acquiring entity may take action that threatens to impair the national security.

"(b) INVESTIGATIONS OF CERTAIN TRANSACTIONS.—

"(1) IN GENERAL.—CFIUS shall undertake an investigation to determine the effects on national security of any merger, acquisition, or takeover described in subsection (a)(1) proposed or pending on or after the date of enactment of this section—

"(A) which would—

"(i) result in control of any person engaged in interstate commerce in the United States by a foreign government, or a person acting by, with, or on behalf of a foreign government; or

"(ii) result in control of any critical infrastructure of or within the United States by, with, or on behalf of any foreign person, if CFIUS determines that any possible impairment to national security has not been mitigated by additional assurances, as described in subsection (i), during the review period under subsection (a); and

"(B) if the review by CFIUS under subsection (a) produces sufficient information to indicate the possibility of an impairment to national security, after consideration of the factors listed in subsection (g).

"(2) TIMING OF INVESTIGATIONS.—An investigation required to be undertaken under this subsection—

"(A) shall commence at such time as CFIUS determines under subsection (a) that such investigation is required, as prescribed by regulations promulgated pursuant to this section; and

"(B) shall be completed not later than 45 days after the date of its commencement.

"(3) RESUBMITTED FILINGS.—An investigation of a merger, acquisition, or takeover under this subsection which is interrupted because the notification or filing is withdrawn by the applicant, and which is subsequently resubmitted, shall require up to a 45-day investigation from the date on which CFIUS receives the new submission. The investigation shall include a review of the rationale for the withdrawal and resubmission of the proposed transaction to CFIUS.

"(4) COMPLETION OF INVESTIGATIONS REQUIRED.—An investigation of a merger, acquisition, or takeover under this subsection shall be completed, even if the notification or filing of the pending merger, acquisition, or takeover is withdrawn or rescinded, and CFIUS shall continue to monitor such withdrawn or rescinded transaction, except that no completed investigation or continued monitoring shall be required for any pending merger, acquisition, or takeover that is terminated by agreement of the parties to the transaction.

"(5) MANDATORY NOTIFICATION RELATED TO CERTAIN TRANSACTIONS AFFECTING NATIONAL SECURITY.—

"(A) CHAIRPERSON AND VICE CHAIRPERSON.—The chairperson and vice chairperson of CFIUS shall jointly agree to issue rules that require each person controlled by or acting on behalf of a foreign government to notify the chairperson of CFIUS in writing of any proposed merger, acquisition, or takeover by such person of United States critical infrastructure relating to United States national security.

"(B) REGULATIONS.—The Secretary of the Treasury shall promulgate regulations for the implementation of this paragraph, including the imposition of appropriate penalties for failure to comply with this paragraph.

"(c) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

"(1) ESTABLISHMENT.—There is established the Committee on Foreign Investment in the United States, which shall serve as the President's designee for all purposes under this section.

"(2) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of CFIUS.

"(3) VICE CHAIRPERSON.—The Secretary of Defense shall serve as the vice chairperson of CFIUS.

"(4) MEMBERSHIP.—The members of CFIUS shall include—

"(A) the Secretary of the Treasury;

"(B) the Secretary of State;

"(C) the Secretary of Defense;

"(D) the Secretary of Commerce;

"(E) the Secretary of Homeland Security;

"(F) the Attorney General of the United States;

"(G) the Director of the Office of Management and Budget;

"(H) the Director of National Intelligence; and

"(I) the heads of those other executive departments or agencies as the President determines appropriate, on a case-by-case basis.

"(5) REFERRAL TO APPROPRIATE MEMBERS OF CFIUS.—Upon receipt of notification of a proposed or pending merger, acquisition, or takeover under this section, the chairperson of CFIUS shall assign the appropriate member of CFIUS to lead the review and investigation of such proposed or pending transaction under this section.

"(6) INTELLIGENCE REVIEWS.—The Director of National Intelligence shall—

"(A) direct the intelligence community, to collect and analyze information related to any proposed or pending merger, acquisition, or takeover pursuant to this section, and to prepare a report of its findings, which the Director shall make available to members of CFIUS not later than 15 days after the date of the commencement by CFIUS of a 30-day (or longer) review of any such transaction under subsection (a), and before the commencement of any investigation under subsection (b); and

"(B) ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to CFIUS of any additional relevant information that may become available during the course of any investigation conducted under subsection (b) with respect to a transaction.

"(7) ASSESSMENTS AND CLASSIFICATIONS OF FOREIGN COUNTRIES FOR USE IN REVIEWS AND INVESTIGATIONS.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Foreign Investment and National Security Act of 2006, the chairperson and vice chairperson of CFIUS, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Energy, the Chairman of the Nuclear Regulatory Commission, and the Director of National Intelligence, shall develop and implement a system for assessing and classifying individual countries, including—

“(i) an assessment of the adherence of the country to nonproliferation control regimes, including treaties and multilateral supply guidelines, which shall draw on, but not be limited to, the annual report on Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments required by section 403 of the Arms Control and Disarmament Act;

“(ii) an assessment of the relationship of such country with the United States, specifically on its record on cooperating in counter-terrorism efforts, which shall draw on, but not be limited to, the report of the President to Congress under section 7120 of the Intelligence Reform and Terrorism Prevention Act of 2004; and

“(iii) an assessment of the potential for transshipment or diversion of technologies with military applications, including an analysis of national export control laws and regulations.

“(B) CONFIDENTIALITY.—The assessment and classification system required by subparagraph (A) and any information or documentary material maintained or developed thereunder—

“(i) shall be used solely by those agencies involved in reviewing and investigating acquisitions, mergers, and takeovers pursuant to this section;

“(ii) may not be made available to the public; and

“(iii) shall be exempt from disclosure under section 552 of title 5, United States Code.

“(8) STAFF OF CFIUS.—Employees of the Department of the Treasury who serve as staff for CFIUS shall report directly to the Deputy Secretary of the Treasury, and shall perform no official functions other than as CFIUS staff.

“(d) ACTION BY THE PRESIDENT.—

“(1) IN GENERAL.—Subject to subsection (e), the President may take such action for such time as the President considers appropriate to suspend or prohibit any merger, acquisition, or takeover described in subsection (a)(1) which would result in control of any critical infrastructure or person engaged in interstate commerce in the United States, proposed or pending on or after the date of enactment of this section, by or with a foreign person or government, so that such control will not threaten to impair the national security.

“(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to this subsection not later than 15 days after an investigation described in subsection (b) is completed.

“(3) ENFORCEMENT.—The President may direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts of the United States in order to implement and enforce this subsection.

“(e) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by subsection (d) only if the President finds that—

“(1) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security; and

“(2) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security in the matter before the President.

“(f) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under subsection (d) and the findings of the President under subsection (e) shall not be subject to judicial review.

“(g) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under subsection (d) and for purposes of reviews and investigations under this section, the President and CFIUS, respectively, shall consider, among other factors—

“(1) potential effects on United States critical infrastructure, including major energy assets;

“(2) potential effects on United States critical technologies;

“(3) domestic production needed for projected national defense requirements;

“(4) the capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services;

“(5) the control of domestic industries and commercial activity by foreign citizens as it affects the capability and capacity of the United States to meet the requirements of national security;

“(6) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

“(A) identified by the Secretary of State—

“(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

“(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

“(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons;

“(B) identified by the Secretary of Defense as posing a potential regional military threat to the interests of the United States; or

“(C) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978, on the ‘Nuclear Non-Proliferation-Special Country List’ (15 C.F.R. Part 778, Supplement No. 4) or any successor list;

“(7) the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security;

“(8) the long term projection of United States requirements for sources of energy and other critical resources and materials; and

“(9) the ranking developed under subsection (c)(7) of the country in which the foreign persons acquiring United States entities are based.

“(h) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—Any information or documentary material filed with CFIUS pursuant to this section shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding.

“(2) NOTIFICATION TO GOVERNOR.—Notwithstanding paragraph (1), CFIUS shall notify the Governor of any State regarding a merger, acquisition, or takeover involving critical infrastructure in that State for the purpose of discussing any security concerns that arise or may arise from that transaction. Information or documentary material made available to a Governor under this paragraph may not be made public, including under any law of a State pertaining to freedom of information or otherwise, but the exception in paragraph (3) for disclosures to either House of Congress or Congressional Committees shall not apply to Governors who receive information under this paragraph.

“(3) DISCLOSURE.—Nothing in this subsection shall be construed to prevent disclosure to either House of Congress or to any duly authorized committee or subcommittee of Congress.

“(i) ADDITIONAL ASSURANCES.—

“(1) IN GENERAL.—This subsection shall govern the provision of any assurances to one or more agencies of the United States in connection with the review or investigation of, or any Presidential decision concerning, any merger, acquisition, or takeover under this section.

“(2) CONDITION TO DETERMINATION.—Any such assurances shall be deemed to be a continuing covenant of the persons on whose behalf such review is sought (and of all persons controlling such person), the observance of which shall be a condition of the determination of CFIUS, the President, or both, on whether to take any action with respect to such transaction.

“(3) CONTRACT WITH THE UNITED STATES.—Such assurances shall be embodied in an agreement executed by the foreign person or foreign government on whose behalf a review of a merger, acquisition, or takeover is sought under this section and the chairperson or vice chairperson of CFIUS, on behalf of the United States.

“(4) MONITORING OF AGREEMENT.—Compliance with assurances provided under this subsection shall be monitored, and may be investigated, in the same manner as a violation of a civil statute, by the agency designated by the chairperson of CFIUS, in consultation with the vice chairperson and the Attorney General of the United States.

“(5) GRANT OF JURISDICTION; REMEDIES.—The United States District Court for the District of Columbia shall have jurisdiction to enforce an agreement referred to in this subsection upon application by the Attorney General. Available remedies shall include divestiture, injunctive relief, enforcing the terms of such agreement, and monetary damages, as appropriate.

“(j) NOTICE AND REPORTS TO CONGRESS.—

“(1) NOTICE REGARDING REVIEWS.—

“(A) NOTICE AT INITIATION OF REVIEW.—CFIUS shall transmit written notice of a proposed or pending merger, acquisition, or takeover subject to this section to the members of Congress specified in paragraph (3)(C), not later than 10 days after the date of receipt of a notice of such proposed or pending transaction, including the identities of all parties involved and any foreign government ownership or control of any such party.

“(B) CERTIFICATION AT COMPLETION OF REVIEW.—Upon completion of a review under subsection (a), the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), shall transmit a certified notice to the members of Congress specified in paragraph (3)(C).

“(2) NOTICE REGARDING INVESTIGATIONS.—

“(A) NOTICE AT INITIATION OF INVESTIGATIONS.—Upon commencement of an investigation under subsection (b), CFIUS shall notify in writing the members of Congress specified in paragraph (3)(C).

“(B) CERTIFICATION AT COMPLETION OF INVESTIGATIONS.—As soon as practicable after completion of an investigation under subsection (b), the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), shall transmit to the members of Congress specified in paragraph (3)(C) a certified written report (consistent with the requirements of subsection (h)) on the results of the investigation, unless the matter under investigation has been sent to the President for decision.

"(3) CERTIFICATIONS.—

"(A) IN GENERAL.—Each certified notice and report required by this subsection shall be submitted to the members of Congress specified in subparagraph (C), and shall include—

"(i) information on whether or not an investigation occurred under subsection (b) and has been completed;

"(ii) a description of the actions taken by CFIUS with respect to the transaction, including the details of any legally binding assurances provided by the foreign entity that were negotiated as a condition for approval; and

"(iii) identification of the determinative factors considered under subsection (g).

"(B) CONTENT OF CERTIFICATION.—Each notice required to be certified by this subsection shall be signed by the chairperson and vice chairperson of CFIUS and the head of the lead agency assigned under subsection (c)(5), and shall contain a specific attestation of each such person that, in the determination of CFIUS, the merger, acquisition, or takeover that is the subject of the notice does not impair the national security.

"(C) MEMBERS OF CONGRESS.—The notices and reports required by this subsection shall be transmitted to—

"(i) the Majority Leader and the Minority Leader of the Senate;

"(ii) the chair and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of any committee of the Senate having oversight over the agency assigned to lead a review or investigation under subsection (c)(5);

"(iii) the Speaker and the Minority Leader of the House of Representatives; and

"(iv) the chair and ranking member of the Committee on Financial Services of the House of Representatives and of any committee of the House of Representatives having oversight over the agency assigned to lead a review or investigation under subsection (c)(5).

"(D) TRANSMITTAL TO OTHER MEMBERS OF CONGRESS.—The Majority Leader or the Minority Leader, in the case of the Senate, and the Speaker or the Minority Leader, in the case of the House of Representatives, may provide the notices and reports required by this paragraph regarding a proposed or pending merger, acquisition, or takeover involving critical infrastructure—

"(i) in the case of the Senate, to members of the Senate from the State in which such critical infrastructure is located; and

"(ii) in the case of the House of Representatives, to a member from a Congressional District in which such critical infrastructure is located.

"(E) LIMITATION ON DELEGATION OF CERTIFICATIONS.—Notices and reports required to be certified under this subsection shall be signed by the chairperson and vice chairperson of CFIUS, and such certification requirement may not be delegated.

"(4) ANNUAL REPORTS.—

"(A) REPORT REQUIRED.—The Secretary of the Treasury, on behalf of and after consultation with the members of CFIUS, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on or before March 15 of each year, a written report on the policy of the United States with respect to the preservation of the Nation's defense production and critical infrastructure. The Secretary shall appear before both committees to provide testimony on such reports.

"(B) CONTENTS OF REPORT.—Each report submitted under subparagraph (A) shall contain—

"(i) an analysis of any merger, acquisition, or takeover by a foreign person or foreign government affecting national security that has occurred during the preceding year to which the report relates, including the nature of the acquisitions and the effect or potential impact of such acquisitions on the United States defense industrial base and critical infrastructure;

"(ii) a similar updated analysis for any merger, acquisition, or takeover that occurred during the 4 years immediately preceding the year dealt with in the report in clause (i), including a separate section discussing the impact of mergers, acquisitions, and takeovers by foreign governments or persons acting on behalf of or in concert with foreign governments;

"(iii) a detailed discussion of all perceived risks to national security or United States critical infrastructure that CFIUS will take into account in its deliberations during the year in which the report is delivered to the committees;

"(iv) a table showing on a cumulative basis, by sector, product, and country of foreign ownership, the number of acquisitions reviewed, investigated, or both, by CFIUS, to provide a census of production potentially relevant to the Nation's defense industrial base owned or controlled by foreign persons or foreign governments;

"(v) a summary of any cases before CFIUS, during the year to which the report relates, in which there were disagreements among the members of CFIUS;

"(vi) an evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire critical infrastructure of or within the United States or United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer;

"(vii) an evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies or critical infrastructure; and

"(viii) such other matters as are necessary to give a complete disclosure and analysis of the work of CFIUS during the year to which the report relates.

"(C) CLASSIFIED REPORTS.—The evaluations required by clauses (v) and (vi) of subparagraph (B) may be classified. If they are submitted in classified form, an unclassified version of such evaluations shall be made available to the public.

"(D) OTHER INFORMATION WITHHELD FROM PUBLIC REPORTS.—

"(i) PROPRIETARY INFORMATION.—The chairperson of CFIUS, in consultation with the vice chairperson of CFIUS, may withhold from public release other such information as the chairperson determines is proprietary information.

"(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall prohibit such information from being provided to relevant Committees of Congress.

"(5) APPEARANCES BEFORE CONGRESS.—The chairperson and vice chairperson of CFIUS, and the heads of such additional CFIUS member agencies specified in a written request by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate shall annually appear before the Committee on Banking, Housing, and Urban Affairs and the Committee on Financial Services of the House of Representatives to provide testimony on the activities of CFIUS.

"(k) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall issue regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall, to the extent possible, coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.

"(2) REGULATIONS RELATING TO DEFINITIONS.—Not later than 30 days after the date of enactment of the Foreign Investment and National Security Act of 2006, the Secretary of the Treasury and the Secretary of Defense shall jointly agree to and issue rules concerning the manner in which the definition of the term 'critical infrastructure' in subsection (m)(2) shall be applied to particular acquisitions, mergers, and takeovers, for purposes of the mandatory investigation requirement of subsection (b)(1)(A), except that, until such rules are issued in final form and become effective, such definition shall be applied without regard to any such rules (whether proposed or otherwise).

"(l) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to alter or affect any existing power, process, regulation, investigation, enforcement measure, or review provided by any other provision of law, including the International Emergency Economic Powers Act, or of the President or Congress.

"(m) DEFINITIONS.—As used in this section—

"(1) the term 'critical infrastructure' means, subject to rules issued under subsection (k)(2), any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems or assets would have a debilitating impact on national security, including national economic security and national public health or safety;

"(2) the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976, or other critical technology, critical components, or critical technology items essential to national defense identified pursuant to this section;

"(3) the terms 'Committee on Foreign Investment in the United States' and 'CFIUS' mean the committee established under subsection (c);

"(4) the term 'foreign government' means any government or body exercising governmental functions, other than the Government of the United States or of a State or political subdivision thereof. The term includes national, State, provincial, and municipal governments, including their respective departments, agencies, government-owned enterprises, and other agencies and instrumentalities;

"(5) the term 'foreign person' means any non-United States national, any organization owned or controlled by such a person, and any entity organized under the laws of a country other than the United States, and any entity owned or controlled by such entity; and

"(6) the term 'intelligence community' has the same meaning as in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).".

SA 4316. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2844. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section, referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the "Kast Hill" property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) WAIVER OF PAYMENT OF CONSIDERATION.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PROHIBITION ON RECONVEYANCE OF LAND.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

SA 4317. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. REQUIREMENTS FOR CONTINUED DETENTION OR RELEASE OF INDIVIDUALS HELD AT GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 180 days after the date of the enactment of this Act, an alien who is detained by the Secretary of Defense at Guantanamo Bay, Cuba shall, consistent with applicable law, be—

(1) charged with a crime in an indictment filed with—

(A) an appropriate district court of the United States;

(B) a United States military tribunal that comports with basic norms of due process; or

(C) an international criminal tribunal;

(2) repatriated to such alien's country of origin, unless there are substantial grounds to believe that the alien would be in danger of being subjected to torture in such country; or

(3) released to a country other than the alien's country of origin.

(b) EXCEPTION.—

(1) IN GENERAL.—With respect to any alien described in subsection (a) who is not charged, repatriated, or released within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a detailed report for each such alien that includes the following:

(A) The name and nationality of each alien being detained by the Secretary of Defense at Guantanamo Bay, Cuba.

(B) With respect to each alien—

(i) a detailed statement of why the alien has not been charged, repatriated, or released;

(ii) a statement of when the United States Government intends to charge, repatriate, or release the alien;

(iii) a description of the procedures to be employed by the United States Government to determine whether to charge, repatriate, or release the alien and a schedule for the employment of such procedures; and

(iv) if the Secretary of Defense has transferred or has plans to transfer the alien from the custody of the Secretary to another agency or department of the United States, a description of such transfer.

(2) FORM OF REPORTS.—Each report required by this subsection shall be submitted in an unclassified form to the maximum extent practicable and may include a classified annex, if necessary.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4318. Mrs. FEINSTEIN (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following new subtitle:

Subtitle J—Data Security

SEC. 1084. DEFINITIONS.

In this title, the following definitions shall apply:

(1) AGENCY.—The term "agency" has the same meaning given such term in section 551(1) of title 5, United States Code.

(2) BREACH OF SECURITY OF THE SYSTEM.—The term "breach of security of the system" means the compromise of the security, confidentiality, or integrity of data that results in, or there is a reasonable basis to conclude has resulted in, the unauthorized acquisition of personal information maintained by the agency, including by the agency's employees and contractors.

(3) PERSONAL INFORMATION.—The term "personal information" means an individual's last name in combination with any 1 or more of the following data elements of such individual:

(A) Social security number.

(B) Driver's license number or State identification number.

(C) Date of birth.

(D) Security clearance level;

(E) Work assignment.

(F) Home address.

(G) Health data.

(4) SUBSTITUTE NOTICE.—The term "substitute notice" means—

(A) conspicuous posting of the notice on the Internet site of an agency, if the agency maintains a public Internet site; and

(B) notification to major print and broadcast media, including major media in metropolitan and rural areas where the individual whose personal information was, or is reasonably believed to have been, acquired resides. The notice to media shall include a toll-free phone number where an individual can learn whether or not that individual's personal data is included in the security breach.

SEC. 1085. DATABASE SECURITY.

(a) Disclosure of Security Breach.—

(1) In general.—Any agency that owns, licenses, or collects data, whether or not held in electronic form, containing personal information shall, following the discovery of a breach of security of the system maintained by the agency or maintained by a contractor who contracts with such agency that contains such data, or upon receipt of notice under paragraphs (2) or (3), notify any individual of the United States whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(2) Notification of owner or licensee.—Any agency in possession of data, whether or not held in electronic form, containing personal information that the agency does not own or license shall notify the owner or licensee of the information if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person through a breach of security of the system containing such data.

(3) Notice to agency.—

(A) In general.—Any contractor who contracts with an agency and that maintains personal information, whether or not held in electronic form, shall notify that agency, if such contractor determines that a breach of data security has, or may have, occurred with respect to such information.

(B) Timing.—The notice required under subparagraph (A) shall be provided not later than 7 days after the contractor has made the determination described in subparagraph (A).

(4) Timeliness of notification.—

(A) In general.—All notifications required under paragraphs (1), (2), or (3) shall be made without unreasonable delay following—

(i) the discovery by the agency or contractor of a breach of security of its system;

(ii) any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system; and

(iii) receipt of written notice that a law enforcement agency has determined that the notification will no longer seriously impede its investigation, where notification is delayed as provided in paragraph (5).

(B) Burden of proof.—The agency or contractor required to provide notification under this subsection shall have the burden of demonstrating that all notifications were made as required under this subsection, including evidence demonstrating the necessity of any delay.

(5) Delay of notification authorized for law enforcement purposes.—If a law enforcement agency determines that the notification required under this subsection would seriously impede a criminal investigation, such notification may be delayed upon the written request of the law enforcement agency.

(6) Exception for national security and law enforcement.—

(A) In general.—This subsection shall not apply to an agency if the head of the agency certifies, in writing, that notification of the breach as required by this subsection reasonably could be expected to—

(i) cause damage to the national security; and

(ii) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(B) Limits on certifications.—The head of an agency may not execute a certification under subparagraph (A) to—

(i) conceal violations of law, inefficiency, or administrative error;

(ii) prevent embarrassment to a person, organization, or agency; or

(iii) restrain competition.

(C) Notice.—In every case in which a head of an agency issues a certification under subparagraph (A), a copy of the certification, accompanied by a concise description of the factual basis for the certification, shall be immediately provided to the Congress.

(7) Methods of notice.—An agency shall be in compliance with this subsection if it provides the individual, with—

(A) written notification;

(B) e-mail notice; or

(C) substitute notice, if—

(i) the agency demonstrates that the cost of providing direct notice would exceed $500,000;

(ii) the number of individuals to be notified exceeds 500,000; or

(iii) the agency does not have sufficient contact information for those to be notified.

(8) Content of notification.—Regardless of the method by which notice is provided to individuals under paragraphs (1), (2), or (3) , such notice shall include—

(A) to the extent possible, a description of the categories of information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(B) a toll-free number that the individual may use to contact the agency; and

(C) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(9) Coordination of notification with credit reporting agencies.—If an agency is required to provide notification to more than 1,000 individuals under this subsection, the agency shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices.

(b) Civil Remedies.—

(1) Penalties.—Any agency or contractor, that violates subsection (a) shall be subject to a fine of—

(A) not more than $1,000 per individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person; or

(B) not more than $50,000 per day while the failure to give notice under subsection (a) persists.

(2) Equitable relief.—Any agency or contractor that violates, proposes to violate, or has violated this section may be enjoined from further violations by a court of competent jurisdiction.

(3) Other rights and remedies.—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(c) Enforcement.—The Attorney General of the United States is authorized to enforce compliance with this section, including the assessment of fines under subsection (b)(1).

(d) Fraud Alert.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c–1(b)(1)) is amended by inserting ", or evidence that the consumer has received notice that the consumer's personal financial information has or may have been compromised," after "identity theft report".

SEC. 1086. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) In General.—

(1) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of the agency or any contractor of the agency in a practice that is prohibited under this title, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enforce compliance with this title;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) Notice.—

(A) In general.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) Exemption.—

(i) In general.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) Notification.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) Construction.—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(c) Venue; Service of Process.—

(1) Venue.—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) Service of process.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 1087. EFFECT ON STATE LAW.

The provisions of this subtitle shall supersede any inconsistent provisions of law of any State or unit of local government with respect to the conduct required by the specific provisions of this subtitle.

SEC. 1088. EFFECTIVE DATE.

This subtitle shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

SA 4319. Mr. PRYOR (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 531, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking "installations of the Department of Defense as may be designated" and inserting "installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated";

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following new subsection:

"(f) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

"(1) The Secretary shall ensure that all military construction projects carried out under this chapter meet the energy efficiency performance standards prescribed pursuant to section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)).

"(2) The Secretary shall, except as provided in paragraph (3), ensure that all residential buildings constructed by or for the Department, including military family housing units and military unaccompanied housing units acquired or constructed under subchapter IV of this chapter—

"(A) be Energy Star qualified;

"(B) be equipped with Energy Star products and FEMP designated products; and

"(C) have an Energy Star advanced lighting package.

"(3) The Secretary may waive a requirement under paragraph (2) with respect to a military construction project if the Secretary determines and notifies the congressional defense committees in writing that—

"(A) the building is a Federal building that meets the energy efficiency performance standards prescribed pursuant to section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3));

"(B) compliance with such requirement is not cost-effective over the life of the building, taking energy cost savings into account; or

"(C) no Energy Star building or product or FEMP designated product is reasonably available that meets the functional requirements of the agency.

"(4) In this section, the terms 'Energy Star product' and 'FEMP product' have the meanings given those terms in section 553(a) of the National Energy Conservation Policy Act (42 U.S.C. 8259b).".

SA 4320. Mr. LEVIN (for himself, Mr. REED, Mrs. FEINSTEIN, Mr. SALAZAR, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the "United States Policy on Iraq Act of 2006".

(b) FINDINGS.—Congress makes the following findings:

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 116,000 Iraqi soldiers, sailors, and airmen, and more than 148,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 102 operational Iraqi Army combat battalions, 69 are either in the lead or operating independently, according to the May 2006 report of the Administration to Congress entitled "Measuring Stability and Security in Iraq";

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that "calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq".

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

SA 4321. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C–05–05), which requires fixed guideway projects to achieve a "medium" cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

SA 4322. Mr. KENNEDY proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year

2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN THE MINIMUM WAGE.

(a) FEDERAL MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(b) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 4323. Mr. FRIST proposed an amendment to amendment SA 4322 proposed by Mr. KENNEDY to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of the amendment add the following:

SEC. ___. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec.
"2431. Transportation of minors in circumvention of certain laws relating to abortion.

"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

"(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors in circumvention of certain laws relating to abortion .... 2431".

SA 4324. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUS UTILITY AND SAFETY IN SCHOOL TRANSPORTATION OPPORTUNITY AND PURCHASING.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) school transportation issues remain a concern for parents, local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency;

(B) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses;

(C) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspection, resulting in a depletion of the school bus fleets of the local educational agencies; and

(D) many rural local educational agencies are unable to afford newer and safer buses.

(2) PURPOSE.—The purpose of this section is to establish within the Department of Education a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

(b) DEFINITIONS.—In this section:

(1) RURAL LOCAL EDUCATIONAL AGENCY.—The term "rural local educational agency" means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary of Education; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(2) SCHOOL BUS.—The term "school bus" means a vehicle the primary purpose of which is to transport students to and from school or school activities.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—From amounts made available under paragraph (5) for a fiscal year, the Secretary shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(2) APPLICATION.—

(A) IN GENERAL.—Each rural local educational agency that seeks to receive a grant under this section shall submit to the Secretary for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under subparagraph (B)) as the Secretary may require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) documentation that, of the total number of school buses operated by the rural local educational agency, not less than 50 percent of the school buses are in need of repair or replacement;

(ii) documentation of the number of miles that each school bus operated by the rural local educational agency traveled in the most recent 9-month academic year;

(iii) documentation that the rural local educational agency is operating with a reduced fleet of school buses;

(iv) a certification from the rural local educational agency that—

(I) authorizes the application of the rural local educational agency for a grant under this section; and

(II) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(v) an assurance that the rural local educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this section from non-Federal sources.

(3) PRIORITY.—

(A) IN GENERAL.—In providing grants under this section, the Secretary shall give priority to rural local educational agencies that, as determined by the Secretary—

(i) are transporting students in a bus manufactured before 1977;

(ii) have a grossly depleted fleet of school buses; or

(iii) serve a school that is required, under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(4) PAYMENTS; FEDERAL SHARE.—

(A) PAYMENTS.—The Secretary shall pay to each rural local educational agency having an application approved under this subsection the Federal share described in subparagraph (B) of the cost of purchasing such number of new school buses as is specified in the approved application.

(B) FEDERAL SHARE.—The Federal share of the cost of purchasing a new school bus under this section shall be 75 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as are necessary for each of fiscal years 2008 through 2012.

SA 4325. Mr. BYRD (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. VETERANS AND MILITARY PRIVACY PROTECTION.

(a) FEDERAL TRADE COMMISSION PROGRAM FOR VETERANS, SPOUSES OF VETERANS, AND OTHERS AT RISK OF IDENTITY THEFT.—

(1) PROGRAM REQUIRED.—The Federal Trade Commission shall, in consultation with the Secretary of Veterans Affairs, develop and implement a program to provide financial counseling and support to any veteran, spouse, or other person described in paragraph (5).

(2) ACCESS.—The program required by paragraph (1) shall be accessible through a toll-free telephone number (commonly referred to as an "800 number") established and operated by the Federal Trade Commission for purposes of the program.

(3) ELEMENTS.—Under the program required by paragraph (1), the Federal Trade Commission shall—

(A) provide to veterans, spouses, and other persons described in paragraph (5) such financial and other counseling as the Commission considers appropriate relating to identity theft and the theft of data as described in that paragraph; and

(B) upon request of any veteran, spouse, or other person described in paragraph (5), assist such individual in securing the placement of an extended fraud alert or credit security freeze under sections 605A(b)(3) and 605C of the Fair Credit Reporting Act, as added by this section, respectively.

(4) PERSONS NOT SUBJECT TO IDENTITY THEFT.—

(A) NOTICE TO FTC OF IDENTIFICATION OF VETERANS OR OTHERS NOT SUBJECT TO IDENTITY THEFT.—Upon conclusively identifying any veteran, spouse, or other person described in paragraph (5) as not being at risk of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006, the Secretary shall immediately notify the Federal Trade Commission of such identification.

(B) NOTICE TO VETERANS AND OTHERS.—The program required by paragraph (1) shall include mechanisms to ensure that any veteran, spouse, or other person who seeks counseling and support under the program after receipt by the Commission of notice under subparagraph (A) covering such veteran is informed that such veteran or person is no longer subject to identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006.

(5) APPLICABILITY.—This paragraph shall apply with respect to—

(A) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006;

(B) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach; and

(C) any other person who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.

(b) EXTENDED CONSUMER CREDIT FRAUD ALERTS AND SECURITY FREEZES FOR VETERANS AND OTHER PERSONS AFFECTED BY SECURITY BREACH.—

(1) AUTOMATIC FRAUD ALERTS.—Section 605A(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c–1(b)) is amended by adding at the end the following:

"(3) AUTOMATIC EXTENDED FRAUD ALERTS FOR CERTAIN VETERANS AND OTHERS AFFECTED BY SECURITY BREACH.—

"(A) IN GENERAL.—Upon the direct request of a veteran, spouse, or other person described in subparagraph (D), each consumer reporting agency described in section 603(p)(1) that maintains a file on that individual shall take the actions specified in subparagraphs (A) through (C) of paragraph (1) with respect to that individual.

"(B) AUTOMATIC ALERTS.—Notwithstanding the requirements of paragraph (1), a veteran, spouse, or other person described in subparagraph (D) is not required to submit any identity theft report, proof of identity, or other documentation with respect to an extended fraud alert required by subparagraph (A).

"(C) VETERANS AND OTHERS NOT SUBJECT TO IDENTITY THEFT.—Upon conclusively identifying any veteran, spouse, or other person described in subparagraph (D) as not being at risk of identity theft as a result of the security breach described in subparagraph (A)—

"(i) the Secretary of Veterans Affairs shall immediately notify each consumer reporting agency and the veteran, spouse, or other person involved that such individual is no longer subject to identity theft as a result of the security breach described in subparagraph (A); and

"(ii) the requirements of subparagraph (A) shall no longer apply with respect to any such veteran, spouse, or other person, as of the date of such notification.

"(D) APPLICABILITY.—This paragraph shall apply to—

"(i) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006;

"(ii) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach; and

"(iii) any other person who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.".

(2) SECURITY FREEZES FOR VETERANS.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605B the following:

"SEC. 605C. SECURITY FREEZES FOR CERTAIN VETERANS.

"(a) APPLICABILITY.—This section shall apply with respect to—

"(1) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006;

"(2) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach; and

"(3) any other person who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.

"(b) SECURITY FREEZES.—

“(1) EMPLACEMENT.—A veteran, spouse, or other person described in subsection (a) may include a security freeze in the file of that veteran, spouse, or other person maintained by a consumer reporting agency described in section 603(p)(1), by making a request to the consumer reporting agency in writing, by telephone, or through a secure electronic connection made available by the consumer reporting agency.

“(2) CONSUMER DISCLOSURE.—If a veteran, spouse, or other person described in subsection (a) requests a security freeze under this section, the consumer reporting agency shall disclose to that individual the process of placing and removing the security freeze and explain to that individual the potential consequences of the security freeze. A consumer reporting agency may not imply or inform a veteran, spouse, or other person described in subsection (a) that the placement or presence of a security freeze on the file of that individual may negatively affect their credit score.

“(c) EFFECT OF SECURITY FREEZE.—

“(1) RELEASE OF INFORMATION BLOCKED.—If a security freeze is in place in the file of a veteran, spouse, or other person described in subsection (a), a consumer reporting agency may not release information from the file of that individual for consumer credit purposes to a third party without prior express written authorization from that individual.

“(2) INFORMATION PROVIDED TO THIRD PARTIES.—Paragraph (2) does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the file of a veteran, spouse, or other person described in subsection (a). If a third party, in connection with an application for credit, requests access to a consumer file on which a security freeze is in place under this section, the third party may treat the application as incomplete.

“(3) CREDIT SCORE NOT AFFECTED.—The placement of a security freeze under this section may not be taken into account for any purpose in determining the credit score of the veteran, spouse, or other person to whom the security freeze relates.

“(d) REMOVAL; TEMPORARY SUSPENSION.—

“(1) IN GENERAL.—Except as provided in paragraph (4), a security freeze under this section shall remain in place until the veteran, spouse, or other person to whom it relates requests that the security freeze be removed. The veteran, spouse, or other person may remove a security freeze on his or her file by making a request to the consumer reporting agency in writing, by telephone, or through a secure electronic connection made available by the consumer reporting agency.

“(2) CONDITIONS.—A consumer reporting agency may remove a security freeze placed in the file of a veteran, spouse, or other person under this section only—

“(A) upon request of the veteran, spouse, or other person, pursuant to paragraph (1); or

“(B) if the agency determines that the file of that veteran, spouse, or other person was frozen due to a material misrepresentation of fact by that veteran, spouse, or other person.

“(3) NOTIFICATION TO CONSUMER.—If a consumer reporting agency intends to remove a security freeze pursuant to paragraph (2)(B), the consumer reporting agency shall notify the veteran, spouse, or other person to whom the security freeze relates in writing prior to removing the freeze.

“(4) TEMPORARY SUSPENSION.—A veteran, spouse, or other person described in subsection (a) may have a security freeze under this section temporarily suspended by making a request to the consumer reporting agency in writing or by telephone and specifying beginning and ending dates for the period during which the security freeze is not to apply.

“(e) RESPONSE TIMES; NOTIFICATION OF OTHER ENTITIES.—

“(1) IN GENERAL.—A consumer reporting agency shall—

“(A) place a security freeze in the file of a veteran, spouse, or other person under subsection (b) not later than 5 business days after receiving a request from the veteran, spouse, or other person under subsection (b)(1); and

“(B) remove or temporarily suspend a security freeze not later than 3 business days after receiving a request for removal or temporary suspension from the veteran, spouse, or other person under subsection (d).

“(2) NOTIFICATION OF OTHER AGENCIES.—A consumer reporting agency shall notify all other consumer reporting agencies described in section 603(p)(1) of a request under this section not later than 3 days after placing, removing, or temporarily suspending a security freeze in the file of the veteran, spouse, or other person under subsection (b), (d)(2)(A), or (d)(4).

“(3) IMPLEMENTATION BY OTHER AGENCIES.—A consumer reporting agency that is notified of a request under paragraph (2) to place, remove, or temporarily suspend a security freeze in the file of a veteran, spouse, or other person shall—

“(A) request proper identification from the veteran, spouse, or other person, in accordance with subsection (g), not later than 3 business days after receiving the notification; and

“(B) place, remove, or temporarily suspend the security freeze on that credit report not later than 3 business days after receiving proper identification.

“(f) CONFIRMATION.—Except as provided in subsection (c)(3), whenever a consumer reporting agency places, removes, or temporarily suspends a security freeze at the request of a veteran, spouse, or other person under subsection (b) or (d), respectively, it shall send a written confirmation thereof to the veteran, spouse, or other person not later than 10 business days after placing, removing, or temporarily suspending the security freeze. This subsection does not apply to the placement, removal, or temporary suspension of a security freeze by a consumer reporting agency because of a notification received under subsection (e)(2).

“(g) ID REQUIRED.—A consumer reporting agency may not place, remove, or temporarily suspend a security freeze in the file of a veteran, spouse, or other person described in subsection (a) at the request of the veteran, spouse, or other person, unless the veteran, spouse, or other person provides proper identification (within the meaning of section 610(a)(1)) and the regulations thereunder.

“(h) EXCEPTIONS.—This section does not apply to the use of the file of a veteran, spouse, or other person described in subsection (a) maintained by a consumer reporting agency by any of the following:

“(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the veteran, spouse, or other person to that person or entity, or a prospective assignee of a financial obligation owing by the veteran, spouse, or other person to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the veteran, spouse, or other person has or had prior to assignment an account or contract, including a demand deposit account, or to whom the veteran, spouse, or other person issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument.

“(2) Any Federal, State, or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, subpoena, or other compulsory process.

“(3) A child support agency or its agents or assigns acting pursuant to subtitle D of title IV of the Social Security Act (42 U.S.C. et seq.) or similar State law.

“(4) The Department of Health and Human Services, a similar State agency, or the agents or assigns of the Federal or State agency acting to investigate medicare or medicaid fraud.

“(5) The Internal Revenue Service or a State or municipal taxing authority, or a State department of motor vehicles, or any of the agents or assigns of these Federal, State, or municipal agencies acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of their other statutory responsibilities.

“(6) The use of consumer credit information for the purposes of prescreening, as provided for under this title.

“(7) Any person or entity administering a credit file monitoring subscription to which the veteran, spouse, or other person has subscribed.

“(8) Any person or entity for the purpose of providing a veteran, spouse, or other person with a copy of his or her credit report or credit score upon request of the veteran, spouse, or other person.

“(i) FEES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a consumer reporting agency may charge a reasonable fee, for placing, removing, or temporarily suspending a security freeze in the file of the veteran, spouse, or other person described in subsection (a), which cost shall be submitted to and paid by the Department of Veterans Affairs, pursuant to procedures established by the Secretary of Veterans Affairs.

“(2) ID THEFT VICTIMS.—A consumer reporting agency may not charge a fee for placing, removing, or temporarily suspending a security freeze in the file of a veteran, spouse, or other person described in subsection (a), if—

“(A) the veteran, spouse, or other person is a victim of identity theft;

“(B) the veteran, spouse, or other person requests the security freeze in writing;

“(C) the veteran, spouse, or other person has filed a police report with respect to the theft, or an identity theft report (as defined in section 603(q)(4), within 90 days after the date on which the theft occurred or was discovered by the veteran, spouse, or other person; and

“(D) the veteran, spouse, or other person provides a copy of the report to the reporting agency.

“(j) LIMITATION ON INFORMATION CHANGES IN FROZEN REPORTS.—

“(1) IN GENERAL.—If a security freeze is in place in the file of a veteran, spouse, or other person described in subsection (a), the consumer reporting agency may not change any of the following official information in that file without sending a written confirmation of the change to the veteran, spouse, or other person within 30 days after the date on which the change is made:

“(A) Name.

“(B) Date of birth.

"(C) Social Security number.

"(D) Address.

"(2) CONFIRMATION.—Paragraph (1) does not require written confirmation for technical modifications of the official information of a veteran, spouse, or other person, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address of the veteran, spouse, or other person.

"(k) CERTAIN ENTITY EXEMPTIONS.—

"(1) AGGREGATORS AND OTHER AGENCIES.—The provisions of this section do not apply to a consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced.

"(2) OTHER EXEMPTED ENTITIES.—The following entities are not required to place a security freeze in the file of a veteran, spouse, or other person described in subsection (a) in accordance with this section:

"(A) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments.

"(B) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding such veteran, spouse, or other person, to inquiring banks or other financial institutions for use only in reviewing the request of such veteran, spouse, or other person for a deposit account at the inquiring bank or financial institution.".

(3) FEES.—Any fee associated with an extended fraud alert or security freeze required by the amendments made by this section that would otherwise be required to be paid by the consumer shall be paid by the Department of Veterans Affairs.

(c) PENALTIES FOR IDENTITY THEFT OF VETERANS AND OTHERS RELATED TO SECURITY BREACH.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (b), by striking "The punishment for" and inserting the following "Except as provided in subsection (j), the punishment for"; and

(2) by adding at the end the following:

"(j) IDENTITY THEFT DUE TO DEPARTMENT OF VETERANS AFFAIRS SECURITY BREACH.—

"(1) IN GENERAL.—In determining the punishment applicable under subsection (b), if the offense is an offense described in paragraph (2), the fine and term of imprisonment otherwise applicable under subsection (b) shall be doubled.

"(2) TYPE OF OFFENSE.—An offense described in this paragraph is an offense under subsection (a) that—

"(A) involves any document or other information—

"(i) relating to a veteran (as defined in section 101 of title 38), a spouse of a veteran, or other person; and

"(ii) obtained as a direct or indirect result of the security breach at the Department of Veterans Affairs on May 3, 2006; and

"(B) was committed after the date of enactment of this subsection.".

(d) FUNDING.—

(1) REIMBURSEMENT.—The Secretary of Veterans Affairs shall reimburse the Federal Trade Commission for any costs incurred by the Commission in carrying out this section and the amendments made by this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated to the Secretary and available for obligation may be utilized for purposes of reimbursement of the Federal Trade Commission under paragraph (1).

(e) COMPTROLLER GENERAL STUDIES ON DATA PROTECTION AND OTHER MATTERS.—

(1) STUDY ON DATA PROTECTION BY DEPARTMENT OF VETERANS AFFAIRS.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the data protection procedures of the Department of Veterans Affairs.

(B) ELEMENTS.—The study required by subparagraph (A) shall include the following:

(i) A review and assessment of the data protection procedures of the Department of Veterans Affairs in effect before May 3, 2006.

(ii) A review and assessment of any modifications of the data protection procedures of the Department of Veterans Affairs adopted as a result of the loss of data resulting from the security breach at the Department on May 3, 2006.

(2) STUDY ON SECURITY BREACH INVESTIGATION BY DEPARTMENT OF VETERANS AFFAIRS.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a review and assessment of the investigation carried out by the Department of Veterans Affairs with respect to the security breach at the Department on May 3, 2006.

(B) COOPERATION.—The Secretary of Veterans Affairs shall ensure that the personnel of the Department of Veterans Affairs cooperate fully with the Comptroller General in the conduct of the review and assessment required by subparagraph (A).

(3) STUDY ON FTC PROGRAM FOR VETERANS AND OTHERS AT RISK OF IDENTITY THEFT.—The Comptroller General of the United States shall conduct a study of the program of the Federal Trade Commission for veterans, spouses of veterans, and other persons at risk of identity theft required by subsection (a). The study shall include an assessment of the effectiveness of the program in meeting the financial counseling and similar needs of individuals seeking counseling and support through the program.

(4) STUDY ON COMPLIANCE OF FEDERAL AGENCIES WITH REQUIREMENTS ON PERSONAL DATA.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the compliance of the departments and agencies of the Federal Government with applicable requirements relating to the preservation of the confidentiality of personal data.

(B) ELEMENTS.—The study required by subparagraph (A) shall include the following:

(i) A review and assessment of the current procedures and practices of the departments and agencies of the Federal Government regarding the preservation of the confidentiality of personal data.

(ii) A comparative analysis of the procedures practices referred to in clause (i) with current standards of the Federal Trade Commission for the preservation of the confidentiality of personal data by commercial and non-commercial private entities.

(iii) A review and assessment of the modifications of the data protection procedures adopted by the Department of Veterans Affairs as a result of the loss of data resulting from the security breach on May 3, 2006, including an assessment of the feasibility and advisability of the adoption of any such modifications by other departments and agencies of the Federal Government.

(iv) An identification of recommendations for improvements to the procedures and practices of the departments and agencies of the Federal Government regarding the preservation of the confidentiality of personal data.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report setting forth the results of each study conducted under this section. The report shall set forth the results of each study separately, and shall include such recommendations for legislative and administrative action as the Comptroller General considers appropriate in light of the studies.

SA 4326. Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense—

(1) $65,000,000 may be available for co-production of the Arrow ballistic missile defense system; and

(2) $63,702,000 may be available for the Arrow System Improvement Program.

SA 4327. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking "Chief Operating Officer" each place it appears and inserting "Chief Executive Officer"; and

(B) in subsection (e)(1), by striking "Chief Operating Officer's" and inserting "Chief Executive Officer's".

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking "Chief Operating Officer" each place it appears in a provision as follows and inserting "Chief Executive Officer":

(A) Section 1511 (24 U.S.C. 411).

(B) Section 1512 (24 U.S.C. 412).

(C) Section 1513(a) (24 U.S.C. 413(a)).

(D) Section 1514(c)(1) (24 U.S.C. 414(c)(1)).

(E) Section 1516(b) (24 U.S.C. 416(b)).

(F) Section 1517 (24 U.S.C. 417).

(G) Section 1518(c) (24 U.S.C. 418(c)).

(H) Section 1519(c) (24 U.S.C. 419(c)).

(I) Section 1521(a) (24 U.S.C. 421(a)).

(J) Section 1522 (24 U.S.C. 422).

(K) Section 1523(b) (24 U.S.C. 423(b)).

(L) Section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

"SEC. 1515. CHIEF EXECUTIVE OFFICER.".

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

"Sec. 1515. Chief Executive Officer.".

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) DIRECTOR AND DEPUTY DIRECTOR OF FACILITIES.—

(1) MILITARY DIRECTOR.—Subsection (b)(1) of section 1517 of such Act (24 U.S.C. 417) is amended by striking "a civilian with experience as a continuing care retirement community professional or".

(2) CIVILIAN DEPUTY DIRECTOR.—Subsection (d)(1)(A) of such section is amended by striking "or a member" and all that follows and inserting "; and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to any vacancy that occur in the position of Director or Deputy Director of a facility of the Armed Forces Retirement Home that occurs on or after that date.

(c) CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such Act (24 U.S.C. 416(c)(1)(H)) is amended by inserting before the period at the end the following: ", who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half)".

SA 4328. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. PROHIBITION ON LONG-TERM LEASE OF FOREIGN-BUILT VESSELS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

"§ 2401b. Prohibition on long-term lease of foreign-built vessels

"(a) PROHIBITION.—Commencing on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007, the Department of Defense may not, except as provided in subsection (b), enter into or have in force any contract for a lease or charter for a term of more than 24 months (including all options to renew or extend the contract) of a vessel having a hull, or a component of the hull and superstructure, constructed in a foreign shipyard.

"(b) EXCEPTION.—The prohibition in subsection (a) shall not apply with respect to any lease or charter otherwise described by that subsection that is in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007, but only during the period beginning on such date and ending on October 1, 2015.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

"2401b. Prohibition on long-term lease of foreign-built vessels.".

(b) PLAN FOR IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Defense shall submit to Congress at the same time the budget of the President is submitted to Congress for each of fiscal years 2008 through 2015 under section 1105(a) of title 31, United States Code, a plan to implement the prohibition in subsection (a) of section 2401b of title 10, United States Code (as added by subsection (a) of this section), by—

(A) phasing out the long-term lease or charter of foreign-built vessels; and

(B) providing for the construction, lease, or charter of United States built vessels in order to satisfy the operational requirements that would otherwise be satisfied after October 1, 2015, by the long-term lease or charter of foreign-built vessels.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for each foreign-built vessel that is subject to a lease or charter of more than 24 months as of the date of such report pursuant to the exception in subsection (b) of such section 2401b (as so added), the following information:

(A) The current vessel name.

(B) The original vessel name if different from the current vessel name.

(C) The year construction on the vessel was completed.

(D) The shipbuilder of the vessel.

(E) The country of origin of the vessel.

(F) The current mission or assignment of the vessel with the Department of Defense.

(G) The commencement date of the current lease or charter for the vessel.

(H) Any option period under the current lease or charter for the vessel, including the end date of any such period.

(I) The cost of the lease or charter to date.

(J) The current monthly cost of the lease or charter.

(K) The hull name or number of any vessel under construction in the United States to provide the services provided by such vessel under the lease or charter.

SA 4329. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 124. MODERNIZATION OF ARLEIGH BURKE CLASS DESTROYERS.

(a) MODERNIZATION OF CERTAIN VESSELS REQUIRED.—The Secretary of the Navy shall carry out a program to modernize the last three vessels in the DDG–51 Arleigh Burke Class of destroyers.

(b) FUNDING FOR MODERNIZATION OF CERTAIN VESSEL.—

(1) ADDITIONAL AMOUNT FOR SHIPBUILDING AND CONVERSION, NAVY.—The amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy is hereby increased by $40,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, as increased by paragraph (1), $40,000,000 may be available for modernization of the Arleigh Burke Class destroyer DDG–110.

(3) OFFSET.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby reduced by $40,000,000.

SA 4330. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. TRANSFER MISSILE POWER SYSTEM.

Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $5,000,000 may be available for research and development associated with the Transfer Missile Power System.

SA 4331. Mr. TALENT (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER'S DEPENDENT.

(a) TERMS OF CONSUMER CREDIT.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. TERMS OF CONSUMER CREDIT.

"(a) INTEREST.—A creditor who extends consumer credit to a servicemember or a servicemember's dependent shall not require the servicemember or the servicemember's dependent to pay interest with respect to the extension of such credit, except as—

"(1) agreed to under the terms of the credit agreement or promissory note;

"(2) authorized by applicable State or Federal law; and

"(3) not specifically prohibited by this section.

"(b) Annual Percentage Rate.—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember's dependent.

"(c) Mandatory Loan Disclosures.—

"(1) Information required.—With respect to any extension of consumer credit to a servicemember or a servicemember's dependent, a creditor shall provide to the servicemember or the servicemember's dependent the following information in writing, at or before the issuance of the credit:

"(A) A statement of the annual percentage rate applicable to the extension of credit.

"(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(C) A clear description of the payment obligations of the servicemember or the servicemember's dependent, as applicable.

"(2) Terms.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(d) Limitation.—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember's dependent without—

"(1) executing new loan documentation signed by the servicemember or the servicemember's dependent, as applicable; and

"(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember's dependent.

"(e) Preemption.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember's dependent.

"(f) Penalties.—

"(1) Misdemeanor.—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) Preservation of other remedies.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

"(g) Definition.—For purposes of this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of consumer credit.".

(b) Clerical Amendment.—The table of contents of the Servicemembers Civil Relief Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

"Sec. 208. Terms of consumer credit".

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the Chair would like to inform the members of the committee that the committee will hold a hearing on Wednesday, June 21, 2006, at 10:30 a.m. in Russell 428A on the nomination of Steven C. Preston to be the Administrator of the U.S. Small Business Administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 19, 2006, at 4 p.m., in closed session to consider S. 3237, the Intelligence Authorization Act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, June 19, 2006, at 2:30 p.m. The purpose of this hearing is to receive testimony regarding implementation of the renewable fuel standards in the 2005 energy bill and the future potential of biofuels such as biodiesel, celluosic ethanol, and E85.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 19, 2006, at 3 p.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a hearing on "Immigration Enforcement at the Workplace: Learning from the Mistakes of 1986" on Monday, June 19, 2006, at 2 p.m. in SD226.

Witness list

Panel 1: The Honorable Stewart Baker, Assistant Secretary for Policy, Department of Homeland Security, Washington, DC; Julie Myers, Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC; and Martin Gerry, Deputy Commissioner for Income Security Programs, Social Security Programs, Social Security Administration, Baltimore, MD.

Panel 2: Richard Stana, Director of Homeland Security and Justice, Government Accountability Office, Washington, DC; C. Stewart Verdery, Jr., Former Assistant Secretary of Homeland Security, Adjunct Fellow, Center for Strategic and International Studies, Washington, DC; Cecilia Munoz, Vice President, Office of Research, Advocacy and Legislation, National Council of La Raza, Washington, DC; and Linda Dodd-Major, Former Director of Office of Business Liaison, Immigration and Naturalization Service, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 3534

Mr. CRAIG. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3534) to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

Mr. CRAIG. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 516, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 516) recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means of understanding the past and solving the challenges of the future.

There being no objection, the Senate proceeded to consider the resolution.

Mr. OBAMA. Mr. President, today marks the anniversary of a joyous day in our Nation's history. It was on this day in 1865 when word finally reached the farthest corner of the Southwest that all slaves were free. More than 2½ years after President Lincoln's Emancipation Proclamation, this was the day freedom became a reality. After hundreds of years of servitude and oppression, this was the day that former slaves claimed their rightful place as equal citizens. Juneteenth was the day our Nation reclaimed its dignity.

Today, Juneteenth is still a celebration of freedom. It is an opportunity for engagement and self-improvement, a time to reflect and recommit ourselves to the pursuit of justice and equality. Juneteenth is about acknowledging where we have been as a Nation, looking honestly and critically at our past, and gaining a fresh understanding of the challenges we face as we look toward the future.

Half a century after Brown v. Board of Education, this is a day for us to assess the quality of education we are providing to our children. Forty years after the passage of the Voting Rights Act, this is a day for us to think of the injustices that must be overcome, the millions without health care, the families without jobs, and the disparities that continue to divide us.

Juneteenth should be a reminder to all Americans that we must not resign ourselves to waiting for a better time to do what we know is right. This is the day we honor previous generations for the great strides they have taken toward creating a more just society. This is the day we honor future generations by undertaking with determination the work that is yet to be done.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 516) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 516

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

FIFTIETH ANNIVERSARY OF THE INTERSTATE HIGHWAY SYSTEM

Mr. CRAIG. Mr. President, I ask unanimous consent that the EPW Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 372.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 372) recognizing the 50th Anniversary of the Interstate Highway System.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CRAIG. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 372) was agreed to.

The preamble was agreed to.

ORDERS FOR TUESDAY, JUNE 20, 2006

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, June 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate resume consideration of S. 2766, the Defense authorization act, and that Senator Reed be recognized to speak for up to 20 minutes. I further ask consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly Democratic policy luncheon.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Tomorrow the Senate will continue to work on the Defense Authorization Act. There are several pending amendments, and we hope to have a vote in the morning on one of those amendments. The chairman and ranking member will be here to work on amendments. We will announce when a vote is locked in.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. CRAIG. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:02 p.m., adjourned until Tuesday, June 20, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 2006:

DEPARTMENT OF THE TREASURY

HENRY M. PAULSON, JR., OF NEW YORK, TO BE SECRETARY OF THE TREASURY, VICE JOHN W. SNOW, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DOUGLAS E. LUTE, 2691

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CARLA G. HAWLEY-BOWLAND, 5280

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH J. STALDER, 5748

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM D. CROWDER, 9877

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK J. EDWARDS, 3734

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, June 19, 2006:

FEDERAL RESERVE SYSTEM

DONALD L. KOHN, OF VIRGINIA, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

SANDRA SEGAL IKUTA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Monday, June 19, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 19, 2006.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

THE IRAQ RESOLUTION

Mr. DREIER. Mr. Speaker, last Thursday and Friday, the House conducted a very important debate on the global war on terror. The resolution in question, H. Res. 861, honored the sacrifice of our soldiers and reaffirmed our commitment to victory in that global war on terror. I am very heartened that the House Republicans were joined by nearly a quarter of our colleagues on the other side of the aisle, 42, to be exact, voting in support of this resolution.

Mr. Speaker, it was a spirited 10-hour debate, and over the course of it I heard some criticisms that I believe deserve a response. Many in the minority objected to the resolution and the forum for its consideration. They contended that the resolution was hollow, and it did not allow for a meaningful debate on the war.

With such antipathy for the process and the resolution, one would have expected the Democratic leadership to ask for a vote on the previous question on the rule so that they could, in fact, amend it. In fact, they didn't. Or they might have offered a specific official substitute resolution which I, on several occasions over a 2-day period, said we would have considered making in order.

But, Mr. Speaker, they did neither. In fact, as I said, for over 2 days, I asked the Democratic leadership for an alternative. I was told that nothing would be forthcoming. While individual Members such as Mr. ABERCROMBIE did offer their own alternatives, the minority on the Rules Committee chose not to submit any of them as the official Democratic substitute.

Unfortunately, many Members chose to make this a debate about process, rather than the real issue at hand. After listening to the debate, I know why. The minority party has no clear position on how to win the global war on terror and prevail in Iraq. When it comes to the biggest challenge of our generation, they are not of one mind. Some agree with House Republicans that it is absolutely essential to stay in Iraq until we achieve victory. Unfortunately, the majority of Democrats favor retreat in one form or another, whether it is the vague policy of redeployment or outright and immediate withdrawal, as the Out of Iraq Caucus has called it.

This is a dangerous approach, Mr. Speaker. While perhaps intended to comfort our country in the midst of a truly devastating and trying struggle, it would serve chiefly to comfort the enemy. We know that two decades of tepid responses to attacks on our citizens and our interests in Lebanon, Somalia, New York City, Saudi Arabia, Tanzania, Kenya and Yemen only emboldened terrorists. We will not make the same mistake again.

Mr. Speaker, the Iraqi people, its security forces and its government are not naive. Nor are we. Despite recent progress such as the killing of al Zarqawi and the completion of the Iraqi government's cabinet, calm is not just around the corner. The terrorists are unyielding. After all, their stated aim is to drive coalition forces out of the country and establish a territory-hungry, terrorist-friendly extremist state.

They have openly declared that the United States does not have the will to see the fight through. They understand the significance of this battle, and so must we. We must accept nothing but total engagement and commitment as we help Iraq stabilize herself and become an ally in the war on terror. We cannot fulfill our mission, honor the sacrifice of our troops and move forward in the war on terror by backing away from its central battlefield. In a region where democracy has the potential to become more than a hope, we cannot abandon its best hope.

Mr. Speaker, if we leave prematurely, and Iraq is allowed to become a lawless territory, sympathetic to terrorists, and brutal to its own people, the safety of the world and the security of the United States of America would be directly threatened.

On September 11, 2001, we saw exactly what could happen when such conditions were allowed to exist in Afghanistan.

Mr. Speaker, I mentioned that some criticized the forum for our debate. As one Member described it, the 10 hours would be like a glorified special order.

But make no mistake, Mr. Speaker, our words matter. For proof, look no further than Zarqawi's bombed-out safe house. In the rubble, a copy of Arabic Newsweek was found. Our enemies, the enemies of peace and freedom, are listening, they are reading, and they are waiting for signs of weakness and timidity in the face of their brutality.

With a vote in support of H. Res. 861, we gave them no such thing, and their kidnapping of our men and women will only strengthen our resolve. While there are significant differences between the majority and the minority on how to win the global war on terror, I am proud of both the process followed for conducting this debate and the overwhelming bipartisan vote to support our troops and complete the mission in Iraq.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DANIEL E. LUNGREN of California) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God our Father, Your care and wisdom are shown to us by the way You

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

extend Your kingdom into our world down to the present day. Your word reveals every aspect of Your saving plan. You accomplish Your designed purpose in and through the hearts of the faithful who respond to You.

Today, convert our minds and hearts that we may become the great Nation You hope us to be. Help us to seek Your presence in the midst of a busy life, then animated by Your spirit help us to perform marvelous deeds and come to know peace. Your gift to the world, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FISCAL RESPONSIBILITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, there are two strikingly different philosophies at work here in Washington. On one side are fiscally conservative Republicans who want to cut government spending and rein in the Federal deficit. On the other side are Democrats who believe that raising taxes and spending tax dollars solves all problems. But we all know better than that.

Republicans are the party of fiscal discipline, reform, and accountability. We have been working very hard to exercise fiscal restraint and keep taxes low, and our economy is thriving as a result.

Last week, The Wall Street Journal reported that surging individual and corporate tax receipts in May have helped to reduce the Federal budget deficit down 16.6 percent from the same period a year earlier.

Mr. Speaker, fiscal restraint and tax relief are stimulating the economy and increasing tax revenues. The Treasury Department predicts that if these Republican policies continue, we will cut the Federal deficit in half well before President Bush's goal of 2009.

TIMES PICTURE REVEALS WAR TRUTHS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as a former journalist, I am saddened that much of the American media continues to play politics with the global war on terrorism, blame America, unfairly criticize our military, and bash President Bush.

By accident, the driveby the New York Times on Saturday published a front-page picture of a mosque bombing which reveals details that the newspaper frequently fails to explain. Troops are identified as Iraqi commandos, verifying Iraqis are capable and equipped. The shoe bomber was a coward, mass-murdering innocent Iraqi worshipers, and not promoting a just insurgency. The homicide bomber attacked an easy target of convenience, prevented by Iraqi and coalition troops from murdering in the streets of America.

From this picture, we can learn we must face the evil enemy overseas with our Iraqi allies, or American families will be more at risk at home. The only path to peace is victory in Iraq as the central front in the global war on terrorism.

In conclusion, God bless our troops, and we will never forget September 11.

HEALTH CARE COSTS FOR ILLEGALS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, news from the front: The battle for the border continues. The cost to Americans for the government's failure to prevent the invasion onto our shores increases. Last year in my hometown of Houston, citizens spent $125 million on treating 57,000 illegals in local hospitals, a 77 percent increase from the previous year.

This nonsense that illegals are not a drain on the American taxpayer is a myth perpetrated by the admiral of the fleet of invaders, Vicente Fox. America cannot continue to be the lifeboat for the sinking ships of states south of the border. What happens when our lifeboat overflows because of America's compassion? In fact, Americans are paying for hospital costs for illegals and cannot afford to pay for their own health care. So until our shores are secure, and since we choose not to deny illegals health care, every time an illegal is treated at our hospital, deduct an equal amount of foreign aid from those ships of state who send their citizens here. Make Admiral Fox pay instead of the American citizens. And that's just the way it is.

FORT CAMPBELL

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I want to ask my colleagues to join me today in recognizing the members of the 101st Airborne at Fort Campbell, which is there in my district. These are the men and women who were there when we eliminated Saddam's sons. They were on the ground when we eliminated Zarqawi. They have always been there for America. And today, my colleagues, we need to be there for them.

Our missing soldiers are members of the 1st Battalion, 502nd Infantry Regiment, 2nd Brigade, 101st Airborne.

The past few days have been tough in Clarksville and Montgomery County where Fort Campbell is located. And to those families, we want them to know we are there with them, and I want everyone there to know that America mourns the loss of their colleague David, and we pray for the safe return of Kristian and Thomas.

America needs the 101st. We depend on the fighting men and women for our freedom, and their sacrifices and their losses pain this Nation.

Thank you, Mr. Speaker. May God bless our troops.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 5 p.m. today.

SERGEANT JACOB DAN DONES POST OFFICE

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5540) to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office".

The Clerk read as follows:

H.R. 5540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT JACOB DAN DONES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, shall be known and designated as the "Sergeant Jacob Dan Dones Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Jacob Dan Dones Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

North Carolina (Ms. FOXX) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 5540 offered by the distinguished gentleman from Texas (Mr. NEUGEBAUER) would designate the post office building at 217 Southeast 2nd Street in Dimmitt, Texas, as the Sergeant Jacob Dan Dones Post Office Building. All members of the Texas delegation have cosponsored this legislation.

Sergeant Dones was born in Dimmitt, Texas, in 1984. He was educated in the local school district, and graduated from Dimmitt High School in 2002. Upon graduation, Dones enlisted in the United States Army and served his country valiantly with the armed services from 2002 to 2005 in both Operation Enduring Freedom and Operation Iraqi Freedom. He was a member of the 2nd Squadron, 11th Calvary Regiment based out of Fort Irwin, California.

While serving in Iraq, Sergeant Dones, an expert infantry rifleman, was awarded the Bronze Star, the Purple Heart, and a service ribbon for his efforts in battle. He was also awarded the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal.

Sergeant Dones was killed in the line of duty on October 25, 2005, while defending his fellow soldiers from an oncoming attack on their base in Iraq. I urge all Members to pay homage to a great patriot and a dedicated member of the community by passing H.R. 5540.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 5540, a measure sponsored by Representative RANDY NEUGEBAUER.

H.R. 5540 names the postal facility in Dimmitt, Texas, after Sergeant Jacob Dan Dones. Sergeant Dones was killed in Iraq on October 20, 2005. This measure has the support and cosponsorship of the entire Texas delegation, and was unanimously reported by the Government Reform Committee on June 8, 2006.

Mr. Speaker, I have no further requests at this time, and yield back the balance of my time asking for support of this bill.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today to urge my colleagues to support this legislation, H.R. 5540, to designate the post office in Dimmitt, Texas, as the Sergeant Jacob Dan Dones Post Office. I would like to give a special thanks to the distinguished chairman of the Government Reform Committee, the gentleman from Virginia (Mr. DAVIS) and the distinguished ranking member of that committee, the gentleman from California (Mr. WAXMAN) for their prompt assistance in marking up this legislation and sending it to the floor so quickly.

As we have learned about Sergeant Dones is that he was a leader, he was a hero, he served his country with great distinction, and he gave the ultimate gift that any American can give our country: He gave his life.

As I read about Sergeant Dones, it was interesting to hear what his commanders and the people that worked with him said. One of the quotes was, "I wish we had more men like Sergeant Dones to serve this country." He was awarded many medals for his service, including the Purple Heart, the Bronze Star, the Combat Infantryman's Badge, the Global War on Terrorism Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal. He also was classified as an expert infantry rifleman. Unfortunately, on October 20, 2005, he was killed in the line of duty.

One of the interesting things is just a few days before his life was taken, he served as an election support team for the referendum of the Iraqi Constitution, something that he was fighting alongside the Iraqis to bring a new government, a free government to this country. According to the people that served alongside him, he was happy, and he shouted out to the Iraqi people, and I am probably mispronouncing this, but "Abebe, Abebe." He was saying to them, "I love you. I love you." He was known as a great ambassador for our country, and the Iraqi people loved him. Whenever there was a call for a volunteer, Jacob was always the first to volunteer.

He leaves behind a large extended family, including his parents Danny and Rosa Dones, his daughter Alyssa. And I would like to thank his cousin Joe Alvarez, who has been extremely helpful in making this idea of renaming the post office a reality.

☐ 1415

He was a greatly loved family man, a community leader; and he will be sorely missed. I cannot think of a better way to show a small token of our appreciation than to rename this post office after a brave American.

Ms. FOXX. Mr. Speaker, I urge all Members to vote for the passage of H.R. 5540, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5540.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

LARRY WINN, JR. POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5504) to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building".

The Clerk read as follows:

H.R. 5504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LARRY WINN, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, shall be known and designated as the "Larry Winn, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Larry Winn, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5504, offered by the distinguished gentleman from Kansas (Mr. MOORE), would designate the post office building at 6029 Broadmoor

Street in Mission, Kansas, as the Larry Winn, Jr. Post Office Building.

Larry Winn was born in Kansas City, Missouri, on August 22, 1919. He attended the public schools in Kansas City and in 1941 graduated with a bachelor's degree from the University of Kansas.

Before becoming a Member of Congress, Winn spent 2 years as a private home builder and 14 years as director of the National Association of Home Builders.

He was elected as a Republican to the 90th Congress and to the eight succeeding Congresses. Winn served 18 years on the Space Science and Applications Subcommittee, 4 years on the District of Columbia Committee and 14 years on the Foreign Relations Committee.

After his retirement from Congress in 1985, Winn continued to serve Prairie Village, Kansas, as one of the elected members of the board of directors of the Kansas City Life Insurance Company.

I urge all Members to come together to honor a man who truly promoted excellence in community and government by passing H.R. 5504.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleague in consideration of H.R. 5504, a measure sponsored by Representative DENNIS MOORE. H.R. 5504 names a postal facility in Mission, Kansas, after Larry Winn, Jr. A native of Kansas City, Missouri, Mr. Winn was elected to the U.S. House of Representatives and served from 1967 to 1985. He is currently a resident of Prairie Village, Kansas.

This measure has the support and sponsorship of the entire Kansas delegation and was unanimously reported by the Government Reform Committee on June 8, 2006. I urge Members to support this bill.

Mr. MOORE of Kansas. Mr. Speaker, joined by my Kansas delegation colleagues—Representatives TIAHRT, RYUN and MORAN—I recently introduced legislation to designate the United States Postal Service facility located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building." I am pleased that the House is considering it today and I thank House Government Reform Committee Chairman TOM DAVIS and Ranking Democratic Member HENRY WAXMAN and their staffs for moving this measure so rapidly through their committee.

Edward Lawrence "Larry" Winn, Jr., represented Kansas' Third Congressional District in the U.S. House from 1967 to 1985. Born in Kansas City, Missouri, in 1919, he was an Eagle Scout who attended public schools and received a B.A. from the University of Kansas in 1941. Becoming an announcer for WHB radio, he later served as public relations director for the local branch of the American Red Cross. Returning to Kansas, he established and became vice president of Winn-Rau Corporation, a private home builder. For 14 years, he served as National Director of the National Association of Home Builders, and also served as President of the Home Builders Association of Kansas City.

In 1962, the incumbent U.S. Representative in the Third District, Robert Ellsworth, asked Winn, who had served as Republican Party chairman in that district, to be his campaign manager; he fulfilled that role in the 1962 and 1964 campaigns. In 1966, when Ellsworth unsuccessfully challenged incumbent U.S. Senator Jim Pearson in the Republican primary, Winn won election as his successor, defeating Overland Park Mayor Marvin Rainey. In later contests, among eight successful re-elections, Winn would defeat Lieutenant Governor James DeCoursey and Dan Watkins, the former chief of staff to Governor John Carlin.

Initially appointed to the House Committees on Space and Aeronautics (later renamed Science and Technology) and the District of Columbia, Winn later was appointed to the Select Committee on Crime, the Veterans' Affairs Committee, and the International Relations Committee, which was later renamed the Foreign Affairs Committee. Described by Congressional Quarterly's Politics in America, 1982 as a "quiet, unassuming man," Winn eventually rose to the ranking Republican seat on the Science and Technology Committee, where he was an active supporter of America's space exploration program. As Politics in America, 1982 noted, he also advocated research into alternative energy sources such as gasohol and solar and wind power, and tax credits for energy efficiency and conservation.

Winn was appointed by President Carter and confirmed by the Senate to serve as a member of the U.S. delegation to the United Nations in 1979. He also was a member of the Canadian Interparliamentary Group and was ranking Republican member of the U.S.-European Interparliamentary Group. Domestically, Winn was a leading advocate of "value engineering," a cost-saving government management system that was implemented in the early 1970s. He also was a leading advocate of a successful proposal maintaining 10 regional Federal office centers in the United States, which preserved Kansas City as a Federal regional office center, rather than transferring those functions to Denver.

Winn also is remembered for his advocacy of a proposed Tallgrass National Prairie Park in Kansas; as a result of his initial efforts, the Kansas Flint Hills are now home to the Tallgrass Prairie National Preserve, a unit of the National Park System managed in partnership with the private National Park Trust dedicated to the rich natural and cultural history of the tallgrass prairie ecosystem.

In their 1972 analysis of Winn's career, the Ralph Nader Congress Project's Citizens Look at Congress review of Winn's activities concluded that: "Legislatively, Winn shows a good feel for Third District needs and interests. . . . Although Winn has had considerable experience in public speaking and writing, his style is more folksy than polished." During his tenure, he taped a weekly radio program on current congressional issues that was distributed to local broadcasters, as well as drafting and circulating weekly newspaper columns and twice-yearly congressional questionnaires that were sent to all in-district postal patrons. He estimated that over 2,000 Third District residents visited his Washington, D.C., office during the first 4 years of his tenure, and bumper stickers proclaiming: "I visited Congressman Larry Winn in Washington" were seen frequently across the Kansas City area.

Upon announcing his retirement from the U.S. House in 1984, Representative Winn published a column in the Christian Science Monitor decrying the increase in congressional partisan rancor. Twenty two years later, his words are even more relevant: "It is important now for both Republicans and Democrats in the House of Representatives to recognize that a continuation of this rancor will undercut the legislative process. Most Americans are neither Republicans nor Democrats but are independents. This expresses a desire for pragmatism over ideology. Members of the House, without abandoning their individual philosophical approaches, should also approach problems pragmatically."

Mr. Speaker, Larry Winn, Jr., served the Third District of Kansas as its Representative with diligence and decency for eighteen years. It is fitting that we now name a major postal facility in the Third District after him, and I hope the House and the Senate will move swiftly to approve this measure.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of H.R. 5504, which designates the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, KS, as the "Larry Winn, Jr. Post Office Building."

Edward Lawrence "Larry" Winn, Jr. represented Kansas's Third Congressional District in the U.S. House of Representatives from 1967 to 1985. He was born in Kansas City, MO, on August 22, 1919. He was an Eagle Scout who attended public schools and graduated with a B.A. from the University of Kansas in 1941.

Before his election to Congress, Winn spent 2 years with a radio station in Kansas City, 2 years with North American Aviation, and 2 years as a private home builder. From 1950 to 1966 he served as vice president of Winn-Rau Corp. Winn also spent 14 years as national director of the National Association of Home Builders and is a past president of the Home Builder's Association of Kansas City. Winn was elected as a Republican to the 90th and to the eight succeeding Congresses (January 3, 1967–January 3, 1985) and did not seek reelection to the 99th Congress.

In Congress, Winn served 18 years on the Space Science and Applications Subcommittee and served on the Technology Assessment Board of the Office of Technology Assessment. He also spent 4 years on the District of Columbia Committee and 14 years on the Foreign Relations Committee. Winn served as a member of the U.S. delegation to the United Nations in 1979 and served as ranking Republican on the European and Middle East Subcommittee.

Winn also served as a member of Canadian Interparliamentary Group and as a member of U.S.-European Interparliamentary Group. He was the first congressional spokesman for Value Analysis Engineering and a strong supporter of Peace Corps and Agency for International Development. Winn received the

Treasury Department's "Bulldog Award" for fiscal responsibility all 18 years.

Winn was the original sponsor of the legislation for the Tallgrass Prairie National Park in Kansas and after his retirement, the bill was managed by Senator Nancy Landon Kassebaum and Representatives PAT ROBERTS and Dan Glickman. The bill was passed, and today the park is a reality. He also is a recipient of the Paul Harris Fellowship Award for Rotary International.

After retirement from Congress, Winn was elected to the Board of Directors of Kansas City Life Insurance Company. He married Joan Elliott in 1942 and has five children.

I urge my colleagues to join me in honoring Larry Winn and his 18 years of service to the Third Congressional District of Kansas by voting for H.R. 5504.

Mr. MORAN of Kansas. Mr. Speaker, I rise today to honor the service of a distinguished Kansan, Edward Lawrence "Larry" Winn, Jr. Congressman Winn honorably represented the residents of the Third Congressional District of Kansas from 1967 until 1985. His career in Congress was marked by his care for the Kansans he represented and accentuated by noteworthy accomplishments.

Kansans are people that know the value of a hard day's work—Congressman Winn included. During his eighteen years of service in Congress, Congressman Winn always worked to ensure taxpayer's dollars were spent wisely. He knew the folks back home had worked hard and expected their taxes to not be wasted. The Treasury Department recognized Congressman Winn's efforts for fiscal responsibility by awarding him the Golden Bulldog Award each year he served.

Congressman Winn also made sure that Kansans were well-informed about what was happening in Washington. As a former radio broadcaster, Congressman Winn taped a weekly radio program that was distributed to local broadcasters in Kansas. His popularity and reputation for excellence in constituent service was evident by frequently seeing "I visited Congressman Larry Winn in Washington" bumper stickers.

During his service in the House, Congressman Winn was a strong supporter of our nation's space program. As a member of the House Committee on Space and Aeronautics, Congressman Winn's support for space exploration and scientific discovery, helped give NASA the resources it needed to achieve the great accomplishments it did.

I am proud to be a sponsor of legislation to recognize this fine Kansan. For his dedication to the people of Kansas and our nation, it is appropriate that Congress honor Congressman Winn by designating the United States Post Office at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building."

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5504.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

* * *

MORRIS W. MILTON POST OFFICE

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5104) to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office".

The Clerk read as follows:

H.R. 5104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORRIS W. MILTON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, shall be known and designated as the "Morris W. Milton Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Morris W. Milton Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5104, offered by the distinguished gentleman from Florida (Mr. DAVIS), would designate the post office building at 1750 16th Street South in St. Petersburg, Florida, as the Morris W. Milton Post Office.

Morris Milton was one of the most dedicated and courageous attorneys in St. Petersburg, Florida. He fought tirelessly for the rights of the disadvantaged and was responsible for the hiring of more minority teachers and the promotion of more African Americans to prominent administrative jobs at the Pinellas County School Board. He also represented the NAACP in a court battle against Pinellas County voter registration practices and was outspoken against police brutality.

Along with his impressive legal career, Mr. Morris also found time to establish the Democratic Black Caucus of Florida and to serve as president of the St. Petersburg branch of the NAACP for 10 years. His gracious community involvement also included serving on the board of directors of the Pinellas United Way, participating in the Pinellas Opportunity Council, the Pinellas County Urban League and the Bethune-Cookman Alumni Association.

I urge all Members to come together to honor a dedicated community member and true civil rights pioneer by passing H.R. 5104.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleague in consideration of H.R. 5104, a measure sponsored by Representative JIM DAVIS. H.R. 5104 names a postal facility in St. Petersburg, Florida, after Morris W. Milton. Mr. Milton was known as a creative and courageous attorney who fought for the rights of the disenfranchised and disadvantaged in his St. Petersburg community.

The measure has the support and cosponsorship of the entire Florida delegation and was unanimously reported by the Committee on Government Reform on May 4, 2006.

I urge my colleagues to support this bill.

Mr. DAVIS of Florida. Mr. Speaker, first, I would like to thank Chairman DAVIS and Ranking Member WAXMAN for bringing this bill to the floor. Today, I rise in strong support of H.R. 5104, naming the Morris W. Milton Post Office in St. Petersburg, FL.

From the moment he became a lawyer until his untimely death in 1986, at the age of 42, Morris Wilbert Milton, Sr. was one of the most courageous and creative attorneys who fought for the rights of the disenfranchised and disadvantaged in Florida and particularly in the St. Petersburg area.

Mr. Milton grew up in Welaka, Florida in Putnam County. He received his bachelor of arts degree from Bethune-Cookman College in Daytona Beach and a doctor of jurisprudence from Howard University School of Law in Washington, DC.

One of his greatest contributions to the community came in his commitment to convince the Florida Legislature to adopt a plan for single member legislative districts. In 1982, Florida had one of the smallest numbers of black state legislatures, five, in the South. In 1981, the Florida Legislature had 21 public hearings, and Milton attended many of them. Traveling back and forth to Tallahassee, he was relentless in his appeal. In 1982, the Legislature carved the area into smaller districts to elect one representative each. As a result, the House wound up with seven majority African American House seats and seven majority Hispanic seats.

In addition to this, throughout his impressive legal career, Morris Milton fought for the hiring of more minority teachers and the promotion of more African Americans to prominent administrative jobs at the Pinellas County School Board. He was a counsel for the National Association for the Advancement of Colored People, NAACP, in a court battle against voter registration practices in Pinellas County and spoke out against police brutality.

Along with his legal work, Mr. Milton also found time to establish the Democratic Black Caucus of Florida and to be president of the St. Petersburg branch of the NAACP for 10 years.

Mr. Milton's concern for the entire community led him to volunteer his services on the board of directors of the Pinellas United Way, Pinellas Opportunity Council, the Pinellas County Urban League, and the Bethune-Cookman Alumni Association. He was also on the Sixth Circuit Judicial Nominating Committee for judges.

So, it is my pleasure to sponsor this legislation to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office," in honor of such a admirable man. I urge my colleagues to join me in supporting H.R. 5104.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge Members to support the passage of H.R. 5104, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5104.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT A NATIONAL YOUTH SPORTS WEEK SHOULD BE ESTABLISHED

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 826) expressing the sense of the House of Representatives that a National Youth Sports Week should be established.

The Clerk read as follows:

H. Res. 826

Whereas about 42 million children participate in organized sports each year;

Whereas children participating in organized sports tend to perform better in school, develop excellent interpersonal skills, and lead healthier lives;

Whereas organized youth sports help children increase their self-esteem, develop an appreciation of health and fitness, and become leaders within the community;

Whereas organized youth sports provide for regular physical activity and help combat increasing rates of childhood obesity;

Whereas the Congressional Caucus on Youth Sports was created, with great help and support from the Citizenship Through Sports Alliance, Positive Coaching Alliance, and National Recreation and Park Association, to restore the focus in youth sports on the child's experience and character development;

Whereas far too many children quit participating in youth sports at a young age, many telling coaches and parents, "It just wasn't fun anymore";

Whereas the National Recreation and Park Association has designated July as Parks and Recreation Month;

Whereas many youth sports organizations gather at local parks and recreation facilities across the country; and

Whereas designating the second week in July as National Youth Sports Week would raise awareness of the important physical and emotional benefits of participating in youth sports and the need to promote sportsmanship among players, parents, coaches, and officials: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that a National Youth Sports Week should be established to promote awareness of the importance of youth sports and the need to restore the focus in youth sports on the child's experience and character development.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 826, offered by the distinguished gentleman from North Carolina (Mr. MCINTYRE), would express the sense of the House that a National Youth Sports Week should be established.

Because children are our country's most valuable resource, it is important that we do all we can to provide them with positive learning experiences, quality role models, and all the enjoyment that comes with participating in organized sports.

Statistics show that approximately 42 million kids play youth sports each year. Children that partake in these activities tend to have better personal skills, lead healthier lives, and are more successful in school. The competitive spirit and character-building camaraderie that sports provide are essential for teaching our children to follow their dreams while working with others to build lasting relationships.

It is important that we all do our part to encourage our children to embrace the experience of teamwork; and for that reason, I urge all Members to come together to support H. Res. 826.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge support of H. Res. 826. Youth sports are much more than just an afterschool activity or a great way for young people to spend their energy and free time. Youth sports can help enrich a child's life; and, Mr. Speaker, they serve a much more important role today when so many youth have become voyeurs of sports and not participants in sports. H. Res. 826 is sponsored by Representative MIKE MCINTYRE.

Youth sporting leagues and activities, when combined with healthy parenting and responsible coaching, help children to grow emotionally, socially, and physically. Teamwork, discipline, and the value of hard work that goes with them are important lessons for children to learn. In addition, there are clear physical and health benefits for children who participate in youth sports.

Mr. Speaker, obesity has become a major problem of young people in the United States. This week I am introducing a bill that would allow the FCC to regulate junk food advertising on TV which is so out of hand that physicians and other health care providers have focused in on this advertising in particular.

I am pleased that before Representative JON PORTER, former chair of the HHS subcommittee, left, I was a cosponsor of a bill that has been funded now for the last 5 years with him to establish a program that was extraordinarily successful, as it turns out and according to studies, in getting young people out and active. It was the VERB program. I regret very much that thus far this program has not been funded this year by the committee. I am hoping that it will be funded by Congress before we go home.

No health issue is more pervasive among young people than obesity and being overweight. We appear to be raising a generation that is losing interest in physical activity and, in addition, is consuming nutritionally deficient foods that will guarantee that they have health problems for the rest of their lives.

We have an epidemic of the type II diabetes for the first time in the history of this country. This is not the kind of diabetes people are born with. This is the kind of diabetes people get as a result of lifestyle, and the notion that youngsters now are the fastest growing group of those with type II diabetes should concern all of us and should get us to doing whatever we can to bring this matter to the attention of their parents and their communities. What Representative MIKE MCINTYRE's resolution does in this regard may seem small, but everything we can do we should now be doing.

Children who are not active and maintain poor diets develop health problems that we now know will be with them for their entire lives. The notion that high blood pressure, pediatricians tell us, now starts for many children when they are in elementary school, for example.

☐ 1430

Youth sports helps counteract this behavior by encouraging physical activity and healthier diets.

Internationally, many organizations use youth sports to help remove barriers between culturally diverse communities. Basketball and soccer leagues have been successfully used in South America and Northern Ireland to foster reconciliation among troubled youth. Youth sports help train children to become productive citizens and future leaders.

Youth Sports Week, which will be celebrated during the second week of July, will raise awareness of the existence of sports leagues around the country and promote sportsmanship among players, parents, coaches, and officials. I very much urge Members to support this resolution.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I can share many of the concerns and feelings that my colleague from across the aisle has expressed. When we were growing up, we didn't need a lot of organized sports to keep us busy, it did not seem. There were plenty of activities in the summer to keep us active; and when we were in school during the year, there were activities to keep us active.

But nowadays it seems it is very difficult to keep children active in sports-related activities unless those are around organized activities. As the grandparent of two who are involved in lots of activities themselves, I see very much the benefits to them from being involved in baseball and in basketball and in Kung Fu and other things that teach them skills that will be useful to them all their lives, including team-building skills.

It is very important, I think, that we keep our young people active and that we do all that we can to help them fight against the trends toward obesity that we are seeing in our culture and the trends toward inactivity, with children being drawn to watching television and playing on computers instead of getting outside and being involved in great activities that could help them in all manners of their lives.

So I very much support this resolution, and I urge all Members to support the adoption of H. Res. 826.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of H. Res. 826, legislation to designate the second week of July as "National Youth Sports Week."

Many thanks to the cochair of the Youth Sports Caucus, Congressman KENNY HULSHOF, and all of the Members of the Youth Sports Caucus for their work on this bill.

Additionally, I would also like to thank the Government Reform Committee, particularly Chairman DAVIS and Ranking Member WAXMAN for their swift support in bringing this bill to the House floor.

Having coached youth sports for 7 years as a volunteer coach in my hometown of Lumberton, NC, I recently created the Congressional Caucus on Youth Sports in response to the release of the first-ever Report Card on Youth Sports in America.

The report card, compiled by the Citizenship Through Sports Alliance, revealed alarming deficiencies in child-centered philosophy, coaching, health and safety, officiating and parental behavior and involvement in youth sports in America.

Youth sports are the largest youth organization in the United States. In fact, more than 42 million children play sports each year with tens of thousands of volunteers, parents, coaches, and officials joining in to help.

Therefore, we must ensure that our Nation's children have a positive experience playing youth sports, and we must restore the focus of youth sports on character development.

The benefits of children's involvement in youth sports go far beyond the playing field. Children who participate in organized sports tend to achieve better results in school, develop excellent interpersonal skills and increased self-esteem.

During my years as a youth sports coach with my sons, Joshua and Stephen, I saw the positive impact of sports on our youth and in our community, as well as in other communities. I know first-hand the positive impact youth sports have had on my life growing up and not only on my sons' lives but also on the lives of countless other young people—both boys and girls—across America.

H. Res. 826 raises awareness about the important and long-term physical and emotion benefits of participating in youth sports and the need to promote sportsmanship among players, parents, coaches and officials.

This bill is supported by the Citizenship Through Sports Alliance, Positive Coaching Alliance, and the National Recreation and Park Association. The month of July has been designated by the National Recreation and Park Association as Parks and Recreation month, and the second week of July to celebrate youth sports would complement this celebration.

Please join me in passing this legislation and helping to ensure that our Nation's children reap the positive affects of involvement in youth sports, and that this crucial part of children's lives remains a source of enjoyment and character-building.

JUNE 19, 2006.

Re National Youth Sports Week Resolution (H. Res. 826).

Hon. MIKE MCINTYRE,
Rayburn House Office Building, House of Representatives, Washington, DC.

I am writing this letter to offer you the full support and endorsement of the National Recreation and Park Association (NRPA) as you seek passage of the National Youth Sports Week Resolution.

Public park and recreation agencies are the largest provider and facilitator of community based youth sport opportunities in America. Not only do park and recreation agencies provide instructional programs and coordinate youth sport leagues, they manage an estimated 500,000 facilities that are permitted to independent youth sport organizations to conduct their own programs and leagues. Public park and recreation agencies lead the way in identifying needs and offering solutions to improve youth sports. Our collective influence regarding public policy associated with quality sports, development of practice standards and leadership around improving the quality of youth sports reflect our commitment to the work of the Congressional Youth Sports Caucus.

Since 1998, the National Recreation and Park Association (NRPA) has engaged national partners and local park and recreation agencies to improve the quality of youth sports nationwide. NRPA partnerships have focused on expanding and improving programming in tennis, basketball, baseball, football as well as many other sports to increase participation among youth and adults.

NRPA was selected by Sports Illustrated in 2002 to celebrate its 50th Anniversary by designating one community in each state as the Sports Illustrated 50th Anniversary Sportstown. This nationwide competition attracted applications from 250 communities in all 50 states. The National Football League Youth Football Fund allowed us to take this project to the next level by engaging thirty-eight communities to demonstrate a new leadership model for improving the quality of youth sports.

At the conclusion of the demonstration project, NRPA launched the Sports Illustrated GOOD SPORTS™ initiative in 2005. Over 1,400 communities joined the initiative to improve youth sports through the following elements:

Teach life skills through sports;

Empower success among youth through sports;

Promote physical activity and healthy lifestyles through sports; and

Strengthen communities through youth sports.

NRPA brought our expertise in the field and our community perspective to assist in the development of the Citizenship through Sports Alliance's (CTSA) National Youth Sports Report Card. We recently moved this partnership forward by working with CTSA to conduct a Grassroots Report Card of Youth Sports in America in coordination with the Congressional Caucus on Youth Sports. We are currently assisting local community efforts to benchmark their grassroots report card against the national findings.

NRPA looks forward to collaborating with the Congressional Youth Sports Caucus to work in a bi-partisan fashion to promote the values of sportsmanship, civility, respect, health, safety, fun and physical activity among players and leaders, including coaches, parents and officials. We are pleased that the National Youth Sports Week will take place during the second week of July to coincide and compliment National Recreation and Parks month.

The leadership role of parks and recreation in advancing child-centered youth sports is increasingly evident. Convening community stakeholders and engaging partners to improve programs, policies and practices around all of youth sports is imperative. Park and recreation agencies sit at the crossroads of responsibility and opportunity to elevate the practice and to develop new standards for the benefit of all children. NRPA will continue to develop public policy recommendations to support the leadership role of parks and recreation to improve the quality of youth sports nationwide.

We applaud your leadership and dedication and that of the co-sponsors to the improvement of youth sports in America by designating a National Youth Sports Week.

Sincerely,

JOHN THORNER,
Executive Director,
National Recreation and Park Assoc.,
Ashburn, VA.

Ms. FOXX. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 826.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 2 o'clock and 34 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 5 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109-507) on the resolution (H. Res. 877) providing for consideration of the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on motions to suspend the rules previously postponed.

Postponed votes will be taken in the following order:

H.R. 5540, by the yeas and nays;

H.R. 5504, by the yeas and nays;

H. Res. 826, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in the series will be a 5-minute vote.

SERGEANT JACOB DAN DONES POST OFFICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5540.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5540, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 0, not voting 126, as follows:

[Roll No. 289]

YEAS—306

Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capuano
Cardin
Cardoza
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Moran (VA)
Murphy
Murtha
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pastor
Pearce
Peterson (MN)
Petri
Pitts
Poe
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—126

Abercrombie
Akin
Alexander
Baca
Barrow
Beauprez
Berman
Bishop (GA)
Boozman
Boucher
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Buyer
Campbell (CA)
Cannon
Capps
Carnahan
Clay
Cleaver
Costa
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
DeGette
Diaz-Balart, L.
Doolittle
Doyle
English (PA)
Evans
Ford
Franks (AZ)
Gallegly
Gibbons
Gilchrest
Gordon
Graves
Green (WI)
Grijalva
Gutierrez
Harris
Hastings (WA)
Hensarling
Herger
Herseth
Hinchey
Hobson
Hostettler
Hunter
Inglis (SC)
Israel
Istook
Jefferson
Jenkins
Jindal
Jones (OH)
Kennedy (MN)
Kilpatrick (MI)
Kucinich
Lee
Maloney
Manzullo
Marchant
Marshall
McCrery
McKinney
Mica
Miller (FL)
Miller (MI)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nussle
Ortiz
Osborne
Otter
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Ramstad
Rangel
Regula
Reichert
Renzi
Rohrabacher
Ros-Lehtinen
Ruppersberger
Rush
Sanders
Sensenbrenner
Shadegg
Shays
Sherwood
Shimkus
Smith (WA)
Snyder
Souder
Stark
Strickland
Tancredo
Tanner
Taylor (NC)
Thompson (CA)
Towns
Turner
Udall (CO)
Visclosky
Waters
Waxman
Weiner
Wynn

☐ 1730

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Monday, June 19, 2006, I was absent due to a family commitment.

Had I been in attendance, I would have voted "yea" on rollcall vote 289, final passage of H.R. 5540—Sergeant Jacob Dan Dones Post Office Designation Act.

LARRY WINN, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5504.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5504, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 305, nays 0, not voting 127, as follows:

[Roll No. 290]

YEAS—305

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capuano
Cardin
Cardoza
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Moran (VA)
Murphy
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pastor
Pearce
Peterson (MN)
Petri
Pitts
Poe
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—127

Akin
Alexander
Baca
Barrow
Beauprez
Berman
Boozman
Boucher
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Buyer
Campbell (CA)
Cannon
Capps
Carnahan
Clay
Cleaver
Costa
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
DeGette
Diaz-Balart, L.
Doolittle
Doyle
Ehlers
English (PA)
Evans
Ford
Franks (AZ)
Gallegly
Gibbons
Gilchrest
Gohmert
Gordon
Graves
Green (WI)
Grijalva
Gutierrez
Harris
Hastings (WA)
Hensarling
Herger
Herseth
Hinchey
Hobson
Hostettler
Hunter
Inglis (SC)
Israel
Istook
Jefferson
Jenkins
Jindal
Jones (OH)
Kennedy (MN)
Kilpatrick (MI)
Kucinich
Lee
Maloney
Manzullo
Marchant
Marshall
McCrery
McKinney
Mica
Miller (FL)
Miller (MI)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nussle
Ortiz
Osborne
Otter
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Ramstad
Rangel
Regula
Reichert
Renzi
Rohrabacher
Ros-Lehtinen
Ruppersberger
Rush
Sanders
Sensenbrenner
Shadegg
Shays
Shimkus
Smith (WA)
Snyder
Souder
Stark
Strickland
Tancredo
Tanner
Taylor (NC)
Thompson (CA)
Towns
Turner
Udall (CO)
Visclosky
Waters
Waxman
Weiner
Wynn

☐ 1737

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Monday, June 19, 2006, I was absent due to a family commitment. Had I been in attendance, I would have voted "yea" on rollcall vote 290, final passage of H.R. 5504—Larry Winn, Jr. Post Office Building Designation Act.

Mr. EHLERS. Mr. Speaker, on rollcall No. 290 I was involved in a meeting and did not return to the floor in time for the vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on June 19, 2006 during rollcall votes Nos. 289 and 290 during the second section of the 109th Congress. My flight into Washington was delayed because of weather.

Rollcall vote No. 289 was on the motion to suspend the rules and pass H.R. 5540.

Rollcall vote No. 290 was on the motion to suspend the rules and pass H.R. 5504.

Had I been present, I would have voted "yea" on both of these rollcall votes.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, on rollcall votes Nos. 289 and 290, I was unable to cast votes due to the delay of my Northwest Airlines flight as a result of a thunderstorm over National Airport. There were six of us House Members on this flight.

I would have voted "yea" on the Sergeant Jacob Dan Dones Post Office Designation Act—H.R. 5540, and also "yea" on the Larry Winn, Jr. Post Office Building Designation Act—H.R. 5504.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT A NATIONAL YOUTH SPORTS WEEK SHOULD BE ESTABLISHED

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 826.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the resolution, H. Res. 826, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 311, nays 0, answered "present" 1, not voting 120, as follows:

[Roll No. 291]

YEAS—311

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capuano
Cardin
Cardoza
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Moran (VA)
Ney
Northup
Norwood
Nunes
Oberstar
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pastor
Pearce
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Obey

NOT VOTING—120

Akin
Alexander
Baca
Barrow
Beauprez
Berman
Boozman
Boucher
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Buyer
Campbell (CA)
Cannon
Cantor
Capps
Carnahan
Clay
Cleaver
Costa
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
DeGette
Diaz-Balart, L.
Doyle
English (PA)
Evans
Ford
Franks (AZ)
Gallegly
Gilchrest
Gohmert
Gordon
Graves
Green (WI)
Grijalva
Gutierrez
Harris
Hastings (WA)
Hensarling
Herger
Herseth
Hinchey
Hobson
Hostettler
Hunter
Inglis (SC)
Israel
Istook
Jefferson
Jenkins
Jindal
Jones (OH)
Kilpatrick (MI)
Kucinich
Lee
Maloney
Manzullo
Marchant
Marshall
McCrery
McKinney
Mica
Miller (FL)
Miller (MI)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nussle
Ortiz
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Pickering
Pombo
Rangel
Regula
Rohrabacher
Ros-Lehtinen
Ruppersberger
Rush
Sabo
Sanders
Sensenbrenner
Shays
Shimkus
Smith (WA)
Snyder
Souder
Stark
Strickland
Tancredo
Tanner
Taylor (NC)
Thompson (CA)
Towns
Turner
Udall (CO)
Visclosky
Waters
Waxman
Weiner
Weldon (FL)
Wilson (SC)
Wynn

□ 1814

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Monday, June 19, 2006, I was absent due to a family commitment.

Had I been in attendance, I would have voted "yea" on rollcall vote 291, final passage of H. Res. 826—Expressing the sense of the House of Representatives that a National Youth Sports Week should be established.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, flight delays prevented my attendance for legislative business scheduled for today, Monday, June 19, 2006. Had I been present, I would have voted "yea" on H.R. 5540, the Sgt. Jacob Dan Dones Post Office Designation Act (rollcall No. 289); "yea" on H.R. 5504, the Larry Winn, Jr. Post Office Building Designation Act (rollcall No. 290); and "yea" on H. Res. 826, expressing the sense of Congress that a National Youth Sports Week should be established (rollcall No. 291).

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on June 16, 2006, and today, June 19, 2006. I would like the record to show that, had I been present, I would have voted "no" on rollcall vote 288 and "yea" on rollcall votes 289, 290, 291.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, June 19, 2006. As a result, I was not recorded for rollcall votes No. 289, No. 290 and No. 291. Had I been present, I would have voted "yes" on rollcall No. 289, No. 290 and No. 291.

Rollcall No. 289—H.R. 5540—Sergeant Jacob Dan Dones Post Office Designation Act; rollcall No. 290—H.R. 5504—Larry Winn, Jr. Post Office Building Designation Act; and rollcall No. 291—H. Res. 826—Expressing the sense of the House of Representatives that a National Youth Sports Week should be established.

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on June 19, 2006, I was in Connecticut and, therefore, missed three recorded votes.

I take my voting responsibility very seriously. Had I been present, I would have voted "yea" on recorded vote No. 289, "yea" on recorded vote No. 290 and "yea" on recorded vote No. 291.

PERSONAL EXPLANATION

Mr. PENCE. Mr. Speaker, I was away earlier this evening and thus unable to cast a vote on a number of measures before the House. Had I been present, I would have voted in the following manner: rollcall 289 (on Passage of H.R. 5540)—"yea"; rollcall 290 (on Passage of H.R. 5504)—"yea"; and rollcall 291 (on Passage of H. Res. 826)—"yea."

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes. Had I been present I would have voted as follows: rollcall No. 289—"yea"; rollcall No. 290—"yea"; and rollcall No. 291—"yea."

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to weather delays, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below:

Rollcall No. 289: "yea"; rollcall No. 290: "yea"; and rollcall No. 291: "yea."

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, on the evening of June 19, 2006, I was unavoidably detained and missed the rollcall votes for the following measures: H.R. 5540, the Sergeant Jacob Dan Dones Post Office Designation Act, H.R. 5504, the Larry Winn, Jr. Post Office Building Designation Act and H. Res. 826, Expressing the sense of the House of Representatives that a National Youth Sports Week should be established.

My flight from Cleveland was rerouted to Dulles Airport due to thunderstorms in the Washington area. Had I been present for those votes I would have voted "yea" on H.R. 5540, "yea" on H.R. 5504, and "yea" on H. Res. 826.

PERSONAL EXPLANATION

Mr. CLEAVER. Mr. Speaker, today, June 19, 2006, I was unavoidably detained in my district by flight delays caused by inclement weather.

Mr. Speaker, had I been present for rollcall vote 289 on H.R. 5540, the Sgt. Jacob Dan Dones Post Office Designation, I would have voted "yea"; had I been present for rollcall vote 290 on H.R. 5504, the Larry Winn, Jr. Post Office Designation, I would have voted "yea"; and had I been present for H. Res. 826, Expressing the Sense of the House of Representatives that a National Youth Sports Week be Established, I would have voted "yea".

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, due to mechanical problems and weather delays relating to US Air flights No. 232 and No. 1022, I was unavoidably detained and was unable to vote on rollcalls 289, 290, and 291. Had I been present, I would have voted "yea" on each of these measures.

TRANSITIONING SECURITY AND LEADERSHIP TO IRAQ GOVERNMENT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, on June 16 in Baghdad, Iraq, three soldiers who were at a checkpoint that they were manning came under enemy fire. All three soldiers were assigned to this checkpoint. Unfortunately, one soldier lost his life and two soldiers have been abducted. One of them happens to be from Texas.

In the backdrop of the Iraq debate that we held last week, let me restate a plea that I have made on behalf of these soldiers and on behalf of the United States military. It is imperative that this sovereign government of Iraq clarify and make very clear that anyone who kidnaps or abducts an American soldier will be held liable. The prime minister needs to make a very pronounced statement about seeking information on the whereabouts of these soldiers, and then he must make it additionally clear that he will not hold to anyone receiving amnesty for killing an American soldier.

It is time to transition both security and leadership to the Iraqi Government now.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NEWS FROM THE FRONT

Mr. POE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, news from the front: the battle for the border continues. The news is disturbing. The enemy is among us. There are invaders here from other nations that were smuggled here, and they live in the shadow of crime. They prey on our families. Some are thieves; some are killers. According to the Government Accountability Office, 25 homicides a day are committed in this country by people that are illegally here. That is 10 times more Americans killed in Iraq since 2003. Americans pay for the prison cost to lock these outlaws up. Then when our government tries to deport them, eight nations refuse to take back their own people. So since we cannot detain these individuals indefinitely, our government lets them go, lets them go into the heartland of America, thereby letting these illegals free to roam our streets with a permanent get-out-of-jail-free card, and a permanent stay-in-America-forever card.

Mr. Speaker, this ought not to be. Eight countries turn a blind eye, a deaf ear on their illegals in America. Many of them are criminals. They have committed crimes and gone to our prisons, and these countries will not even take their own people back, even though they have lawfully been deported.

How many people are we talking about? In 1 year alone, these eight countries left more than 130,000 people ordered to be deported back to their homeland, and they refused to take these individuals. Many of these people were thieves and bandits, and they are left on our soil.

The detention cost to Americans was $83 million.

Mr. Speaker. Americans pay. They always pay for illegal entry. That is $10 million more than the people in my district got after their lives were ripped apart by Hurricane Rita. And despite all that money spent, we are forced to turn these immigrant inmates out on our streets, many to prey on our families, many to strike again, many to steal again.

We foot the bill for their prison stay, then their countries won't take them back. This isn't a matter of illegals ignoring a deportation order and disappearing into the night. It is about eight countries who ignore their obligations. Some of these countries accept foreign aid from the United States.

Who are these eight countries? They include China, Iran, India, Jamaica, Vietnam, Ethiopia. These countries put up immigration obstacles impossible for our government to hurdle, but these same nations gladly take our foreign aid. They gladly take that free American money, but won't take back their own people.

Also, America allows 123,000 legal visas each year to be issued to these nations. So, Mr. Speaker, these nations cannot have it both ways. Take our money and take your illegals back, or no more American money. We should deny foreign aid to nations that refuse to accept their lawfully deported illegals. We should deny American visas to those nations who refuse to take back their lawfully deported citizens. America cannot allow this nonsense to continue.

Mr. Speaker, the war for the border continues, but we will not let ourselves become bogged down by the demands and expectations of the leaders of these obstinate eight, these nations who expect money from our pockets, but won't take back their criminals who have picked our pockets. That's just the way it is.

RETIREMENT SECURITY

Mrs. MCCARTHY. Mr. Speaker, I ask permission to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Mrs. MCCARTHY. Mr. Speaker, I would like to talk for a little while about retirement security. More and more when I am home on the weekends, I am having more of my seniors coming up to me and talking about their nervousness about the talk about changing Social Security next year in 2007. They are also concerned about Medicare because a lot of them are starting to reach that doughnut hole that is in the Medicare part D part.

A lot of people are concerned. They have worked hard all of their lives, and they are basically saying why are you guys down in Congress doing this. We have worked hard, we have put our money into Social Security and Medicare. And I try to reassure them.

Last year, Democrats from across the country, the congressional Democrats, came out to the districts and talked to people about why they needed to get out and have their voices heard.

We believe in Social Security. I know certainly some of my friends who are on Social Security now, they need that money every single month. A lot of them are widowed, and the pension that they thought they were getting is not there any more. So Social Security is giving them that little safety issue.

I think we have to bring back again why we have Social Security. It was basically to make sure that people would not go into poverty. It was not meant to be a retirement fund. It was never to be a retirement fund. It was supposed to be insurance to give you a little bump to make sure that you could pay the rent and heating.

I can say we as Democrats are going to fight to make sure that we do protect Social Security. I think it is important that people remember people with disabilities also get Social Security. Or those who, unfortunately, have lost their husbands at an early age and have children, they will be getting Social Security and their children will be getting Social Security.

I know that going back just about 13 years ago when my husband died, I couldn't imagine how was I going to make it. Well, we did make it and I was lucky that my son was able to recover and that we didn't have to ask for Social Security. But I know a lot of my friends had to because they had young children. This is what it is, a safety net. It is a safety net for all Americans.

So I can say that I certainly pledge for all Democrats that we will protect Social Security. I think people have to understand the scare about taking away Social Security. We are good for Social Security for many, many years down the road. And we are probably going to have to tinker with it as time goes by to make sure that the next generation and the generation after that has Social Security.

There are many that say let's have savings accounts. I am all for savings accounts. I think Americans don't save enough. Those that are old enough and have parents coming through the Depression learned at an early age, even if you put $1 a week away, or $2, it is something you have for the future.

I happen to believe in saving. Even here in Congress, I try to put away money so when I retire one day, I will have the comfort of knowing I will be able to pay my monthly bills, and I think that is what most senior citizens want to know.

But when we talk about and when you look at the stock market, certainly in the last couple of weeks, it has been up and down like a roller coaster. We all remember in early 2000 when people lost 35 percent of their holdings in the stock market, and many are just starting to recover now. We can't take that kind of chance with Social Security. Social Security is supposed to be something that is safe that the government is going to back. That is something that is extremely important for many of us.

Certainly I know my mom and dad when they retired, and this is going back even 15 years ago, they needed that Social Security. That was the only thing they had to live on. Certainly their children helped them out, but it gave them dignity to be able to pay their own bills, and there are many parents that feel that way. They don't want to be a burden on their children.

I have pledged that in 2007 when we all come back and this debate on Social Security starts again, I pledge that the Democrats will be fighting to save Social Security.

But also pensions. We have seen so many of our people around this country losing their pensions. I know that some corporations say they can't afford it any more. They want to go into a 401(k). Well, I think a 401(k) is fine, but what is happening to us as Americans? What happened to the companies that basically backed us? If you were loyal to your company, you had benefits.

I am going to continue talking about this in the next couple of weeks because I think it is important that Americans know about it.

IRAQ WAR STATUS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. EMANUEL. Mr. Speaker, last week we had a big debate about Iraq, and our battles over there continue. There were a lot of accusations about which party cut and run, yielded by those on the other side who said Democrats wanted to cut and run.

It is ironic because this is the first war in American history that a party and a President has chosen to divide Americans on the war rather than unite them.

But let's take the concept of cutting and running. In the spring of 2002, American forces had Osama bin Laden on the run in Tora Bora and Afghanistan, but the administration decided to cut and run from that fight taking resources appropriated for Afghanistan and moving them onto the field of Iraq and cutting and running from Afghanistan and its responsibilities of isolating and getting Osama bin Laden.

Then Donald Rumsfeld, the Secretary of Defense, led the charge into Iraq with a cut-and-run mentality, touting what he called the 10–30–30 strategy, to bug out of Iraq as soon as we finished invading: 10 days of war, 30 days of occupation, and 30 days of transition.

His prediction was by May of 2003 we would have less than 30,000 American troops in Iraq.

□ 1830

So I ask, how are we doing on Don Rumsfeld 10–30–30? His entire mentality was to get out of Iraq as quickly as possible. And we have been bogged down in Iraq because of his cut-and-run mentality, because he had too few troops, not a plan for the occupation for Iraq at all.

And when you go back and think about it, they promised a quick war, and we got a long war. When the Republican Congress cut and run from its responsibility oversight, how did that war change?

They said we were going to find weapons of mass destruction, and all we got was sand. But the Republican Congress cut and run from its responsibility of oversight.

They said we were going to have a conventional war, and we ended up with an insurgency. And the Republican Congress and Don Rumsfeld cut and run from their responsibility of oversight and changing the strategy.

They said we were going to be treated as liberators, and we became occupiers. And they cut and run from the responsibility of oversight, and Don Rumsfeld, the Secretary of Defense, cut and run from understanding the type of conflict we had.

They said we needed no more than 130,000 troops, and it has become self-evident that we needed more troops than even in the first Gulf War, and that Bremer, the then President's ambassador, and others had asked for more troops, and the administration and, most importantly, the Secretary of Defense cut and run from his responsibility to provide those troops.

And that doesn't even count the Kevlar vests, the Humvees, and the other types of equipment that the troops needed at every step of the way. The Republican Congress and Secretary of Defense Don Rumsfeld cut and run from their responsibility, and that reality that they met with in Iraq cut right into their ideology of cutting and running from their responsibilities.

And need I remind the Secretary of Defense of the words of Winston Churchill. "Never, never, never believe any war will be smooth and easy. The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of the policy, but the slave of unforeseeable and uncontrollable events."

Or as Don Rumsfeld himself likes to say, "Stuff happens, and it's untidy." Perhaps it turned out untidy because from day 1 the administration had a cut-and-run attitude towards the results of the war.

Don Rumsfeld convinced the President to cut and run on the safety of our troops when it came to Kevlar vests and Humvees. Over objections of GEN Eric Shinseki and Secretary of State Colin Powell, Secretary of Defense Rumsfeld produced a plan to invade a nation of 25 million with only 130-some-odd-thousand troops.

GEN Anthony Zinni, Commander of the U.S. forces in the Middle East, said, "We are paying the price for the lack of credible planning or the lack of a plan. Ten years of planning were thrown away."

LTG Greg Newbold, top operations officer for the Joint Chiefs of Staff, put it more succinctly and clearly. "My sincere view is that the commitment of our forces to this fight was done with a casualness and a swagger that are the special province of those who have never had to execute these missions or bury the results."

Secretary Rumsfeld's spokesman Larry DiRita visited Kuwait in 2003 and said, "We don't owe the people of Iraq anything. We're giving them their freedom, and that's enough."

So when it comes to the accusation of cutting and running, let's look at the record. And the record is quite clear that although the slogan is easy to throw around, that it is the mentality of the Secretary of Defense.

LEAKED CABLE FROM U.S. EMBASSY IN IRAQ

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, last week in his surprise visit to Baghdad, President Bush was full of happy talk. "The progress here in Iraq has been remarkable when you really think about it," he said.

But as usual, with this administration, there is a side of the story you don't hear until it leaks out.

Over the weekend, the Washington Post reported on a memo under the name of U.S. Ambassador of Iraq Zalmay Khalizad, which describes the treacherous living conditions faced by Iraqi nationals who work for the U.S. Embassy.

The cable cites harassment from militia groups, hostility from security forces, the ones we have trained, sporadic utilities in 115-degree heat, scarce and expensive fuel, women forced to cover their faces in public, kidnappings of family members, fear of recrimination if it is discovered that they are employed by the embassy and are thus aiding the occupation. Some of these men and women haven't even told their families where they work.

Mr. Speaker, is this the freedom that the President says is transforming the Middle East?

The dispatch describes the central government, the one we have heard the Bush administration pump up to no end, as ineffective and "not relevant." Embassy staff report that it is actually local militia and neighborhood governments that control the streets.

After 2,500 American deaths, more than a quarter of a trillion dollars spent, and our global reputation lying in tatters, we still don't have a grip on basic security in Iraq. It is absolutely scandalous.

Mr. Speaker, if the men and women who work for the U.S. Government feel threatened, how can we possibly hope to maintain peace, rule of law and basic services for millions of ordinary Iraqis living outside of the bubble of the Green Zone?

It couldn't be clearer. We are not trusted, respected or beloved in Iraq. Our military presence is not providing relief from an atmosphere of resentment, danger and paranoia in Iraq; we are contributing to it. In fact, we are exacerbating it.

There is only one answer, Mr. Speaker. It is time, in fact, it is long past time, for our troops to come home. We can help Iraqis build a more promising future. We can help them rebuild their country and do our best to help them resolve sectarian strife. But we can do it only as a partner, not as an occupier. We can do it only if we end this disastrous war, only if we return Iraq to the Iraqis and return our troops to their families.

EXTENSIONS OF THE VOTING RIGHTS ACT OF 1965

Mr. DAVIS of Illinois. Mr. Speaker, I ask permission to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to express strong support for extension of the Voting Rights Act of 1965. The importance and necessity of the Voting Rights Act cannot be overemphasized. We have learned through experience what a difference the vote makes. In 1964, the year before President Johnson signed the act into law, there were only 300 African American elected officials in the entire country. Today there are more than 9,100 black elected officials, including 43 Members of Congress.

The most fundamental right of our democratic system of government is the right of citizens to participate in the political process. The 15th amendment ensures the right of every citizen, regardless of race, color, or previous condition of servitude, to vote and participate in the electoral process. However, as we have seen in previous elections, some local governments have actively and, in some instances, have aggressively attempted to disenfranchise African American and other minority voters.

This year, all who care about social justice and equal opportunity in America can share one overriding goal, and that is Congress needs to review the provisions of the Voting Rights Act which will ensure that our Nation's government has the opportunity to reflect the views, the values and, most importantly, the votes of the people it serves.

Of all the civil rights legislation that the Nation has enacted over the past four decades, the Voting Rights Act of 1965 is arguably the most important. Yes, every major piece of civil rights legislation has helped to eliminate injustices such as discrimination in education, employment and housing, but it is the Voting Rights Act that empowers Americans to take action against injustices by electing those who pledge to eliminate it and removing those who perpetuate it.

African Americans in the South were prevented from voting by a battery of tactics, poll taxes, literacy tests that were for blacks only, and the crudest forms of intimidation. From the Southwest to some urban areas in the Northeast and Midwest, Latinos were discouraged from voting in more subtle but just as effective techniques that exploited the vulnerabilities of low-income newcomers for whom English was a second language. Both groups were also the targets of districting designed to dilute the ability to elect officials of their own choosing, a fundamental freedom that all too many Americans take for granted.

And this is why it is so important that Congress renew all three provisions that are set to expire: section 5, which requires Federal approval for all proposed changes in voting or election procedures in areas with a history of discrimination; section 203, which requires some jurisdictions to provide assistance in other languages to voters who are not literate or fluent in English; and the portions of section 6-9 of the act which authorizes the Federal Government to send Federal election examiners and observers to certain jurisdictions covered by section 5 where there is evidence of attempts to intimidate minority voters at the polls.

Mr. Speaker, this act is scheduled to come before us in the next few days, and I am gratified to note that it has generated tremendous support on both sides of the aisle. And I am certain that American people all over the country look forward to its passage. I simply urge strong support.

MORALITY TALE ON AIDS

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I come to the floor tonight to really tell a morality tale that the American people may well not know anything about. Many things go on in the world, and we learn nothing in our press. But if you read widely, as I do, and read something called the Asia Times, which is one of many newspapers around the world, you find out very interesting things are going on.

Everyone knows that there is a problem with AIDS worldwide, and the problem with AIDS is that we, today, have the ability to actually treat people with AIDS with the triple therapy drugs that will make their life longer, allow them to continue working, allow them to take care of their children, create less orphans. There are many, many positive benefits from triple therapy around the world.

The problem is the drugs are made in the Western world where they are very, very expensive. In the Asia Times story, an article entitled World Health, A Lethal Dose of U.S. Politics, that is dated 6/19/2006, that I will enter into the RECORD, this article talks about a veteran World Health Organization professional by the name of William Aldis, who found himself in such conflict with the World Health Organization that he was fired. Now, they called it a promotion. They put him elsewhere. But basically they put him in a position where he would have no power similar to what he had before. He was the representative to Thailand.

Now, Thailand's use of these medications has reduced their level of deaths from AIDS by 79 percent. These drugs are effective, but very expensive. And the problem is that under the World Trading Organization rules, countries are allowed to make their own or to develop generics that are much less expensive.

Now, Thailand comes to the point where they want to develop a bilateral trade relationship with the United States. And the United States, at that point, uses their muscle to say to the Thais, you no longer can have this loose standard of developing drugs. You must abide by United States intellectual property law.

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Therefore, you are cut off from an inexpensive source of the medication that is in use in Thailand today and in many other countries in the world.

Now, this is a question of morality. We have the capacity to treat the millions of people who are living with AIDS and thousands of them, millions dying every year. We have the ability to treat them. But on the other side, we have the pharmaceutical industry that says we want to get the last nickel, we want to get the most money out of this situation that we can get. And the United States Government is helping the pharmaceutical industry squeeze the Third World.

Now, a lot of people say why does the rest of the world dislike America? It is this kind of stuff that goes on under the radar screen of most people in this country who do not understand what is going on who, therefore, do not understand why the rest of the world looks at us as being in it for ourselves and no one else. We can talk all we want to about liberty, and we can talk all we want about the free enterprise system and all these things, but when it comes down to money we put the squeeze on.

Now, you say, well, hasn't the President been generous? Hasn't he put $15 billion out there to deal with the AIDS epidemic? Yes, in theory he has made that and some of that money has been appropriated out of this House, but it is being used to buy drugs that are much more costly. We could buy many more drugs if we would buy generics produced in these countries by themselves.

Now, recently there was a Congressional Research Service report, and this is our research service in the Library of Congress, that said that the United States' main purpose for pursuing bilateral FDAs is to advance U.S. intellectual property protection rather than promoting free trade.

This is wrong, and the American people should know about it and insist that their government make available the drugs for the rest of the world's treatment.

The material previously referred to is as follows:

WORLD HEALTH: A LETHAL DOSE OF U.S. POLITICS

(By Dylan C. Williams)

BANGKOK.—When World Health Organization (WHO) director general Lee Jong-wook died of a cerebral hemorrhage last month before the start of the United Nations agency's annual World Health Assembly, the world's most prominent public-health official was arguably of a conflicted mind.

The WHO veteran was caught in the middle of an intensifying global debate over how to reconcile intellectual-property protection with the pressing public-health need to expand and access to expensive life-saving medicines, a hot-button issue that has sharply divided WHO member states along developed- and developing-country lines.

An Asia Times Online investigation reveals that at the time of his death, Lee, a South Korean national, had closely aligned himself with the U.S. government and by association U.S. corporate interests, often to the detriment of the WHO's most vital commitments and positions, including its current drive to promote the production and marketing of affordable generic antiretroviral drugs for millions of poor infected with the human immunodeficiency virus (HIV), which can cause AIDS.

According to senior and middle-ranking WHO officials familiar with the situation, Lee blatantly bent to U.S. government pressure in March when he made the controversial decision to recall the WHO country representative to Thailand, William Aldis, who had served less than 16 months in what traditionally has been a four-year or longer posting.

Aldis had made the mistake of penning a critical opinion piece in the Bangkok Post newspaper in February that argued in consonance with WHO positions that Thailand should carefully consider before surrendering its sovereign right to produce or import generic life-saving medicines as allowed by the World Trade Organization (WTO) in exchange for a bilateral free-trade agreement (FTA) with the United States, which is currently under negotiation.

The WHO official also wrote that the stricter intellectual-property protection measures in the proposed U.S.-Thailand FTA would inevitably lead to higher drug prices and thereby jeopardize the lives of "hundreds of thousands" of Thai citizens who now depend on access to locally produced cheap medicines to survive. He noted too that the Thai government's current production of generic treatments had allowed the country to reduce AIDS-related deaths by a whopping 79 percent.

Aldis' arguments directly mirrored stated WHO positions, but significantly were at direct odds with the objectives of current U.S. trade policy, which through the establishment of bilateral FTAs aims to bind signatory countries into extending their national intellectual-property legislation far beyond the parameters of current WTO agreed standards.

A recent U.S. Congressional Research Service report states that the United States main purpose for pursuing bilateral FTAs is to advance U.S. intellectual-property protection rather than promoting more free trade. The Bipartisan Trade Promotion Authority Act of 2002, the applicable U.S. legislation for bilateral FTAs, states explicitly that Trade-Related Intellectual Property Standards, or TRIPS, are by law non-negotiable and must reflect a standard of protection similar to that found in U.S. law.

A U.S. ambassador to the U.N. in Geneva paid a private visit to Lee on March 23 to express Washington's displeasure with Aldis' newspaper commentary, according to WHO officials familiar with the meeting. A follow-up letter from the U.S. government addressed to Lee strongly impressed Washington's view of the importance of the WHO to remain "neutral and objective" and requested that Lee personally remind senior WHO officials of those commitments, according to a WHO staff member who reviewed the correspondence.

The next day, Lee informed the regional office in New Delhi of his decision to recall Aldis.

Perhaps strategically, Aldis' removal coincided with the height of Thailand's recent political crisis, and failed to generate any local media attention at the time. Internally, Lee had characterized Aldis' transfer to a research position of considerable less authority in New Delhi as a promotion.

But a Geneva-based WHO official familiar with the situation said the article "was seen as stepping over unseen boundaries which the director general set for himself and his staff when dealing with the U.S. It was a disappointing reaction, a sad reaction, but under Lee's administration not a surprise."

Suwit Wibulpolprasert, senior adviser to the Thai Ministry of Public Health, early this month sent a formal letter to acting WHO director general Anders Nordstrom, requesting an official explanation for Aldis' abrupt removal.

According to a WHO official in Geneva with knowledge of the correspondence, the letter raised questions about possible U.S. influence behind the irregular personnel rotation and said that if the WHO decision was motivated by Aldis' comments on the U.S.-Thai FTA, then the WHO should reconsider the transfer.

Suwit also raised his concerns about the level of transparency and freedom of speech inside the WHO. In e-mail communication with this correspondent, Suwit said WHO officials had already denied that Aldis' recall was related to the opinions stated in the Bangkok Post article. A regional WHO official in New Delhi told a senior Thai public-health official that Aldis' removal was related to "inefficiency" in performing his functions—a characterization that Thai officials who worked alongside him through the 2004 tsunami and ongoing avian-influenza scare have privately contested.

News of Aldis' transfer, which oddly was first leaked by a Bangkok-based U.S. official, quickly spread through the global health organization. The June edition of the highly regarded medical journal The Lancet, which otherwise painted a flattering portrait of Lee's tenure, drew on anonymous WHO sources to characterize Lee's decision on Aldis as a "clear signal of U.S. influence on WHO."

A senior WHO official who spoke to Asia Times Online on condition of anonymity believes that Lee's decision and its subsequent leak by the U.S. government was specifically designed to engender more self-censorship among other WHO country representatives when they comment publicly on the intersection of U.S. trade and WHO public-health policies.

A large number of WHO staff members are employed on renewable 11-month contracts, meaning that their standing inside the organization is on perpetually shaky ground and hence curbs their ability to voice critical opinions.

Aldis, a U.S. national and permanent WHO staffer, was known among his colleagues for privately airing views critical of the Bush administration and its policy toward the WHO, particularly in relation to the U.S. government's alleged tendency to mix its commercial and public-health agendas.

Aldis reportedly chafed at WHO regional headquarters' instructions to receive representatives from U.S. corporations and introduce them to senior Thai government officials to whom the private company representatives hoped to sell big-ticket projects and products.

In recent months, major U.S. companies such as pharmaceutical giant Pfizer and technology company IBM have asked the WHO in Thailand to facilitate access to senior Thai officials. In turn, some senior WHO staff members have expressed their concerns about a possible conflict of interests, as the requested appointments were notably not related to any ongoing WHO technical-assistance program with the Thai government.

It's not the first time that the U.S. has played hardball with the WHO and Thailand. In 1998, when member nations proposed that the WHO be granted more power to monitor international trade agreements and their effects on global public health, particularly in relation to the access to patented medicines in developing countries, the U.S. government threatened to withhold funding to the organization.

Under that financial threat, the WHO has since largely refrained from commenting critically on the drug-patent issue. International and independent non-governmental organizations (NGOs) such as Oxfam and Medecins Sans Frontieres have filled the WHO's leadership vacuum on the issue by filling the information gap with highly critical research reports.

From the United States perspective, Aldis, and by association the WHO, had publicly sided with Thailand on the pivotal drug-patent debate during a crucial stage in the FTA negotiations. Washington reportedly hopes that the comprehensive deal it is pursuing with Thailand will serve as a template for other bilateral trade pacts in the region, including soon-to-be-negotiated deals with Malaysia and Indonesia.

Thai civil-society groups, meanwhile, have complained about the lack of transparency surrounding the negotiations, which caretaker Prime Minister Thaksin Shinawatra has unilaterally conducted without consultations with parliament.

The U.S. and Thailand have in the past sparred over the Thai government's decision to use its WTO-approved compulsory licensing rights to produce certain generic antiretroviral drugs for HIV carriers and AIDS sufferers. In 2001, for example, Washington threatened retaliatory trade sanctions, including curbs on sensitive Thai export products, if the Thai government allowed the production of certain generic antiretroviral drugs.

Thai activists, meanwhile, have given certain U.S. pharmaceutical companies legal fits. In 2001, for instance, they challenged the legality of U.S. pharmaceutical company Bristol Meyer Squibb's patent over the antiretroviral drug didanosine, or DDI, because it was originally developed by a public U.S. agency, the National Institutes of Health.

In 2002, a Thai court cited international statutes when it ruled that Thai HIV/AIDS patients could be injured by patents and had legal standing to sue if drug makers holding patents restricted the availability of drugs through their pricing policies.

The verdict was upheld in January 2004, and as part of an out-of-court settlement, Bristol Meyer Squibb decided to "dedicate the [DDI] patent to the people of Thailand" of that particular version of the drug by surrendering it to the Thai Department of Intellectual Property.

The dedication, however, did not carry over to third countries. Under the provisions of a U.S.-Thai FTA, future legal challenges to U.S.-held drug patents would be nearly impossible, Thai activists and international NGOs contend.

Lee's unexpected death has already engendered some serious soul-searching inside the WHO. Lee was widely lauded after his death, but his final legacy to the organization he served for 23 years is very much in doubt.

U.S. President George W. Bush said, "Lee provided tremendous leadership to the international community as it confronted the challenges of the 21st century." U.N. Secretary General Kofi Annan, Microsoft founder Bill Gates and former U.S. President Jimmy Carter all made similar eulogies to Lee's long commitment to improving global public-health standards.

Lee frequently denied allegations that U.S. political pressure influenced his decision-making, most notably perhaps during a recent television interview with the British Broadcasting Corp. However, it is just as likely that Lee will be remembered for the many times he caved to U.S. pressure on crucial public-health issues, frequently in areas where WHO positions and commitments required that he take a stronger stand, some WHO officials contend.

Moreover, the secretive way that Lee sometimes conducted WHO business, apparently in some instances at the United States behest, already has some officials inside the U.N. agency talking about the need for greater transparency and accountability under the next director general. "It will be very rough waters ahead for the new [director general]," said a Geneva-based WHO official, speaking on condition of anonymity.

As the United States strong influence over Lee comes into posthumous light, the selection process for his replacement will almost certainly be politicized along rich- and poor-country lines, and if the U.S. openly pushes its favored candidate, that divide could widen into a full-blown schism inside the traditionally cohesive organization. Those sharp lines are already emerging.

A report by a WHO-mandated independent commission recently recommended that as a general rule governments should avoid bilateral free-trade treaties that reduce access to medicines in developing countries. An annex to that report, signed by mainly Western experts who adhered to positions held by big pharmaceutical companies, highlighted the glaring differences in opinion emerging among WHO member states.

For its part, the U.S. has long advanced the argument that without strong intellectual-property protection, the pharmaceutical industry will not have the commercial incentive to conduct research and development for crucial new medicines.

However, Brazil and Kenya recently claimed that about 90 percent of total global health-related research and development of Western pharmaceutical companies went toward addressing the medical needs of about 10% of the world's population. Those two countries have since called on the WHO to adopt systems for intellectual-property protection that would increase developing countries' access to health innovations and medicines.

WHO staffers say they resent what they view as the United States political agenda toward vital public-health concerns, ranging from reproductive-health issues to promoting good dietary standards.

At the 2004 World Health Assembly (WHA), the U.S. broke with the meeting's proposed resolution that reproductive and sexual rights should be considered human rights, and strongly protested the meeting's focus on the public-health risks of unsafe abortions. Lee had earlier that year held up a list of essential WHO-recommended medicines drafted by an independent expert committee for more than two months because of U.S. objections about two listed abortifacient drugs that could be used to induce abortions in emergencies.

The U.S. delegation to another recent WHA took issue with a WHO-proposed diet and health resolution, particularly concerning the acceptable level of sugar content in foods, which by the WHO's expert assessment would have cast U.S. fast-food and soft-drink companies in an unfavorable light. Lee famously bent to the U.S. objections and signed off on a significantly watered-down version of the original resolution.

U.S. interference with U.N. personnel and policy decisions, of course, isn't an entirely new phenomenon. The U.S. is the largest donor to the U.N. and by association to the WHO, and in light of the U.S.-inspired events in Bangkok, senior WHO representatives throughout the organization are likely to be more guarded when commenting on public health issues that Washington considers sensitive.

The Bush administration's tactics, often cloaked as reform measures, in reality aim to bring U.N. agencies like the WHO more in line with U.S. commercial and political interests.

At the WHO, at least, that process has come at the expense of the U.N. agency's stated mission, commitments and, perhaps most significant, its global credibility as an impartial and apolitical actor.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 372. Concurrent resolution recognizing the 50th Anniversary of the Interstate Highway System.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2012. An act to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes.

ALTERNATIVE ENERGY SOURCES

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 60 minutes as the designee of the minority leader.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I appreciate your courtesy in giving me a few extra minutes to get here.

What I want to do this evening, and I am a little short on extra Members and we are going to see how that evolves over the next few minutes, but I want to begin the discussion on an issue that I think is really incredibly important to each and every one of us in this country. And certainly as Members of Congress representing so many people, constituents come to us, I think, every day, and they may not say, what are you doing about energy, but they certainly come to us and say, What is going on with the high price of gasoline? We go to the pump. We see the price going up, sometimes more than one time in a day, and we have seen prices well over $3 a gallon.

And what we know, of course, is that consumers are paying 100 percent more than they were paying 5 years ago. The price at the pump was about $1.44, $1.50, the average price of gasoline 5 years ago; and now we are seeing prices certainly well over $3 a gallon. And this is at the same time, of course, that we are seeing record profits from the oil industry. And certainly my constituents say to me, What is going on? What can we do about this? Why isn't something more happening? And they do understand there are some causes of this, but what I would like to discuss this evening is what is going on and what we have been doing about it and what we have not been doing about it that we should.

I think that is really what I am most concerned about as I see these issues in my district, not only for gasoline. We are not in the right season yet, but we certainly know that home heating oil and home heating fuel has gone up as well. In fact, I commissioned a study in Pennsylvania to see what the price was for home heating oil last winter, and we saw increases on the average in Pennsylvania of over $700 a year for a family. That is a lot of dollars, particularly for somebody on a fixed income, young families struggling to make ends meet, and, of course, making some of the choices are really very difficult for families. And, in fact, what we are hearing is that families are telling us that it matters, that they have seen a real effect when they see transportation and home heating costs going up an average of 75 percent increase over what they saw even in 2001.

So what are we seeing? What are we doing about this? What do we expect to do? There is certainly discussion on the floor about this issue. And I know, as Democrats, we have stood and really made quite a few suggestions, some very specific as far as what we can do immediately. The one specific one, of course, was what about price gouging? Are we seeing the price of gasoline go up because, in fact, there was some inappropriate, illegal activity? We have some preliminary information about that. Unfortunately, we do not have a Federal definition of price gouging; so it has been really difficult to be able to say specifically whether, in fact, that is really what has been going on.

And what can we do more immediately to help make sure that the oil industry is doing all that it can to get us more affordable gasoline? But there is no question that those are short-term solutions. Those are not long-term solutions. And what many of us feel is that we should be acting on long-term solutions and we should have been doing it already, and why are we not doing it today, because what we do today matters next year, the year after, and for years in the future.

So what are we doing to make sure that there is an adequate supply of energy in this Nation? Are we smart enough to be doing the kind of innovation and research that we know we need to do to be able to do this? Of course the answer, Mr. Speaker, is that we are; that the answer has to be to diversify our energy sources, to look at the different ways, the innovations, that are out there and bringing different kinds of fuel to our vehicles and to our homes. And we have seen that already. We have had numbers of our Members talk about biofuels and the opportunity for ethanol. We have just seen in my region of the country, and we have seen it elsewhere in the country, the fact that we now have mixed gasoline and ethanol. We have 5 percent ethanol coming into our tanks in the Philadelphia area. That switch was just made a couple of months ago.

But we also know that you can have a flexible fuel vehicle, you can fuel your vehicle with 85 percent ethanol. Well, that is made out of corn in this country. Does that mean we reduce our reliance on foreign oil? Absolutely. And should we be doing more of that? How do we actually begin to make the kind of investments that really would matter where we can actually say we are using the kind of research, the kind of smart scientists, the engineers, the innovation that exists in this country to bring new fuel options to our vehicles and to all of us so that we have a diversity, we have more choices as consumers?

And then, in fact, there was an article in the Inquirer just this morning that the oil executives themselves are saying this is a question of supply. It is also a question of demand. If there is less demand, that would make a difference in price as well. A report I heard said if we could just reduce demand by 3 percent in this country, we could, in fact, start to see a reduction in prices.

So we have some real opportunities here. And of course long term if we can start to look at biofuels to be able to get them going, be able to get the production up really much faster, then we really have the opportunity to bring down the cost of fuel in this country for our automobiles.

Now, of course, tied to that there is something many of us also believe, and that is that we ought to be calling on the automobile manufacturers to produce more fuel-efficient vehicles, more hybrids, more flexible fuel vehicles, and more gasoline-driven vehicles that are more fuel efficient. And they can do it. They know how to do it. We need to make them do it more quickly and to be able to create that option for us so that we as consumers, all of my constituents, all of my fellow Congressmen's constituents, all Americans, have greater flexibility and can make choices about what are the right kinds of vehicles for them to drive, what is the most fuel-efficient way for us to be handling our own transportation needs.

So I will just say that those are just some of the ideas. In fact, there are so many ideas. This is one of the things that when constituents ask, what can you do, I say we should be investing in serious ways in this country in these new technologies. And then we should be insisting that our automobile manufacturers and our purchasers, as well, start to participate in this. There are so many ideas out there.

I see a colleague of mine has joined us, and I am excited about that because he is someone who is very knowledgeable about this whole area and what we could be doing. But when we see the city of Philadelphia that I represent, that the new city buses they are buying are hybrid buses, that can make a really big difference. All of our cities should be doing that. All of our communities should be doing that. What about school buses? What can we do to make them more fuel efficient? These are things that we really need to be working on.

And I will say two of the things I have only been focusing on, access to the energy we need and to price and the concern that consumers have on that, but there are two other aspects of this that are very critical for us to understand, and that is that of course it has an environmental effect if we continue to burn fossil fuels at the rate we have been doing that, we actually continue the kind of pollution we have. We cannot just have rhetoric about reducing emissions. We need to take it really seriously if we plan to protect this Earth we live in and protect the environment and the consequences that we have seen of some of the changes in the environment, the increasing number of storms.

Hurricane Katrina is, of course, one of the examples that is in all of our minds; and we are just approaching, of course, a new hurricane season.

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The third point I was going to make in addition to cost and availability of fuel and the energy we need as well as the environmental effects is, of course, the third area, which is our national security. We all understand, I hope we do increasingly understand, our reliance on foreign oil. Sixty percent of the oil that we use is imported. We need to reduce, if not eliminate, our reliance on foreign oil. It changes the relationships that we have with nations that are not always friendly to us.

So we need to have a much different relationship to foreign oil than we do, and that is we have to end our reliance on foreign oil. But that is not going to be done unless we start to really seriously invest in alternative fuels and renewable energy sources, both for our vehicles, and, of course for our homes as well.

So I am going to ask my colleague to join us.

I did want to also say that I hope we can in our discussion also get to a little bit of a discussion about what consumers can do. What can individual Americans do that could really change the way we use energy; put more pressure on us, on Congress, to create those alternatives?

Someone asked me, well, where can you buy ethanol-mixed gasoline? Where can you buy E85 in Pennsylvania? Well, the answer is there is one station in Lancaster, and there is one station in Pittsburgh. If you live in Philadelphia, that is a very long to drive to fill up your tank and not acceptable.

So we need to be kick-starting this. We need to not just do a little bit; wouldn't that be nice, let's do that little project over there, let's see how that goes. We need to make a serious investment that changes dramatically the kind of energy options that we have for our automobiles, for our homes, for our daily lives. And only by doing that will we be able to protect the environment for the future, will we be able to end our reliance on foreign oil, will we be able to bring down the cost of energy for our cars and for our homes.

If we don't do it now, we are going to be having this same discussion, only more seriously, in the years to come.

So, as Democrats we have had a number of proposals, but one of the leaders in really putting forward a new energy policy for this country, and it is a wonderful one, it is called the New Apollo Energy Act, I guess we would like to see if it gets to be an act, and I would want to really encourage it, and I am delighted that my colleague Congressman JAY INSLEE has joined us to talk a little bit about what that would do and how it would get us started in a very, very serious way in changing the way we create the energy for ourselves, for our homes and for our businesses.

Mr. INSLEE. Thank you. I am delighted that Ms. SCHWARTZ is leading this energy discussion tonight for two reasons. One, right now outside the Capitol there is a giant lightning storm going on, so talking about energy in the spirit of Ben Franklin is the right time to do it.

But, secondly, and more importantly, many of us here on the Democratic side of the aisle believe that America is ready for a project with the same scope and ambition and vision as we had with John F. Kennedy with the original Apollo project.

I have introduced H.R. 2828, which is called the New Apollo Energy bill, that basically is working on the belief that this Nation has the same gumption, the same technological prowess, the same vision that we had in the 1960s when we decided, as challenged by John F. Kennedy from that rostrum on May 9, 1961, to say we were going to put a man on the moon in 10 years and bring them back safely.

We have now introduced this New Apollo Energy Project because we believe that the times that we now live in this decade are both as challenging and as promising as the 1960s were in space. We believe that the challenge we have to deal with energy is of the same scope as America had and Kennedy had dealing during the Cold War with the space race. We also believe that our ability to invent, to tinker, to innovate is as good or better as it was in the 1960s, and we need to have that same spirit with the New Apollo Project.

In fact, I was just reading before I came over here, one of my staff handed me the quote from Kennedy's speech, and one of the things that he said was, I think it was kind of interesting, he was talking about the need for America to be a leader in space. We believe America needs to be a leader, it is our destiny to be a leader, and what Kennedy said was, "If this capsule history of our progress teaches us anything, it is that man, in his quest for knowledge and progress, is determined and cannot be deterred. The exploration of space will go ahead, whether we join in it or not. It is one of the great adventures of all time, and no nation which expects to be the leader of other nations can expect to stay behind in this race for space."

We believe, those of us who are propounding the New Apollo Energy Project believe, that we cannot be a leader of the world unless we decide that we are going to lead the world into a new energy future in this country and later in the world. And to do so, we believe that that is a challenge that is much more than nibbling on the edges.

We got to the moon because we had an aspiration of one giant leap for mankind, not just one little baby step for man. Frankly, this Congress and this administration to date, sadly to say, has been just nibbling on the edges. These tiny little inching forward as a baby would take their first little steps.

We both need and deserve more in this country, which is a very bold and visionary technological leap in energy. So we have introduced the New Apollo Energy Project, which will answer that bugle cry that this country has always answered to really leapfrog the existing technologies.

If I can just briefly describe some of the things we want to do. We want to achieve three ends in the New Apollo Energy Project. Number one, we want to lead the world economically. We want to create good, high-paying jobs in the new technologies of new energy that are right now, unfortunately, going overseas.

Unfortunately, we are losing jobs right now to some of the Japanese automakers because of auto efficiency. We are losing jobs to some the German solar energy industries. We are losing jobs to Denmark. And I think Denmark is a great country, but to lose jobs to them to create these wind turbines makes no sense. The country that put a man on the moon, to allow other countries to lead in energy makes no sense. So one of the things we need to do is to bring the job growth right here.

The second thing we have to do is truly break our addiction to Middle Eastern oil. Although we laud the President for the first time suggesting after 6 years of urging him, has now suggested that he wants to join us to help to break the addiction to Middle Eastern oil, and that is great, but, unfortunately, the week the President said that, he laid off 150 or 100 researchers in renewable energy at the Boulder Energy Laboratory. So we would like to have some reality rather than rhetoric.

Third, we have to break this tendency to put more carbon dioxide in the air, to deal with global warming. The debate about global warming is over. It was a vigorous and strenuous debate, and it is done. The science of global warming is in, and we need now to really have technologies that will reduce CO_2 emissions.

I met the President of the Marshall Islands the other day, and he told me, he was on Bainbridge Island, I live on an island, Bainbridge Island, Washington, he told me that his entire nation may be environmental refugees because their entire nation is threatened by the rising sea levels together with the collapse of coral reefs.

We had a meeting with Stanford professors last week in the basement of this building, who told us in 100 years there may not be any viable healthy coral reefs in the world because the carbon dioxide we are putting in the air out of our tailpipes and coal-powered plants goes into solution in the ocean, it makes the oceans more acidic, and when they become more acidic, coral reefs cannot survive.

So we got to get these three jobs done. We have got a New Apollo Project to do it, and I would like to discuss it in depth.

Ms. SCHWARTZ of Pennsylvania. I just want to ask you a little more about that. I think sometimes for those of us who are not scientists out there, there is sometimes a feeling when you hear about that, it is what can we do about that? We need to use all of this energy. We need to use these fossil fuels. How am I going to get to my job? I mean, how can we possibly do this? How am I going to worry about the coral reefs? Why should I worry about that? What can we possibly do about it?

I think what you are saying, and I think what we need to really be talking about, is believe in ourselves as a country, to believe in how smart we are, how capable we are, how innovative we are, and then to use those assets, which are really our people and how smart we can be, to say in fact we can fix it.

Just as you point out, we did create this space program. We did send to a man to the moon. We have actually even sent some women in space now, you know? But the fact is, I was just thinking about this as well, we have taken real problems, and we have solved them. We have solved some of these environmental problems.

So I wanted to ask you about that, because I think one of the things as I read your proposal I was so taken with is that it also understands that there probably isn't one answer. We don't even know exactly what all the solution is going to be, which I think would be great for Americans, because the fact is we like choices. So it may be that a hybrid vehicle works for me, and a more fuel-efficient vehicle that is not a hybrid works for you. Maybe a flexible-fuel vehicles works for you. Maybe I need a big car, or maybe I don't need a big car, depending on where we live, what kind of job we have. But really the question I have, too, as I look at your proposal is you really look at a lot of different ways to solve this problem and really take the science and use it. So talk about that, if you would. I think that is really important to hear.

Mr. INSLEE. I think you have put your finger on a very important principle as we go forward on energy debate. The debate in energy between those of us who believe in the New Apollo Project and those of us who do not is really a debate between the optimists and the pessimists.

The pessimists believe that we are tied to these really now ancient technologies. Fossil fuels is really an ancient technology. It is from the 1800s. It is old. We have been doing it for a long, long time.

Now, pessimists believe that we are stuck burning fossil fuels, and that is about as good as it gets.

Ms. SCHWARTZ. In fact, isn't that the President's solution, just more oil?

Mr. INSLEE. Just more oil. You just drill more holes in the ground. The problem with that is, unfortunately, for reasons that are past our understanding, the dinosaurs went to die under somebody else's sand. That seems so unfair to us. We use 25 percent of the world's oil, but we only have 3 percent of the world's oil reserves. We could drill in Yosemite, we could drill outside on the south lawn of the White House. The problem is, the oil is not there.

We use one-quarter of the world's oil, but we only have 3 percent of the reserves. So we can accelerate some exploration, but, unfortunately, the oil, frankly, is not there. So for one reason, it is just not there. But the pessimists believe that we cannot invent our way out of this pickle.

The optimists believe that we can do the same thing in energy as we did in space. Just to harken back in history, when Kennedy said we were going to the moon on May 9, 1961, put that in historical perspective. Our rockets were blowing up on the launch pad. We had launched a softball in suborbital flight. Computers were as big as a room. He didn't know how we were going to get to the moon, but he did know a fundamental lesson of American psychology, which is we are the best inventors in human history, literally. Our culture, our society in America is the best inventive society in human history. So he recognized our ability to innovate.

Now, the New Apollo Energy Project that we have propounded delves on that. Let me just give you an example of just a couple things in my neighborhood.

It was in my paper this morning, in the Seattle Times, about a young man who has built a hybrid vehicle that uses an enhanced battery. It is a plug-in hybrid that has a little larger battery that he adds to the trunk. That car now gets 100 miles per gallon, 100 miles per gallon, and it is driving the streets of Seattle, Washington, today. The reason it does, you plug it in, it gets a little larger boost, it uses electricity now much greater than the gasoline. Now, it does use additional electricity, but it is getting 100 miles per gallon driving on the streets today. This technology exists.

Because of his efforts and some of these other groups that are pushing this, they are now pushing the auto industries to move faster to get to this plug-in hybrid technology. It is there.

We have the largest wind farm in North America being built today, 350-foot-tall towers in southeast Washington, that is generating over $1.5 million over a several-year period for one farmer of a stream of revenue. This is great for farmers as well. It is going to produce enough electricity for 400,000 people.

□ 1915

We have the largest biodiesel plant in North America now is under design in southwestern Washington which will produce environmentally sound fuel for our cars and biodiesel. And biodiesel is great because it reduces the CO_2 emissions, because the CO_2 goes into the plant, we make oil out of it, and we don't put any net increase in carbon dioxide.

I just mentioned these three technologies out of hundreds that are now coming on.

Ms. SCHWARTZ of Pennsylvania. A couple things on what you say. One is that I think we also ought to make clear, and I know in your proposal and you are talking about it is that this isn't about a new big government program, this is about working with the private sector and helping innovation, on whether it is actually giving tax credits or helping to make some investment or helping to kick-start one of those ideas for a private company that wants to do this and wants to explore doing it. That is who is doing it. But what they need is for us to help make that happen so that it doesn't take them 10 years before they grow just enough to be able to prove it to someone, to be able to take a risk.

And I think some of the proposals that as government we could just ensure that loan, so that, in fact, it helps some private bank be able to make that loan and risk it, because we don't know what is going to work. We know some things are working; we don't know which one is going to really take off. We know, again, even with the biofuels we have been talking about ethanol, but there is some suggestion we could use sugar, we could use switchgrass. There is a whole variety of other ways we can do this, the whole question about electric cars and whether that works and how we can do this. There is some other technologies out there, fuel cell technology that we could actually potentially use in cars.

So, again, what we are saying here is that we want to work with the private sector; we want to work with those scientists and innovators and entrepreneurs who will be able to take their ideas and then be able to keep tweaking them, if you will, to see what works, to see what takes off; and to work with our own automobile manufacturers to say, you want to scale it up not just another few cars, but a lot of cars, and how quickly can you do that? How can you make it? How can we keep making cars here that we want to buy, that we can afford to buy, that will use less fuel?

But it is working with the private sector with that innovation, allowing it to be quite dynamic, because we don't know which ones to choose so much. And that is even happening, as I mentioned this about the old-time fossil fuels. There are now clean-coal technologies. In Pennsylvania we are sort of interested in some of that, could that work? Could it help us get through the hump for the foreseeable future?

But I do think it is so important for us not to be so worried that we actually only think in the very narrowest ways about how we can solve the problem for next year or for the year after. This is really looking at both immediate solutions, but then long term, where are we really going with this, and why shouldn't we in America be the ones in the forefront of this? And that is what you are talking about, and I think that is very exciting.

Mr. INSLEE. And I want to dovetail on this point about this is good old American capitalism as work. We believe in the power of capitalism. You look at the space race, and it was not just governmental activity, it was a public-private partnership with private contractors operating in a profit margin or incentives that did help get us to the moon. And we believe the same type of activity can be part of the solution for energy.

And I have to tell you, one of the huge transitions going on in the U.S. economy right now is happening without necessarily government help, which is a huge influx of investment capital. We just had a startup company involving biofuels that was announced last week at one of the largest infusions of capital for some period of time this decade, and we are seeing that.

And we are also seeing an infusion of intellectual capital. I come from a part of the world that is very active in the Internet and software technologies. The Microsoft campus is in my district. And we are seeing a lot of intellectual capital now from software and Internet move over to the energy side. We have seen investments from some of the Microsoft family into biofuels.

I met an interesting fellow a few months ago who was involved in the commercialization of the MRI machine, the magnetic resonance imaging machine, and he made a bundle of cash on that commercialized product that now they put us in the tubes and diagnose our old knees when you get to be 55 and play basketball like I do. So this guy now is involved in perfecting a solar cell panel that is nonsilicone-based; it is based on an organic molecule that you essentially just spray on, and you can reduce the construction cost because silicone-based solar panels are fairly expensive to make. This could be just a spray-on application and potentially reduces the cost 20 to 30 percent.

So here is a fellow that has done well in one electronic business now making the transition to energy, and we are seeing a lot of that. But what we can do is we can help those businesses get a jump start, and one of the important things we can do on that is to offer loan guarantees to guarantee the loan of some of these new plants. We are now trying to hustle along a loan guarantee for a first cellulosic ethanol plant in the world, actually in the State of Idaho, and we are trying to get that loan guarantee perfected so that company can get up and running.

Those are the kinds of things that are an appropriate public-private partnership, along with the tax incentives. I sponsored a bill with Senator BARACK OBAMA called Health Care for Hybrids, and what it would do is to help the auto industry with some of their legacy health care costs in exchange for producing more fuel-efficient cars. So here is a two-for.

Ms. SCHWARTZ of Pennsylvania. Absolutely. And I think that that says how good this can be for business, both the cost of the new businesses that are created as a result of what we are talking about, but I really also means jobs. Coming from Pennsylvania, and I was in the State senate for 14 years before coming to Congress, and we would often have a debate when we discussed some of these changes that we wanted to in terms of auto emissions and how we would respond to this, and what if we actually put more regulation on businesses, wouldn't we lose jobs? And how will we be able to protect the environment and not lose jobs? And in Pennsylvania it was a really serious issue. And I remember having those debates on the floor of senate, and yet by not moving ahead, we, in fact, lost some of those jobs anyway and didn't create new ones.

And I think what we are talking about here is let us create those new jobs. If you have an innovative entrepreneur of a company, well, they are going to hire people who then get jobs that potentially will grow into more jobs and more jobs. And these are often skilled jobs, they are decent-paying jobs. And if as a result they end with a product, new energies, new ways for us to both fuel our vehicles and also heat our home, and at the same time reduce some of these really serious carbon emissions and be able to home-grow some of our energy, more of our energy, while we are really doing a lot, and we are at the same time reducing costs, We are reducing costs to our businesses. And now some will say to me, if we could just reduce the cost of our energy, well, then maybe I could hire that additional person that I am trying to do. You hear that all the time, just bringing down the cost of electricity or being able to bring down your home heating or heating for business, that action may produce enough residual money for someone to be able to create a new job or two or maybe many more jobs.

So I think we have to see this as just an extraordinarily potential win-win for all of us. And, again, creating that diversity of options for people and the kind of energy, maybe more choices, meaning that there will be a little more competition, means that prices might come down. That helps all of us. But I think what we have to say is this about creating new businesses, creating new jobs, and at the same time creating new sources of energy that could be both safer for the environment and also be able to be far more available without our having to have those serious kinds of negotiations that might get in the way of some of our more international relationships.

And this isn't about being an isolationist when we talk about other countries. The idea is to share some of these innovations. And we have seen that, too. Talk about the high-tech industry, well, it is actually some of our ideas that are now being produced elsewhere. But it is our ideas, and we need to work and bring all those ideas together, create those jobs, create those opportunities, and help our businesses be able to be competitive, because without reducing energy costs, they simply won't be able to.

Mr. INSLEE. It has been very sad to see technology originally developed in the United States, particularly solar cell technology, now being perfected and commercialized in Germany and other countries. To see that hemorrhaging of jobs is really a pathetic statement of our inaction to have a national energy policy. And we effectively don't have a national energy policy right now, except to just sort of allow the status quo to stumble along.

There is one thing that is very clear about energy: Somebody is going to create millions of jobs and millions of dollars, and we want that to be Americans. In the 1960s, they had the missile gap. Remember, during the Nixon-Kennedy debate there was a debate about the missile gap. In a way, we have an energy technology gap right now that, frankly, other countries are getting a leg up on us. And the reason is, is that those countries have developed energy policies that have decided to leapfrog technologies and develop technologies there. We can't allow that gap to continue to widen. And that is why this New Apollo Energy Project, H.R. 2828, if you want to take a look at it, is going to answer this challenge.

When Kennedy set us forth in the original space race, it really was not for economic reasons, it was largely not for a job creation program. But if you look at what it did create, can you imagine had he not challenged America to start the original Apollo Project? We would not have a computer industry in this country, we would not have an Internet-based industry, we would not have a satellite-based industry. We would likely probably not have a nanotechnology-based industry. That has been the mainspring of economic development and job creation in this country.

So I think the important thing to realize about energy is we are not just acting to $3 a gallon gas, we are not acting just to save the planet we live on from the ravages of global warming. We are doing it from a positive economic growth-oriented proposal. And I think you can honestly say that this is probably the best thing the U.S. Congress could do to really grow the U.S. economy right now, because it is the one thing that the world obviously needs. Our market is not just in America. When we develop a clean-coal technology, we want to sell that technology to the Chinese and to India. And assuming we can do that, there is enormous growth potential.

Ms. SCHWARTZ of Pennsylvania. I was going to bring up another aspect of all of this discussion. I think also that sometimes when people hear these kind of conversations, they think, well, it is not really about me. What can I do that would really affect carbon emissions in this world? You know, how can I actually help save the planet and create more energy sources?

But the fact is, and if we could just talk about this for a minute, there is a lot that people can do. And, again, I am reflecting back. I remember when we first started talking about recycling, and I remember some of my colleagues would say, well, no one is going to want to bother doing that. And now people are doing this all across the country, and it actually makes you much more aware. It is something you can do. It saves cost at some level.

But when you think about what some individuals can do related to energy, and I thought we could talk about that. Again, if you are a business owner, there is so much you can do in your own plant potentially to be able to reduce your energy consumption so that you could reduce your costs. All of us know about if you can weatherize your home.

Well, I just went to visit a new building in my district that is actually on the campus of a university that they just built a green building. Well, I think I have seen green buildings, you know. They have sort of motion detector electric lights, or they have more efficient plumbing appliances and all that. But this building, actually the roof looked like it had grass on it. It had green plants on the roof. It was new to me. I didn't know that that existed. But they said this isn't new. This is something we are experimenting with, but, in fact, it is not just grass, it is a little more complicated than that. But it is going to reduce their need for heating and cooling that building dramatically. Dramatically. So if you could, I don't know what the number was, cut it in half, cut it 80 percent. They are trying to perfect this, of course.

My guess is that they are going to be able to come up with something as we experiment with these ideas that we can do in our homes, in our businesses, in our public spaces. And we should be leaders in that as public officials, as elected officials. This is something we should be doing because we know how important it is. And we know that we should learn from each other. We always talk about best practices. Well, we should start to scale up on this, as they say. We should start to say: If it is working in this State, why isn't it working somewhere else? And the States are innovative to change. We are interested to hear what you are talking about in terms of the State of Washington. We are proud in Pennsylvania that we have wind farms and they are working, that they are working, as I said, on clean coal, that we are creating incentives for businesses to be able to reduce their costs of energy.

Public transportation obviously is something we are not even getting into here, but some of the newer technologies on that.

But just to comment on what we can do. I know there is a Federal program, I don't think it is known well enough, called Energy Start, where you can buy more efficient appliances. Businesses can get credits, tax credits, for being more energy-efficient.

So as you pointed out, there are little starts here, but if we really want to get serious about this, we have to start talking about it, making it clear that everyone, every business, every family, and certainly our bigger businesses can really start to participate in this in a way that will start to really make the kind of difference that will see us shifting to these new energy sources and reducing our reliance on foreign oil.

□ 1930

Mr. INSLEE. I would like to compliment you for bringing up the idea of efficiency and not wasting energy. Because one of the things when we talk about energy, it is very easy to just launch into how we are going to generate more energy in an environmentally clean way. Obviously, or maybe not so obviously, the best energy you can create is the energy you do not waste. That is, clean energy is saving dirty energy and not wasting it, and those of us who have studied this believe that 30 or 40 percent of this solution ultimately is using energy in a much more efficient way, as much as inventing new ways to generate it.

That starts at home, with weatherizing your home, as you have indicated, a pretty simple thing, and there are some simple, inexpensive things you can do. There are more expensive things one can do with insulation, green building; and the green building, we just had two young men design the greenest building. They won a national award. We are kind of proud of that. It uses passive solar heating.

They can use solar cell technology now. If you want to build a new home, you can buy shingles that have the solar cells incorporated right in the shingle. There is a home about 20 miles from where we are standing in Virginia that is a net zero user of electricity, and they use massive solar heating. It is a two story, looks like a nice little home you find in any suburban place around Virginia. They use an in-ground heat pump, integrated solar panels on the roof, solar sort of passive heating through the use of the windows and tiles that collect the heat. When they generate more electricity than they use, they feed it back into the grid. That home was built for no more money than an average home. They are using zero electricity off the grid on a net basis. So a family that is committed to this can do it today using even existing technology.

But you said something I thought was very interesting, too, and that is about businesses. We are fortunate to have some visionary business leaders who are already accomplishing what we need to do.

British Petroleum, under the leadership of Sir John Brown, they decided they were going to change their energy use, and this is an oil company. This is an oil company that decided to reduce their carbon dioxide emissions to actually meet the treaty goals of the Kyoto global warming treaty. They were not pessimists. They were not nay-sayers. They just decided to do it; and within 3 years, they met their Kyoto targets of a reduction in their CO_2, and, importantly to their shareholders, saved something like $300 million in the process because when you do not waste energy you save yourself money.

General Electric, under the leadership of their CEO, has decided to make an enormous investment not only in the use in their CO_2 emissions but in developing these new high-tech, energy-efficient appliances that all of us are going to use.

So we have some business leadership; and regrettably what we do not have, we do not have leadership here in Congress, at least in the majority, who have not joined us optimists in breaking this addiction to oil and gas. The sad fact is that oil and gas still dominate the situation here in the House of Representatives; and until something changes, we are going to follow the leadership of the business community and people around this country who want to respond to this energy crisis individually that we are seeing.

Ms. SCHWARTZ of Pennsylvania. Just to be a little political here for a moment, because you brought up. I think, how do we take what we are saying and make it happen. I mean, that really is sort of what we are talking about; and again, we are starting to sound sort of hopeful, optimistic, and it sounds like a lot of new terms for a lot of people, but I think we will increasingly get comfortable with some of this discussion. You know we can do that, and I think that is one of the reasons that I am on the floor tonight. It is one of the reasons that Mr. INSLEE joined me.

We want to get more familiar with this terminology. What are the alternative fuels? What are the choices they have? What is the flexible fuel vehicle? What are the kinds of options that I have out there in the future? What should I be asking for? How can I save energy at home? How can I save energy for business? How can we encourage businesses to do that? And what is the role of government in all of this?

I think what is exciting here is that there are so many of these ideas out there that if, in fact, we can encourage businesses to push even harder, to move even faster, push automobile manufacturers to higher fuel efficiency, if we went to 33-miles per gallon rather than 22 or whatever we sit at right now, we would save literally 2.6 million barrels of oil per day by 2025. You say, well, that is a long time from now. If we start now, we will start to do it. We should start to do it. We really have this opportunity to do it, and in fact, we know how to make those vehicles. We can make more fuel-efficient SUVs. So if Americans want to buy the SUVs, we can make them fuel efficient.

The fact is we have brought these ideas, brought them up as amendments and bills, and we want to work together to make this happen. This should not be a fight about do we ever use oil again or do we only go to you get to live in a green building or not. It is about moving all of us forward so that we can use less energy, use it more efficiently, bring down the costs for Americans, be more self-reliant. Knowing that we can do this, our role is to recognize the innovation out there, to create the incentive, to encourage it to move much, much faster so, in fact, we can make this happen.

Occasionally we have to set some of the rules. I mean, sometimes we cannot bring people along. You do have to set rules out there to help make it happen, and to help make it happen much, much faster; but the fact is that this is very much a part of the Democratic agenda to be able to again use our innovation and to use our smarts to make this happen.

I see the pamphlet that you have, and I will maybe yield over, but I know one of the things we are talking about that we have not brought up today is we do need to encourage our young people to be well-educated in science and engineering and technology. We know that that is so important to our future for all of us that if we do not start making sure that our young people and some of the old people who are maybe going back to school or have some new training and education that we actually encourage this so that we do have the best and the brightest who are putting their minds to this work, and that is what we are hoping to make happen as well.

Mr. INSLEE. As Ms. SCHWARTZ indicated, I just happen to have an Innovation Agenda, which is the Democratic suggestion on how we can seize the power of innovation for the country and how the Innovation Agenda is just part of a larger package that one can read if anyone is interested.

We think energy is a very important part, but it is one part of our Innovation Agenda; and page 3 of that basically is our effort to develop a new generation of innovators, and that is what we need to do. That is why we are committed to placing a highly qualified teacher in every math and science classroom, why we are committed to educate 100,000 new scientists, engineers, and mathematicians in the next 4 years, why we want to make college tuition tax deductible for the students studying math, science and engineering so we can have those minds available.

But if you look at page 8 on our Innovation Agenda, you will see our dedication to energy independence in 10 years. I will just mention two of the bullet points in the Democrats' larger agenda. We would commit to substantially reducing the use of petroleum-based fuels by rapidly expanding production and distribution of synthetic and bio-based fuels, such as ethanol derived from cellulosic sources, and by deploying new engine technologies for fuel-flexible, hybrid, plug-in hybrid and biodiesel vehicles. Now, those are different kinds of vehicles.

Coming back to what Ms. SCHWARTZ said, we want to give consumers choices of what kind of vehicles to buy and to use. This is not a command-and-control suggestion we are making. We think we want to develop an economy so that you can decide what kind of vehicle you want to use. That might be a flex-fuel vehicle. That is a vehicle that can burn gasoline or biofuels, and Brazil has done this through great genius. Now, when you pull up to a pump in Brazil, if you have a flex-fuel vehicle, you can burn either gasoline or biofuels or ethanol, which makes you in the driver's seat literally, not the oil and gas companies. So you can compare prices and decide what to burn.

Now, the reason they have done that is Brazil basically told the auto industry to start producing these vehicles, give consumers choice, and that is what we stand for is giving consumers choice so that we are not victims of the oil and gas oligopolies in our country. We talked about fuel-flexible, hybrids, plug-in hybrids, and biodiesel.

The second bullet point in our plan will create a DARPA-like initiative within the Department of Energy to provide seed money for fundamental research needed to develop high-risk, high-reward technologies and build markets for the next generation of revolutionary energy.

We do realize that there is some basic research that the government is good at that is very high-risk. It might be hard to get a bank loan on some of these cutting-edge technologies, but we have had very great success in the Defense Department with a group called DARPA, the Defense Advanced Research labs. They have done great work in the Department of Defense. We need to use that same strategy in energy, and that is why Democrats are proposing to have a similar energy advanced research program in the Department of Energy. We are very optimistic about that.

Ms. SCHWARTZ of Pennsylvania. I think this is something that is so exciting I think for all of us. It is something I have been excited about, too. We see the National Science Foundation being able to do some of this research, and again, some of the funding we give to scientific research is done by scientists who work for the government. So it is also given out in grants that are then either given out all over the country to innovators who are doing this kind of work, but then because we are involved in it, we have scientists sort of talking to each other, being able to give that information back on a national level, being able to share that information, being able to again act more quickly on that shared information to see what is working and what is most effective and cost effective and actually what is fuel effective.

These are, I think, really exciting, exciting options for all of us. It is something we can do, but again, I think we should be clear, we are not doing it now. That is detrimental to all of us, not just because when we go right today to fill up our tank we are paying $3 or more a gallon and because the vehicles we drive are not as fuel efficient as they could be and the homes we live in are not as efficient either as they could be. It is because we actually have not gotten serious about taking this next step and we need to. We need to again because of the high cost to our families.

If you look at families that are paying several hundred dollars more, in some cases several thousand dollars more, those are really tough decisions for a lot of our families in this country, what do we do and how do we make ends meet when we have these concerns. I hope they are hearing us. We want you to push us. You should push us. You should push this administration to do more.

Again, you pointed out the oil and gas industry could be a part of this. They should be a part of this because they also have scientists. They could be more fuel efficient. They should be.

Mr. INSLEE. Mr. Speaker, if the gentlewoman would yield for a moment, this is a point that is absolutely galling to me, and folks need to understand this. This Congress is pathetic, with a capital P, when it comes to energy policy. We are doing nothing significant to really reduce our dependency on oil and gas. This place is awash in oil. It is a slave to oil. It has not broken its addiction even to the political ties that bind it to the oil and gas industry. As a result, it has done nothing significant to move forward on energy.

When we have all these new technologies coming on, solar cell technology which costs 80 percent less than it did 10 years ago, those prices are coming down spectacularly, wind energy that is coming down, has come down 20 percent so that it is competitive right now today in the State of Washington with other sources, has come down 20 percent. Instead of making investment in those technologies, you know what this Congress did? It stood up and gave another multimillion dollar tax break to the oil and gas industry of your tax money, and that is boneheaded.

Ms. SCHWARTZ of Pennsylvania. They did the same thing they have been doing.

Mr. INSLEE. They did the same thing they have been doing since the 1800s. The way I described this is this Congress last year passed a great energy policy for 1890. It was visionary for 1890. It is Neanderthal in the year 2006.

When you look at when this country has made great advances, we have done it in two major challenges that our country had in the last several decades, the Manhattan Project which developed nuclear power, and it was a major investment by the United States of America because of a major challenge. The second was the original project in the space race, and we responded and were successful. The third now needs to be an energy revolution in this country.

But the fact of the matter is under this Congress and in this management of Congress, we are investing less than 15 percent of the equivalent of what we would have done in either one of those projects: and as a result, we are getting teeny, tiny little baby steps that we are encouraging when we should have these great leaps for mankind.

□ 1945

You know, if this Congress was running the space race, the quote would have been, "Another little step up the cabin of a DC–3," because that is about all we would have invented. Kennedy got us to the moon; this energy policy won't get us to Cleveland.

We believe we need a very significant ramp-up both in Federal research and development, basic R&D, tax credits to manufacturers, to help them manufacture fuel-efficient vehicles; tax credits to consumers to allow you to decide how to buy both a fuel-efficient car and build a fuel-efficient home; and use of the procurement policy.

We haven't talked about this tonight at all, but one of the great tools we have in our toolbox in energy policy is the Federal Government procurement power. The Federal Government is kind of the 800-pound gorilla when it comes to buying things in this economy. The Federal Government needs to start buying fuel-efficient cars, fuel-efficient air-conditioning units, and building green buildings. There is much more that we can do.

We are taking little baby steps there. The Pentagon is looking at a fuel-efficient battery. One of the competitors trying to develop this is in my district. It is called Neopower. They are building a fuel-celled battery that will actually power computers and radio devices using fuel cells. So as we ramp that up, hopefully we will have much more efficient batteries that can last much longer and not burn gasoline-generated electricity. But we are just starting.

I don't know how to categorize it other than to say that we need a revolution, and what we are getting is not even an evolution. It is almost a devolution, going back the wrong way.

Ms. SCHWARTZ of Pennsylvania. It is not using our imagination and our skills to move forward. And, also, I will just second the point you made. I do feel very strongly that the public buildings, for example, and our public procurement, that is what we buy, we should be setting an example. We should be practicing what we preach. We should be doing as best we can.

Again, it is not so easy for us to change our patterns, you know, what we are used to doing. Someone said, when gasoline prices were so high, one of the suggestions we were trying to make to people is if you are going to run your errands, try to be more efficient in the way you drive and do that. You could save yourself a few gallons of gasoline every week, several a month. That could make a difference. Think about carpooling.

It is hard to change our own patterns, and I think that is true in government, too. We should be setting an example that when we actually build a new building, that it is more energy-efficient; when we change light bulbs, and I think there were just some changes made in some of the hallways and some of the office buildings, but are we encouraged to turn the lights off? We keep a lot of lights on every night. What would that save if, in fact, we had these all on timers or motion detectors?

We should be thinking about this in a way, because if each of us reduced our energy consumption by 10 percent, maybe some of us could even do better, we could have a dramatic impact on the amount of energy and fuel we would need.

So, again, this isn't picking and choosing. This isn't saying, I am going to blame individuals for not doing all they can. We are not blaming anyone. The idea is for us to really use all of our power, if I can use that word, all of our power to make it clear that we want less costly, more efficient fuel for all of our needs.

And we are going to have these needs. We are going to need this energy for our needs. They are not going to get fewer. There are more of us, more people, more densely populated, and we need to figure this out and do so in a way that doesn't just say let us just give a little more subsidy to the oil industry. If we just took the subsidies, $8 billion, $9 billion from the oil industry, maybe collected those royalties for offshore drilling from the oil industry, and said let us take that money and invest it in these new technologies and invest it in renewables, use the incentives so people will build buildings that will be more fuel-efficient and energy-efficient, what would that do for us?

In fact, what we know is that that is really significant. The amount of reduction in energy needs would be really significant and would have an impact. And at the same time, we would be learning better what, in fact, works best for us so we would be able to move ahead.

I just want to say one more thing, and then I want to reflect on some of this, too. I think we also have to say to people that we have done this. I think you are right to use the example of the man on the moon, but we have even done smaller things; for instance, when we found out that lead in paint was extremely harmful to kids in this country. We didn't always know that. There was lead in paint, and we all painted with that, used that paint, but, in fact, those paint chips actually caused brain damage for our kids. Well, we did something about it. It didn't happen immediately. People finally had to get outraged by it. Members of Congress finally had to stand up and say, you know what we are going to do, we are going to take lead out of paint.

Now, originally people said, I don't think we can do that. I don't think we have the technology to do that; how do we do that? Well, some smart people got together and figured out how to do it, and they did. We don't allow lead to be put in our paint anymore. We don't have chlorofluorocarbons anymore, because we realized it was causing a big hole in the ozone layer. It took a while for us to agree to do something about that, and some people said, oh, it is not really a problem, but it turns out it was a problem, and the fact is we could fix it, and we did.

So I just want to reflect on that because people sometimes think this is just too big. I can't do it, you can't do it, how are we going to do it? But the fact is we can if we get serious about it. If we understand the different roles of the private and public sector, we can actually do something really dramatic about creating less expensive, more home-based energy.

Mr. INSLEE. I just want to point out the history of our own country is that we will succeed on this because we have succeeded.

In the late 1970s and early 1980s, because of what Congress did, and President Carter, we increased our fuel efficiency at least 50 percent. And if we had simply continued on that path, we would be free of Persian Gulf oil today. We could have solved this problem if we had simply continued with that success.

But I want to close by thanking you for your leadership on this and by saying that the Democrats are optimistic on energy, Democrats believe in innovation, and Democrats believe in paying for it and not having a deficit. And we are going to do that by closing some of these giveaways to the oil and gas industry.

Thank you for your leadership.

Ms. SCHWARTZ of Pennsylvania. And I'll just also end by saying thank you very much, Mr. INSLEE, for joining me and for helping, I hope, being able to talk about what is such an important issue for every American, and that is how to create less expensive, more available, more home-grown energy.

So thank you very much for joining me this evening, and I look forward to getting this done with you.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be here to open up for another discussion with the 30-something Working Group. We will be joined later by our friends from Florida who have been rooting on the Miami Heat in the last few days and are very excited about some key victories. So Mr. MEEK and Ms. WASSERMAN SCHULTZ will be here soon.

The issue tonight, Mr. Speaker, for all of us as Americans, I believe, is one of the most pressing issues our country has faced in a long time, and that is the issue of our national debt and our annual deficits that we are running here in the United States of America. We have always prided ourselves in the United States of being able to balance our budgets and pay our bills, and making sure that we were like the average family in the United States that had to deal with paying bills, making sure at the end of the month we at least broke even, maybe even had a little bit to save.

Throughout the course of the 1990s, under the leadership of President Clinton, and in 1993 with a Democratic House and a Democratic Senate, we passed a budget resolution, as Democrats, that balanced the budget and led to one of the greatest economic expansions in the history of the world, which lifted up millions of people, created 20 million new jobs, and led to prosperity for everybody in the country.

We put in place PAYGO rules, which said that you can't spend any money that you don't either raise taxes to spend it or you cut spending somewhere, but what you don't do is you don't go out and borrow it. You don't go to China or Japan or OPEC and borrow the money. You make sure we have the money that we generated ourselves, and we pay our bills and meet our obligations: Social Security, Medicare, veterans benefits, education, Pell Grants, health care, children's health care, or whatever the priorities may be, we would have the money to pay for it.

So the discussion tonight, Mr. Speaker, is of an issue that is pressing not only to the 30-something generation, because we are going to be around to pay the bills for the reckless spending, and our kids and our grandkids, the next couple of generations coming, but you can't get something for nothing. And right now the Republican House and Senate and President Bush are basically living on a credit card at the expense of the next generation of Americans who are going to be forced to pay the bill.

Mr. Speaker, I know you have seen this chart before, but it is indicative of the situation we are in in the United States of America. In 224 years, from 1776 to the year 2000, all of the Presidents and all of the Congresses borrowed a total of $1.01 trillion from foreign sources, foreign interests, in 224 years. The current President and the current Republican House and the current Republican Senate have managed, from 2001 to 2005, to borrow more money from foreign interests than all the previous Presidents in the previous 224 years. This is staggering.

And you may ask, Mr. Speaker, well, what are the 30-somethings talking about this for? We are supposed to talk about issues, Mr. Speaker, that affect kids and 20-somethings and 30-somethings, and young families. This is the most pressing issue for the next generation of Americans because we are going to be the ones left footing the bill.

When tax rates go up for the 30-somethings or the 20-somethings, or the kids that are in college or in grade school now, because of this reckless borrowing, it is irresponsible. It is not in the public interest. It is not in the interest of the next generation, Mr. Speaker. And, therefore, it is an issue for the 30-something Democratic Working Group to talk about.

So it may be $1 trillion. Where are we getting it from, Mr. Speaker? Look at this picture of America, and it shows exactly where we are getting it: $682 billion from Japan; $249 billion from China, the U.K., the Caribbean, Taiwan, Germany, Korea, Canada; and $67.8 billion we have borrowed from OPEC countries. OPEC countries.

Can you imagine, in this day and age, with the cost of gas and with the price of a barrel of oil, that the United States has been so reckless and so irresponsible that we would go out and put ourselves in the position where we have to borrow money from OPEC and borrow money from China? This has a lot of different effects. This is just like when you get a loan for your house. You look at your house, and your house costs $110,000, and then when you take out a loan, you look at what you are going to end up paying to actually get your $110,000 house, and it is thousands and thousands and thousands of dollars more.

This is what we are doing here. We may borrow $682 billion from Japan, we may borrow $250 billion from China, but how much more do we have to pay on interest, Mr. Speaker? That money is not going to be going to other priorities here in the United States of America. So China, who has been wiping out the middle class of the United States of America, especially in Ohio and Pennsylvania, Michigan and Wisconsin, Indiana and Connecticut, and a lot of the other areas of the country. China is loaning us money. We pay them the interest on it, they take the interest, make some money off the Americans, and invest that back into their state-owned companies that will compete directly with American manufacturers here in the United States of America.

Now, I know we are in a global economy, and nobody wants to say that we are not going to trade. We all know that is ridiculous. We all know it is going to happen. But to borrow money from a country that is going to take the interest that you pay them on it and invest it back in to compete against you makes it even more unfair than the situation already is. You are putting yourself at a competitive disadvantage. It is irresponsible, and it is reckless because we have to pay the interest, but you are also aiding and abetting your competition every day.

Again, here is what we borrowed. The increase in the national debt, $1.18 trillion; and of that, $1.16 was borrowed from foreign interests, Ms. WASSERMAN SCHULTZ, and only $.02 trillion borrowed from domestic interests.

And let me make one more point before the Miami Heat takes the floor again.

This is the kicker, Mr. Speaker. All of that money that we borrow and that we have to pay interest on, here is what it looks like in the 2007 budget authority. This is billions of dollars. The big red bar on the left is what we have to pay in interest, interest on the money that we are borrowing.

So this money that the American people send down here and we spend it on education and health care and this and that, the biggest portion goes to just paying interest on the debt; and China and these other countries will take that money and reinvest it back into their state-owned, Communist-run facilities.

But look how it compares to what we are spending on education or on homeland security or on veterans. This is really the icing on the cake. This is what makes it so irresponsible. Not only are we putting the burden on our kids, but there are current investments that we cannot make because we are forced to spend all this money on just the interest on the debt.

□ 2000

I yield to the Miami Heat.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am going to wait on that little celebration until our good friend from Florida joins us and we can do the happy dance together on the Heat's amazing victory last night, and I am sure the Speaker enjoyed that fantastic victory last night as well. So we will regale you with the success of the Heat when the gentleman from Florida joins us.

Mr. DELAHUNT. If I could interrupt my friend, it was very reminiscent of the glory days of the Boston Celtics. In the old Boston Garden and in the new Garden they hang, I think, 16 flags representing world championships won by the Boston Celtics, and I hope at some point in time the Miami Heat does as well.

Mr. RYAN of Ohio. If the gentleman would yield, do the Celtics still have a team?

Mr. DELAHUNT. Of course. They are in the rebuilding mode.

Mr. RYAN of Ohio. I was a Larry Bird fan from way back.

Ms. WASSERMAN SCHULTZ. We have begun a proud tradition in south Florida, and we are looking forward to equaling over time the amazing success of the Boston Celtics. Having already experienced the joy of a national championship by the University of Florida Fighting Gators basketball team, basketball is alive and well in Florida. As you can see, we have some pretty good players down our way.

But I want to jump off because Mr. RYAN did refer to the billions in debt, and you went through very eloquently, and I don't think people in America have a real idea, that is why I love that chart of the percentage of debt that each of those countries has of the United States.

And when you graphically depict it across the entire country, it really, really drives the point home. But what I found, and I have a shorter tenure in Congress than you and Mr. MEEK and Mr. DELAHUNT do, going from the State legislature where we were dealing with millions more often than billions with a "b," people would tell me it is hard to get their mind around what a billion is. It is such a big number; it is hard to grasp.

So I came up, along with my staff's help, with this chart to graphically illustrate what a billion is. When we are talking about billions in debt and the interest payments are in the billions and they dwarf other priorities like homeland security and funding for our veterans and education, how much is a billion?

A billion hours ago, for example, humans were making their first tools in the Stone Age. A billion seconds ago it was 1975, and the last American troops had pulled out of Vietnam.

A billion minutes ago, it was 104 A.D. and the Chinese had first invented paper.

If you take the definitions that the Republicans use when it comes to a billion, a billion dollars ago under the Republican leadership was only 3 hours and 32 minutes ago at the rate our government is currently spending money.

So a billion used to be a really significant number that if you translate it into time was a very long time ago. But translated into time under Republican leadership, it was just a few hours ago.

Mr. RYAN of Ohio. The issue here, and I love that chart because it does put everything into perspective, is that this outfit is leaving America worse off than they found it, and that is really upsetting. When you think about long term what we are going to have to deal with, what the 30-somethings and people with kids in college and grade school, what kind of country are you leaving these kids, that is what frustrates me. We have an obligation to make sure that we leave the garden patch a little nicer than we found it. And the debt, the war, you are strapping this next generation for generations. We are going to spend our entire life in public life or our generation's service to the country is going to be fixing the war in Iraq, balancing the budget, and trying to make ourselves competitive in a brutal global economy.

It is frustrating, but it is the overarching theme that the Republican Senate and House and White House are leaving the country worse off than they found it.

Ms. WASSERMAN SCHULTZ. You are absolutely right, and a little more reality to translate what we are talking about here into everyday economics, if you look at the 2006 tax reconciliation bill and compare it to benefit by income for the benefit that was given or the equivalent of the benefit to the amount of income that an American taxpayer brings in, for example under the 2006 tax cut legislation that passed out of this House overwhelmingly with Republican votes, an average American taxpayer that makes between $10,000 and $20,000 a year would get back enough to buy a Slurpee. But if you make between $40,000 and $50,000, you will get from the 2006 Republican tax cut bill about as much money to buy a gallon of gas.

Now, if we are talking real benefits here, the real benefits and who got the most out of the Republican tax cut bill this year, the reality is if you made more than $1 million, you get the equivalent of a Hummer.

I don't know, if I am talking to the folks in my district, and I know the folks in Youngstown, Ohio, and the people on the Cape and in the Boston area, they probably are not that interested in getting enough money back to buy a Slurpee. Something tells me, and at least when I go home, and I have a district that includes a lot of areas that have people of means, and I can tell you when I go to community events and bring my kids to the soccer game and drive my kids around in our minivan, the people in the wealthiest parts of my district are coming up and saying keep the money because the needs we have in America are overwhelming. They are saying, you know what, I don't need the Slurpee, I can buy my own Hummer. If you are making more than a million dollars, you can buy your own Hummer.

Mr. RYAN of Ohio. And it is not like we have the money to give the person making a million dollars.

Ms. WASSERMAN SCHULTZ. We don't. We have an $8 trillion deficit.

Mr. RYAN of Ohio. And where do we get the money to give the money to the millionaire to go buy a Hummer? We have to go borrow it. That makes no sense.

Ms. WASSERMAN SCHULTZ. Yet the rank and file Republicans and the Republican leadership continue to try to profess that they are the party of fiscal responsibility. It is hilarious. It really is.

In the legislature in Florida, we used to talk about statements like that not being able to pass the straight-face test. It doesn't pass the straight-face test. How do they say it without smirking? How do they say it without crossing their fingers and putting their fingers behind their back? We should check behind the backs of all of the Members when they are speaking on the floor here about how fiscally responsible they are because I am sure they are all like this. They can't cross themselves enough. It is really over the top.

I was taught to tell the truth by my parents. I'm incredulous how some of these Members get away with claiming fiscal responsibility.

Mr. DELAHUNT. Let me give a very concrete example that was reported Saturday in my hometown newspaper, one of them, the Boston Globe. The headline read: "Cost of college piling debt on Massachusetts families."

"Massachusetts families fell a total of $562 million short of being able to pay for college in the State last year, according to State officials, highlighting the struggle for families to afford higher education in Massachusetts."

Now that $562 million represented the portion of college costs a family cannot afford to pay that is not covered by Federal, State or institutional grants or loans. And when aid falls short, many students make up the difference with private loans they have trouble repaying.

Here is a quote from a young student: "My dad had to take money out of his 401(k) twice because during the semester we weren't given enough in grants and student loans to meet the amount we had to pay."

The article goes on to say that students are covering the funding gap with higher-interest private loans, credit card debt, and too many hours of work outside of school.

Now I sat on the Administrative Law Subcommittee of the Committee on the Judiciary where for 5 or 6 years we reviewed the proposal for the so-called bankruptcy law. I was always struck by the number of solicitations that were going to students to utilize their credit cards. Some would send a check. I remember in the debate bringing a blown-up posterboard of a check that my daughter received for $2,500. And as part of the solicitation, there was an opening salutation that said: "Have a good spring break."

Well, the truth is that those credit card solicitations were putting in the hands of students credit cards that carried with them 18 percent, 22 percent, 26 percent, 30 percent interest rates. So what we are doing is not only creating a culture where credit card debt is an acceptable norm for paying significant loans, but we are graduating our students with average debts of about $10,000 on which they are paying these exorbitant credit card rates.

Mr. RYAN of Ohio. In the Democratic proposal to take the country in a new direction, one of the key components, and I am glad you brought this up, two basic provisions, cutting interest rates in half for the borrowers in most needs on subsidized student loans from a fixed rate of 6.8 percent to a fixed percent rate of 3.4 percent, and cutting rates on parent loans for undergraduate students from a fixed rate of 8.5 percent to a fixed rate of 4.25 percent.

This is about running the government and what are your priorities. Now it amazes me, Mr. DELAHUNT, it amazes me how this Republican-led Congress can go to great lengths to make sure that the oil industry gets their corporate subsidies to the tune of $13 billion, how the health care industry will get $20 billion in corporate welfare, and how tax cuts go predominantly to the people who make more that $1 million a year, as we have seen tonight.

□ 2015

But yet, they refuse to try to enact proposals that the Democrats have tried to get in place over the past several years, time and time again, in the Education Committee, in the Ways and Means Committee, in the Appropriations Committee, in the Judiciary Committee, whatever it takes to try to get these proposals enacted. And we run up against the stone wall of Republican ideology that is hellbent on making sure the wealthiest people in the world, in the United States, get their corporate welfare at the expense of average citizens.

Mr. DELAHUNT. I would suggest that this particular study illustrates exactly what you said. Rather than cap loans that students can take out, or that parents can take out in their behalf, what we are doing is forcing these young people, our future, to go to private sources such as credit cards, and private lenders at rates that would make the Mafia blush. They ought not to be called interest rates. They ought to be called the vig. That's what the Mafia charges for a loan.

So what happens? We graduate young people, and for years they are carrying around this debt that is impossible if they are going to go on and get married and have a family of their own. It is like graduating from college and having a mortgage that you are paying off at some ridiculous rate of interest. And forget about owning a home, forget about taking a chance and initiating your own small business if that be your choice.

Mr. RYAN of Ohio. Welcome to the race of life, and let the Federal Government hook a piano on your back.

Ms. WASSERMAN SCHULTZ. Look at this. To illustrate what you are talking about here, you have got interest rates that are bad enough in terms of interest people have to pay in order to get on top of their college loans.

But college tuition itself has gone up. This is under the President, since President Bush has taken office. College tuition itself has gone up 40 percent.

Then you take a look at gas prices which have gone up 47 percent. You take a look at health care costs, gone up 55 percent. This is the reality for Americans today. But median household income has dropped by 4 percent. I mean, dropped. So how are Americans supposed to make up this difference? What are they supposed to do when it comes to the income that they are bringing in and the everyday costs that are a part of their life? This is, like, for a mom who has got a bunch of kids, and she is trying to figure out how many of them she is going to be able to actually feed, which one do you let go? Which one is not important? Higher education? Putting gas in your car? How are you going to get to work? How are you going to get to the grocery store? How are you going to help your family day to day?

How about health care? What happens, we all know, because everyone's heard the story. I have constituents who don't even think about this stuff every day who can tell me, you know, most of the people that they know who don't have health insurance have to wait 'til they are so sick that they have to take their family member or themselves to the emergency room so that they can get primary health care. I mean, which one do you eliminate? Which one is not important if your income is plummeting?

Now, let's take a couple of other things that have happened under the Bush administration. You have got the typical family paying $1,200 more a year for health insurance. You have housing that is the least affordable that it has been in 14 years. I mean, just to give you an example, in the community that I live in, I represent south Florida, the average price of a house in the two counties that I represent is over $300,000. That is not affordable. I mean, that just puts home ownership completely out of bounds for, never mind the average person, even somebody making a decent living.

Mr. DELAHUNT. One can only imagine that young person graduating from college with this debt.

Ms. WASSERMAN SCHULTZ. But this is the 30-something Working Group, Mr. DELAHUNT. We identify, we are not, well, some of us are not, that far from having been through exactly the situation.

Mr. DELAHUNT. But being 30-something, things were better.

Ms. WASSERMAN SCHULTZ. Of course.

Mr. DELAHUNT. For you when you were 20-something than your 30-something.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, let me just tell you. When my husband and I got married, we got married in 1991. And I was 24 and my husband was 26. Within several months of getting married, we were able to buy our first home. We both had health insurance. We were not worried about how to put gas in our car, and neither one of us had college tuition debt.

Fast forward to 15 years later, because I just celebrated my 15th wedding anniversary, and someone starting out just like we did can't afford a house in the community that I live in and represent. Literally they are driving their car around and have to pay more than $50 every single time. We couldn't have afforded that on the incomes that we made. We could back in 1991, but not, back in 1991 we could afford gas prices because they were in the $1 range, a little over a dollar. How are they supposed to do it? It is unfathomable.

Mr. DELAHUNT. But the point that you are speaking to, I think everybody understands, is that the country is heading in the wrong direction. In the space of 15 years, people that were in your situation, as you just described it with your husband, newly married, in a short period of time being able to afford a down payment, no tuition debt, and prospects for a bright future. That is not happening today. And a lot of our friends can understand it because they continue to talk about, well, the economy is growing. I guess the question is who is it growing for? It is not growing for the middle class. It certainly isn't. It isn't growing for low income. In fact, it is not even growing for those who are affluent. It is growing for the superwealthy.

Ms. WASSERMAN SCHULTZ. What plan have you heard of from the other side of the aisle, from our good friends on the other side? Where is their economic plan? Where is their plan to fix it? What bills have they passed that reduce the deficit, that help Americans struggling to pay for gas, that help them pay for higher education? I mean, is it all you are on your own? It is all about you, and we are from the Government, and we are not here to help.

We have a plan. We have a new direction for America which is laid out right there. I hear a lot of the Republicans on the other side of the aisle accusing us of not having a plan. We have got one. Where is theirs? Because if we keep going in this direction, we are headed for more deficit and more of our citizens twisting in the wind.

Mr. RYAN of Ohio. Their plan, Mr. Speaker, has been implemented. We are now experiencing the results of their plan, cause and effect. They issued, they administered, they proposed, they passed year after year after year. Democrats, we couldn't stop anything if we wanted to. Went through the House, went through the Senate, the President had the signing ceremony, brought everybody behind him, had 50 pens and was passing them out to all the leadership. And the end result is that chart that you just had up: higher gas prices, higher college tuition costs, higher health care costs, lower median income, $9 billion lost in Iraq, nobody knows where it is. We are building roads and hospitals and schools in Iraq while we are cutting funding here. Katrina, we are paying people's divorce lawyer bills. I mean, come on.

Ms. WASSERMAN SCHULTZ. We are paying for funerals for people who didn't die as a result of the hurricane.

Mr. DELAHUNT. And yet we have not begun to even address the real issues of rebuilding the Gulf States, of taking care of the people in Mississippi and Louisiana, and allowing the insurance companies in those States to tell people that, sorry, you are not covered, despite the fact that they were told early on. Thankfully, we have leaders, and I am particularly proud of someone like a GENE TAYLOR and others from the Gulf States that stand up and speak to these issues, and Members on the other side of the aisle, for that matter. I was listening to Senator LOTT just recently speaking about this issue.

But the truth is, you are right. The consequences of the plan of the Bush administration and the Bush Congress has resulted in $3 per gallon of gas, a deficit that is a Hall of Fame record, a dependence on China and Japan and the United Kingdom and OPEC countries to finance our debt, a decline of the median income for a middle-class family in this country, and housing that is not affordable today for most Americans, and as you suggested, TIM, a health care system that is, to call it a system is hyperbole. It just is not a system. And this is what we have.

We finally have seen the plan, and the plan is being rejected by most Americans because it is clear that it is taking this country in the wrong direction, and if it continues in this way, we will become a second-tier Nation.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, you are absolutely right. The contrast here is that when it comes to actually improving the economy and beginning to go in a new direction, the Republicans have no plan at all. More of the same. More deficits, more tax cuts for the wealthiest among us, more people who are going to go uninsured, more of the same; as opposed to the Democrats' new direction for America, Mr. RYAN, that you have on the easel next to you.

And I think it would be useful to take, Mr. Speaker, the Members through what the Democrats' plan is if we take the majority back of this institution and the things that we would implement if we were able to actually implement an agenda.

Mr. RYAN of Ohio. Mr. Speaker, this is a comprehensive agenda, and what I love most about what the Democrats are going to do when they get in charge, our agenda is integrated into creating a government that works in the 21st century. Unfortunately, our friends on the other side are like dinosaurs. They keep trying to work and run the government like it is 1950. It is 2006. We have new technologies, new communications, a new ability to administer government, and the Republicans are caught in the stone age like dinosaurs, unable to run the government.

Look at Katrina. Look at the war. Look at all the issues that we have talked about. It is their inability to run.

So what I like about what the Democrats are doing is we are taking a very new, cutting-edge, progressive approach to administering government. And it starts with making health care more affordable. We are going to use the ability, buying power to make sure we eliminate the major influence of drug companies and HMOs, corporate welfare, basically, that the Republicans gave to the health care industry; get lower drug costs, encourage competition, and make sure that we invest in the stem cell and other medical research. We have cutting-edge technologies that we are that close to getting to, and the Republicans are cutting the budget for research.

Ms. WASSERMAN SCHULTZ. And, Mr. RYAN, don't forget. We have a plan that would allow small businesses to pool their resources and pool their risk that, if we were allowed to implement it, and if we were in the majority in this institution, we would pass legislation that would do that without totally eliminating the benefits that are part of these health insurance packages.

In the Republicans' legislation that they crammed through the Congress with a rubber-stamp vote that they typically do, their solution was to pass bare-bones insurance legislation that basically provides coverage for almost nothing. And you would basically dumb down any insurance policy. Some people might say, well, some insurance is better than none. But when you have the second leading cause of death for women in this country, being breast cancer, and in most States mammograms are a mandated insurance benefit, their plan would allow the elimination of that required coverage. If you implement it and their plan became law, we would ensure that fewer women would be able to get mammograms, and the incidences of breast cancer would go up.

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Mr. RYAN of Ohio. Right. And what I really love is what JOHN TANNER's bill is doing, and JOHN TANNER is a Democrat from Tennessee, a Blue Dog Democrat, and this is just good stuff. We are going to audit the government. When we get back in charge, we are going to throw everything on the table, and we are going to audit everything. We are just going to start over, figure out why we are wasting so much money. And Mr. TANNER and I had a great conversation, Mr. Speaker, last week. And we are going to have Mr. TANNER down here because he needs to participate in the 30-something group to explain to the House of Representatives just exactly what his bill does. But in a thumbnail sketch, it audits all of the branches of government. It audits all of the agencies of government. And we can squeeze wasteful spending out of the government right now and invest that money into things that matter.

Mr. DELAHUNT. And let us remember, Mr. Speaker, who is running the government. It is true, Mr. Speaker, that this administration for the past 6 years has been run by a Republican President, a Republican Vice President. All of the Cabinet members, with one exception, are Republican. The House has been run by the majority party, which is the Republican Party. On the Senate side, Mr. Speaker, the majority party has been Republican. So what we are seeing and what we are getting is Republicanism, but not really the traditional mainstream Republican Party that has made significant contributions to this great country.

Mr. RYAN of Ohio. Teddy Roosevelt.

Mr. Speaker, reclaiming my time, I want to know where all the Members from 1994 went when they were saying we have got to run government like a business, we need a balanced budget amendment, we cannot afford all this wasteful spending. Democrats now have a bill that we are going to put forth before this Congress when we take over of how to run this place like a business. Now, we realize it is not a business; so there are things we are limited to do. But there is no excuse why we cannot audit this government and find the waste and invest it into math, science, education, health. We cannot keep going to the taxpayers and asking them for more and more money.

Mr. DELAHUNT. Can I just digress for one moment?

Mr. RYAN of Ohio. Please.

Mr. DELAHUNT. We had a 10-hour, I don't want to call it a debate because it was not a debate.

Mr. RYAN of Ohio. Special Order.

Mr. DELAHUNT. It was a long Special Order about Iraq. And I thought what was particularly striking was, as people spoke even on the other side, the references that were made specifically to Secretary Rumsfeld.

Now, if you had a CEO of a business that was running the business into the ground, that was being exposed by his own subordinates again and again and again, what would happen in the private sector? And just look back at what the administration had to say.

I mean, I always think of what the former Secretary of State, Colin Powell, had to say about the Vice President. He said the Vice President was so obsessed with attacking Iraq, that it was as if he had war fever. Well, you know, the problem with fever is that you become delusional and you see things or hear things that aren't necessarily there no matter how true you want them to be. I mean, it was the Vice President himself who said that we were going to be greeted as liberators. I think that lasted for maybe 1½ days. Rumsfeld himself said that the war wasn't going to last any more than 6 months. Wrong. His Deputy, Paul Wolfowitz, said that Iraq could pay for its own reconstruction from its oil revenue. Wrong. We were told that the administration had a coherent plan for reconstruction and bringing peace to a nation that had experienced the brutality of a Saddam Hussein, a coherent plan. Wrong. It just goes on and on.

The truth is that the administration's incompetence, absolute rank incompetence, has set back our efforts to deal with terrorism all over this planet.

And you don't have to take our words for their incompetence. If our staffer is present, I would like to just put on some of the quotes, not coming from a partisan Member of Congress, but from people who served their country. Here is one coming now.

Mr. RYAN of Ohio. We do not have the military one.

Mr. DELAHUNT. Well, this is as good, I guess.

The former House Speaker, Newt Gingrich, speaking about this Republican Congress, can you read that for me.

Ms. WASSERMAN SCHULTZ. Sure. What former House Speaker, leader of the Republican revolution on this Republican Congress said, he cited a series of blunders. You referred to our Republican colleagues' incompetence a minute ago, Mr. DELAHUNT. Well, former Speaker Gingrich "cited a series of blunders under Republican rule from failures in the aftermath of Hurricane Katrina," which we have been talking about this evening, "to mismanagement of the war in Iraq. He . . . said the government has squandered billions of dollars in Iraq."

And our good friend Mr. TANNER, whom you just talked about, and the audit he wants to accomplish once we are in the majority, he analogized that legislation to a mechanic looking under the hood because that is really what is necessary here. I think I would want to make sure I had some Purell with me after we looked under the hood when the Republicans are put aside and maybe have a mask just so that I wouldn't become infected by some of the mismanagement and gross incompetence that has clearly occurred here under Republican rule.

I mean, a deficit of more than $8 trillion, a debt that is more in the time that President Bush has been in office than all previous 42 Presidents combined, a war in Iraq that has created a cesspool in a country that was in bad shape to start with, but that literally the situation that they are in now in Iraq with the terrorism on the rise that exists there was created by this President and the Republicans' war.

Mr. DELAHUNT. To go back to the point that Mr. RYAN was making relative to if this were a business, if this were a business, which brought me to the point of the incompetence specifically of the Secretary of Defense, and to think despite call after call for his resignation, would this have ever happened in the private sector?

And as I was saying, this is not your words, our words, my words. Here is retired Army Major General Paul Eaton. This is back in March. He is speaking about the Secretary of Defense, and these are, again, his words: "He has shown himself incompetent strategically, operationally, and tactically and is, far more than anyone, responsible for what has happened to our important mission in Iraq . . . Mr. Rumsfeld must step down."

Now, it is okay, I guess, for the President to ignore those words, but if we had a Congress that took its oversight role seriously, I would have expected that once those words appeared in print that the appropriate committee of jurisdiction, possibly the Armed Services Committee, and I know you serve on that, Mr. RYAN, would have immediately issued a request to Major General Paul Eaton to come before it to give his opinion and his views. Did we see that?

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, when you look at what happened in the late 1990s with what the Republican committees were willing to investigate going on in the executive branch, what they were willing to investigate under President Clinton, they spent $40 million chasing him around, and now you are not even willing to provide some oversight for the war or Katrina or any of these other things? It is not a witch hunt. These guys are saying we are screwing up, let us fix it.

I yield to my friend.

Mr. DELAHUNT. The silence coming from the Congress is just overwhelming. There has not been a single committee in the House of Representatives that invited General Paul Eaton to come before it and testify. Talk about a rubber stamp.

Well, now here is retired Marine Lieutenant General Gregory Newbold. He had these words to say in April: "My sincere view is that the commitment of our forces to this fight was done with the casualness and swagger that are the special province of those who have never had to execute these missions or bury the results."

Has there been a request from one single committee of this House to Marine Lieutenant General Newbold to come before us to listen to what he has to say about the incompetence of the civilian leadership of Secretary Rumsfeld? Not one invitation that I am aware of.

And here is retired General John Batiste, again, speaking about the Secretary of Defense. This was reported in The Washington Post on April 13: "We went to war with a flawed plan that didn't account for the hard work to build the peace after we took down the regime. We also served under a Secretary of Defense who didn't understand leadership, who was abusive, who was arrogant, who didn't build a strong team."

I know there are more posters. Now, what would have happened in the private sector? Is this a way to do business? Is this competence? I could go on and on and on.

Ms. WASSERMAN SCHULTZ. If the gentleman from Ohio would yield, because the contrast to what is going on in the cesspool that has been created by the Republican leadership in Iraq is that if we were in the majority in this Congress, we would implement the real security agenda. We would focus on making sure that there was a plan in Iraq so that we can train the Iraqi troops to take care of the business at hand in Iraq on their own and begin to phase out our involvement there.

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Yet there is no plan to do that. There is no timetable. There isn't anything coming from this President that would say when a percentage of Iraqi troops are prepared, that we are going to pull out X percentage of Americans troops. We have to make sure we start focusing on the terrorism here at home.

What happens instead, in the debate we had the other day, where it should have been a debate, like you said, it was not a debate, but in the basic filibuster, single-subject filibuster in which we were afforded no opportunity to present or talk about our alternative, instead you had bobblehead after bobblehead on the other side of the aisle just come up to the podium and shake their head up and down and say exactly what the administration wanted them to say. Then they put their votes up on the board and did exactly what was expected of them, vote to rubber-stamp the exact same stay-the-course policy that Americans clearly have indicated they do not want to continue. I don't know what hometown these people are going home to.

Mr. DELAHUNT. If I can, for just a moment, I hear all this foo-for-all about we have to stay the course, and we will stand down when they stand up.

It must have been a shock to President Bush, do you remember when he made that visit, I think it was about a week ago, to Baghdad? Well, on his way home he was discussing the visit with reporters and his conversations with Iraqi leaders and he made this statement that was reported in the Associated Press: "There are concerns about our commitment in keeping our troops there. They," meaning the Iraqis, "are worried almost to a person that we will leave before they are capable of defending themselves, and I assured them they didn't have to worry." That is the President.

But apparently when he said "almost to a person," he is not including the president of Iraq and the vice president of Iraq, because the Associated Press reported the day after that Iraq's vice president had asked President Bush for a timeline, for a timeline, for the withdrawal of foreign forces from Iraq.

Here is the quote: "Vice President Tarik al-Hashimy, a Sunni, made the request during his meeting with Bush on Tuesday when the U.S. President made a surprise visit to Iraq. President Talabani, in a statement that was released after the meeting, said 'I supported him in this,' meaning the vice president."

So when we hear that we can't give a timeline or a table for when we withdraw. Mr. Speaker, the Iraqis are asking us to do it. They are asking us, Mr. Speaker.

So, please, you know, cut the politics. Run away from the politics. Let's cut and run from the politics and talk about the truth.

Ms. WASSERMAN SCHULTZ. So that way we can get back to talking about what Americans' priorities are here; making sure their kids can afford college, making sure when they are sick they can go to the doctor, but right now they can't because 46 million Americans don't have health insurance; making sure that gas prices aren't over $3 a gallon, with record profits going to the oil industry, and this Congress, led by the Republicans, passing legislation twice last summer with every single Republican voting yes and them holding the vote open at least 40 minutes to make sure that they could twist enough arms to give away subsidies to an oil industry that is already making more money than they know what to do with.

I mean, if you were watching Meet the Press on Sunday and you saw the three CEOs of the oil industry just completely not getting that they need to be part of this solution, and no one in this Congress, that is leading this Congress, except for us, who are making every attempt, no one asking the oil industry to step up and invest their revenue from their profits into alternative energy resources. It is just absolutely unbelievable.

Mr. RYAN of Ohio. We don't mind you making a profit. Profit is not a dirty word. Go out and make money, hire Americans, this is good news. But do it in the national interest.

Ms. WASSERMAN SCHULTZ. ExxonMobil invested $10 million, and made $30 billion; $10 million in alternative energy last year. That is what they talked about on Meet the Press on Sunday.

I mean, give me a break. Where is the commitment? Where are the priorities?

Mr. RYAN of Ohio. Who was the one gentleman, Lee Raymond, that got big time money. I don't know how many millions he made last year. I know he got a $2 million tax break.

Ms. WASSERMAN SCHULTZ. $400 million.

Mr. RYAN of Ohio. I think he made $390-some million. So they are paying this guy a $398 million retirement package, $2 million tax break, and companies like this are only investing $10 million, when they can give them a retirement package of $400 million.

Newt Gingrich said, just to wrap up, our good friend, Mr. Speaker, about the Republican Congress, "They are seen by the country as being in charge of a government that can't function." This is your laundry list that you just mentioned.

Mr. Speaker, all of these posters are available on our web site for other Members to access at www.housedemocrats.gov/30something. All these posters are available.

We missed our good friend Mr. MEEK, and we cheer on the Miami Heat.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today.

Mr. CARNAHAN (at the request of Ms. PELOSI) for today.

Mr. CLEAVER (at the request of Ms. PELOSI) for today.

Mr. CUELLAR (at the request of Ms. PELOSI) for today.

Mr. DOYLE (at the request of Ms. PELOSI) for today on account of travel problems.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and June 20 on account of family matters.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of travel problems.

Mr. RUPPERSBERGER (at the request of Ms. PELOSI) for today on account of official business.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of airline delays due to inclement weather.

Mr. THOMPSON of California (at the request of Ms. PELOSI) for today on account of bad weather and travel delays.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for the week of June 19 on account of family obligations.

Mrs. MILLER of Michigan (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of travel delays.

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. SHIMKUS (at the request of Mr. BOEHNER) for today on account of a flight delay due to inclement weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. POE, for 5 minutes, today and June 26.

Mr. BURTON of Indiana, for 5 minutes, today and June 20, 21, and 22.

Mr. OSBORNE, for 5 minutes, June 20 and 21.

Mr. BILIRAKIS, for 5 minutes, today and June 20, 21, and 22.

Ms. HARRIS, for 5 minutes, June 20.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 20, 2006, at 9:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8137. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas; Ohio, West Virginia, and Wisconsin [Docket No. APHIS-2006-0029] received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8138. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Transfer of Sugar Program Marketing Allocations (RIN: 0560-AH37) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8139. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments [Docket No. 1998C-0790] (formerly 98C-0790), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8140. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Food Labeling: Health Claims; Dietary Noncariogenic Carbohydrate Sweeteners and Dental Caries [Docket No. 2004P-0294] received April 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8141. A letter from the Chief, Policy Section, Military Awards Branch, Department of Army, Department of Defense, transmitting the Department's final rule — Decorations, Medals, Ribbons, & Similar Devices (RIN: 0702-AA41) received June 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8142. A letter from the Legal Counsel, Terrorism Risk Insurance Program, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; TRIA Extension Act Implementation (RIN: 1505-AB66) received May 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8143. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Requirement That Mutual Funds Report Suspicious Transactions (RIN: 1506-AA37) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8144. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix (RIN: 3133-AD18) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8145. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Service's final rule — AmeriCorps Grant Applications from Professional Corps (RIN: 3045-AA46) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8146. A letter from the Director, OLMS, Office of Policy, Reports & Disclosure, Department of Labor, transmitting the Department's final rule — Standards of Conduct for Federal Sector Labor Organizations (RIN: 1215-AB48) received June 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8147. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Assistance Regulations — (RIN: 1991-AB72) received May 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8148. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports for the second quarter of FY 2006 as prepared by the U.S. General Services Administration; to the Committee on Government Reform.

8149. A letter from the Director, Office of Acquisition Management and Procurement Executive, Department of Commerce, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-06-01, the Department's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

8150. A letter from the General Counsel, Department of House and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8151. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Government National Mortgage Associations: Excess Yield Securities [Docket No. FR-4958-F-02] (RIN: 2503-AA18) received June 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8152. A letter from the Attorney, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8153. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8154. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8155. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8156. A letter from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting the Bank's Annual Management Report for the fiscal year ended September 30, 2005, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8157. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2005 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Government Reform.

8158. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8159. A letter from the Director, Compliance and Evaluation Division, General Services Administration, transmitting the Administration's Federal Fleet Report for Fiscal Year 2005; to the Committee on Government Reform.

8160. A letter from the Director, National Gallery of Art, transmitting a Gallery's Fiscal Year 2005 Commercial Activities Inventory Report, pursuant to Public Law 105-270; to the Committee on Government Reform.

8161. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8162. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8163. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8164. A letter from the Director, Office of Personnel Management, transmitting the Chief Human Capital Officers (CHCO) Council's Report to Congress covering FY 2005, pursuant to 5 U.S.C. 1401 note Public Law 107-296 section 1303(d); to the Committee on Government Reform.

8165. A letter from the Director, Office of Personnel Management, transmitting the Office's report on agencies' use of extended assignment incentives for the period May 2, 2003 through December 31, 2005; to the Committee on Government Reform.

8166. A letter from the Director, Office of Personnel Management, transmitting the Office's assessment of the effectiveness of the extended assignment incentive authority as a human resources management tool and recommendations for any changes necessary to improve the effectiveness of the incentive authority for the period May 2, 2003 through December 31, 20056, pursuant to Public Law 107-273, section 207(d); to the Committee on Government Reform.

8167. A letter from the EEO Director, Office of Special Counsel, transmitting the Office's FY 2005 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Government Reform.

8168. A letter from the Acting Director, Security, Safety, and Law Enforcement, Department of the Interior, transmitting the Department's final rule — Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies (RIN: 1006-AA45) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8169. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 030906B] received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8170. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 051104293 5344 02; I.D. 050906A] received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8171. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Safety Standards for Flight Guidance Systems [Docket No.: FAA-2004-18775; Amendment No. 25-119] (RIN: 2120-AI41) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8172. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Amendment of Tacking Rule Requirements of Life-Nonlife Consolidated Regulations [TD 9258] (RIN: 1545-BE86) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8173. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2006-26) received May 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8174. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Intercompany Transactions; Manufacturer Incentive Payments [TD 9261] (RIN: 1545-BF32) received May 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8175. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Filing of Applications and Requirements for Widow's and Widower's Benefits (RIN: 0960-AG32) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. H.R. 4890. A bill to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; with an amendment (Rept. 109–505 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5341. A bill to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; with an amendment (Rept. 109–506). Referred to the Committee on the Whole House on the State of the Union.

Mr. COLE of Oklahoma: Committee on Rules. House Resolution 877. Resolution providing for consideration of the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–507). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Moore of Kansas, Mr. Baker, Ms. Hooley, Mr. Feeney, Ms. Wasserman Schultz, Mr. Sessions, Mr. Holden, Mr. Fossella, Mr. Scott of Georgia, Mr. Bachus, Ms. Bean, Mr. Renzi, Mr. Israel, Mr. Fitzpatrick of Pennsylvania, Mr. Crowley, and Mrs. Biggert):

H.R. 5637. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. Hulshof, and Mr. Cramer):

H.R. 5638. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes; to the Committee on Ways and Means.

By Ms. HERSETH:

H.R. 5639. A bill to reauthorize the Mni Wiconi Rural Water Supply Project; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Ms. Granger.

H.R. 111: Mr. Reichert.

H.R. 500: Mr. Smith of Texas.

H.R. 503: Mr. Jackson of Illinois, Mr. Ford, and Mr. Thompson of Mississippi.

H.R. 920: Mr. Aderholt.

H.R. 952: Ms. Eddie Bernice Johnson of Texas and Mrs. Capps.

H.R. 998: Mr. Deal of Georgia.

H.R. 1125: Ms. Schakowsky and Mr. Delahunt.

H.R. 1298: Mr. Mack.

H.R. 1366: Mr. Kline.

H.R. 1554: Mr. Bass.

H.R. 1632: Mr. Davis of Alabama, Mr. Meehan, Mr. Neal of Massachusetts, and Mr. Frank of Massachusetts.

H.R. 1688: Mr. Tierney.

H.R. 1898: Mr. Kirk.

H.R. 2533: Mr. Smith of Washington.

H.R. 2567: Mr. Towns and Mr. Ross.

H.R. 2568: Mrs. Jo Ann Davis of Virginia.

H.R. 2669: Mr. Israel.

H.R. 2730: Mr. Stupak, Mr. Melancon, Mr. Salazar, Mr. Boswell, Mr. Emanuel, Mr. Peterson of Minnesota, Ms. Harman, Mr. Michaud, Mr. Schiff, Mrs. Lowey, and Ms. Watson.

H.R. 2737: Mr. Boswell.

H.R. 2861: Mr. Burgess.

H.R. 2945: Mr. Conyers, Mr. Grijalva, Mr. Jefferson, Mr. McHugh, and Mr. McCotter.

H.R. 3022: Mr. Filner, Mr. Berman, and Mr. Clyburn.

H.R. 3034: Mr. Brown of Ohio, Ms. Zoe Lofgren of California, Mr. McDermott, Mrs. Capps, and Ms. Solis.

H.R. 3427: Mr. Pitts.

H.R. 3459: Mr. Platts.

H.R. 3760: Mrs. Tauscher.

H.R. 3795: Ms. Bordallo and Mr. Murphy.

H.R. 3883: Mr. PEARCE.

H.R. 4047: Mrs. JO ANN DAVIS of Virginia.

H.R. 4215: Mr. BOSWELL.

H.R. 4341: Mr. WELLER.

H.R. 4381: Mr. GREEN of Wisconsin and Mr. RUPPERSBERGER.

H.R. 4494: Mr. ENGLISH of Pennsylvania.

H.R. 4672: Mr. BEAUPREZ.

H.R. 4760: Ms. WOOLSEY and Mr. CLYBURN.

H.R. 4777: Miss MCMORRIS.

H.R. 4890: Mr. FORTENBERRY and Miss MCMORRIS.

H.R. 4924: Mr. MCGOVERN.

H.R. 4941: Ms. HARMAN, Mr. DENT, Mr. SIMMONS, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. SHAYS.

H.R. 4942: Ms. HARMAN, Mr. DENT, Mr. SIMMONS, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. SHAYS.

H.R. 4974: Mr. RYAN of Ohio and Mr. BROWN of Ohio.

H.R. 4993: Mr. ROTHMAN.

H.R. 5005: Mr. PETERSON of Pennsylvania, Mr. STRICKLAND, Mr. FORBES, Mr. CONAWAY, and Mr. SWEENEY.

H.R. 5150: Mr. HOLT.

H.R. 5171: Mr. STRICKLAND, Mr. SHIMKUS, and Mr. CHABOT.

H.R. 5185: Mr. MOORE of Kansas.

H.R. 5188: Mr. LEWIS of Georgia.

H.R. 5189: Mr. MCHUGH.

H.R. 5190: Mr. HASTINGS of Florida, Mr. CLAY, and Mr. THOMPSON of Mississippi.

H.R. 5201: Mr. PETRI, Mr. LARSON of Connecticut, Mrs. KELLY, and Mr. HULSHOF.

H.R. 5211: Ms. GINNY BROWN-WAITE of Florida and Mr. BARTLETT of Maryland.

H.R. 5290: Ms. MATSUI.

H.R. 5312: Mr. MCCOTTER and Mr. REHBERG.

H.R. 5315: Mr. COOPER, Mr. BOYD, Ms. ESHOO, Mr. CLYBURN, Mr. INSLEE, Mr. ROSS, Mrs. CHRISTENSEN, Mr. BISHOP of New York, Mr. HOLT, Mrs. TAUSCHER, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, and Mr. GEORGE MILLER of California.

H.R. 5316: Ms. KAPTUR and Mr. CLYBURN.

H.R. 5319: Mr. MURPHY.

H.R. 5356: Mr. HALL.

H.R. 5358: Mr. HALL.

H.R. 5363: Mr. MORAN of Kansas.

H.R. 5367: Mr. CONYERS.

H.R. 5396: Mr. STRICKLAND.

H.R. 5416: Mr. CALVERT and Mr. PEARCE.

H.R. 5444: Mr. EHLERS, Mr. MCCOTTER, and Mr. PEARCE.

H.R. 5458: Mr. VAN HOLLEN and Mr. STARK.

H.R. 5470: Mr. SOUDER.

H.R. 5478: Mr. AKIN, Mr. GENE GREEN of Texas, and Mr. SESSIONS.

H.R. 5513: Mr. KANJORSKI, Mr. MCHUGH, and Mr. BOUCHER.

H.R. 5515: Mr. AL GREEN of Texas and Mr. RYAN of Ohio.

H.R. 5520: Mr. BASS, Mr. WHITFIELD, Mr. KUHL of New York, Mr. SHUSTER, Mr. SCHWARZ of Michigan, Mr. JOHNSON of Illinois, Mr. MORAN of Virginia, Mr. RADANOVICH, Mr. CALVERT, and Mr. MCINTYRE.

H.R. 5533: Mr. CLYBURN.

H.R. 5534: Mr. EHLERS, Mr. SHIMKUS, Mr. GERLACH, and Mr. CONAWAY.

H.R. 5538: Mr. FITZPATRICK of Pennsylvania.

H.R. 5542: Mrs. TAUSCHER, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Mr. GEORGE MILLER of California, Mr. BERRY, and Mr. TIERNEY.

H.R. 5550: Mr. BERMAN and Mr. DELAHUNT.

H.R. 5560: Mr. CLEAVER.

H.R. 5579: Mr. LANTOS.

H.R. 5588: Mr. BARROW, Mr. ETHERIDGE, Mr. DELAHUNT, Mr. GEORGE MILLER of California, and Mrs. MALONEY.

H.R. 5594: Mr. FITZPATRICK of Pennsylvania.

H.R. 5611: Mr. WHITFIELD.

H. J. Res. 86: Mr. SANDERS.

H. Con. Res. 42: Mr. CLYBURN.

H. Con. Res. 318: Ms. SOLIS.

H. Con. Res. 346: Mr. KLINE and Ms. ESHOO.

H. Con. Res. 407: Mr. PEARCE.

H. Con. Res. 415: Mr. PEARCE and Ms. ROS-LEHTINEN.

H. Res. 295: Mrs. CHRISTENSEN and Ms. KILPATRICK of Michigan.

H. Res. 518: Mrs. CUBIN.

H. Res. 723: Mr. BOYD and Mr. DINGELL.

H. Res. 731: Mr. POMBO and Mrs. DRAKE.

H. Res. 787: Mr. COSTA and Mr. CUELLAR.

H. Res. 800: Mr. ENGEL and Mr. PUTNAM.

H. Res. 838: Mr. CALVERT and Mr. CARDOZA.

H. Res. 846: Mr. KUCINICH, Mr. DELAHUNT, Ms. WOOLSEY, and Ms. MCKINNEY.

H. Res. 867: Mr. CUELLAR and Mr. ETHERIDGE.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5631

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 1: Strike section 9012 (page 115, lines 1 through 4).

H.R. 5631

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to initiate military operations except in accordance with Article I, Section 8 of the Constitution of the United States.

EXTENSIONS OF REMARKS—*Monday, June 19, 2006*

A TRIBUTE TO ELBA ROMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Elba Roman, a distinguished member of the Brooklyn, New York, community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Elba Roman was born in the picturesque town of Cayey, Puerto Rico, which is located in the Central part of the island. She came to Brooklyn, New York, in 1954 and began working at an early age in her community. She accompanied her father to several community meetings and demonstrations for the betterment and social progress of the people of in her neighborhood.

Elba Graduated from Eli Whitney High School in Williamsburg and went on to attend Pace University. She continued with her community work and founded the Alliance of United Women of Brooklyn, an organization of Hispanic women geared to serving and addressing community concerns.

As President of the Alliance, Elba organized numerous food drives, feeding thousands of underprivileged families in the Bushwick community. Her organization also took over the management of the Martin de Porres Day Care Center of Bushwick, which serves over 200 families.

Elba was elected to Community School Board 32 and as a member, led the drive for drug-free school zones and rehabilitation and modernization of many of the school facilities in the district. She was also elected Female District Leader of the 54th Assembly District and as a Democratic District Leader, she became actively involved in the 83rd Community Precinct Council where she and her husband, Edmundo Roman, organized a yearly fundraiser to provide Christmas gifts for the children in the Bushwick area. During her tenure as District Leader, Elba led several voter registration drives where tens of thousands of new voters were registered in Brooklyn. With her husband, Edmundo, she was also actively involved with opening Woodhull Hospital. Elba had served as a member of community Board 4 and is a member of the Women's Caucus for Congressman EDOLPHUS "ED" TOWNS. Additionally, Elba was the Founder and past President of the Boriqua Festival in Prospect Park, Brooklyn, New York.

Elba and her husband, Edmundo Roman, who is an attorney with a private practice, cofounded Precision Abstract LLC, the first Puerto Rican title abstract in the City of New York. She is presently an active member of the Sunset Park Lions Club, where she helps collect and wrap thousands of toys that are distributed to organizations that serve children in Brooklyn.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Elba Roman as she offers her talents and services for the betterment of our community.

Mr. Speaker, Elba Roman's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. BISHOP of New York. Mr. Speaker, due to a previously scheduled medical procedure, I was not able to cast my vote on rollcall 288, concerning our presence in Iraq. Had I been present, I would have voted "nay."

HONORING JOSEPH DE LA CRUZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Joseph De La Cruz, owner of the NAPA Auto Parts Store in Laredo, Texas, on his being selected as a recipient of the Distinguished Business Awards by the Laredo Development Foundation's Small Business Development Center, the U.S. Small Business Administration, and the Laredo Chamber of Commerce.

As a young man, Joseph De La Cruz worked at an automotive parts store, and the auto parts industry intrigued him with the vast types of automotive parts needed to keep with the constantly changing marketplace. During this time frame, Mr. De La Cruz received a grant from the United States Government which enabled him to attend college upon the condition that he work for the Government for a period of at least 5 years. After almost 25 years of federal service, Mr. De La Cruz retired in 1998.

Mr. De La Cruz renewed his interest in the automotive parts industry by exploring the purchase of an existing NAPA Auto Parts Store along with his son, Joseph De La Cruz II. The project was discussed with Albert De Llano of Commerce Bank, a preferred Small Business Administration Lender. Together, with technical support from Business Development Specialist Gladys Rangel of the Laredo Economic Development Foundation SBDC, the dream became a reality. Shortly after the purchase of NAPA Auto Parts Store, he increased the stock inventory, hired more employees, increased marketing, and all these initiatives established the infrastructure for success. After one year in operation, the store achieved a sales increase of 116 percent, making Mr. De La Cruz one of the leader in the auto industry in Laredo, Texas.

Mr. Speaker, thank you for allowing me to honor Mr. De La Cruz, owner of NAPA Auto Parts Store in Laredo, Texas, in recognition of his selection as a recipient of the Distinguished Business Awards.

A TRIBUTE TO MOHAMMED GHRIGA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mohammed Ghriga, a distinguished member of the community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

A scholar and a man who only recently was named Dean of the Business Department, Dr. Mohammed Ghriga is already revolutionizing the business department at New York's Long Island University.

"The business world is being redefined by technology, with changes that can be swift and dramatic as well as risky," Dr. Ghriga once pointed out, adding, "Internet security and online commerce may be as significant over the next decade as the 'dot-com' bubble was to the 1990s."

Dr. Ghriga's views of success and security in business are formed by his own expertise. An Algerian native, he received his undergraduate degree in computer science in 1986 at the University of Sciences and Technology at Algiers, Algeria. Following research and teaching fellowships at Polytechnic University in Brooklyn, where he earned M.S. and Ph.D. degrees also in computer science, Dr. Ghriga joined Long Island University as an assistant professor in 1994. He was associate dean of the business school for 2 years before his appointment as dean this summer.

As an educator, Dr. Ghriga has brought innovative methods to the classroom for teaching highly complex topics in modeling, analysis and discrete structures. His teaching interests include information systems analysis and design, programming languages and environments, and data security. His research interests incorporate the areas of conformance testing and formal analysis of communication systems.

In addition to his numerous scholarly publications and professional presentations, Dr. Mohammed Ghriga has served in progressively responsible administrative positions in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the School of Business, establishing an exemplary record of leadership and service.

Although Dr. Mohammed Ghriga teaches in Brooklyn, he makes his home in Toms River, New Jersey with his wife and daughter.

Mr. Speaker Dr. Mohammed Ghriga is a leader that will propel the Long Island University business department into the next decade and far beyond; his service makes him most worthy of our recognition today.

HONORING ANGELICA CANTU

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Angelica Cantu, a certified public accountant with Garza, Martinez & Co., P.L.L.C., in Laredo, Texas, on her being selected for the Distinguished Business Award by the Laredo Development Foundation's Small Business Development Center, the U.S. Small Business Administration, and the Laredo Chamber of Commerce.

Ms. Cantu, in her current position as a certified public accountant with Garza, Martinez & Co., P.L.L.C., is known for her professionalism in accounting and client relations with those in the business community in the City of Laredo, Texas. Prior to her current position, Ms. Cantu was a senior accountant with Baum, Mejia & Co., P.L.L.C. She has shown extensive knowledge in the areas of payroll, tax, and audits through 11 years of experience in the accounting field. She graduated from Texas A&M International University in Laredo, Texas, with a Bachelor of Business Administration in Accounting in December 1993.

Mr. Speaker, thank you for allowing me to honor Ms. Cantu, one of the valued members of Garza, Martinez & Co., P L.L.C., in recognition of her selection as a recipient of the Distinguished Business Award.

HONORING NANCY PYLE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Nancy Pyle, President of Heartland Hall, Inc. of Bedford, Pennsylvania, who has been honored as the 2006 Citizen of the Year by the Bedford Rotary Club. The Club annually recognizes a local individual who epitomizes the Rotary Motto of "Service Above Self."

Nancy Pyle has made numerous and significant contributions to her community. After a distinguished 16-year career in the healthcare industry holding positions that ranged from hospital staff nurse to management, Nancy embarked on a new challenge. In July 2004, she displayed vision and enthusiasm in building a new hi-tech conference center to serve Bedford County. Heartland Hall opened in 2005 with Nancy as its President, bringing a wealth of new opportunities for businesses, organizations, and families in the region.

Today, not only is Nancy a successful businesswoman who remains active in the medical field, but she is selflessly devoted to serving her family and community. She is a dedicated wife, and mother of three children. And she consistently finds time to be involved in numerous local organizations. Nancy has touched many lives in a positive way through her association with an impressive list of groups like Big Brothers and Big Sisters, the March of Dimes, the county Drug-Free Schools Task Force, the Bedford County Redevelopment Authority, and the Chamber of Commerce and Arts Council, just to name a few.

The thousands of people who know Nancy Pyle—and who have benefited from her hard work and dedication—would certainly join me in thanking Nancy for her contributions to business, community, and family, as well as serving as an inspiration for the spirit of chivalrous virtue.

HONORING RUBEN GARIBAY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Ruben Garibay, owner of R.T.T. Automotive dba A–1 Auto Stop Super Center, on his being selected as a recipient of the Distinguished Business Award by the Laredo Development Foundation's Small Business Development Center, the U.S. Small Business Administration, and the Laredo Chamber of Commerce.

Mr. Garibay is widely recognized by the business community in Laredo, Texas, for his strong commitment to his business and the community. He is responsible for over 60 employees at his business, and R.T.T. Automotive dba A–1 Auto Stop Super Center recently finished out the year with over $7 million dollars in total sales revenues. Due to his entrepreneurship in the automotive industry, he has previously received the 1999 SBA Small Business Person of the Year for the San Antonio District, the first from Laredo to win the award, and the youngest recipient to date.

Mr. Garibay attended the University of Texas at San Antonio and pursued a career in mechanical engineering. During the summer of his sophomore and junior years of college, Ruben began his career in the automotive industry as an automotive technician at Automotive Surgeons of San Antonio, and was an integral part of the company until his departure in 1990. He returned to Laredo, Texas, with the plan of owning his own business and bringing modern technology to the automotive repair industry. He opened R.T.T. Automotive dba A–1 Auto Stop in 1991, which has become one of the top three auto repair facilities in Laredo. Mr. Garibay then took ownership of several trailer repair facilities, expanding his business further.

Ruben Garibay is married to Tina Fasci Garibay and has two children, Abigail and Isaac. The Garibay family is known for their generosity and community involvement. They are involved in many charitable organizations such as the March of Dimes, The Make a Wish Foundation, The Laredo Medical Center Senior Circle, The United Way, the Christmas Angel Wish, and the Thanksgiving Programs for Webb County.

Mr. Speaker, thank you for allowing me to honor Ruben Garibay, owner of R.T.T. Automotive dba A–1 Auto Stop Super Center, in recognition of his selection as an recipient of the Distinguished Business Award.

HAVA NAGILA!

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful Cantor Sheldon Feinberg of Beaufort, South Carolina, has informed me that the years 2006–2010 mark the same period in Jerusalem—100 years ago—that a 12-year-old red-headed boy, Moshe Nathanson, wrote a song that continues to inspire the Jewish people and citizens throughout the world. His song "Hava Nagila" means "Let Us Rejoice" and conveys a tremendous message of optimism being recognized as the world's most famous song of joy.

Moshe Nathanson immigrated to the United States in his early adulthood, and over a period of 60 years added to the richness of American culture, as a cantor, concert artist, teacher, and composer.

The inspiring story of the song and its composer is told in the book Hava Nagila edited by Cantor Sheldon Feinberg.

Mr. President, I rise today to commemorate the anniversary of this special song, and the remarkable work of Moshe Nathanson.

HONORING COLONEL GARY JOHNSTON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity that I take this opportunity to honor one of the most selfless individuals I have ever had the pleasure of working with, Colonel Gary Johnston. Colonel Johnston has spent the past 25 years of his life as a member of the United States Army Corps of Engineers. Since his arrival as a member of the United States Army Corps of Engineers Chicago District in July 2003, Colonel Johnston's gracious service to the First Congressional District of Indiana has touched the lives of many of my constituents. For his efforts, and on behalf of my constituents, I take this time to thank Colonel Johnston. Colonel Johnston will be recognized for his accomplishments at an event taking place on June 30, 2006, at the Union League Club of Chicago.

Colonel Johnston has devoted himself to improving quality of life, not only in the United States, but throughout the world. Prior to joining the Chicago District, Colonel Johnston served in many capacities within the United States Army. After being commissioned into the United States Army Corps of Engineers in August 1980 and completing the Engineer Officer Basic Course and Ranger School, Colonel Johnston served as platoon leader and company executive officer of the 84th Engineer Company, 2nd Armored Cavalry Regiment. Colonel Johnston has also completed assignments with the 588th Combat Engineer Battalion at Fort Polk, which included assignments to the National Training Center and the Waterways Experiment Station in Vicksburg, Mississippi, as well as deployments to Southwest Asia in Support of Operation Desert Storm and to Kuwait for relief efforts. In addition, Colonel Johnston has been assigned to Fort Knox, Kentucky, where he served as S-3 and executive officer for the 19th Combat Engineer Battalion and as plans officer for the 194th Armored Brigade. As if these accomplishments were not impressive enough, Colonel Johnston has served as an instructor for the Royal School of Military Engineers, British Army, teaching command and control topics to Royal engineer and non-commissioned officers. Following this assignment, Colonel Johnston returned to Fort Polk, where he began his command tour with the 46th Engineer Battalion. This tour sent him to Nicaragua and Haiti. In 2000, at his final stop before coming to the Chicago District, Colonel Johnston was made Engineer Division Chief for the Director of Combat Developments at the Maneuver Support Center at Fort Leonard Wood, Missouri.

Colonel Johnston's educational background is equally impressive. As a member of the United States Army, Colonel Johnston completed Airborne School, Ranger School, Engineer Officer Basic and Advanced Courses, Combined Armed Service and Staff School, Command and General Staff College, and Air War College. His civilian educational accomplishments include a Bachelor's Degree in civil engineering from Louisiana Tech and Master's Degrees in structural engineering from the University of Maryland and in strategic studies from the Air War College. Known as a man of integrity and dedication, Colonel Johnston is a recipient of several military awards, including the Meritous Service Medal (with five oak leaf clusters), the Army Commendation Medal (with one oak leaf cluster), the Army Achievement Medal, the Airborne Badge, and the Ranger Tab.

Since joining the Army Corps of Engineers Chicago District in July 2003, Colonel Johnston has been a driving force behind many projects aimed at improving the quality of life in the First Congressional District. While I hesitate to single out one accomplishment, Colonel Johnston has had an immense impact on the preliminary stages of the Marquette Plan, which is aimed at reclaiming Lake Michigan's shoreline for public accessibility. This project is one of great importance to Northwest Indiana residents. In addition, Colonel Johnston has been instrumental in two important flood control projects, the Cady Marsh Ditch Project and the Little Calumet River Project, which, once completed, will protect over 10,000 structures from the dangers of flooding.

Mr. Speaker, Colonel Johnston has given his time and efforts selflessly to people throughout Northwest Indiana, the country, and the world. His life truly exemplifies selfless service to others, and on behalf of the Northwest Indiana community, I respectfully ask that you and my other distinguished colleagues join me in honoring Colonel Gary Johnston for his outstanding contributions to Indiana's First Congressional District.

HONORING MICHAEL HALL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Michael Hall, editor of Laredo Morning Times Business Journal, on his being selected as a recipient of the Distinguished Business Awards by the Laredo Development Foundation's Small Business Development Center, the U.S. Small Business Administration, and the Laredo Chamber of Commerce.

Mr. Hall is widely recognized by the business community in Laredo, Texas, for his work with the Laredo Morning Times Business Journal in covering all aspects of business in the City of Laredo and Webb County for the past 2 years. He is responsible for the weekly publication, ensuring the quality of the writing, editing, photography, and the layout and design of the publication. Due to his quality of work in journalism, he has previously received the 2004 Jim Parrish Media Award by the Laredo Chamber of Commerce, the 2004 Special Recognition Award for Print Media by the South Texas Workforce Development Board, and the 2002 Brownsville Herald All-Star Award.

Mr. Hall graduated from Ball State University in May 1979 with a bachelors degree in photojournalism, and a masters degree in electronic journalism in May 1983. Shortly after graduation, he went into education where he taught at the Los Fresnos Consolidated Independent School District in Los Fresnos, Texas, from August 1999 to May 2000. He also was a teacher with Brownsville Independent School District in Brownsville, Texas, from August 1992 to June 1999. After leaving the education field, he joined the staff of the Brownsville Herald newspaper as copy editor in Brownsville, Texas. He was responsible for page design for daily pages, the Valley Business section and the cover of Valley/State section. Mr. Hall also has worked as a reporter, writer, and photographer for several weekly and daily publications in Mississippi, Arkansas, Louisiana, Ohio, and Indiana.

Mr. Speaker, thank you for allowing me to honor Michael Hall, editor of the Laredo Morning Times Business Journal, in recognition of his selection as a recipient of the Distinguished Business Awards.

RECOGNIZING MR. KEITH KIRKLAND UPON RECEIVING THE 2006 INTERNATIONAL PAPER CONSERVATION PARTNERSHIP AWARD

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. FORD. Mr. Speaker, I rise today to recognize Mr. Keith Kirkland, the recipient of the 2006 International Paper Conservation Partnership Award.

This award is presented annually to an individual who has achieved significant results in the protection of habitat through a cooperative relationship with a business or company, and Mr. Kirkland, who serves as the Executive Director of The Wolf River Conservancy, is more than deserving.

For more than 20 years, first as a volunteer, and then as an employee of the Conservancy, Mr. Kirkland has championed conservation and has dedicated himself to protecting and enhancing the lands and waters along Tennessee's Wolf River.

Since 2003, when he was appointed Executive Director of the Conservancy, Mr. Kirkland has raised $12.5 million to support the U.S. Corps of Engineers' Wolf River Restoration Project. This successful project has resulted in ensuring the protection of 17,000 acres and forest and wetlands within the Wolf River flood plain.

Furthermore, Mr. Kirkland has also helped to establish the Ghost River State Natural Area, whose protected landscapes serve as a recharge area for the region's aquifer. The establishment of this Natural Area has safeguarded drinking water for one of Tennessee's fastest-growing areas and habitat for threatened and endangered species.

Mr. Speaker, I ask my colleagues to join with me in congratulating Mr. Kirkland and thanking him for his efforts to protect the forests and rivers of Tennessee. I thank International Paper as well, for recognizing Mr. Kirkland with their award.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. BACHUS. Mr. Speaker, on Friday, June 16, I was absent from the House in order to attend the wedding of my eldest son and was forced to miss rollcall vote No. 288. Had I been present for this vote, I would have voted "aye."

HONORING ROXANNE I. VEDIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Roxanne I. Vedia, Business Services

Coordinator for the South Texas Workforce Development Board, on her being selected as a recipient of the "Women in Business Champion of the Year" award by the Laredo Development Foundation's Small Business Development Center, the U.S. Small Business Administration, and the Laredo Chamber of Commerce.

Ms. Vedia, in her position as Business Services Coordinator for the South Texas Workforce Development Board, oversees the planning, promotion, and implementation of several initiatives that have helped small businesses to develop and prosper in South Texas. Prior to her work as Business Services Coordinator, Ms. Vedia served as a campus service manager for Communities In Schools, a program designed to help reduce the high school drop-out rate. She also previously taught secondary science education for the Laredo Independent School District.

Due to her extensive involvement in several business organizations such as Laredo Business & Professional Women, Financial Women International, and the Laredo Chamber of Commerce, she has established a philosophy of helping increase business opportunities for women through her present position. Ms. Vedia understands the importance of what it is to be a businesswoman, and it is for this reason she is selected to be a recipient of the "Women in Business Champion of the Year" award.

Mr. Speaker, thank you for allowing me to honor Ms. Vedia, Business Services Coordinator for the South Texas Workforce Development Board in Laredo, Texas, in recognition of her selection as a recipient of the "Women in Business Champion of the Year" award.

HONORING LULA MORALES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Lula Morales, owner of Lula Morales Realty Inc., on her being selected "2006 Laredo Chamber of Commerce Distinguished Business Person of the Year" by the Laredo Development Foundation's Small Business Development Center, the U.S. Small Business Administration, and the Laredo Chamber of Commerce.

Ms. Morales, a native of San Luis Potosi, Mexico, came to Laredo by way of San Antonio where she attended Incarnate Word High School and Incarnate Word College where she met her husband, Richard Morales in 1989. She has pioneered the way for women in the commercial real estate industry by harnessing the bounty of international trade and investing in economic growth in the city of Laredo in the great State of Texas. She first started out by selling properties but she soon discovered her passion for commercial real estate by developing Regency Park.

Ms. Morales is one of the pillars of the real estate industry in Laredo, Texas, and she helped in the unprecedented economic growth of Laredo through her company, Lula Morales Realty, Inc. Her willingness in reaching her goals by helping others achieve their dreams of owning their own homes or businesses, and going the extra mile for her clients have brought her to where she is today as the 2006 Laredo Chamber of Commerce Distinguished Business Person of the Year.

Mr. Speaker, thank you for allowing me to honor Ms. Morales, owner of Lula Morales Reality, Inc., in Laredo, Texas, in recognition of her selection as the 2006 Laredo Chamber of Commerce Distinguished Business Person of the Year.

IN HONOR OF LINDA T. HARDWICK, PH.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Linda T. Hardwick, Ph.D., as we celebrate her exemplary career as an educator, leader and visionary that spans nearly 40 years within the Cleveland Public School System.

Dr. Hardwick was born and raised in Cleveland, and is a product of the Cleveland Public Schools. After graduating from John Marshall High School, she enrolled at Central State University and earned an undergraduate degree in just 3 short years. She was awarded a full scholarship to Case Western Reserve University, and completed her Master's Degree in only 18 months. She began her teaching career at Hicks Elementary School, and then was assigned to teach at Harvey Rice Elementary School, where she spent the majority of her teaching career.

Her wisdom, intellect, and obvious joy for teaching gently inspired countless children who were fortunate to have learned from her instruction. Dr. Hardwick set a foundation for students to become lifelong learners by instructing them in various aspects of continuing education, serving as a role model herself. She completed her doctoral studies in education administration at the University of Akron, and soon began serving as assistant principal at Bolton Elementary School. She later became acting principal at Forest Hill Parkway School, where she is currently completing her 15th year as principal. Forest Hill Parkway School was identified by the Ohio Education Trust as one of the highest poverty schools, yet highest performing schools in the State.

Mr. Speaker and colleagues, please join me in honor and celebration of Linda T. Hardwick, upon her retirement as a brilliant educator and leader for 37 years within the Cleveland Public School System. Dr. Hardwick's legacy in education is framed by integrity, accomplishment and unwavering dedication to her vocation. The immeasurable impact she's had during her tenure will remain imprinted upon the minds, hearts and lives of her students—especially upon those young minds she has guided down the road of hope by guiding dreams into reality through educational achievement, and her exceptional service will be remembered always.

A TRIBUTE TO SANG SU YI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Sang Su Yi, a distinguished member of the business and civic communities. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Sang Su Yi was born in Kobe, Japan, in 1933 and returned to South Korea right after World War II in 1946. During the Korean civil war, he served at the supply base in the U.S. Marine Corps Headquarters Division. At the end of the Korean civil war, Sang Su Yi returned to high school.

Sang Su Yi started his career as a reporter after receiving his bachelor's degree at the University of Han Yang. In 1963, he also served in Seventh Division of the U.S. infantry in Korea. In 1973, when he was offered a job from the Carnival Cruise Line in Miami, Florida, Sang Su Yi decided to enter the new world of the United States of America. In 1976, he came to New York City and started his small business. In 1984, Sang Sui Yi's wife and children immigrated from Seoul, Korea, and joined him in New York City. Since coming to New York City, Sang Su Yi has enhanced his spiritual life. He attends Full Gospel New York Church and has served in various positions. He completed the Bible College with his wife and he is serving the Lord as a deacon in the Church. Currently, Sang Su Yi is the president of the World Mission of Korean Folk Praise. His Folk Praise team, which includes his wife, traveled to many countries to help missionaries to build schools and hospitals in Central and South America.

Additionally, Sang Su Yi is the chairperson of the board of trustees of the Korean Traditional Music Institute of New York. The Korean Traditional Music team has performed more than 1,800 times over last 20 years. They have performed in Washington, DC, Long Island University, Lincoln Center, at the U.N., World Hunger events, museums, local schools, nursing homes, prisons, and almost every parade and major event in New York and New Jersey. Sang Su Yi has received numerous awards including from the chairperson of New York Korean Association, the president of the Long Island Korean Association, a mayor from Guatemala City, a couple of outstanding performance awards from Seoul, Korea, and a leadership award from Full Gospel New York Church.

Sang Su Yi, his wife and his praise team stand ready to travel beyond the United States to support the missionaries around the world wherever help and encouragement are needed.

Sang Su Yi has been married for 48 years; he and his wife have four children and nine grandchildren.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Sang Su Yi, as he offers his talents and services for the betterment of our local and global communities.

Mr. Speaker, Sang Su Yi's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

HONORING BUTLER HIGH SCHOOL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Butler High School in Butler, New Jersey, a vibrant community I am proud to represent. The students and alumni/ae of Butler High School are celebrating the graduation of the 100th senior class on Wednesday, June 21, 2006.

Butler High School graduated its first class in 1907, making the senior class of 2006 the 100th class to graduate from the school. Until 1903, graduates of the Butler Grammar School attended Paterson High School. In the early years, Butler High School was a "regional" high school in the extreme sense of the word. Originally the school encompassed a territory of more than 200 square miles, providing secondary education to students from Bloomingdale, Jefferson, Kinnelon, Pequannock, Ringwood, Riverdale Wanaque and West Milford. Over the years the sending districts, with the exception of Bloomingdale, withdrew from Butler High School as municipalities built their own high schools or regional districts were created.

There are not many high schools in the State of New Jersey that have celebrated a 100th anniversary graduation. Butler High School is planning to celebrate this milestone in the graduation ceremony scheduled for Wednesday, June 21. The day will begin with walking tours of the high school followed by the centennial graduation and a reception for graduates, their families, alumni and faculty. The commencement speaker will be Wendy Larry, Butler High School graduate and the Head Women's Basketball Coach at Old Dominion University.

Mr. Speaker, I urge you and my colleagues to join me in congratulating Butler High School, the faculty, staff, alumni and Senior Class on the occasion of the 100th graduation ceremony of one of New Jersey's finest high schools.

IN HONOR OF THE 25TH ANNIVERSARY OF ST. JOHN WEST SHORE HOSPITAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the employees, volunteers, and medical staff of St. John West Shore Hospital, as members and leaders celebrate 25 years of physical healing, community involvement, and compassionate care throughout Cleveland's west side.

Throughout the past quarter century, St. John West Shore has served as a facility that provides regionally and nationally recognized medical care to the community of Westlake. Along with tending to physical ailments, St. John West Shore promotes and nurtures emotional well being, recognizing the interdependence of body and mind.

St. John West Shore opened its doors in 1981 as a community hospital. It has continuously expanded from its original facility, recently adding a Sleep Disorder Clinic and a Pain Management unit. Since 2004, the hospital has renovated and supplemented its Emergency Department and upgraded both the Emergency Department and Nursery. Services have been extended beyond the original hospital to the West Shore Primary Care Center, assisting patients in Avon. St. John West Shore not only cares for its patients, but also its staff, being recognized by the Employers Resource Council as one of the "Top 99 Best Places to Work" in northeast Ohio.

Mr. Speaker and Colleagues, please join me in honor and recognition of every past and current staff member and volunteer of St. John West Shore Hospital. Through a gentle spirit and state-of-the-art facilities, St. John West Shore Hospital continues to provide a haven of physical and emotional renewal for hundreds of families and individuals, on the west side of Cleveland and far beyond.

A TRIBUTE TO SUNIL ANAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Sunil Anand, a distinguished member of the business community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

A native of India, Sunil Anand is a successful Certified Public Accountant and entrepreneur performing specialty services to the non-profit sector. He has consulted for numerous Headstart and day care centers, senior citizen programs, mental health programs, homeless prevention programs, AIDS and drug-addiction prevention programs, teenage pregnancy prevention programs, and low-income housing programs.

Mr. Anand is a much sought-after consultant because he is very familiar with Federal, State and city rules and regulations for funding agency financial reporting procedures. He has conducted certified audits including A–133, reviewed and prepared financial statements including cash flow analysis and other related statements for various non-profit government funded organizations.

A full-service accounting professional, Mr. Anand has established internal control systems including budgetary controls, structure polices and procedures with respect to the cycle of the entity's activities (external financial reporting), financial statement captions (cash and cash equivalents, receivables, payables and accrued liabilities), accompanying systems (cash receipts, disbursements, payroll and general ledger) and inventory controls. Additionally, Mr. Anand has provided financial and administrative management to the real estate industry; his service to the industry included purchase and sales of apartment buildings (residential and commercial), multiple dwellings, condominiums, and single-family residences.

In 1968, Mr. Anand graduated with a bachelor of arts degree in accounting from Delhi University in India. In 1971, he received Professional Accounting and Auditing Training (equivalent P.A.) from the Institute of Chartered Accountants of India. In 1973, he completed an IBM System 360—Programming, System Design and Analysis Internship Program at New York University and in the same year he completed an M.B.A.–C.P.A. Program at Long Island University in New York. In 1984, Mr. Anand became a New York State licensed real estate broker and notary public.

Mr. Anand is a member of several professional organizations including: Association of MBA Executives; National Association of Accountants; National Society of Public Accountants; National Society of Tax Professionals; and the American Institute of Professional Bookkeepers.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Sunil Anand as he offers his talents and philanthropic services for the betterment of our local community.

Mr. Speaker, Sunil Anand's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

IN RECOGNITION OF JACK WAGNER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Ms. MATSUI. Mr. Speaker, I rise today to honor Jack Wagner, the clerk of the U.S. District Court for the Eastern District of California. This week, Jack will retire from a truly distinguished career of public service that spanned over 30 years. As his friends, family and colleagues gather to celebrate his career, I ask all my colleagues to join me in honoring the dedicated service of one of the Federal court system's long-time public servants.

Jack began his career of service to the courts in 1972 in Toledo, Ohio, with the Lucas County Common Pleas Court. From there he was named Clerk of the U.S. District Court in Pittsburgh, Pennsylvania, and later the Clerk of the U.S. Bankruptcy Court in Los Angeles. In the summer of 1990 the judges of the Eastern District of California selected Jack to join their team as Clerk of the Court.

For 16 years Jack has successfully administered the 6 District Court offices that stretch from Bakersfield to Redding which make up California's Eastern District. During his tenure, he has overseen the construction of two new beautiful courthouses in Sacramento and Fresno. He was deeply involved in the planning, design and construction of each building, both of which now stand tall as proud symbols in the Central Valley's skyline. Jack's work on the Robert T. Matsui U.S. Courthouse won a Design Award from the General Services Administration and Bob surely is proud to have his name on such a beautiful building.

In 1998, Jack was a recipient of the Director's Awards for Outstanding Leadership from Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts. The award paid tribute to his efforts in developing the Capital Construction Training Program that he co-created with Bruce Rifkin. This program grew out of his work as a member of the Capital Construction Committee and has helped train court personnel from across the country on how to successfully plan and build new courthouses. This innovative program encourages effective partnerships in court construction projects with a goal of reducing cost overruns.

Jack has also worked closely with the U.S. Court's Administrative Office and taken a leadership role in the court's community. In the early 1990's he was a member of the Standing Committee on Gender, Race, Religious and Ethnic Fairness. Through this committee he contributed greatly to the Early Dispute Resolution Plan adopted throughout the circuit in 1999.

As he prepares to leave his position with the U.S. District Court, Jack leaves behind a legacy of strong leadership. I and my staff have had the honor and privilege of working with Jack in the Sacramento Courthouse and know the judges of the Eastern District appreciate his hard work and dedication.

Mr. Speaker, I am honored to pay tribute to one of Sacramento's most distinguished citizens, Jack Wagner. As his wife Milani, his children and friends gather to welcome him into retirement I ask all my colleagues to join me in wishing Jack, continued success in his future endeavors.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Ms. DELAURO. Mr. Speaker, due to a death in my family, I missed a series of suspension votes, the vote on the Emergency Supplemental Appropriations bill and votes on the Transportation, Treasury, Housing and Urban Development Appropriations bill.

Had I been present, I would have voted "aye" on rollcall No. 251, "aye" on rollcall No. 252, "aye" on rollcall 253, "aye" on rollcall No. 254, "no" on rollcall No. 255, "aye" on rollcall No. 256, "aye" on rollcall No. 257, "no" on rollcall No. 258, "aye" on rollcall No. 259, "aye" on rollcall No. 260, "aye" on rollcall No. 261, "no" on rollcall No. 262.

MARKING THE START OF FTA NEGOTIATIONS BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. FOSSELLA. Mr. Speaker, the United States and the Republic of Korea (ROK) recently embarked on a new and exciting chapter in the history of Korean-American relations. June 5, 2006, marked the start of formal negotiations on a free trade agreement (FTA) between our two countries. I would like to recognize this important event, which I believe will lead to significant economic opportunities for Koreans and Americans alike.

From a commercial perspective, the Republic of Korea-United States FTA (the "KORUS FTA") is the most important bilateral trade agreement the United States has negotiated in over a decade. After a remarkable recovery from the devastating effects of the Korean conflict, ROK has risen to become the 10th largest economy in the world with a GDP approaching $1 trillion and per capita income of over $20,000. ROK consumers have the means to purchase our goods, and ROK investors have the wherewithal to invest in our country.

The Republic of Korea is now our seventh largest trading partner, and represents our sixth largest market for agricultural exports. Two-way trade exceeds $70 billion annually. And Korea is a growing market for U.S. service providers. The United States actually boasts a services trade surplus with ROK of $4.3 billion.

But there is much more opportunity for growth and an FTA will serve as the catalyst for trade promotion. ROK's average tariff on goods is just over 11 percent—three times higher than the U.S. equivalent. The average tariff applied by ROK on agricultural products is even higher—52 percent.

This comprehensive trade accord will eliminate tariffs and address other barriers to trade in the United States and the Republic of Korea, thereby stimulating U.S. export growth and investment. As the U.S. International Trade Commission noted, U.S. goods exports to ROK could increase by 50 percent and U.S. agricultural exports could increase by 200 percent with a fully implemented KORUS FTA.

New Yorkers, in particular, could realize substantial benefits from the KORUS FTA as tariffs and other barriers are eliminated. In 2005, New York exported $1.4 billion in goods to the Republic of Korea, including machinery, computers and electronic products, transportation equipment, and chemicals. And the FTA would liberalize ROK services markets, creating exciting opportunities for New York's financial services providers.

Agriculture is also very important to New York's economy. Our state is one of the top dairy producers in the country, along with apples, hay, and cattle. If we are able to lower ROK trade barriers on these goods, New York producers will increase sales as they expand their market share in the Republic of Korea. ROK, for example, applies a 45 percent duty on apple imports.

Despite our close bilateral alliance, U.S. market share in the Republic of Korea has actually decreased in recent years due to the influence of other emerging economies in the marketplace. Enhanced and preferential access to the ROK market for U.S. exporters and investors will improve our economic position in Asia and allow us to compete more effectively in the very challenging global marketplace.

Further, the Republic of Korea has FTAs with several other countries, and is currently negotiating with Canada. The KORUS FTA will level the playing field for U.S. exporters who would otherwise experience a competitive disadvantage in the ROK market.

In addition to the economic benefits an FTA could provide, it is also important to note ROK role as a long-standing U.S. ally.

The United States and the Republic of Korea have a mutual defense treaty that dates back to 1953, and ROK has supported U.S. military efforts abroad, including in Iraq and Afghanistan.

And in the aftermath of Hurricane Katrina, ROK pledged over $30 million in aid for relief and recovery efforts—the fourth largest amount donated by any foreign country.

I strongly believe that this new partnership between the United States and ROK is positive development for both of our countries. As the trade negotiations proceed, I look forward to working closely with the U.S. and ROK negotiators, my New York constituents, and fellow colleagues so that we can ensure this agreement is a win-win for both countries.

Mr. Speaker, thank you for allowing me to extend my remarks noting this important occasion. I hope that my colleagues will join me in recognizing and supporting the KORUS FTA negotiations.

TRIBUTE TO THE NATIONAL BAPTIST CONVENTION OF CHRISTIAN EDUCATION ON THE COMMENCEMENT OF ITS 101ST ANNUAL CONGRESS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the National Baptist Convention, USA, which opens its 101st congress today in Baltimore. An estimated 50,000 members will attend this convention, making it one of the largest conventions hosted by the city of Baltimore.

The National Baptist Convention, USA, is the Nation's oldest and largest African-American religious convention, with a membership exceeding 7 million people. This convention is a great pillar of African-American tradition and history.

It is especially fitting therefore that the inauguration of this convention falls on June 19th. Today is the 141st anniversary of Juneteenth, the national celebration commemorating the end of slavery in the United States. The convention is a prominent example of the power of faith, freedom, and compassion. I am pleased that the convention has taken a very active role in responding to the tragedy caused by Hurricane Katrina in New Orleans.

I wish the convention a wonderful week in Baltimore. I appreciate the choice of my hometown—which has a very special role in African American history—as the site of their convention. I know that members of the convention will enjoy their time in Baltimore, and that Baltimoreans will enjoy serving as hosts.

I urge my colleagues in the House to join me in saluting the National Baptist Convention of Christian Education for its proud tradition and noble service to the community.

TRIBUTE TO GIRLS PREPARATORY SCHOOL

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. WAMP. Mr. Speaker, in the spring of 1906, veteran educators in Chattanooga, Tennessee—Tommie Payne Duffy, Eula Lea Jarnagin and Grace McCallie—boldly resolved to create an independent school to prepare girls for higher education. With indomitable fortitude and spirit, they committed their finances, time, and energy to establishing Girls Preparatory School, which they opened on September 12, 1906. This year, Girls Preparatory School celebrated its 100th anniversary, and the 2006 graduating class of 102 girls joined over 7,000 women as alumnae of the school.

In a modest, four-room schoolhouse, the three founders laid the foundation for what is now one of this Nation's great secondary schools for girls. Today, on a 60-acre site overlooking the Tennessee River, the school is an impressive complex of technology-rich academics buildings and superb athletic facilities that serves some 750 girls annually in grades 6–12.

With an honor code that provides an environment of trust, a community service program that teaches that service to others and by providing a superior education with opportunities for personal growth to students of diverse backgrounds from 40 communities in Tennessee, Alabama, and Georgia, colleges and universities across America have come to recognize Girls Preparatory School as among the best preparatory schools in the Nation.

Named the National School of Excellence by the U.S. Department of Education, the school has been honored by the national Character Education Partnership and received the Award of Excellence from the National Endowment for the Arts. Its students have been named Presidential Scholars, National Merit Finalists, and National AP Scholars.

I am proud to stand on the House floor today to say that Girls Preparatory School is poised for another 100 years of greatness, committed to graduating independent girls with a lifelong love of learning.

RECOGNIZING SAMANTHA MOORE

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to recognize Samantha Moore as the winner of the 2006 Original Oratory National Championship. Having a history of excellence, the McDowell Speech and Debate team continues on this path with Moore's achievement; it is my hope that they will be able to continue to succeed long into the future,

Moore is a high school senior and member of the school's speech and debate team. She recently competed in the original oratory category at the National Catholic Forensic League Championship, established in 1953. After winning out over hundreds of students to even compete in Chicago, Moore defeated 200 of the top young orators in the country to capture the National Championship. She was among over 2,300 students from 500 schools that competed at the Grand National Championship. Because of the impeccable delivery of her self-written speech, Moore was able to captivate the judges and attain a near-perfect score.

This is an unprecedented achievement for a student in Pennsylvania's 3rd Congressional District. It is the first time that any student from Northwestern Pennsylvania has captured a National Championship in a speech event in over 20 years.

Moore represents the talent that can be found in America's youth. The very greatness of this country is founded upon its future leaders. Moore is an example of academic excellence and leadership. For her accomplishment, she deserves congratulations.

Mr. Speaker, I hope my colleagues will join me at this time in congratulating Samantha Moore, her family, teachers, and team on the National Championship with wishes of a successful future.

OPPOSING BILINGUAL BALLOTS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of reauthorizing the Voting Rights Act of 1965.

However, I am greatly concerned that provisions providing for bilingual ballots remain in the bill.

Let me be clear: I support both legal immigration and celebrating one's heritage.

However, the bilingual ballot provision has long kept new citizens from increasing their knowledge of our language and from fully integrating into our society.

Not only is it expensive to print ballots in a variety of different dialects and tongues, but it reinforces a fractious society.

Later this week I plan to offer an amendment with my good friend and colleague, Congressman STEVE KING of Iowa, to strip this arcane and divisive language.

I ask for my colleagues' full support of this measure and I yield back the balance of my time.

COMMENDATION FOR THE LIFE OF EDWARD BOOTH, SR., ESQUIRE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today deeply and personally saddened by the loss of my dear friend Ed. I shall truly miss his friendship and hope to fill this void with the warm and comforting memories of our lasting friendship. For Ed and for the Booth family, I offer my personal reflections in hopes that they may bring you some comfort in this moment of loss.

There are those who pass this way and touch a few lives, and there are others, who, by their very being, reach beyond the confines of family, neighbor and community—and in so doing leave an indelible mark on the lives of many, even on the heart and conscious of a people. By his very being, Attorney Booth was the embodiment of honesty, truth, integrity, and upheld the virtues of respect for everyone, and compassion for every human condition. He was not one to rush to judgment, personally or professionally, but relied on his innate ability to identify with the plight of others, and respect their pain. Ed was a man who first and foremost loved his family, and in his associations, required no more of others than he would of himself. A gentleman, a scholar, confidant and a personal friend was Ed, and he was one who practiced his faith in deeds, and with humility.

In his passing, we honor him by keeping his family in our prayers and his memory alive in our hearts forever.

TRIBUTE TO PHILIP MERRILL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2006

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to an outstanding Maryland philanthropist, diplomat and journalist. It also is with great sadness that I join many Marylanders in mourning the loss of Philip Merrill, chairman of the Capital-Gazette Newspapers.

Philip Merrill was a visionary who understood the importance of education and the environment. Throughout his life, Philip appreciated what it meant to give back to his community. His philanthropic gifts included $10 million to the University of Maryland College of Journalism, $4 million to the Paul H. Nitze School of Advanced International Studies of Johns Hopkins University and $7.5 million to the Chesapeake Bay Foundation.

A Baltimore native, Philip graduated from Cornell University in 1955. In 1968, while working for the U.S. Department of State, he purchased what was then the Annapolis Evening Capital, now known as The Capital.

Over the years, Capital-Gazette Communications, Inc. expanded to include the Maryland Gazette, the Bowie Blade-News, the Crofton News-Crier, and the West County News. He also owned Washingtonian Magazine.

But Philip didn't limit himself to the field of journalism. He served as President of the U.S. Export-Import Bank from 2002 to 2005, Assistant Secretary-General at NATO from 1990 to 1992, and a member of the U.S. Department of Defense Policy Board from 1983 to 1990.

An avid environmentalist and boater, Philip loved the Chesapeake Bay and worked hard to preserve and protect it for future generations. He was instrumental in building the Chesapeake Bay's Philip Merrill Environmental Center, one of our nation's most environmentally sensitive buildings and a model for the future.

Mr. Speaker, I call upon my colleagues to join me in honoring the memory of Philip Merrill a publisher, diplomat, philanthropist and environmentalist who strove to make our world a better place.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 20, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9:30 a.m.
Environment and Public Works
To hold hearings to examine safer technology in the context of chemical site security.
SD–628

Foreign Relations
To hold hearings to examine the United Nations Convention Against Corruption (the "Corruption Convention"), adopted by the United Nations General Assembly on October 31, 2003 (Treaty Doc. 109–06).
SD–419

Indian Affairs
To hold hearings to examine S. 480, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, and S. 437, to expedite review of the grand River Band of Ottawa Indians of Michigan to secure a timely and just determination of whether that group is entitled to recognition as a Federal Indian tribe.
SR–485

Judiciary
To hold hearings to examine if Congress can protect copyright and promote innovation relating to the analog hold.
SD–226

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine economics, service, and capacity in the freight railroad industry.
SD–562

Aging
To hold hearings to examine ensuring seniors don't outlive their savings relating to managing retirement assets.
SD–106

10:30 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the nomination of Steven C. Preston, of Illinois, to be Administrator of the Small Business Administration.
SR–428A

11:30 a.m.
Energy and Natural Resources
Business meeting to consider the nominations of Philip D. Moeller, of Washington, and Jon Wellinghoff, of Nevada, each to be a Member of the Federal Energy Regulatory Commission.
SD–366

2 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine policy and perspectives and views from the field regarding the Voting Rights Act.
SD–226

2:30 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold joint hearings to examine international methamphetamine trafficking.
SD–419

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the Government Accountability Office report entitled "Wildland Fire Suppression-Lack of Clear Guidance Raises Concerns about Cost Sharing between Federal and Nonfederal entities" (GAO-06-570).
SD–366

Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
SD–562

Intelligence
Closed business meeting to consider intelligence matters.
SH–219

4 p.m.
Judiciary
To hold hearings to examine the nomination of Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit.
SD–226

JUNE 22

9:30 a.m.
Environment and Public Works
Clean Air, Climate Change, and Nuclear Safety Subcommittee
To hold oversight hearings to examine the regulatory processes for new and existing nuclear plants.
SD–628

Foreign Relations
To hold hearings to examine energy security in Latin America.
SD–419

Indian Affairs
Business meeting to consider the report on the Indian Lobbying Misconduct Investigation, and other pending matters.
SR–485

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 2747, to enhance energy efficiency and conserve oil and natural gas.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine new ideas for making the medical liability system work better for patients.
SD–430

Commerce, Science, and Transportation
Trade, Tourism, and Economic Development Subcommittee
To hold hearings to examine the state of the U.S. tourism industry.
SD–562

Veterans' Affairs
Business meeting to consider pending VA legislation.
SR–418

1 p.m.
Appropriations
Business meeting to markup H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5521, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and to consider 302(b) subcommittee allocations of budget outlays and new budget authority for fiscal year 2007.
SD–106

2 p.m.
Commerce, Science, and Transportation
Business meeting to markup S. 2686, to amend the Communications Act of 1934 and for other purposes.
Room to be announced

Foreign Relations
To hold hearings to examine the nomination of Clifford M. Sobel, of New Jersey, to be Ambassador to the Federative Republic of Brazil.
SD–419

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine effort to assure healthy initiatives in health information technology.
SD–342

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 574, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act, S. 1387, to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of a special resource study of sites and landscape features within the Corridor, and to authorize additional appropriations for the Corridor, S. 1721, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, S. 2037, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and S. 2645, to establish the Journey Through Hallowed Ground National Heritage Area.
SD-366

Intelligence
To hold a closed briefing regarding intelligence matters.
SH-219

3 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the AT&T and BellSouth merger and its meaning for consumers.
SD-226

3:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine reauthorization of the Iran Libya Sanctions Act.
SD-538

JUNE 23

1 p.m.
Foreign Relations
To hold a closed briefing on State Department and Defense Department cooperation overseas.
S-407, Capitol

JUNE 28

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Native American Housing Programs.
SR-485

JUNE 29

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SD-562

JULY 13

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine unmanned aerial systems in Alaska.
SD-562

JULY 19

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine high performance computing.
SD-562

POSTPONEMENTS

JUNE 28

9:30 a.m.
Judiciary
To hold hearings to examine antitrust concerns relating to credit card interchange rates.
SD-226

SENATE—*Tuesday, June 20, 2006*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Creator of heaven and earth, lead us to the path of compassion. Help us who would be Your followers to feel the pain in our world. Open our eyes to the plight of the sick, the hungry, and the oppressed. Unstop our ears, that we may hear the groans of suffering people and the cries of those without hope. Teach us to pray for the lost, the lonely, and the least, until we unleash Your sovereign power that can rescue the perishing.

Today bless the work of our Senators and use them as agents of Your grace. Help them to do their part to relieve suffering, to alleviate pain, and to plead for justice.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we open the Senate with a 30-minute period of morning business. After those statements, we will resume consideration of the Department of Defense authorization bill. There are now six pending amendments that the chairman and ranking member are reviewing to determine how much debate will be necessary. Yesterday, Senator LEVIN filed an amendment related to troop withdrawal in Iraq. I understand that amendment may be offered today. I know many Senators will want to participate in that debate. It is my expectation that we will set up blocks of time for debate, perhaps for this afternoon, so that Senators will know of the appropriate time to come to the floor to give their remarks on the amendment. In addition to the pending amendments, other amendments will be offered today. Therefore, we will be voting today on amendments to the Defense authorization bill. The Democratic side of the aisle will have their normal policy meeting today, and we will recess from 12:30 to 2:15. As a reminder to my colleagues, we have scheduled our Republican policy meeting to occur during Wednesday's session instead of today.

IRAQ

Mr. FRIST. Mr. President, I want to take a few moments to comment on the debate that has been underway on the Defense authorization bill. In particular, I want to draw attention to the heroism, courage, and great work of our soldiers on the frontline. Every day they are risking their lives to defend our freedom. They are taking that battle to the enemy so that the enemy does not bring that battle to us on our own soil.

No one would have guessed almost 5 years ago that we would be free from having suffered another major terrorist attack. We have been extraordinarily fortunate. We remember 1993, the World Trade Center attack, Khobar Towers, our embassies in Tanzania and Kenya, the USS *Cole*, and then that day on 9/11. We have been safe because of our brave men and women, Americans who are putting their lives on the line to protect this country. Then there was that day on 9/11 where our enemy declared war. They slaughtered innocent citizens right here on American soil. They judged us to be weak, to be vacillating. They believed we would cower in the face of brutality. They were wrong.

Out of the black smoke and ashes of that terrible day, America stood up strong, united, and determined. And after careful deliberation, we answered back. We toppled the Taliban in Afghanistan, where al-Qaida had trained. We toppled Saddam Hussein, a real and continuing threat to the security of our Nation and to our allies. Since then we have continued the hard work of draining the swamp that nurtured and festered these monsters. It hasn't been easy. The last 3 years have strained our patience as we have watched the terrorists' counterattack. Innocent Iraqis, coalition forces, humanitarians, and journalists have been targeted simply for trying to secure a free and open Iraq. But the enemy's effort to plunge Iraq into chaos will not succeed.

Slowly, freedom is gaining ground. The Iraqi people are emerging from three decades of brutal repression and claiming their right to stand among democratic nations. Last year, millions of Iraqis defied the threats of Abu al-Zarqawi and streamed to the polls in three national elections. Iraq's Sunni population participated in greater numbers each time. On June 8, the new democratically elected Prime Minister Jawad al-Maliki named the last three members of his Cabinet—the Ministers of Defense, Interior and Security—thereby completing formation of his unity government. What huge progress. The new government is committed to facing the challenges of terrorism and corruption and to move Iraq's fledgling democracy forward on the path to freedom. I believe they will succeed as long as we do not break faith with them.

It was a week ago the Iraqis formally asked the United Nations Security Council to maintain the U.S.-led coalition with these words:

> While great achievements have been gained by the people of Iraq in the realm of political development, the continuation of the mandate of the multinational force in Iraq remains necessary and essential for our security.

Far from the rhetoric that is being used by some today, the Iraqi people want us, and they need us to help them. If we don't, if we break our promise and cut and run, as some would have us do, the implications could be catastrophic. Not only would it be a dishonor to our Americans, a dishonor of historic proportions, the threat to America's national security would be potentially disastrous. If large parts of Iraq were to fall into the hands of terrorists, there would be no end to the threats we might face. Iraq could become a terrorist base for attacking us and undermining our allies. Many of Saddam Hussein's weapons scientists are still in Iraq, and the destruction of 9/11 would pale in comparison to the devastation terrorists could inflict with weapons of mass destruction produced in Iraq using their experience.

Leaving Iraq to the terrorists is simply not an option. Surrendering is not a solution. Zarqawi's elimination on June 7 was a profound victory. Coalition forces have captured or killed 161 of Zarqawi's leaders, key elements in the command and control of the terrorist network. Iraqi troops and the Iraqi people are working ever more diligently to defeat the terrorist enemy. In July of 2004, there were no

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

operational Iraqi Army division or brigade headquarters. In just 2 years, 2 divisions, 14 brigades, and 57 battalions control their own area of responsibility. That is progress. Also, 28 authorized national police units are in the fight with 10 battalions in the lead. Over 254,000 trained and equipped Iraqi security forces are taking the battle to the enemy. These are just a few of the positive indicators. With our help, Iraq is making steady and impressive progress every day.

America has faced great challenges before. We rose up to defeat Naziism, one of the ugliest ideologies in modern history. It took terrible sacrifice and great pain, but we defeated the Nazi scourge. Through the Marshall plan, we rebuilt a continent of democratic and independent states. For the next four decades, we battled the Cold War against Communism, a long battle we ultimately won. In the great wars of the 20th century, our ideals carried us through even when victory seemed far from assured. Young American men and women who had never seen the world came to be its bravest defenders.

As we continue the war on terror, we cannot retreat, we cannot surrender, we cannot go wobbly. The price is far too high. The strength we show now is the security we earn for the future. As the President has explained, America's troops will stand down as the Iraqi troops stand up. They are gaining strength every day. By keeping a steady eye on the ultimate goal, by having flexibility and patience, I am confident we will succeed. No less than America's security depends on it.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

IRAQI AMNESTY PLAN

Mr. REID. Mr. President, it goes without saying there are a number of issues upon which Senate Democrats and Senate Republicans will never agree. We have our differences about whether there is global warming, about the staggering deficits we have, lack of health care, economic policy generally. I understand and respect the differences we have on those issues. If there were ever an issue where we should be able to find common ground, it is supporting the troops we have around the world. I use the word "should" because of what is now happening in the Senate.

As I speak, there is an amendment pending before this body. It is an amendment that says the Iraqi Government should not proceed with their plan to grant amnesty to terrorists who kill American troops. It is a very simple amendment with a message the American people, I know, agree with. So why is it that Republicans who control this body have filibustered this amendment? It has been going on for days now. I really have trouble figuring that out. Their excuses don't make sense.

Their first excuse is that aides to the Prime Minister were misquoted, but we don't have any evidence of that. In fact, it is quite the contrary. The aide who first stated this stands by his story. They have asked him to step down, and he no longer has his position. But he was quoted, after having stepped down, as saying:

> The prime minister himself has said that he is ready to give amnesty to the so-called resistance, provided they have not been involved in killing Iraqis.

That was the end of the quote. Of course, what it doesn't say, according to everything that they have said, is that it is OK to kill Americans but not Iraqis. We now have news accounts—not confirmed by the Pentagon, at least to me—that Kristian Menchaca, 23 years old, member of the U.S. Army, and Thomas Tucker, age 25, U.S. Army, who were abducted, taken as prisoners of war, have been killed. Try telling their families that it is OK to give amnesty to the so-called resistance provided they have not been involved in killing Iraqis, only Americans. The families of Tucker and Menchaca would be very displeased.

Over the weekend we received even more evidence that the Iraqi Government favors amnesty for those who shed American blood. From Sunday's Los Angeles Times: The amnesty plan would apparently include insurgents alleged to have staged attacks against Americans.

They are saying amnesty. So it is clear that the situation regarding amnesty, the amendment pending before this body, is one where the Iraqis who serve in their Government are saying that it is OK if the insurgents kill Americans and not OK if they kill Iraqis. The only thing that is clear is the Senate needs to go on record and direct President Bush to tell the Iraqi Government that that plan is unacceptable. That is what the amendment does.

There are other excuses offered by the majority. Some have argued that if indeed this amnesty plan is real, we should just accept it as we did amnesty plans following World War II and Vietnam. Of course, we know that there were war trials in World War II. World War II went on for 3 years plus. This war has been going on for 3 years plus. World War II was fought all over the world, Southeast Asia, all over Europe, Africa, all of the islands between Hawaii and Japan. The war in Iraq has been fought in a relatively small area and has been going on almost as long as World War II. So I believe the argument that we should accept their amnesty plan doesn't set well with me or with the American people.

The majority of Americans killed in Iraq have not been killed in traditional acts of war. This war is different from others. They have been killed in acts of war, even though they have been so-called nontraditional acts of war. They were killed in acts of terror, which is part of this war. Anybody who believes in freedom and what our troops are dying for in Iraq should believe their killers should be brought to justice if possible. I believe the excuses on the majority side are designed by Republicans to hide the truth.

The filibuster of the anti-amnesty amendment is just another example of cutting and running. We hear this all the time. If there were ever an example of cutting and running, it is not to allow a vote on a simple amendment that says we should not condone the Iraqis granting amnesty to Iraqis who have killed Americans.

I believe this cutting and running, which is thrown around here so gratuitously by the majority, could apply to what happened last year on the Defense authorization bill. It took months. The bill was reported out of committee, I think sometime in late April. We didn't get to the bill for months after that. Why? We had it on the floor once, but it was pulled because of gun liability legislation, which some believed was more important than the bill directing how we are going to handle the policy of our armed services.

Today, instead of pulling this bill for gun liability or some other extraneous issue, they are doing it with filibustering. They have more votes than we have. They control what happens on the floor most of the time, and they are not letting us vote on this amendment. The majority doesn't want to embarrass the White House, so they are content to sit on their hands and have the Iraqi Government over there talking about granting amnesty to those who kill Americans.

The President said he looked Prime Minister al-Maliki in the eye and said he is OK, "I looked him in the eye." Well, I hope he saw in that eye the fact that this man was willing to grant amnesty to Iraqis who killed Americans. It is not an eye that I think the American people think is appropriate—amnesty for the killers of American troops. But it appears that the majority is willing to do this even if it jeopardizes our soldiers serving in Iraq by giving terrorists who want to attack them a get-out-of-jail-free card.

We can do a lot better than that. Let's put the excuses aside and do the right thing before another day passes. Let's join together and pass this amendment.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, under morning business, are the Democrats recognized at this moment?

The PRESIDENT pro tempore. Yes. The Democrats have the first 15 minutes, with 14½ minutes remaining.

MINIMUM WAGE AMENDMENT

Mr. DURBIN. Mr. President, later this week, we are going to debate the Department of Defense authorization bill. It is a very important bill. It also is one of the few times during the course of the year where we actually have a chance to offer amendments on very important issues. Most bills that come to the floor are fairly restrictive in terms of the procedures of the Senate. They limit what you can say and what you can address and the amendments that can be offered.

On this authorization bill, in the words of the Senate, precloture you can offer quite a few different amendments, and many will address issues that don't relate directly to the Department of Defense. There is one Senator KENNEDY will bring to the floor this week that he has been offering repeatedly and one that we should take up very quickly; that is, the question of the minimum wage in America today.

Senator KENNEDY's amendment would raise the minimum wage to $7.25 an hour in three steps over a period of several years—$5.85 shortly after enactment, $6.55 a year later, and then $7.25 a year after that. Increasing the minimum wage to $7.25 an hour would benefit 6½ million Americans, 60 percent of whom are women. These are people by and large who are in very low-paying jobs and are trying to raise children, trying to make ends meet under extremely difficult circumstances.

The current minimum wage was enacted in 1997 at $5.15 an hour, which is barely $10,000 a year in gross wages, total wages. I cannot imagine a family struggling to survive that could make it on $10,000 a year. As a result, many people are forced to work more than one job in minimum wage. Many are forced to turn to pantries and soup kitchens to supplement the income for their families. Imagine, if you will, the stress most Americans feel working 40 hours a week, trying to keep up with their kids and trying to spend a little time with them, enjoying life with them on weekends, and then make that 40-hour week a 60-hour week and figure out how it would be, particularly if you are a single parent doing your level best to raise a good child.

As this Congress has ignored the minimum wage for 9 years, we have said to these struggling families and parents: We are going to make the burden more difficult for you. Even though you get up every morning and go to work, which we applaud, we are not going to reward you for that. We are going to make it more difficult for you to keep your family together.

Since Congress last increased the minimum wage in 1997 to $5.15 an hour, the real value of that wage has gone down 20 percent, which basically means the cost of living keeps going up while the minimum wage has been stuck at $5.15. Minimum wage workers have already lost all of the gains that were enacted in 1996 and 1997, when we last raised the minimum wage. It is amazing to me that the minimum wage has become a partisan football in the Congress. There was a time when Republican Presidents would waste no time increasing the minimum wage, and Republican Congresses would follow suit, understanding that this is very basic to the question of economic justice in America; that if the poorest among us don't receive enough money for going to work, it causes extreme hardship on them.

The minimum wage, once created by President Roosevelt, has been each year, through each administration, extended. Now for 9 years we have done nothing, leaving the minimum wage workers in very difficult circumstances. If we pass Senator KENNEDY's amendment—and I hope we do—to raise the minimum wage to $7.25 an hour, it will mean $4,400 more a year for these families. That is significant. When you look at the average low-income family, they would be able to buy 15 months' worth of groceries; pay 19 months of utility bills, which have gone up dramatically since we last raised the minimum wage; pay 8 months of rent; over 2 years of health care for the basic low-income family; 20 months of childcare; 30 months of college tuition at a public 2-year college.

Think about that difference. A low-income mother, a single mother, raising children now might be able to afford good daycare for her children so she has peace of mind when she goes to work, knowing the kids are in safe hands. I have visited with families, and if they are not lucky enough to have a mother or a grandmother who will step in, some try to find a neighbor who will, and that is not always the best care. That has to be a source of great concern to every parent facing that possibility.

I believe there is a direct correlation between the failure to raise the minimum wage and a dramatic increase in the number of Americans living in poverty.

We used to talk about this issue. This used to be an issue which was debated on the floor of the Congress, about how many people were poor in America. We believed—and still do—that this great land of opportunity should offer opportunity to the poorest among us. Yet what we have seen is that the number of poor people has been growing dramatically over the last several years, while those who are well off are even better off. So the poor are truly poorer, and the rich are getting richer.

If you look at America as a system of laws that reflect an American family, how can we afford to leave people behind? I don't think we can. Thirty-seven million Americans currently live in poverty. That is more than 10 percent of America. Thirteen million of those are children. Among full-time, year-round workers, poverty has increased by 50 percent since the late 1970s. There was a time when we cared about those numbers. There was a time when President Reagan suggested changing the Tax Code to put in an earned-income tax credit to give the poorest families a helping hand. Of course, we created programs such as food stamps, WIC, and other programs for those low-income categories. There was a time when both political parties cared about the issue of poverty. Today, we don't discuss it. I don't know why. I believe we should.

Minimum wage employees working 40 hours a week, 52 weeks a year, earn $10,700 a year. That is $6,000 below the Federal poverty guideline of $16,600 for a family of three. We should be ashamed of our Nation that we have reached this point where we ignore what we are doing to people because of this minimum wage.

Let me add that I salute our Governor in Illinois who, through the State legislation, increased Illinois' minimum wage so that we pay more to workers. But clearly we need to do this across the Nation and not leave it to the leadership of Governors. We should show leadership in Congress.

Raising the minimum wage is going to help the economy, too. A lot of people argue otherwise. Whether it be raising the Federal or State minimum wage, history shows that it doesn't have a negative impact on the economy. That is the argument which has been used against the minimum wage since Roosevelt first created it; that if you raise the minimum wage to $1 an hour—or whatever it happened to be in the earliest days of the history of this legislation—somehow jobs would be eliminated because people would say that rather than pay a dollar an hour, they will hire fewer employees. That is always the argument, and that argument fails every time when we look at the impact of an increase in the minimum wage.

In the 4 years after the last Federal minimum wage increase passed in Congress, the economy experienced its strongest growth in over 30 years. Nearly 12 million new jobs were added in the late 1990s—almost a quarter of a million a month. So as we raised the minimum wage, the number of jobs didn't shrink, it dramatically increased—exactly the opposite of what the critics of increasing the minimum wage have argued for 60 years or more.

The last raise in the minimum wage did not have a negative impact on my State's economy when the State of Illinois sought a minimum wage increase. The fact is, in the 4 years after Congress passed the last Federal increase, Illinois experienced great economic growth. Over 350,000 new jobs were added to the State's economy. Even the retail industry, which is often cited as the industry most sensitive to the minimum wage, saw over 44,000 new jobs created in Illinois 4 years after the increase in the Federal minimum wage.

Research shows that other States experienced similar impacts.

A study by the Fiscal Policy Institute of 10 States that raised the minimum wage above the Federal rate found that both total employment and employment in the retail sector grew more rapidly in higher minimum wage States.

And for small businesses with fewer than 50 employees, the number of businesses, employment, and the size of the total payroll grew faster in higher minimum wage States than in States where the lower minimum wage prevailed, exactly the opposite of what critics say if you raise the minimum wage: you are going to hurt the retail sector; they are going to have to shut down their businesses. Exactly the opposite has happened time and again.

The minimum wage needs to be updated. In contrast to the first 4 years after the Federal minimum wage took effect and created jobs, in the last 4 years under the Bush administration the minimum wage has held steady while its real value has steadily declined, and only 4.7 million jobs have been created.

It is one thing for politicians to give lofty speeches about values and family values. It is another thing to look at the rollcall on the minimum wage and ask those same Members who are pontificating about the guidance—the divine guidance—that brings them to this Chamber and then systematically voting against the poorest among us. That, to me, is a shame and something we should remedy by adopting the Kennedy amendment.

We force a lot of hard-working Americans and their families to work longer hours, work harder to pay for the necessities. That is time away from their children, time away from just a little relaxation so they can put their lives together and face another hard week of work.

In Illinois, a worker earning the minimum wage has to work 95 hours a week to afford a two-bedroom apartment. Mr. President, 11.9 percent of Illinois residents live in poverty, and an unacceptably low minimum wage is part of the problem.

Over 20 States, including Illinois, have taken upon themselves to raise the minimum wage and give an economic boost to their citizens. After the State of Illinois raised the minimum wage in January of 2005 to $6.50, Illinois nonfarm employment increased by 79,800 jobs. It didn't go down in Illinois after the minimum wage went up. It increased.

Since the State raised the minimum wage, Illinois has ranked No. 1 among all Midwest States in the total number of new jobs.

Illinois employers have created 30,000 new jobs in the traditionally lower paying, higher proportion minimum wage industry sectors of leisure, hospitality, and trade.

The minimum wage amendment we are debating today would give a raise to 333,000 workers in Illinois.

It has been more than 9 years since the minimum wage workers last saw an increase in their wages. It is a delicate subject and one that Members of Congress do not want to discuss, but I think we have to be very honest about it. While we have consistently, year after year, denied an increase in the minimum wage to the poorest, hardest working Americans, we have every year without fail increased congressional pay. Our salaries have gone up while we have ignored the plight of the poorest among us.

During the 9 years that Congress has raised its own pay by $31,600, we have not increased the minimum wage for the poorest workers in America. It isn't fair.

How can we continue to turn a blind eye to these people who get up and work hard every day? Who are they? They are the people who took the dishes off your table at the restaurant this morning. They are the ones who made the bed at the hotel after you left. They are the ones who are watching your kids at the day-care center. They are the same ones who are watching your parents at the nursing home. They are the ones who are making sure your golf course is perfect when you go out to play golf. And they are the ones who get up every single day and do these hard jobs for very little pay.

Why in the world are we sitting here ignoring the obvious? If you value families and you value workers, you should value work. To hold the minimum wage at $5.15 an hour for 9 years is shameful, and it should change.

I urge my colleagues to support the amendment that is going to be offered by Senator KENNEDY. I am happy to be a cosponsor of that amendment.

Mr. President, how much time is remaining on the Democratic side in morning business?

The PRESIDING OFFICER (Mr. DEMINT). There is 1 minute remaining.

IRAQ

Mr. DURBIN. Mr. President, later this week as part of the debate on the Defense authorization bill, we will talk about Iraq. That a timely issue. As of last week, there have been 2,500 soldiers' lives lost in Iraq since the beginning of this conflict. What was promised to the American people to be a rather uncomplicated effort by America to rid Iraq of a dictator has turned out to be a war that has gone on for 3 years with no end in sight.

This week the Senate will have a chance to say to the Iraqi people that as of the middle of next year, this becomes your responsibility. We will give you 12 months and more American lives and more American dollars and then, Iraq, you have to stand up and defend yourself. If you believe in the future of your Nation, it has to go beyond an election, go beyond political debate. It has to reach the point where Iraqi citizens are prepared to stand, defend, and die, if necessary, for their own country.

There are 130,000 American lives on the line today and every day. We have to serve notice on the Iraqis that their future has to be in their hands.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized for 7 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. ISAKSON. Mr. President, I heard the distinguished deputy minority leader speak last Friday morning in about a 15-minute speech, and he just added another minute, about Iraq. So I come to the floor to address the specific points the distinguished Senator just raised and the potential amendments that will be offered on the floor.

I want to tell you about the flashback that went through my mind as I sat in that chair and listened to that speech. The flashback was to my generation's war in the 1960s and 1970s in Vietnam. The flashback was to what I remember started in 1970 and culminated in 1972.

I commend my staff, in particular Andrew Billing, for spending the weekend accumulating the speeches on the floor of the Senate from August of 1970 to May of 1972, speeches by Cranston and McGovern and KENNEDY and BYRD and Humphrey. They talked about it was time for us to start withdrawing, first not on a time certain, but by just a certain number of troops, until the crescendo built so loud over 18 months it became a date certain, August 31, 1972.

The debate on the Senate floor drove the policy of the United States of America against communism and in defense of freedom, and all of us remember what happened. The first steps were it wasn't a date certain, it was 120,000 troops, and we went from a half million to 380,000 and then to 240,000, and then when we got to 240,000, the resolution became: Withdraw by August 31, 1972.

Anyone who was alive on that date who remembers that scene remembers precisely what happened: the last of the Americans to leave Saigon on the roof of our Nation's embassy being shot at by the Vietcong as they were climbing a rope ladder into a Huey helicopter.

We lost over 50,000 American lives in Vietnam and a lot of them between the beginning of that debate to withdraw in August of 1970 until the end of it in August of 1972.

I know there is a proposed amendment, probably by the Senator from Michigan, that will begin the same way the amendments began over 30 years ago on this Senate floor: not a date certain, but a scaling down of our commitment. And to that I want to address the damage that will do to our effort.

First and foremost, it hands a victory to our enemy they cannot win on the battlefield. The terrorists have said it is to psychologically destroy the will of America that they want to win the battle. They know they can't win it on the battlefield. Why should we begin to question our resolve and, worst of all, why should we repeat the horrible mistake of the way in which we managed our conflict in the seventies?

It is time we recognized that we are winning a great victory for mankind, not just the Iraqi people; that America went to enforce a U.N. resolution when the U.N. would not; that we deposed a dictator that everybody said was bad. We won in Afghanistan over the Taliban, and we are winning in Iraq today over the insurgency headed by al-Qaida.

Have some of us forgotten 9/11/2001? Have we forgotten the USS *Cole*? Have we forgotten the fatwa issued in 1996 when war was declared by al-Qaida on the United States of America? Most Americans haven't.

I want to conclude by three little stories about the past month in my life.

I stood on the courthouse steps in Walton County, GA, this Saturday welcoming home eight members of the 48th Brigade from Iraq. I stood there with all the citizens of Monroe and Walton Counties cheering them on—all the citizens, including Robert Stokely, the father of SGT Mike Stokely who died in August of 2005 in Iraq. He came up and gave me Michael's dog tag, hugged me, grabbed my hand, and he welcomed home those eight soldiers, knowing that his son, Michael, the ninth, was not home with them, but he was proud of his effort.

Let's make sure Michael didn't die in vain. Let's not lose our resolve on the floor of the Senate.

The second incident I want to describe is what happened yesterday in the Atlanta airport. I was late. I was running for my flight. I went through the atrium. All of a sudden a huge round of applause erupted. I stopped. I didn't know what in the world was going on. I turned and looked, and there marched about 30 members of the United States Army in their desert fatigues on the way to an airplane, probably on their way to Iraq, and all those citizens in that airport from around the world flying through Atlanta stopped to give them a standing ovation.

I don't think those people would want us to set deadlines, timetables, and withdraw from the ultimate battle.

And my last analogy is in Margraten in the Netherlands 3 weeks ago when Senators CRAIG, SPECTER, BURR, and myself sat on a beautiful sun-lit day before 7,000 Dutch in the American Cemetery in the Netherlands as the Royal Dutch Air Force flew over in a missing-man formation and as the Royal Dutch Senior Man's Choir sang "God Bless America."

I stood there for the better part of an hour having my hand shook by citizens of Holland thanking me for what Americans did 62 years ago when they invaded Normandy, fought the Battle of the Bulge, and deposed Adolph Hitler.

There is nothing different about the hatred and intolerance for humanity, race, and religion of Adolph Hitler and the intolerance for race, religion, and faith of al-Qaida. The battle is just as great. The warriors may be different, the site may be different, the methodology may be different, but the result would be the same.

Had we not stayed the course in the 1940s, the world would have lost. If we do not stay the course today, if we turn our back, the world will lose again.

Once again, the sons and daughters of the United States of America are fighting the right war in the right place at the right time for the right reason. For us to talk about timetables or suggest drawdowns or compromise our commitment is just plain wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I compliment our distinguished colleague from Georgia for his remarks. I hope throughout the day colleagues on both sides will address this critical issue with regard to our future policies in Iraq and in Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it is amazing to me that less than a week after the President returned from Iraq, having visited with the new Government leaders there, and having disclosed the death of the top al-Qaida leader Zarqawi, in Iraq, colleagues in the Senate would actually be proposing withdrawal from Iraq.

The strategy there needs to be to win, not to withdraw. Withdrawal follows victory. If we think about the wars we have gone into—think about World War II, for example—would it have made any sense for the Congress of the United States to pass a resolution saying to Franklin Roosevelt: You set a deadline for getting out of Germany and for getting out of Japan or we are not going to continue to support this effort? It would have been ludicrous at the time. More importantly, it sends a message to our troops, to our enemies, and to our allies, and to the people in Iraq that is devastating.

Let me read a letter that was written by one of our soldiers stationed in Fallujah recently to his hometown newspaper in Ridgefield, CT, which expresses what I suspect is the view of many of our soldiers. Here is what he said:

> In Fallujah, the people watch Al-Jazeerah. However, they also watch CNN. A lot of them fear the United States will soon cut and run. . . . Furthermore, they know that the insurgents will not end their efforts early . . . Therefore, if they help us, their lives and the lives of their loved ones will be in great jeopardy the minute we leave—if we don't finish the job. Much that they see on American television leads them to believe that we intend to abandon our efforts before the new Iraqi Government is capable of defending itself and its citizens.

The bottom line is that the people in Iraq watch what we do, our friends and our enemies, and much of our ability to win there depends upon figuring out which is going to be the winning side. They want to be on the winning side. They don't want to side with us only to have us cut and run, leaving them with these insurgents who will find out who they are and take care of business. Obviously, we have to send a message to them that we intend to prevail and therefore they can side with us.

What we will learn is that much of our ability to get al-Zarqawi and others depends upon the cooperation of the Iraqis themselves. A lot of our intelligence comes from the fact that Iraqis believe we are there to stay until the job is done, and if they help us, they can hasten that day. But if they come to believe that they help us, we leave, and then the insurgents find out who they are, we are not going to get any more help. It is going to delay the time that we can leave rather than accelerate that time.

The people in the region, the countries that surround Iraq, would be in the very same position. They have decided that they are going to be on the side of the winner, and they believe right now the United States is the winner in Afghanistan, in Iraq, and certainly the leaders of Pakistan, of Saudi Arabia, of Lebanon, each of the countries surrounding has decided to throw in with us. As the President said, you are either for us or against us. If we cut and run from Iraq, those countries are not going to be able to stay with us, and what we will have done is to prove what Osama bin Laden said is true, and that is that instead of the strong horse, we are the weak horse. That is what the people in the region are waiting to see.

So these concepts—whether it is an immediate withdrawal or simply the beginning of a phased withdrawal this year, with the President being required to submit a plan for complete withdraw by the end of next year—are all part and parcel of the same thing: a message to the enemy that we are leaving and here is our timetable for leaving. All you have to do is wait until we are gone and then it is yours for the taking. That is not just destructive for the Iraqi people; the whole point is that it is destructive for our whole policy in winning the war against the terrorists.

They have to believe we are on the offensive, we are going after them, and we won't quit until we win. But by pulling out of Iraq, we are sending the signal that by simply hanging on, by causing us trouble with roadside bombs and other mechanisms, all they have to do is wait us out; we will lose patience, we will lose nerve, we will leave, and that is how they win the war on terror.

So it is not just about the Iraqi people and their ability to govern themselves in freedom or the people of Afghanistan; it is about the message it sends to the people who are today with us in the war on terror. It is about our ability to continue to show that we are winning the war on terror, and that they better side with us rather than side with people who are going to lose. It is all about winning the war over there so that we don't have to worry as much about attacks in the United States.

This is a multifaceted war. There are enemies all over the globe. The best way to win that war is through good intelligence and then taking the fight to the enemy. Right now, the bulk of that fighting is in Iraq, and it is there that we have to confront the enemy and defeat the enemy. If we pull out through these sort of sugar-coated notions of phased withdrawals—not a deadline—not cut and run—it is just a phased withdrawal, what kind of a signal does that send? It still creates a date, a timetable, and a message to the enemy that we are, in fact, going to be leaving, and all they have to do is wait us out.

So I say to my colleagues, these kinds of proposals should be soundly rejected as they were last week, both in the Senate and in the House of Representatives, and we should be sending the signal to our troops, as well as to our enemies and to our allies: we are there to stay until victory, not until we achieve some artificial deadline.

Mr. WARNER. Mr. President, I thank the Senator for his contributions to this debate. I simply would add this one very important thought I have had all along. This has been a struggle of a nation to achieve its place in the world of governments of democracy. They have had—if there is one sign of courage amongst the Iraqi people, and today regrettably there is so much strife and killing, but these people have gone to the polls in record numbers three consecutive times. You need only look at history and the difficulty of forming a government to say that the newly elected government, a permanent government now, at long last, is a unified government, and it has been achieved in a matter of months. They were tough months, to wait them out. It is interesting that it took 8 years in a way for this great Nation of ours to achieve the final form of government that we have today.

So the Iraqi Government is in place, and we must recognize it is a sovereign nation, and they have to make decisions on their own. The Iraqi people cannot perceive that we are dictating how they will exercise their sovereignty. We are committed to stay there with our forces and the coalition forces to enable them to exercise their choice and the means by which to provide sovereignty for their people.

So I thank my distinguished colleague, and I think this will, in the hours and days to come, unfold into a very strong and vigorous debate on these issues. But in the end, always allow the beacon of sovereignty, which we have enabled through enormous sacrifice to allow them to achieve, to be the beacon that we must follow.

Mr. President, I understand that my distinguished colleague from Rhode Island is prepared to address the Senate for a period of 20 minutes or so is my understanding, and if that is in accordance with the wishes of my ranking member, he may so state.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would ask the Senator from Rhode Island, who is under a unanimous consent agreement to be recognized for 20 minutes, to yield to me for 2 minutes.

Mr. REED. I will yield.

Mr. LEVIN. Mr. President, I noticed Senator KYL again uses rhetoric which they apparently have decided will be used no matter what the facts of any particular proposal are. I would just point out in this morning's Washington Post that Mr. al-Rubaie, who is the National Security Adviser for Iraq, has argued that by year's end, we envision the U.S. troop presence to be under 100,000. That would be at least a 30,000 reduction. I wonder whether people, or Senators, who are going to mischaracterize the Levin-Reed et al amendment are going to also then suggest that the Security Adviser to the new Prime Minister of Iraq supports cut and run when he says that they envision a reduction of American troops to be below 100,000 by the end of this year, and he sets forth in this morning's Washington Post all of the reasons it is so important that foreign troops be redeployed, including to legitimize Iraq's Government in the eyes of its people.

I ask unanimous consent that the entire article written by the Security Adviser to the new Prime Minister, Mr. al-Rubaie, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

THE WAY OUT OF IRAQ: A ROAD MAP

(By Mowaffak al-Rubaie)

There has been much talk about a withdrawal of U.S. and coalition troops from Iraq, but no defined timeline has yet been set. There is, however, an unofficial "road map" to foreign troop reductions that will eventually lead to total withdrawal of U.S. troops. This road map is based not just on a series of dates but, more important, on the achievement of set objectives for restoring security in Iraq.

Iraq has a total of 18 governorates, which are at differing stages in terms of security. Each will eventually take control of its own security situation, barring a major crisis. But before this happens, each governorate will have to meet stringent minimum requirements as a condition of being granted control. For example, the threat assessment of terrorist activities must be low or on a downward trend. Local police and the Iraqi army must be deemed capable of dealing with criminal gangs, armed groups and militias, and border control. There must be a clear and functioning command-and-control center overseen by the governor, with direct communication to the prime minister's situation room.

Despite the seemingly endless spiral of violence in Iraq today, such a plan is already in place. All the governors have been notified and briefed on the end objective. The current prime minister, Nouri al-Maliki, has approved the plan, as have the coalition forces, and assessments of each province have already been done. Nobody believes this is going to be an easy task, but there is Iraqi and coalition resolve to start taking the final steps to have a fully responsible Iraqi government accountable to its people for their governance and security. Thus far four of the 18 provinces are ready for the transfer of power—two in the north (Irbil and Sulaymaniyah) and two in the South (Maysan and Muthanna). Nine more provinces are nearly ready.

With the governors of each province meeting these strict objectives, Iraq's ambition is to have full control of the country by the end of 2008. In practice this will mean significant foreign troop reduction. We envisage the U.S. troop presence by year's end to the under 100,000, with most of the remaining troops to return home by the end of 2007.

The eventual removal of coalition troops from Iraq streets will help the Iraqis, who now see foreign troops as occupiers rather than the liberators they were meant to be. It will remove psychological barriers and the reason that many Iraqis joined the so-called resistance in the first place. The removal of troops will also allow the Iraqi government to engage with some of our neighbors that have to date been at the very least sympathetic to the resistance because of what they call the "coalition of occupation." If the sectarian issue continues to cause conflict with Iraq's neighbors, this matter needs to be addressed urgently and openly—not in the guise of aversion to the presence of foreign troops.

Moreover, the removal of foreign troops will legitimize Iraq's government in the eyes of its people. It has taken what some feel is an eternity to form a government of national unity. This has not been an easy or enviable task, but it represents a significant achievement, considering that many new ministers are working in partisan situations, often with people with whom they share a history of enmity and distrust. By its nature, the government of national unity, because it is working through consensus, could be perceived to be weak. But, again, the drawdown of foreign troops will strengthen our fledging government to last the full four years it is supposed to.

While Iraq is trying to gain its independence from the United States and the coalition, in terms of taking greater responsibility for its actions, particularly in terms of security, there are still some influential foreign figures trying to spoon-feed our government and take a very proactive role in many key decisions. Through this many provide some benefits in the short term, in the long run it will only serve to make the Iraqi government a weaker one and eventually lead to a culture of dependency. Iraq has to grow out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its own mistakes, and find Iraqi solutions to Iraqi problems, with the knowledge that our friends and allies are standing by with support and help should we need it.

Mr. LEVIN. Mr. President, I ask unanimous consent that after Senator REED is recognized—the chairman and I have talked about this—at that point, the Dorgan amendment be the matter before the Senate. I believe that the Senator from Virginia and I have agreed that Senator DORGAN would be recognized for 10 minutes, to be followed then by the chairman for 5 minutes, and the intention then would be to proceed to a rollcall vote.

Mr. WARNER. Mr. President, we are fully in concurrence as managers, but I would like to have the benefit of our leaders and the respective staff working up a unanimous consent agreement precisely outlining that. Then, as I further discussed with my colleague from Michigan, we had hopes that the matter raised by the Senator from Florida, Mr. NELSON, in which he had an amendment relating to the issue of amnesty, be addressed together with the side-by-side amendment by the Senator from Kentucky, Mr. McCONNELL. So I hope that while hearing from our colleague from Rhode Island addressing the Senate, we can have a formalized UC agreement.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2766), to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the Act after John Warner, a Senator from Virginia.

Nelson of Florida/Menendez amendment No. 4265, to express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

McConnell amendment No. 4272, to commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces.

Dorgan amendment No. 4292, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Kennedy amendment No. 4322, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Frist amendment No. 4323 (to Amendment No. 4322), to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island, Mr. REED, shall be recognized to speak for up to 20 minutes.

Mr. REED. Mr. President, I rise this morning to discuss the fiscal year 2007 Defense authorization bill. I am glad it is on the floor. It is very important legislation, and it is arriving in a timely manner where we can dispose of it along with the other body and hopefully conclude in the next few weeks with a finalized Defense authorization bill.

I would also note that this is Senator WARNER's last bill as chairman of the Senate Armed Services Committee, and I personally want to commend him and thank him for his leadership, not only as the chairman of this committee, but as a young sailor, a young marine, and a more mature Secretary of the Navy, and now a mature Member of the United States Senate. So thank you, Senator, for your leadership and friendship.

Mr. WARNER. Mr. President, I thank my colleague from Rhode Island. I appreciate his remarks, a Senator with a very distinguished military record of his own, and quite modest about it. But at some point I would love to have a colloquy with the Senator on why Rhode Island—we are talking about sovereignty and the formation of governments—about why did they hold out those many years before ratifying the Constitution? At some point, could the two of us have a colloquy about that?

Mr. REED. I would be happy to do that, in the future.

I would like to highlight some of the aspects of the bill which I think are very important. I have had the privilege of working with Senator CORNYN as the ranking member of the Emerging Threats Subcommittee. It has been a real pleasure. He has conducted the committee with great efficiency and great cooperation. The staff has been particularly helpful on a bipartisan basis.

I am pleased to note that in the context of our deliberations, several important measures were included in this legislation. First, we have authorized an additional $400 million for science and technology programs. The original request sent by the Department of Defense was woefully inadequate. Science and technology is the key to our future on the battlefield as we match the skill and valor of our soldiers with the very best technology. We have to continue this investment. I am pleased that our legislation increases that item by $400 million.

Also, the bill includes language to require a report to Congress on the testing policies and practices that should be pursued with respect to rapid acquisition programs, spiral development programs, quick reaction fielding programs, and the testing for safety and survivability of deployed equipment. One of the weaknesses, I believe, with the present approach of the Department of Defense is a failure to adequately test and evaluate, and I think that failure has to be corrected and this report will, I hope, put attention on this issue and lead to positive results.

The legislation also urges the Department of Defense to identify and nominate an individual to serve as the Director of Operational Test and Evaluation. This position has been vacant since January 2005. It is a critical position. This individual is the key independent personality in the Department of Defense to look at the testing and evaluation of new equipment. Without this position, the testing emphasis is woefully inadequate in the Department of Defense.

As we put new systems into the military, we have to ensure that these systems are adequately tested. Without an individual with that responsibility and that position and posture within the Department of Defense, we are not providing the appropriate personality and mechanism to do the job.

The bill also establishes the Joint Technology Office to coordinate all DOD hypersonics research programs in conjunction with NASA. The new office reflects an appreciation of the important role that these technologies can play in advanced air platforms, missile systems, and space systems. The committee's provision is an effort to ensure that millions of dollars being invested by the services and by DARPA in hypersonics are optimized and coordinated to enable this maturing set of technologies to reach operational capabilities at the highest possible rate and at the earliest possible time.

The bill also extends the authority for DOD to run technology competitions and awards cash prices to winners. This is a provision that DARPA uses very effectively.

The bill also authorizes more than $30 million in increases for research that supports defense manufacturing technology. A growing concern in the United States, in both the defense and commercial sector, is whether or not we have the capability to manufacture what we invent. This money will help us enhance our manufacturing abilities throughout the United States.

There is another area of the bill that I think is very important and that is the area that helps us protect this country from weapons of mass destruction. First, the Cooperative Threat Reduction Program of the Department of Defense is fully funded with a budget request of $372 million. The Cooperative Threat Reduction Program is one of the leading nonproliferation programs. It allows our Government to cooperate with other governments, principally those of the former Soviet Union, to reduce the availability and supply of the fissile material and potential access to nuclear devices.

Also, the nonproliferation programs at the Department of Energy are fully funded at $1.7 billion. This funding is critical. One of the most obvious threats and the most grievous threats to face this country is the existence of nuclear weapons, particularly if they fall in the hands of terrorists. One very effective way to prevent this potential apocalypse is to ensure these weapons are fully under the control of a credible responsible party. In fact, in many cases we are destroying some of this material to prevent it from ever being used again.

The bill also includes an important waiver for the President with respect to the conditions that Russia must meet for chemical weapons destruction programs. It is important to continue to have these programs go forward. This waiver gives the President flexibility to continue these efforts.

In the areas of combating terrorism and homeland defense, the bill authorizes funding increases of about $150 million. Approximately $100 million of these funds are being used to fund the top eight unfunded requirements of the Special Operations Command. We all understand each of the components of the Department of Defense submit their requests. These eight elements were not funded under the prevailing budget. Our legislation would provide $100 million to do that and allow our special operators to continue to enhance their technology and their programs.

The increase will provide, I think, also, support for our Weapons of Mass Destruction Civil Support Teams. These are military teams that are organized in case of a weapons of mass destruction incident in the United States. They are critical. The original 32 teams played a key role. This would allow them to upgrade their equipment.

The bill also authorizes about $70 million to fund two of Northern Command's highest unfunded priorities. Included among these priorities are interoperable communications to facilitate the support of civilian authorities. This is an obvious need after Hurricane Katrina. When we go back—I am sure my colleagues are in the same position—to our home States we hear a persistent cry from fire and police officials that they need interoperable communications to talk amongst themselves and to talk to other levels of command.

The bill also creates a senior executive position within the Office of the Assistant Secretary for Defense for Special Operations and Low-Intensity Conflict to provide management oversight for SOCOM's acquisition programs. One of the lacking elements in SOCOM's organization is an acquisition specialist. This bill would put in a person with those skills, so they can facilitate the acquisition and development of new technology for our Special Operations Command.

The bill also includes an authorization for the Department of Defense to use counterdrug funds to support U.S. assistance to the unified counterdrug/counterterrorism military campaign in Colombia. Last April, I was in Colombia and I had the opportunity to meet with President Uribes. I was encouraged by what he has done and what the people of Colombia have done. I also visited with our military personnel and civilians working to help the Colombian military personnel who have been working to fight narcoterrorism and strengthen democratic governance in Colombia, and I was extremely impressed with what they have done since my last visit in 2000. I believe, as we support the Colombians in their efforts, we will make a significant contribution to stability in that region.

Finally, with respect to our efforts on the Emerging Threat Subcommittee, I note the bill includes authorization for incentive clauses in some of our chemical demilitarization contracts. This authority is intended to provide a more efficient way to close some of our chemical weapons facilities and to meet international deadlines.

All of these efforts were the result of the close cooperation of Senator CORNYN and the staff with respect to the Emerging Threats Subcommittee.

Let me now turn to an issue of increased importance in the last few days and that is missile defense. We are all anxiously observing what is going on in North Korea—the intelligence suggesting that the North Koreans are preparing to launch a long-range ballistic missile.

This bill contains language that I think recognizes a need to continue to develop a missile defense system and to do so in a way that can assure its effectiveness. The bill would authorize additional funding for systems that we know are working and are extremely valuable, including the Aegis BMD system and the Patriot/PAC-3 system. I note the Patriot system is our only system that has actually intercepted a hostile missile, and that additional support for this system is more than justified. I also note that the Patriot system was rigorously tested and was subject to operational testing before it was fully deployed.

The largest single missile defense funding increase which is authorized by this bill is $115 million for additional integrated flight tests for the Ground-based Mid-course Defense system, the GMD. I think it is very important to focus in on operational testing of this system. One of the shortcomings of the whole program for developing our missile defense system has been a rush, in many cases, to failure, not taking the steps to test the system or not designing tests that are operationally significant. In that respect, we have spent a lot of money but we have yet, I think, to fully and effectively deploy the ground-based mid-course system.

We have to recognize that after three successive intercept flight test failures, the Missile Defense Agency is taking some steps which I think are encouraging. They created an Independent Review Team and a Mission Readiness Task Force to analyze these failures and recommend improvements to the GMD program.

Again, one of the persistent criticisms I had was that the system was rushing pell-mell forward without stopping to evaluate the mistakes that have been made and then planning for a thorough and exhaustive system of tests. Therefore, the effort was just to put something in the ground, not to ensure that missile system would work adequately.

MRTF, the Mission Readiness Task Force, recommended that four ground-based interceptors be diverted from planned operational deployment—essentially sitting in the ground being described as operational, but frankly I don't know anyone who would give that a high probability of success—to using these missiles for ground tests. I think that is a step forward in terms of development the system.

These recommendations were accepted by the Missile Defense Agency and the Defense Department. Again, I think a recognition of a new pragmatism and realism on the part of the Missile Defense Agency, something that is more than overdue. We need more testing to ensure the GMD system will work, and I think the legislation we have before us will signal and encourage such testing.

The bill would also include a provision that would require the Department to submit to Congress each test and evaluation plan approved by the Director of Operational Tests and Evaluation under Section 234 of last year's National Defense Authorization Act. Again, this provision is designed to help improve testing and to show the emphasis that the Congress places on this testing.

Finally, the bill includes a provision that would extend the requirement to have the GAO assess the missile defense program. The GAO plays a very valuable role as an outside objective observer on the progress of missile defense.

We have to invest in a missile defense system, but we have to do it wisely. We have already seen where the effect of other budget priorities, principally Iraq, has even caused the administration to move money away from their original plans in missile defense. I believe we cannot afford to waste money in this regard. We have to invest it wisely. Part of that wise investment means having an adequate, thorough, exhaustive operational testing program to make steady progress, rather than to rush to failure.

I would like to turn to another topic which is of concern to myself, and that is the shipbuilding program. Since 2001, most of the focus of the Department of Defense and Congress, indeed, of the Nation, has been on our land forces, the Army and Marines. They are engaged in combat in Afghanistan and Iraq and doing a magnificent job. They are bearing the burden of a very difficult combat situation.

However, our Navy is still a vital element in our national defense. Its importance will continue to loom significant in the future. The CNO has stated that he needs $13.5 billion each year for at least the next decade to recapitalize the fleet. With this funding, the Navy must also build approximately 11 ships per year to maintain a 313-ship fleet.

Mr. WARNER. Mr. President, will the Senator kindly yield for me to make a unanimous consent request so Senators can arrange their schedules?

Mr. REED. I yield to the Senator from Virginia and will then regain my time.

Mr. WARNER. This is a cleared unanimous consent request on both sides. I ask unanimous consent that at 11:15 the Senate proceed to a vote in relation to the Dorgan amendment No. 4292 and that no amendments be in order prior to the vote. I further ask unanimous consent that Senator DORGAN be recognized to speak for up to 10 minutes between now and the time before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. As I stated, the Chief of Naval Operations indicated he would need approximately $13.5 billion each year for the next decade to recapitalize the fleet. However, the President's budget request only includes 7 ships in fiscal year 2007 versus the 11 that the Chief needs to maintain the 313-ship fleet. Seven ships in fiscal year 2008. In 2009 the suggestion is they move up to nine ships. But those plans have been delayed before.

This shipbuilding level simply cannot sustain the fleet. My greatest concern is with respect to the construction level of submarines. While many believe that the need for submarines has diminished with the end of the Cold War, the demand for these unique assets has never been greater.

Last week I was with Senator DODD and Senator INOUYE for the christening of the USS *Hawaii*, our newest Virginia class attack submarine at Groton, CT. Admiral Roughhead, Commander of the Pacific Fleet, pointed out submarines are his most demanded asset. They are the one ship that is constantly requested by commanders throughout the Pacific to do the tasks that are necessary to defend the Nation.

This is true in our global war on terrorism as we need the ability for stealthy insertion of special operations troops. We need to be able to recover these troops, we need to have the capacity to strike with precision-guided Tomahawk cruise missiles. All of these are capabilities of the submarine fleet.

Back in March of 2004, Admiral Bowman, who was then the Director of the Navy's Nuclear Propulsion Program, suggested to me that the Navy was only able to meet about 65 percent of the combatant commanders' submarine requirements with the current fleet of 54 boats. In 2003, Vice Admiral Grossenbacher, then commander of the Naval Submarine Forces, estimated we needed 70 submarines to meet the request of all of the commanders. These are requests that will simply not be met if we drop our submarine fleet below certain limits.

In addition, we understand that China is developing a very robust submarine fleet. Today, China's submarine fleet is estimated at a number of approximately 60 boats. In 2004 and 2005, 12 new submarines joined the Chinese fleet. New nuclear-missile-attack boats are coming on line, and China has one of the largest modern diesel submarine fleets in the world. Clearly, there is a need to prudently react to the growing underwater prowess of China.

Presently, the U.S. Navy has 282 ships, including 54 attack submarines. In the fiscal year 2007 long-range plan for construction of naval vessels, the Navy expressed the intent to maintain 313, but only 48 attack submarines. Recall recently there were requirements for up to 70 submarines—at least discussion of 70 submarines—or 54 submarines; 48 attack submarines are currently in the plan. The Navy is in danger of not even being able to put to sea 48 attack submarines at current build rate.

Right now the Navy is currently procuring one Virginia class attack submarine per year, and a ninth is in the budget for this year. However, under the original plan drawn up by the Navy in 2003, production of two boats per year was supposed to begin in fiscal year 2007. Now the procurement of two per year has been pushed back to fiscal year 2012.

If the Navy is able to implement its plan and begin building two attack submarines per year in fiscal year 2012, the attack submarine fleet will still drop below 40 before it begins to increase again. If the 2-per-year procurement keeps getting pushed off to the left—it has already happened 10 times where it has been pushed back—the submarine force would drop as low as 28.

I think we all agree that 28 is a number that cannot be justified in terms of the demand and in terms of this effort. We have to do quite a bit to move up the construction of two submarines per year.

First, the report language accompanying this bill states: "The Committee does not understand the continuing delays in increasing the [submarine] construction rate" and directs the Secretary of the Navy to submit a detailed plan for lowering costs and defining goals and benchmarks for the Virginia class production program. I believe this language will help compel the Navy and the industry to redouble their efforts to increase the construction rate—and that is vitally important.

Second, I am pleased to know that this legislation includes $65 million for R&D for the Virginia class submarines.

This R&D is I think critical not only to improve the capabilities of these ships but also to continue to engage in the design force which is part of the human capital in our submarine industrial base.

Also, I note that the bill includes $10 million for funding to begin design work on the successor to the Ohio class ballistic submarine. This design work is essential to continue our ability to produce a follow-on generation of attack submarines but also ballistic submarines.

I think this is absolutely critical.

Let me turn to another point with respect to our Army; that is, end strength.

I am pleased to see that this bill authorizes an Active-Duty Army end strength of 512,400, which is 30,000 over the President's fiscal year 2007 budget request.

The act also authorizes an Active-Duty Marine Corps of 180,000, which is 5,000 over the President's budget request.

I think it is important to maintain the end strength of the Army.

I think it is a result of the efforts of Senators LOTT and TALENT and myself on the budget resolution, where we actually moved $3.7 billion to accomplish this.

Let me make one final point, if I may.

The Army end strength is a critical issue. I think we have to note, at this time but also at a later date continue to note, that recruiting is becoming a critical issue for the U.S. Army. According to the information I have, the U.S. Army, in the first three-quarters of the year, has recruited to a level of 40,000. That means in the final quarter the Army is going to have to recruit 40,000 soldiers to meet their goals. That is much higher than they have ever done in the last few years.

We have a recruiting problem that is beginning to emerge.

I will devote additional time on this subject at a later time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from North Dakota be recognized for 10 minutes, after which time the Senator from Virginia be recognized for 5 minutes, and the Senate then vote immediately thereafter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Virginia for his courtesy.

This is a vote that we had before in the Senate. It is a vote on the establishment of a type of committee called a Truman Committee. The Truman Committee was established in the early 1940s to try to root out waste, fraud, and abuse in military contracting. That was done when there was a Democrat in the White House, a Democratically controlled Senate, and a Democratic Senator named Harry Truman. He decided there ought to be a special investigation of waste, fraud, and abuse with respect to military contracting. They established a bipartisan committee to do that. They found a massive amount of waste, fraud, and abuse.

I think it is clear that perhaps the most significant amount of waste, fraud, and abuse that has ever occurred in this country is occurring right now. I think the American taxpayers are being fleeced. I don't think the Congress is doing nearly enough about it.

Let me go through a couple of charts that I have shown before on the floor of the Senate. This is from the highest ranking procurement official in the Corps of Engineers, which does all the procurement for the Department of Defense. She lost her job. She was demoted for being honest.

She said:

> I can unequivocally state that the abuse related to the contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

This from the top civilian contracting official in our Government at the Corps of Engineers. She is being demoted for being honest. She was always given the best recommendations, the highest performance evaluations, and when they saw that the "old boy" network decided to give big sole-source contracts, no-bid contracts and do it in a way that violated procurement rules, she spoke out. "The most blatant and improper contract abuse" she has ever seen.

Let me describe one contract—the Custer Battles contract. Two guys—Custer Battles—show up in Iraq. They know there is a lot of money. The American taxpayers are funding not only reconstruction of Iraq but also funding Army contracts. Two guys show up in Iraq with nothing. And $100 million later, they got $100 million of the taxpayers' money for contracts. The first contract was to provide security at the Baghdad Airport. There is a criminal inquiry as a result of that.

Here is what Bagdad Airport security said about this company, Custer Battles—Mr. Custer and Mr. Battles.

> Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative war profiteers. Other than that, they are swell fellows.

They received 100 million in American taxpayer dollars.

By the way, they took the forklift trucks off the Baghdad Airport and put them in a warehouse. They painted them blue and then sold them back to the Coalition Provisional Authority—forklift trucks which didn't belong to them. There are now criminal proceedings about this contract. But this is the tip of the iceberg.

Mr. President, I ask unanimous consent to show an item on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, a man named Henry Bunting worked for KBR, a subsidiary of Halliburton Corporation, in the area of Kuwait where Henry Bunting was in charge of procurement. He had to buy things.

Let me show the Senate what he bought. He brought this to a hearing we held. This is a hand towel. He was charged, on behalf of Halliburton's KBR subsidiary, to buy hand towels. He would order a hand towel for the American troops at a certain price, but his company said: Don't do that. We want you to have a hand towel that has the embroidered logo on it, the name of our company. So double the price to the American taxpayer for hand towels for the troops. So you have KBR embroidered on the hand towel.

He says: Why should we do that? It doesn't matter. It is cost-plus. The American taxpayer is paying the bill. Don't worry about the cost.

Same guy, $7,500 a month for an SUV; $45, $43 for a case of Coca Cola. He said: Don't worry, be happy. The taxpayer is going to pay for all of this. Don't worry about the cost.

Yes, I know this towel is one small issue. But when you buy thousands and thousands and tens of thousands of towels and double the price so you can put the logo of the contractor on it because it is a cost-plus contract, that relates to $100 million contracts, and it relates, in my judgment, to billions of waste, fraud, and abuse.

Regrettably, the Congress doesn't care enough.

I suggest we remedy this by creating a Truman-type committee. It worked, it was bipartisan, and it began to root out the waste, fraud, and abuse that is so prevalent.

I am not going to go through the whole list again. But let me describe it. If you are in the right place of the country of Iraq, you can stumble onto 50,000 pounds of nails, 25 tons of nails, lying in the sand. Why? Because somebody ordered the wrong size nails. So you throw them out in the sand. Doesn't matter, the American taxpayer is going to pay for that.

Or you can see a brandnew $75,000 truck that was set on fire because it had a flat tire, and they run it off the road. They didn't have the capability to fix it and just left the truck. Doesn't matter, the American taxpayer is going to pay the bill.

I think this is unbelievable. We have spent hundreds of billions of dollars at this point.

I understand that our responsibility is to do everything we should do, and must do, to support the troops who are fighting in Iraq.

We cannot send American men and women abroad wearing our country's uniform and not do everything that is humanly possible to provide all of their needs, equipment needs, weapons needs, and so on. I understand that. That is a responsibility we have. I believe the chairman of this committee and the ranking member of this committee have done a great job. I am impressed with that.

The one area where all of us have failed in this Congress, however, is oversight. We have not done the oversight. I think part of it is because we have one-party rule in this town—the White House and the House and Senate. Nobody wants to embarrass anybody. But the fact is there is such massive amount of money that is going out the door in support of these contracts—sole-source, no-bid contracts that have promoted waste. And nobody wants to take a second look at it. Nobody wants to see what is going on.

There are whistleblowers coming forward saying this money is being spent. It is being spent in an unbelievable way.

This is a slightly different picture. By the way, this is $2 million in $100 bills wrapped in Saran Wrap. This money actually belongs to the Iraqi people that was spent by us in something called the Coalition Provisional Authority. That was our responsibility to spend this appropriately. This money went to Custer Battles and is the subject of a criminal inquiry. This $2 million wrapped in Saran Wrap in $100 bills was a part of a substantial stash of cash in the basement of a building where they were standing.

This particular fellow came and testified. He said: We used to throw these around as footballs. We wrapped up $100 bills in Saran Wrap and threw them as footballs in the office because the message in this office was this:

You bring a bag because we pay in cash. Bring a sack. If you want some money, bring a sack, we pay in cash.

The stories are unbelievable.

The American taxpayer is going to pay to air condition a building. It went to a subcontractor, to another subcontractor, and then to another subcontractor, and pretty soon we pay the bill. The American taxpayer paid the bill, and that building now has a ceiling fan—not an air conditioner.

What is going on is unbelievable. Yet nobody seems to care very much. Nobody seems to be willing to do anything. I suggest, given the unprecedented amount of waste, fraud, and abuse, that now is the time for us to decide we are going to take action. We will create a Truman Committee, bipartisan, and sink our teeth into this and investigate on behalf of the American taxpayer—investigate and expose the waste, fraud, and abuse.

The fact is we turned down, regrettably, a bill which I offered previously that would have prevented the no-bid, sole-source, huge contracts going to just a couple of companies. That is one way to solve this problem. We should have accepted that. But notwithstanding the decision by the Senate to turn down that amendment, this amendment stands on its own.

Are we going to decide that when the highest civilian procurement official in the Corps of Engineers responsible for all these contracts says that she can unequivocally state that the abuse related to contracts awarded represents the most blatant and improper contract abuse she has witnessed during the course of her professional career, are we going to decide that is serious? We are going to do something about it?

I know people will say we have done this or that. The fact is we haven't scratched the surface—not a bit.

It is time for the Senate to ask itself whether it is serious about oversight and doing the job.

I am not standing here trying to pull the ground out from under this committee—or any committee. I am saying we have never spent this much money so quickly, never given the kind of sole-source, no-bid contracts that we have offered. We have never shoved money out the door as quickly as we have for procurement and in support of contracts for the troops.

Again, let me show this towel as a small hand-towel symbol of a massive amount of waste, fraud, and abuse that I believe we ought to correct, and we ought to begin today by approving my amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Presiding Officer.

Mr. President, I wish to say to our colleague from North Dakota that he feels very strongly about this issue. That comes through in the debate on this issue that we have had now for 3 days, on and off.

But I bring to the attention of my colleagues that three times the Senate has addressed this issue and has rejected it. It is not a rejection in the sense that the Senator doesn't raise points that should be addressed to the Senate. But there is a clear record that the Senate is addressing these issues. The Committee on Armed Services had a number of hearings. The Committee on Foreign Relations had a number of hearings. And most importantly, the Senate is structured whereby issues of this type are within the jurisdiction of the Committee on Homeland Security and Governmental Affairs.

In that committee, and it has been for many years, there is a subcommittee entitled "The Permanent Subcommittee on Investigation" with subpoena power. In the colloquy we had on the Senator's bill on Thursday, my distinguished colleague, Senator LEVIN, and I, both commented, since we serve on that committee—he serves on the Special Permanent Subcommittee on Investigations—that this is a matter we should take up with the chairman and ranking member of the Homeland Security and Governmental Affairs Committee.

Before the Senate tries to restructure the framework of how it performs its work, we should focus on what is and what has been that framework for these many years now. It is for that reason I suggest strongly this amendment not be accepted. It would, in effect, be overruling what we are doing on the Permanent Subcommittee.

Second, Congress should be stepping into the role that is now being performed by inspector generals, being performed by the General Accountability Office and, indeed, an inspector general specially designated by the Congress and the Secretary of Defense for Iraq and other nations.

With that, I will not move to table this because I feel very strongly the Senate should address it in the same manner we have addressed it on previous occasions three times and rejected it.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SUNUNU). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Under the previous order a vote is now to occur in relation to the amendment.

Mr. LEVIN. I ask unanimous consent I be allowed 1 minute to respond to my good friend's comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, what we are dealing with is a historic use of no-bid contracts, where billions of dollars have been spent. There is good evidence they have been misspent in many ways, and there is a huge amount of waste and abuse.

I agree with my good friend from Virginia we do have committees that could look into this matter and could focus on this matter. The agendas of those committees are left basically to the chairmen of those committees. If the chairmen of those committees choose to focus their energies in other places—and I don't quarrel with the places they look—it does not mean the Senate should not express its opinion on the need to focus on these abuses, these excesses, this expenditure of billions of dollars on no-bid contracts.

Therefore, I support the Dorgan amendment.

Mr. DORGAN. Might I ask consent to point out to my colleagues that Senator HARKIN, Senator DURBIN, and Senator CLINTON are cosponsors. I did not mention that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, a vote now occurs on the Dorgan amendment on which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Domenici
Jeffords
Rockefeller
Shelby

The amendment (No. 4292) was rejected.

(Disturbance in the Visitors' Galleries.)

Mr. LEVIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the managers are working with our respective leaders on the remainder of the schedule for the next few hours, but in the meantime I understand our distinguished Senator from Iowa wishes to speak. I certainly have no objection.

I ask unanimous consent that at 2:15 p.m., the Senate proceed to 30 minutes of debate equally divided in the usual form relative to the McConnell and Nelson amendments; provided further, that following the use or yielding back of time, the Senate proceed to a vote in relation to the McConnell amendment No. 4272, as modified, to be followed by a vote in relation to the Nelson amendment No. 4265, and that no amendments be in order to the amendments prior to the votes.

Mr. LEVIN. Reserving the right to object. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we are still getting the concurrence of one side on the unanimous consent request. It was my understanding it was cleared. I think it will eventually be cleared. In the meantime, I yield the floor so that our colleague from Iowa can speak.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the chairman. Any time the chairman needs to interrupt my remarks to seek that agreement, I will be more than happy to yield the floor.

I wish to talk about an amendment I have not offered yet but I hope will be accepted by both sides. I will offer it, and I hope it will be acceptable. It has to do with the loss of some $8 billion for which we cannot account.

More than 3 years into the Iraq war, we have had report after report documenting rampant corruption and profiteering on the part of some defense contractors, as well as lax oversight by governmental officials. A major reason this is continuing largely unchecked is that apparently the Department of Justice has been delaying whistleblower lawsuits brought under the False Claims Act, and DOJ is not pursuing these suits aggressively. So I filed an amendment designed to break this logjam by requiring the Department of Justice to report on a semiannual basis, every 6 months——

Mr. WARNER. Mr. President, might I ask the Senator to yield for the purpose of a unanimous consent request?

Mr. HARKIN. Certainly.

Mr. WARNER. Mr. President, I thank the Senator from Iowa. I am prepared to restate the unanimous consent request.

I ask unanimous consent that at 2:15 p.m., the Senate proceed to 30 minutes of debate, equally divided in the usual form, relative to the McConnell and Nelson amendments; provided further, that following the use or yielding back of time, the Senate proceed to a vote on the McConnell amendment No. 4272, as modified—

The modification is at the desk. Did the Chair rule on the modification?

AMENDMENT NO. 4272, AS MODIFIED

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4272), as modified, is as follows:

SEC. ___. SENSE OF THE CONGRESS COMMENDING THE GOVERNMENT OF IRAQ FOR AFFIRMING ITS POSITION OF NO AMNESTY FOR TERRORISTS WHO ATTACK U.S. ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(4) The National Security Advisor of Iraq affirmed that the Government of Iraq will "never give amnesty to those who have killed American soldiers or Iraqi soldiers or civilians."

(5) The National Security Advisor of Iraq thanked "the American wives and American women and American mothers for the treasure and blood they have invested in this country . . . of liberating 30 million people in this country . . . and we are ever so grateful."

(b) SENSE OF CONGRESS.—It is the sense of Congress that

(1) the goal of the United States and our Coalition partners has been to empower the Iraqi Nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;

(2) history records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorists acts, and;

(3) the United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people whom have fought once a conflict is concluded.

Mr. WARNER. To be followed by a vote on the Nelson amendment No. 4265, and that no amendments be in order to the amendments prior to the votes, with the modification that is at the desk having now been acted upon.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I do not intend to object, did I hear that they have an opportunity to speak on their amendments?

Mr. WARNER. That is correct. 30 minutes of debate equally divided.

Mr. LEVIN. I missed that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, to accommodate the Senate, would we not at 12:30 p.m. go into recess? Perhaps I can ask unanimous consent that at the conclusion—how much time does the Senator wish to speak?

Mr. HARKIN. Mr. President, 15 minutes.

Mr. WARNER. I ask unanimous consent that at the conclusion of the remarks of the Senator of Iowa, the Senate stand in recess until the hour of 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the distinguished chairman and ranking member.

As I was saying, the amendment I filed is designed to break the logjam of what is happening at the Department of Justice delaying whistleblower lawsuits brought under the False Claims Act, and they are not pursuing these cases aggressively.

My amendment would require the Department of Justice to report on a semiannual basis on the status of its efforts to respond to whistleblower lawsuits alleging corruption in Iraq, Afghanistan, and elsewhere. The Department would be required to report its findings to the Judiciary Committee, the Appropriations Committee, the Armed Services Committee, the Homeland Security and Governmental Affairs Committee, and the Defense Appropriations Subcommittee.

I believe this is an important first step that would allow Congress to evaluate the Department of Justice efforts so we can decide what further steps are needed to ensure these cases are vigorously prosecuted.

I am pleased that Senators GRASSLEY, DORGAN, DURBIN, KENNEDY, JOHNSON, WYDEN, KERRY, LIEBERMAN, LEAHY, and LAUTENBERG are cosponsoring this amendment.

The cost of the wars in Iraq and Afghanistan has risen dramatically in each of the last 3 years. The Congressional Research Service reports we are now spending about $6.4 billion a month in Iraq alone. That is about $9 million an hour of spending in Iraq—$9 million an hour. One of the reasons for these runaway costs is the widespread corruption in the contracting process: shoddy work, nonwork, theft, fraud, kickbacks, bribes, insider dealings, inflated billings, and on and on.

There have been many reports in the press about this wave of corruption. The Wall Street Journal reported earlier this year about the problem. Our former inspector general in Baghdad, Stuart Bowen, concluded that U.S. occupation authorities accounted poorly for $8.8 billion in funds dedicated to Iraqi reconstruction from the Development Fund for Iraq. He stated this $8.8 billion is lost—lost. The Inspector General Stuart Bowen said, "The Coalition Provisional Authority did not implement adequate financial controls."

I ask unanimous consent that the April 19, 2006 article in the Wall Street Journal by Yochi J. Breazen be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 19, 2006]

CONTRACTOR ADMITS BRIBING A U.S. OFFICIAL IN IRAQ

LAWYER USES CIVIL WAR-ERA LAW TO GO AFTER FIRMS FOR CORRUPTION, BUT ADMINISTRATION WON'T HELP

(By Yochi J. Dreazen)

ORLANDO.—From his home office in a pink-painted mansion here, lawyer Alan Grayson is waging a one-man war against contractor fraud in Iraq.

Mr. Grayson has filed dozens of lawsuits against Iraq contractors on behalf of corporate whistle-blowers. He won a huge victory last month when a federal jury in Virginia ordered a security firm called Custer Battles LLC to return $10 million in ill-gotten funds to the government. The ruling marked the first time an American firm was held responsible for financial improprieties in Iraq. But it also highlighted the limits of the broader efforts to stem contractor abuses there.

The False Claims Act that Mr. Grayson used in the Custer Battles case is a Civil War-era statute allowing whistle-blowers to sue contractors suspected of defrauding the government and then keep a chunk of any recovered money. There are an estimated 50 such cases pending against Iraq contractors, including large firms like Halliburton Co.'s Kellogg Brown and Root subsidiary. A technicality in the statute, however, has allowed the Bush administration to prevent the other lawsuits from moving forward. Cases filed under the statute are automatically sealed, which means that they can't proceed to trial—or even he publicly disclosed—until the administration makes a formal decision about whether to join them.

The law says such decisions are supposed to be made within 60 days, but with the exception of the Custer Battles case, which it declined to join, the administration has yet to take a position on any other suits, some of which were filed more than two years ago. The law allows the Justice Department to ask for extensions, which are almost always granted, for as long as it sees fit. The department has kept the other False Claims Act cases from proceeding by repeatedly asking for extensions in each one.

That has left the cases in legal limbo, with lawyers like Mr. Grayson unable to bring them to trial or detail them publicly.

Contracting experts says previous administrations often declined to join the False Claims Act lawsuits but that the Bush administration's refusal to unseal the cases is unprecedented. Justice Department spokesman Charles Wilson says he can't discuss sealed cases or comment on why the department has yet to act on them. "All of the cases are examined on their merits," Mr. Wilson says. With the Bush administration sitting on the sidelines, primary responsibility for pursuing the Iraq fraud cases rests with plaintiffs' lawyers like Mr. Grayson, a Harvard-educated lawyer who began his career defending federal contractors but now makes his living going after them.

"With the sheriff asleep in the office, the only way you get justice is with private lawyers like Alan Grayson willing to step up and take down these fraudulent companies," says Patrick Burns, the spokesman for the advocacy group Taxpayers Against Fraud. "Alan Grayson showed that you can do that even without help from the government."

Though it is unclear when the cases will proceed to trial, Mr. Grayson is continuing to press ahead as best he can. He and other lawyers in his firm travel the country taking depositions, gathering documents and interviewing prospective witnesses for the dozens of currently pending lawsuits. Mr. Grayson says he also regularly passes information to the federal investigators probing the cases and the prosecutors deciding whether the government will participate in them.

A fierce critic of the war in Iraq, Mr. Grayson drives an aging Cadillac emblazoned with antiadministration bumper stickers such as "Bush Lied, People Died, "He says the administration's botched handling of Iraq opened the door for corrupt contractors to improperly reap fortunes there. At a hearing in February 2005 held by Democratic senators, Mr. Grayson asserted that the administration had "not lifted a finger to recover tens of millions of dollars our whistle-blowers allege was stolen from the government."

His opinions on the matter haven't shifted since. "The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible," he says today. "And the more bad news that comes out of Iraq, the more motivation they have to do so."

For the contractors in his cross hairs, Mr. Grayson, 48, is a formidable opponent. He received his undergraduate, master's and law degrees from Harvard. He made millions during a two-year stint as the president of IDT Corp., a start-up that has since grown into one of the nation's largest providers of discount telecommunications services. Mr. Grayson says he has poured hundreds of thousands of personal funds into his small eight-person law firm to help defray the cost of pursuing Iraq fraud cases that may not make it to trial for years. "I have deep enough pockets to subsidize the legal work," he says.

If he prevails, he might fill those deep pockets. Whistle-blowers generally receive 30% of any penalty, although the exact portion of every award is set by the judge in each case. Lawyers like Mr. Grayson, in turn, receive 30% to 50% of whatever the whistle-blowers get. "It's really a financial crapshoot," he says.

Mr. Grayson's firm switched its focus from working for contractors to representing individual whistle-blowers shortly after U.S. forces swept into Iraq in March 2003. He says the firm made the move because they began to be contacted by whistle-blowers who were referred by former clients and others.

Two of his first clients were William D. Baldwin, a former manager for Custer Battles, and Robert J. Isakson, a construction subcontractor who had worked with the firm. The company, run by a pair of politically connected military veterans, had won security contracts in Iraq worth more than $100 million. But the two men told Mr. Grayson that they had evidence the firm was substantially overcharging the U.S. occupation authority.

Mr. Grayson filed suit against the company under the False Claims Act in February 2004, but it languished under seal until that fall, when the Justice Department formally declined to join the case. The government never explained its decision. The case finally went before a judge in February.

After a contentious three-week trial, a federal jury on March 9 found the company's two founders, along with a business partner, guilty of using fake invoices from shell companies to overcharge the authorities by millions of dollars. The jury ordered the men to pay $10 million in penalties, with Mr. Grayson's clients standing to receive about $3 million of the money. Mr. Grayson declined to say how much money he will be paid. David Douglass, a lawyer for Custer Battles, says the company has appealed the verdict.

While waiting for the government to act on the other lawsuits, Mr. Grayson is weighing a career change. HIs congressional district is represented by a conservative Republican, and Mr. Grayson is strongly considering seeking the Democratic nomination to oppose him. He says his campaign, if he chooses to run, would center on the war in Iraq.

PLEA DEAL SHOWS HOW BUSINESSMAN RIGGED BIDS FOR REBUILDING HILLAH; 'CONSIDERED IT A FREE-FRAUD ZONE'

(By Yochi J. Dreazen)

In January 2004, Robert Stein, a senior U.S. contracting official in Iraq, sent an unusual email to American businessman Philip Bloom.

Mr. Stein wrote that he arranged for a new set of lucrative rebuilding contracts to be awarded to Mr. Bloom, but wanted the businessman to send his bid on the letterhead of a fake company to avoid attracting attention in Baghdad. A few days later, Mr. Bloom replied that he would "bring with me the dummies . . . I have five dummies per bid."

The emails illustrate how closely U.S. officials on active duty, like Mr. Stein, were willing to work with Mr. Bloom to help him defraud the government through a massive bid-rigging scheme in southern Iraq. They were released yesterday as part of a guilty plea from Mr. Bloom, who admitted to steering $2 million in cash and other bribes to government officials in exchange for $8.6 million in Iraqi construction and demolition contracts. Mr. Bloom—who also admitted to providing the officials with jewelry, first-class plane tickets and sexual favors from women he employed at a villa in Baghdad—faces as long as 40 years in prison and nearly $8 million in penalties.

The plea to charges of conspiracy, bribery and money laundering is the latest to emerge from an investigation into alleged corruption by American officials in Hillah, a restive southern city. Mr. Stein, a former civilian occupation official charged with overseeing $82 million in rebuilding funds there, pleaded guilty on Feb. 2 to conspiracy, bribery and using stolen government money to purchase an array of high-powered rifles and grenade launders.

Lt. Col. Michael Wheeler and Lt. Col. Debra Harrison, who both worked in Hillah, were arrested late last year and charged with similar offenses; both are free on bond. Lt. Col. Wheeler's attorney didn't return a call; Lt. Col. Harrison declined to comment. Three other military officials are mentioned in the court papers, and law enforcement authorities say more arrests are likely. "There was no oversight anywhere near them at the time and they did not believe they would be caught," says Special Inspector General for Iraq Reconstruction Stuart Bowen, whose investigators uncovered the ring. "They considered if a free-fraud zone."

A variety of reports of congressional investigators and the special inspector general for Iraq reconstruction have found evidence that hundreds of millions of dollars were spent without proper authorization, given to contractors who performed shoddy work or paid to firms charging unreasonably high prices. Large sums of money remain unaccounted for, and auditors say they have little sense yet of how much may have been stolen.

Previous court filings had detailed the broad outlines of the conspiracy, which continued for almost two years. Mr. Stein and the military officials submitted fake bids from dummy companies for contracts that Mr. Bloom was seeking and then awarded him the work as the low bidder. To evade scrutiny, Mr. Stein—who had the authority to award contracts of as much as $500,000—typically awarded contracts to Mr. Bloom in amounts of as much as $498,900.

The new plea offered new evidence of how closely the two men worked. In a separate series of early 2004 emails, Mr. Stein warned the businessman that another U.S. official in Hillah would demand a "cut" if he knew about the bid-rigging arrangements. "The fewer people who know what we are doing the better," Mr. Stein wrote. "I am your partner as you put it so trust in me and what I feel."

Mr. Bloom seemed willing to make Mr. Stein his partner in a formal sense as well, In a Feb. 18, 2004, email, Mr. Bloom told one of his employees that Mr. Stein was the "vice president of operations" for the company and should get whatever assistance he asked for. Mr. Stein, then a serving government official, sent a note back asking that the firm's business cards spell his name as Robert because "it sounds a bit better than 'Bob.'"

Mr. Stein, 50, who faces formal sentencing next month, could receive a prison sentence of as long as 30 years, although he is likely to receive far less because of his cooperation with prosecutors.

No sentencing hearing has been set yet for Mr. Bloom, 65. He had pleaded guilty in February and been cooperating with prosecutors ever since, although the plea was only unsealed Tuesday. John Nassikas, an attorney for Mr. Bloom, said he had filed court papers asking for home detention during the course of his dealings with the government and hopes Mr. Bloom's ultimate sentence would be reduced because of his cooperation.

Mr. HARKIN. This has had an extremely negative impact on our work in Iraq. This fund was responsible for paying the salaries of hundreds of thousands of government employees, such as teachers, health workers, and government administrators; it supported the Iraqi defense and police forces; and it helped repair Iraq's dilapidated infrastructure. So the loss of $8.8 billion hurts our mission in Iraq.

There is real urgency to the spending issue. On Meet the Press recently, we heard from retired GEN Barry McCaffrey, who just returned from Iraq and who only last week advised the President and his national security team at the White House on the situation in Iraq. He spoke about the importance of spending our resources efficiently on Iraq economic reconstruction. General McCaffrey said:

> Unemployment is a bigger problem than the Iraqi insurgent force. We spent $18 billion on economic reconstruction. There is only $1.6 billion left in the pipeline. When the money runs out, in my judgment, we just lost the war.

But money on a massive scale—$8.8 billion, as the inspector general has said—has been "lost into thin air." We can't account for it. While this was not all U.S. money, it symbolizes the magnitude of the corruption we are facing. We don't know where it has gone. Imagine the critical things we could have done with that $8.8 billion to help win the hearts and minds of the Iraqi people. This chart shows what the Iraqi Relief and Reconstruction Fund goes for. I won't read them all, but obviously security and law enforcement, the electric sector—they are getting less electricity now than they did before the war started—oil infrastructure, water resources and sanitation, roads and bridges, health care, education; all of these things, $8.8 billion could have gone for, but it didn't go for that. Where did it go? Well, we just don't know.

The State Department's own numbers for this Iraq Relief and Reconstruction Fund tell us they believe a lot can be done with this amount of money. It could have paid for all of the security and law enforcement training. It could have paid for all of the electric sector programs. The waste of billions of dollars is bad enough, but the widespread corruption is impeding our war effort; it is slowing reconstruction efforts; it is denying our troops in the field the quality support and equipment they deserve.

Just imagine how we could have utilized $8.8 billion to help our military in the field. When our administration loses $8.8 billion that was to have gone for reconstruction, then we have to replace that money with our money. The reconstruction is taking place. If we don't restore the unaccounted for money, no other country will. So we have to appropriate U.S. taxpayer dollars to fill the void. Let me repeat that. By this loss of $8.8 billion, if we don't account for it and somehow recoup it, the reconstruction effort going forward will be made up by taxpayers' dollars, our taxpayers' dollars.

Aside from that, how could we have used $8.8 billion to support our own troops? Well, let's take a look at this. Here is the $8.8 billion that we have lost. Equipment maintenance, about $3.2 billion; billeting of soldiers, $2.4 billion; body armor, $1.9 billion; special pay for hostile fire pay, family separation allowances, hardship duty pay, $1.3 billion. All of it could have been done with the $8.8 billion that is lost. Let me repeat: $8.8 billion lost. It is not just a loss to our Treasury and the taxpayers, it is as well a loss to our ability to keep our own troops sustained.

The single most important legal tool that American taxpayers have to recover funds stolen through fraud by U.S. contractors is the False Claims Act. Indeed, thanks to this law, more than $17 billion has been recovered on behalf of the American taxpayer. Under the False Claims Act, whistleblowers are given a powerful incentive to come forward and expose instances of fraud. The statute allows them to sue contractors suspected of defrauding the government, and then they can keep a portion of the recovered funds as a reward.

But there is a problem—a big problem. Scores of lawsuits have been brought against contractors suspected of fraud in Iraq and Afghanistan, including—and I will have more to say about this in a minute—a Halliburton subsidiary, Kellogg, Brown, & Root. Yet the Department of Justice has allowed only one of those suits to go forward in the courts, and that lawsuit resulted in a major recovery of fraudulently collected payments.

Given the massive amount of missing money, you would think that more than just one lawsuit has been filed against corporate contractors. To be sure, there are many more legitimate cases out there. Since 2003, the Special Inspector General for Iraqi Reconstruction, the U.S. Army Audit Agency, and the Defense Contract Audit Agency have all uncovered contracting abuses related to the conflict in Iraq. Auditors of the Defense Contract Audit Agency have found that Halliburton has charged $1.4 billion in questionable and undocumented costs on just two contracts. The auditors found $813 million in questioned costs under Halliburton's Logistic Civil Augmentation Program contract to provide support services to the troops. So here are two, right here: $813 million in "questioned costs" on Halliburton's—what they call the LOGCAP contract, that is for Logistic Civil Augmentation Program; and $382 million in "unsupported costs." That is $1.195 billion just to one company. That is Halliburton. That is Halliburton in "questioned costs."

The auditors at the agency challenged most of these costs as "unreasonable in amount" after completing the audit action because the costs "exceeded that which would be incurred by a prudent person." The auditors also found an additional $442 million in Halliburton's charges are "unsupported." As a result, Halliburton's total "questioned" and "unsupported" costs exceed $1.4 billion.

So if you look here at the audits of Halliburton's Iraq contracts, the "questioned costs," the "unsupported costs" under these two contracts, LOGCAP and RIO, if you add them up, combined it is $1.47 billion.

What is being done about this? Nothing. Nothing. The Department of Justice is doing nothing.

There are numerous reports from former top Army contracting officials, from former DOD officials, from soldiers on the ground, and from former Halliburton and Kellogg, Brown & Root employees as to that company's waste, fraud, and abuse—numerous reports. There are reports that Halliburton charged for meals never served, that Halliburton overcharged for oil and oil delivery, that Halliburton overcharged and double-charged for shipments of soda pop, that Halliburton overcharged on transportation contracts. I could go on and on.

But for reasons that I cannot fathom, the Department of Justice has not told Congress or the American taxpayer what it is doing to bring these cases to justice. And it seems as though nothing is being done.

I believe we have an obligation to the American taxpayer to be protected against theft or misuse of tax dollars by corrupt contractors. Yet there is no evidence the Justice Department is doing anything about it. So absent this information, I can only conclude that nothing is being done about this corruption. If this is the case, then the recovery of perhaps billions of dollars in taxpayer money is being blocked.

While Congress and the American taxpayer remain in the dark about what the Justice Department is doing to combat contract corruption. False Claims Act cases continue to languish. The way it works is that the False Claims Act cases are automatically sealed. They cannot go to trial; they cannot be publicly disclosed until the Department of Justice makes a decision of whether to join them. Under the statute, these decisions are supposed to be made within 60 days. However, the Department of Justice is allowed to seek additional time where needed. This is appropriate because a lot of times these cases are very complex and require extensive investigation. However, these extensions cannot be allowed to become a form of indefinite delay, stretching out year after year after year. And I fear that is exactly what is happening. As I said, with just one exception, the Department of Justice has refused to take a position on any of the lawsuits related to Iraq and Afghanistan, some of which were filed over 3 years ago. Instead, the Department files for and receives indefinite extensions.

As a result, as I said, with one exception, every single whistleblower lawsuit has been effectively blocked by the Department of Justice. Fraud has gone unpunished, billions of taxpayer dollars continue to be squandered, and courageous whistleblowers who have come forward, often at great personal risk, have been left in a sort of legal limbo. As one attorney representing a whistleblower put it:

> The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible. And the more bad news that comes out of Iraq, the more motivation they have to do so.

This situation is unacceptable. So my amendment would therefore require the Justice Department to report to Congress on a semiannual basis the efforts it is undertaking to ensure that it is investigating in a timely and appropriate manner all claims of contractor waste, fraud, and abuse related to the U.S. Government's activities in Iraq and Afghanistan. It would require the Department of Justice to report on similar executive branch interagency efforts. My amendment would prevent the Department of Justice from imposing undue secrecy on false claims civil actions related to Government spending in Iraq and Afghanistan by simply requiring the Department of Justice to tell Congress what it is doing to combat this corruption. Sharing this information with Congress is nothing out of the ordinary, but it is long past due. As a matter of good faith to our troops and to the American taxpayer, we need to move aggressively against corruption and war profiteering in Iraq, Afghanistan, and elsewhere. These cases have gone on too long.

In closing, I quote the British philosopher John Stuart Mill who said: "The proper office of a representative assembly is to watch and control the government."

Mr. President, hopefully this is a nonpartisan amendment. It is all about enabling Congress to provide meaningful oversight of executive branch activity consistent with our duty to do so under the Constitution and the law. It will enable Congress to know the administration's plans for rooting out contractor corruption in Iraq, Afghanistan, and elsewhere, and I urge my colleagues to support the amendment.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Whereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the pending business is the DOD authorization bill and most specifically the amendments by Senator MCCONNELL and Senator BILL NELSON of Florida. The McConnell amendment is to be voted on first, followed by a vote on the second amendment. Am I correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4272, AS MODIFIED

Mr. WARNER. I shall address the McConnell amendment.

First, the amendments have a great likeness. But I felt, in working with the distinguished Senator from Kentucky, that his amendment—I ask unanimous consent that I be a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I believe very strongly that a second amendment was needed because of what we have been working toward—the United States and its coalition partners—from the very beginning, and that is to provide the Iraqi people with a sovereign nation in which they can exercise the full range of authorities and responsibilities of a sovereign nation. Therefore, they went about a series of elections. Every Member of this Chamber recognizes the courage of the Iraqi people in three elections. Then there was the formation of a permanent government, a unity government. Having achieved that, they are now beginning to exercise the full responsibilities of a sovereign nation. I was concerned that we, as a legislative body of our Nation, not indicate that we are infringing on their rights of sovereignty.

This whole issue of amnesty is an important one. I do not, in any measure, suggest it is not important. But I think we have to observe that they are a sovereign nation. How they go about it should largely be within the confines of their own wisdom and goals because our whole future is dependent on this Government and the people of Iraq taking back their country such that our forces can come back home. Whatever that Government does that is constructive toward reaching that goal I want to support. So in working on this amendment, I, working with the distinguished Senator from Kentucky, drafted one or two provisions with him which state as follows:

> It is the sense of Congress that the goal of the United States and our Coalition partners has been to empower the Iraqi Nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;
>
> History records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorist acts, and; [further]
>
> The United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people whom have fought once a conflict is concluded.

Mr. McCONNELL. Will the Senator from Virginia yield for a question?

Mr. WARNER. I am happy to yield the floor, if the Senator so desires.

Mr. McCONNELL. If the Senator will yield for a question, I say to my friend from Virginia: Is the Senator from Kentucky correct that the genesis of the Nelson amendment is a newspaper story quoting a lower level Government official, since dismissed by the Iraqi Government for suggesting that forces who may have killed American or Iraqi troops would be given amnesty? Is it not correct, I ask my friend from Virginia, chairman of the Armed Services Committee, that that lower level official has since been dismissed from the Iraqi Government?

Mr. WARNER. Mr. President, he was fired.

Mr. McCONNELL. He was fired. Is it not the case, I ask my friend, the chairman of the Armed Services Committee, that the National Security Adviser, Steve Hadley, if you will, of the Iraqi Government, stated shortly thereafter what the policy of the Iraqi Government was?

Mr. WARNER. Mr. President, the Senator is exactly correct.

Mr. McCONNELL. Is the Senator from Kentucky not correct that the policy of the Iraqi Government is not to do exactly what we have been having this discussion about on the Senate floor for lo these several days?

Mr. WARNER. That is correct. Based on my discussions with Senator NELSON, he in good faith read those reports and felt very strongly, as I think many of us do, about the issue of amnesty and came forward with that amendment. Then, we purposely delayed final action on these two amendments last week, such that in the intervening time there would be further clarification. I do believe there has been some further clarification of this matter. I can address that in the context of a communication from the Department of State, I say to my good friend from Kentucky. I was able to obtain this information, which hopefully will be forthcoming momentarily, stating just that: The Iraqi Government understands precisely what the situation is, that an error was made and they have put in place I think adequate corrections.

Mr. McCONNELL. So I ask one final question of my friend from Virginia. Since the Nelson amendment basically addresses a nonexistent problem and the McConnell amendment simply asserts what we already know to be the policy of the Iraqi Government, that it would likely be a good idea for the Senate to go on record as supporting both of these amendments at this juncture?

Mr. WARNER. Mr. President, I think, certainly in my judgment, that would be an acceptable situation because there is clarity in the amendment of the Senator from Kentucky about a point that is very important to me; i.e, sovereignty, exercise of that. With no disrespect to the Senator from Florida, I believed his amendment as originally drafted, and the intent, was to reach across the ocean and have the U.S.A. reach into the Government and try to dictate what was to be done. So I believe the Senator is correct in that, and I join him in that suggestion to our colleagues.

Mr. NELSON of Florida. Will the Senator yield?

Mr. McCONNELL. Mr. President, is the Senator yielding the floor?

Mr. WARNER. Yes, of course.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Kentucky.

Mr. McCONNELL. Let me add, briefly, as I hear the distinguished chairman of the Armed Services Committee, at this juncture the appropriate thing for the Senate to do would be to vote for both of these amendments. It has been made perfectly clear, by statements by the National Security Adviser of the new Iraqi Government, that it is not the policy of the Iraqi Government to grant amnesty to those who killed American soldiers.

I hope we can move past this reaction to some lower level Iraqi official, since fired from the Iraqi Government, over his ill-advised and basically untrue suggestions about what the policy of the Iraqi Government would be toward those who may have killed American soldiers.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, to answer your question—parliamentary inquiry: Under the previous order, I understand 15 minutes were allocated to the majority and 15 minutes to the minority. So under the previous order, is that how the Senator from Florida is being recognized?

The PRESIDING OFFICER. Yes.

Mr. NELSON of Florida. It is true, in the understanding of this Senator, what the distinguished chairman of the Senate Armed Services Committee has said. Over the course of the weekend, as he represented it to this Senator, that he wanted to wait and see what further clarification has happened on this matter since there was such a disturbance about the language put forth on the amendment by this Senator from Florida. Indeed, over the course of the weekend, a number of additional things have occurred that have made it quite clear what very likely is the policy of the Government of Iraq. This Senator quotes from the Los Angeles Times publication over the weekend:

> The Iraqi government has crafted a far-reaching amnesty plan for insurgents.

It goes on to say:

> The amnesty plan, which apparently would include insurgents alleged to have staged attacks against Americans and Iraqis. . . .

That doesn't sound to me like the Government of Iraq is disclaiming this, that this is not their policy. To the contrary. The Senator from Florida is quite appreciative of the majority whip when he says they are going to support the amendment of the Senator from Florida. I would certainly hope so, given the fact of the tragedy that has been revealed today. I quote directly from CNN:

> The bodies of two U.S. soldiers found in Iraq Monday night were mutilated and booby trapped, military sources said Tuesday.

If you turned on the television in the course of the last couple of hours, you have heard described in gruesome terms the condition that the bodies of these two young Americans were found in, which was unrecognizable because of the mutilation.

Is this the kind of stuff that we in any way, in setting forth the sense of the Congress, want in any way, any misunderstanding of what the sense of the Congress is, that the policy of the Iraqi Government should not be to grant amnesty to those who would do harm to Americans, and have done harm, as witnessed by this most recent tragic example of how people treat prisoners of war?

Sadly, I think the facts speak for themselves. Sadly, we could have dispensed with this at the hour of 2 o'clock on Thursday, after this Senator had offered his amendment. Yet we went on for 2 hours on that day and subsequently the next day. It brings us to the following Tuesday, now, with the comments that have been made, saying that the majority will accept this Senator's amendment.

I am grateful to the majority, and I think the majority has come to the right place. I thank you for recognizing this is the statement that should be the policy, as enunciated by the sense of the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I was one of those last week who spoke to this amendment by the Senator from Florida. I know now the Senator from Kentucky, the distinguished majority whip, has introduced another amendment and has suggested perhaps it would be appropriate to vote for both of them, since what in effect was a misstatement by a low-level Government employee in Iraq has now been clarified, making it crystal clear that it is not the policy of the new Government in Iraq to grant amnesty to those who have killed Americans.

But I have to scratch my head a little bit and wonder why it is we are having this debate. We are on the Defense authorization bill, an enormously important bill that is being shepherded on the Senate floor by the distinguished chairman, for the last time as chairman—at least this will be the last time he will serve as chairman because of term limits on that committee. But we are essentially having a debate over a nonissue, and we are being asked now to send a message to the new Iraqi Government that you are going to be admonished, in effect, because of some of the missteps of a low-level Government employee.

I am really confused about the message our friends on the other side of the aisle are trying to send our allies in Iraq. On the one hand, we have amendments that are offered suggesting that we leave them in 6 months' time and bring all of our troops home, and whatever happens as a result of that, well, it is not our problem anymore; it is their problem. On the other hand, amendments like these suggest that anytime a low-level government employee misstates the facts and has to be then corrected, and that person is then disciplined through dismissal, do we in essence want to pick a fight where there is no fight and where it is clear what the policy of the new Iraqi Government is?

I think we should give this new Iraqi Government at least the benefit of the doubt that some would give to Saddam Hussein. There are some who come to the Senate floor and say, no, it was a terrible mistake for us to ever go into Iraq notwithstanding the fact that we know that Saddam Hussein was a mass murderer. I, along with other of my colleagues, have stood on the edge of mass gravesites where at least 400,000 Iraqis lie dead by the hands of this mass murderer Saddam Hussein.

We know the record is clear that al-Qaida in the form of Zarqawi, who was killed just last week, was in Iraq more than 2 years before the United States and our coalition partners took out Saddam Hussein. There are those who said no, no, no. Iraq has no less linkage whatsoever to international terrorism, and now we know the facts are that the worst al-Qaida operative of all, the head of al-Qaida in Iraq, was in fact in Baghdad and was in Iraq more than a year before Saddam Hussein was deposed.

So I guess I am confused by those who would say, no, let's leave the Iraqis on their own, wish them luck, but so much for the loss of lives and lost treasure invested in trying to help the Iraqi people free themselves from this terrible tyrant and get on their own feet and create a stable democracy in Iraq. But then, on the other hand, when this new democracy that has done miraculous things over the last few years has ratified their new constitution and created a unity government and have now finally gotten their permanent government in place, that when a low-level figure makes an unauthorized, incorrect statement, for which he has been disciplined, we want to come to the Senate floor and offer amendments admonishing our friends, the Iraqi Government. They are our allies in what has now become the central front in the global war on terror.

If we don't finish the job and support our Iraqi allies in any way we can as they continue this fight against al-Qaida, against other foreign fighters, against insurgents who want to destabilize the government and put Saddam Hussein back in power, if we don't do everything we can to support them militarily and rhetorically provide them any assistance we can, then we are going to be in a less safe condition because we know that any power vacuum that would be created in Iraq would easily be filled as it was in Afghanistan by the likes of Osama bin Laden and others.

I appreciate the fact that there are those who say, Well, we ought to just vote for both of these amendments. But I really think we are heading down a bad road here by slapping the Iraqi Government on the wrists for what clearly was a misstatement of a low-level government employee for which he has been disciplined and which has now been very much clarified that it is not the policy of the Iraqi Government to provide amnesty for those who have killed Americans in that country.

I yield the floor.

Mr. WARNER. President, first, the distinguished Senator from Florida referred to a Los Angeles Times article. I think that article should be placed in the RECORD following the colloquy between myself and the distinguished Senator from Florida and the Senator from Texas.

Also, I am not sure that we should make decisions here based on one report of one newspaper. I am not impugning the Times; it is an outstanding newspaper. But we just do not have any corroboration of some of the statements.

I point out they refer to the amnesty plan which currently would include insurgents alleged to have staged attacks against Americans and Iraqis.

The second sentence down is the reconciliation plan which is expected to be formally announced soon. So that plan is in the making. There is still some formulation of policy going on.

It is for that reason that I believe a strong vote on both of these amendments sends a subtle message about our concern. Let us assume for the moment that that plan has not been made formal.

I inquired of the Department of State as to whether or not anything had transpired over the weekend. There was one meeting between Prime Minister Maliki and the charges d'affaires of the American Embassy. The charges d'affaires reported back to the Department of State.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Has the 15 minutes allocated to the Senator from Virginia expired?

I ask unanimous consent that both sides be extended 5 minutes in this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. It was stated that there was a meeting between the charges d'affaires at the U.S. Embassy and Prime Minister Maliki on 17 June. Prime Minister Maliki affirmed that any future amnesty would not differentiate between those who killed Iraqis and those who killed coalition forces. None of these people would be pardoned.

Second, Prime Minister Maliki confirmed that there should not be a concern that his reconciliation plan would prohibit Multinational Forces-Iraqi—MNFI—operations or impose a timeline for future Iraqi support of the MNFI, the point being that they are looking at this situation.

I think that these two amendments will send not a message that invades or impairs their exercise of the right of sovereignty but expresses the concern on behalf of all.

The distinguished Senator mentioned the tragic loss of our two servicepersons. It has not, to the best of my knowledge, been confirmed officially, but nevertheless earlier media reports the tragic killing and mutilation of these two brave American soldiers, which is just an example of the ferocity of this conflict that we are experiencing over there and the enormous risks being taken by the men and women of our Armed Forces.

So I think the message sent by both of these amendments is a timely one.

I urge Senators to vote for both.

I yield the floor.

Mr. NELSON of Florida. Mr. President, will the distinguished Senator yield for a clarification?

Mr. WARNER. If I might on the Senator's time because ours is down to about 1 minute.

Mr. NELSON of Florida. Mr. President, I commend the Senator for his concern. He knows my affection for him as chairman of the committee.

Indeed, CNN is reporting that it is even worse than we had described out here on the destruction of the two soldiers. CNN sources said the two men had suffered "severe trauma."

My question to the distinguished chairman of the Armed Services Committee is, in evaluating the McConnell amendment, I am confused by the language under the sense of Congress, paragraph 1, the last sentence in the paragraph. I quote: "We"—meaning the United States—"must respect the exercise of the sovereignty"—meaning of Iraq—"in accordance with their own wisdom."

The Senator from Florida asks the chairman of the committee: Would we respect their sovereignty if their wisdom said it was their policy to have amnesty against those who would kill Americans?

Mr. WARNER. Mr. President, I think we should visit that issue only if in fact at some point in time that position is made official. The purpose of that language—and I accept full responsibility for that language—is I feel fervently that the ability for us to conclude our operation with our coalition partners in Iraq and to bring our troops home is predicated on the strength of the sovereignty exercised by this government.

The Senator knows full well as do others in this Chamber that there is a high disrespect, unfortunately, among many Iraqis for the United States and its government. If there are any of our fingerprints that we are trying to dictate to that sovereign nation how they must make decisions, I fear it could impede the progress to bring our forces home. That is why that is in there.

Mr. NELSON of Florida. I respect that. This Senator respects the goals that the Senator from Virginia is stating but I am looking at the four corners of the McConnell amendment to wonder if this is something that the Senate wants to vote for when, in fact, in the sense of Congress that is expressed in the McConnell amendment starting on page 2 at line 15 and ending on page 3 at line 9, there is not any statement in the sense of Congress with regard to the policy of not supporting the Iraqi Government if it gives amnesty to people who kill Americans.

Mr. WARNER. Mr. President, I may call the Senator's attention to page 1 of the McConnell-Warner amendment. It says:

> Sense of the Congress commending the government of Iraq for affirming its position of no amnesty for terrorists who attack United States Armed Forces.

Could that be any clearer?

Mr. NELSON of Florida. That is in the findings as set forth on page 1 but not in the sense of Congress. Is it the Senator's feeling that the McConnell amendment clarifies the language that says with respect to the exercise of sovereignty we must respect the exercise of sovereignty in accordance with their own wisdom? Does that clarify it?

Mr. WARNER. Mr. President, I am certain that working on the predicate that they are a sovereign nation, they can make decisions. There will be decisions which are inconsistent with the views that we hold in this country. How do we enforce our views without interfering with their sovereignty?

First, let them speak with absolute clarity to this. The McConnell amendment—and the Senator keeps saying within the four corners. Look at corner No. 1. The introductory has very clear and expressed language against the policy.

Will there be times that we disagree with their exercise of sovereignty and their own wisdom? Yes. But if we are to obtain what we hope is our goal of giving that nation its sovereign right, we cannot be dictating to them how they reach their final decision.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Is it not true that the Senator from Florida would fully agree that we want them to have sovereignty and we don't want to dictate to them what to do, but that his point is, is it not, that we still should strongly urge them not to exercise their sovereignty in a way which provides amnesty in advance since we are in the middle of a war with people who kill American troops? Is that not true? We can urge them without violating their sovereignty. Would the Senator not agree?

Mr. NELSON of Florida. The Senator is exactly correct. The amendment by this Senator, for which the majority has already said that they are urging a vote, will further give specific action; that is, that the President of the United States should immediately notify the Government of Iraq that the Government of the United States opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States? So we clearly set it out in the amendment offered by this Senator.

We want to have time for Senator MENENDEZ to speak. How many minutes does this Senator have remaining?

The PRESIDING OFFICER. There is 7½ minutes remaining.

Mr. NELSON of Florida. I yield 5 minutes to the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank my colleague from Florida for both yielding time and for the amendment he has offered which I am proud to cosponsor with him.

I am astonished at some of the debate in the Senate. We are twisting and turning not to take a simple position on behalf of the men and women who serve in the uniform of the United States in Iraq and to send a message elsewhere in the world. What is that simple position? It is the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States. What is so difficult, what is so wrong about sending that message?

I heard some of our colleagues say that this is a nonexistent problem. If it wasn't for Senator NELSON's amendment, we would not have had the clarifications that have been forthcoming. I would like to see the Prime Minister of Iraq say that formally, in public, as the position of the Government of Iraq.

Then I hear some of our colleagues saying that we have to respect the Iraqis and their sovereignty. This administration has been telling the Iraqis from day one what they want them to do in a variety of ways. They have been telling them how they have to form their government, how inclusive that government has to be. They have had a whole checklist of things they have been telling the Iraqis they want them to do. And now, when it comes time to defend the men and women of the United States in the Armed Forces by simply sending a sense of the Senate that we want to urge the Government of Iraq not to include in any amnesty plan those who have committed murders of U.S. soldiers or who have injured them, we cannot actually pass a sense of the Senate that says that? This is a nonexistent problem?

Let me state how nonexistent it is and how important it is to send this message. We woke up to the very sad story of two missing soldiers who were found dead, PFC Kristian Menchaca and PFC Thomas L. Tucker. Let me tell the Senate what Private First Class Menchaca's uncle said:

> Don't think that it's just two more soldiers. Don't negotiate anything. They [the killers] didn't. They didn't negotiate it with my nephew. They didn't negotiate it with Tucker.

And we are concerned about Iraqi sovereignty when we have been telling the Iraqis what we want them to do, but we are so concerned about Iraqi sovereignty that we won't send a sense of the Senate to make it clear for this and any other future Iraqi Government that it is the Senate position that they should not consider amnesty for those ultimately who have committed the crime of killing American troops? That is beyond my comprehension.

It seems to me the reality is we need to make a very clear statement today, a clear and unequivocal statement of what the position of the United States is as it relates to the protection of our soldiers and our view that no amnesty program should exist now or in the future that puts the lives of American soldiers in a position to be bargained for, negotiated for, and given amnesty for. The only way to send that very clear, unequivocal message is to support Senator NELSON's amendment.

To suggest we are so concerned about their sovereignty and their wisdom to the extent we would send a message that you can leave American soldiers in harm's way—and yes, we will respect your sovereignty. To the extent we won't do anything about you, ultimately, considering an amnesty plan that would allow the lives of U.S. soldiers to be the subject of forgiveness, that is not what I believe the American people want to see. That is certainly not honoring the lives of those who gave their lives on behalf of their country or honoring their families. Only Senator NELSON's amendment does that.

It should be strong. It should be bipartisan. It should be unanimous.

I yield back the remainder of my time to Senator NELSON.

Mr. NELSON of Florida. Mr. President, how many minutes remain for the majority and minority?

The PRESIDING OFFICER. There is 2½ minutes remaining, and the Senator from Virginia has 1½ minutes remaining.

Mr. NELSON of Florida. Mr. President, we are bringing this in for landing. I ask the distinguished chairman of the committee, had there been discussions on the floor during this debate about the clarification of the McConnell amendment by the words "in accordance with their own wisdom"?

Mr. WARNER. Mr. President, I say to my friend at this point in time that we believe the amendment speaks for itself. The first section of the amendment cites a sense of the Congress commending the Government of Iraq for affirming its position of no amnesty for terrorists who attack U.S. Armed Forces. What could be clearer than that? That sets the tone and the thrust for the entire amendment.

I have said to my colleagues, it seems to me, in the spirit of comity, we have had a good debate, we have seen some further clarification of this issue in the time that has evolved since Thursday and today; secondly, assuming time is a measure of accuracy, this policy is undergoing evaluation in Iraq right now.

These two amendments, side by side, receiving a strong vote of the Senate, should suffice in the mission the Senator from Florida set out on and on which I join him.

Mr. NELSON of Florida. Mr. President, in light of the fact that this Senator only had 2 minutes to close, I ask unanimous consent that each side have 1 additional minute.

Mr. THOMAS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. NELSON of Florida. An objection is heard to a closing in which I just granted part of my time to the Senator from Virginia, the chairman of the Senate Committee on Armed Services?

Mr. THOMAS. Some of us have other things to do.

Mr. NELSON of Florida. I am quite surprised. Sadly, on a day in which two more Americans have been mutilated, sadly, on a day in which the CNN story is quoting a claim posted on a Web site that our soldiers were slaughtered "in accordance to God's will," and given the fact that it is pretty clear the amendment of this Senator sets forth the policy that it is the sense of the Congress that the Government of Iraq should not grant amnesty to persons who kill Americans, I think it is self-evident.

I thank the Senator for sharing these thoughts.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to the McConnell amendment.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—64

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Kerry
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Pryor
Roberts
Santorum
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—34

Akaka
Bayh
Biden
Boxer
Byrd
Carper
Clinton
Dayton
Dorgan
Durbin
Feingold
Feinstein
Inouye
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—2

Rockefeller
Shelby

The amendment (No. 4272), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4265

Mr. WARNER. Are the yeas and nays ordered on the Nelson amendment?

The PRESIDING OFFICER. No.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, parliamentary inquiry: Are we now voting on the Nelson-Menendez amendment?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—79

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brownback
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coleman
Collins
Conrad
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Frist
Grassley
Gregg
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Talent
Thune
Vitter
Voinovich
Wyden

NAYS—19

Allard
Bond
Bunning
Burns
Coburn
Cochran
Cornyn
DeMint
Enzi
Graham
Hagel
Inhofe
Kyl
Lott
McCain
Sessions
Stevens
Thomas
Warner

NOT VOTING—2

Rockefeller
Shelby

The amendment (No. 4265) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4308, 4299, 4349, 4271, 4226, 4350, 4351, 4352, 4353, 4354, 4213, 4210, 4300, 4209, 4215 AS MODIFIED, 4355, 4356, 4217 AS MODIFIED, 4357, 4358, 4359, AND 4360, EN BLOC

Mr. WARNER. Mr. President, the two managers have been working with Members. We have reconciled a series of amendments, and I believe at this point in time I will make the following statement: I have sent a series of amendments to the desk which have been cleared by myself and the ranking member. I ask, therefore, unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and motions to reconsider be laid on the table. Finally, I ask that any statements relating to any of these individual amendments be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not object because the amendments have been cleared on our side, I would suggest that if we have a moment here, after the UC is accepted, we read the list of the amendments so people will know their amendments are in here. But if the leaders are ready to send us forward on our next mission, then I would withdraw that suggestion.

Mr. WARNER. Mr. President, we first ask that you act on the unanimous consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4308

(Purpose: To provide for expansion of the Junior Reserve Officers' Training Corps program)

At the end of subtitle B of title III, add the following:

SEC. . EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) IN GENERAL.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) EXPANSION TARGETS.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

AMENDMENT NO. 4299

(Purpose: To require a report on the feasibility of establishing a scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels)

At the end of subtitle B of title XXXI, add the following:

SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense and the United States depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

(2) Experts estimate that over 25 percent of the approximately 58,000 workers in the nuclear power industry in the United States will be eligible to retire within 5 years, representing both a huge loss of institutional memory and a potential national security crisis.

(3) This shortfall of workers is exacerbated by reductions to the University Reactor Infrastructure and Education Assistance program, which trains civilian nuclear scientists and engineers. The defense and civilian nuclear industries are interdependent on a limited number of educational institutions to produce their workforce. A reduction in nuclear scientists and engineers trained in the civilian sector may result in a further loss of qualified personnel for defense-related research and engineering.

(4) The Department of Defense's successful Science, Math and Research for Transformation (SMART) scholarship-for-service program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) REPORT ON EDUCATION OF FUTURE NUCLEAR ENGINEERS.—

(1) STUDY.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

(2) REPORT REQUIRED.—The President shall submit to the congressional defense committees, together with the budget request submitted for fiscal year 2008, a report on the study conducted by the Secretary of Energy under paragraph (1).

AMENDMENT NO. 4319

(Purpose: To require a National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina)

At the end of subtitle D of title III, add the following:

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

AMENDMENT NO. 4271

(Purpose: To enhance the authorities and responsibilities of the National Guard Bureau)

At the end of title IX, add the following:

Subtitle D—National Guard Bureau Matters

SEC. 931. SHORT TITLE.

This title may be cited as the "National Defense Enhancement and National Guard Empowerment Act of 2006".

SEC. 9322. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands for the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal advisor".

(2) GRADE.—Subsection (e) of such section, as redesignated by paragraph (2)(A)(i) of this subsection, is further amended by striking "lieutenant general" and inserting "general".

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) DEVELOPMENT OF CHARTER.—Section 10503 of title 10, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop" and inserting "The Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force, shall develop"; and

(B) in paragraph (12), by striking "the Secretaries" and inserting "the Secretary of Defense".

(2) ADDITIONAL GENERAL FUNCTIONS.—Such section is further amended—

(A) by redesignating paragraph (12), as amended by paragraph (1)(B) of this subsection, as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(3) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the Adjutant Generals of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(4) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

"(d) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.
"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".

SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

AMENDMENT NO. 4226

(Purpose: To clarify the applicability of the Uniform Code of Military Justice during a time of war)

At the end of subtitle C of title V, add the following:

SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking "war" and inserting "declared war or a contingency operation".

AMENDMENT NO. 4350

(Purpose: To modify authorities relating to the composition and appointment of members of the United States Marine Band and the United States Marine Drum and Bugle Corps)

At the end of subtitle A of title IX, add the following:

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

"§ 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

"(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

"(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

"(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

"(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

"(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

"(1) to be discharged from the Marine Corps; or

"(2) to revert to the grade and status such member held at the time of appointment under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

"6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.".

AMENDMENT NO. 4351

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 4352

(Purpose: To authorize the temporary use of the National Guard to provide support for border security along the southern land border of the United States)

At the end of subtitle E of title X, add the following:

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the Southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "State along the southern land border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

AMENDMENT NO. 4353

(Purpose: To ensure government performance of critical acquisition functions)

At the end of subtitle A of title VIII, add the following:

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

"(1) Program manager.

"(2) Deputy program manager.

"(3) Chief engineer.

"(4) Systems engineer.

"(5) Cost estimator.

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

"(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

"(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.".

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAVER.—During the two years period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

AMENDMENT NO. 4354

(Purpose: To require a report on technologies designed to neutralize or defeat the threat to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades)

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

AMENDMENT NO. 4213

(Purpose: To provide for a review of the legal status of the Junior Reserve Officers' Training Corps program)

At the end of subtitle D of title V, add the following:

SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) REPORT.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) INTERIM AUTHORITY.—A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

AMENDMENT NO. 4210

(Purpose: Expressing the sense of the Senate on notice to Congress of the recognition of members of the Armed Forces for extraordinary acts of heroism, bravery, and achievement)

At the end of subtitle F of title V, add the following:

SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committee on Armed Services of the Senate and House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

AMENDMENT NO. 4300

(Purpose: Relating to multi-spectral imaging capabilities)

At the end of subtitle D of title I, add the following:

SEC. 147. MULTI-SPECTRAL IMAGING CAPABILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The budget of the President for fiscal year 2007, as submitted to Congress under section 1105(a) of title 31, United States Code, and the current Future-Years Defense Program adopts an Air Force plan to retire the remaining fleet of U–2 aircraft by 2011.

(2) This retirement would eliminate the multi-spectral capability provided by the electro-optical/infrared (EO/IR) Senior Year Electro-optical Reconnaissance System (SYERS–2) high-altitude imaging system.

(3) The system referred to in paragraph (2) provides high-resolution, long-range, day-and-night image intelligence.

(4) The infrared capabilities of the system referred to in paragraph (2) can defeat enemy efforts to use camouflage or concealment, as well as provide images through poor visibility and smoke.

(5) Although the Air Force has previously recognized the military value of Senior Year Electro-optical Reconnaissance System sensors, the Air Force has no plans to migrate this capability to any platform remaining in the fleet.

(6) The Air Force could integrate such capabilities onto the Global Hawk platform to retain this capability for combatant commanders.

(7) The Nation risks a loss of an important intelligence gathering capability if this capability is not transferred to another platform.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should investigate ways to retain the multi-spectral imaging capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system after the retirement of the U-2 aircraft fleet.

(c) REPORT REQUIREMENT.—The Secretary of the Air Force shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress under section 1105(a) of title 31, United States Code, a plan for migrating the capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system from the U–2 aircraft to the Global Hawk platform before the retirement of the U–2 aircraft fleet in 2011.

AMENDMENT NO. 4209

(Purpose: To commend the men and women of the Armed Forces of the United States in Iraq for their on-going service to the United States)

At the the end of subtitle I of title X, insert the following:

SEC. 1084. SENSE OF CONGRESS REGARDING THE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, members of the Armed Forces of the United States successfully liberated the people of Iraq from the tyrannical regime of Saddam Hussein.

(2) Members of the Armed Forces of the United States have bravely risked their lives everyday over the last 3 years to protect the people of Iraq from terror attacks by Al Qaeda and other extremist organizations.

(3) Members of the Armed Forces of the United States have conducted dozens of operations with coalition forces to track, apprehend, and eliminate terrorists in Iraq.

(4) Members of the Armed Forces of the United States have helped sustain political progress in Iraq by assisting the people of Iraq as they exercised their right to choose their leaders and draft their own constitution.

(5) Members of the Armed Forces of the United States have taught over 150,000 soldiers of Iraq to respect civilian authority, conduct counter-insurgency operations, provide meaningful security, and protect the people of Iraq from terror attacks.

(6) Members of the Armed Forces of the United States have built new schools, hospitals, and public works throughout Iraq.

(7) Members of the Armed Forces of the United States have helped rebuild Iraq's dilapidated energy sector.

(8) Members of the Armed Forces of the United States have restored electrical power and sewage waste treatment for the people of Iraq.

(9) Members of the Armed Forces of the United States have established lasting and productive relationships with local leaders in Iraq and secured the support of a majority of the populace of Iraq.

(10) Members of the Armed Forces of the United States have courageously endured sophisticated terror tactics, including deadly car-bombs, sniper attacks, and improvised explosive devices.

(11) Members of the Armed Forces of the United States have paid a high cost in order to defeat the terrorists, defend innocent civilians, and protect democracy from those who desire the return of oppression and extremism to Iraq.

(12) Members of the Armed Forces of the United States have performed their duty in Iraq with an unflagging commitment to the highest ideals and traditions of the United States and the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the men and women in uniform of the Armed Forces of the United States in Iraq should be commended for their on-going service to the United States, their commitment to the ideals of the United States, and their determination to win the Global War on Terrorism;

(2) gratitude should be expressed to the families of the Armed Forces of the United States, especially those families who have lost loved ones in Operational Iraqi Freedom; and

(3) the people of the United States should honor those who have paid the ultimate sacrifice and assist those families who have loved ones in the Armed Forces of the United States deployed overseas.

AMENDMENT NO. 4215

(Purpose: To provide for 2 programs to authorize the use of leave by cargivers for family members of certain individuals performing military service, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor may solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor may prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(c) GAO REPORT.—Not later than June 30, 2007, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

AMENDMENT NO. 4355

(Purpose: To modify the increase in the fiscal year 2006 general transfer authority)

On page 380, line 18, strike "$3,750,000,000" and insert "$5,000,000,000".

AMENDMENT NO. 4356

(Purpose: To authorize additional emergency supplemental appropriations for fiscal year 2006)

Strike section 1002 and insert the following:

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of

Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

AMENDMENT NO. 4217

(Purpose: To require a report on the future aerial training airspace requirements of the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AERIAL TRAINING AIRSPACE REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to and use of available and unfettered aerial training airspace is critical for preserving aircrew warfighting proficiency and the ability to test, evaluate, and improve capabilities of both personnel and equipment within the most realistic training environments possible.

(2) The growth of civilian and commercial aviation traffic and the rapid expansion of commercial and general air traffic lanes across the continental Unites States has left few remaining areas of the country available for realistic air combat training or expansion of existing training areas.

(3) Many Military Operating Areas (MOAs) originally established in what was once open and uncongested airspace are now encroached upon by a heavy volume of commercial and general air traffic, making training more difficult and potentially hazardous.

(4) Some aerial training areas in the upper great plains, western States, and Gulf coast remain largely free from encroachment and available for increased use, expansion, and preservation for the future.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) establish a policy to identify military aerial training areas that are projected to remain viable and free from encroachment well into the 21st century;

(2) determine aerial training airspace requirements to meet future training and airspace requirements of current and next generation military aircraft; and

(3) undertake all necessary actions in a timely manner, including coordination with the Federal Aviation Administration, to preserve, and if necessary, expand those areas of airspace to meet present and future training requirements.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposed plan to preserve and, if necessary, expand available aerial training airspace to meet the projected needs of the Department of Defense for such airspace through 2025.

AMENDMENT NO. 4357

(Purpose: To establish a goal of the Department of Defense relating to the use of renewable energy to meet electricity needs)

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

AMENDMENT NO. 4358

(Purpose: To modify the limitation on availability of funds for Department of Defense participation in multinational military centers of excellence)

On page 463, beginning on line 8, strike "paragraph (1) in fiscal year 2007 for the expenses and costs" and insert "paragraph (1)(A) in fiscal year 2007 for the expenses".

AMENDMENT NO. 4359

(Purpose: To require a report on actions to reduce the consumption of petroleum-based fuel by the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992. (Public Law 102–486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

AMENDMENT NO. 4360

(Purpose: To require a report assessing the desirability and feasibility of conducting joint officer promotion selection boards)

At the end of part II of subtitle A of title V, add the following:

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) REPORT REQUIRED.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

Mr. JEFFORDS. Mr. President, I am pleased that my amendment to support military families was accepted today by the Senate by unanimous consent to S. 2766, the National Defense Authorization Act of fiscal year 2007. Let me begin by thanking my good friend, the Senator from Wisconsin, Mr. FEINGOLD, who joined me last year in introducing the legislation upon which this amendment is based, S. 1888, the Military Family Support Act. His advocacy for this issue and for the families of our men and women in uniform is greatly appreciated. I would also like to recognize Senator DAYTON, Senator LAUTENBERG, and Senator MURRAY for their support for this amendment. Of course, the Senate and our Nation benefit greatly from the leadership on national defense issues of the Senator from Virginia, Mr. WARNER, chairman of the Senate Armed Services Committee, and the Senator from Michigan, Mr. LEVIN. I thank them both and their staff for their assistance with this amendment.

I would also like to acknowledge the cooperation of Senate Homeland Security and Government Affairs Committee Chairwoman COLLINS and Ranking Member LIEBERMAN and the expertise of their staff. They were very helpful in the process that has led to this amendment, and I appreciate their assistance.

At about this time last year, I was contacted by a group of Vermonters who were trying to help their coworkers with family members serving in Iraq as part of the Vermont National Guard. I was impressed by the generosity of Vermonters who wanted to do all they could to help ease the strains of military deployments felt by their friends and neighbors. I was also reminded of how a family's day-to-day life is disrupted by a deployment of a loved one overseas.

This amendment calls for two pilot programs to help with family disruptions due to an overseas deployment. The first pilot program, administered by the Office of Personnel Management, OPM, would authorize Federal employees who have been designated by a member of the Armed Forces as "caregivers", as defined by the Department of Defense, DOD, to use their leave in a more flexible manner. No new leave would be given to any employees. This amendment simply makes leave already available more useful during stressful times for military families. The second pilot program allows the Department of Labor, DOL, to solicit businesses to voluntarily take part in a program to offer more accommodating leave to their employees. This amendment does not include in its scope the Family Medical Leave Act, FMLA, and it does not require any private sector entity to participate.

Mr. President, in closing, this amendment aims to make life a little easier for those who are already giving so much to our country and to their communities.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the pending amendment be set aside and this amendment be sent to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, I am wondering whether we have an order here where we are alternating and, if so, what the situation is.

Mr. WARNER. Mr. President, I would respond that we have concluded all the work at the moment. I believe our leaders are working out a procedure by which the minimum wage amendments are being addressed.

Mr. LEVIN. I wonder, as the alternative now comes to us, whether we could let Senator HARKIN first go before Senator ENZI. On the other hand, if it is your turn in rotation, then we would have no objection.

Mr. WARNER. Mr. President, at this moment I think there has been a request to go off of our bill. Is that the request of the Senator from Wyoming?

Mr. ENZI. No, Mr. President. Senator KENNEDY filed an amendment that dealt with the minimum wage. I actually won't send mine to the desk right now, but I would like to comment on that right now.

Mr. WARNER. The Senator is quite correct, quite correct. We will remain on the bill for the purpose of debate on such amendments relative to minimum wage that may be brought forward, correct. Senator KENNEDY's is at the desk and you wish to speak to it?

Mr. ENZI. That is correct. Of course, I am going to ask that he withdraw that amendment and I do not propose my amendment because they don't have to do with the Department of Defense authorization.

The PRESIDING OFFICER. Does the Senator request to set aside the pending amendment?

Mr. ENZI. The Senator withdraws his request to do that but requests the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. ENZI. Mr. President, I know that some people who are following this debate might be wondering how the minimum wage relates to legislation that authorizes national security programs in the Department of Defense and the Department of Energy for the next year, and that is certainly a valid question. The answer is: It doesn't.

The underlying legislation the Senate has been considering for over a week is of tremendous importance to our national security. The bill is bipartisan and was reported out of committee unanimously. As those of us who chair committees know, it isn't easy to obtain unanimous bipartisan support for legislation. Chairman WARNER and Ranking Member LEVIN worked hard to achieve this feat because the subject of the bill is so critically important. Now I believe we owe it to them, as well as to our constituents and every American, to give this national security legislation swift consideration so that it can become law.

The amendment offered by Senator KENNEDY has the opposite effect. It will slow this bill down because it is an entirely different subject than the underlying bill. It will take up valuable debate time that should be spent on the bill's national security provisions. Should it be adopted, the Kennedy amendment would become a thorny issue for the conference committee, and that will further slow down the bill's enactment.

Even more frustrating, the issue Senator KENNEDY is raising has been considered and voted on by the Senate four times already in this Congress. We voted on the majority and minority plans to raise the minimum wage twice. We voted on the two of them in March, and we voted on them in November. Now, both times, no proposal succeeded.

Amendments offered by the Senate must comply with certain budget rules which, as a member of the Budget Committee, I fully support. Amendments that constitute an unfunded mandate are subject to a point of order which can only be waived with a vote of 60 Senators. Not 1 of the 4 minimum wage amendments has received 60 votes in the Senate this Congress. Yet here we are again, facing the same situation, using up time on the Defense bill. The outcome is likely to be the same as it was the last four times we voted. Knowing this, I find it difficult to understand why those on the other side of the aisle want to bring it up again on this critically important national security bill.

Let us not misuse the time we should be spending debating our national security priorities for the next year by repeating votes that already occurred four times in this Congress. Instead, let's focus on how we should prepare for the many threats we face as a nation. The good men and women who work for the Department of Defense and the Department of Energy need our authorization and our guidance to move forward with their activities that keep us safe. We have always done it before we do the appropriations on those budgets. We should not let them down. We should not let the American people down.

I urge my colleagues on the other side of the aisle not to divert this debate on to an entirely unrelated matter, the outcome of which is clearly determinable. So I urge my colleague, Senator KENNEDY, to withdraw his amendment. I would add that if he does not, I am plenty willing to have the debate again. We want to have the American public making as much money as possible.

I would rise in opposition to the amendment offered by Senator KENNEDY that would increase the Federal minimum wage to $7.25 over 26 months, which amounts to a 41-percent increase. My amendment would raise the minimum wage by $1.10 in two 55-cent steps over 18 months. But, more important than the numbers, only my amendment recognizes the enormous burdens a mandate such as this would place on the backs of America's small businesses.

The Senator from Massachusetts has previously referred to the economic effect of the minimum wage proposal as a drop in the bucket in the national payroll. Comments such as this are precisely why small business owners across the Nation believe that Washington, DC, politicians do not understand their needs. We must always bear in mind that these are the people who create jobs that provide an increasing percentage of employment for all workers, including those entering the workforce for the first time and those who most need to acquire job skills. Those businesses train people with no skills. We are not talking minimum wage; we are talking minimum skills. And a lot of the small businesses that employ people at a minimum wage hire them at a minimum wage with no skills. As they get skills, which in many of those businesses occur in the first month they are hired, they go above the minimum wage to other levels, and as quickly as they learn other skills, they get paid more money or they go elsewhere, which is another option.

It is particularly offensive to those employers doing that training to suggest that a 41-percent increase in their labor costs amounts to a drop in the bucket. A 41-percent increase in labor costs forces a small businessperson to face difficult choices such as whether to increase prices, which they usually can't do or face a potential loss of customers because they raise the price, or whether to reduce spending on health insurance coverage or other benefits for their employees or, the worst of all possibilities, to terminate employees. These choices are far more significant than a drop in the bucket.

Apart from its failure to mitigate the cost of this mandate for small businesses, Senator KENNEDY's amendment also fails to address the root of the problem for our lowest paid workers. Congress, by simply imposing an artificial wage increase, will not meaningfully address the real issue of the lowest paid workers. Regardless of the size of any wage increase Congress might impose, the reality is that yesterday's lowest paid worker, assuming he or she still has any job, will continue to be tomorrow's lowest paid worker as well. There is a spiral effect to these increases when we do them because everybody all up the chain has to have an increase to stay ahead of those with no skills. There are even union agreements that are tied to raises in the minimum wage, which is probably a bigger reason we debate the minimum wage on such a frequent basis around here.

But if everybody gets a raise, something has to happen to cover the cost of that raise. As I mentioned, you either eliminate employees so that you are increasing productivity to handle the same thing or you are raising the price. If you raise the price, you create inflation. If you create inflation, what they were able to buy for minimum wage today they can't afford for tomorrow's minimum wage because the price went up. So a false economy of just demanding by Congress that everybody do this really doesn't affect the economy the way we think it will. The way that you do that is advancement on the job and earned wage growth. Earned wage growth cannot be legislated. We do a disservice to all concerned, most especially the chronic low-wage worker, to suggest that a Federal wage mandate is the answer.

What we need to focus on is not an artificially imposed number but the acquisition and improvement of job and job-related skills. In this context we should recognize that only 68 percent of the students entering the ninth grade 4 years ago—68 percent of the students entering the ninth grade 4 years ago are expected to graduate this year. Do you know what kind of a job you get if you don't graduate from high school? Well, 68 percent of the kids who entered 4 years ago—not all of them—are going to graduate. For minority students this number hovers around 50 percent. In addition, we continue to experience a dropout rate of 11 percent a year. These noncompletion and dropout rates and the poor earning capacity that comes with them cannot be fixed by a Federal minimum wage policy.

I was in a retail store the other day. I noticed some of the skills have deteriorated to the point where the person at the cash register can't figure out the dollars themselves. I remember when cash registers in stores didn't tell you how much change you had to give the person. You had to figure it out, and kids and adults did that. But there are errors with that, so modern machines took up the disadvantage that was caused by that and we now have cash registers that figure the change for you.

But watch out if you ever change the way you give them the money after they figured it on the computer cash register.

Have you ever had a bill for $10.81 and you gave the clerk $11 and then you gave them a penny? That is no skills, if they can't figure out they owe you the 20 cents. No skills. That is what the retailers out there are training people on—basic, rudimentary things for having a job. We don't fix those by legislating.

If we are going to meaningfully address the issue of low-wage workers we have to acknowledge that you do not do that by simply passing a wage law. If that were the case, we could pass a law that made the minimum wage $20 or $50 or $100 an hour. It is just not that simple. In my own State of Wyoming, Governor Freudenthal, a Democrat, this year, in speaking about legislation to raise the minimum wage from the current $5.15, noted that the real question is how do you enable a worker to become more qualified and thereby able to earn a higher wage? He noted:

> How do you make the individual more valuable in the marketplace and demand a higher wage? It's not simply how do you pass a law.

As I mentioned, the Governor of Wyoming is a Democrat, one who understands the reality of this issue in the workplace and the job market. Low wages may be the effect; low job skills are the cause. Raising the minimum wage does absolutely nothing to enhance job skills for low-wage workers. In fact, to the extent it makes entry into the workforce more difficult, and increases low-skilled unemployment, as a minimum wage hike without economic relief for small business will unquestionably do, it will have precisely the opposite effect.

If we are able to approach this debate in a candid and constructive way, we need to acknowledge certain basic principles of economics. First of all, wages do not cause sales. Sales are needed to produce revenue. And wages don't cause revenue. Revenue drives wages.

Wages can cause productivity, but the productivity has to come first to be able to afford the wages. Wages have to be paid for.

Skills, however, operate differently than wages do. Skills do create sales. Sales do produce revenue. Skills do create productivity. And here is the most important part—skills get compensated with higher wages or else the employee goes somewhere else to get true higher wages to compensate for their increased skills. There is a relationship between skill and how much you make. Dropouts will not make as much as college graduates. Dropouts will not make as much as someone who has been to a technical school. Dropouts will have minimum skills.

Some people who finish school have minimum skills. I know my dad, once, when he was interviewing a person, said the person told him he had 5 years' experience. My dad, after questioning him, said: Unfortunately, he had 1 month of experience 60 times.

Wage increases without increased sales or higher productivity, which are a result of more skills, have to be paid for with higher prices. Higher prices wipe out wage increases. Better skills, not artificial wage increases, produce true net gains in income.

We also need to focus on the goal that the minimum wage should be for all workers and what it is for most, which is a starting point in an individual's lifelong working career if they are not skilled.

Let me say that again. We need to focus on the goal that minimum wage should be for workers who need a starting point in an individual's lifelong working career because they are not skilled. If viewed as a starting point, it is clear the focus needs to be far less on where an individual begins in his or her work career and far more on how an individual can progress—get jobs that have the potential for increase, get jobs that teach skills. They are available.

I always have to mention this. Right now in Wyoming, which is the least populated State in the Nation, we have a huge shortage of workers. There is a huge shortage of workers. Are these good jobs? Yes, they are good jobs. They are in the coal mines. We ship a third of the Nation's coal out of my county. It is clean coal and it is open-pit mining. We use huge trucks. You could only fit two trucks in this whole room and that would be a pretty tight squeeze. The top of it would probably touch the top of the roof. They are big trucks. We are having trouble getting drivers for the trucks.

The only requirement for being a driver on one of these trucks is to be able to drive and have a clean drug record—be able to pass a drug test. When you drive one of these trucks, once you get up to elevation and get in the driver's chair, there are anti-vibration seats, power steering, air-conditioned cabs. That great big vehicle is easy to drive.

What do you get paid for driving it? The starting salary is about $60,000, and they train you, provided you have this clean drug record—$60,000 a year. We are having trouble getting people to come to Wyoming to work for $60,000 a year. So it isn't always minimum wage that drives these things. Skills are important, but you can even get the skills if you look for the jobs that pay well.

They may be nontraditional jobs. We have a lot of women who are driving coal haul trucks. They can do it very capably and probably with fewer accidents than the men.

The truth is, real wage growth happens every day. It is not the function of Government to mandate it. It is the direct result of an individual becoming more skilled and therefore more valuable to his or her employer. As a former small business owner, I know these entry-level jobs are a gateway to the workforce and an opportunity for workers to begin to acquire the skills and experience they need. These entry-level jobs can open the door for better jobs and better lives for low-skilled workers—if we give them the tools they need to succeed.

We have a great example in Cheyenne, WY. Workers entering the job market were given the tools and the opportunity to reach the American dream. We have a man there named Mr. Jack Preiss, and he is the owner of eight McDonald's in Wyoming. We often talk about McDonald's and minimum wage.

I want to tell you he has had three employees who started working at McDonald's at minimum wage who now own a total of 20 McDonald's restaurants. They own them. This type of wage progression and success should be the norm for workers across the country. However, there are a small percentage of workers who have not acquired the necessary work-based skills and for whom stagnation at the lower tier wage is a longer term proposition. The answer for these workers, however, is not to simply raise the lower wage rung. Rather, these individuals have to acquire the training, experience, and skills that will lead to meaningful and lasting wage growth. Our policies ought to be directed at that end.

We have to equip our workers with the skills they need to compete in a technology-driven global economy. It is estimated that 60 percent of tomorrow's jobs will require skills that only 20 percent of today's workers possess.

It is also estimated that graduating students will likely change careers 14 times in their lives. You didn't hear me say change jobs 14 times in their lives. That is easy. I said change careers 14 times in their lives.

Here is the important part of that statistic. The world is changing so fast that 10 of those jobs don't even exist today. They are going to have 14 career changes, 10 of which are for jobs that don't even exist today. We have to do a better job of educating and training our youth to be able to take the kind of jobs we are going to have.

We need a system in place that can support a lifetime of education, training, and retraining of our workers. The end result will be the attainment of skills that will provide meaningful wage growth. As legislators, our efforts are better focused on ensuring that the tools and opportunities for training and enhancing skills over a worker's lifetime are available and fully utilized—more available and fully utilized than we are in imposing an artificial wage increase that fails to address the real issues and in the process does more harm than good. Skills and experience, not an artificial wage hike, will lead to lasting wage security for American workers.

As chairman of the Health, Education, Labor and Pensions Committee, one of my priorities is reauthorizing and improving the Nation's job training system that was created by the Workforce Investment Act. This law would help provide American workers with the skills they will need, new skills to compete in a global economy. Those are ones that will lead to real, not artificial wage increases.

Last Congress—this is 3 years ago—I was denied the appointment of a conference committee to resolve the differences with the House on this important bill by some of the very people who are proposing this minimum wage increase. This Congress, this important bill has faced the same obstruction. In November of last year we reported this legislation out of the HELP Committee by unanimous voice vote. Yet it continues to languish, unavailable for debate on the floor of this Congress, with no progress being made and little hope for action in this Congress if such obstruction continues. This bill would train an estimated 900,000 people a year to higher skilled jobs—900,000 people a year could be on a better career path, could have more skills. That would be a real improvement for chronic low-wage workers.

It makes little sense to me that some of the same people who denied the opportunity in the last Congress to enact real improvement now think a redetermination of the lowest wage will magically change everyone's life. If we truly want to change and improve the lives of our lowest paid workers, we must pass the Workforce Investment Act.

Let's be clear about what a minimum wage hike will and will not do. First, we must realize that large increases in the minimum wage will hurt low-income, low-skilled individuals. Mandated hikes in the minimum wage do not cure poverty, and they clearly do not create jobs. The Congressional Budget Office has said:

> Most economists would agree that an increase in the minimum wage rate would cause firms to employ fewer low-wage workers or employ them for fewer hours.

That is a CBO estimate from October 18, 1999.

What every student who has ever taken an economics course knows is that if you increase the cost of something—in this case a minimum wage job—you decrease the demand for those jobs. Misleading political rhetoric cannot change the basic principle of supply and demand. The majority of economists continue to affirm the job-killing nature of the mandated wage increases. A recent poll concluded that 77 percent or nearly 17,000 economists believe that a minimum wage hike causes job loss.

It is kind of a spiral that we get into.

We simply cannot assume that a business that employs 50 minimum wage workers before the wage increase is enacted will still employ 50 minimum wage workers, whether the business is in Washington, Wyoming, or Massachusetts. Employers can't absorb an increase in their cost without a corresponding decrease in the number of jobs or benefits they can provide workers. We know there are losers when we raise the minimum wage. But who are the individuals who will benefit?

Minimum wage earners who support a family solely based on the wage are actually pretty few and far between. Fully 85 percent of the minimum wage earners live with their parents, have a working spouse, or are living alone without children.

Of the minimum wage earners, 41 percent live with a parent or relative. 23 percent are single or the sole breadwinner of the household with no children, and 21 percent live with another wage earner.

All are low-skilled workers or brandnew employees. In a shoe store you might have the lowest-skilled people unpacking the shoes. By the time they can check inventory and correctly put it on the shelf so they can find the size when the customers come in, they get a raise. If they can actually wait on a customer—that is kind of the goal in most businesses, to be able to wait on a customer—that is another level of wage increase. The better they do waiting on customers—which is the important part in the business—the more they get paid.

Research shows that the poor targeting and other unintended consequences of the minimum wage make it a terribly ineffective approach to reducing poverty in America—the intended purpose of the policy. In fact, two Stanford University economists concluded that a minimum wage increase is paid for by higher prices that hurt poor families the most.

A 2001 study conducted by Stanford University economists found that only one in four of the poorest 20 percent of families would benefit from an increase in the minimum wage. The way to truly improve the wages and salaries of these American workers is through education and training—not an artificial wage increase.

With these realities in mind, I will offer an amendment, unless Senator KENNEDY wishes to withdraw his amendment. We can go on with the Defense debate. There must be serious discussion on that possibility. So I will allow that to go on and make a few more comments.

But I am considering offering an amendment that recognizes the true cost of the minimum wage increase on American workers and businesses, and particularly small businesses.

My amendment includes a minimum wage increase of $1.10, and it also addresses other needs for reform and the needs of small businesses that create the most jobs in this country. Therefore, my amendment is protective of economic growth and job creation.

Let me turn to a brief review of the provisions that would be contained in my amendment. In doing so, we must bear in mind that small businesses continue to be the engine that drives our economy and the greatest single source of job creation. Any wage increase imposed on small businesses poses difficulties for that business owner and, more importantly, for his or her employees.

My amendment recognizes this reality and provides a necessary measure of relief for these small business employers.

My amendment would make the following changes that are critical, particularly for small business. The first one is updating the small business exemption.

Having owned a small business in Wyoming, I can speak from personal experience about how difficult any minimum wage increase is for small businesses at the low end of the scale level and job growth.

Small businesses generate 70 percent of new jobs. Since the negative impact of a minimum wage increase will affect small businesses most directly, we have proposed addressing the small business threshold which is set under current law at $.5 million. If the original small business threshold enacted in the 1960s—that is when we came up with this arbitrary number, in the 1960s—if it were to be adjusted for inflation, it would amount to over $.5 million.

The small business threshold was last adjusted 15 years ago. In those ensuing years since the national minimum wage rate has been hiked, the economy has undergone a dramatic change, and the way work is done in this country has changed forever.

The pending amendment raises that threshold for small business determination to $1 million to reflect these changes.

My amendment also incorporates bipartisan technical corrections that were originally proposed in 1990 by then Small Business Committee Chairman Dale Bumpers, Democrat from Arkansas, and cosponsored over the years by Senator REID, now the Democratic leader, Senator HARKIN, Senator PRYOR, Senator MIKULSKI, Senator BAUCUS, Senator KOHL, and others. Those Senators can attest to the Department of Labor's disregard of the will of Congress and interpreted the existing small business threshold to have little or no meaning. The Labor Department would make a Federal case out of the most trivial paperwork infraction by the smallest small business because of what it interpreted as a loophole in the law.

Some would say that the 1989 bill to hike the minimum wage and the small business threshold was inartfully drafted and permitted this result. Others say the Department is misreading the clear language of the statute.

Regardless, the fact is that a threshold enacted by Congress is not providing the balance and fairness that was intended. This amendment corrects the problem by stating clearly that the wage and overtime provisions of the Fair Labor Standards Act apply to employees working for enterprises engaged in commerce or engaged in the production of goods for commerce. My amendment also applies those wage and hour worker safeguards to homework situations.

Second, ensuring procedural fairness for small business: This next provision is just common sense and good government legislation.

Surely, we can all agree that small business owners—the individuals who do the most to drive our economy forward—deserve a break the first time they make an honest paperwork mistake when no one is hurt and the mistake was corrected.

Let me say that again.

Surely, we can all agree that small business owners—the individuals who do the most to drive our economy forward—deserve a break the first time they make an honest paperwork mistake where no one is hurt and the mistake is corrected.

Small business owners told me over and over again how hard they try to comply with all the rules and regulations imposed on them, mostly by the Federal Government. As a former owner of small business myself, I know what they mean. Yes, for all that work, a government inspector can fine a small business owner for paperwork violations alone, even if the business has a completely spotless record and the employer immediately corrects the unintentional mistake. Even the best intentioned employer can get caught in the myriad of burdensome paperwork requirements imposed on them by the Federal Government. And I will even go so far as to say a lot of times the paperwork isn't clear, because I have filled out a lot of those documents.

To comply with the Paperwork Reduction Act, sometimes we use something for insurance that deals with health, and the questions can't be the same.

So there are a lot of possibilities unless you follow the manual very closely. And small businesses don't have time to do that because they are trying to make a living for themselves and their employees.

There are a lot of opportunities out there which the Federal Government gives them to make paperwork mistakes that really don't affect anybody. But if we have enough people working in the Federal bureaucracy to check and see if all the t's are crossed and all the i's are dotted, we can find some mistakes, particularly if that person only has to concentrate on one document. The small business owner has dozens that he has to comply with.

The owners of small businesses are not asking to be excused from any obligations or regulations, but they feel they deserve a break if they previously complied perfectly with the law. Small business men and women who are first-time violators of paperwork reduction deserve some protection.

The third part of the bill would provide regulatory relief for small businesses.

As any increase in the minimum wage places burdens on small employers, it is only fair to simultaneously address the ongoing problem of agencies not fully complying with the congressional directive contained in the Small Business Regulatory Enforcement Act.

That is a mouthful.

Under the law, agencies are required to publish small entity compliance guidelines for those rules that require a regulatory flexibility analysis. Unfortunately, agencies have either ignored this requirement or when they tried to comply have not done so fully or carefully.

My amendment does this by including specific provisions that the Government Accountability Office has suggested to improve the clarity of the requirement.

The fourth thing it would do is remove the barriers to flexible time arrangements.

My amendment includes legislation that could have a monumental impact on the lives of thousands of working men and women and families in America.

This legislation would give employees greater flexibility in meeting and balancing the demands of their work and family.

We came up with an idea like this, and it is real important to pay attention to it. We stole it from the Federal Government. The Federal Government imposes this on agencies. The Federal Government says you are going to give the employees flexibility.

The first time I ever heard of this was in Wyoming. Some people in Wyoming are married to people that work for the government, probably not nearly as strange as out here. Out here, I think a lot of people who work in government are married to people who work in government. But out there, a lot of people who are working in government are married to people who aren't working in government.

We give this benefit to government employees—being able to have a little flex in their time. But we prohibit it in the private sector. We say you cannot do this even though we let the government folks do this. There, it would be a bad idea for your employees. We don't want you to have any flexibility. We know both the Federal employee and the private employee would like to watch their kids play soccer. The private employee better have his soccer schedule done so he doesn't need any flextime. But the government worker ought to be able to take it whenever they feel like it and trade it around.

We give the Federal Government the kind of flex I am talking about in this bill. Particularly in a family where the private employee is married to a government employee, they do not understand why they cannot have the same right as the government employee. They can bank a few hours and have a little longer weekend the next weekend, all in the same pay period. Their spouse can do it. They can have a little longer weekend. They can go use the boat over the longer weekend, but for the one that works for private industry it would be illegal. You cannot do that.

Just try and explain that to a family. That is how I first found out about this problem. I had a mother who wanted to be able to do the same thing as her husband. Her husband worked for the State government. He could do it. He could bank hours. But if it is a private sector, no, that would be stealing overtime from people. Why would it be stealing overtime in the private sector when it is not stealing overtime in the government sector? I don't understand that.

You will hear more, if we debate these things, and if we decide we are going to impose it on the Department of Defense and the Department of Energy authorization. If we decide we are going to impose that, comments will be on this flextime provision. Most of it will be on this because it is kind of a red herring that you can throw up and say. We do not trust business. Yes, we trust government but we don't trust business. You will hear that as the main part of this debate.

That is why I have spent a little time concentrating on it here.

This legislation would give employees in the private sector flexibility like in the government sector in meeting and balancing the demands of work and family.

Whatever we do, remember that part—only asking for private business what we give to government employees. Let me give some of the latest statistics: 70 percent of employees do not think there is a healthy balance between their work and their personal life; 70 percent of employees say family is their most important priority.

The family time provision in my amendment addresses these concerns head on. It gives employees the option of flexing their schedule over a 2-week period. In other words, employees would have 10 flexible hours they can work in 1 week in order to have 10 hours off in the next week.

Flexible work arrangements have been available in the Federal Government for over two decades. Have we had any arguments about them? No, they have been a great idea. They have been accepted and desired and used. But don't let the private sector have that. Because it works in one place doesn't mean it might work in another place. Let's continue to discriminate against private business. That is what we are saying when we do not allow the flextime.

This program has been so successful that in 1994 President Clinton issued an Executive order extending it to parts of the Federal Government that had not yet benefited from the program. President Clinton said:

> [The] broad use of flexible arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

It would allow the Federal employees to better balance their work and family responsibilities—that sounds good to me—and it can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism. That sounds pretty good, too.

Let's see now. We tried it for over two decades and decided to extend it to all Federal Government, so it has to be a good idea. Would we pass on a bad idea to the Federal Government? Would they stand for it if we did? No. So why can't we give it to the private sector? Why do we say: Private sector, you are just not as good as Government employees. You do not deserve the same breaks we give Government employees.

As I mentioned, this will be the bulk of the debate on this particular issue, the flextime part. It could have been a lot more inclusive. Actually, the Federal Government gets to do more than what I have stated, but we are definitely not going to allow that. We are putting this down to a very small minimum to see if we can get any movement on it at all.

As I said, we have voted on this before, and the answer is, Heck, no, we will not give the private sector that kind of a privilege. We don't care what the Federal Government gets to do, you can't treat the private sector decently. No, they didn't say that. I said that.

I could not agree more with what President Clinton said when he did his Executive order. I am saying now we need to extend this same privilege to the private sector workers. It would allow employees to better balance their work and family responsibilities, it can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism. That was President Clinton talking about this kind of provision for the public sector. I am saying, if it is that great, we ought to do it for the private sector, too.

We know this legislation is not a total solution. We know there are many other provisions under the 65-year-old Fair Labor Standards Act that need our attention, but the flexible time provision is an important part of the solution. It gives employees a choice, the same choice Federal workers have.

The fifth part of this would extend the restaurant employee tip credit. A major employer of entry-level workers is the fast food service industry. Another part of it is the regular food service industry. The regular food service industry relies on what is known as the tip credit, which allows an employer to apply a portion of an employee's tip income against the employer's obligation to pay the minimum wage.

Currently, Federal law requires a cash wage of at least $2.13 an hour for tipped employees and allows an employer to take a tip credit of up to $3.02 of the current minimum wage. To protect tipped employees, current law provides that a tip credit cannot reduce an employee's wages below the required minimum wage. Employees report tips to their employers, ensuring an adequate amount of tips are earned.

Seven states—Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington—do not allow a tip credit; however, requiring raises for all hourly employees when States increase the minimum wage. The lack of a tip credit requires these employers to give raises to their most highly compensated employees, the tipped staff. If you are working in a nice restaurant, the tips will be more than the salary. Nontipped employees in these businesses are negatively impacted by the mandated flow of scarce labor dollars to the tipped position. In addition, employers are put at a competitive disadvantage with the colleagues in the rest of the country who can allocate employee compensation in a more equitable manner.

My amendment expands the tip credit to nontip credit States, consistent with the initial establishment of the credit under the Fair Labor Standards Act, anticipating the increase in minimum wage.

The sixth provision is small business tax relief. If we are going to impose greater burdens on small business, we should give them some tax relief at the same time. My amendment extends small business expensing by 1 year. Simplify cash accounting methods. I am the only accountant in the Senate, so I probably ought to explain what cash accounting is. That could be a huge debate all by itself. It means that the business can actually use the dollars coming in as part of the accounting as opposed to anticipated dollars that would be coming in. It works off the actual cash flow rather than some of the accrual methods that we use. I will not go into that. Accounting is important, but it often puts people to sleep. It would simplify cash accounting methods and provide restaurant depreciation relief.

All of these tax provisions are fully offset in the bill. That means they are paid for. That means there is some way of covering the cost of them so that it isn't the general budget.

In total, the additional provisions in my amendment are intended to mitigate the small business impact of a $1.10 increase in the minimum wage so people can keep their jobs. I share the view of many of my colleagues that if we are going to impose such a mandate on the Federal level, we must do our best to soften the blow. This may be the best we can do today, but I entreat all of my colleagues to look at the true root of the problem for minimum wage workers. That is the acquisition of job-based skills: more skills, more money.

We all share the same goals, which is to help American workers find and keep good-paying jobs and to keep the best paying jobs in this country. Real job skills, not artificial wage levels, should be our focus. Education, training, and job experience are the solution for low-wage workers. We have to pass the Workforce Investment Act that will train those 900,000 people a year to higher skill jobs.

In terms of education and training, we need to move forward on that kind of meaningful legislation that will lead to increased wages and better jobs that we all want for our Nation's workers.

In terms of job experience, we must always remember that businesses, particularly small businesses, create the jobs and provide the gateway to the working world for the vast majority of low-wage workers.

If we do not balance a minimum wage increase with economic relief for the small businesses, we will stifle job creation and shut the employment door on the very individuals we are trying to help.

I urge my colleagues to oppose the amendment offered by Senator KENNEDY and, if we continue to have the debate and I submit my amendment, to support my amendment. Both raise the minimum wage. One covers the cost of the minimum wage so that it would not drive down the number of people employed in this country.

We have been trying to increase employment. We want those people starting with minimum skills to work their way up the ladder to owning the business. That can happen in America. That can happen if we give them an incentive to learn to improve their skills and we don't impose false security of mandated higher wages that drive a spiral upward and eliminate jobs. Elimination of jobs is not the answer. Training people to higher skills so they can demand more money or go to work somewhere else is the answer.

If we are going to have this debate on the Department of Defense bill, I would be happy to submit my amendment to have it voted on, along with Senator KENNEDY's amendment. We have done that before. We know what the results will be, I suspect. Both of them will be subject to a point of order. We usually agree not to go for the point of order but just order the vote and have the 60-vote threshold we have always had. We would be willing to do that, but a more appropriate time to debate this would be another time on another bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the issue we are talking about, my good friend and the chairman of the Committee on Human Resources is talking about, and that I have talked about earlier, is whether we were going to have an opportunity in the Senate to take a few minutes to consider an increase in the minimum wage for the lowest paid workers in America. I had offered that as an amendment on the Defense authorization bill.

One might ask: Why are we doing this on the Defense authorization bill? The answer to that is we would not have another opportunity to do it on any other bill until the recessing of the Senate.

In my opening remarks when I offered that amendment, I indicated to the chairman of the Committee on Armed Services that we would be glad to work out a time for consideration that would not interfere with the general debate and discussion of the issues on the Defense authorization bill, but we have been unable to get that at this particular time. Therefore, we are talking about this issue at this time.

The Senator from Wyoming asked why is this relevant to the Defense authorization. I think the answer is rather compelling. That is, when we think of why the service men and women are fighting in Iraq and Afghanistan, and around the world, they are fighting for American values, American principles. Part of American values and principles is economic fairness, not the exploitation of poor workers in the United States of America. That is why it is relevant.

We are talking about the ideals and the values of the United States of America. We are talking about family values. We are talking about what people at the lowest rung of the economic ladder are going to get paid.

I bet some of these individuals who will be affected by the minimum wage are over in Iraq now fighting. They are wondering, why in the world are we taking up time when we have not increased the minimum wage in the last 9 years and we have taken the time to see six pay increases for the Senate? They are saying: Why aren't you providing that increase for the minimum wage for these workers? That is what we are talking about.

Can anyone imagine that? We are going to get another pay COLA increase next week. We have increased our own salaries $30,000 over the period of the last 9 years. And how much have we given to an increase in the minimum wage? Zero.

We have, I daresay, men and women who are serving in Iraq whose parents are probably earning the minimum wage. We are talking about getting an increase to $7.25 an hour.

This issue never used to be a partisan issue. I regret it has turned out to be a partisan issue. We have been unable to get our Republican friends to give us an opportunity to vote on an increase in the minimum wage. We are caught in this situation because we cannot get an up-or-down vote on the increase in the minimum wage.

Since the time of the initiation of the minimum wage, going back to Franklin Roosevelt, Harry Truman, Dwight Eisenhower, Republican, all had an increase in the minimum wage. Richard Nixon, an increase in the minimum wage. George Bush, an increase in the minimum wage. But we do not have anything after Bill Clinton and the increase in the minimum wage. Nine years is the longest period in history for no increase of the minimum wage. If the Senator would let us have an up-or-down vote, we will take a very short time period. We are interested in taking a short time. We only received the Republican alternative about an hour and a half ago. We still don't know what the scoring is on it. The initial statement we have heard is that it is pretty much the same as it was a year ago, and that basically cuts overtime pay. It also undermines the States' opportunities to deal with problems on the tip credit. It also eliminates worker protections under the Fair Labor Standards Act. That is a fine option that is going to be out. That is what we have gotten in the last hour or so.

If I had the attention of my friend from Wyoming, the managers of the bill are here, I would ask unanimous consent that upon completion of the Defense bill, the Senate turn to the minimum wage bill, the text of which is my amendment, that the Enzi amendment be in order, that there be 4 hours of debate equally divided, and then we would go to a vote.

Mr. WARNER. Mr. President, I would have to object.

Mr. KENNEDY. I have heard the objection. We have had complaints about my offering the minimum wage amendment on this legislation. Then what do we do? We say: OK, let's let this go through. But just give us an opportunity to consider an increase in the minimum wage on the floor of the Senate with a very short time limitation. And we can't get agreement on that. There you go. That is what this is all about.

I must say the idea that this isn't appropriate, if we could have gotten an option to go ahead and have the individual bill for an increase in the minimum wage, have an opportunity to vote on both the Senator's amendment and our amendment, let's have that and let's go back to the good old days where a majority would carry. That is fine with me. That would be fine with me. I will just take a half an hour on our side. Surely, the Senate can find time to give a half an hour to the issue of increasing the minimum wage for workers. One half hour, let's see where the Senate goes, whoever gets more than 50 votes. That used to be the way around here. But not now. We hear complaining about bringing up the minimum wage on this bill, and they still are going to have to get 60 votes on it because there will be a point of order raised against this on the budget.

We have heard a great deal before, at the time when my good friend was talking about his health care bill about wanting to have a debate on his health care bill. Remember that? It wasn't all that long ago. Let's have a good up-or-down debate. Let's have a vote. What is it, denying the opportunity for people to have this debate?

Well, we would be more than glad to have this legislation. You can have on your side a half an hour. We will take a half an hour. Let the chips fall where they may. If the leader wants to come out and make that, we have offered similar to that. There has been objection to it, but it is a reflection of our good faith.

From an early reading of the amendment of the Senator from Wyoming, they would raise the minimum wage by $1.10. Would the Senator tell me what the cost of the Enzi amendment is? What is the cost? Do we have a budget point of order?

Could I address the Senator from Wyoming? If he could tell me what the budget cost of his amendment would be? While he is doing so, I will mention a couple of other points.

His amendment would raise the minimum wage by $1.10 instead of by $2.10, which our bill does. It cuts overtime, and it also reduces benefits so only 1.8 million workers would be covered. That is 4.8 million fewer than my amendment. Theirs is $1.10 an hour instead of $2.10, and there are 4.8 million fewer than my amendment. Then it also cuts overtime pay. It ends Federal labor standards coverage for over 10 million workers. By raising the gross income of the companies that will be covered, they will eliminate 10 million workers. They will be eliminated from any kind of minimum wage or fair labor standards protections.

Then it basically overturns State actions that are dealing with what they call the wage tip credit which States vary about how they do it. But the Enzi amendment puts a cap on that. The States now, for example, can have a higher minimum wage than we have. We haven't preempted the States because it has always been a flooring. Some States believe that those who depend on tips ought to be given a somewhat additional break. We are talking about people who make $5.15 an hour, maybe make $6 or $7 in tips, and you are trying to nickel-and-dime them on that with the Enzi amendment, preempt the States.

I hope my colleagues have a chance to read through this overnight because we are preempting the States that have reached a different conclusion with regard to tip credit. The Enzi amendment says that is going to be out.

That is quite a mouthful. People understand those issues pretty well. They are very important. I don't know whether we have an answer. I will be glad to hear it later on. Could the Senator give me what the budget cost for his amendment would be?

Mr. ENZI. I would like to be able to do that. I don't have the numbers that I need to have. I appreciate the question, but I can't give you an answer yet.

Mr. KENNEDY. Well, I imagine we will get them later in the afternoon or get them on tomorrow. Could the Senator indicate when we might anticipate those? The reason this is important is because we are talking about 50 pages of tax issues in the Enzi amendment. Therefore, there is a cost to it. It does seem to me that prior to the time that we have a vote, we ought to know what those particular costs are. We have on the one hand the issues that are directly related to the minimum wage, and then we have the costs in terms of an addition to the deficit.

I don't know whether the Senator could tell us that we are going to get it later this evening. If you can give us the assurance, if you think we will have it this evening, that is fine; otherwise, whatever help the Senator could provide, I would be grateful.

Mr. ENZI. In answer to the question, Mr. President, I can't tell how long it will take for the Joint Tax Committee to have the new numbers. But I can tell you, I didn't know that the Senator was going to offer his amendment until yesterday. The estimated revenue effects that we have are from the one that we did and voted on last year which shows over a 10-year period that all costs are covered with a slight surplus.

Mr. KENNEDY. I am not sure that I completely understood the Senator's response in terms of the cost. What is the cost of the first, second, third, fourth, or fifth year? We will try and get that, if we could.

I point out to my colleagues, the amendment I offer is 2½ pages. The Enzi amendment is 71½ pages, 50 of which are tax provisions. It does seem to me if we were debating, look, ours is $2.10, yours is $1.10, let's go at it. Let the Senate make a judgment. But it isn't that. We have 50 pages in here of tax provisions that are going to evidently be called incentives on the one hand but to others they are going to increase the deficit on the other hand. I am not exactly sure what those are. Then we are not only being questioned about that, but we also know that we have in that proposal a cut of overtime pay and the ending of Federal Labor Standards Act coverage for 10 million workers and basically a preemption of States that want to treat the tip credit in the way that they want, which is quite a proposal. I would hope that we would have a chance, which I expect we will, to at least examine it over the evening.

This chart says the $1.10 increase leaves 4.8 million workers behind, the difference between the Enzi proposal and the way ours is drafted.

I wanted to address a couple of the issues the Senator has pointed out with regard to small business. This chart shows results of a Gallup Poll of May 2006: 86 percent of small business owners say the minimum wage does not affect their business. The question was: How does the minimum wage affect your business? Eighty-six percent said no effect; 8 percent, negative effect; positive effect, 5 percent; no opinion, the rest.

So it is kind of interesting, we have sort of gone beyond this point in terms of where the small business community is. They have a pretty good understanding of what happens. What we have found out with the increase, for example, on the living wage, you take the most dramatic example is the neighboring city of Baltimore. When they increased it to a living wage, what happened? First of all, they had less turnover. It was less costly on the city in terms of training new workers.

Secondly, they increased their productivity. They got less individuals who stayed home on sick leave because people began to take a greater pride in their work. Why? Because they were being treated with greater respect. And finally, the overall cost of the program, even though they increased it to about $11.50—I am not sure, I think it is even above that; they were one of the first with a living wage—they found out that the workers were working harder, took greater pride in their work, and there was greater productivity, a greater increase in morale, and their overall costs have actually gone down.

States with higher minimum wages create more small businesses. I was listening to the Senator talk about the burden on small businesses. I just showed a recent Gallup Poll of small businesses which was in May of this year. Here are the 10 States plus DC with minimum wages higher than $5.15, and overall growth of small business is 5.4 percent. Forty States have a minimum wage of $5.15, and there is 4.2 percent growth. The States with the higher increase in the minimum wage saw an increase in the total numbers.

Study after study finds raising the minimum wage does not cause job loss. This is by David Card and Alan Krueger, from Princeton's reanalysis of the effect of the New Jersey minimum wage increase on the fast food industry and representative payroll data, 1998. The increase in the minimum wage probably had no effect on total employment and possibly had a small positive effect. Four different tests of the two increases on employment impact fail to find any systematic, significant job loss associated with the 1996-1997 increases, Economic Policy Institute. Detailed studies of California's last two decades, the State-increased minimum wage legislation, consistently no employment for workers.

This chart shows the increases in 1996. It is too bad we have to go back so far, but we haven't had an increase in the minimum wage. Here is the increase in the minimum wage to $4.75. I think it was $3.45 prior to that time. We went to $4.75. This is total job growth after we had the increase in the minimum wage. Then we increased to it $5.15. This is a chart that shows the total job growth in the United States during that period. This idea about the impact on jobs is interesting, but it has been refuted time and time again.

This chart shows that the last minimum wage increase did not increase unemployment. These are the figures on unemployment.

The last increase to $5.15 actually shows the unemployment going down over the period of the years, from 1997 until 2000. It doesn't have the most recent figures. But it is a pretty good indication of what was happening during that time. So we find that the States which have a higher increase in the minimum wage are expanding in small business. Eighty-six percent of small business, according to the Gallup poll, said it doesn't have any effect, in terms of employment. The national review about what has happened the last two times we raised the minimum wage was that it had virtually no impact in terms of the employment issue.

Finally, inflation. That issue is always another canard that is pointed out. They say if you raise the minimum wage, we are going to cause inflation. Look at what we are doing, Mr. President. Increasing the minimum wage to $7.25 is vital to these workers, but it is a drop in the bucket to the national payroll. All Americans combined earned $5.4 trillion a year. A minimum wage increase to $7.25 would be less than one-fifth of 1 percent of the national payroll. There it is. No inflation, no adverse impact on unemployment. Small business feels that it doesn't impact or affect them. The studies show that small businesses have grown in States where they have had an increase in the minimum wage.

These are the economic arguments, but most of all, as we have said day in and day out, this is a fairness issue. These are men and women who work hard and play by the rules and take a sense of pride in their work. They work as teachers aides, in nursing homes, cleaning up the great buildings of American commerce, and they work hard and try to do a decent job. More often than not they have two and sometimes three other jobs. Primarily, they are women. As I have pointed out, it is a women's issue. Primarily, those women have children. It is a children and a women's issue. It is a family issue. It is a family value issue and a civil rights issue because so many of the workers are men and women of color. And fairness, fairness. You don't have an economic argument against increasing it to $7.25, and you don't have an argument that is relevant to decency and fairness in opposing this kind of increase.

Americans understand fairness, they understand decency, and they understand the importance of hard-working Americans who are playing by the rules. A job in America should get you out of poverty, not keep you in it. And the alternative to our increase in the minimum wage will keep you in poverty. We can do better as a country, and we will.

I see my friend from New Jersey who desires to address the Senate on the minimum wage. I hope he will have an opportunity to do that for as long as he likes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I am proud to join Senator KENNEDY in his call to increase the minimum wage to $7.25 and to cosponsor this amendment. In my mind, this amendment is not just about wages, it is not just about fairness; it is about dignity. Certainly, there could not be any finer advocate for our Nation's workers than my colleague from Massachusetts, who has pushed relentlessly to get this body to act and provide that opportunity for dignity and to provide a long, overdue increase in the Federal minimum wage.

Yet despite his efforts, despite coming to this floor time and time again to call for a simple yet critical wage increase, this body has not heeded his calls. Despite the fact that some 7 million American workers are struggling to keep their heads above water, this body has chosen inaction.

That is a disgrace.

I think it is shameful that Members of this body have walked away time and again when given the chance to provide hard-working Americans with what is at the core of the work ethic we hold as a Nation—fair pay for a hard day's work.

We are not talking about a giveaway or a free ride; we are simply talking about a fair and decent wage that ensures those working their hardest make enough to get by. To be honest, workers making the Federal minimum wage today don't make enough to get by. The average worker earning the minimum wage and working 40 hours a week, 52 weeks a year, to support a family of three will only earn $10,700 on the current minimum wage. That is $6,000 below the Federal poverty line for a family of three.

No family can afford to live on those wages, especially not a family in a high-cost State such as New Jersey. In New Jersey, which has the highest median income in the Nation and one of the highest average rent costs in the country, $5.15 an hour is simply not enough to get by. People in New Jersey know that. Leaders in New Jersey know that, and that is why our State acted to increase the minimum wage to $6.15 last October. Raising the minimum wage to $7.25, as this bill would do, would benefit an estimated nearly 200,000 New Jerseyans.

I am proud that New Jersey has been a leader for increasing the minimum wage. I heard Senator KENNEDY's reference to some studies about it. In fact, we are lifting people up in the process. New Jersey's move to be a leader, rather than wait for the Federal Government to lead the way, is providing a better standard of living for New Jerseyans.

We need leadership now in Washington. While Congress refuses to act, millions of workers across the country are being left behind. Nine years is far too long for those workers to wait. Nine years is too long for those who work around the clock, hoping to save a little extra for groceries, so they can buy school supplies or clothes for their children or for those who are saving so one day they can live in a place that they are proud to call home.

Mr. President, that is what this amendment is about. It is about more than just wages. It is about providing a decent and fair standard of living for those who share in the dream of America, as every other worker in this country. It is for those who work their hearts out every day so that they may provide a better life for their families. It is so that children in this country never have to know what it feels like never to have enough.

Increasing the minimum wage would give more than 7 million children of minimum wage earners a chance for a better life.

As the son of poor immigrants, hard-working parents who worked day in and day out as a carpenter and a seamstress in a factory, I knew what it was not to have enough. My parents didn't have time to fight for better wages. They were working hard to achieve the American dream. Similar to so many before them, my parents saw hard work as a path to a better life for themselves and their children. That continues to be the story for so many hard-working Americans.

But unless wages rise to keep up with the rising costs, to meet the realities facing working families, that dream will be out of reach for millions of minimum wage earners, who earn a wage that is worth less than it was nearly 30 years ago.

Now, I ask how the Members of Congress, who get a cost-of-living adjustment, can at the same time say to those people in this country working at the minimum wage—even after you work 40 hours a week, 52 weeks a year, which puts you at the poverty level—Members of Congress get an increase in the cost of living, but they cannot vote after 9 years to give those hard-working minimum wage workers the first increase in 9 years.

Every day that we stand idle, the minimum wage continues to lose value, our Nation's workers fall further and further behind. We have to give working families the chance to work their way out of poverty. We want Americans to be self-sufficient. Yet when we have individuals who get up every day and do some of the hardest work that our country has to offer—and it is honest work and decent work, but it is hard work—every day they get up and go to work—and they cannot afford to be ill because most of them don't get health care. If they don't go to work that day, they don't have the resources to take home for their families. Can we not say as a Nation that we want to honor their work, that we want to reward their work, so that work becomes the vehicle by which there is self-sufficiency? That is what we say when we are unwilling to increase the minimum wage.

The increase we are proposing would put more than $4,000 in the pockets of these hard-working Americans. This is enough to help a low-income family afford 2 years of child care, a year and a half in utility bills or a year of tuition at a public college.

This may be a simple increase for some, but an extra $2.10 an hour will mean a lot more for the 15 million workers who have been waiting and waiting and waiting for 9 years for a better wage, a better standard of living, for hope and opportunity, and for a message that their work is rewarded.

Mr. President, these workers have waited long enough. They are waiting for leadership. They are waiting for a Congress that accepts cost-of-living adjustments to ultimately recognize that they, too, need an adjustment in their salary. Let's get our priorities straight and stand up for our Nation's families. Let's show true leadership and provide these workers across the country what they deserve. Let them work their way out of poverty. Let's pass this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I want to talk about the amendment of the Senator from Massachusetts. I want to specifically commend the Senator for his passion and enthusiasm. But it reminds me of a line in an old country song: "You only hurt the ones you love."

The graphs that we were shown were macro graphs about all economies and all unemployment in the country. The people on minimum wage, which this is designed to help, are those at the lowest end of the skill level and the beginning level of employment.

When the distinguished Senator from New Jersey referred to the 15 million Americans who were on the minimum wage 15 years ago as if they were still on it today, it was deceiving and misleading. Those are not the same 15 million people. They are 15 million new people who are getting a foothold in the joy that is America by beginning on the ladder of employment.

Former Federal Reserve Chairman Alan Greenspan has repeatedly cautioned the Congress on this very subject and against raising the minimum wage for that reason. The Chairman pointed out that such a move "increases unemployment and, indeed, prevents people who are at the early stages of their careers from getting a foothold in the ladder of promotions."

The Federal Government can dictate what anybody pays anybody, but we cannot dictate who is hired. If we raise the component cost of employment—as the bill of the Senator from Massachusetts would—29 percent, it stands to reason that you put at risk 29 percent of those who are employed at the lowest level. What happens is that people seek a more efficient worker at the detriment of the least skilled and the least qualified.

One year after the first minimum wage was established, Franklin Roosevelt's own Department of Labor made the following observation:

> In a number of instances, there have been reports that workers who had been receiving less than [the new minimum wage] had been laid off, and replaced by more efficient workers.

The marketplace will drive employment, and when we in Government infuse ourselves into an issue and make an arbitrary adjustment, then the marketplace will make the adjustment for the business community and the more efficient worker will be employed.

When the distinguished Senator from Massachusetts referred to the tremendous job growth and creation between the next-to-the-last increase in the minimum wage and the last increase in the minimum wage, again it was a macro graph. The fact is that while employment skyrocketed during the dot-com era, those were high-technology, high-end jobs. The reality was that, as a result of the Congressionally-mandated increase in the minimum wage, technology replaced a lot of those minimum wage, low-skilled jobs, and actually unemployment increased at the lowest end. It is only right to compare apples to apples and oranges to oranges.

It is interesting that researchers at the University of Wisconsin did a study not too long ago to determine what the minimum wage did to welfare mothers, that I give you, Mr. President, as an example. The study revealed that welfare mothers in States that raised their respective minimum wages remained on public assistance 44 percent longer than those in States where the minimum wage was not raised, making the point I made earlier; that is, getting a foothold on the ladder of success in America means getting in the employment chain. And the more we put pressure on how much it costs to bring someone into that chain, the more it punishes or penalizes someone who is not in it.

There is another deception which goes on in this argument, and that is that everybody who is on the low end of the chain and a minimum wage earner is at the bottom of the scale in life.

President Clinton's first Labor Secretary, Robert Reich, once observed "most minimum wage workers aren't poor." He is right. Today, according to data from the U.S. Census Bureau, the average family income of a minimum wage worker is above $43,000 a year—well above the national average. There are reasons for that.

Accordingly, minimum wage increases are inefficiently targeted to help poor workers since fully 85 percent of minimum wage earners live with their parents, have a working spouse, or are living alone without children. In fact, when Congress last raised the minimum wage in 1997, only 17 percent of the benefits of that increase went to families living below the poverty level. For comparison, over 33 percent of the benefits went to the richest two-fifths of all families, which is another secret to raising the minimum wage.

It is not just at the lowest end of employment or the beginning level, but there are contracts in America that are indexed to the minimum wage. If the United States of America and this Congress force an increase in the minimum wage, then it very well could trigger, in a labor contract, in a labor organization with a company, an automatic increase in the pay scale for people far and above the minimum wage. Once again, it has an arbitrary effect on the marketplace that the marketplace will adjust, and when it adjusts, someone will lose a job or find it harder to get a job.

The University of Georgia in my home State recently did a study. The economist who did that study was Joseph J. Sabia, a Ph.D. graduate in economics from none less than Cornell University. He used Government data from January of 1979 until December of 2004. This is a 25-year longitudinal study, and in sum, Dr. Sabia found that a 10-percent increase in the minimum wages causes a nine-tenths of 1 percent to a 1.1 percent decrease in retail employment, and an eight-tenths of 1 percent to a 1.2 percent decrease in small business employment. Dr. Sabia's research confirmed yet again that low-skilled workers is the group that is most likely to be most negatively impacted by the minimum wage hike.

The study also reiterated minimum wage hikes are not an effective means of reducing poverty among working poor because most minimum wage workers are second or third earners in a family—teens or dependents—and most workers in poor households earn more than the minimum wage.

But the best study I refer to most often is the study I conducted during 33 years in the private sector employing hundreds of individuals in a real estate company. I knew what competitive marketplace factors were, and I knew how, when we brought people in—and I had some jobs in my company that were at the lower end, minimum wage to start. They may have been in maintenance, may have been in building upkeep, may have been operators on the night desk. But I always found myself being pressured by the market, not the Government, to raise the wage of the good worker because the good workers, as they improved and gained their self-confidence, shopped around.

In most of the years I worked, we were in the type of economy we are today. We were in full employment where you are competing for the best and the brightest. Those who are motivated, those who enter the system, those who are at minimum wage to start with will quickly rise as they gain skills, confidence, and self-esteem.

If we think an arbitrary, mandatory 29-percent increase in somebody's wages is going to solve poverty, improve their self-esteem or, in fact, solve the problem the Senator from Massachusetts intends it to solve, we are wrong. Instead, it is probably going to deny about 29 percent of those starting at that level an opportunity early on. It probably, as President Roosevelt's Administration found in 1939, is going to cause some people to actually lose their jobs. And worst of all, it is a feel-good amendment whose intention ends up having the absolute opposite result.

I care deeply for everybody in my State, everybody in this country, and for everybody entering the workplace. I believe the minimum wage is appropriate, but I believe to take a time of full employment, a time of a vibrant economy, a time when study after study indicates the exact opposite of what the distinguished Senator said, would be sending the absolute worst signal.

I believe in the empowerment of our workers, not in the slavery of our workers. I don't believe Government should arbitrarily try to fix something that, in fact, the marketplace fixes day in and day out 365 days a year.

I urge my colleagues in the Senate to not try to fix something that is not broken. I will oppose the Kennedy amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our friend and colleague, the Senator from Connecticut, Mr. DODD, is looking forward to addressing the Senate in just a minute or two.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I wish to review for the Senate what has been happening to many families in this country over recent years regarding the important growth of poverty and its relationship to the minimum wage. It has a very direct relationship. The figures are rather startling. It is appropriate, when we are talking about an increase in the minimum wage, that we have some fuller understanding about the growth of poverty in our Nation over recent years.

Mr. President, 5.4 million more Americans are in poverty. We had 31.6 million in 2000, and now there are 37 million. There is a 5.4-million greater number of Americans living in poverty in the United States. Of those 5.4 million, 2.5 million are children.

It is interesting, when we talk about an increase in the minimum wage, if we look at the countries of Western Europe—take Great Britain, for example, which has the second most powerful economy in Western Europe. In October, they will increase the minimum wage, and it will go to $9.80 an hour. Listen to Gordon Brown, the Chancellor of the Exchequer, and the pride that he takes as a public servant, Chancellor of the Exchequer—effectively our Secretary of Treasury and the head of OMB combined—in having lifted 2 million children out of poverty over the last 6 years. We have put 2.5 million children into poverty in the last 5 years.

There are 5 million more Americans who are on the verge of hunger. These figures are from Food Security in the United States, USDA. These are not figures from those of us who are supporting an increase in the minimum wage. These are the figures. We have 5 million more Americans who are feeling the pangs of hunger, and the great percentage of those are children, again.

What is consistent in the last 5 years? No increase in the minimum wage, the growth of the number of people in poverty, the growth of the problems of hunger. We have Americans struggling to survive in this current economy, the Bush economy. Too many Americans are living in poverty: 1 in every 10 families; nearly 1 out of every 5 children in this country; 1 out of every 5 Hispanic Americans, and 1 out of every 4 African Americans.

This is interesting. It shows the extraordinary growth of poverty, particularly child poverty, in the failure to increase the minimum wage. So one says: What does that really have to do with the minimum wage no longer lifting a family out of poverty?

In 1965, 1970, 1975, for a period of some 20 years, we had a minimum wage that was above or at the poverty level. Republicans and Democrats did this for 20 years, and now we are seeing an absolute collapse. There was a little blip with the increase in the minimum wage, and now we are down to an all-time low, some $5,888 or less. We know that in the last 9 years, the increase to $5.15 is buying about 15 to 20 percent less. It is not only $5.15 an hour, the purchasing of that $5.15 per hour is less.

The United States has the highest child poverty rate of the industrialized world. Here it is. Of all the industrial nations of the world, we have the highest poverty rate. That obviously has something to do with what their parents are being paid. Not completely; there are other programs in these countries that are directed toward children.

The Presiding Officer, a former Secretary of Education, is familiar with what a number of these countries do in terms of trying to assist and providing special allowances for children in a number of ways. Nonetheless, what comes out of it is the fact that we have the highest child poverty rate of any industrial nation in the world. The fact that we have not had an increase in the minimum wage is directly related to that.

Again, if you look over at this chart here, the States with the highest child poverty have the lowest minimum wages, with the exception of Pennsylvania, and that is a State with 20 percent greater child poverty than the national average but has a higher minimum wage. But the rest are basically States with lower minimum wages, a direct tie-in with the minimum wage and poverty and child poverty.

We have a chance to do something about child poverty and about poverty in this country, and we can do it in a way that is not going to endanger inflation or provide increasing unemployment or threaten the small business community.

As we have gone through this, we have seen those arguments which have been raised and which were raised again this afternoon by my good friends from Wyoming and Georgia. They are arguments I have listened to for the last number of years I have been in the Senate. The fact is that when we have had an increase in the minimum wage, no one has ever said: Let's go back, let's go back, although we are going to be faced with an alternative tomorrow to my increase in the minimum wage that will take us back, will eliminate the coverage, eliminate overtime for a number of workers, and that is unfortunate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, earlier today we went through a good deal of the history of the minimum wage, and we also went into the growth of poverty, particularly for children and for those who receive the minimum wage. I wish to read a couple of real-life stories because I think it is always useful to understand that besides the graphs we have been able to show and the statistics we have been able to show on these charts, we also show in real terms what is happening to a lot of our fellow citizens, our fellow Americans.

This is a story from the Sacramento Bee, and I ask unanimous consent that it be printed in the Record in its entirety. This is June 18, 2006, last Sunday:

Monique Garcia earned minimum wage for most of a decade before becoming homeless. She washed dishes, swept floors, collected parking tickets, worked cash registers, staffed drive-through windows, and flipped burgers. Despite that, two months ago, the 26-year-old single mom found herself with too little money for rent and no place to go.

She moved with her 7-year-old daughter and 5-year-old son into St. John's, a family shelter tucked into an industrial corner of Sacramento. They share a room with another minimum-wage worker and her two young children. Garcia and her roommate trade off, one watching the kids while the other works.

It's hard, you've got a family to support and minimum wage isn't it, Garcia said last week.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Sacramento Bee, June 18, 2006]

Life on $6.75 an Hour: When Ends Don't Meet

(By Jocelyn Wiener)

Monique Garcia, a single mother living on minimum wage, ended up homeless.

As the gulf between what they earn and what they owe continues to grow, many of the region's minimum-wage workers have turned to food banks for sustenance. Some, like Garcia, have moved into homeless shelters or cars for housing.

These workers welcome Gov. Arnold Schwarzenegger's proposal to hike the minimum wage by a dollar, to $7.75 an hour. They cheer a separate plan proposed by state legislators—and supported by many labor groups—that would ensure the minimum wage increases each year to keep pace with inflation. About 1.4 million of the state's lowest-paid workers would be affected.

California's minimum wage is lower than that of more than half a dozen states, but is higher than the federal minimum of $5.15 an hour. Washington state has the highest minimum at $7.63 an hour, and it is indexed to inflation.

California's Industrial Welfare Commission is scheduled to consider the proposals early next month. Many business groups oppose a minimum wage increase because it could force increases for higher-paid employees, as well, and might cause some small businesses to close.

According to a report published earlier this year by the California Budget Project, a nonprofit group that conducts economic and policy analysis to benefit the poor, the purchasing power of the minimum wage has dropped $0.88 since 2002, a decline of 11.5 percent.

Advocates for the working poor say earnings have slipped so far out of sync with the cost of living that the proposals are unlikely to remedy families' deep financial distress. Barring a drastic policy change, they say workers like Garcia will continue to struggle mightily under the ballooning costs of health care, transportation, child care and housing.

"I hope I am wrong," said Ralph Gonzalez, a social worker with the Sacramento County Department of Human Assistance. "I hope with the increase of the minimum wage we can get it. But with all my years of experience, I really doubt it. I really do."

Another California Budget Project report, this one released in September 2005, estimated that a single adult in the Sacramento region needed to earn about $11.61 an hour, or $24,151 a year, to cover housing, utilities, transportation, food, health care, taxes and miscellaneous expenses. They calculated that a single parent raising two children, such as Garcia, would need to earn $24.17 an hour, or $50,272 annually, to cover basic expenses.

Minimum-wage earners patch together strategies to make ends meet: some cram into one bedroom apartments shared by multiple families. Many work two or three jobs. They run up debt to pay medical bills, buy clothing at rummage sales and visit food banks when there's nothing left to eat. Many teeter on the edge of homelessness until, like Garcia, they fall off.

Garcia has round brown eyes, a long ponytail and the names of her children, Yesenia and Joshua, tattooed over her heart. Until last week, she worked about 15 hours a week at Round Table Pizza. Now she's applying at Del Taco and Wal-Mart and a discount store. She's worked full-time in the past and would like more hours, but recently hasn't been able to get them. She's afraid to take a second job because her absence already is hard on her children. For the same reason, she finds it difficult to complete the coursework she needs for a GED, virtually a requisite for most better-paying jobs.

That leaves her with about $190 every two weeks, after taxes, she said. Even with a $300 monthly check from Temporary Assistance for Needy Families for her 7-year-old daughter, and a monthly $300 in food stamps, she doesn't have enough to rent an apartment.

To even consider an application, most landlords want her to earn at least double the rent. The cheapest one-bedroom she's seen is in North Highlands, for $400.

John Foley, executive director of Sacramento Self Help Housing, said most landlords in Sacramento actually require tenants to make 2.7 times the rent. Most refuse to rent to people with any history of evictions or bad credit.

"It's legal to have those criteria," he said. "But, of course, they really crunch the poor."

He said it is especially disconcerting that workers in Sacramento cannot afford rent, because the region is relatively affordable compared with much of the rest of the state.

"We ought to be able to fix it here," he said. "That's what's so shameful."

Health care costs, which increase more than 7 percent each year across the country, also pinch the working poor. Some workers, like Garcia, receive Medi-Cal. But, for a whole host of reasons, many others are ineligible for government programs.

Marina Aguilar, an uninsured Der Wienerschnitzel worker, knows intimately the burden of medical bills. She says her husband, an asthmatic, was admitted to a local hospital overnight after a severe attack two years ago. He was uninsured, and the bill for his short stay came to $5,000. For two years, Aguilar says, she and her husband—who lays tile for a living—have paid $100 every month on that bill. So far, they've paid more than $2,000, but they still owe about $4,000 because of interest.

Aguilar, a 37-year-old mother of three, earns minimum wage working 30 to 35 hours a week. Her husband is now insured, but she is not covered by his plan. Last month, her doctor told her there was something in her breast that needed to be biopsied. The biopsy alone would cost $5,000. Her mother, grandmother, great-grandmother and sister all had cancer; the risk is clear.

"I'm worried, because if I have cancer, cancer spreads very quickly," she said in Spanish as she sat in her sister-in-law's lace-curtained home across the street from the Sacramento Food Bank.

Aguilar would like to use the money she earns to buy things for her 10-, 15- and 19-year-old daughters and 3–year-old grandson. She'd like to take the younger ones to Chuck E. Cheese's, maybe even on a vacation someday. She's never been on a vacation.

Low-wage work can seem, to many workers, to be a whirlpool from which they can never escape. Gonzalez, of the Sacramento County Department of Human Assistance, has another name for it: Catch-22.

Homeless people don't have alarm clocks or easily accessible showers, he said. So those workers who are sleeping in their cars, or under a bridge, often lose their jobs because they can't be presentable for work. Those who are not homeless may need to ride a bus several hours to get to work on time. They may not be able to afford the high cost of child care. Few services exist to help them, Gonzalez said.

> At nearly age 60, Epitacio Leon has spent 43 years watering and tilling and picking the state's agricultural fields. His face is baked dark from decades in the sun, his fingernails are caked with earth, his bottom teeth are missing. His most recent raise, from $6.75 to $7 an hour, represents the highest wage he's ever earned.
>
> Leon rises at 4 every morning in the tiny trailer where he lives alone. He eats breakfast, then catches a ride to the fields with another worker. By 6 a.m. he is working, irrigating tomato and sunflower fields near Woodland. He works for 12 hours, then comes home exhausted. He drinks a few beers and goes to bed.
>
> "I'm old already," he said in Spanish as he sat in his niece's Woodland home last week. "I'm tired of working already."
>
> If he retires now, he said, he wouldn't get enough money from the government to pay his bills.
>
> The sounds and smells of his great-niece's high school graduation barbecue floated into the living room. Always working, never saving, Leon didn't have a family of his own. But he visits his niece's family on evenings and weekends and special occasions, and finds pleasure in playing the role of great-uncle.
>
> On the evening of the graduation party, his 10-year-old great-nephew walked into the living room. Leon teased him a little, then asked him to bring him a beer. Then he stopped him.
>
> "Let me see whether I have a peso," he said, fishing in his pocket. He pulled out a $1 and a $10 bill. He deliberated a moment before handing the boy the $10.
>
> The boy beamed. Leon smiled a little.
>
> It would be nice to retire some day, he said. But it won't be next year, and probably not the year after that.
>
> The Cost of Living:
>
> $5.15 federal minimum hourly wage.
>
> $6.75 California's minimum hourly wage.
>
> $7.63 Washington state's minimum hourly wage, the highest in the nation and indexed for inflation.
>
> $11.61 hourly wage a single adult in the Sacramento region needs to cover basic living expenses.
>
> $24.17 hourly wage a single parent raising two children in this region needs to cover basic living expenses.

Mr. KENNEDY. The stories continue along. This is happening out in Sacramento.

Here is a story about, for all intents and purposes, Christie:

> Christie did a job that this labor-hungry economy could not do without. Every morning she drove her battered '86 Volkswagen from her apartment in public housing to the YWCA's child care center in Akron, OH, where she spent the day watching over little children so their parents could go to work. Without her and thousands like her across the country, there would have been fewer people able to fill the jobs that fueled America's prosperity. Without her patience and warmth, children could have been harmed as well, for she was more than a babysitter. She gave the youngsters an emotionally safe place, taught and mothered them, and sometimes even rescued them from abuse at home.
>
> For those valuable services, she received a check for about $330 every two weeks. She could not afford to put her own two children in the day care center where she worked.

She is looking out for children, and she is unable to provide the childcare for herself.

Carolyn Payne did everything right but still can't find a job with decent wages.

> She had earned a college diploma, albeit a two-year associate's degree. And she had gone from a homeless shelter into her own house, although it was mostly owned by a bank. The third objective, "a good-paying job," as she put it, still eluded her. Back in the mid-1970s, she earned $6 an hour in a Vermont factory that made plastic cigarette lighters and cases for Gillette razors. In 2000, she earned $6.80 an hour stocking shelves and working cash registers at a vast Wal-Mart superstore in New Hampshire.
>
> "And that's sad," she said.

She just can't make it and is in a homeless shelter. These people, our brothers and sisters of America who want to work, want to provide for their families, will do hard and difficult work. Carolyn Payne should have a greater sense of hope in the richest and the most powerful country in the world. We will give them that if we increase the minimum wage.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I am going to describe what I understand is in the amendment which is being offered by Senator ENZI. I think it is important that we have a chance over the evening—because it looks less likely that we are going to be completing this debate tonight. We have others who are on their way over here. But I am going to review this and try to get through it, and then if I have misstated it, I hope I will be corrected.

In the last 9 years, while costs have been rising, the minimum wage has been stuck at $5.15 an hour; that is, $10.712 a year, $6,000 below the poverty line for a family of three. Since 1997, the minimum wage has lost 20 percent of its value. The Enzi proposal is a $1.10 increase—far short of making up for this lost value. It won't even make up for the lost value of the purchasing power of the existing minimum wage. It leaves behind 4.8 million workers who would be covered by the Democratic proposal because it only raises the wages of 1.8 million workers.

The raise to $5.15 was historically low, lower than any but for one increase in the 1960s. In fact, before the 1997 increase, the minimum wage had fallen to its lowest level since 1960. So we can't allow such a low increase for hard-working minimum wage workers.

Eighty percent of the 14.9 million Americans who would be affected by the minimum wage are adults, and more than a third are the sole breadwinners in their families. Minimum wage workers have waited 9 years. They deserve one that is fair.

On the issue about the 10 million Americans who will lose the minimum wage in overtime protection, first, the Bush administration and Republican leadership in Congress stripped away overtime protection from 6 million Americans. That has already taken place. That has already taken place. They have done that through rules and regulations. Now they want to deny over 10 million more workers, minimum wage workers, overtime pay by eliminating the fair labor standards coverage entirely. Do you see what I mean? If you eliminate the coverage of the Fair Labor Standards Act, you eliminate the protections for overtime pay.

Currently, all employees who work for employers who are engaged in interstate commerce, have gross annual sales of at least $500,000, are guaranteed the minimum wage and overtime pay. But even in businesses that have less than $500,000 in annual sales, employees still have individual minimum wage and overtime coverage if they are engaged in interstate commerce. The Enzi amendment would raise the $500,000 annual sales to $1 million and eliminate the fair labor standards coverage for workers who are engaged in interstate commerce. No more overtime for those individuals—10 million.

Raising the annual business threshold to $1 million and eliminating the individual coverage would force greater numbers of hard-working Americans, retail workers, security guards, garment workers, waitresses, and their families into poverty. Raising the annual threshold and eliminating individual coverage would allow businesses to pay their workers less than the Federal minimum wage and require them to work longer hours without overtime pay.

So, on the one hand, you get the $1.10 increase for 1.8 million, which will not even cover the lost value of the $5.15 since the last 9 years. Then you eliminate the overtime protections for these workers as well. Because the Fair Labor Standards Act guarantees overtime and equal pay for women and men, this exemption jeopardizes these rights for over 10 million workers.

The gross annual sales threshold was created as a way to determine that employers were engaged in interstate commerce, not as a way to exempt workers from minimum wage and overtime protection. Doubling the annual sales threshold and eliminating individual coverage would take away those protections for over 10 million workers, contradicting the long-term intent of the Congress to expand the Fair Labor Standards Act.

For over 60 years Congress has repeatedly amended the Fair Labor Standards Act to provide more protection, more minimum wage and more overtime protection—not less. This will be the first time we will see the significant reduction rather than an expansion.

Instead of trying to exclude over 10 million workers from the guarantee of a minimum wage, we should be trying to raise it. It has been more than 9 years. Americans have waited long enough.

This chart indicates raising the business exemption reverses a tradition of extending worker rights.

Congress amended the business exemption in 1961, 1967, 1969 and 1989, each time to afford more employees minimum wage and overtime protections. The current $500,000 exemption was established deliberately to cover more employees. By raising the exemption, the Republican proposal would reduce the protection for the first time.

That is very important.

I want to cover the last two points. I see the Senator from Connecticut here.

Under the Republican proposal, workers opt into the flextime system, but once they do, they do not control their own schedules. They work a 50-hour workweek when their employer tells them to, not when they choose to.

Under the current system, workers would get overtime for those extra 10 hours a week. Under the Republican proposal, they would not.

The Republicans claim the proposal would give the parent time to see a child's soccer game or attend a child's school play. They, in reality, don't get that freedom. They just get paid less for working a longer workweek.

Public sector workers also have greater protection from being coerced to agree to flextime if they don't want it. Public employees generally have the protection of a union contract as well as the constitutional due process protections afforded them in the Civil Service, although this administration is trying to undermine those due process rights as well. Public employees can challenge abuses of flextime within the context of those protections, whereas most public employees cannot.

As then-Governor Ashcroft explained in 1985, when the Senate was considering whether to permit flextime in the public sector:

> State and local governments are qualitatively different in structure and function from private business. Public employees serve under exceptional circumstance, the most significant characteristic of which is the protection public servants enjoy because they work in government.

I am also going to add to the statement an analysis on the tip credit that would show how this effectively preempts the State from being able to make a judgment on this. This is a one-size-fits-all. It is "the Federal Government knows best."

If we pass it here, we preempt what Massachusetts can do, what Connecticut can do, what Georgia can do. It doesn't seem to me to be the wise course of action. We permit States to make their own judgment to increase the minimum wage because that is what it is, a minimum. It is a bottom. But this proposal is going to interfere with the States' wage policy in other ways.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Connecticut.

Mr. DODD. Mr. President, let me begin, if I may, by once again commending our colleague from Massachusetts for his leadership on this issue. Over the years, no one has been a stronger champion, a louder voice, a stronger voice on behalf of the most disadvantaged in our society than the senior Senator from Massachusetts. Once again he is proving that point with this amendment he has offered. Frankly, as I recall in years past, increases in the minimum wage were the ones that were endorsed by both parties. I am old enough to remember when an increase in the minimum wage would have occurred in far less time than 9 or 10 years.

Nearly a decade has elapsed since the last increase. I am sure my colleague from Massachusetts can tell me on the average, it was probably every 2 or 3 or 4 years that the increase would occur. When it did, when the proposal was offered and it was worked out between the two parties, it went through almost unanimously if not unanimously. But here we are. This is an indication of what has happened in our beloved country over the last number of years.

Nearly 37 million of our fellow citizens, including 13 million children are currently living at or below the poverty level in the United States. Yet we somehow cannot find ways among ourselves here to reach a consensus to increase the minimum wage to $7.25 over the next 2 years—a $2.10 increase.

I find that rather shocking. I suppose it is an indication of what has happened to the body politic in this country, that you cannot find common ground to make a difference in the lives of almost 40 million of our fellow citizens.

These Americans are struggling out there every single day and as I mentioned earlier, 13 million of them are totally defenseless—our children. Certainly, while Members of Congress may find it odd, the average citizen out there, even those who are making way beyond the minimum wage, were they here tonight in this Chamber, would tell you how difficult it is to meet the rising cost of living—food, housing, clothing—not to mention soaring energy costs. Yet in the midst of all of that, we find it impossible to provide an increase, after nearly a decade, of $2.10 per hour for these families in our country.

Mr. KENNEDY. Will the Senator yield for a moment?

Mr. DODD. I am happy to yield to my colleague from Massachusetts.

Mr. KENNEDY. As all of us know, the Senator has been the chairman of the Children's Caucus here in the Senate. He is the author of the Family and Medical Leave legislation. He worked 5 years to get that legislation passed. It has been a great success. There were extensive hearings in our committee over the course of the years on children and children's needs, children's education.

Does he agree with me that we have seen this remarkable growth of child poverty in the last 5 years? The Senator has just mentioned this. I just want to underline it. In the strongest economy of the world, we are seeing a significant growth in child poverty and child hunger in this Nation, and we have seen, as the Senator pointed out, the virtual lack of increase in the minimum wage and the reduction of purchasing power.

Does the Senator join with me in recognizing what we have seen? The U.K., which is the second strongest economy in Europe, will be going to $9.80 an hour in December. Gordon Brown takes pride in the fact that they have raised 1.8 million children out of poverty in the U.K. over the period of the last 5 years. In Ireland it is $9.60, and they have raised hundreds of thousands of children out of poverty.

Does the Senator agree with me that the fact of the failure of increasing the minimum wage has had an extremely negative impact on the well-being of children in our country, resulting in the fact that there are hundreds of thousands, even millions more children who are living in poverty because we have failed to do that?

Mr. DODD. Mr. President, I say to my colleague, if he will yield back, I couldn't agree with him more. This is one of the great myths about the minimum wage increase. You will hear over and over again; in fact, we have heard it here already today: If you increase the minimum wage, this hurts business. This makes it more difficult to hire people, to employ people.

I found it rather interesting that in surveys done among the business community, particularly the small business community, 86 percent of small business owners do not think the minimum wage affects their business.

The Senator from Massachusetts is absolutely correct that raising children out of poverty is directly related to the ability of their parents to provide for them.

Again, it should not take lecturing here to my colleagues in this great body to make the case, in the 21st century, that we are going to have to have the best prepared, best educated, healthiest generation we can produce if we are going to remain competitive in a global economy. When you have 13 million of your children growing up in poverty, how are these children going to effectively compete? How are they going to be well educated? How are they going to be healthy enough not only to be good parents themselves, but good workers, and good citizens?

It seems axiomatic. It should be understood on its face. If we continue on the road we are traveling, with the number of children in our country growing up in poverty increasing, it is going to make it more difficult for our country to compete in the 21st century.

There is a graph here which I know the Senator has seen, but it makes the case of what is happening. The United States has the highest child poverty rate in the industrialized world: Denmark, Sweden, France, the Netherlands, Germany, Spain, Japan, Canada, U.K., Italy. All of these countries, major competitors in the world, do a far better job seeing to it that their children are better prepared to meet those challenges.

Our future is lagging behind when a substantial number of children are growing up, in our great country, in poverty. This is through no fault of their own. It is through the accident of birth, being born into a family where their parents are struggling to earn a decent wage and make ends meet. These are working families, by the way. These are not families collecting subsistence or some kind of charity. They are out there working, earning an income that does not allow them to meet the basic necessities of life.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I am glad to yield to my colleague.

Mr. KENNEDY. The Senator has given just an excellent statement about what happens to children when they live in poverty. I was wondering if the Senator would comment about the growth of hunger over the last 5 years. There are 5 million more of these people now, according to the USDA, and more than 20 percent of these are children. Five million more Americans are hungry or on the verge of hunger.

I wonder, I ask someone who chaired the Children's Caucus, I ask about the fact that children are increasingly pressured in terms of the issue of hunger, what does this do to a child in terms of a child's development?

Let me add one addendum. I believe the Senator may remember what happened, I think it was in Philadelphia, where they expanded the school lunch program to include a school breakfast program. They found out that the grades of the children all went up noticeably—I think it was somewhat close to 10 percent. In any event, it was clearly noticed, as they found out, when children have decent nutrition, their performance—in terms of educationally, culturally, socially, and from a discipline point of view—is very importantly impacted. I wonder if the Senator would tell us from his own experience what he knows about this.

Mr. DODD. I thank my colleague for bringing up this chart to emphasize the point. I think these numbers are from the Department of Agriculture.

Again, the Senator is making an excellent point. If you have a hard time understanding what the Senator from Massachusetts is saying or the Senator from Connecticut, ask any teacher. Ask any teacher in this country, particularly at the elementary school level, what sort of academic performance, what sort of attention spans you have with a child who has received adequate nutrition, a decent meal, compared to those who have not. You will hear anecdote after anecdote of what happens with children who do not have proper nutrition—not to mention the growing health care problems that can emerge.

This is just good, sound investment policy. If you really care about the future of your country, if you really care about whether or not our Nation's children are going to be able to perform adequately in this century, then clearly making sure that they have the basic essentials is, again, so obvious that it should not require a debate on the floor of the Senate to make the point.

Mr. KENNEDY. Will the Senator yield for one more question?

Mr. DODD. Yes.

Mr. KENNEDY. Now we find out there is increasing hunger, and now we know it affects more than one million children.

Can the Senator tell us what he knows about Americans and their degree of support to relieve the hunger of children? It is truly overwhelming, is it not?

Mr. DODD. It is not surprising but it is worthy of being repeated.

Ninety-four percent of our fellow citizens across this country, regardless of geography and economic circumstance, of gender, ethnicity, whatever the differences may be, agree with the following quotation: People who work should be able to feed their families. Ninety-four percent subscribe to that notion.

The Senator from Massachusetts is talking about working families. Our fellow citizens believe that if you are a working family, you should be able to make enough money to feed your family.

This is the United States of America. This is not some Third or Fourth World country we are talking about. Yet with 37 million of our fellow citizens, adults and children, unable to meet the requirements of basic food and nutrition, it ought to stun everyone in our country.

What we are trying to do is make it possible for these people who are working hard to be able to provide for their families. That is all we are talking about.

I point out to colleagues who have offered an alternative to this proposal, that a $1.10 per hour increase to $6.25 per hour over the next 2 years, means that millions of children would be left behind.

What the Senator from Massachusetts is offering—with a bipartisan group of support, we hope—is a $2.10 per hour increase to provide for the needs of working families. What the Senator from Massachusetts has laid out I couldn't agree more with him. If you are truly interested in making a difference in this country, that extra $1 per hour could make a huge difference in the ability of these families to make ends meet.

Among full-time, year-round workers, poverty has increased by 50 percent since the 1970s. Minimum wage employees working 40 hours a week, 52 weeks a year are earning $10,700 a year. That is almost $6,000 below the Federal poverty guidelines of $16,600 for a family of three—$6,000 less than you ought to be able to have if you are going to meet the poverty guidelines.

Here we are in the 21st century, and the minimum wage is losing its value as well. Since the minimum wage was last raised nearly 10 years ago, its real value has eroded by 20 percent. Minimum wage workers have already lost all of the gains from the 1996–1997 increase.

Today, the real value of the minimum wage is more than $4 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be more than $9.25 per hour—not the $5.15 we are currently at.

I want to make a point as well about what the impact of this minimum wage increase would have on the lives of working families.

Nearly 15 million Americans would benefit from the minimum wage increase to $7.25 per hour. That is 6.6 million people directly affected in a positive way and another 8.3 million affected indirectly. Almost 60 percent of these workers are women, and 40 percent are people of color. Eighty percent of those who would benefit are adult workers, not teenagers seeking pocket change, as some have said, and more than a third of these are adults are the sole providers for their families.

Again, we are talking about an increase to $7.25 per hour, which is still hardly enough to make ends meet when you consider the cost of food, clothing, housing, not to mention the skyrocketing cost of energy that has hit everybody in this country. We all know how hard it is to provide for our families.

If you raise the minimum wage to $7.25 per hour, it would mean an additional $4,400 a year. That additional money would be enough for a low-income family of three to buy 15 months of groceries which they couldn't otherwise get, 19 months of utilities which they would not otherwise be able to afford. 8 months of rent, over 2 years of health care, 20 months of child care, 30 months of college tuition at a public 2-year college. Consider those numbers—20 months of child care that these working families need if they are going to keep their jobs and keep their children safe, not to mention 30 months of college tuition. It may not seem like much, but it is important.

In 10 years, the person earning minimum wage has received no pay increases, unless they have been lucky enough to live in a State that increased the minimum wage.

But for most of our fellow citizens, that has not been the case. And we now have nearly 40 million of our fellow citizens living at or below the poverty level.

I repeat this because I know my colleagues care so much about it. To have 13 million of our children in this country who, except by accident of birth, have found themselves living under these circumstances and having to survive at that level is unacceptable.

This is the United States of America. We ought to be doing far better.

To find out, as we recently pointed out on the chart, that almost every other industrialized country in Western Europe is doing far better by their children, far better by their minimum wage workers, ought to be a source of collective embarrassment for this great country of ours.

I don't think I have to make this case too often. We know how difficult it is going to be to compete in the 21st century. If we don't have a generation coming along that is well educated and well prepared to meet the challenges of the 21st century, it is going to be hard for Americans to remain strong and competitive.

You just have to read about what is happening in our major competitive countries. We take great pride in 60,000 high school students in this country who competed last year in the science fair, a great number. Compare that with 6 million who competed in the same science fair in the People's Republic of China last year.

That is the challenge of the 21st century.

With 13 million kids in this country going without getting a decent meal every day, we are going to have a real problem on our hands if you do not begin to address that.

I feel strongly about this and I wish we could reach agreement quickly. I remember the days when the minimum wage increase was done by a voice vote. We worked out the differences and sat down and negotiated, and it was passed unanimously on a record vote or a voice vote. How sad it is that we have come to this, where nearly a decade later we are sitting here arguing with each other about whether 15 million of our fellow citizens could get a bump of $2.10 per hour up to $7.25 an hour.

This ought to be something we can all agree on and not engage in this kind of acrimonious debate.

I want to point out, as well, that there are other provisions that will be offered by the majority that are very troublesome to me, including a fundamental change in the overtime pay schedule that I think is very unfair to people. This goes beyond the minimum wage worker. Here we have always provided that if you work more than a 40-hour week in that week, then you get time and a half. That has been Federal law. We are now saying we are going to apply a 2-week standard. An employer could have you work 50 hours in 1 week and 30 hours in the next. That is 80 hours, but for the 10 hours more in the first week, you don't get the additional pay.

That is unfair to a lot of people in this country. If you work an additional 10 hours in a week, that can be hard labor, and you ought to get time and a half. The law requires it. That would be a $3,000 per year pay cut for a median income worker and an $800 pay cut for minimum wage workers. That additional 10 hours of overtime pay could make a big difference.

I don't know why the majority decided to add that provision. It seems to me that is unduly harsh to an awful lot of people.

We talked about the poverty level working with the minimum wage. I am talking about people who are above the poverty level but are struggling and don't have to be making $16,000 or $10,000 to be struggling in this country. You could be making $40,000, $50,000 or $60,000 a year. If you are a family of four, you may very well be struggling, considering the cost-of-living increases that have gone on. For that man or woman who works an additional 10 hours a week, 10 hours away from their families after putting in 8 hours a day, 5 days a week, that additional 10 hours can be hard. And to say I am not going to give time and a half for those 10 hours I think is unfair to those people.

If that ends up being adopted, I think it is a great step back as well.

I hope we will adopt the proposal that the Senator from Massachusetts has offered. I commend him, once again, for making a strong case.

Again, on behalf of 13 million children in this country, and million of people who are out there struggling tonight to take care of their families, to raise good families, I urge adoption of the amendment being proposed by our colleague from Massachusetts. I hope it will be adopted by our colleagues when voted on tomorrow. It is an important contribution. Nine years is too long to wait for an increase in the minimum wage.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of the leadership, I make this unanimous consent request.

I ask unanimous consent that the first amendment, No. 4323, be withdrawn; provided further that Senator ENZI be recognized in order to offer a first-degree amendment relating to the minimum wage; provided further that the Senate then resume debate at 9:30 a.m. on Wednesday and that there be 1½ hours of debate equally divided between the chairman and ranking member of the HELP Committee or their designees. I further ask unanimous consent that at the use or yielding back of time, the Senate proceed to a vote on Kennedy amendment No. 4322, to be followed by a vote on the Enzi amendment, with no amendments to the amendments in order; provided further, if either amendment does not get 60 votes in the affirmative, then that amendment would be automatically withdrawn.

I further ask unanimous consent that following those votes, Senator LEVIN be recognized in order to offer amendment number No. 4320 related to Iraq. There will be 5 hours equally divided in relation to that amendment, and following that debate, the amendment be set aside and Senator KERRY be recognized to offer his amendment related to Iraq.

Mr. DODD. Reserving the right to object, I express my appreciation to the Senator from Virginia and the Senator from Michigan. I have an amendment I am considering offering dealing with Guantanamo Bay.

I inquire as to whether there is an opportunity to work that out?

Mr. WARNER. I simply say, I understood the Senator has that amendment. I have asked colleagues on this side to be here. They are now present.

The Senator indicated you would lay it down now for the purpose of introducing the amendment, having a colloquy on the amendment, and the time for the voting would be established by the leadership at some point in the future.

Mr. DODD. I thank the chairman.

Mr. WARNER. The Senator is now ready to proceed.

Mr. DODD. I wanted to make sure in the discussion there was a space for that.

Mr. HARKIN. Reserving the right to object. I am here to speak on the minimum wage amendment.

Are we going off of that?

Mr. REID. We will vote on it in the morning.

Mr. HARKIN. OK.

Mr. LEVIN. Reserving the right to object, is it my understanding that there would be no amendments allowed to my amendment?

Mr. REID. If the Senator will yield, we just got a call that some Senator objects to this.

Mr. WARNER. I didn't hear what the distinguished Democratic leader said.

Mr. REID. A Senator just called objecting to this request.

The PRESIDING OFFICER. Is there an objection to the unanimous consent proposed by the Senator from Virginia?

Mr. LEVIN. There is an objection, apparently, which we just received in the cloakroom.

Although I support it, we have to object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Iowa.

Mr. HARKIN. Mr. President, last March in the bankruptcy reform bill, the Senate debated the minimum wage with Senator KENNEDY offering an amendment to increase the minimum wage over a 2-year period to $7.25. That amendment failed on a largely party-line vote, 46 to 49. Again, last October, another Kennedy amendment to increase the minimum wage over a 2-year period, to $6.25, again failed on a largely party-line vote, 47 to 48.

Both votes ignored the fact that 37 million Americans, many holding down full-time jobs, are living in poverty.

Here we are again. This week we again debate an amendment offered by Senator KENNEDY, me, and many others, to increase the minimum wage. I hope this time the outcome will be different. Indeed, with 37 million Americans living in poverty, almost 13 percent of our population, we have to have a different outcome. We have to raise the minimum wage.

Poverty is increasing sharply among the working poor. The new Census Bureau numbers show over the last year alone, the number of Americans who work but live in poverty increased by 563,000. The number of Americans who work but live in poverty increased by half a million.

A job ought to lift people out of poverty not keep them in poverty. But that is what we have today—more and more Americans working, yet more and more Americans falling into poverty who are working. A job ought to lift you out of poverty. It offends our basic sense of fairness to know there are many Americans who work full time, play by the rules, and still live in poverty.

Millions of Americans find themselves doing this, including 13 million children. That is why it is absurd, beyond reason, hard to explain to the average person why the minimum wage has been stuck at $5.15 an hour for the last 9 years.

How would any Senator like to have the same salary that he or she got 9 years ago? Seven times in the last 9 years we have raised our salaries. We have adjusted upward to account for the increased cost of living. Yes, over the same time, we have callously allowed the income of workers earning the minimum wage to languish, lose value every year, as inflation has gone up and they stay the same. It is incredible we would raise our salaries seven times in 9 years and never raise the minimum wage.

The amendment offered by Senator KENNEDY and me and others to raise the minimum wage to $7.25 is, as I said, long overdue. Prior to last March, it had been 5 years since we last had a vote on the minimum wage. It has now been 9 years since we last raised the minimum wage.

To have the same purchasing power, for example, if we took the year 1968, the minimum wage today would have to be more than $9.26 an hour. Minimum wage workers earn a paltry $10,712 a year total, almost $16,600 below the Federal poverty guidelines for a family of three.

This chart shows the salary of a full-time minimum wage worker to be $10,712. The average family health care premium in 2005 was $10,880. Right now, 35 percent of minimum wage workers in America are the sole support of their families. These are not just teenagers. Some may be teenagers: more often than not it is a single, working mother. They can work hard all year at the minimum wage—and they do work hard, if you have ever seen anyone do that kind of work—and they cannot even buy a health care premium.

As I said, the salary for full-time minimum wage workers is $10,712; the average cost of a health care premium, $10,880. They could not even afford to buy health care, let alone pay rent, buy food, pay for heating, buy gas for the car to get back and forth to work.

As I said, there is a lot of misperception about who gets the minimum wage. We hear it is teenagers, part-time workers flipping hamburgers. Here are the facts: 35 percent earning the minimum wage are the sole breadwinners of their families; 61 percent are women; almost a third of those women are raising children; 76 percent of the women who would directly benefit from an increase are over the age of 20. Among families with children, and a low-wage worker who would be affected by an increase, the affected worker contributes half of the family's earnings. Those are the facts.

A decent minimum wage is critical to moving people from welfare to work. I thought that is what we wanted to do. Since the Clinton Welfare-to-Work Program in 1996, we reduced the number of welfare cases by half. But so many of the people who moved off of welfare did not move out of poverty. Why? Because at the current minimum wage, it is not a living wage, it is a poverty wage.

An increase to $7.25 would make a dramatic difference. It would add $4,370 in income. That is real value to a family living in poverty. Nearly 7.5 million workers would benefit from a minimum wage increase. In my home State of Iowa, 87,500 workers would benefit from the increase, more than 6 percent of our workforce.

In urging the passage of the first minimum wage legislation, President Franklin Roosevelt once said:

> No business which depends for existence on paying less than living wages to its workers has any right to continue in this country.

Imagine that. He went on to say:

> By living wages, I mean more than bare subsistence levels. I mean the wages of a decent living.

He had it right. We can do it better. Gas prices are up 70 percent, health insurance is up 33 percent, college tuition is up 35 percent, housing is up 36 percent, and wages are up 1 percent. Minimum wage is up nothing, not even 1 percent.

During the same period, private sector executive salaries have risen dramatically. Right now, the average CEO in America makes $11.8 million a year—the average worker is earning $27,460 a year—431 times what the average worker makes. Imagine being a minimum wage worker making $10,000.

Mr. REID. Would the Senator yield for a unanimous consent request?

Mr. HARKIN. As long as I get the floor back.

Mr. REID. I ask that the Senator, when we finish, be permitted to resume the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would like to ask the unanimous consent request made by the Senator from Virginia a few minutes ago be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I presume that the request is as read and that there have been no changes, and we will then have the sequence of recognition of Senators LEVIN and KERRY; and I add to it that thereafter the Senator from Virginia would be recognized for the purpose of submitting whatever amendment.

I ask for recognition for the purpose of offering the amendment from our side on whatever subject that comes up at that time at the conclusion of these two.

Mr. LEVIN. Reserving the right to object, I assume there would be adequate time that we would be allowed to consider an amendment of the Senator from Virginia? As I understand, the Senator was talking about a possible amendment on Iraq.

Mr. WARNER. I said it could be on anything.

Mr. LEVIN. Could be on Iraq.

Mr. WARNER. We have been going back and forth.

Mr. LEVIN. Is the Senator offering the amendment he is referring to postcloture?

Mr. KERRY. Mr. President, if I could inquire, I agree with the minority manager of the bill, there is a question about what the amendment might be about. If it comes precloture or postcloture, postcloture it makes no difference. If it is precloture and it is about Iraq, I think the Senator from Michigan and others would then have an interest in being able to respond to whatever that amendment is.

I say to the distinguished manager, the Senator from Virginia—and it is his right, and we are very happy to have him acknowledge that right to put that amendment in—we would want to have time, obviously, to debate it and respond to it, conceivably.

The question is whether it is precloture or postcloture. I ask the Presiding Officer if the Senator from Virginia intends to offer whatever amendment he does immediately after cloture or precloture?

Mr. WARNER. Mr. President, I withdraw that and ask unanimous consent that we approve the request as read earlier.

Mr. LEVIN. Reserving the right to object, when we were discussing this last, I asked whether or not the manager, the chairman, would make it clear that my amendment is not subject to amendment.

Mr. WARNER. Mr. President, we are perfectly willing to make that eminently clear.

Mr. LEVIN. And also if the Senator would agree that the Kerry amendment——

Mr. WARNER. We have not seen his amendment.

Mr. LEVIN. Then the request is that the unanimous consent request be amended so that my amendment which is on file will not be subject to amendment.

The PRESIDING OFFICER. Is there objection to the modification of the unanimous consent request of the Senator from Virginia that the Levin amendment not be amendable? Without objection, the request is so modified.

Mr. WARNER. Has the Chair ruled on the underlying UC request?

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. DODD. Reserving the right to object, I know we have had a discussion with the distinguished chairman of the committee. Senator BINGAMAN and I are interested in offering amendments at the appropriate time precloture on the Guantanamo situation. I am wondering if we could allocate an hour before the cloture motion is filed to raise that amendment and then have a vote on it, either one or two of those amendments.

Mr. WARNER. Mr. President, I have been trying to get the minimum wage put aside so that you could move. And you are going to argue tonight your amendment: is that correct?

Mr. DODD. I say to my colleague——

Mr. WARNER. And Senator BINGAMAN likewise. I think he has an amendment pending at the desk.

Mr. LEVIN. It has not been filed.

Mr. WARNER. But he has spoken to it.

Mr. LEVIN. That is correct.

Mr. WARNER. What is the desire? I have to ask my colleagues, we are trying as best we can to accommodate all interested parties. The amendments are coming from this side. It is really incumbent on you all to try and reconcile how you wish to proceed. We are about to lock up the two significant amendments of the Senator from Michigan and the Senator from Massachusetts. I recognize you have had that amendment. You asked to bring it up tonight. I have assembled a group of my colleagues to debate the amendment. What is the pleasure?

Mr. REID. Mr. President, if the Senator from Virginia would yield——

Mr. WARNER. Yes.

Mr. REID. The problem we have is, the Senator from Connecticut wants to have his amendment heard prior to cloture. The problem is, there has not been a motion for cloture filed yet. If the cloture motion is filed tonight, then under the rules, an hour after we come in on Thursday, cloture would be voted on. That being the case, under the proposed unanimous consent agreement we have here, there is going to be a lot of hours used up prior to Thursday morning at 9 or 10, whenever we come in here. I think there are a lot of people who want to offer amendments, but unless they are germane amendments, there would be no guarantee that there would be a vote on them, other than the two here. We have had assurances that the Levin and the Kerry amendment, even though there would be a problem with cloture, they would allow a vote on that. I think realistically, it would be hard for anyone to guarantee a vote prior to cloture to the Senator from Connecticut.

Mr. WARNER. Mr. President, we had understood that the debate would be held tonight. We were willing to have a vote on Gitmo tomorrow right after the minimum wage. There it is.

Mr. REID. That would certainly be long before cloture and the debate would be finished tonight, and we could slow up Senators LEVIN and KERRY by more than 20 minutes.

Mr. DODD. If we could agree to a vote on one or two amendments on the Gitmo situation and allow us the opportunity to debate this evening or possibly an hour tomorrow morning before the vote, that would accommodate us completely. If we could accommodate that request, then we can go forward. That is the request we would like to make.

Mr. REID. I respectfully request, I have spent nearly all of the day trying to work something out on these two amendments. Senator LEVIN and Senator KERRY can speak for themselves. I am not sure they want another hour. We can finish the debate on yours tonight and vote on it in the morning with 15 or 20 minutes evenly divided. Maybe something like that could be worked out, but I don't think there is an hour left. If these two men debate tomorrow night, we aren't going to finish this thing until some time late tomorrow night at best.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. REID. I would simply say this—and I appreciate very much the Senator from Iowa being so courteous—everyone is in agreement that we are going to try to work something out so that you and Senator BINGAMAN can get a vote on your amendment tomorrow morning. It is just a question of how we do it timewise.

Mr. DODD. Is that the understanding, that that would be the case?

Mr. WARNER. We will try and do our very best.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The Senator from Iowa has the floor.

Mr. WARNER. If the Senator would yield just for a moment, I would like to ask my two colleagues, for the knowledge of my two colleagues on this side, how soon may we start the debate on the Guantanamo amendments?

Mr. DODD. Why don't we say around 7 o'clock. Say at 7 o'clock.

Mr. WARNER. We will certainly accommodate the Senator from Iowa. I have two colleagues who withdrew from their schedules to come over here tonight because we were told that we would start this debate.

Mr. DODD. I would say at 7 p.m.

Mr. WARNER. All right, 7 p.m.

Mr. HARKIN. Mr. President, the average CEO in America today makes $11.8 million a year. The average salaried worker makes $27,460 a year. That is 431 times what the average worker makes. That is the average worker. Take a minimum wage worker at $10,600 a year. The average CEO makes a thousand times more a year, a thousand times more than a minimum wage worker. So you can see the disparity has gotten out of hand.

In the wake of Katrina, in a speech in New Orleans, President Bush proclaimed:

> We should confront poverty with bold action.

We are just trying to raise the minimum wage for the first time in 9 years, and we can't even do that. We can have tax reductions for the wealthy on and on and on; they seem to be sacrosanct, untouchable; but we can't raise the minimum wage. The working poor have to do with $5.15 an hour. This is unconscionable. We have to do something about it.

Have Members of the Senate all joined the Neiman Marcus crowd? Have we become so totally insulated from the realities of real life for the people who work and shop at Wal-Mart and K-Mart, Dollar stores, who pinch their pennies, who go to the grocery store and spend the time looking for the best bargains, have we become so insulated from them that we can't see the need to raise the minimum wage from $5.15 an hour?

Poverty has doubled since the late 1970s among full-time, year-round workers from about 1.3 million to more than 2.6 million. Every day the minimum wage is not increased, it continues to lose value and workers fall further and further behind.

Here is what is happening today. That is why I say there is a misery index out there, a working class misery index. This shows it. Productivity keeps going up. People are working longer, working harder. They are producing more. Productivity is up 166 percent since 1960. Look what has happened to the real minimum wage. It is down 23 percent.

This is what the average person feels: My gas prices have gone up. My rent has gone up. I can never afford to send my kid to college. College tuition has gone up. Health care premiums are skyrocketing. I am working harder, longer. I am producing more, and I am getting less. That is what I call a working class misery index in America. And what have we done? We raised our salaries 7 times in the last 9 years. We have tax break after tax break after tax break for the privileged few in America.

Just a couple weeks ago there was an attempt on the floor to completely wipe out the estate tax, estate taxes paid by only 3 families out of every 1,000 in America. Three out of every 1,000 families pay any estate taxes. They are the wealthiest in our country. We had an amendment to the bill by the other side to completely eliminate it. Thankfully, we didn't do that.

But now when we want to raise the minimum wage just a paltry two dollars and something cents an hour, we can't do that? Where is the fairness? Where is the fairness for the American worker? No wonder the average American's esteem of Congress has gone down—along, I might add, with the President's, because the President is not up here asking for a minimum wage increase either.

No wonder people don't think we are doing anything. We raise our salaries 7 times in 9 years. We have tax breaks for the wealthy. We have tax breaks for big business. We want to do away with estate taxes for the wealthiest few. But we won't raise the minimum wage.

It all leads us to conclude that when it comes to the issues of poverty and the working poor, the American public should watch what we do, not what we say.

I will bet every Senator here can give wonderful talks about work, the value of work and more jobs and creating jobs and the economy is up and isn't everything wonderful. Yes, if you are a CEO, it is wonderful. If you are a CEO, it is pretty darn nice. If you are making $150,000, $160,000 a year, $170,000, as we are here, things are pretty nice. But if you are a minimum wage worker, things aren't very pretty. Things aren't pretty at all. You are not saving anything. You are barely able to scrape by. Your kids are probably not getting the best food and nutrition. They are probably not going to be able to manage to go to college. You don't have health care so you go to the emergency room when you get sick so you don't have any preventative care. Your kids are probably not getting the vaccinations and the checkups they need. They are probably not getting the dental care they need.

I am not talking about "poor people living in poverty who aren't working." I am talking about poor people who go to work every single day. You see them. We all see them. We all see them. You go into stores and see the people working behind the counters. Check on the people who are working in day-care centers, people in Head Start centers, people cleaning houses, cleaning our office buildings. Yes, and a lot of people are working, flipping burgers and stuff like that, making the minimum wage. But they are the sole breadwinner of their family.

We see them every day and yet we pass by, we just pass on by. Let's not pass on by here. Let's stop and think, act accordingly, and reach down and say to those people who are working hard every day that it is time to give you a raise, too—not just corporate CEOs or Members of Congress, but let's give at least a $2.10 increase to the people who make the minimum wage. It will be good for American workers and for our economy. It is long overdue, and it is the right thing to do.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 4376

Mr. ENZI. Mr. President, I send my amendment to the desk for the debate to be done in the morning.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 4376.

Mr. ENZI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, my understanding is that we will have two amendments introduced by the other side with regard to Guantanamo. They will be debated tonight. We are going to work toward making certain they get a vote on those amendments. I ask my ranking member.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia. We thank the Senator for his unvaried hospitality and good nature on these kinds of difficulties. We appreciate his determination to try to find the opportunity for a Guantanamo amendment or amendments. They are trying now, I believe, to figure out—I think it is going to be offered at 7 p.m. I guess they will be here to offer that amendment at 7 o'clock.

Mr. WARNER. Mr. President, in the interim, seeing no Senator desiring to address the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I want to speak, if I may, regarding a proposal by Senator BINGAMAN concerning Guantanamo Bay and the disposition of detainees. I understand he introduced an amendment yesterday. I have the summary of it. If I mischaracterize it or if it is changed in any way, I apologize. I will try to give an overview based on what I know, with the understanding that if it changed, I stand corrected.

Senator BINGAMAN, from what I understand, has an amendment that would require the United States to either charge, repatriate or release individuals held at Guantanamo Bay within 180 days of the enactment of the Defense authorization bill, and if for some reason the Government fails to comply within that timeframe, the Department of Defense would have to report back to Congress to tell us why. It provides further that charges could be filed in U.S. District Court, a military tribunal court or military commission or an international tribunal against detainees.

If I may, I will express my concerns about this amendment. No. 1, the detainees at Guantanamo Bay are being held as enemy combatants. That is a concept that has been part of our law for quite a while. The Supreme Court has several enemy combatant case holdings. That is someone who is involved in hostilities but not in the normal course of combat. They don't wear uniforms. They are not supported by a particular State. They are fighting, in this case, for a terrorism cause that doesn't have a country of origin. They are irregular combatants.

For many years in the military law, a regular combatant or enemy combatant has been considered a person outside of the protection of the Geneva

Convention because that is an international treaty designed to protect lawful combatants and have procedures that every signatory country will abide by. A lawful combatant is someone who represents a State, wears a uniform, and operates within the rules of international military law.

Al-Qaida, by their very definition, because they don't wear uniforms and represent a particular country, are irregular enemy combatants. The people at Guantanamo Bay have been captured in various parts of the world by the U.S. military or were turned over to them as being suspected of being involved in the war on terror. There are 500-something people down there now; over 200 have been released. Senator BINGAMAN's amendment would require the Government to release them all or charge them.

The reason I believe that is not good public policy is because enemy combatants—you don't have to choose between trying them and letting them go. A prisoner of war is not required to be released until the hostilities are over. We have had Members of the Congress who were enemy prisoners during Vietnam and were incarcerated 5, 6 or 7 years, until the Vietnam war came to an end.

This amendment, in an odd way, would allow enemy combatants to be released before hostilities are over, which is something not afforded to a prisoner of war. But a traditional prisoner of war is not subject to being tried as a war criminal for the mere status of being involved with the opposing force.

I believe strongly that it is not advisable for this country to say as a matter of policy that every enemy combatant or unlawful combatant per se is a war criminal. Military trials or commissions should be conducted for people who are part of the enemy force who have violated the law of armed conflict. There are about 20-something people, I believe, facing military commission charges at Guantanamo Bay and haven't been tried yet because of Federal court proceedings affecting the outcome of the military commission status. This amendment would require the United States to make a choice that no other country has ever had to make: try them or let them go.

The truth is that some of them deserve to be tried as war criminals. Some of them deserve to be taken off the battlefield until they are no longer a threat to our country and our coalition forces. And to have to let them go or try them is a choice the country should not have to make.

Who is at Guantanamo Bay? There have been some high-profile stories about individuals who were sent there who may not have been involved in enemy combatant activities. Unfortunately, those things happen. You can get someone in your custody based on some bad information and, over time, find out you made a mistake. And 200-something people have been released under the current procedure. What is that procedure? The Geneva Convention says if there is a question as to whether a person is a POW, a prisoner of war, or an unlawful enemy combatant, the host country, the country in custody of that individual, must have a competent tribunal to make that decision.

As far as I know—and correct me if I am wrong—the decision as to whether a person is an enemy combatant is a military decision. We don't have civilian trials. The Geneva Convention doesn't require a civilian judicial determination to be made. The determination of whether you are a POW who is entitled to the Geneva Convention protection, an enemy combatant or an innocent individual, is left up to the military. I argue that that is the way it should be, with due process rights.

The problem with this war is that we don't know when it is going to be over because there will be no surrender ceremony. I am sensitive to that. I understand the Senator's concerns, and that is legitimate. The process at Guantanamo Bay now, as I understand it, is when somebody is sent there, a combat status review tribunal will review their case, a military intelligence officer, and a military lawyer will look at the case and determine if the individual before them is an enemy combatant or meets the definition of an unlawful irregular enemy combatant. The host country where the person comes from can intervene on their behalf. Evidence is collected. They don't have a lawyer, but they have a representative. Every year, that person's status is reviewed. An annual review looks at whether the person still has intelligence value, whether they are a threat to the United States or has anything changed about their initial status determination.

Under an amendment passed that was authored by Senator LEVIN and myself, every Guantanamo Bay detainee now will have a chance to appeal their case to the Court of Appeals for the District of Columbia, and a Federal court of appeals at the District of Columbia will review the combat status review tribunal's action in that case to see if it was proper. So now we have civilian courts looking over the initial military determination. When it comes to military commissions and people being tried as war criminals, we have the presumption of innocence and the right to a lawyer, which is a very similar tribunal to international tribunals, very similar to the UCMJ but different in some regards.

So the idea that we need to let the prisoners go or try them all, I think it would be a very bad policy decision to make because some of them can be dangerous, can be a threat to our country if released or they could have intelligence value but don't fall within the definition of war criminal. To say that every enemy combatant is going to be tried as a war criminal is not good policy because you are beginning to change the way the rules have worked for a very long time.

We have had 200-something people released. About a dozen of them have gone back to the fight, unfortunately. So there have been mistakes at Guantanamo Bay by putting people in prison that were not properly classified. There have been mistakes about releasing people that we thought were not dangerous but turned out to be so.

I have a summary of statements made by individuals who have been released from Guantanamo Bay but went back to the fight. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED STATEMENTS FROM DETAINEES

Statements made by detainees provide valuable insights into the mindset of these terrorists and the continuing threat they pose to the United States and the rest of the world.

A detainee who has assaulted GTMO guards on numerous occasions and crafted a weapon in his cell, stated that he can either go back home and kill as many Americans as he possibly can, or he can leave here in a box; either way it's the same to him.

A detainee with ties to UBL, the Taliban, and Chechen mujahideen leadership figures told another detainee, "Their day is coming. One day I will enjoy sucking their blood, although their blood is bitter, undrinkable . . ."

During an interview with U.S. military interrogators this same detainee then stated that he would lead his tribe in exacting revenge against the Saudi Arabian and U.S. governments. "I will arrange for the kidnapping and execution of U.S. citizens living in Saudi Arabia. Small groups of four or five U.S. citizens will be kidnapped, held, and executed. They will have their heads cut off."

After being informed of the Tribunal process, the detainee replied, "Not only am I thinking about threatening the American public, but the whole world."

A detainee who has been identified as a UBL bodyguard, stated, "It would be okay for UBL to kill Jewish persons. There is no need to ask for forgiveness for killing a Jew. The Jewish people kill Muslims in Palestine so it's okay to kill Jews. Israel should not exist and be removed from Palestine."

A detainee who has been identified as UBL's "spiritual advisor" and a relative of a fighter who attacked U.S. Marines on Failaka Island, Kuwait on October 8, 2002, stated, "I pray everyday against the United States." This detainee repeatedly stated, "The United States government is criminals."

A detainee and self-confessed al Qaida member who produced an al Qaida recruitment video stated, ". . . the people who died on 9/11/2001 were not innocent because they paid taxes and participated in the government that fosters repression of Palestinians." He also stated, ". . . his group will shake up the U.S. and countries who follow the U.S." and that, "it is not the quantity of power, but the quality of power, that will win in the end.''

A detainee who has assaulted GTMO guards on over 30 occasions, has made gestures of killing a guard and threatened to break a guard's arm.

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Mr. GRAHAM. Mr. President, one of them is Mullah Shazada who was released from Guantanamo Bay on May 8, 2003. He assumed control of Taliban operations in southern Afghanistan. His activities reported including the organization and execution of a jail break in Kandahar.

Abdullah Mahsud was released in 2004. He became the militant leader of the Mahsud tribe in southern Waziristan. We learned he had been associated with the Taliban since his teens and has been described as an al-Qaida facilitator. In mid-October 2004, he directed the kidnapping of two Chinese engineers in Pakistan. During a Pakistani rescue attempt, the kidnappers shot one of the hostages.

Mohammed Ismail was one of two juveniles held at Guantanamo Bay. He was released in 2004. During a press interview after his release, he thanked the United States for providing him education opportunities in Guantanamo Bay and stated he would look for work after visiting his relatives. He was recaptured 4 months later in May 2004 participating in an attack on U.S. forces near Kandahar. At the time of his recapture, Ismail carried a letter confirming his status as a Taliban member in good standing.

Abdul Rahman Noor, after being released in July 2003, has participated in hostile actions against U.S. forces near Kandahar. He was later identified as the person in a 2001 al-Jazerra interview described a mujhadeen defensive position claiming to have downed an airplane.

The reason I mention these individuals is that mistakes have been made in letting people go. Once the military tribunal reviewed these individual cases, they made a determination the person was no longer a danger to the United States and possessed no additional intelligence value. They were wrong.

These people and several others went back to the fight, and at least one of the people involved killed an American medic.

The process we have at Guantanamo Bay is reform in a manner that I think is consistent with American values. This body, in an overwhelming vote, indicated to the Department of Defense that their interrogation techniques needed to be standardized and put in the Army Field Manual. That is a work in process.

This body, in an overwhelming vote, gave every detainee at Guantanamo Bay a right to petition their status to Federal court for Federal court review.

We have due process rights in place for detainees at Guantanamo Bay that I think are unprecedented in the rules of armed conflict and are based on the fact that this is a war without a definable end.

But the amendment before us by my good friend from New Mexico would require this country to release the detainees en masse or repatriate them or charge them. The problem with repatriation is that one of the problems with closing Guantanamo Bay is, where do we put these people?

We have had case after case where the detainee was eligible to be released but did not want to go back to their host country for fear of reprisal. The idea that we can take the 460 prisoners and open the gates of the prison and say, Go back, is going to be a problem because a lot of them have no place to go or won't be taken back.

Another problem is that if we release these people en masse, some of them will become our worst nightmare. Information about statements made by detainees—I have another document here, where they openly avow a desire to get back into the fight and to kill Americans and to continue the war on terrorism.

Simply stated, the people at Guantanamo Bay, in my opinion, are people who need to be looked at every year in terms of their status and whether they have intelligence value and whether they present a danger. And that decision can be reviewed by civilian authorities.

They are not people for whom we should open the door and say, Leave or be charged, because the truth of the matter is that there are people down there who are enemy combatants who have not engaged in conduct that would fit a traditional definition of a war crime.

I just don't think we need to make that choice. We need to make sure that every detainee has adequately been processed, that our country is accountable for their treatment, that our country is accountable for their legal status, and that we have a way to prove to the world and to our own public that the detainees are being confined within the rules of armed conflict and treated properly.

This amendment would set in motion, I believe, forces that would come back to haunt us. Mr. President, I say to my good friend from New Mexico, I understand his concerns about Guantanamo Bay and the image problems that it has created, but I would argue that the reforms in which we have engaged have been real. We are not getting much credit for those reforms, but we are just going to have to understand as a nation that every critic of this country's policy doesn't have to make the decisions we do.

The criticism coming from abroad about Guantanamo Bay is part of democracies being able to speak openly, but they are not coming to South Carolina. If we let them go, they are not coming to South Carolina. I will do everything I can to keep these people from coming into my home State. And I doubt we want them to go to Mexico, and I doubt they are going to go to Connecticut.

I do not want to intermingle them with our military prison population because these people represent the hardest of the hard.

I hope we can reform Guantanamo Bay and that one day it will be closed because the needs of the war on terrorism have been met. And I do hope that those who are war criminals in the truest fashion will be tried at Guantanamo Bay by military commission and those who are not war criminals will be held until they are no longer a danger. I do not believe it is advisable for this country to make a choice as a nation that no other nation has ever had to make before, and that is turning loose someone who is caught on a battlefield engaged in hostilities against our own people or try them all as war criminals. That has never happened before, and it shouldn't happen here.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, we now have an agreement for a couple of votes in the morning relative to the minimum wage amendments which have been discussed this afternoon. Tomorrow we will also proceed to debate the Iraq-related amendments offered by Senator LEVIN and Senator KERRY.

Mr. President, at this point, on behalf of the leader, I am prepared to send a cloture motion to the desk, but I do want to make the following point before sending the cloture motion to the desk. This does not—I repeat, does not—preclude us from working toward further agreement to set up votes on these amendments prior to cloture. In fact, we anticipate having votes on both of those amendments prior to cloture. We are looking forward to the debate on both amendments.

Almost everyone on this side is interested in speaking to the appropriateness of adopting those amendments, and, as I said, we do not intend for cloture to shut out in any way votes on the Kerry and Levin amendments.

CLOTURE MOTION

Having said that, Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

Bill Frist, John Warner, John E. Sununu, Jim Bunning, George Allen, Lamar Alexander, Craig Thomas, Kay Bailey Hutchison, Chuck Hagel, Ted Stevens, Judd Gregg, Robert F. Bennett, Thad Cochran, Pat Roberts, Pete Domenici, Jim Inhofe, Jeff Sessions.

Mr. McCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak briefly in response to the comments of my colleague and friend from South Carolina, Senator GRAHAM, about the amendment which I intend to offer at an appropriate time on the Defense authorization bill.

I say, in all respect to the Senator from South Carolina, he has totally misread the amendment. He has totally mischaracterized it. This amendment does not, as he said, require the Government to either release everyone at Guantanamo or charge those individuals.

It is very clear in the amendment. It starts out by saying, "Except as provided in subsection (b)," and then it goes on to say:

> Not later than 180 days after the date of enactment of the law, an alien who is detained by the Secretary of Defense shall, consistent with applicable law, be charged or repatriated or released.

But then obviously the exception is what we start out with there. It says the exception under paragraph (b) is that with respect to an alien described in the first section, subsection (a), who is not charged or repatriated or released within this 180 days, the Secretary of Defense shall submit to the appropriate committees of the Congress a detailed report as to each such alien that includes, and then it specifies the information that needs to be included.

Essentially, it says the Department of Defense shall go ahead and charge these individuals with criminal activity or it shall repatriate them to their home country, an appropriate country, or it shall release them, or it shall give us a report and explain what its plans are with regard to these individuals and why it is not taking one of the previous actions. That is not the characterization or the description that the Senator from South Carolina just went through.

This amendment does not require that any enemy combatant be released. It is clear in its language that it does not require that. It does not require the release of people "en masse," which was the language the Senator from South Carolina used. It does not require us to release people who are then believed to have the motivation of getting, as the Senator from South Carolina said, back into the fight.

This does not in any way restrict what the Department of Defense does. It just says the Department of Defense has various options, but we are going to begin to understand what action the Department of Defense is taking with these individuals.

It can charge them with a crime, it can repatriate them to their home country, it can release them, or it can tell us, the Congress, the appropriate committees of the Congress, what it intends to do and what action and what factors cause it to not want to take one of those previous actions. That is a very straightforward amendment.

I think anyone who is opposed to that amendment basically says we, the Congress, have no responsibility for oversight, the appropriate committees of the Congress have no responsibility to concern themselves with what is being done with these prisoners at Guantanamo, and I think that is a very unfortunate message for us to send.

The amendment goes on to provide that in the report to the appropriate committees of the Congress, if the Department of Defense wishes to submit part or all of that in classified form, it can do so. To the extent it is not required to be in classified form, it would, of course, be a public report.

This is a very modest amendment. In fact, the criticism I have heard from people who have generally been aware that I might offer this amendment is: Why does this amendment give the Department of Defense an out? It says with regard to each of these individuals, either charge them with a crime, repatriate them, release them, or tell us what your other plan is, if you have some other plan that you believe is required under the circumstance. That is the very least that this Congress should be doing with regard to these individuals.

I, frankly, do not want to ask this Congress to resolve the question of the legality of what is going on at Guantanamo. Some of that is being determined in the courts, as it should be determined in the courts. But, clearly, this Congress has some oversight responsibility. This Congress should be insisting that the Department of Defense specify what action it intends to take, go ahead with whatever action it intends to take in the next 180 days, and at the end of that time report to the Congress as to any detainee for whom it does not intend to go ahead or for whom it has not gone ahead and brought charges against or decided to repatriate or decided to release.

So let me just stop with that. I am glad to discuss the amendment further, but I know that my colleague from Connecticut who has a separate amendment dealing with Guantanamo wishes to speak and describe his amendment, and I also see that my colleague from Alabama is on the Senate floor and wishes to speak perhaps on the same issue as well.

So, Mr. President, at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been to Guantanamo twice, and I have seen the work of our military personnel, the good morale they have under difficult conditions, their determination to provide every decent and right request and treatment to the prisoners who are there. I have seen areas where they are detained, the religious freedom that they give them, including a Koran and prayer rugs and things that they have requested, the exercise that they obtain. It is, I believe, in all respects a very fine prison that treats people in a decent way.

But as the Senator from South Carolina noted, these individuals are prisoners of war, and prisoners of war are not given trials. In the history of the United States of America, we do not give prisoners of war trials. They are detained until the conflict is over.

What about those who have gone beyond just being a combatant against the United States but have become an unlawful combatant, violating all the rules of warfare and are therefore apprehended and detained? Should they be given more rights than a properly uniformed and properly lawful combatant is given who is detained by an enemy? I think not. I would suggest these are matters that are within the parameters of the U.S. military to handle. They have no desire to maintain a single prisoner any longer than they have to. They have released several hundred already, and 15 of those have been rearrested on the battlefield where they are presumably attempting to fight the United States of America and our soldiers and our allies around the world.

So I would say to my colleagues, these are not academic questions. They are matters of real life and death and must be carefully thought through. Under the circumstances we are now dealing with regarding prisoners in Guantanamo, we don't need to micromanage the military. I would agree with Senator BINGAMAN that his amendment at first glance says that they must be charged with a crime, filed in an appropriate Federal district court of the United States or a military tribunal or an international criminal tribunal or repatriated to the country of origin or some other country. That is a mandate. The amendment goes on to say: But with respect to those who are not so charged, the Department of Defense must submit a report saying why they haven't been charged and when they will be handled in this matter. So I think in conflict, as Senator GRAHAM has detailed, it goes to the historic manner by which any nation, and in particular the United States, handles prisoners of war.

Again, I have seen the conduct at Guantanamo. I think it is an appropriate facility considering the danger that these individuals pose. It is an appropriate location. It makes it very difficult for them to break free and kill other people. The Department of Defense actually is continuing to improve it. They give the prisoners first-rate meals, first-rate medical care. Until the three suicides we saw recently, not a single prisoner had died in Guantanamo of any kind of causes, natural or otherwise.

So I believe this amendment is not necessary. I think it would have the effect of restricting the power of the executive branch to carry out this war on terrorism and manage the military's treatment of prisoners. The Department of Defense wants to get rid of them. They have tried to repatriate numbers of them. But some of them are just dangerous and must be detained.

I would ask, how would a prosecutor prove a case? Some would say we will just give them a trial. What if they were captured in the mountains of Afghanistan and maybe the soldier who captured them was later killed, or maybe he was reassigned to Korea or some other place? It is not so easy to have trials of prisoners of war, and that is why it has never been done and why I think the amendment, which is carefully drafted and attempts to avoid some of the worst criticisms that might be made of it, is, nevertheless, a step too far, and I believe we should reject it.

I just want to point out a number of things that are important about how careful our military is, unlike what happens when American military prisoners are captured, apparently, as we saw today, the horror of being captured, tortured and killed by the al-Qaida forces in Iraq, who are just brutal in their treatment of American prisoners. We give the prisoners at Guantanamo a combatant status review tribunal—a tribunal consisting of three people, the Department of Defense Combatant Status Review Tribunal process pursuant to a Supreme Court plurality opinion in Hamdi. Hamdi dealt with due process for American citizens. The process created was applied to all foreign nationals detained at Guantanamo and went beyond the process referred to by the Supreme Court of the United States. It went beyond that.

The Combatant Status Review Tribunal provides a venue for detainees to personally challenge their status as enemy combatants. They were given that opportunity. As of January 22, 2005, the Department of Defense had completed 558 CSRTs. Of the 558 hearings that were conducted, the enemy combatant status of 520 detainees was confirmed, and 38 detainees were found to be no longer meeting the criteria to be designated as enemy combatants.

The Administrative Review Board is another process the Department of Defense has implemented. This administrative review process makes an annual assessment of whether there is continued reason to believe that the enemy combatant poses a threat to the United States or its allies, or whether there are factors bearing upon the need or the continued detention, including the enemy combatant's intelligence value, in the global war on terror. That is what this board does every year for every prisoner.

Based on this assessment, the Administrative Review Board can recommend that individuals should be released or should be transferred with conditions or should continue to be detained. Allowing detained enemy fighters to be heard and potentially released or transferred while hostilities are ongoing, as they are this very minute in Iraq and Afghanistan, is a historic and unprecedented step. We have never done that before in war.

The first year, the Administrative Review Board resulted in 330 continue-to-detain decisions, 119 transfer decisions, and 14 release decisions. So these are not rubber stamps. The Department of Defense is attempting to move people out, to transfer them, or release the people they can justify releasing. But remember, 15 of those former prisoners at Guantanamo, who have been released, have later been detained and captured on the battlefield seeking to fight America.

The second year of the Administrative Review Board process, in this annual process, resulted thus far in 12 continue-to-detain decisions, 6 transfer decisions, and no release decisions. That is as of June 20 of this year.

So the Department of Defense has created a system that goes beyond what this Nation has ever utilized in time of war to deal with an attempt to release persons who have been captured as prisoners of war fighting the United States of America. They didn't do that for German prisoners. They didn't do it for Japanese prisoners. They didn't do it for North Korean prisoners. They didn't do it for Vietnamese prisoners. These are unprecedented steps. I think it is more than is required, but it is a generous step for the United States to take, and I certainly support that.

Mr. President, as of May of 2006, 287 detainees have departed Guantanamo, 192 have been released, 95 have been transferred to other governments, including Albania, Afghanistan, Australia, Bahrain, Belgium, Denmark, France, Great Britain, Kuwait, Morocco, Pakistan, Russia, Saudi Arabia, Spain, Sweden, and Uganda. We would like to release them all, if we could.

But the President of the United States took an oath to protect the people of the United States from attack by enemies. If he releases prisoners who we believe will have any reasonable basis to continue to attempt to kill American citizens or American soldiers, he is derelict in his duty. This is not some game he is playing. This is not some academic process that the generals who are supervising this are involved in or the Administrative Review Board members or the Combatant Status Review Tribunals are dealing with. They can't make a mistake. If they make a mistake, somebody could die.

I know the operations at Guantanamo have raised complaints from some of our allies, specifically a complaint from one British official. I am so proud of the support the British government and population has shown to the United States, but I have to tell you, I don't know what the man expected us to do. Did he want us to release all 500 of them? Is that what he would want? Is that what the other people on our editorial boards like to write about? We should just release them? Well, maybe Great Britain would like to take them. Maybe the United Kingdom would like to take them and house them in their jails. Would they really? Would they release them? Would they want to release them on their subways or on their buses or on their trains in London?

Three prisoners just committed suicide last week at Guantanamo, and amazingly, we had newspapers in this great Nation that purport to be wise and thoughtful pandering to those seeking to close Guantanamo by suggesting that they are somehow killing themselves because they are depressed.

One of these was an active member of the Taliban forces who fought against the United States. One was a recognized leader in al-Qaida—they are from Yemen and Saudi Arabia and other places. I believe two were from Saudi Arabia and one was from Yemen. Do we want to release prisoners like these?

They hanged themselves. I suggest, with all sincerity, that these three prisoners did not commit suicide together, the same day, because they got depressed over mistreatment. Most of them have gained weight and have been well treated, well fed, and given superb medical care. That is not why they committed suicide. They committed suicide as a continuation of their commitment to jihad and to prepare to commit suicide to further jihad.

If they had a bomb with which they could have blown themselves up and others, Americans or other people, they would have done that. They absolutely would have done that. But because they were in our custody and couldn't get hold of a bomb and wrap it around their body and kill men, women and children on buses or trains or something like that. The only thing they could do was kill themselves in hopes they would have editorials around the world, editorials in New York City and Washington, DC, have Senators and Congressmen on the floor of the House and the Senate saying how badly we are treating these prisoners of war, these unlawful combatants, and suggesting they all ought to be turned loose and how this is America's fault.

The fact that these three prisoners, clearly terrorists, committed suicide the same day is absolute proof that they were threats to innocent people and to the United States of America. It is proof that they had that threat capability. If they had been released, do you think they would have just gone nicely back home to work a job in Yemen or work on a pipeline in Saudi Arabia? No, they are committed jihadists. They are terrorists. That is why they were in Guantanamo. I am glad they hadn't been released like some of the others and I am glad that those like them are still being detained there. They are not entitled to trial.

I don't know what we will do with Guantanamo. The President said he would like to close it. I guess it would make some people happy around the world. Maybe they would get off his back. But somebody has to do something with them. I will tell you one thing, we can't release them all. Do we release them any better if they are brought back to the United States? Do we release them any better if we take them over to London or Madrid? I submit not. We have them in a safe place. They are being well taken care of. We have invested a lot of the taxpayers' money in making that facility at Guantanamo a good facility, a safe facility. I don't know why we would want to move them, other than just to make people feel better and stop fussing.

But we are going to continue to apprehend people. When we went out after the bombing of Zarqawi and did these raids in 17 different spots and they arrested quite a number of people, what are they going to do with them? Turn them loose?

When I was in Iraq recently, I heard about two brothers who were known bomb makers. Can you imagine someone a greater target of the United States military than a skilled bomb maker who is making bombs that kill American soldiers on a regular basis? They caught them and they thought they had enough proof. But the military decided they didn't. Or the court or somebody did, and they turned them loose.

I am telling you, those military personnel and the civilians that worked with them to help build that case and to identify these bombers were really heartbroken. It was very painful for them to have to release somebody whom they believed had been responsible for killing innocent civilians in Iraq and American soldiers. But we didn't have enough proof, apparently, and we let them go.

We don't need to keep pushing the military, pushing that you have to have proof beyond a reasonable doubt like you have to before you can lock up an American citizen—let's not put that kind of burden on our military.

I think this Guantanamo matter is greatly overblown. We fail to realize just how dangerous some of the prisoners are. Hopefully, we can sift through them and find some more who are not dangerous and they can be released. Hopefully, we can send them back to foreign countries. But you know, when you send them back to a foreign country, things don't always work out right. You turn around and 6 months later, 2 years later, they are released. Or sometimes we have Members of the Senate who have made speeches and complained because, if we send them back to their home countries, the home countries realize they are terrorists, maybe even applied those tactics against their country, and they mistreat them. Now we are blamed for some treatment by a foreign government where we sent these prisoners.

We were aggressive in interviewing prisoners at the outset of opening Guantanamo. We had a very good briefing last time I was there where the people said they really reduced the intensity of interrogations. In the weeks and days following September 11 when we thought and had every reason to believe that there were cells probably operating all over this country, the military and our intelligence people were aggressive in asking questions of them and pursuing interrogations. They did not torture them. I do not believe there has been a single allegation that has been substantiated of any torture at Guantanamo. But people took it farther and said the military was too harsh with these prisoners. So for a whole lot of reasons we don't pursue those tactics as strongly today.

The standards are very lax in that regard—or strong in the sense that prisoners are not stressed and not abused in any way as they are being interrogated. In fact, just the opposite is the case. Occasionally, it is odd, after time goes by, somebody begins to talk. Some people never talk.

I appreciate the interest of my colleagues in wanting to run the cleanest prison system we possibly can, to comply with the highest ideals of the United States. I believe if they went there and examined what was going on they would conclude, with me, that the prisoners are being treated well, that they are being given every help and dietary and religious values that they need. We should continue to do that.

Sometime in the future we will have to wrestle with how we are going to handle them and maybe we can continue to repatriate them to the countries of origin. Maybe some actually ought to be tried and executed. Others simply need to be detained until the war is over. That is just the way it is, and that is the way it has always been.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I appreciate the comments of others about Guantanamo Bay and the individuals who are being held here. I listened to the discussion earlier between the Senator from South Carolina, Mr. GRAHAM, and my colleague from New Mexico, Senator BINGAMAN, and Senator SESSIONS from Alabama, who discussed the issue of those who are being detained in Guantanamo and the very facility itself.

I had thought about offering an amendment on this matter, but it is getting confusing, with the number of amendments being offered tomorrow and the length of debate. Senator BINGAMAN is offering an amendment which I think is worthy of consideration. I may withhold the amendment I intended to offer until a later time, on another matter, when there is more of an opportunity to have debate. There is at best only a limited amount of time we may get tomorrow for discussion. I have been told I might have only a few minutes.

I regret that. I wish we had more time to offer this amendment. But I think in the interests of my colleagues here, given the seriousness of the issue, it probably deserves more time. So, I will reserve offering that amendment until another time when we have more of an opportunity to discuss it.

Let me, if I can, discuss some issues that have been raised here this evening that I think are important. I have listened to my colleagues talk about, first of all, the individuals being held in Guantanamo. We talk about people here, some of whom clearly have the very worst intentions for the United States. Some of these individuals have attacked our soldiers, attacked innocent citizens, and pose serious threats. There is no debate about that. We are not arguing about whether or not that is true for many of these people.

There may, obviously, be some exceptions that fall out of that category—individuals who have been improperly retained or restrained and sent to Guantanamo or elsewhere. That certainly may be the case. But there is no question that many of these individuals are people to worry about. That is not the issue.

The issue is: We are a nation of laws. We say this all the time. It is something about which we take great pride. We have celebrated it over and over again. It is one of the distinguishing features of this great country of ours. We proved that we are a nation of laws categorically 60 years ago this very year when, in a different set of circumstances, the United States, along with our allies, some of whom reluctantly joined us in this effort, held a series of trials in a place called Nuremberg. We made the decision at Nuremberg that the defendants in those trials—these thugs, these people who had murdered 11 million innocents, 6 million Jews because of their religion, not to mention the millions more who lost their lives as a result of the Nazi war effort—would be afforded a trial instead of just being summarily executed. Winston Churchill advocated summary execution, and many others did as well. Why would you possibly give these defendants, it was asked—these thugs that I have mentioned, who carried out the orders of Adolph Hitler—why would you give them a trial? Why would they get a lawyer? Why would they be allowed to present evidence in a court of law?

It was the conclusion of the United States, under the leadership of people like Justice Robert Jackson, that the rule of law should be paramount. Justice Jackson and others argued very strongly that it was going to be critically important that the United States and others join in showing the world that there is a difference between these fascists—who had summarily executed people merely because of their ethnicity or religion—and this great country of ours.

In fact, Nuremberg was an interesting choice for the venue of those trials. In a sense, the Nazis chose Nuremberg. The Nuremberg Laws created a legal justification for every atrocity they committed, and so having a trial at Nuremberg, trying the very people who perpetrated these crimes, was somehow a fitting coincidence.

I speak about this because as a child growing up I heard night after night my father, who was the Executive Trial Counsel under Robert Jackson at Nuremberg, speak of these days. I was 1 year old in the summer of 1945 when my father left for a few short weeks merely to be an interrogator of these defendants at Nuremberg. He ended up replacing Judge Story as Executive Trial Counsel under Robert Jackson, and spent a year and a half trying a number of defendants at Nuremberg. He wrote my mother every single day 15 to 20-page letters describing in great detail his views and thoughts about the defendants and our allies in that effort, the Russians, the British, the French. He had some choice thoughts about a number of those people who were at Nuremberg. And he talked to his children growing up over the years about what happened at Nuremberg.

There was a great debate. In fact, half of the Supreme Court argued against Robert Jackson even going. There were colleagues here who argued that it was ex post facto juris prudence—that we had no right to go back and create a body of law to try the defendants at Nuremberg.

My father and others argued strenuously that the natural law should require that individuals who had committed such crimes—who had committed summary executions based on religion or ethnicity—that these people should be taken to task for what they had done, but also, critically, be afforded rights—the right to a fair trial, the right to have legal representation.

Imagine—people like Goering and von Ribbentrop and Keitel and Speer and others—actually be given a lawyer to represent them in a trial, so that they could stand up and make a case for themselves, as Goering did for days on end at Nuremberg.

Obviously, the facts are different here. At Nuremberg, the war was over. There was a different set of circumstances. I would be the first to acknowledge it.

That is not the comparison I am trying to draw. The comparison I am trying to draw here is about the rule of law.

We can characterize these individuals at Guantanamo in words that none of us are going to terribly argue about. But I come back to the point that those who were at Nuremberg, who made the case for the trial such as I described, need to be heard again today, 60 years later.

We are a nation of laws. We are different. We are not like these people who are being held at Guantanamo. The rule of law is something we cherish in this country, even to the point where we are willing to stand up and defend the rights of people who do things we find abhorrent.

Whenever I talk to students about the Bill of Rights and the first amendment, I tell them that it doesn't just protect their rights when they say something I agree with. It is important also to protect those individuals who stand up and say something I totally disagree with or find obnoxious, to put it mildly.

That is the rule of law. That is what makes us different. That is what distinguishes us.

What has happened already is that there is confusion. Are these prisoners of war? If they are, obviously the Geneva Conventions prevail. If they are not prisoners of war but enemy combatants, the Supreme Court has ruled already that they have certain rights, that they have a right to appeal that status. Yet, we find that a substantial number of these people are being held without any definition of who they are, what their status is legally, whether or not they are POWs, enemy combatants, or something else.

When Senator BINGAMAN offers his language here to get some clarity, why is that important? I think it is important because we are, again, a nation of laws. We determine that people ought to be given one status or another. We need some clarity as to who these individuals are and how they are going to be dealt with.

Why do I say that? First, because we ought to care, particularly in this a body, the U.S. Senate, that the rule of law is defended. But second, and not unimportant, is the question of how we are being perceived in the fight against terrorism—something that requires international cooperation. It is critically important that the United States not only lead on this issue but that other nations around the world and their citizenry following us, join us, if you will, in this effort.

Today, as I speak about this issue—unfortunate symbols are important. Guantanamo has become a symbol of things that have gone wrong without clarity, without definition, and that lack of clarity is hurting our cause.

As we try to build a coalition, it is crucial that we win support for what we are trying to achieve. Without allies in this effort, we will never ever win this war on terrorism. It is a transnational problem that insists upon a transnational response.

It is critically important that we understand the necessity of building the kind of relationships that are going to be absolutely critical if we are going to succeed in this effort, as I believe we must. We have no choice but to succeed in this effort.

But to disregard the feelings or sentiments of others on whom we must support and depend in the future, if we are going to succeed in this effort, is something that ought not to be lost on the membership of this institution.

I am deeply concerned about the direction we are heading here, one that is lacking clarity, any clarity at all, in dealing with these individuals that are being held. What is their status? Is it one thing or do we need a determination of that.

The administration I think bears the responsibility to come forward and say what the status is. Just saying we are going to hold people without some clarity is not good enough. If you want to hold them, fine. Decide what they are. Are they prisoners of war? If they are, then that is one set of circumstances. If they are not prisoners of war but enemy combatants, that is a different set of criteria that applies. But the rule of law must apply.

The criticism we are receiving here is that again we just do not have any definition. This ought not be an issue that divides us and people trying to inflame the passions of others: Who cares more about terrorism or who is willing to stand up and fight against terrorism more than anyone else. That is not the issue. The issue is the rule of law which joins people of different political persuasions but of like mind about insisting that the rule of law be applied. That has never divided us. When we move that important criteria, that important definition of who we are as Americans—the rule of law—and engage in this sort of demagogic debate about who cares more about terrorism, or you don't care about terrorism at all, if you are only willing to talk about the rule of law, that somehow makes you weak on this issue, that you lack the kind of conviction and spine when it comes to dealing with terrorists because you start talking about the rule of law, how strong an American are you, if you only get up and talk about the rule of law?

We have all learned painfully when you begin to disregard the rule of law because you don't like the individuals that you want to apply it to, it comes back to hurt all of us.

Those who made the case more than 50 years ago at another place in another set of circumstances but facing the same criticism—the emotional response was certainly warranted. The Nazis brutalized people, incinerated millions, and certainly lit passions that said, Why would you ever give that kind of individual a lawyer and a right to present a case? And you can understand the emotions that people felt at the time—to give them the right to present a case? Did they ever give any of their victims a right to present a case in the incinerators of Buchenwald or Dachau? They never did. Why should we do it now?

Because people stood up and said we are different than they are. That is why we insist upon the rule of law.

Today, we need to remind ourselves—conservative, liberals, centrists—who we are. The rule of law unites us. It ought not divide us when we have these debates and discussions.

Guantanamo has unfortunately become a symbol of things that need to change.

The President himself, to his credit, a week or so ago in a press conference on June 14, acknowledged that fact. He said:

> No question, Guantanamo sends . . . a signal to some of our friends . . . provides an excuse, for example, to say, "The United States is not upholding the values that they're trying to encourage other countries to adhere to." He also stated clearly that he "would like to close Guantanamo."

That was the President of the United States. I am not making a case on my own. He recognizes what is happening with the symbol of Guantanamo, and how difficult it is to build the kind of relationships that are critical if we are going to succeed as we must in this war against terrorism.

I am not going to be offering an amendment. I think there is not adequate time to debate and discuss these things at this late hour in the evening. But I will find an opportunity at the appropriate time to raise the issue.

I hope we can build a broad, bipartisan consensus on these points. We ought not have division over the rule of law; to get clarification about how we talk about POWs, enemy combatants, and what the status of these people is because different sets of rules apply. Having no status at all and not fitting into one category or another is something that ought to be unacceptable to all of us.

I think having a facility that has become the symbol of something which none of us believe we stand for—we know we stand for the rule of law, we know we believe in that, and we embrace it—is raising serious reservations and concerns among people who ought to be joining us in this effort. If that is the case, as General McCaffrey said in talking about Guantanamo, close it down. He said he would like to close it down, and others believe as well that we ought to find other venues to deal with these issues as well as, of course, determining the legal status of these individuals so we can move on and again build the kind of coalitions necessary to have a successful coalition to fight the war on terrorism.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I appreciate the eloquent remarks of my colleague and his sharing of insight into Nuremberg and a number of thoughts that he shared with us about the rule of law, which I think is very important.

I note that at Nuremberg they tried and executed quite a number of people who conducted their war unfairly, in an unlawful way and went beyond being prisoners of war. They were, in fact, tried for crimes that they had committed.

I also say to my colleague with great sincerity that we are respecting the rule of law. These individuals that are caught and held at Guantanamo, some may qualify as a prisoner of war, many do not. They are what I have called—others used enemy combatants—unlawful combatants because they were carrying out combat in an unlawful way. They did not carry arms openly. They did not wear a uniform. They moved surreptitiously. They killed randomly women, children—actions that deny them the status of a lawful combatant and a prisoner of war. They are then held, if nothing else, certainly with legal protection because the Geneva Conventions cover people who are lawful combatants, who wage war for legitimate nations in a legitimate way.

Mr. DODD. Mr. President, if the Senator will yield, it is an interesting point. Going back, there was a body of law that had emerged prior to Nuremberg that, in fact, those who advocated that there should be a trial at Nuremberg relied on a point. But one of the great crimes that was argued against was crimes against humanity at Nuremberg. Many argued that this was sort of making it out of whole cloth. I don't think it was. But that was debated at the time.

The people who my colleague described as committing crimes against humanity, it clearly seems that those who were not enemy combatants in the traditional definition of that word but engaged in the kind of brutality against humanity, today there is a codified body of laws that would certainly make those people subject to international law let alone our own kind of crimes.

The point I am trying to make is, it just gives it some clarity. What are they? What is the legal status in that category? If you are a POW, there is one set of laws that apply. If you are an enemy combatant, there is a set of laws and regulations that apply. If you are a non-enemy combatant and have engaged in the very activities my colleague described, what is the law that applies to those individuals under those circumstances? There is no status at all being attributed to these people. They are in limbo. That is what I am concerned about.

Mr. SESSIONS. Mr. President, I certainly respect the Senator's thoughts about that. I must follow up a little bit.

First, what happened at Nuremberg happened after the war was over.

Mr. DODD. I agree.

Mr. SESSIONS. We held German prisoners in the northern campus of the University of Alabama where I lived when I was in law school. They had German prisoners there during World War II.

But what I want to try to reassure my colleague about is that we do have a proper procedure that is ongoing. For example, we have defined these as combatants. We give them a combatant status review tribunal when they come in. They are reviewed in that fashion. They have a three-judge panel. They actually go beyond the requirements that the U.S. Supreme Court said in the Hamdi case.

In addition to that, they created an Administrative Review Board that, on an annual basis, must make an assessment of whether there is continued reason to believe that the enemy combatant poses a threat to the United States or its allies, or whether there are other factors bearing upon the need for the kind of detention, including its enemy combatant intelligence value in the gulf war on terrorism.

For example, in the first year of those Administrative Review Board hearings, there were 330 decisions to continue to detain the prisoners, 119 decisions to transfer them to other jurisdictions, other countries perhaps, or possibly other countries, and 14 release decisions. This second year, to date, the review board had 12 findings of continued to detain, 6 transfers, and no release decisions.

At least there is a procedure. In response to criticisms in the Congress, around the word, in response to the Supreme Court decision, they have taken it carefully because the military is proud of its standards. The military wants to do this right. But they have a responsibility not to release those who should not be released as they continue to pose a threat to the security of our Nation.

Mr. DODD. If my friend will yield further, I am sure he is a good lawyer. In the Rasul v. Bush case in 2004, of course, the Supreme Court ruled "a state of war is not a blank check for the President," and "enemy combatants have the right to challenge their detention before a judge or other neutral decisionmaker."

That took a court case basically going to the highest Court of our land—I don't know what the ruling was, 5 to 4 or 6 to 3—and they ruled in that case enemy that combatants have a judicial right to challenge their status.

All I am saying, I am not trying to determine the outcome, just what is the status for the people to be detained or moved other places.

Our highest Court has said it is not a blank check, that they have a right to make a case. I don't want to be seen as perceiving—because I am saying they have a right to make a case, do I like these people? Am I trying to befriend them? I am saying the rule of law has to apply.

We are different. That is what makes us different from these people. These people would never give their victims a right to a judicial system proceeding as they engage in the kind of activity my colleague from Alabama properly described.

What makes my colleague from Alabama, and I hope myself and our colleagues, different is this very point the Supreme Court made. Even these enemy combatants have the right to make a case before a judge or other "neutral decisionmaker," that the state of war is not a blank check for the President. That is the point I am trying to make. I am not trying to characterize the people in any other way than what my colleague has described.

The point the Senator and I need to come together on is the rule of law. That is all I am trying to suggest. I don't have an amendment to offer, but we have to find this common ground on this issue because it is who we are. It is what we want the world to know and appreciate what the United States is. That is really what did so much for us in the wake of World War II where we became this symbol of nations that rise above their passions and their emotions.

He is absolutely right on Nuremberg. Several people got limited sentences, some got off, and many got executed, as they should have, but it went through a legal process. To read those transcripts, where people went on and talked as Goering—I am tempted to draw the comparison of Goering to Saddam Hussein, who talks endlessly. Goering did almost the same, and there was concern by some that he might have gotten away had it not been for a very aggressive prosecution.

It was the rule of law, and how proud these people were that showed the world—and the United States led—we were different.

The fact situations are very different between the end of a conflict and an ongoing conflict and how you deal with it, but the rule of law does deserve stronger support than I am afraid we are giving. That is my concern.

Mr. SESSIONS. I thank the Senator. I believe care has been taken to comply with the Supreme Court cases. The Department of Defense has gotten the system in a way that has a combatant status review tribunal and an administrative review board, and there have been multiple hearings. The Department is giving these prisoners—whether they are prisoners of war, lawful or unlawful combatants who are being detained—the rights to which they are entitled. I really do believe they have.

That is the only concern I have about the perception that might be out there, even around the world, that we are acting outside the rule of law. I do not believe that is so.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATE WEST VIRGINIA

Mr. BYRD. Mr. President, on June 20, 1863, a new State was added to the Union. Today, 143 years later, we celebrate the birthday of West Virginia. I am always happy to have an excuse to share my love for West Virginia with the rest of the Nation.

The story of West Virginia is unique and fascinating, a one-of-a-kind juxtaposition of geography, history, and politics. It is a story as interesting as the State is beautiful.

The steeply folded mountain ridges that define the southern edge of the State, and her rich mineral and natural treasures that more than made up for her paucity of flat agricultural terrain, defined her early years and set her apart socially and economically from the rest of Virginia. West Virginia's natural attributes attracted a hardy, can-do breed of opportunistic settlers determined to scratch a living for their families from her rocky hillsides. They mined salt and coal, hunted and trapped, and cut small family farms out of the hillsides. These mountaineers had little in common with the gentrified, land-owning and slave-owning plantation masters of eastern Virginia's tidewater and piedmont regions. Thus, even as the issue of slavery began to strain the relations between the Nation's industrial North and her agricultural South, the contrasts within Virginia were sharp.

A child of conflict, West Virginia's birth was surprisingly peaceful. Before the Civil War, the Commonwealth of Virginia was a large State, fraught with its own internal divisions, based largely on geography and economics. The eastern coastal plains and piedmont regions, with their large plantation economies, had much in common with the secessionist Southern States, while the mountainous Blue Ridge and Appalachian western portions of the State were populated by small farmers and woodsmen who had little use for the practice of slavery. Thus, when the convention was held in Richmond, VA, on April 17, 1861, to decide on Union or secession, the farmers and businessmen of western Virginia held with the North on the slavery question and the eastern half of the State held with the South. The matter was put to a statewide vote. Led by Clarksburg's John S. Carlile, Western delegates marched out of the Secession Convention and vowed to form a State government loyal to the Union.

From May 13–15, 1861, another convention was held, this one in Wheeling. Delegates from western Virginia decided to wait for the results of the statewide vote, which approved Virginia's secession from the Union on May 23. After the statewide vote, it was proposed that delegates from the western counties be elected to a convention to decide the matter for themselves. The convention, conducted in Wheeling from June 11–25, 1861, established a Restored, or Reorganized Government of Virginia. Francis H. Pierpont was elected Governor. President Lincoln recognized the Restored Government as the legitimate government of Virginia, and senators and representatives were chosen to represent the pro-Union Virginia.

In October 1861, residents of 39 counties in western Virginia approved the formation of a new Unionist State. A Constitutional Convention met in Wheeling from November 1861 to February 1862. At the convention, delegates selected counties to be included in the new State. In all, 50 counties were selected. Five additional West Virginia counties—Mineral, Grant, Lincoln, Summers, and Mingo—were formed after statehood to bring the total number of counties in West Virginia to its current 55.

Some eastern and southern counties did not support statehood but were included in the new State for political, military, or economic reasons. The mountain range west of the Blue Ridge became the eastern border of the new State, to provide a natural barrier to a Confederate invasion which many feared. The secessionist Eastern Panhandle counties were included in order to control the important Baltimore and Ohio railroad line. The inclusion of secessionist counties in the new State made for a certain amount of tension and any number of fascinating war stories.

Perhaps the most interesting war story involves the proclamation of West Virginia as a State. The U.S. Constitution requires that a new State gain approval for its establishment from the original State, which did not happen in the case of West Virginia. Virginia had seceded from the Union and was not, in any case, receptive to the idea of losing any part of its territory to the Union. Since President Lincoln had recognized the Restored Government of Virginia as the legal government of Virginia, it granted permission to itself on May 13, 1862, to form the State of West Virginia.

The U.S. Congress approved the West Virginia statehood bill after amending it to assure that another slave State was not created. The Senate passed the West Virginia Statehood Act on July 14, 1862, and on December 10, 1862, the House of Representatives followed suit. President Lincoln signed the bill into law on December 31, 1862. On March 26, 1863, the citizens of the 50 counties approved the statehood bill, and on June 20, West Virginia was officially established. The Restored Government of Virginia, with Pierpont continuing as Governor, moved to Alexandria, VA, from Wheeling, now that Wheeling was no longer in Virginia but in West Virginia.

The naming of West Virginia was also up for debate. Several possibilities were debated, including Kanawha, New Virginia, Western Virginia, Alleghany, Columbia, and Augusta, before the name of West Virginia was adopted by a majority of 30 votes. The runner up was Kanawha, which garnered just nine votes, including that of Mister James Henry Brown of Kanawha.

Mr. President, these few facts are but a drop of water in the lake of West Virginia's history. I invite the Nation to come and discover more in person. Our history runs deep, from the fossils hidden in the coal seams and rocks to the misnamed New River, which is, ironically, among the oldest rivers on the continent. There are historic sites across the State from frontier forts to Revolutionary War and Civil War battlegrounds.

West Virginia boasts an extensive park system that preserves the natural beauty of the State for all to enjoy. Fairs and festivals celebrate food from apple butter, blackberries, ramps, grapes, molasses and maple syrup. Sternwheelers, dulcimers, and even George Washington's bathtub merit their own festivals. People are not ignored, either, as festivals celebrate pioneers and indians. Black history and Celtic culture, as well as the heritage of counties and countries from Ireland to Italy, Greece to Lebanon. Music, from Appalachian string bands to bluegrass to gospel, comes in for its share of the fun. And the great natural treasures of West Virginia are not forgotten. There are festivals and jubilees for trees, rivers, birds, mountains, marble, coal, oil and gas, and even monarch butterflies. One can hardly mention West Virginia without thinking of the State's great craftsmen and women, renowned for stunning handmade products that are featured in many fairs and festivals as well as being available throughout the State in galleries and studios. Quilts, carvings, paintings, pottery and glass are but a few of the selections.

Larger commercial firms are also famous for their fine artistry. In honor of West Virginia's birthday, each year the Blenko Glass Company of Milton, WV, produces a limited number of special edition pieces—the number equaling the number of years the State is celebrating. The 2006 edition consists of 143 glass vases, each 11 inches high in a blending jungle green base that fades to a topaz gold mouth, rimmed in cobalt. The beautiful commemorative vase this year was designed by Hank Murta Adams. What a lovely way to mark a special day.

West Virginia is a special place. It may seem a little out of the way, but it is surprisingly close to many of the population centers on the east coast. It is full of quiet, peaceful spots—small towns with friendly people and breathtaking vistas of scenic beauty. It has churches and music, small farms and mills, rushing whitewater and still ponds. West Virginia is a place for family exploration, a place where it is easy to pull off the road and reenter the past, to stop and meet a craftsman at work, or just to eat a sandwich under a shady tree beside a cool stream. The more adventurous families might enjoy some of the whitewater rafting that West Virginia is famous for, or rock climbing, or paddling a canoe down a river canyon while watching for eagles overhead. You do not need to go on a crowded, canned cruise or to a hot, line-filled amusement park to find enjoyment. Just come to West Virginia and you will learn to love it as I do.

Roy Lee Harmon wrote a poem about West Virginia that I would like to close with. Roy Lee Harmon was from Boone County and lived in Beckley for many years. He held the post of State Poet Laureate from 1937 until 1978, some 41 years, becoming the Poet Laureate Emeritus in 1979. He wrote six books of poetry before he died in 1981. In his last book, published in 1978, he noted that after suffering from a long illness, when he died, "I shall thank God of all creation who has allowed me to live so long in my beloved hills of West Virginia and write my poems." I wish the State and all of her inhabitants, my beloved Mountaineers, best wishes for another year of happiness in their mountain fastness. Happy Birthday, West Virginia, and may God continue to bless you for another 143 years.

West Virginia

This was no land for lily-fingered men
Who bowed and danced a neat quadrille,
In towns and cities far beyond the ken
Of mountaineers—who loved each rock and rill.

It was a place for lean, tall men with love
For freedom flowing strongly in their veins,
For those attuned to vagrant stars above,
To rugged peaks, deep snows, and June-time rains.

And so our State was whelped in time of strife
And cut its teeth upon a cannon ball:
Its heritage was cleaner, better life,
Within the richest storehouse of them all.

With timber, oil and gas and salt and coal,
It bargained in the world's huge marketplace.
The mountain empire reached a mighty goal;
It never ran a pauper's sordid race.

And best of all, it sire a hardy flock
Whose fame will grow with centuries to be,
Tough as a white-oak stump or limestone rock,
The mountaineers who always shall be free.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, today, I am honored to celebrate the great State of West Virginia. June 20, 2006, commemorates; the 143rd birthday of the "Wild and Wonderful" State of West Virginia marking a milestone in both national and state history.

The historical importance of West Virginia should not be underestimated. Born in 1863 out of the turmoil of the Civil War, it has become synonymous with dedication, hard work, and integrity. West Virginia emerged as a staunch supporter of individuality, freedom, and tolerance. The common experience of the Civil War forged a unique bond of fraternity and camaraderie between its citizens. The commendable citizens of our great State exemplify all of the aforementioned attributes through their unending commitments to their jobs, communities, and families.

People, however, are not the sole attraction to the State. The West Virginia experience is transforming and mesmerizing. Visitors from around the world enjoy the vibrantly lush forests, clearly flowing streams, and majestic snow-capped mountains, which provide excellent outlets for recreational activity. Hiking, mountain biking, hunting, fishing, whitewater rafting, skiing, and golfing are just a few of the amenities provided in the treasure that is West Virginia.

The culture of West Virginia rivals nature in beauty and intensity. Music, history, pottery, glass, and storytelling make up a patchwork quilt of extraordinary experiences. Each individual, young or old, visitor or native, is wrapped warmly into West Virginia's comforting blanket of culture and identity.

The West Virginia motto, "Mountaineers are always free," rings throughout the State with resounding force. Jerry West, Pearl Buck, Chuck Yeager, and Senator ROBERT C. BYRD are just a few of the influential people of our time from West Virginia. As of June 12, 2006, Senator BYRD has had the distinction of being the longest serving Senator in U.S. history. Clearly, West Virginia has provided and continues to provide successful and inspiring individuals to the world.

Sadly, West Virginia has seen great tragedy in the last year: In four separate mining accidents, 19 miners have lost their lives. Coal production is woven into the fabric of our State. While we always knew of the risks, losing loved ones is always devastating. Following those accidents, the Nation finally focused on what West Virginia has long known—we must improve mine safety. Currently, 40,000 direct jobs are supplied by the coal industry's influence in the State. This month, the MINER Act was signed into law by President Bush. This momentous step in mine safety legislation will bring greater safety to the brave men and women who work in the mines. The important role coal plays in the culture, economy, and history of West Virginia cannot be understated. The jobs provided through the coal industry contribute to the well-being of thousands of West Virginians, they increase State development, and they enhance the economic vitality of the State. It is our responsibility to make sure that miners are safe, secure, and protected.

In addition to some of the hardships our State has faced since its 142nd birthday, we also have a lot to celebrate: The Toyota Motor Manufacturing Plant located in Buffalo, WV, recently celebrated its 10th anniversary. Since its inception in 1996, the plant has expanded five times and has been the single most productive engine and transmission facility in all of North America for 4 consecutive years. In 1996, 350 jobs were provided by the Toyota plant. By 2007, it is estimated that 1,150 workers will be employed by the organization.

Additionally, the West Virginia University football team won the right to participate in the 2006 Sugar Bowl in Atlanta, GA. In a stunning victory, the West Virginia University Mountaineers upset the University of Georgia Bulldogs 38 to 35. The Mountaineers finished the season ranked fifth overall in the Associated Press poll tying the highest ranking in school history.

I am proud to represent West Virginia. I am proud to live in West Virginia, and I am proud to be called a West Virginian. Today, it is my great honor to celebrate and commemorate the 143rd birthday of the "Wild and Wonderful" State of West Virginia.•

VOTE EXPLANATION

Mr. JOHNSON. Mr. President, I would like the record to reflect that I was necessarily absent on Monday June 19, 2006, for rollcall vote No. 175, the confirmation of the nomination of Sandra Segal Ikuta, of California, to be U.S. circuit court judge. Unfortunately, my flight from South Dakota to Washington, DC, was delayed due to bad weather. Had I been present for this vote, I would have voted in favor of the nomination.

HONORING OUR ARMED FORCES

LIEUTENANT COLONEL CHARLES E. MUNIER

Mr. THOMAS. Mr. President, I wish today to express our Nation's deepest thanks and gratitude to a special man and his family. I recently received word of the untimely death of LTC Charles Munier of Wheatland, WY, while serving his country in the war on terrorism. Lieutenant Colonel Munier passed away on Monday, June 12, 2006, at Walter Reed Hospital following a stroke suffered while serving in Afghanistan where he was helping to train the Afghan army.

Lieutenant Colonel Munier served in Wyoming National Guard as facilities manager for Camp Guernsey, Wyoming's training center for both Guard and Active-Duty military. He is remembered by his brother soldiers as a pivotal member of the Camp Guernsey staff and an outstanding officer who took his duties as a citizen soldier very seriously. In his civilian life, Lieutenant Colonel Munier worked for the Platte County Sheriff's Office as the jail administrator.

Lieutenant Colonel Munier epitomized the ethos of the citizen soldier. He did not hesitate to put down the plowshare and pick up the rifle when his country needed him. It is because of people like Charles Munier that we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. They put everything on the line every day, and because of these folks, our Nation remains free and strong in the face of danger.

Lieutenant Colonel Munier is survived by his wife Nancy, his daughter Victoria Rice, and her husband Tim, and his brothers and sisters in arms of the Wyoming National Guard. Today we say goodbye to a husband, a father, and an American soldier. Our Nation pays its deepest respect to LTC Charles E. Munier for his courage, his love of country, and his sacrifice, so that we may remain free. He was a hero in life, and he remains a hero in death. All of Wyoming and, indeed, the entire Nation are proud of him.

INSTABILITY IN SOMALIA

Mr. FEINGOLD. Mr. President, given the continuing instability in Somalia, the growing tensions between the Transitional Federal Government and the Islamic Courts Union, ICU, and the worsening humanitarian conditions throughout the country, it is more essential than ever that the U.S. Government and the international community engage fully in efforts to bring about a peaceful solution to the conflict that has plagued Somalia for more than 15 years.

Most immediately, it is essential that the ICU recognize the legitimacy of the TFG and that it engage in good-faith efforts to support the TFG's role and authority as Somalia's legitimate Government. The ICU must take immediate actions to begin assisting the TFG to extend its authority to Mogadishu, and it must do so in a transparent and expeditious manner.

The international community must also play a productive—and more aggressive—role. The United Nations must address this issue immediately and must make the necessary decisions and actions to allow for every option and tool for establishing stability in Somalia to be pursued. It is clear that both regional and international efforts must be strengthened and coordinated more effectively, and we must heed the calls of international humanitarian organizations on the ground for additional humanitarian assistance to increasingly vulnerable populations there.

Somalia's neighbors must be cautious and patient as conditions within Somalia continue to change. Somalia's neighbors must play a supportive role to the efforts of the TFG, the United Nations, and the African Union to secure peace. Hasty, aggressive, or meddling actions could undermine or further complicate efforts to find a political solution to the stand-off between the TFG and Islamic Courts Union. All international actions relating to Somalia must be coordinated, and activities that may undermine current efforts there must not be tolerated.

Finally, the U.S. Government must take instability in Somalia seriously. Just last week, Ambassador Hank Crumpton, the State Department's coordinator for counterterrorism, testified in front of the Senate Foreign Relations Committee and said that the State Department has only one full-time Foreign Service officer, based in Nairobi, working on Somalia-related issues. The administration has failed to create a strategy for Somalia and is only now, after years and years of instability and chaos throughout the country, engaging in international efforts to address some of the problems Somalia faces. The administration must create one sound policy framework to support stabilizing and rebuilding Somalia within which all U.S. Government activities can be coordinated. It must also appoint a senior-level coordinator to manage the multifaceted challenges that conditions in Somalia pose to both the United States and the international community.

Past efforts have been insufficient. It is past time to take the deteriorating conditions within Somalia seriously, and we must do so immediately. Recent developments in Somalia threaten to destabilize the entire region and plunge Somalia further in to despair. We can help prevent this if we act now.

RELIGIOUS FREEDOM

Mr. SHELBY. Mr. President, I rise today to discuss the issue of religious freedom. The freedom to believe and worship how one chooses is essential. However, as we strive for greater religious freedom and tolerance throughout the world, we have witnessed activist judges chip away at our own religious freedoms. These activist judges have worked diligently to restrict our rights to express our religious beliefs under the guise of separation of church and state.

Many of the court decisions that have broadened Americans' first amendment right to free speech, overreach. In an effort to promote tolerance, religious expression is in fact, being censored.

Our Founding Fathers proclaimed liberty to be an unalienable right bestowed by our Creator—"We hold these Truths to be self-evident, that all men are . . . endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness . . ." Yet unelected, activist judges are rewriting history. They have decided that, in fact, the Founding Fathers did not intend for there to be freedom of religious expression but, rather, freedom from religious expression.

Thirty years of public opinion polls have shown that more than 75 percent of Americans support a constitutional amendment to protect voluntary school prayer. However, the Supreme Court has said such an act violates the constitutional separation of church and state—again, another act that forces freedom from religious expression rather than freedom of religious expression.

It is not simply this decision but a growing and disturbing trend in our Federal courts to deny the rights of our States and our citizens to acknowledge God openly and freely. In fact, reciting the words "one Nation under God" in the Pledge of Allegiance has been ruled unconstitutional as has displaying the Ten Commandments in a State building in my home State of Alabama. These tortured legal decisions distort our Constitution, our Nation's history and its tradition in an effort to secularize our system of government and divest morality from our rule of law.

We simply cannot divest God from our country. Our country has no foundation without a basic recognition that God invests us at birth with basic individual rights that we all enjoy as Americans. In fact, our Government and our laws are based on Judeo-Christian values and a recognition of God as our Creator.

Our motto is "In God We Trust." It is enshrined on our currency.

Our national anthem recognizes our motto as "In God is Our Trust."

As Federal officials, each of us has taken an oath of office. The President takes a similar one. State and local officials and our military personnel all swear a similar oath. Jurors and witnesses in our State and Federal courts take an oath as do witnesses before Congress. We all swear to uphold the Constitution or tell the truth, "so help me God."

Our courts, including the Supreme Court, recognize God in their official proceedings, both the House and Senate acknowledge God through an opening prayer every morning. Our public buildings and monuments honor this heritage through various depictions of the basic moral foundations of our laws and system of government.

My point is that you simply cannot divest God from our country. Despite the actions of these activist judges, our country has no foundation without a basic recognition that God invests us at birth with basic individual rights—such as the blessings of liberty—that we all enjoy as Americans.

Again, I believe that the courts have exceeded their power. They have overreached. To that end, I have introduced the Constitution Restoration Act. This legislation recognizes the rights of the States and the people as embodied in the Declaration of Independence and the Constitution—9th and 10th amendments—to acknowledge God.

The Constitution Restoration Act goes to the very foundation of our country and the legitimacy of our system of government. Thomas Jefferson in his first inaugural address said that "The wisdom of our sages and the blood of our heros have been devoted to [the] attainment" of our liberty and form of government.

If we are to maintain our form of government, we must ensure that activist judges are not permitted to take away our religious liberties. The very foundation of our government cannot and should not be expunged from public view—an unelected Federal judiciary should not be allowed to outlaw all public acknowledgments of God. We must protect our very basic freedom of religious expression.

Mr. President, I encourage my colleagues to work with me to protect this basic freedom by supporting the Constitution Restoration Act.

DRY EYE AWARENESS MONTH

Mr. DAYTON. Mr. President, today I rise to call attention to an important but often overlooked chronic illness: dry eyes. The Sjögren's Syndrome Foundation and National Women's Health Resource Center have declared July Dry Eye Awareness Month.

Every year, chronic dry eye syndrome affects nearly 10 million Americans of all ages; many sufferers will go undiagnosed. Without tears, good vision is impossible. Dry eye syndrome can cause devastating symptoms, including constant pain, an inability to focus, and, in severe cases, serious visual impairment. It can significantly affect a person's quality of life, increasing the risk of problems with reading, professional work, computer use, and night driving.

Americans suffering with dry eye syndrome either do not produce enough tears, or have poor quality tears and/or excessive tear evaporation. Either problem causes their eyes to sting and burn, feel scratchy, become irritated, or excessively tear. Most people with dry eye find the condition to be an uncomfortable nuisance, with many characteristics of a "chronic pain" type of syndrome.

One study showed that dry eye patients experienced an average of 184 days of reduced productivity in a year. Although dry eye syndrome cannot be cured, there are a variety of available treatments. However many people with dry eye continue to suffer needlessly because they are unaware of their options. Both dry eye and Sjögren's seriously endanger women's health.

Sjögren's syndrome is a painful and debilitating autoimmune disease which causes the immune system to attack its own lubricating glands, such as tear and salivary glands. Sjögren's is one of the most prevalent autoimmune disorders, and although it affects people of all ages, 9 out of 10 patients are women, and the average age of onset is late forties. The hallmark symptoms are dry eyes and dry mouth, but Sjögren's may also cause dryness of other organs, affecting the kidneys, GI tract, blood vessels, lungs, liver, pancreas, and the central nervous system. Patients with Sjögren's syndrome are also 40 times more likely to develop lymphoma.

Marking July as Dry Eye Awareness Month will bring more attention to this widespread and potentially debilitating condition. I thank the Minnesota members of the Sjögren's Syndrome Foundation and the National Women's Health Resource Center for bringing this issue to my attention and thank them for their efforts to educate the public about this serious health concern.

THE BOYS AND GIRLS CLUBS OF BURLINGTON, VERMONT

Mr. LEAHY. Mr. President, as the Burlington, VT, Boys and Girls Club prepares to begin an ambitious capital fundraising campaign this summer, I am proud to give my strong support to this important organization. As a longtime supporter of this organization in Vermont and across the country, I wish them the best of success in their efforts, and I commend them for striving to continually improve their organization and Vermont's communities.

Through this campaign, the Burlington Boys and Girls Club plans to strengthen its resources with the addition of high-speed Internet access at the club, as well as a multimedia center where members can become proficient in current technology. This is a critical component of success for young people in our increasingly technological society. The club will also reinforce its dedication to creativity through the addition of a visual and performing arts space where members will be able to pursue their artistic expression. These are just a few of the admirable goals set out for this campaign, and I am confident they will be achieved.

The Boys and Girls Clubs around the country are a leading example of how the support and care of our young people benefits American society, one boy and one girl at a time. The Boys and Girls Clubs have proven that when we show our young people that we care about them and that we care about their futures, they respond with positive and constructive actions in their communities.

We also know the Boys and Girls Clubs provide a healthy alternative for many young people and oftentimes prevent them from being drawn into gangs, drug abuse, and other crime. The clubs instill leadership qualities, respect, and thoughtfulness in participants through programs that include art, athletics, help with schoolwork, technology, life skills, training in resistance to drugs and alcohol, and community service. In providing these valuable programs during critical development periods when young people are most vulnerable, the Boys and Girls Clubs fill a void and reduce the opportunity to succumb to negative influences. The Boys and Girls Clubs represent the best of what communities can do to improve the lives of their young people.

I know firsthand how well Boys and Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys and Girls Club in his district rather than helping him pay for a couple more police officers.

Over the years, I have worked with other members of the Senate to make sure the Boys and Girls Clubs around the country have the funding necessary to carry out their mission. Since 1998, we have worked to steadily increase Federal funding for the Boys and Girls clubs each year. This year, as the chairman and ranking member of the Judiciary Committee, Senator SPECTER and I have recommended $80 million in funding to help keep this organization a strong and vital part of their communities, from coast to coast. As a senior member of the Appropriations Committee, I look forward to seeing that these funds are appropriated for this important work.

Represented in all 50 States, the 3,700 branches of the Boys and Girls Club reach more than 4.4 million young people. The Boys and Girls Club of Burlington alone serves more than 1,400 young people each year. Through continued funding, Boys and Girls Clubs around the country will serve 6 million young people by January of 2007. The growth of these clubs across our country has been a true success story, and I am proud to work to ensure the Federal Government's continued support.

As the Burlington Boys and Girls Club kicks off its capital campaign, I commend all of Vermont's Boys and Girls Clubs, along with all of the other clubs across our Nation, for the important work they do to help our young citizens become exceptional adults.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF BENEDICT, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 3, the residents of Benedict will gather to celebrate their community's history and founding.

Benedict was founded in 1906 as a stop on the Soo Line Railroad. The name of the town was derived from the Order of St. Benedict, the order to which most of the Catholic priests in the area belonged.

Today, Benedict remains a small, pleasant agricultural town. The farmers in the area farm mostly wheat, canola, and sunflowers, and the town contains the prosperous McLean Elevator, which draws customers from the surrounding area. The Concordia Lutheran Church continues to be the center of town life.

To celebrate their centennial, the people of Benedict have planned a number of events, including a lawnmower pull, children's games, and a parade.

Mr. President, I ask the Senate to join me in congratulating Benedict, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Benedict and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Benedict that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Benedict has a proud past and a bright future.•

100TH ANNIVERSARY OF TOLNA, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 6 to 8, the residents of Tolna will gather to celebrate their community's history and founding.

Tolna's history began in May 1906, when D.B. Tallman founded the town as a stopping point for trains on the Great Northern Railroad. Tallman's daughter could not pronounce the name "Tallman," so they named the town "Tolna" after the way she pronounced it. The town grew quickly and was settled mostly by German and Norwegian immigrants, many of whose descendants live in Tolna today.

Tolna remains an active and involved community. The Tolna Summer Rec Program sponsors a large number of sports teams for area youth and sports events involving the entire town. The Senior Citizens Center organizes a variety of events, including a series of bingo games. The Tolna Alumni Association is also an active organization for all residents of Tolna, past and present.

The community has organized a wide variety of events to celebrate the centennial, including a parade, fireworks, a bull riding event, and children's activities. Tolna expects over 4,000 visitors for its centennial, which is quite an accomplishment for a town of 200.

Mr. President, I ask the Senate to join me in congratulating Tolna, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Tolna and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Tolna that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Tolna has a proud past and a bright future.●

100TH ANNIVERSARY OF ALMONT, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 1 to 4, and again on Labor Day, the residents of Almont will gather to celebrate their community's history and founding.

Almont is a vibrant community in south-central North Dakota. The town was founded in 1883 when the Northern Pacific Railroad established a station in the town. Major real estate settlement began in the area with the help of Eber W. Hyde, a settler from South Dakota who was seeking to establish a lumber yard in the area. The name of the town, Almont, came from a nearby landmark, Altamont Moraine, which translated from French as moraine, high hill.

In order to preserve the history of the city, Almont has a historical society and a museum. Along with holding the rich history of Almont, the museum is the location for the town's yearly celebration that takes place during the weekend of Labor Day. The town also hosts an annual "Lutefisk a Lefsa" dinner that many claim to be the best around.

The citizens of Almont are proud of all of their accomplishments over the past 100 years and have planned a celebration that will include street dances, city and school tours, water slides, local entertainment, children's activities, a paint ball war, a car show, and a parade.

Mr. President, I ask the Senate to join me in congratulating Almont, ND and its residents on the first 100 years and in wishing them well through the next century. By honoring Almont and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Almont that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Almont has a proud past and a bright future.●

DR. JAMES CAMERON

● Mr. KOHL. Mr. President, Dr. James Cameron was man of great strength, spirituality, and conviction.

Dr. Cameron was born in LaCrosse, WI, in 1914 and moved to Indiana as a teenager. In Indiana, he accompanied two friends involved in an armed robbery that turned to rape and murder. Though Dr. Cameron ran away well before the crime was committed, all three young men were taken to jail. The Ku Klux Klan stormed that jail on August 7, 1930, hung his two friends, and beat him severely. Dr. Cameron survived but spent another 6 years in jail for crimes he did not commit.

Dr. Cameron never let us forget the injustice done to the many victims of lynching and racial violence. After moving back to his home State of Wisconsin, he founded the Black Holocaust Museum in Milwaukee. This unique museum lays bare our Nation's violent past of racism and slavery. His work opened the eyes of thousands to the suffering of African Americans, not only in the age of slavery but also in the decades that followed.

Dr. Cameron joined us last year to witness the passage of Resolution No. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact antilynching legislation. His mere presence assured us that we were doing the right thing, albeit many years too late.

Dr. Cameron is survived by his dear wife Virginia and their wonderful family. His legacy will remain a source of hope and pride for many.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office".

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building".

H.R. 5540. An act to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office".

The message also announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 18, 2005, the Speaker reappoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors for a term of 2 years: Mr. Thomas A. Fuentes of Lake Forest, California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5540. An act to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7204. A communication from the Secretary of Agriculture, transmitting, the report of a draft bill entitled "Commodity Credit Corporation (CCC) Budget Proposals"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7205. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenarimol; Pesticide Tolerance" (FRL No. 8061–4) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7206. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerance" (FRL No. 8070–2) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7207. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerance" (FRL No. 8069–5) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7208. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Potassium Silicate; Exemption from the Requirement of a Tolerance" (FRL No. 8069–6) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7209. A communication from the Deputy Chief for National Forest System, Forest Service, Department of Agriculture, transmitting, pursuant to law, the 2005 Report for the Granite Watershed Enhancement and Protection Stewardship Project; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7210. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program—Revisions to Livestock Standards Based on Court Order (Harvey v. Johanns) and 2005 Amendment to the Organic Foods Production Act of 1990" ((RIN0581–AC60) (TM–06–06–FR)) received on June 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7211. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Civil Rights Data Collection" (RIN0584–AC75) received on June 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7212. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fruits and Vegetables; Untreated Citrus from Mexico" (Docket No. 03–048–3) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7213. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Compensation for Certified Citrus Nursery Stock" ((RIN0579–AC05) (Docket No. APHIS–2006–0033)) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7214. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emergency Conservation Program" (RIN0560–AH43) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7215. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Reserve Program—Emergency Forestry Conservation Program" (RIN0560–AH44) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7216. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grains and Similarly Handled Commodities-Marketing Assistance Loans and Loan Deficiency Payments for the 2006 Through 2007 Crop Years; Cotton" (RIN0560–AH38) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7217. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus mycoides isolate J; Temporary Exemption from the Requirement of a Tolerance" (FRL No. 8072–3) received on June 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7218. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Care and Development Fund Report to Congress for Fiscal Year 2002 and Fiscal Year 2003"; to the Committee on Finance.

EC–7219. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Vietnam; to the Committee on Finance.

EC–7220. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Belarus; to the Committee on Finance.

EC–7221. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a waiver of the Jackson-Vanik Amendment for Turkmenistan; to the Committee on Finance.

EC–7222. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Alternative Fuel Motor Vehicle Credit" (Notice 2006–54) received on June 6, 2006; to the Committee on Finance.

EC–7223. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Clarification of Notice 2006–26" (Notice 2006–53) received on June 6, 2006; to the Committee on Finance.

EC–7224. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deduction for Energy Efficient Commercial Buildings" (Notice 2006–52) received on June 6, 2006; to the Committee on Finance.

EC–7225. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Communications Excise Tax; Toll Telephone Service" (Notice 2006–50) received on June 6, 2006; to the Committee on Finance.

EC–7226. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Closing of the Port of Noyes, Minnesota, and Extension of the Limits of the Port of Pembina, North Dakota" (CBP Dec. 06–15) received on June 6, 2006; to the Committee on Finance.

EC–7227. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement: 2006 Prevailing State Assumed Interest Rates: Correction" (Announcement 2006–35) received on June 6, 2006; to the Committee on Finance.

EC–7228. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911 Waiver Rev.Proc.—2005 Update" (Rev. Proc. 2006–28) received on June 6, 2006; to the Committee on Finance.

EC–7229. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: 2006 Prevailing State Assumed Interest Rates" (Rev. Rul. 2006–25) received on June 6, 2006; to the Committee on Finance.

EC–7230. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Rul. 2006–1" (Rev. Rul. 2006–31) received on June 6, 2006; to the Committee on Finance.

EC–7231. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under Section 7874 Regarding Expatriated Entities and Their Foreign Parents" (RIN1545–BF48) received on June 6, 2006; to the Committee on Finance.

EC–7232. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mixed Service Cost Examinations ('MSC') Industry Directive" received on June 12, 2006; to the Committee on Finance.

EC–7233. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006–55) received on June 12, 2006; to the Committee on Finance.

EC–7234. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the report of a draft bill entitled "Lava Beds National Monument Wilderness Boundary Adjustment Act of 2005"; to the Committee on Energy and Natural Resources.

EC–7235. A communication from the Assistant Secretary, Department of the Interior, transmitting the report of a draft bill entitled "Range Improvement Fund Amendment Act of 2006"; to the Committee on Energy and Natural Resources.

EC–7236. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Record Retention Requirements for Unbundled Sales Service, Persons Holding Blanket Marketing Certificates, and Public Utility Market-Based Rate Authorization Holders" (Docket No. RM06–14–000) received on June 8, 2006; to the Committee on Energy and Natural Resources.

EC–7237. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (Docket No. TX–054–FOR) received on June 12, 2006; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S.J. Res. 12. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 3537. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM:

S. 3538. A bill to suspend temporarily the duty on unbleached printcloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3539. A bill to suspend temporarily the duty on unbleached sheeting; to the Committee on Finance.

By Mr. GRAHAM:

S. 3540. A bill to suspend temporarily the duty on unbleached cheesecloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3541. A bill to suspend temporarily the duty on certain unbleached printcloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3542. A bill to improve maritime and cargo security and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. CANTWELL, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LIEBERMAN, and Ms. COLLINS):

S. 3543. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER:

S. 3544. A bill to reduce temporarily the duty on Thiamethoxam Technical; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. AKAKA, Mr. BURR, and Mr. OBAMA):

S. 3545. A bill to amend title 38, United States Code, to improve services for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE (for herself and Mr. BURR):

S. Res. 517. A resolution commending the Carolina Hurricanes for winning the 2006 National Hockey League Stanley Cup; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. ALLEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. OBAMA, and Ms. LANDRIEU):

S. Res. 518. A resolution honoring the life and accomplishments of James Cameron; considered and agreed to.

ADDITIONAL COSPONSORS

S. 418

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 774

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 809

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1909

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1909, a bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes.

S. 1910

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1910, a bill to amend title XVIII of the Social Security Act to provide incentives to physicians for writing electronic prescriptions.

S. 2124

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2124, a bill to address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major disasters, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2145

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 2145, a bill to enhance security and protect against terrorist attacks at chemical facilities.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2393

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2494

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2494, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2585

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2585, a bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts.

S. 2657

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2657, a bill to extend the Iran and Libya Sanctions Act of 1996.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2720

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2720, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 3364

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3364, a bill to authorize appropriate action against Japan for failing to resume the importation of United States beef in a timely manner, and for other purposes.

S. 3475

At the request of Mr. OBAMA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3475, a bill to provide housing assistance for very low-income veterans.

S. 3506

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3506, a bill to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal government.

S. CON. RES. 94

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. RES. 507

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day".

S. RES. 510

At the request of Mr. MARTINEZ, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Virginia (Mr. WARNER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 510, a resolution designating the period beginning on June 28, 2006, and ending on July 5, 2006, as "National Clean Beaches Week", supporting the goals and ideals of that week, and recognizing the considerable value and role of beaches in the culture of the United States.

AMENDMENT NO. 4194

At the request of Mr. CARPER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 8, a bill to make the repeal of the estate tax permanent.

AMENDMENT NO. 4216

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 4216 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4224

At the request of Mr. OBAMA, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 4224 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4231

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4231 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4236

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. OBAMA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4236 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4261

At the request of Mr. CHAMBLISS, the names of the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. FEINSTEIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4261 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4264

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4264 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4266

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 4266 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4271

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. BIDEN), the Senator from Missouri (Mr. TALENT), the Senator from Vermont (Mr. JEFFORDS), the Senator from Oregon (Mr. WYDEN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 4271 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4272

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4272 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4292

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4292 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4301

At the request of Mrs. DOLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4301 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4302

At the request of Mrs. DOLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4302 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4304

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 4304 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4309

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4309 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4320

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 4320 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 4320 intended to be proposed to S. 2766, supra.

AMENDMENT NO. 4322

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 4322 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 4322 proposed to S. 2766, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 3537. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Public Mental Health Emergency Preparedness Act of 2006. This bill would take several important steps toward preparing our nation to effectively address mental health issues in the wake of public health emergencies, including potential bioterrorist attacks.

Hurricanes Katrina and Rita, the events of September 11, other recent natural and man-made catastrophes have sadly taught us that our current resources are not sufficient or coordinated enough to meet the mental health needs of those devastated by emergency events. We need a network of trained mental health professionals—including first responders, local and state leaders, a well-developed infrastructure, and a mechanism—through which to mobilize and deploy mental health resources in a rapid and sustained manner in times of public health emergency.

It is clear that the consequences of emergency events like hurricanes or terrorist attacks result in increased emotional and psychological suffering among survivors and responders, yet we must do more to assist all who are affected. That is why I have introduced the Public Mental Health Emergency Preparedness Act of 2006.

This bill would require the Secretary of Health and Human Services to establish the National Center for Public Mental Health Emergency Preparedness—the National Center—to coordinate the development and delivery of mental health services in collaboration with existing Federal, State and local entities when our Nation is confronted with public health catastrophes. This legislation would charge the National Center with four functions to benefit affected Americans in our local communities, particularly vulnerable populations like children, older Americans, and persons with disabilities.

First, the Public Mental Health Emergency Preparedness Act would make sure we have evidence-based curricula available to meet the diverse training needs of a wide range of emergency health professionals, including mental health professionals, public health and healthcare professionals, emergency services personnel, county emergency managers, school personnel, spiritual care professionals, and State and local government officials responsible for emergency preparedness. By using these curricula, the National Center would build a network of trained emergency health professionals at the State and local levels.

Second, this legislation would establish and maintain a clearinghouse of educational materials, guidelines, and research on public mental health emergency preparedness and service delivery that would be evaluated and updated to ensure the information is accurate and current. Technical assistance would be provided to help users access those resources most effective for their communities.

Third, this bill would create an annual national forum for emergency health professionals, researchers, other experts and Federal, State and local government officials to identify and address gaps in science, practice, policy and education related to public mental health emergency preparedness and service delivery.

Finally, the Public Mental Health Preparedness Act would require annual evaluations of both the National Center's efforts and those across the Federal Government in building our Nation's public mental health emergency preparedness and service delivery capacity. Based on these evaluations, recommendations would be made to improve such activities.

We must not wait until another disaster strikes before we take action to improve the way we respond to the psychological needs of affected Americans. I look forward to working with all of my colleagues to ensure passage of this bill that would take critical steps toward preparing our Nation to successfully deal with the mental health consequences of public health emergencies.

I would ask unanimous consent to insert the text of this legislation in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Mental Health Emergency Preparedness Act of 2006".

SEC. 2. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh-11 et seq.) is amended by adding at the end the following:

"Subtitle C—National Center for Public Mental Health Emergency Preparedness

"SEC. 2821. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

"(a) IN GENERAL.—

"(1) DEFINITION.—For purposes of this subtitle, the term 'emergency health professionals' means—

"(A) mental health professionals, including psychiatrists, psychologists, social workers, counselors, psychiatric nurses, psychiatric aides and case managers, and group home staff;

"(B) public health and healthcare professionals, including skilled nursing and assisted living professionals;

"(C) emergency services personnel such as police, fire, and emergency medical services personnel;

"(D) county emergency managers;

"(E) school personnel such as teachers, counselors, and other personnel;

"(F) spiritual care professionals;

"(G) other disaster relief personnel; and

"(H) State and local government officials that are responsible for emergency preparedness.

"(2) ESTABLISHMENT.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall establish the National Center for Public Mental Health Emergency Preparedness (referred to in this subtitle as the 'NCPMHEP') to address mental health concerns and coordinate and implement the development and delivery of mental health services in conjunction with the entities described in subsection (b)(2), in the event of bioterrorism or other public health emergency.

"(3) LOCATION; DIRECTOR.—

"(A) IN GENERAL.—The Secretary shall offer to enter into a contract with an eligible institution to provide the location of the NCPMHEP.

"(B) ELIGIBLE INSTITUTION.—To be an eligible institution under subparagraph (A), an institution shall—

"(i) be an academic medical center or similar institution that has prior experience conducting statewide trainings, and has a demonstrated record of leadership in national and international forums, in public mental health emergency preparedness, which may include disaster mental health preparedness; and

"(ii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(C) DIRECTOR.—The NCPMHEP shall be headed by a Director, who shall be appointed by the Secretary (referred to in this subtitle as the 'Director') from the eligible institution with which the Secretary contracts under subparagraph (A).

"(b) DUTIES.—The NCPMHEP shall—

"(1) prepare the Nation's emergency health professionals to provide mental health services in the aftermath of catastrophic events, such as bioterrorism or other public health emergencies, that present psychological consequences for communities and individuals, particularly vulnerable populations such as older Americans, children, and persons with disabilities; and

"(2) coordinate with existing mental health preparedness and service delivery efforts of—

"(A) Federal agencies (such as the National Disaster Medical System, the Medical Reserve Corps, the Substance Abuse and Mental Health Services Administration, the Department of Defense, the Department of Veterans Affairs, and tribal nations);

"(B) State agencies (such as the State mental health authority, office of substance abuse services, public health authority, department of aging, and the office of mental retardation and developmental disabilities);

"(C) local agencies (such as county offices of mental health and substance abuse services, public health, child and family services, law enforcement, fire, emergency medical services, school districts, and county emergency management); and

"(D) other governmental and nongovernmental disaster relief organizations.

"(c) PANEL OF EXPERTS.—

"(1) IN GENERAL.—The Director, in consultation with State and local mental health and public health authorities, shall develop a mechanism to appoint a panel of experts for the NCPMHEP.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The panel of experts appointed under paragraph (1) shall be—

"(i) composed of individuals who are experts in their respective fields with extensive experience in public mental health emergency preparedness or service delivery, such as mental health professionals, researchers, spiritual care professionals, school counselors, and educators; and

"(ii) recommended by their respective national professional organizational or university to such a position.

"(B) TERMS.—The members of the panel of experts appointed under paragraph (1)—

"(i) shall be appointed for a term of 3 years; and

"(ii) may be reappointed for an unlimited number of terms.

"(C) BALANCE OF COMPOSITION.—The Director shall ensure that the membership composition of the panel of experts fairly represents a balance of the type and number of experts described under subparagraph (A).

"(D) VACANCIES.—

"(i) IN GENERAL.—A vacancy on the panel of experts shall be filled in the manner in which the original appointment was made and shall be subject to conditions which applied with respect to the original appointment.

"(ii) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(iii) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

"SEC. 2822. TRAINING CURRICULA FOR EMERGENCY HEALTH PROFESSIONALS.

"(a) IN GENERAL.—The Director shall convene a Training Curricula Working Group from the panel of experts described in section 2821(c) to—

"(1) identify and review existing training curricula for emergency health professionals;

"(2) approve any such training curricula that satisfy practice and service delivery standards determined by the Training Curricula Working Group and that are evidence-based; and

“(3) make recommendations for, and participate in, the development of any additional training curricula, as determined necessary by the Training Curricula Working Group.

“(b) Purpose of Training Curricula.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

“(1) provide the knowledge and skills necessary to respond effectively to the psychological needs of affected individuals, relief personnel, and communities in the event of bioterrorism or other public health emergency; and

“(2) is used to build a trained network of emergency health professionals at the State and local levels.

“(c) Content of Training Curricula.—

“(1) In general.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

“(A) prepare emergency health professionals, in the event of bioterrorism or other public health emergency, for identifying symptoms of mental health distress, supplying immediate relief to keep affected persons safe, recognizing when to refer affected persons for further mental healthcare, understanding how and where to refer for such care, and other components as determined by the Director in consultation with the Training Curricula Working Group;

“(B) include training or informational material designed to educate and prepare State and local government officials, in the event of bioterrorism or other public health emergency, in coordinating and deploying mental health resources and services and in addressing other mental health needs, as determined by the Director in consultation with the Training Curricula Working Group; and

“(C) meet the diverse training needs of the range of emergency health professionals.

“(2) Review of curricula.—The Training Curricula Working Group shall routinely review existing training curricula and participate in the revision of the training curricula described under this section as necessary, taking into consideration recommendations made by the participants of the annual national forum under section 2825 and the Assessment Working Group described under section 2826.

“(d) Training Individuals.—

“(1) Field trainers.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained through the curricula approved by the NCPMHEP return to their communities to recruit and train others in their respective fields to serve on local emergency response teams.

“(2) Field leaders.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained in curricula approved by the NCPMHEP return to their communities to provide expertise to State and local government agencies to mobilize the mental health infrastructure of such State or local agencies, including ensuring that mental health is a component of emergency preparedness and service delivery of such agencies.

“(3) Qualifications.—The individuals selected under paragraph (1) or (2) shall—

“(A) pass a designated evaluation, as developed by the Director in consultation with the Training Curricula Working Group; and

“(B) meet other qualifications as determined by the Director in consultation with the Training Curricula Working Group.

“SEC. 2823. USE OF REGISTRIES TO TRACK TRAINED EMERGENCY HEALTH PROFESSIONALS.

“(a) In General.—The Director, in consultation with the mental and public health authorities of each State, shall coordinate the use of existing emergency registries established to track medical and mental health volunteers across all fields and specifically to track the individuals in the State who have been trained using the curricula approved by the NCPMHEP under section 2822. The Director shall ensure that the data available through such registries and used to track such trained individuals will be recoverable and available in the event that such registries become inoperable.

“(b) Use of Registry.—The tracking procedure under subsection (a) shall be used by the Secretary, the Secretary of Homeland Security, and the Governor of each State, for the recruitment and deployment of trained emergency health professionals in the event of bioterrorism or other public health emergency.

“SEC. 2824. CLEARINGHOUSE FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

“(a) In General.—The Director shall establish and maintain a central clearinghouse of educational materials, guidelines, information, strategies, resources, and research on public mental health emergency preparedness and service delivery.

“(b) Duties.—The Director shall ensure that the clearinghouse—

“(1) enables emergency health professionals and other members of the public to increase their awareness and knowledge of public mental health emergency preparedness and service delivery; and

“(2) provides such users with access to a range of public mental health emergency resources and strategies to address their community's unique circumstances and to improve their skills and capacities for addressing mental health problems in the event of bioterrorism or other public health emergency.

“(c) Availability.—The Director shall ensure that the clearinghouse—

“(1) is available on the Internet;

“(2) includes an interactive forum through which users' questions are addressed;

“(3) provides links to additional Government-sponsored or other relevant websites that supply information on public mental health emergency preparedness and service delivery; and

“(4) includes the training curricula approved by the NCPMHEP under section 2822.

“(d) Clearinghouse Working Group.—

“(1) In general.—The Director shall convene a Clearinghouse Working Group from the panel of experts described under section 2821(c) to—

“(A) evaluate the educational materials, guidelines, information, strategies, resources and research maintained in the clearinghouse to ensure empirical validity; and

“(B) offer technical assistance to users of the clearinghouse with respect to finding and selecting the information and resources available through the clearinghouse that would most effectively serve their community's needs in preparing for, and delivering mental health services during, bioterrorism or other public health emergencies.

“(2) Technical assistance.—The technical assistance described under paragraph (1) shall include the use of information from the clearinghouse to provide consultation, direction, and guidance to State and local governments and public and private agencies on the development of public mental health emergency plans for activities involving preparedness, mitigation, response, recovery, and evaluation.

“SEC. 2825. ANNUAL NATIONAL FORUM FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

“(a) In General.—The Director shall organize an annual national forum to address public mental health emergency preparedness and service delivery for emergency health professionals, researchers, scientists, and experts in public mental health emergency preparedness and service delivery, as well as personnel from relevant Federal, State, and local agencies and other governmental and nongovernmental organizations.

“(b) Purpose of Forum.—The national forum shall provide the framework for bringing such individuals together to, based on evidence-based research and practice, identify and address gaps in science, practice, policy, and education, make recommendations for the revision of training curricula and for the enhancement of mental health interventions, as appropriate, and make other recommendations as necessary.

“SEC. 2826. EVALUATION OF THE EFFECTIVENESS OF PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY EFFORTS.

“(a) In General.—The Director shall convene an Assessment Working Group from the panel of experts described in section 2821(c) to evaluate the effectiveness of the NCPMHEP's efforts and those across the Federal Government in building the Nation's public mental health emergency preparedness and service delivery capacity.

“(b) Duties of the Assessment Working Group.—The Assessment Working Group shall—

“(1) evaluate—

“(A) the effectiveness of each component of the NCPMHEP, including the identification and development of training curricula, the clearinghouse, and the annual national forum;

“(B) the effects of the training curricula on the skills, knowledge, and attitudes of emergency health professionals and on their delivery of mental health services in the event of bioterrorism or other public health emergency;

“(C) the effects of the NCPMHEP on the capacities of State and local government agencies to coordinate, mobilize, and deploy resources and to deliver mental health services in the event of bioterrorism or other public health emergency; and

“(D) other issues as determined by the Secretary, in consultation with the Assessment Working Group; and

“(2) submit the annual report required under subsection (c).

“(c) Annual Report.—On an annual basis, the Assessment Working Group shall—

“(1) report to the Secretary and appropriate committees of Congress the results of the evaluation by the Assessment Working Group under this section; and

“(2) publish and disseminate the results of such evaluation on as wide a basis as is practicable, including through the NCPMHEP clearinghouse website under section 2824.

“(d) Recommendations.—

“(1) In general.—Based on the annual report, the Director, in consultation with the Assessment Working Group, shall make recommendations to the Secretary—

“(A) for improving—

“(i) the training curricula identified and approved by the NCPMHEP;

“(ii) the NCPMHEP clearinghouse; and

"(iii) the annual forum of the NCPMHEP; and

"(B) regarding any other matter related to improving mental health preparedness and service delivery in the event of bioterrorism or other public health emergency in the United States through the NCPMHEP.

"(2) ACTION BY SECRETARY.—Based on the recommendations provided under paragraph (1), the Secretary shall submit recommendations to Congress for any legislative changes necessary to implement such recommendations.

"SEC. 2827. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle—

"(1) $15,000,000 for fiscal year 2007; and

"(2) such sums as may be necessary for fiscal years 2008 through 2011.".

By Mr. GRAHAM:

S. 3542. A bill to improve maritime and cargo security and for other purpose: to the Committee on Commerce, Science, and Transportation.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the text of the Project Seahawk Implementation Act be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Project SeaHawk Implementation Act of 2006".

SEC. 2. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish or designate a center as an interagency operational centers for maritime and port security in each geographic region designated as a Coast Guard sector by the Commandant.

(b) PURPOSES.—The purposes of each center established or designated under subsection (a) are to facilitate day-to-day operational coordination, interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism.

(c) LOCATION.—Each center established or designated under subsection (a) shall be colocated with the command center for each geographic region designated as a Coast Guard sector.

(d) CONNECTIVITY.—If a port is associated with a command center that is not located at such port, the Secretary shall utilize appropriate electronic communications, including virtual connectivity, to maintain awareness of activities of that port and to provide for participation by the entities set out is subsection (f).

(e) REQUIREMENTS.—Each center established or designated under subsection (a) shall—

(1) be modeled on the Charleston Harbor Operations Center (popularly known as Project SeaHawk) administered by the United States Attorney's Office for the District of South Carolina for the Port of Charleston located in Charleston, South Carolina; and

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating.

(f) PARTICIPATION.—The representatives of the following entities shall participate in each center established or designated under subsection (a):

(1) The United States Coast Guard.

(2) The United States Attorney's Office in the district in which the center is located.

(3) The Bureau of Customs and Border Protection of the Department of Homeland Security.

(4) The Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

(5) The Department of Defense, if the Secretary of Homeland Security and the Secretary of Defense determine appropriate.

(6) The Federal Bureau of Investigation.

(7) Other Federal agencies with a presence at the port, as appropriate, or as otherwise determined appropriate by the Secretary.

(8) State and local law enforcement and first responder agencies responsible for the port, as appropriate, or as otherwise determined appropriate by the Secretary.

(9) Port authority representatives, maritime exchanges, private sector stakeholders, and other entities subject to an Area Maritime Security Plan prepared pursuant to part 103 of title 33, Code of Federal Regulations, if determined appropriate by the Secretary.

(g) RESPONSIBILITIES.—The head of each center established or designated under subsection (a) shall—

(1) assist, as appropriate, in the implementation of maritime transportation security plans developed under section 70103 of title 46, United States Code;

(2) implement the transportation security incident response plans required under section 70104 of such title;

(3) be incorporated into the implementation of maritime intelligence activities under section 70113 of such title;

(4) conduct short- and long-range vessel tracking under sections 70114 and 70115 of such title;

(5) be incorporated into the implementation of section 70116 of such title;

(6) carry out information sharing activities consistent with such activities required by section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) or the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

(7) be incorporated into the screening and high-risk cargo inspection programs carried out by the Bureau of Customs and Border Protection; and

(8) carry out such other responsibilities that the Secretary of Homeland Security determines are appropriate.

SEC. 3. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives a plan for the implementation of this Act.

(b) CONTENTS.—The report submitted under subsection (a) shall describe, for each center that will be established under section 2(a)—

(1) the location of such center;

(2) the entities who will participate in the center;

(3) the cost to establish and operate the center; and

(4) the resources necessary to operate and maintain, including the cost-sharing requirements for other agencies and participants.

SEC. 4. RELATIONSHIP TO OTHER REQUIREMENTS.

The Commandant of the Coast Guard shall utilize information developed for the report required by section 807 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082) to carry out the requirements of this Act. The Commandant shall utilize the information developed for the report required by that section in carrying out the requirements of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each Coast Guard sector for fiscal years 2007 through 2012 to carry out this Act.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. CANTWELL, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LIEBERMAN, and Ms. COLLINS):

S. 3543. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators SNOWE, DURBIN, CHAFEE, INOUYE, COLLINS, CANTWELL, BILL NELSON, BOXER, LAUTENBERG, MENENDEZ, and LIEBERMAN to introduce a bill to increase CAFE standards by 10 miles in 10 years.

This is a commonsense, bipartisan approach to reduce our dependence on foreign oil, decrease our greenhouse gas emissions, and save consumers at the pump.

We have the technology available today to increase the fuel economy of our vehicles. We just need the political will—which is why we are here today.

Specifically, our bill would raise the average fuel economy of all cars and SUVs to 35 miles per gallon by model year 2017.

This would save 2.5 million barrels of oil per day by 2025. That is the same amount of oil we currently import from the Persian Gulf.

This bill would also save consumers dollars at the pump. At $3 per gallon, Americans driving 15,000 miles per year are, on average, using 600 gallons of gasoline and spending $1,800 per year on gas.

By raising CAFE standards to 35 miles per gallon, consumers would only use 429 gallons of gas per year, costing $1,287 per year for gas. That is a savings of $513 per year at the pump.

Assuming the consumer keeps the vehicle for at least 5 years, that is a savings of more than $2,500—more than enough to recoup the cost of more efficient vehicles.

Raising CAFE standards is also good for the environment. The two largest culprits of climate change are coal-fired powerplants and automobiles. Coal powerplants are the largest U.S. source of carbon dioxide—producing 2.5 billion tons every year. But the automobile isn't very far behind—producing nearly 1.5 billion tons of carbon dioxide every year. In fact, every gallon of gasoline burned emits 20 pounds of harmful CO_2 into the atmosphere. That means that each car is responsible for about 12,000 pounds of greenhouse gas emissions every year. This legislation would take a good first step at reducing our greenhouse gas emissions.

By 2025, an average fuel economy standard of 35mpg would eliminate 420 million metric tons of carbon dioxide emissions—the equivalent of taking 90 million cars—or 75 million cars and light trucks—off the road in 1 year.

Our daily driving habits are costing consumers at the pump, threatening our national security, and potentially causing irrevocable harm to our environment. We have the technology available today to make significant increases in fuel economy standards. In fact, David Greene of Oak Ridge National Laboratory, a leading expert on fuel economy, says that a 35 mpg standard by model year 2017 is cost effective and can be achieved without reducing the size, weight, or horsepower of vehicles. And 78 percent of U.S. drivers have said they are willing to pay for better fuel economy.

The longer we delay, the harder it will be to kick our addiction to oil. We must act today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Average fuel economy standards for passenger automobiles and light trucks.
Sec. 4. Passenger car program reform.
Sec. 5. Definition of work truck.
Sec. 6. Definition of light truck.
Sec. 7. Ensuring safety of passenger automobiles and light trucks.
Sec. 8. Truth in fuel economy testing.
Sec. 9. Onboard fuel economy indicators and devices.
Sec. 10. Secretary of Transportation to certify benefits.
Sec. 11. Credit trading program.
Sec. 12. Report to Congress.
Sec. 13. Labels for fuel economy and greenhouse gas emissions.

SEC. 3. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "NON-PASSENGER AUTOMOBILES.—" in subsection (a) and inserting "PRESCRIPTION OF STANDARDS BY REGULATION.—"; and

(2) by striking "(except passenger automobiles)"in subsection (a) and inserting "(except passenger automobiles and light trucks)";

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2009 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2017 of at least 35 miles per gallon.

"(2) ELIMINATION OF SUV LOOPHOLE.—Beginning no later than with model year 2011, the regulations prescribed under this section may not make any distinction between passenger automobiles and light trucks.

"(3) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

"(A) increase the applicable average fuel economy standard ratably beginning with model year 2009 and ending with model year 2017;

"(B) require that each manufacturer achieve—

"(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 31.1 miles per gallon no later than model year 2009; and

"(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 23.6 miles per gallon no later than model year 2009.

"(4) FUEL ECONOMY BASELINE FOR PASSENGER AUTOMOBILES.—Notwithstanding the maximum feasible average fuel economy level established by regulations prescribed under subsection (c), the minimum fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and foreign fleet, as calculated under section 32904 of this chapter as in effect before the date of enactment of the Ten-in-Ten Fuel Economy Act, shall be the greater of—

"(i) 27.5 miles per gallon; or

"(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

"(5) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act.".

SEC. 4. PASSENGER CAR PROGRAM REFORM.

Section 32902 of title 49, United States Code, is amended—

(1) by striking "gallon." in subsection (b)(1), as amended by section 3, and inserting "gallon or such other number (or numbers) of miles per gallon as the Secretary may prescribe under subsection (c).";

2) by striking "the standard" in the first sentence of subsection (c)(1) and inserting "a standard";

(3) by striking "the standard." in the second sentence of subsection (c)(1) and inserting "any standard prescribed under subsection (b).";

(4) by inserting "The Secretary may prescribe separate standards for different classes of passenger automobiles." after "presentation." in subsection (c)(1);

(5) by striking "(1) Subject to paragraph (2) of this subsection, the" in subsection (c)(1) and inserting "At least 18 months before the beginning of each model year, the"; and

(6) by striking paragraph (2) of subsection (c).

SEC. 5. DEFINITION OF WORK TRUCK.

(a) DEFINITION OF WORK TRUCK.—Section 32901(a) of title 49 is amended by inserting after paragraph 11 the following:

"(11A) 'work truck' means an automobile that the Secretary determines by regulation—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium duty passenger vehicle as defined in 40 C.F.R. 86.1803–01.".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendment made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendment not later than 18 months after the date of enactment of this Act.

(c) FUEL ECONOMY STANDARDS FOR WORK TRUCKS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe standards to achieve the maximum feasible fuel economy for work trucks (as defined in section 32901(a)(11A) of title 49, United States Code) manufactured by a manufacturer in each model year beginning in model year 2011.

SEC. 6. DEFINITION OF LIGHT TRUCK.

(a) DEFINITION OF LIGHT TRUCK.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (11) the following:

"(11B) 'light truck' means an automobile that the Secretary determines by regulation—

"(A) is manufactured primarily for transporting not more than 10 individuals;

"(B) is rated at not more than 10,000 pounds gross vehicle weight;

"(C) is not a passenger automobile; and

"(D) is not a work truck.".

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2009.

(b) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2009.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2007 through 2019.

SEC. 7. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) In General.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) Vehicle Safety.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§30129. Vehicle compatibility and aggressivity reduction standard

“(a) Standards.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce vehicle incompatibility and aggressivity between passenger vehicles and non-passenger vehicles. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of vehicles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

“(b) Consumer Information.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.”.

(c) Rulemaking Deadlines.—

(1) Rulemaking.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2008; and

(B) a final rule under that section not later than December 31, 2009.

(2) Effective date of requirements.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective no later than September 1, 2012.

(d) Conforming Amendment.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

“30129. Vehicle compatibility and aggressivity reduction standard”.

SEC. 8. TRUTH IN FUEL ECONOMY TESTING.

(a) In General.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall, as appropriate, use existing emission test cycles and updated adjustment factors to update and revise the process used to determine fuel economy values for labeling purposes as described in sections 600.209–85 and 600.209–95 of title 40, Code of Federal Regulations, (or successor regulations) to take into consideration current factors, such as—

(1) speed limits;

(2) acceleration rates;

(3) braking;

(4) variations in weather and temperature;

(5) vehicle load;

(6) use of air conditioning;

(7) driving patterns; and

(8) the use of other fuel-consuming features.

(b) Labels for Fuel Economy Mode Devices.—The Administrator of the Environmental Protection Agency shall include fuel economy label information for all fuel economy modes provided by devices described in section 9(a)(3) of this Act.

(c) Deadline.—In carrying out subsection (a), the Administrator shall—

(1) issue a notice of proposed rulemaking, or amend the notice of proposed rulemaking for Docket Id. No. OAR–2003–0214, not later than 90 days after the date of enactment of this Act; and

(2) promulgate a final rule not later than 180 days after the date on which the notice under paragraph (1) is issued.

(d) Use of Common Measurements for Labelling and Compliance Testing.—Section 32904(c) of title 49, United States Code, is amended to read as follows:

“(c) Testing and Calculation Procedures.—The Administrator shall measure fuel economy for each model and calculate average fuel economy for a manufacturer using the same procedures and factors used by the Administrator for labeling purposes under section 32908 by model year 2015.”.

(e) Reevaluation and Report.—Not later than 3 years after the date of promulgation of the final rule under subsection (b)(2), and triennially thereafter, the Administrator shall—

(1) reevaluate the fuel economy labeling procedures described in subsections (a) and (c) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 9. ONBOARD FUEL ECONOMY INDICATORS AND DEVICES.

(a) In General.—Chapter 329 of title 49, United States Code, as amended by section 8, is further amended by adding at the end the following:

“§32921. Fuel economy indicators and devices

“(a) In General.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe a fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2013 that requires each such automobile and light truck to be equipped with—

“(1) an onboard electronic instrument that provides real-time and cumulative fuel economy data;

“(2) an onboard electronic instrument that signals a driver when inadequate tire pressure may be affecting fuel economy; and

“(3) a device that will allow drivers to place the automobile or light truck in a mode that will automatically produce greater fuel economy.

“(b) Exception.—Subsection (a) does not apply to any vehicle that is not subject to an average fuel economy standard under section 32902(b).

“(c) Enforcement.—Subchapter IV of chapter 301 of this title shall apply to a fuel economy standard prescribed under subsection (a) to the same extent and in the same manner as if that standard were a motor vehicle safety standard under chapter 301.”.

(b) Conforming Amendment.—The chapter analysis for chapter 329 of title 49, United States Code, as amended by section 8, is further amended by inserting after the item relating to section 32920 the following:

“32921. Fuel economy indicators and devices”.

SEC. 10. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2009, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of gasoline or petroleum distillates used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions,

properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 11. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking “passenger” each place it appears;

(2) by striking “section 32902(b)–(d) of this title” each place it appears and inserting “subsection (a), (c), or (d) of section 32902”;

(3) by striking “clause (1) of this subsection” in subsection (a)(2) and inserting “paragraph (1)”; and

(4) by striking subsection (e) and inserting the following:

“(e) Credit Trading Among Manufacturers.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.”.

SEC. 12. REPORT TO CONGRESS.

Not later than December 31, 2012, the Secretary of Transportation shall submit to Congress a report on the progress made by the automobile manufacturing industry towards meeting the 35 miles per gallon average fuel economy standard required under section 32902(b)(4) of title 49, United States Code.

SEC. 13. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by striking “title.” in subsection (a)(1) and inserting “title, and a light truck (as defined in section 32901(a)(11A)) manufactured by a manufacturer in a model year after model year 2009; and”;

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

“(F) a label (or a logo imprinted on a label required by this paragraph) that—

“(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

“(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901); and

“(ii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

“(G) a fuelstar under paragraph (5).”; and

(3) by adding at the end of subsection (b) the following:

“(4) GREEN LABEL PROGRAM.—

“(A) MARKETING ANALYSIS.—Within 2 years after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

“(B) ELIGIBILITY.—Within 3 years after that date, the Administrator shall issue requirements for the label or logo required by paragraph (1)(F) to ensure that a passenger automobile or light truck is not eligible for the label or logo unless it—

“(i) meets or exceeds the applicable fuel economy standard; or

“(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle class to which it belongs in that model year.

“(C) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

“(i) The recyclability of the automobile.

“(ii) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

“(5) FUELSTAR PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘fuelstar’ program, under which stars shall be imprinted on or attached to the label required by paragraph (1).

“(B) GREEN STARS.—Under the program a manufacturer may place green stars on the label maintained on an automobile under paragraph (1) as follows:

“(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902.

“(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds that standard.

“(C) GOLD STARS.—Under the program a manufacturer may place a gold star on the label maintained on an automobile under paragraph (1) if—

“(i) in the case of a passenger automobile, it obtains a fuel economy of 50 miles per gallon or more; and

“(ii) in the case of a light truck, it obtains a fuel economy of 37 miles per gallon or more.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 517—COMMENDING THE CAROLINA HURRICANES FOR WINNING THE 2006 NATIONAL HOCKEY LEAGUE STANLEY CUP

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 517

Whereas on June 19, 2006, the Carolina Hurricanes toppled the Edmonton Oilers in one of the most exciting National Hockey League (NHL) Finals in history by a score of 3–1 in the seventh and final game;

Whereas this is the first Stanley Cup for the Carolina Hurricanes;

Whereas the Hurricanes are the first professional sports team in North Carolina history to win a major sports championship;

Whereas the Hurricanes finished at the top of the Southeast Division of the Eastern Conference during the regular season with a record of 52-22-8;

Whereas the Hurricanes rallied from a 2-game deficit, winning 4 consecutive games to defeat the Montreal Canadians in the first round of the playoffs;

Whereas the Hurricanes rolled over the New Jersey Devils in the second round of the playoffs, winning the series in only 5 games;

Whereas the Hurricanes showed their desire to win a championship by defeating the Buffalo Sabres in the seventh game of the Eastern Conference Finals to advance to the Stanley Cup Finals;

Whereas in Game 1 of the Stanley Cup Finals the Hurricanes became only the sixth team in NHL Finals history to overcome a 3-goal deficit to win;

Whereas Cam Ward became the first rookie goaltender to win a Stanley Cup in 20 years, and with 22 saves in Game 7, was named the MVP of the playoffs, becoming the fourth rookie and second-youngest player to be awarded the Conn Smythe Trophy;

Whereas Hurricanes head coach Peter Laviolette won his first Stanley Cup in his first full season at the helm of the team;

Whereas defensemen Aaron Ward and Frantisek Kaberle scored goals during the first period in Game 7 to put the Hurricanes up 2–0;

Whereas with the team only 1 goal ahead, Justin Williams sealed the 3–1 victory with an empty net goal in the final minute of the game;

Whereas a sold-out crowd of 18,978 at the RBC Center in Raleigh, North Carolina celebrated as the final horn sounded, announcing the Hurricanes' championship;

Whereas the Hurricanes veteran captain Rod Brind'Amour, who demonstrated great leadership throughout the entire season, won his first Stanley Cup and was the first to accept the Cup from NHL commissioner Gary Bettman by hoisting the historic trophy over his head in victory;

Whereas assistant captain Glen Wesley, who has played in more playoff games than any other active NHL player, won his first Stanley Cup at age 37;

Whereas 21-year-old Eric Staal became the youngest player to lead the playoffs in scoring since Gordie Howe in 1949;

Whereas hockey now joins college basketball and NASCAR as the favorite pastimes of North Carolina;

Whereas each player from the Hurricanes championship team will have his name forever etched on the Stanley Cup; and

Whereas North Carolina will be home to the Stanley Cup for at least the next year: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Carolina Hurricanes for winning the 2006 Stanley Cup;

(2) recognizes the achievements of the players, head coach Peter Laviolette, the assistant coaches, and the support staff who all played critical roles in leading the Hurricanes to the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Hurricanes owner Peter Karmanos, Jr. and head coach Peter Laviolette for appropriate display.

SENATE RESOLUTION 518—HONORING THE LIFE AND ACCOMPLISHMENTS OF JAMES CAMERON

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. ALLEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. OBAMA, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 518

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, a compelling memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it

Resolved, That the Senate honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4332. Mr. BURNS (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4333. Mr. NELSON, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4334. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4335. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4336. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4337. Mr. REID (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4338. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4339. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4340. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4341. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4342. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4343. Mr. BINGAMAN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4344. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4345. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4346. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4347. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4349. Mr. WARNER (for Mrs. DOLE (for herself and Mr. JEFFORDS)) proposed an amendment to the bill S. 2766, supra.

SA 4350. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4351. Mr. LEVIN (for Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. DURBIN, Mr. LEVIN, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4352. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, supra.

SA 4353. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2766, supra.

SA 4354. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, supra.

SA 4355. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4356. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4357. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4358. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4359. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 2766, supra.

SA 4360. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4361. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4362. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4363. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4364. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4365. Mr. CHAMBLISS (for himself, Mr. GRAHAM, Mrs. CLINTON, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4366. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4367. Mr. OBAMA (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4368. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4369. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4371. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4372. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4373. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 4374. Ms. CANTWELL (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4375. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4376. Mr. ENZI proposed an amendment to the bill S. 2766, supra.

SA 4377. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4378. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4379. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4380. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4332. Mr. BURNS (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) FUNERAL CEREMONIES FOR VETERANS PROVIDED BY DETAILS OTHER THAN FUNERAL HONOR DETAILS.—In the case of funeral honors at the funeral of a veteran that are provided by a detail that consists solely of members of veterans organizations or other organizations referred to in subsection (b)(2), the Secretary of the military department of which the veteran was a member shall support the provision of such funeral honors through provision to each of not more than three persons who participates in the detail the daily stipend prescribed under subsection (d)(2).".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting "and subsection (e)" after "paragraph (1)(A)"; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting "(other than a requirement in subsection (e)" after "pursuant to this section".

(b) Use of Excess M-1 for Ceremonial and Other Purposes.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.";

(2) in subsection (c), by inserting after "accountability" the following: ", provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies";

(3) in subsection (d)—

(A) in paragraph (2), by striking "; or" and inserting "or fire department;";

(B) in paragraph (3), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3)."; and

(4) by adding at the end the following new subsection:

"(e) Eligible Designee Defined.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

"(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has successfully completed a formal firearm training program or a hunting safety program.".

SA 4333. Mr. NELSON of Florida (for himself and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. PILOT PROJECT ON PROVISION OF GOLF CARTS ACCESSIBLE FOR DISABLED PERSONS AT MILITARY GOLF COURSES.

(a) Pilot Project Required.—The Secretary of Defense shall conduct a pilot project for the purpose of—

(1) assessing the feasibility of making available, as soon as practicable at all military golf courses in the United States, an adequate supply of golf carts that are accessible for disabled persons authorized to use such courses; and

(2) developing a Department of Defense-wide campaign to increase the awareness among such disabled persons of the availability of accessible golf carts and to promote the use of military golf courses by such disabled persons.

(b) Selection of Military Golf Courses.—

(1) Number of golf courses.—The Secretary shall conduct the pilot project at five military golf courses selected by the Secretary for purposes of the pilot project, including a military golf course located in the National Capital Region.

(2) Considerations.—The military golf courses so selected shall—

(A) be geographically dispersed; and

(B) be selected after consideration of the relative higher density of disabled members of the Armed Forces and military retirees in the vicinity of their installations.

(3) Limitation.—The Secretary may not select a military golf course to participate in the pilot project if that military golf course already has golf carts that are accessible for disabled persons.

(c) Required Number of Accessible Golf Carts.—The Secretary shall provide at least two golf carts accessible to disabled persons at each pilot project location.

(d) Acceptance of Golf Carts From Private Sources.—Notwithstanding any other provision of law, the Secretary may accept and utilize for purposes of the pilot project golf carts accessible to disabled persons that are donated to the Department for purposes of the pilot project.

(e) Department of Defense Health Care Awareness.—Military medical treatment facilities shall provide information to patients about the pilot project and the availability of golf carts accessible to disabled persons at military golf courses participating in the pilot project and at other military golf courses that already provide such golf carts.

(f) Duration.—The Secretary shall conduct the pilot project for two years.

(f) Report Required.—Not later than December 31, 2007, the Secretary, acting through the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional defense committees a report containing—

(1) the results of the pilot project; and

(2) recommendations on the feasibility and advisability of expanding the pilot project to other military golf courses.

SA 4334. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add following:

SEC. 1084. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act, or any other Act, may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

SA 4335. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities for the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

"(15) The homeland defense mission and the civil support mission of the reserve components of the armed forces, including the organization and capabilities required for the reserve components to discharge each such mission.".

SA 4336. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities for the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) Military Identification Card Defined.—In this section, the term "military identification card" has the meaning given the term "military ID card" in section 1060b(b)(1) of title 10, United States Code.

SA 4337. Mr. REID (for himself, Mr. Durbin, Mr. Biden, Mr. Levin, Mr. Menendez, Mr. Lautenberg, and Mr. Rockefeller) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. INTELLIGENCE ON IRAN.

(a) Submittal to Congress of Updated National Intelligence Estimate on Iran.—

(1) Submittal required.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SA 4338. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 151, line 13, strike "or the Secretary of Defense" and insert ", the Secretary of Defense, or the Secretary of the military department concerned".

On page 152, line 21, strike "or the Secretary of Defense" and insert ", the Secretary of Defense, or the Secretary of the military department concerned".

SA 4339. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, between lines 2 and 3, insert the following:

SEC. 2834. ESTABLISHMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

"SEC. 2915. DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

"(a) ESTABLISHMENT.—There is established an independent board to be known as the Defense Base Closure and Realignment Review Board (hereafter in this section referred to as the 'Board').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Board shall be composed of 11 members appointed by the President, of whom—

"(A) 7 shall be voting members, appointed by and with the consent of the Senate, who have broad-based private sector experience in the areas of real estate management, banking, investments, auditing, and national security, of whom—

"(i) 4 shall be nominated by the President based on the respective recommendations of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives; and

"(ii) one shall be designated by the President to serve as Chairman of the Board;

"(B) 4 shall be non-voting members, serving at the pleasure of the President, of whom—

"(i) one shall be an official of the Department of Defense;

"(ii) one shall be an official of the Environmental Protection Agency; and

"(iii) 2 shall be Federal Government officials (other than the officials described in clauses (i) and (ii)) designated by the President after consultation with the Comptroller General of the United States.

"(2) DATE.—The appointments of the members of the Board shall be made not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007.

"(c) PERIOD OF APPOINTMENT; VACANCIES.—

"(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of not more than 6 years, and may be reappointed by the President. The terms of not more than 4 members may expire during any one year.

"(2) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment and subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Board shall carry out the following duties:

"(1) Ensuring compliance by the Department of Defense and the military departments with the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

‘‘(2) Reviewing and analyzing the property conveyance policies of the Office of the Secretary of Defense and the military departments.

‘‘(3) Assessing the effectiveness of such property conveyance policies.

‘‘(4) Assessing the adequacy of funding related to the implementation of the approved recommendations of the Commission, including funding for environmental remediation.

‘‘(e) REPORTS.—

‘‘(1) ANNUAL REPORT.—

‘‘(A) IN GENERAL.—Not later than October 31, 2007, and annually thereafter for the next 4 years, the Board shall submit to Congress and the President a report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

‘‘(B) CONTENT.—Each report submitted under subparagraph (A) shall—

‘‘(i) track and monitor the use of the Department of Defense Base Closure Account 2005 established by section 2906A;

‘‘(ii) describe the implementation by each military department of the approved recommendations of the Commission, including any related annual net savings;

‘‘(iii) describe the implementation of privatization plans;

‘‘(iv) describe any environmental remediation undertaken by the Department of Defense, and the related costs; and

‘‘(v) describe the effect, if any, of the closure or realignment of military installations under the 2005 round of defense base closure and realignment on the international treaty obligations of the United States.

‘‘(C) COOPERATION OF DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretaries of the military departments shall cooperate with and provide such support to the Board as may be needed for the purpose of preparing reports under this paragraph.

‘‘(2) SPECIAL REPORT ON ALTERNATIVE PROCESSES FOR CLOSED AND REALIGNED MILITARY INSTALLATIONS.—

‘‘(A) IN GENERAL.—Not later than January 30, 2008, the Board shall submit to Congress and the President a report on the status of military installations scheduled for closure and realignment under the 2005 round of defense base closure and realignment.

‘‘(B) CONTENT.—The report submitted under subparagraph (A) shall—

‘‘(i) include the results and detailed analysis of a study of the implementation of the recommendations made by the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment;

‘‘(ii) examine the feasibility of categorizing military installations scheduled for closure and realignment as—

‘‘(I) properties that are the subject of negotiations with local redevelopment authorities or other parties for re-use or rezoning, and which may require special financing arrangements such as loans, loan guarantees, investments, environmental bonds and insurance, or other arrangements in order to transfer title and use to municipal, State, or private sector entities; and

‘‘(II) properties that are sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or that have significant environmental remediation problems requiring long-term management and oversight; and

‘‘(iii) include a detailed examination of the feasibility of—

‘‘(I) using one or more corporate models, including a public-private corporate model such as a foundation with a dedicated endowment, for transferring, managing, and preparing military installations closed or realigned since 1988 as part of the defense base closure and realignment process; and

‘‘(II) using a public-private corporation to handle properties designated pursuant to clause (ii)(I) and a foundation to handle properties designated pursuant to clause (ii)(II).

‘‘(C) CONSULTATION WITH OTHER AGENCIES.—In completing the study required under this paragraph, the Board shall consult with the Secretary of Defense, the Secretaries of the military departments, the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, the Secretary of Housing and Urban Development, and the Secretary of the Interior.

‘‘(3) FINAL REPORT.—Not later than December 31, 2011, the Board shall submit to Congress and the President a final report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment. The report shall include a review of the defense base closure and realignment process and any recommendations of the Board for changes in such process.

‘‘(f) MEETINGS.—

‘‘(1) IN GENERAL.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

‘‘(2) ACCESS TO PROCEEDINGS, INFORMATION, AND DELIBERATIONS.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the following:

‘‘(A) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

‘‘(B) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

‘‘(C) The Chairman and ranking minority party member of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

‘‘(D) The Chairman and ranking minority party member of the Subcommittee on Military Quality of Life and Veterans' Affairs, and Related Agencies of the Committees on Appropriations of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

‘‘(g) BOARD PERSONNEL MATTERS.—

‘‘(1) COMPENSATION OF MEMBERS.—

‘‘(A) IN GENERAL.—Each member of the Board, other than the Chairman, who is not an officer or employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

‘‘(B) CHAIRMAN.—The Chairman shall be compensated at a rate equivalent to the daily equivalent to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

‘‘(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

‘‘(3) DIRECTOR.—The Chairman of the Board may, without regard to the civil service laws and regulations, appoint a Director, who shall be paid at the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of title 5, United States Code. The employment of the Director shall be subject to confirmation by the Board.

‘‘(4) APPOINTMENT OF STAFF.—The Director may, with the approval of the Board, appoint up to 25 staff members to enable the Board to perform its duties, and fix the compensation of such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and the General Schedule pay rates, except that the rate of pay may not exceed the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of such title.

‘‘(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

‘‘(h) FUNDING.—

‘‘(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such funds as are necessary to carry out its duties under this section. Such funds shall remain available until expended.

‘‘(2) TRANSFER OF FUNDS.—If the Chairman of the Board certifies to the Secretary of Defense that insufficient funds are appropriated to the Board in any fiscal year, the Secretary of Defense shall, not later than 30 days after receiving such certification, transfer to the Board from the Department of Defense Base Closure Account 2005 established by section 2906A the amount requested by the Board in the certification. Such funds shall remain available until expended.

‘‘(i) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board.

‘‘(j) TERMINATION.—The Board shall terminate 90 days after the submission of the final report required under subsection (e)(3).''.

SA 4340. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, between lines 2 and 3, insert the following:

SEC. 2834. ESTABLISHMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

"SEC. 2915. DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

"(a) ESTABLISHMENT.—There is established an independent board to be known as the Defense Base Closure and Realignment Review Board (hereafter in this section referred to as the 'Board').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Board shall be composed of 11 members appointed by the President, of whom—

"(A) 7 shall be voting members, appointed by and with the consent of the Senate, who have broad-based private sector experience in the areas of real estate management, banking, investments, auditing, and national security, of whom—

"(i) 4 shall be nominated by the President based on the respective recommendations of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives; and

"(ii) one shall be designated by the President to serve as Chairman of the Board;

"(B) 4 shall be non-voting members, serving at the pleasure of the President, of whom—

"(i) one shall be an official of the Department of Defense;

"(ii) one shall be an official of the Environmental Protection Agency; and

"(iii) 2 shall be Federal Government officials (other than the officials described in clauses (i) and (ii)) designated by the President after consultation with the Comptroller General of the United States.

"(2) DATE.—The appointments of the members of the Board shall be made not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007.

"(c) PERIOD OF APPOINTMENT; VACANCIES.—

"(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of not more than 6 years, and may be reappointed by the President. The terms of not more than 4 members may expire during any one year.

"(2) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment and subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Board shall carry out the following duties:

"(1) Ensuring compliance by the Department of Defense and the military departments with the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

"(2) Reviewing and analyzing the property conveyance policies of the Office of the Secretary of Defense and the military departments.

"(3) Assessing the effectiveness of such property conveyance policies.

"(4) Assessing the adequacy of funding related to the implementation of the approved recommendations of the Commission, including funding for environmental remediation.

"(e) REPORTS.—

"(1) ANNUAL REPORT.—

"(A) IN GENERAL.—Not later than October 31, 2007, and annually thereafter for the next 4 years, the Board shall submit to Congress and the President a report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

"(B) CONTENT.—Each report submitted under subparagraph (A) shall—

"(i) track and monitor the use of the Department of Defense Base Closure Account 2005 established by section 2906A;

"(ii) describe the implementation by each military department of the approved recommendations of the Commission, including any related annual net savings;

"(iii) describe the implementation of privatization plans;

"(iv) describe any environmental remediation undertaken by the Department of Defense, and the related costs; and

"(v) describe the effect, if any, of the closure or realignment of military installations under the 2005 round of defense base closure and realignment on the international treaty obligations of the United States.

"(C) COOPERATION OF DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretaries of the military departments shall cooperate with and provide such support to the Board as may be needed for the purpose of preparing reports under this paragraph.

"(2) SPECIAL REPORT ON ALTERNATIVE PROCESSES FOR CLOSED AND REALIGNED MILITARY INSTALLATIONS.—

"(A) IN GENERAL.—Not later than January 30, 2008, the Board shall submit to Congress and the President a report on the status of military installations scheduled for closure and realignment under the 2005 round of defense base closure and realignment.

"(B) CONTENT.—The report submitted under subparagraph (A) shall—

"(i) include the results and detailed analysis of a study of the implementation of the recommendations made by the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment;

"(ii) examine the feasibility of categorizing military installations scheduled for closure and realignment as—

"(I) properties that are the subject of negotiations with local redevelopment authorities or other parties for re-use or rezoning, and which may require special financing arrangements such as loans, loan guarantees, investments, environmental bonds and insurance, or other arrangements in order to transfer title and use to municipal, State, or private sector entities; and

"(II) properties that are sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or that have significant environmental remediation problems requiring long-term management and oversight; and

"(iii) include a detailed examination of the feasibility of—

"(I) using one or more corporate models, including a public-private corporate model such as a foundation with a dedicated endowment, for transferring, managing, and preparing military installations closed or realigned since 1988 as part of the defense base closure and realignment process; and

"(II) using a public-private corporation to handle properties designated pursuant to clause (ii)(I) and a foundation to handle properties designated pursuant to clause (ii)(II).

"(C) CONSULTATION WITH OTHER AGENCIES.—In completing the study required under this paragraph, the Board shall consult with the Secretary of Defense, the Secretaries of the military departments, the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, the Secretary of Housing and Urban Development, and the Secretary of the Interior.

"(3) FINAL REPORT.—Not later than December 31, 2011, the Board shall submit to Congress and the President a final report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment. The report shall include a review of the defense base closure and realignment process and any recommendations of the Board for changes in such process.

"(f) MEETINGS.—

"(1) IN GENERAL.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

"(2) ACCESS TO PROCEEDINGS, INFORMATION, AND DELIBERATIONS.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the following:

"(A) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

"(B) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

"(C) The Chairman and ranking minority party member of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

"(D) The Chairman and ranking minority party member of the Subcommittee on Military Quality of Life and Veterans' Affairs, and Related Agencies of the Committees on Appropriations of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

"(g) BOARD PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—

"(A) IN GENERAL.—Each member of the Board, other than the Chairman, who is not an officer or employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Federal

Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

"(B) Chairman.—The Chairman shall be compensated at a rate equivalent to the daily equivalent to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(2) Travel expenses.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(3) Director.—The Chairman of the Board may, without regard to the civil service laws and regulations, appoint a Director, who shall be paid at the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of title 5, United States Code. The employment of the Director shall be subject to confirmation by the Board.

"(4) Appointment of staff.—The Director may, with the approval of the Board, appoint up to 25 staff members to enable the Board to perform its duties, and fix the compensation of such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and the General Schedule pay rates, except that the rate of pay may not exceed the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of such title.

"(5) Procurement of temporary and intermittent services.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(h) Funding.—

"(1) Authorization of appropriations.—There are authorized to be appropriated to the Board such funds as are necessary to carry out its duties under this section. Such funds shall remain available until expended.

"(2) Transfer of funds.—If the Chairman of the Board certifies to the Secretary of Defense that insufficient funds are appropriated to the Board in any fiscal year, the Secretary of Defense shall, not later than 30 days after receiving such certification, transfer to the Board from the Department of Defense Base Closure Account 2005 established by section 2906A the amount requested by the Board in the certification. Such funds shall remain available until expended.

"(i) Inapplicability of FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board.

"(j) Termination.—The Board shall terminate 90 days after the submission of the final report required under subsection (e)(3).".

SA 4341. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. RENDITION.

(a) Prohibition on Rendition to Torture.—No individual in the custody or under the physical control of the United States, regardless of whether the individual is physically present in territory under the jurisdiction of the United States, may be transferred to a country if there are substantial grounds to believe that the individual would be in danger of being subjected to torture in such country.

(b) Reports to Congress.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, the Attorney General, and the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the United States compliance with Article 3 of the Convention Against Torture.

(2) Contents.—Each report under paragraph (1) shall include the following:

(A) The name of each country to which any person in the custody or under the physical control of the United States has been transferred—

(i) for the first report required by paragraph (1), during the period beginning on September 11, 2001 and ending on the date of such report; and

(ii) for each subsequent report, the 1-year period beginning on the date of the previous report.

(B) The name of each country described in subparagraph (A) from which the United States has obtained oral or written assurances that a person transferred from the custody or physical control of the United States to such country would not be subject to torture—

(i) for the first report required by paragraph (1), during the period beginning on September 11, 2001 and ending on the date of such report; and

(ii) for each subsequent report, the 1-year period beginning on the date of the previous report.

(C) For each country described in subparagraph (B)—

(i) a certification that the country has complied with its assurances that it would not subject to torture any individual transferred from the custody or physical control of the United States to such country or a statement that such certification cannot be made; and

(ii) a detailed explanation of the basis for each certification under clause (i), including—

(I) a description of the country's assurances to the United States, including whether the assurances are oral or written, and, if the assurances are written, a copy of the assurances;

(II) a description of all efforts to monitor compliance with the assurances, including whether the United States has made periodic visits to all individuals transferred from the custody or physical control of the United States to such country and investigated all credible allegations that such individuals have been subjected to torture, and, if so, the conclusions of the United States regarding the treatment of such individuals;

(III) whether international or local humanitarian or human rights groups have been able to monitor effectively the treatment of individuals transferred from the custody or physical control of the United States to such country, and, if so, the conclusions of such groups regarding the treatment of such individuals; and

(IV) human rights conditions in the country, based on the annual Human Rights Reports published by the Secretary of State, reports from international and local humanitarian and human rights groups, and any other relevant information.

(c) Prohibition on Use of Assurances.—If the Secretary of State does not submit a certification under subsection (b)(2)(C)(i) with respect to a country described in subsection (b)(2)(B), the United States may not use oral or written assurances that a person transferred from the custody or physical control of the United States to such country will not be subject to torture as the basis for concluding that transferring such person to such country does not violate subsection (a).

(d) Savings Clause.—Nothing in this section shall be construed to eliminate, limit, or constrain in any way the rights that an individual has under the Convention Against Torture or any other applicable law.

(e) Definitions.—

(1) In general.—Except as provided in paragraph (2), the terms used in this section have the meanings given those terms in the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

(2) Terms.—In this section—

(A) the term "transferred" means to expel, return, extradite, or otherwise relocate a person from the custody or physical control of the United States to another country;

(B) the term "appropriate committees of Congress" means the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, the Committee on Armed Services, and the Committee on the Judiciary of the House of Representatives; and

(C) the term "Convention Against Torture" means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

SA 4342. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 569. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) Modification.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

SA 4343. Mr. BINGAMAN (for himself and Mr. MENENDEZ) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992 (Public Law 102–486).

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SA 4344. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS IN THE UNITED STATES TO IMPROVE RESPONSE TO NATURAL DISASTERS AND NATIONAL EMERGENCIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of pre-packaged or pre-identified basic response assets, such as medical supplies, food and water, and communication equipment, at various locations in the United States in order to improve the Department of Defense response to natural disasters and national emergencies.

(b) PROCEDURES AND GUIDELINES.—The Secretary shall develop procedures and guidelines for the prepositioning of assets under this section.

SA 4345. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following new section:

SEC. 569. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

"(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

"(b) SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

"(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of a baccalaureate degree from an institution of higher learning.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

"(c) NON-SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

"(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2033. Instructor qualifications.".

SA 4346. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. UNMANNED AERIAL VEHICLES FOR THE ARMY.

(a) PROCUREMENT OF CLASS IV SYSTEMS IN FISCAL YEAR 2007.—The Secretary of the Army shall provide for the procurement during fiscal year 2007 of eight Class IV Unmanned Aerial Vehicles (UAVs) for the Army as provided for in the budget of the President for fiscal year 2007 (as submitted to Congress for such fiscal year under section 1105(a) of title 31, United States Code).

(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $29,000,000 may be available for experimentation and the refinement of tactics and doctrine relating to the use of the Class IV Unmanned Aerial Vehicles procured under subsection (a) and two ground stations associated with such vehicles.

SA 4347. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the

Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. AGREEMENT BY NAVY AND COAST GUARD ON USE OF CYCLONE CLASS PATROL COASTAL SHIPS.

(a) AGREEMENT REQUIRED.—Not later than March 30, 2007, the Secretary of the Navy shall submit to Congress an agreement between the Secretary and the Commandant of the Coast Guard for the operation of the 179-foot Cyclone class patrol coastal ships through September 2013.

(b) ELEMENTS.—The agreement required under subsection (a) shall—

(1) include provisions for operational control of the 13 ships of the 179-foot Cyclone class patrol coastal ship class;

(2) describe responsibilities for funding for operation and maintenance costs associated with operation of such ships;

(3) ensure the more efficient employment of such ships to eliminate the near-term shortfall of the Coast Guard for Deepwater patrol boat hours while meeting validated riverine and coastal warfare requirements of the Navy; and

(4) ensure that the Coast Guard retains operational control over at least five Cyclone class patrol coastal ships until September 30, 2013.

SA 4348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. ___. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate, or provide financial assistance to the States to establish and operate, not more than five schools (to be known generally as "National Guard counterdrug schools").

(b) PURPOSE.—The purpose of the National Guard counterdrug schools shall be the provision by the National Guard of training in drug interdiction and counterdrug activities and drug demand reduction activities to personnel of the following:

(1) Federal agencies.

(2) State and local law enforcement agencies.

(3) Community-based organizations engaged in such activities.

(4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(c) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

(1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.

(2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.

(3) The Midwest Counterdrug Training Center (MCTC), Johnston, Iowa.

(4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.

(5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(d) USE OF NATIONAL GUARD PERSONNEL.—

(1) IN GENERAL.—To the extent provided for in the State drug interdiction and counterdrug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (b) at that school.

(2) DEFINITION.—In this subsection, the term "State drug interdiction and counterdrug activities plan", in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(e) TREATMENT UNDER AUTHORITY TO PROVIDE COUNTERDRUG SUPPORT.—The provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) shall apply to any activities of a National Guard counterdrug school under this section that are for an agency referred to in subsection (a) of such section 1004 and for a purpose set forth in subsection (b) of such section 1004.

(f) ANNUAL REPORTS ON ACTIVITIES.—

(1) IN GENERAL.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year.

(2) CONTENTS.—Each report under paragraph (1) shall set forth the following:

(A) FUNDING.—The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) ACTIVITIES.—A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense for the National Guard for each of fiscal years 2006 through 2010, $30,000,000 for purposes of the National Guard counterdrug schools in such fiscal year.

(2) CONSTRUCTION.—The amount authorized to be appropriated by paragraph (1) for a fiscal year is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for such fiscal year.

SA 4349. Mr. WARNER (for Mrs. DOLE (for herself and Mr. JEFFORDS)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

SA 4350. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

"§ 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

"(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

"(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

"(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

"(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

"(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

"(1) to be discharged from the Marine Corps; or

"(2) to revert to the grade and status such member held at the time of appointment under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

"6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.".

SA 4351. Mr. LEVIN (for Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. DURBIN, Mr. LEVIN, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employee Protection of Disclosures Act".

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)"; and

(3) by adding at the end the following:

"(C) any disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

"(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

"(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.".

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

"This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.".

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

"(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and"

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

"(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.".

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

"§ 7702a. Actions relating to security clearances

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

"(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

"(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

"(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

"(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.".

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

"7702a. Actions relating to security clearances.".

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

"(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(ii) an assessment of a civil penalty not to exceed $1,000; or

"(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.".

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

"(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).".

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).".

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.".

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: "For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.".

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting ", including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures" after "chapter 12 of this title".

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

SA 4352. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the Southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "State along the southern land border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

SA 4353. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

"(1) Program manager.

"(2) Deputy program manager.

"(3) Chief engineer.

"(4) Systems engineer.

"(5) Cost estimator.

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

"(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

"(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.".

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAVER.—During the two years period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

SA 4354. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

SA 4355. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 380, line 18, strike "$3,750,000,000" and insert "$5,000,000,000".

SA 4356. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 1002 and insert the following:

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

SA 4357. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

SA 4358. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 463, beginning on line 8, strike "paragraph (1) in fiscal year 2007 for the expenses and costs" and insert "paragraph (1)(A) in fiscal year 2007 for the expenses".

SA 4359. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109-58).

(2) The Energy Policy Act of 1992. (Public Law 102-486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SA 4360. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of part II of subtitle A of title V, add the following:

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) REPORT REQUIRED.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

SA 4361. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement;

(2) a description of any violation of the Agreement and any delay in implementing the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

SA 4362. Mrs. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $3,500,000 may be available for the Individual First Aid Kit (IFAK).

SA 4363. Mrs. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $5,850,000 may be available for Infantry Combat Equipment (ICE).

SA 4364. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and is now in his 12th term representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives, Representative Evans has worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans has been a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from post-traumatic stress disorder and Gulf War Syndrome.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(5) Representative Evans is credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(6) Representative Evans has worked with local leaders to promote the Rock Island Arsenal and has seen it win new jobs and missions through his support.

(7) In honor of his service in the Marine Corps and to his district and the United States, it is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans.

(b) DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

SA 4365. Mr. CHAMBLISS (for himself, Mr. GRAHAM, Mrs. CLINTON, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person:"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

At the end of subtitle A of title VII, add the following:

SEC. 707. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) IN GENERAL.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) is an employee of a business with 20 or fewer employees.".

(b) PREMIUMS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SA 4366. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

SA 4367. Mr. OBAMA (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. ASSESSMENT OF PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) Report Required.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records to members of the Armed Forces on their discharge or release from the Armed Forces.

(2) Elements.—The report required by paragraph (1) shall include the following:

(A) An estimate of the costs of the provision of military records as described in paragraph (1).

(B) An assessment of providing military records as described in that paragraph through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(C) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that paragraph.

(D) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that paragraph.

(E) If the Secretary determines that providing military records to members of the Armed Forces as described in that paragraph is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(F) Any other matter to relating to the provision of military records as described in that paragraph that the Secretary considers appropriate.

(b) Pilot Program.—

(1) Program required.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing an electronic copy of military records to members of the Armed Forces on their discharge or release from the Armed Forces.

(2) Location.—The Secretary shall carry out the pilot program at two locations, of which—

(A) one shall be a military installation at which members of the Armed Forces are processed for separation from active duty in the Armed Forces; and

(B) one shall be a military installation at which members of the reserve components of the Armed Forces are processed for release from active duty following deployment on active duty in support of Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Provision of military records.—Under the pilot program, the Secretary shall provide an electronic copy of such member's military records to each member of the Armed Forces undergoing separation from the Armed Forces, or release from active duty in the Armed Forces, at a location of the pilot program under paragraph (2) during the period of the pilot program.

(4) Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(c) Military Records Defined.—In this section, the term "military records", with respect to a member of the Armed Forces, includes all military service records, military medical records, and other military records of the member of the armed Forces.

SA 4368. Mr. NELSON of Florida (for himself and Mr. Martinez) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) Findings.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interest of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) Report on United States Government Support for OPBAT.—

(1) Report on decision to withdraw.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) Consultation.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) Elements.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

SA 4369. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table: as follows:

On page 555, strike line 1 and all that follows through "Secretary" on line 13 and insert the following: "(B) The Secretary".

SA 4370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) Annual Report and Notice Required.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term "earmark" means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

SA 4371. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 345, line 2, strike "poor" and insert "below-satisfactory performance or performance that does not meet the basic requirements of the contract".

SA 4372. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. FISCAL INTEGRITY OF TRAVEL PAYMENTS.

Not later than November 15, 2006, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report including—

(1) risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107-300; 31 U.S.C. 3321 note); and

(2) a justification detailing the methodology used to determine the risk susceptibility of making improper payments in activities related to Department of Defense travel during fiscal year 2005, including—

(A) an explanation of how the Department used a statistically valid estimate to determine travel payments for fiscal year 2005 in accordance with guidance in Office of Management and Budget Memorandum 30–13 issued pursuant to the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note); and

(B) a declaration of whether or not activities related to such travel payments were determined to be at significant risk of making improper payments for such fiscal year.

SA 4373. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated by this Act may be obligated or expended for the further development, deployment, or operation of any web-based, end-to-end travel management system, or services under any contract for such travel services that provides for payment by the Department of Defense to the service provider above, or in addition to, a fixed price transaction fee for eTravel services under the General Services Administration eTravel contract.

SA 4374. Ms. CANTWELL (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term "uranium-exposed soldiers" means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

SA 4375. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X add the following:

SEC. 1008. MODIFICATION OF AVAILABILITY OF CERTAIN FUNDS FOR THE DEPARTMENT OF DEFENSE TO ADDRESS HURRICANES IN THE GULF OF MEXICO IN 2005.

(a) RESERVE PERSONNEL, ARMY.—Chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B of Public Law 109–148) is amended under the heading "RESERVE PERSONNEL, ARMY" by striking "September 30, 2006" and inserting "September 30, 2007".

(b) OPERATION AND MAINTENANCE, ARMY RESERVE.—Chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 is amended under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE" by striking "September 30, 2006" and inserting "September 30, 2007".

SA 4376. Mr. ENZI proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end, add the following new Division:

DIVISION D—OTHER PROVISIONS

TITLE XXXXI—ASSISTANCE FOR WORKERS AND SMALL BUSINESSES

Subtitle A—Minimum Wage Adjustment

SEC. 4101. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.70 an hour, beginning 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007; and

"(B) $6.25 an hour, beginning 18 months after such date of enactment;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act.

Subtitle B—Workplace Flexibility

SEC. 4111. SHORT TITLE.

This subtitle may be cited as the "Workplace Flexibility Act".

SEC. 4112. BIWEEKLY WORK PROGRAMS.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS.

"(a) VOLUNTARY PARTICIPATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) BIWEEKLY WORK PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

"(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

"(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

"(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

"(c) PROHIBITION OF COERCION.—

"(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

"(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(d) DEFINITIONS.—In this section:

"(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) ELECTION.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

"(5) EMPLOYEE.—The term 'employee' means an individual—

"(A) who is an employee (as defined in section 3);

"(B) who is not an employee of a public agency; and

"(C) to whom section 7(a) applies.

"(6) EMPLOYER.—The term 'employer' does not include a public agency.

"(7) OVERTIME HOURS.—The term 'overtime hours' when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer.

"(8) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).".

(b) REMEDIES.—

(1) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by adding "or" after the semicolon; and

(C) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A"; and

(II) by striking "wages or unpaid overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and";

(ii) in the second sentence, by striking "wages or overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and"; and

(iii) in the third sentence—

(I) by inserting after "first sentence of such subsection" the following: ", or the second sentence of such subsection in the event of a violation of section 13A,"; and

(II) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or"; and

(B) in subsection (e)—

(i) in the second sentence, by striking "section 6 or 7" and inserting "section 6, 7, or 13A"; and

(ii) in the fourth sentence, in paragraph (3), by striking "15(a)(4) or" and inserting "15(a)(4), a violation of section 15(a)(3)(B), or".

(c) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. 4113. CONGRESSIONAL COVERAGE.

Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and section 12(c)" and inserting "section 12(c), and section 13A"; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking "The remedy" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the remedy"; and

(B) by adding at the end the following:

"(2) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOURS PROGRAMS.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation."; and

(3) in subsection (c), by striking paragraph (4).

SEC. 4114. TERMINATION.

The authority provided by this subtitle and the amendments made by this subtitle terminates 5 years after the date of enactment of this Act.

Subtitle C—Small Business Fair Labor Standards Act Exemption

SEC. 4121. ENHANCED SMALL BUSINESS EXEMPTION.

(a) IN GENERAL.—Section 3(s)(1)(A)(ii) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(s)(1)(A)(ii)) is amended by striking "$500,000" and inserting "$1,000,000".

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) shall not apply in any State that does not have in effect, or that does not subsequently enact after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007, legislation applying minimum wage and hours of work protections to workers covered by the Fair Labor Standards Act of 1938 as of the day before such date of enactment.

SEC. 4122. SCOPE OF EMPLOYMENT.

Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), in the matter preceding paragraph (1), and section 7(a)(1) of such Act (29 U.S.C. 207(a)(1)), are amended by striking "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce," and inserting "who in any workweek is engaged in industrial homework subject to section 11(d) and engaged in commerce or in the production of goods for commerce, or who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce,".

Subtitle D—Small Business Paperwork Reduction

SEC. 4131. SMALL BUSINESS PAPERWORK REDUCTION.

(a) IN GENERAL.—Section 3506 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended by adding at the end the following:

"(j)(1) In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of such agency shall provide that no civil fine shall be imposed on the small business concern unless, based on the particular facts and circumstances regarding the violation—

"(A) the head of the agency determines that the violation has the potential to cause serious harm to the public interest;

"(B) the head of the agency determines that failure to impose a civil fine would impede or interfere with the detection of criminal activity;

"(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

"(D) the violation is not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

"(E) except as provided in paragraph (2), the head of the agency determines that the violation presents a danger to the public health or safety.

"(2)(A) In any case in which the head of an agency determines under paragraph (1)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (1)(E), determine that a civil fine should not be imposed on the small business concern if the violation is corrected within 24 hours of receipt of notice in writing by the small business concern of the violation.

"(B) In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of the agency shall take into account all of the facts and circumstances regarding the violation, including—

"(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

"(ii) whether the small business concern has made a good faith effort to comply with applicable laws, and to remedy the violation within the shortest practicable period of time; and

"(iii) whether the small business concern has obtained a significant economic benefit from the violation.

"(C) In any case in which the head of the agency imposes a civil fine on a small business concern for a violation with respect to which this paragraph applies and does not provide the small business concern with 24 hours to correct the violation, the head of the agency shall notify Congress regarding such determination not later than 60 days after the date that the civil fine is imposed by the agency.

"(3) With respect to any agency, this subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by such agency if such small business concern previously violated any requirement regarding collection of information by such agency.

"(4) In determining if a violation is a first-time violation for purposes of this subsection, the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.

"(5) Notwithstanding any other provision of law, no State may impose a civil penalty on a small business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.

"(6) For purposes of this subsection, the term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant to such section.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any violation occurring on or after January 1, 2006.

Subtitle E—Small Business Regulatory Relief

SEC. 4141. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule for which an agency head does not make a certification under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule, and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet requirements to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that assist a small entity in meeting such requirements.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

Subtitle F—Minimum Wage Tip Credit

SEC. 4151. TIPPED WAGE FAIRNESS.

Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) in paragraph (2), by inserting before the period the following: ": *Provided*, That the tips shall not be included as part of the wage paid to an employee to the extent that they are excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking the subsection designation and inserting "(m)(1)"; and

(4) by adding at the end of the following:

"(2) Notwithstanding any other provision of this Act, any State or political subdivision of a State which on and after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007 excludes all of a tipped employee's tips from being considered as wages in determining if such tipped employee has been paid the applicable minimum wage rate, may not establish or enforce the minimum wage rate provisions of such law, ordinance, regulation, or order in such State or political subdivision thereof with respect to tipped employees unless such law, ordinance, regulation, or order is revised or amended to permit such employee to be paid a wage by the employee's employer in an amount not less than an amount equal to—

"(A) the cash wage paid such employee which is required under such law, ordinance, regulation, or order on the date of enactment of such Act; and

"(B) an additional amount on account of tips received by such employee which amount is equal to the difference between such cash wage and the minimum wage rate in effect under such law, ordinance, regulation, or order or the minimum wage rate in effect under section 6, whichever is higher.".

Subtitle G—Small Business Tax Relief

SEC. 4160. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

CHAPTER 1—PROVISIONS RELATING TO ECONOMIC STIMULUS FOR SMALL BUSINESSES

SEC. 4161. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) In General.—Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 4162. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) Cash Accounting Permitted.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) Certain Small Business Taxpayers Permitted to Use Cash Accounting Method Without Limitation.—

"(1) In general.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) Eligible taxpayer.—For purposes of this subsection—

"(A) In general.—A taxpayer is an eligible taxpayer with respect to any taxable year if—

"(i) for all prior taxable years beginning after December 31, 2004, the taxpayer (or any predecessor) met the gross receipts test of subparagraph (B), and

"(ii) the taxpayer is not subject to section 447 or 448.

"(B) Gross receipts test.—A taxpayer meets the gross receipts test of this subparagraph for any prior taxable year if the average annual gross receipts of the taxpayer for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

"(C) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2007, the dollar amount contained in subparagraph (B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) Clarification of Inventory Rules for Small Business.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Small Business Taxpayers Not Required to Use Inventories.—

"(1) In general.—An eligible taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) Treatment of taxpayers not using inventories.—If an eligible taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2005, such property shall be treated as a material or supply which is not incidental.

"(3) Eligible taxpayer.—For purposes of this subsection, the term 'eligible taxpayer' has the meaning given such term by section 446(g)(2).".

(c) Effective Date and Special Rules.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(2) Change in method of accounting.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 4163. EXTENSION AND EXPANSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED RESTAURANT IMPROVEMENTS.

(a) Extension.—

(1) In general.—Section 168(e)(3)(E)(v) is amended by striking "2006" and inserting "2007".

(2) Effective date.—The amendment made by this subsection shall apply to property placed in service after December 31, 2005.

(b) Modification of Treatment of Qualified Restaurant Property as 15-Year Property for Purposes of Depreciation Deduction.—

(1) Treatment to include new construction.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) Qualified restaurant property.—The term 'qualified restaurant property' means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) Effective date.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act.

CHAPTER 2—REVENUE PROVISIONS

SEC. 4171. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 4172. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) In General.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(A) In General.—Any person who" and

(2) by adding at the end the following new subsection:

"(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) Increase in Penalties.—

(1) Attempt to evade or defeat tax.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) Willful failure to file return, supply information, or pay tax.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) In General.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) Aggravated Failure To File.—

"(1) In general.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.

"(2) Failure described.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years.".

(3) Fraud and false statements.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) Effective Date.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 4173. TAX TREATMENT OF INVERTED ENTITIES.

(a) In General.—Section 7874 is amended—

(1) by striking "March 4, 2003" in subsection (a)(2)(B)(i) and in the matter following subsection (a)(2)(B)(iii) and inserting "March 20, 2002",

(2) by striking "at least 60 percent" in subsection (a)(2)(B)(ii) and inserting "more than 50 percent",

(3) by striking "80 percent" in subsection (b) and inserting "at least 80 percent",

(4) by striking "60 percent" in subsection (b) and inserting "more than 50 percent",

(5) by adding at the end of subsection (a)(2) the following new sentence: "Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (B) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.", and

(6) by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Special Rules Applicable to Expatriated Entities.—

"(1) Increases in accuracy-related penalties.—In the case of any underpayment of tax of an expatriated entity—

"(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

"(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

"(2) Modifications of limitation on interest deduction.—In the case of an expatriated entity, section 163(j) shall be applied—

"(A) without regard to paragraph (2)(A)(ii) thereof, and

"(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years ending after March 20, 2002.

SEC. 4174. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) Election to continue to be taxed as United States citizen.—

"(A) In general.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the

United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 4175. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 4176. GRANT OF TREASURY REGULATORY AUTHORITY TO ADDRESS FOREIGN TAX CREDIT TRANSACTIONS INVOLVING INAPPROPRIATE SEPARATION OF FOREIGN TAXES FROM RELATED FOREIGN INCOME.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 4177. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed rate debt instrument shall be applied as requiring that such comparable yield be determined by reference to a noncontingent fixed rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SA 4377. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

"(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.".

SA 4378. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REQUIREMENTS FOR CONTINUED DETENTION OR RELEASE OF INDIVIDUALS HELD AT GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 180 days after the date of the enactment of this Act, an alien who is detained by the Secretary of Defense at Guantanamo Bay, Cuba shall be—

(1) charged with a crime in a civilian or military court;

(2) repatriated to such alien's country of origin, unless there are substantial grounds to believe that the alien would be in danger of being subjected to torture in such country; or

(3) released to a country other than the alien's country of origin.

(b) REPORTING REGARDING FAILURE TO CHARGE OR RELEASE.—

(1) IN GENERAL.—With respect to any alien described in subsection (a) who is not charged, repatriated, or released within 180 days after the date of the enactment of this Act, the Secretary of Defense shall at that time, and every 180 days thereafter, submit to the appropriate committees of Congress a detailed report for each such alien that includes the following:

(A) The name and nationality of each alien being detained by the Secretary of Defense at Guantanamo Bay, Cuba.

(B) With respect to each alien—

(i) a detailed statement of why the alien has not been charged, repatriated, or released;

(ii) a statement of when the United States Government intends to charge, repatriate, or release the alien;

(iii) a description of the procedures to be employed by the United States Government to determine whether to charge, repatriate, or release the alien and a schedule for the employment of such procedures; and

(iv) if the Secretary of Defense has transferred or has plans to transfer the alien from the custody of the Secretary to another agency or department of the United States, a description of such transfer.

(2) FORM OF REPORTS.—Each report required by this subsection shall be submitted in an unclassified form to the maximum extent practicable and may include a classified annex, if necessary.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) Nothing in this section shall be construed in any way as authorizing or permitting:

(1) military commissions presently constituted under the November 13, 2001 Order of the President; or

(2) the detention of individuals had at Guantanamo Bay, Cuba.

SA 4379. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 569. IMPROVEMENTS TO EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN AMOUNT.—

(1) IN GENERAL.—Section 16131(b)(1) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking "$251" and inserting "$362";

(B) in subparagraph (B), by striking "$188" and inserting "$272"; and

(C) in subparagraph (C), by striking "$125" and inserting "$181".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2006, and shall apply with respect to educational assistance payable under chapter 1606 of title 10, United States Code, for months beginning on or after that date.

(3) PROHIBITION ON ADJUSTMENT FOR FISCAL YEAR 2007.—The adjustment required by section 16131(b)(2) of title 10, United States Code, for fiscal year 2007 shall not be made.

(b) DETERMINATION OF RATE OF ASSISTANCE FOR MEMBERS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(1) IN GENERAL.—Section 16162(c)(4) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking "but less than one continuous year" and inserting "but less in aggregate than one year";

(B) in subparagraph (B), by striking "for one continuous year but less than two continuous years" and inserting "for more in aggregate than one year but less in aggregate than two years"; and

(C) in subparagraph (C), by striking "for two continuous years or more" and inserting "in aggregate for two years or more".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2006, and shall apply with respect to educational assistance payable under chapter 1607 of title 10, United States Code, for months beginning on or after that date.

SA 4380. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. AGREEMENTS ON THE PROVISION OF SERVICES TO MEMBERS OF THE ARMED FORCES MAKING THE TRANSITION TO CIVILIAN LIFE.

(a) AGREEMENTS REQUIRED.—The Secretary of Defense shall seek to enter into memoranda of understanding, agreements, or other appropriate arrangements with the entities and organizations referred to in subsection (b) in order to coordinate the provision of services to members of the Armed Forces making the transition to civilian life, including members of the Armed Forces being separated, discharged, or released from the Armed Forces and members of the National Guard and Reserve returning to civilian life after deployment on active duty in the Armed Forces.

(b) ENTITIES AND ORGANIZATIONS.—The entities and organizations referred to in this section are the following:

(1) Elements of the Department of Defense responsible for providing services described in subsection (a).

(2) Elements of the Department of Veterans Affairs responsible for providing such services.

(3) Elements of the Department of Labor responsible for providing such services.

(4) Elements of other departments and agencies of the Federal Government responsible for providing such services.

(5) Appropriate State agencies, including veterans agencies, employment services agencies, and other agencies.

(6) Veterans service organizations.

(7) Any other public or private entities or organizations that provide such services as the Secretary considers appropriate for purposes of this section.

(c) ELEMENTS.—The memoranda of understanding, agreements, and arrangements entered into under subsection (a) shall seek to—

(1) establish and define requirements and responsibilities for the provision of services described in subsection (a);

(2) coordinate, facilitate, and enhance the provision of such services; and

(3) establish and define short-term and long-term goals and plans for the provision of such services.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 27, 2006, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony relating to implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Sara Zecher at 202–224–8276.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, June 28, 2006 at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1812, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; S. 1965, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District; S. 2129, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; S. 2470, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho; S. 2502, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; S. 3404, to bill to reauthorize the Mni Wiconi Rural Water Supply Project; H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant"; and H.R. 4204, to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry at 202–224–2179 or Steve Waskiewicz at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday June 20, 2006, at 10:30 a.m. in 328a, Senate Russell Office Building. The purpose of this committee hearing will be to examine the Rural Development Programs of the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 20, 2006, at 10 a.m. to conduct a hearing on "the reauthorization of the export-import bank."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session the Senate on June 20, 2006, at 2:30 p.m., to conduct a hearing on "FHA: Issues for the Future."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 20, 2006, at 10 a.m., to consider the nomination of Paul A. Denett to be Administrator for Federal Procurement Policy, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "The McCarran-Ferguson Act: Implications of Repealing the Insurers' Antitrust Exemption" on Tuesday, June 20, 2006, at 9:30 a.m., in Dirksen Senate Office Building, room 226.

Witness list

Panel I: Hon. Marc Racicot, Former Governor of Montana, President, American Insurance Institute, Washington, DC; Elinor R. Hoffman, Assistant Attorney General, Antitrust Bureau, Office of the Attorney General for the State of New York, New York, NY; Michael McRaith, Illinois Director of Insurance, Chair, Broker Activities Task Force, National Association of Insurance Commissioners, Chicago, IL; Bob Hunter, Insurance Director, Consumer Federation of American, Washington, DC; Kevin Thompson, Senior Vice President, Insurance Services Office, Jersey City, NJ; Donald C. Klawiter, Chair, Section of Antitrust Law, American Bar Association, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 20, 2006, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCE MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, June 20, 2006, at 2:30 p.m. for a field hearing regarding "U.N. Headquarters Renovation: No Accountability Without Transparency."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 20, 2006, at 2:30 p.m.

The purpose of the hearing is to receive testimony on the National Park Service's revised Draft Management Policies, including potential impact of the Policies on Park Operations, Park Resources, Wilderness Areas, Recreation, and Interaction with Gateway Communities.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Joel Rubin of my staff be granted the privilege of the floor for the duration of the consideration of S. 2766, the Defense authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Sharon Hudson-Dean, a fellow in the office of Senator BILL NELSON of Florida, be granted the privilege of the floor during the Senate's consideration of the fiscal year 2007 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Zachary Schechter-Steinberg of my staff be granted floor privileges during the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that John Rowe, a legislative intern in Senator GRASSLEY's office, have floor privileges from now until the Senate adjourns at the end of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109-10

Mr. SESSIONS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 20, 2006, by the President of the United States:

Protocol III to 1949 Geneva Convention and an Amendment and Protocol to 1980 Conventional Weapons Convention (Treaty Document No. 109-10).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith: the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (the "Geneva Protocol III"), adopted at Geneva on December 8, 2005, and signed by the United States on that date; the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (the "CCW Amendment"); and the CCW Protocol on Explosive Remnants of War (the "CCW Protocol V"). I transmit, for the information of the Senate, the report of the Department of State concerning these treaties.

Geneva Protocol III. Geneva Protocol III creates a new distinctive emblem, a Red Crystal, in addition to and for the same purposes as the Red Cross and the Red Crescent emblems. The Red Crystal is a neutral emblem that can be employed by governments and national societies that face challenges using the existing emblems. In addition, Geneva Protocol III will pave the way for Magen David Adom, Israel's national society, to achieve membership in the International Red Cross and Red Crescent Movement. Legislation implementing Geneva Protocol III will be submitted to the Congress separately.

CCW amendment. The amendment to Article 1 of the CCW, which was adopted at Geneva on December 21, 2001, eliminates the distinction between international and non-international armed conflict for the purposes of the rules governing the prohibitions and restrictions on the use of certain conventional weapons. It does not change the legal status of rebel or insurgent groups into that of protected or privileged belligerents.

CCW Protocol V. CCW Protocol V, which was adopted at Geneva on November 28, 2003, addresses the post-conflict threat generated by conventional munitions such as mortar shells, grenades, artillery rounds, and bombs that do not explode as intended or that are abandoned. CCW Protocol V provides for the marking, clearance, removal, and destruction of such remnants by the party in control of the territory in which the munitions are located.

Conclusion. I urge the Senate to give prompt and favorable consideration to each of these instruments and to give its advice and consent to their ratification. These treaties are in the interest of the United States, and their ratification would advance the longstanding and historic leadership of the United States in the law of armed conflict.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 19, 2006.*

COMMENDING THE CAROLINA HURRICANES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 517 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 517) commending the Carolina Hurricanes for winning the 2006 National Hockey League Stanley Cup.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 517) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 517

Whereas on June 19, 2006, the Carolina Hurricanes toppled the Edmonton Oilers in one of the most exciting National Hockey League (NHL) Finals in history by a score of 3-1 in the seventh and final game;

Whereas this is the first Stanley Cup for the Carolina Hurricanes;

Whereas the Hurricanes are the first professional sports team in North Carolina history to win a major sports championship;

Whereas the Hurricanes finished at the top of the Southeast Division of the Eastern Conference during the regular season with a record of 52-22-8;

Whereas the Hurricanes rallied from a 2-game deficit, winning 4 consecutive games to defeat the Montreal Canadians in the first round of the playoffs;

Whereas the Hurricanes rolled over the New Jersey Devils in the second round of the playoffs, winning the series in only 5 games;

Whereas the Hurricanes showed their desire to win a championship by defeating the Buffalo Sabres in the seventh game of the Eastern Conference Finals to advance to the Stanley Cup Finals;

Whereas in Game 1 of the Stanley Cup Finals the Hurricanes became only the sixth team in NHL Finals history to overcome a 3-goal deficit to win;

Whereas Cam Ward became the first rookie goaltender to win a Stanley Cup in 20 years, and with 22 saves in Game 7, was named the MVP of the playoffs, becoming the fourth rookie and second-youngest player to be awarded the Conn Smythe Trophy;

Whereas Hurricanes head coach Peter Laviolette won his first Stanley Cup in his first full season at the helm of the team;

Whereas defensemen Aaron Ward and Frantisek Kaberle scored goals during the first period in Game 7 to put the Hurricanes up 2-0;

Whereas with the team only 1 goal ahead, Justin Williams sealed the 3-1 victory with an empty net goal in the final minute of the game;

Whereas a sold-out crowd of 18,978 at the RBC Center in Raleigh, North Carolina celebrated as the final horn sounded, announcing the Hurricanes' championship;

Whereas the Hurricanes veteran captain Rod Brind'Amour, who demonstrated great leadership throughout the entire season, won his first Stanley Cup and was the first to accept the Cup from NHL commissioner Gary Bettman by hoisting the historic trophy over his head in victory;

Whereas assistant captain Glen Wesley, who has played in more playoff games than any other active NHL player, won his first Stanley Cup at age 37;

Whereas 21-year-old Eric Staal became the youngest player to lead the playoffs in scoring since Gordie Howe in 1949;

Whereas hockey now joins college basketball and NASCAR as the favorite pastimes of North Carolina;

Whereas each player from the Hurricanes championship team will have his name forever etched on the Stanley Cup; and

Whereas North Carolina will be home to the Stanley Cup for at least the next year: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Carolina Hurricanes for winning the 2006 Stanley Cup;

(2) recognizes the achievements of the players, head coach Peter Laviolette, the assistant coaches, and the support staff who all played critical roles in leading the Hurricanes to the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Hurricanes owner Peter Karmanos, Jr. and head coach Peter Laviolette for appropriate display.

HONORING JAMES CAMERON

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 518 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 518) honoring the life and accomplishments of James Cameron.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 518) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 518

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, the only memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it

Resolved, That the Senate honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

ORDERS FOR WEDNESDAY, JUNE 21, 2006

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2766, the Defense authorization bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow the Senate will resume consideration of the Defense authorization bill. Under an agreement that was reached earlier, we will continue to debate minimum wage for an hour and a half and then have votes on the Kennedy and Enzi amendments at approximately 11 a.m. Following the votes, Senator LEVIN will be recognized to offer his amendment regarding Iraq, with 5 hours of debate, to be followed by Senator KERRY offering an amendment regarding Iraq.

This evening, cloture was filed on the bill. The filing deadline for first-degree amendments is 1 p.m. tomorrow. Senators can expect the cloture vote to occur on Thursday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Wednesday, June 21, 2006, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 20, 2006*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. SIMMONS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2006.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PUBLIC BROADCASTING

Mr. BLUMENAUER. Thank you, Mr. Speaker.

Amidst questions of Federal funding and the efficiency of the budget process, there is a unique American success story, where a modest Federal investment has inspired a multibillion-dollar public-private partnership, the majority of the funds actually voluntarily provided by individual citizens supporting local education, cultural, current events, and even emergency information. I am referring, of course, to America's public broadcasting system, where every week more than 87 million Americans tune in to public television, and there are 30 million regular public radio listeners.

In virtually every community across the country, people can tune in to over 1,000 public broadcasting radio and television stations for programs that inform and inspire, for help with reading or job training, for the latest in digital services, for local news and unique information, and for a myriad of other special reasons. Because these local stations determine their own program schedules and often produce their own programming, they respond to community needs and leverage local support.

There has been a key role for us here in Congress. The Corporation for Public Broadcasting distributes an annual appropriation that we provide in accordance with a statutory formula, the vast majority of which goes directly to public radio and television stations.

While this Federal appropriation accounts for only 15 percent of the entire cost of public broadcasting, it leverages critical investments from State and local governments, from universities, businesses, foundations and, most important, those millions of viewers and listeners of public radio and television who provide their voluntary contributions.

Now, this public support from the Federal Government is critical, because it helps fill in gaps in addition to inspiring those partnerships. Make no mistake, if the Federal government reduces or eliminates its support, there will still be public broadcasting in the large metropolitan areas, New York, San Francisco. My hometown of Portland, Oregon, will have public broadcasting.

But what will suffer is not just the quality of the programming, but the expensive service to rural and small town America which cannot generate enough resources to provide its own service. That will suffer.

Sadly, again, this year, public broadcasting is under attack in the appropriations process. One of the most dismaying cuts would be the advance funding program for 2009, ending a 30-year practice. It goes back to 1975, where the Federal Government recognized that the long-term investment in these partnerships require people to be able to plan for the future. So we have provided a cost-free guarantee of future funding. It has provided long-term stability to make this unique partnership work, but, sadly, the appropriators would eliminate this advance funding.

Another cut, which is hard to fathom, would be taking away money for digital conversion at the same time the FCC is mandating that all broadcasters need to be compliant by February 2009. This funding would be for the third and final installment, which is important for leveraging money from other partners, State matching grants, for instance.

At a time when public broadcasting is leading the way for digital conversion, it is ironic that our appropriators would eliminate this program. It would take away funding for educational programs like Sesame Street, Between the Lions, and Maya and Miguel, putting them at risk. At a time we want highly qualified teachers ready to teach, Internet-based teacher professional development would also be eliminated.

These major reductions in funding would have an immediate and severe impact on our communities and our constituents, as I say, especially in small town and rural America. These cuts from the appropriating process are despite strong shows of support on a bipartisan basis for our colleagues urging full funding.

Last year we had an embarrassing political battle here on the floor of the House, where a bipartisan majority had to overturn the worst of the cuts. One can only hope that we will be spared this saga and that the appropriating process will provide the funds that American public broadcasting needs.

HONORING ARTHUR GLIDDEN, PRESIDENT OF THE BOARD OF THE WOLFEBORO CENTRE COMMUNITY CHURCH

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from New Hampshire (Mr. BRADLEY) is recognized during morning hour debates for 2 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to a constituent, Mr. Arthur Glidden, for his hard work and dedication to the continuation and protection of the Wolfeboro Centre Community Church. He has worked on this project for over 43 years. Mr. Glidden is 83 years old and has been a resident of my hometown of Wolfeboro, New Hampshire, for his entire life. Arthur's wife, Dotty, is also a lifelong resident of the community and a supporter of the church.

In 1841, a group of Wolfeboro citizens purchased one-third of an acre for $17 to build a nondenominational worship center for the Christian members of that area. This traditional New England church was started, and it continued in operation with the generous help of the congregation.

In 1964, Arthur Glidden became president of the church board and began what has now become his long-standing devotion to the parishioners and the care and preservation of the building. Arthur has taken the traditions of when the meeting house was first built, and he has raised them to a higher level.

For almost 25 percent of the life of the Wolfeboro Centre Community Church, he has been its greatest protector and benefactor. At times, almost single-handedly, Arthur Glidden lifted the church up to save it from declining attendance and carried it forward on his shoulders until it was safe and secure again. Arthur Glidden is to be commended for his steadfast dedication to the Wolfeboro Centre Community Church and all of his efforts to improve the community in which he lives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 9 o'clock and 40 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KUHL of New York) at 11 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, set the hearts of Your people on fire with a spirit of equal justice in all circumstances and the spirit of love for neighbor and enemy as well.

Inflame true desires of understanding in the Members of Congress, Lord, and in all people of this Nation; that the barriers which now divide may be broken through; and that the bonds of mutual respect may be strengthened.

May all in the human family learn to appreciate one another, pardon those who have done wrong and initiate the first gesture of reconciliation to others.

Like spokes in a wheel, Lord God, by drawing closer to one another may we be drawn closer to You, Father of all, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPREME COURT NEEDS TO PROTECT THE RIGHT TO LIFE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, life is a precious gift from God. It is something that should be honored, cherished and never taken for granted. The unborn are the most innocent and vulnerable members of our society, and their right to life must be protected.

Mr. Speaker, I was delighted when this Congress passed legislation in 2003 to prohibit partial birth abortions. This barbaric act entails partially removing a fetus in the third trimester from its mother's womb and then brutally killing it by puncturing or crushing its skull. The day that President Bush signed the bill banning this heinous act was a great one for our Nation. Unfortunately, some activist judges in the Eighth U.S. Circuit and Ninth U.S. Circuit Court of Appeals have taken it upon themselves to strike down this law, and countless lives are lost as a result.

That is why I am pleased that the U.S. Supreme Court said yesterday it will consider a second appeal to reinstate the Federal ban on partial birth abortions. It is my hope the Supreme Court will rule in favor of the right to life and reinstate a ban on this terrible act.

A NEW DIRECTION FOR AMERICA—RAISE THE MINIMUM WAGE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address an ongoing moral crisis in this Congress and this administration.

Through fiscal irresponsibility and corporate welfare, this Congress has eroded away at American values and standards; and decent, hardworking Americans are the ones paying the price.

As Americans, we believe that anyone who works 40 hours a week, 365 days a year should be able to afford basic necessities for themselves and their families.

The reality is that there are millions of workers out there trying to support their families on $5.15 per hour, and I think my state has most of them. And as everyone knows, $5.15 does not buy you a lot nowadays.

Each day, millions of minimum-wage workers are forced to choose between food, shelter, health care, or clothing. No American who works hard for a living should have to make those types of choices.

Mr. Speaker, it has been an appalling 9 years since we have seen an increase in the Federal minimum wage. The Labor-HHS appropriations bill includes a provision to raise the minimum wage to $7.25, hardly a living wage. This was a chance for Congress to do the right thing, but the bill has not been sent.

PERMANENTLY REPEALING THE DEATH TAX

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I rise today to give the American people some straight talk on why we need to permanently repeal the death tax.

The death tax causes one-third of all family-owned small businesses to liquidate after the death of the owner. It is also an unfair tax because the assets have already been taxed once at their income level.

If Congress doesn't act to fix this problem, then in the year 2010 the death tax will be zero. But in 2011 the death tax will go back up to 55 percent in tax rates.

The only family-owned business in America that knows for sure whether their leader will die in 2010 is The Sopranos.

The uncertainty of the death tax makes it impossible for people to write their wills or do their estate planning.

On April 13, 2005, the House acted to permanently repeal the death tax. On June 8, 2006, the Senate fell just three votes short. I urge the Senate to try again to develop a permanent solution to the death tax so we can fix this problem once and for all this year.

RAISING THE MINIMUM WAGE

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Good morning, Mr. Speaker. Imagine if you had not received a pay increase since 1997. The price of goods and services you rely on like gasoline and prescription drugs have gone up dramatically over the last few years. But one thing that hasn't has been the minimum wage. It has almost been 10 years that we haven't raised the minimum wage, and the reality is that 7 million Americans will not receive a minimum-wage pay increase. And most of those individuals happen to be single head of households, women, with kids, children.

Democrats want to take America in a different direction. We want to expand opportunities to millions of Americans that feel they have been left behind by the Bush economy that has favored the wealthiest few above the middle class. One of the ways we want to expand opportunity is by giving minimum-wage workers a pay raise for the first time in a decade.

Last week, Democrats passed an amendment to the Labor-HHS appropriations bill that would raise the minimum wage from $5.15 to $7.25 an hour. Democrats were joined by several Republicans in passing this commonsense amendment. We need to have support to bring this up and vote on it. Let's give those 7 million people an increase in the minimum wage.

CHAMPIONSHIP HOCKEY IN NORTH CAROLINA

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, championship hockey on North Carolina's Tobacco Road, unbelievable, as one of my Boston colleagues said last week. Well, very believable this date because the Carolina Hurricanes prevailed over the spirited and talented Edmonton Oilers and now proudly display the revered Stanley Cup.

The Hurricanes formerly played in Greensboro, located in the congressional district I represent, but now call Raleigh, North Carolina, home. And the Raleigh and Carolina fans have been superb this season.

Mr. Speaker, "redneck hockey," as it came to be known, is here to stay.

Congratulations to the Carolina Hurricanes.

LINE-ITEM VETO IS A VEILED ATTEMPT TO ADDRESS RECORD DEFICITS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this week House Republicans will attempt to distance themselves from their 5-year record of fiscal irresponsibility when they try to put through a line-item veto.

You may remember that President Bush said that he needed the line-item veto in his State of the Union speech this year. This is nothing but a hoax. President Bush and the Republican-controlled Congress have been partners in creating record deficits since taking control, complete control of our government in 2001. Over that time, more than 1,000 bills have been sent to the President to sign; and he has signed all of them, each and every one.

And now the President wants a line-item veto. If he was really concerned about the way the House Republican Congress is spending American taxpayer money, one would think that the President would have voted some of these bills down which were sent to his desk. But, no. The President and the Republican Congress have turned a $5 trillion surplus into a $4 trillion deficit. And they have nobody to blame but themselves.

So if the President really wanted to do something about spending, he should take some action now and veto some of these bills.

HOUSE REPUBLICANS FIGHT AGAINST PORK BARREL SPENDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, when Members of Congress propose ways to spend American tax dollars, we should be held publicly accountable for our requests. This week, House Republicans will take another important step to eliminate excessive spending from the Federal budget process.

Congress has a strong leader for fiscal responsibility with Congressman PAUL RYAN of Wisconsin, who has proposed a positive way to bring increased transparency and accountability to our budget process. By granting President Bush the authority to single out individual spending items in the legislation, the Legislative Line Item Veto Act will help target wasteful and unnecessary spending. This legislation would enable the President to strike spending from a piece of legislation and would require Congress to hold an up-or-down vote on the spending within 14 legislative days.

Passing this bill will send a strong statement that the power of the purse does not provide permission for pork barrel spending.

In conclusion, God bless our troops, and we will never forget September 11.

SENIORS NEED A SIMPLE, AFFORDABLE AND RELIABLE PRESCRIPTION DRUG BENEFIT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, American seniors know that the Republican prescription drug plan that took effect earlier this year is deeply flawed. The plan is complex and confusing, unfair and unreliable.

This is not the plan seniors wanted. They didn't ask for a plan that forced them to go outside of Medicare to choose from dozens of private insurance plans, or a plan that creates a giant gap in coverage that leaves them with no benefits but still requires them to pay monthly premiums.

They didn't ask for a plan that slaps those who haven't yet selected a plan with a penalty that stays with them the rest of their lives.

Democrats believe it is time that seniors receive a simple and affordable drug plan. We can make prescription drugs more affordable by giving Medicare the ability to negotiate lower prices with the drug companies just like the Veterans Administration does. We can make the plan simpler and more cost effective, creating a plan within the current Medicare system.

Mr. Speaker, Democrats are not satisfied with the status quo. We will fight to do more to help our seniors afford their prescription drugs.

PREACHER FOX

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, a hypocrite always practices what he preaches against. And while Vicente Fox took a whirlwind tour of the United States acting like an old-fashioned revival preacher preaching open borders, trying to intimidate Americans into allowing the illegal invasion of his people down Mexico City way, the gospel of truth comes out.

Mexico, it seems, wants its southern border locked down. The Mexican Government says too many illegals are sneaking into Mexico, especially those Guatemalans. The Mexican Government says that illegals are taking jobs from Mexican citizens. Sound familiar?

While Mexico is demanding open doors into the rest of North America, they have got their own dead bolt on the door to the rest of the world.

Preacher Fox, practice what you preach. Your immigration laws are even tougher than America's. Why don't you open up your southern border to illegals? And meanwhile, preach to your own people that illegally entering the United States is just wrong. Quit trying to be self-righteous and telling America what to do.

The words of hypocrites are seldom heard, especially the words from preachers.

And that's just the way it is.

□ 1115

MINIMUM WAGE

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, this week the Labor-H appropriations bill was supposed to be on the floor, but at the last minute, the House Republican leadership stripped the bill from the schedule. It appears that the GOP is delaying a vote on this bill solely because it includes an increase in the minimum wage.

The minimum wage is now at its lowest point in half a century. Last week the Appropriations Committee voted to gradually increase the minimum wage. This increase will provide a much-needed boost to 7 million Americans, hard-working people who get up every morning and go to work.

It is unfortunate that for almost a decade the Republican leadership has been forcing working families to make impossible choices, choices between paying the rent and buying groceries or between paying the heating bill and buying much-needed prescription medication.

An increase in the minimum wage is about fairness, and that is why the American people overwhelmingly support an increase. Now that the House Appropriations Committee has acted, it is time for the Republican leadership to bring this bill up for a vote.

Mr. Speaker, the American people have had enough of not having enough to get by.

IRAQ

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am here to congratulate the men and women of our Armed Forces who have cornered and captured the leader of al Qaeda in Iraq, al Zarqawi. His death dealt a harmful blow to his followers who practice and preach hate, death, and fear.

Better yet, the raid on the warlord's hideout produced a slew of information: policy, propaganda, and paraphernalia. Even Zarqawi says they are losing.

Just as important is what transpired after they uncovered that intelligence: 452 raids since the killing of al Zarqawi, 104 insurgents killed, and 759 anti-Iraqi elements captured. This morning's news release claims the death of Zarqawi's replacement.

One man said, "We are beating the snot out of them. Why quit now short of complete victory?"

This is big news for democracy and freedom. Our men and women in uniform deserve the utmost respect and thanks, and I would like to honor them for a job well done

THE BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, I rise today on behalf of the over 3 million women living with breast cancer, the leading cause of death among women between 40 and 55, including my sister-in-law, Abby Irwin, who died at only age 41 after an 11-year struggle.

One bill that would achieve a great deal to expand prevention and perhaps one day lead to a cure is H.R. 2231, the Breast Cancer and Environmental Research Act. This important legislation would establish multidisciplinary and multi-institutional breast cancer research centers to study the potential links between breast cancer and the environment.

Although this bill enjoys the support of 246 bipartisan cosponsors, and its companion has 64 Senate cosponsors, not a single hearing has been called since it was introduced over 1 year ago.

If we are going to make a serious commitment to preventing and curing breast cancer, we must pass this legislation. Our mothers, daughters, sisters, and friends who are at risk deserve no less than our greatest effort to eradicate this tragic and all too prevalent disease.

Mr. Speaker, I encourage all of my colleagues to cosponsor the Breast Cancer and Environmental Research Act. I would further urge our leadership to expedite consideration of this bill.

METROATLANTA AMBULANCE: 2006 SMALL BUSINESS OF THE YEAR

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today I rise and ask the House to recognize and congratulate an outstanding Atlanta area small business that has proven to be a model for community leadership and responsibility.

The MetroAtlanta Ambulance Service was recently named the Cobb County Chamber of Commerce 2006 Small Business of the Year. The company provides 9/11 emergency ambulance services and prehospital care for the sick and injured throughout the Atlanta area.

As a medical doctor, I know the importance of reliable and rapid emergency response care, and MetroAtlanta Ambulance provides a service critical to the health and well-being of our community. The company has demonstrated time and again that they are more than just a business. Rather, they have shown an honest, sincere, and repeated desire to lend a hand to others. They took a lead role last year in coordinating ambulance services and logistics for the evacuation of victims of Hurricanes Katrina and Rita. Their hard work led to the relocation of 1,300 people from the flood-damaged region.

Mr. Speaker, MetroAtlanta Ambulance Service is a great example of what can be accomplished when sound, honest business practices are coupled with a sincere desire to help neighbors in need.

Congratulations to MetroAtlanta Ambulance.

THE ESTATE TAX

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, the median income in America has dropped. What is the Republican Congress trying to do? Increase the minimum wage? Nope. Making sure that everyone in this country has access to affordable health care? Nope. Controlling energy costs? Nope.

It is making sure that the 18 wealthiest families in the Nation do not pay their fair share.

Median income over the last 4 years in America has dropped by 2.8 percent. College costs are up by 38 percent. Health care costs are up by 75 percent. Energy costs are up by over 72 percent. And yet the middle class in America are facing a wageless recovery and an endless occupation.

The heirs to the Wal-Mart, Campbell's Soup, and Gallo Wine fortunes rest easy knowing that this Congress is hard at work on their behalf.

So rather than raise the minimum wage, the GOP Congress is going to cut taxes for the likes of Lee Raymond and his family.

Mr. Speaker, "shame" is defined as a sense of guilt or embarrassment, and it is a condition that seems to be lost here on the Republican Congress.

It is time for a change. It is time for a new direction.

IN RECOGNITION OF JUDY WOLPE

(Mr. SCHWARZ of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today with a heavy heart to recognize the life of Judy Wolpe. Judy was the wife of former Congressman Howard Wolpe of Michigan, who served in this Chamber from 1978 until 1992. Tragically, Judy was the victim of a drowning accident while on vacation with her husband in Guatemala.

Judy was a distinguished public servant in her own right, serving as board chairwoman of Lansing Community College, and in administrative posts for former Michigan Governor Jim Blanchard and former Indiana Governor and current U.S. Senator EVAN BAYH.

Judy and I shared a hometown, Battle Creek, Michigan. We graduated from the same high school. Judy was a distinguished educator, with degrees from Michigan State University and Western Michigan University. She was a devoted mother of four sons and grandmother of five. Additionally, she is survived by her father, two sisters, and her brother.

Judy had great zest for life. She was a giving and warm person, and she will be truly missed.

VOTING RIGHTS ACT

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, tomorrow the House is scheduled to vote on H.R. 9, the Voting Rights Reauthorization Act.

In a Nation where children are taught at the earliest age that every citizen has a right to vote, it would be comforting to know that the last vestiges of voter discrimination had been swept away by the Voting Rights Act.

But the facts paint a much different and unsettling picture. Sadly, African Americans and other minorities continue to face calculated and determined efforts to prevent them from exercising their fundamental democratic rights. That is why extension of key expiring provisions of the Voting Rights Act is critical.

Mr. Speaker, the right to vote is a foundation of democracy, and the Voting Rights Act provides the legal basis to protect the rights of all Americans. It is my hope that this body will do the right thing and not allow weakening amendments that would undermine the effectiveness of this historical voter act to be passed.

LINE ITEM VETO

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, House Republicans understand that fiscal restraint is not an option. It is a necessity.

Since 1991, Federal spending on special-interest projects has increased by 900 percent. It is interesting just in the last emergency spending bill we passed out of this Congress, there is $38 million in oyster research money. Now, I certainly like oysters. I think they are great whether they are raw or steamed or even fried. I am Southern, so fried oysters are great. But I do not think the Federal Government should be spending $38 million.

That is why I support the Presidential line item veto, and I think it is important that the President have the authority to root out those wasteful spending projects and make sure that pork-barrel spending does not continue to grow.

Mr. Speaker, this initiative will make Congress more accountable and help us eliminate the government gluttony that plagues our current budget process.

HOUSE GOP PLANS TO DISMANTLE SOCIAL SECURITY AFTER NOVEMBER ELECTIONS

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Mr. Speaker, we have all heard the motto, "If at first you don't succeed, try, try again." Last year the White House and congressional Republicans failed in their efforts to privatize Social Security. Democrats stood united in defending the program, and the American people saw the privatization effort for what it was, a dismantling of the Social Security safety net that has provided millions of seniors real independence in their retirement years.

The American people were clear with Washington Republicans: Keep your hands off our Social Security. We thought they had gotten the message last year. Now, however, it appears that House Republicans want the privatization back on the table. Earlier this month the man most likely to lead the Republicans' Ways and Means Committee next year says it should be their top priority if they retain control of Congress to privatize Social Security.

Is the Republican majority in this House really that out of touch? The American people have already rejected their risky privatization plan. Instead of dismantling a critical safety net for millions of Americans, House Republicans should join the Democrats in strengthening Social Security for the future. The time has come to protect Social Security.

LEGISLATIVE LINE ITEM VETO

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, I rise today to urge passage of the Legislative Line Item Veto Act. It provides a budget savings tool that almost every governor in the Nation already possesses. It will enable the President to identify questionable and wasteful earmark projects that have been slipped into spending bills so that Congress can vote separately on their merits.

Surely, Mr. Speaker, at a time of war, historic national debt, and record high tax revenues, it doesn't seem too much to ask that legislators show a little bit more accountability on how the people's money is spent. Just last month the Social Security and Medicare trustees reported that both Social Security and Medicare are going broke sooner than expected, and, thanks to Democrats' stonewalling, $2 trillion have been added in unfunded obligations.

We must have some fiscal restraint. The line item veto will help pull back the curtain on the earmarking process, which some have termed the gateway drug to spending addiction. By requiring specific votes, it will make it harder for Congress to spend millions of taxpayer dollars on railroads to nowhere, the Rock & Roll Hall of Fame, and indoor rain forests.

Let us enact the line item veto.

CONGRATULATING THE CAROLINA HURRICANES

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today with my colleagues to congratulate the Carolina Hurricanes for winning the most storied trophy in sports, the Stanley Cup. The Hurricanes defeated the Edmonton Oilers in game seven to win the first Stanley Cup and the first professional league sporting title for any North Carolina team. The Hurricanes exemplify what is great about professional sports: teamwork, dedication, and sportsmanship.

In addition to congratulating the players, coaches and the Hurricanes organization, I would also like to congratulate all the team's fans, the Caniacs. When the Hurricanes first arrived in North Carolina in 1997, skeptics across North America really thought that a Southern State could not support a hockey team. Well, we certainly have proven them wrong. The excitement that the team's fans displayed throughout every game of the playoffs shows that folks in basketball country love our hockey team. It may be shocking to our cold weather natives, but North Carolina won the cup. Hockey has long been thought of as a national sport to our neighbors to the North, but now it is the sport of the good old North State.

Congratulations, Canes.

IMMIGRATION

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of effective, fair, and secure immigration reform, not the amnesty plan passed by the Senate this month.

The Senate plan allows millions of illegal immigrants to get a green card and a path to citizenship. Mr. Speaker, let me ask you, what does this say to all the law-abiding people patiently waiting to become American citizens? It says they should have sneaked into our country and ignored our immigration laws like everyone else.

Mr. Speaker, there is a better way to achieve meaningful immigration reform, and I am committed to passing the right kind of bill. We need to secure our borders first; give businesses a fail-safe way to ensure the workers that they hire are legal; and above all, start enforcing the immigration laws already on the books. Until we can accomplish these goals, any so-called "reform plan" will be little more than a recipe for failure.

Mr. Speaker, I ask that you and all of my colleagues join me in standing firm and saying "no" to the Senate's amnesty plan.

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CREATING A LIVABLE WAGE FOR EVERYONE WILLING TO WORK

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, it amazes me that we are still talking about raising the minimum wage. What we ought to be talking about is the creation of a livable wage for every person who is willing and able to work. Plus we all know that any increase in wages for those at the bottom will be plowed right back into the economy to help make it strong.

Let's do the sensible thing. Let's make livable wages a reality for all working Americans. Let's let people know that after 40 hours of work, they can pay the rent, buy adequate food, have decent shelter and go to the doctor when they are sick. Surely we can afford that much.

ENDING TERRORISM ONCE AND FOR ALL

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this morning we have heard some sad reports that the bodies of our missing soldiers have been found.

Mr. Speaker, our hearts are with those families and with our entire Fort Campbell family. And to those who have claimed responsibility, whether they are actually responsible or not, and I want to respond to that statement and quote them, the Mudjadeen Shura Council, they are terrorists. Mr. Speaker, and this is their quote: "The strongest army in the world is turned around, ashamed of their failure."

Mr. Speaker, no, we are ashamed of these, and I use the term lightly, these human beings, who believe they have the right to maim and murder innocent people here in America and in the Middle East and do it in the name of religion.

Mr. Speaker, they could not be more wrong about how this country feels. We are proud of our military men and women, I am so proud of those families at Fort Campbell, and we are proud of the dedication to ending decades of terrorism once and for all.

BRING BACK PAY-AS-YOU-GO BUDGET RULES

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of North Carolina. Mr. Speaker, when President Bush took office, our Nation had a $5.6 trillion surplus. President Bush said that the surplus proved taxes were too high and called for cutting taxes on the richest Americans.

Then he said because the economy was doing badly, we had to stimulate the economy by cutting taxes on the richest Americans. The richest Americans, President Bush said, would sleep in and spend the afternoon watching soap operas instead of creating jobs for other Americans, unless they got a generous tax cut.

Now President Bush and Congressional Republicans say that the same tax rates on the richest Americans in effect when we had a surplus would now cause the deficit to worsen.

Mr. Speaker, the Republican fondness for cutting taxes on the richest Americans has nothing to do with job creation or stimulating the economy or reducing the deficit. The tax cuts on the richest Americans has resulted in turning a $5.6 trillion surplus into a $4 trillion deficit, pushing interest rates up, stagnating savings rates, and dragging the economy down.

My colleagues, Mr. HENSARLING and Mr. MCHENRY, were correct in their remarks a few minutes ago: this Republican Congress has absolutely no discipline on the spending side. But neither do they have any discipline on the tax side.

Mr. Speaker, pay-as-you-go budget rules worked in the 1990s to control the deficit and kept Congress from working on economic fantasies. It is time to bring those rules back.

Mr. Speaker, congratulations Hurricanes.

INCREASE THE MINIMUM WAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the House should be cited for dereliction of duty. Over the years, we have failed to raise the minimum wage. That is why Amanda and her two children can barely survive in Wisconsin, and why this headline says: "States lead the way to raise minimum wage. Inaction in Washington has helped push this bipartisan effort."

Isn't it a shame that the Republican majority in this Congress doesn't get it? Although we have an amendment to raise the minimum wage in our Labor-HHS bill, there is rumor that it will be stricken.

The minimum wage is the lowest in 50 years and hasn't been raised since 1997. At $5.15 an hour, you can only earn $10,700 a year, supporting a family of one, two, three, six and seven and others.

This is a crisis. Americans who earn dollars invest back into our economy. We cannot make ends meet. Seventy-five percent of those who earn this are responsible for at least half of their family's income. If you can't raise your children on a middle-income salary, how can you do it on one-third the amount?

Democrats believe in increasing the minimum wage, and we know that we will see the minimum wage increase. It is time for Republicans to wake up.

COMEDY CENTRAL AND THE DAILY SHOW COME TO THE HOUSE FLOOR

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, "Comedy Central" and "The Daily Show" have come to the floor of the House. The House Republicans have thrown up their hands and said, save us from ourselves. They are going to come out here with the line item veto.

Now, every single item that goes out of this House has been through a committee chaired by a Republican with a Republican majority on that committee. No single item has gotten out of here that they have not had their look at. They want to slip it into the bill and then send it to the President and run down there to the White House and say, Please, Mr. President, save us from ourselves. We can't stop ourselves. We have to keep spending money.

This is the most ridiculous piece of legislation you have come up with in this session. There is no excuse for it whatsoever. If you can't stop yourselves in the committee, and you can't stop yourselves on the floor, why would you have to call the President?

Do you understand the separation of powers? We are the ones who decide how the money gets spent, not the President. It is your responsibility that you have spent away the surplus into the biggest deficit in history. Shame on you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HONORING THE LIFE AND ACCOMPLISHMENTS OF JAMES CAMERON

Mr. DENT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 867) honoring the life and accomplishments of James Cameron, as amended.

The Clerk read as follows:

H. RES. 867

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, the only memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it

Resolved, That the House of Representatives honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

James Cameron, thought to be the United States' last known survivor of a lynching in the early 1930s, fostered a lifelong commitment to civil rights that included creating America's Black Holocaust Museum. After an emotional 1979 visit to an Israeli museum that honors the memories of millions of people killed in the Holocaust, Cameron decided to create a similar memorial to pay tribute to the African American lives lost to lynching, slavery and other injustices.

June 19, 1988, also known as Juneteenth, the holiday commemorating the end of slavery in the U.S., marked the grand opening of America's Black Holocaust Museum. The museum is housed in a 12,000 square-foot building in Milwaukee, Wisconsin, and features a permanent exhibit on slavery that includes a 15-foot reproduction of the cargo hold of a slave ship and a 45-foot enclosed mural depicting the journey from Africa across the Atlantic.

Cameron was also responsible for the founding of three NAACP chapters in Indiana in the 1940s, and he became the first president of the NAACP branch in Anderson, Indiana.

During the 1960s, Cameron participated in both marches on Washington, the first with Dr. Martin Luther King, Jr., and the second with Dr. King's widow, Coretta Scott King, and the Reverend Jesse Jackson.

I urge all Members to come together to honor the life of a man who was a true survivor and who persevered above all to promote civil rights and equality.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in consideration of H. Res. 867, a bill honoring the life and accomplishments of James Cameron. I also want to commend the gentlewoman from Milwaukee, Wisconsin, for her introduction of this legislation and for the tremendous amount of work that she has done on it.

Mr. Speaker, on August 7, 1930, a famous photograph was taken in Marion, Indiana, depicting two young black men, recently lynched, hanging in a tree above the delighted faces of the mob that had just beaten and murdered them. Many of us have seen this picture and are horrified by the actions and era it represents. What is missing from this picture, however, is James Cameron, the sole survivor of this gruesome incident.

James Cameron had also been assaulted by the lynch mob that night. He was falsely accused of participating in the murder of a young white man. He survived his severe beating and attempted lynching, but was sentenced to 4 years in the State prison for accessory before the fact to manslaughter. Because of his personal experience, Cameron dedicated his life to promoting civil rights, racial peace, unity, and equality.

Cameron was instrumental in the establishment of several NAACP chapters in both Milwaukee and Indiana and served as the Indiana State Director of Civil Liberties. During his 8-year tenure, Cameron investigated over 25 incidents of civil rights infractions and faced many acts of violence and death threats for his work.

Although a great contributor to the civil rights movement, Cameron wanted to do even more, especially to give a voice to the thousands of people who lost their lives in the era of lynching.

In 1988, Cameron founded America's Black Holocaust Museum to document racial injustices suffered by people of African heritage. Cameron believed that never should we be allowed to forget or deny the horrors of the lynch mobs. In total, nearly 4,700 men and women were killed by lynch mobs in the 148 years when lynching was common practice in the United States. The museum is located in Milwaukee, Wisconsin, the city where Cameron relocated to after death threats forced him to leave his home in Indiana.

Last week, Mr. Cameron, the last surviving victim of lynch mob violence, died in Milwaukee. His commitment to civil rights and to those who died at the hands of lynch mobs is a testament to the human spirit and overcoming tragedies.

James Cameron most cherished a letter he received from the State of Indiana on February 3, 1993. The letter granted Mr. Cameron a pardon and public apology.

I urge my colleagues to recognize the life and work of James Cameron by passing this resolution.

Mr. DENT. Mr. Speaker, at this time I have no other speakers, and I will reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Wisconsin (Ms. MOORE), who not only introduced this legislation, but who also represents the area where the holocaust museum is located. It has been my pleasure to visit that museum.

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Ms. MOORE of Wisconsin. Mr. Speaker, I rise today in strong support of House Resolution 867, a resolution honoring the great late Dr. James Cameron, the only known survivor of a lynching and founder of America's only black holocaust museum located in Milwaukee, Wisconsin.

Mr. Speaker, I rise today with my 92 cosponsors, including the entire delegation from Wisconsin, in remembrance and to honor one of our Nation's true civil rights pioneers, a man who experienced the most horrific acts of violence in this country's history and who used that experience to promote social justice and racial healing. This resolution honors a man who at the tender age of 16 witnessed the lynching of his two friends. And although the lynch mob had looped a rope around his neck, his life was miraculously spared.

This resolution honors a man who spent most of his life after that point dedicated to the eradication of racism, the preservation of African American history, and the advancement of civil rights for all of us. Dr. James Cameron embraced the call of civil rights and social justice work despite several death threats, Mr. Speaker. He went on to found three NAACP chapters in Indiana and played a role in protests to end segregated housing in Milwaukee, Wisconsin.

In 1988, Mr. Cameron founded the Black Holocaust Museum after an inspirational journey to Israel in order to preserve the history of lynching in the United States and to use this knowledge to promote understanding and combat racism, fear, and violence.

Dr. James Cameron left us and passed away on Sunday, June 11 at the age of 92. This was almost one year to the day that the United States Senate honored Cameron as the only lynching survivor and passed its historic resolution formally apologizing for not passing anti-lynching legislation throughout much of the 20th century. Just yesterday we laid Dr. Cameron to rest on the symbolic day, Juneteenth Day, in commemoration for the ending of slavery in this country; also Juneteenth Day commemorating the 18th anniversary of the founding of America's Black Holocaust Museum.

Mr. Speaker, this is a significant week in civil rights and in black history. In addition to yesterday being Juneteenth, the House plans to consider the reauthorization of the Voting Rights Act this week. Dr. Cameron's life exemplifies the imperative of the civil rights struggle, the call to listen to our humanity over and above our fear. Dr. Cameron taught us to be better, not bitter.

Years ago, Dr. Cameron placed me on his board of directors of America's Black Holocaust Museum, a relationship that I sought for personal resurrection, restoration, reconciliation, renewal, and regeneration as an heir of the shameful experience of slavery. However, Mr. Speaker, all, all of whom encountered Dr. Cameron throughout the world, including the family of the young victim on that August night, all who experienced Dr. Cameron experienced reconciliation, the reconciling and redemptive power of forgiveness.

I strongly urge my colleagues to continue to add to the historic significance of this week by supporting this resolution honoring the life and accomplishments of a man who had a life worth living, Dr. James Cameron.

Mr. DAVIS of Illinois. It is now my pleasure to yield 1 minute to the gentlewoman from Texas who has spent much of her life working on behalf of civil rights and racial reconciliation, Representative SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman. It is an honor to follow his leadership on these issues of empowerment and particularly of African American men. I rise today to acknowledge the very special moment of history we have today to pass this resolution in honor of Mr. Cameron, and particularly I rise to pay tribute and honor my colleague from Wisconsin, the honorable GWEN MOORE, for her insightful leadership to bring to the attention of this House a man who survived lynching, a man who is symbolic of almost 5,000 who were lynched as others watched and stood by, a man who dedicated his life to civil rights even though he was threatened every day such that he had to leave his place of birth, a place that he loved, the State of Indiana, and move to Wisconsin.

A person who used the tragedy of his life, the tragedy of his two young friends to be a man who perpetrated reconciliation and the ending of racism. Thank you to the Honorable GWEN MOORE for enlightening this body and allowing us to pay tribute as we debate this week the Voter Rights Act reauthorization. Yes, this is a moment in history for this House to take, and I hope it will take it enthusiastically and unanimously support the resolution offered today honoring Mr. Cameron for his enormous leadership. Thank you, Congresswoman GWEN MOORE.

Mr. DENT. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time. But I, too, would simply like to commend again the gentlewoman from Wisconsin for her insight, for her passionate display of the relevance of the holocaust museum, but also the relevance of the life of a real pioneer and one who could teach in spite of his own personal tragedy.

Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I urge all Members to support the adoption of House Resolution 867, as amended, to commemorate the extraordinary life of Dr. Cameron.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the resolution, H. Res. 867, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

COMMENDING THE PATRIOT GUARD RIDERS

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 731) commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen servicemembers at funerals, as amended.

The Clerk read as follows:

H. RES. 731

Whereas in 2005, a small group of American Legion Riders in Kansas calling themselves the "Patriot Guard" began a movement to shield the families and friends of fallen service members from interruptions by protesters appearing at military funerals;

Whereas individuals from Colorado, Oklahoma, and Texas later brought together diverse groups of motorcycle organizations across the country who rode to honor fallen service members, forming an organization known as the "Patriot Guard Riders";

Whereas the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;

Whereas Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;

Whereas across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so to allow the memories of the deceased service member to be remembered with honor and dignity;

Whereas regardless of one's opinion of the Nation's military commitments, the families, friends, and communities of the Nation's fallen soldiers deserve a peaceful time of mourning and should not be harassed and caused further suffering at a funeral;

Whereas Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier's family and participate in a nonviolent, legal manner; and

Whereas the members of the Nation's Armed Forces willingly risk their lives to protect the American way of life and the freedoms guaranteed by the Constitution: Now, therefore, be it

Resolved, That the House of Representatives expresses its deepest appreciation to the Patriot Guard Riders who—

(1) attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

(2) in so doing, help to preserve the memory and honor of the Nation's fallen heroes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 731 offered by my friend and colleague from Kansas, Representative JERRY MORAN.

Just last month, this Congress responded magnificently to the deplorable acts of a few who celebrate the deaths of our fallen soldiers when it passed the Respect For America's Fallen Heroes Act. In doing so, we sent a strong message to those who would hide behind the first amendment while using hate speech to dishonor the memories of those who have honorably served their country in the Armed Forces simply because they disagree with policy.

However, this resolution tells the other side of the story, the positive side. In response to these so-called protesters, an all-volunteer group known as the Patriot Guard Riders was formed to shield those who mourn the death of their loved ones from those who celebrate it; and since last year, these patriots have seen their membership rise to the tens of thousands. Now the threat of protest at a military funeral is met with the roar of hundreds of motorcycles bearing American flags thundering down the street providing both a visible and audible barrier between the families that are trying to honor their loved ones and those trying to disrespect them.

Mr. Speaker, the families of our fallen heroes should be allowed to bury their loved ones with the respect and dignity they deserve, not with the ridicule and disrespect that seem to dominate today's political and cultural landscape. For defending that right, the Patriot Guard Riders are true patriots, and I believe it is both fitting and proper that we honor their service here today.

Yet the mission of the Patriot Guard Riders can best be summed up in their own words. In answer to the question, Why do we ride? They respond: Never again will they return home in shame. Never again will wearing their uniform cause them pain. Never again will we forget why they serve.

Mr. Speaker, I commend the gentleman from Kansas for introducing this resolution and urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I will be managing the time on behalf of the Democratic members of the House Armed Services Committee. And I certainly want to thank Mr. MORAN for bringing forth this resolution and thank Mrs. DRAKE of Virginia for managing the time and urging the adoption of this resolution.

Mr. Speaker, in 2004, my hometown of Wilson, North Carolina, suffered its first casualty of war since Vietnam. Our community is a rather small community of 43,000 people, and all of the residents of my community including myself felt the sting of this terrible tragedy.

It is abhorrent to me to denigrate this honorable ceremony; yet somehow a few people have found a reason to justify the terrible act of picketing a military funeral. That in my opinion, Mr. Speaker, is despicable. A military funeral is a farewell; it is a farewell for loved ones and a final act of thanks from a grateful Nation. Every soldier in our history, no matter who the enemy has been, has been granted this one simple act which has tragically been repeated so many times and too many times during this and other wars, but always with pride.

Every parent deserves to lay their child to rest as a soldier and as a hero, a person to whom servicemen and servicewomen can look with reverence. Every wounded veteran, Mr. Speaker, can look to these fallen men and women and draw strength from their memories.

To those who are grieving and most vulnerable, the protest must be utterly devastating to them. They are nothing more than cowardly attacks on members of our communities most deserving of our gratitude and our respect.

Today, Mr. Speaker, we come to the floor to honor those who have shown courage in response to cowardness. I commend in the strongest possible terms the Patriot Guard Riders. These volunteers have come forward in defense of our military families, including a dear friend of mine from Greensboro, North Carolina, Mr. Steve Winsett. These men perform selfless acts in memory of servicemembers who will never be able to repay them. It is an act of compassion and is a part of what makes our great Nation strong.

Mr. Speaker, make no mistake about it, I support the first amendment's guarantee of free speech, but this sacred moment in the life of a family is out of bounds. I urge the members of the Westboro Baptist Church to find another venue to express themselves.

We express our deepest gratitude from the House Armed Services Committee and from this body; we express our deepest gratitude to the Patriot Guard Riders. And I want to thank again Mr. MORAN for bringing forth this resolution, because it is most appropriate at this time.

I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mrs. DRAKE. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. MORAN), the sponsor of the resolution.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentlewoman from Virginia, and I also thank the leader of the Armed Services Committee, the gentleman from California (Mr. HUNTER), as well as my chairman from the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER) for their support of this resolution, as well as my colleagues from Kansas.

Many good things come from Kansas, including the Patriot Guard, but in response to something that is less than desirable, and that is a radical Topeka, Kansas-based church has been disrupting funerals of servicemembers now for several years, with picketers that appear at those funerals during and holding signs that read, "Thank God for IEDs," and, "Thank God for dead soldiers." No Kansan, no American can respond to that in any way but the way that it has been described by my colleagues today.

But in 2005, the American Legion Riders of Post 136 in Mulvane, Kansas, responded by bringing their motorcycles and themselves to those funeral services where they provided a buffer between the protesters and the families of those deceased service men and women. They decided to take action and called themselves the Patriot Guard, and they organized their supporters from across the country to attend those funerals and shield our military families. They waved the American flag, sang patriotic songs, and took lawful and peaceful action to serve as a barrier between the families and protesters. Their actions preserved the dignity and honor of these funeral services and allowed the families a peaceful time of mourning on that day of service that they so much deserved.

This movement has now spread across from Mulvane, Kansas, across the State and around the Nation. The Patriot Guard Riders now include thousands of members who volunteer their time to come to the aid of military families at funerals to show their respect and, when needed, to shield families from disruption. Members include veterans and nonveterans, riders and nonriders, and they have successfully performed hundreds of missions across the country not only supporting the fallen and their families, but also providing comfort to those who serve today, knowing that their families would be protected should they fall.

The significance of these volunteer actions is realized when you read letters of appreciation written by family members and friends of the deceased. I would like to mention a letter that the Patriot Guard received from the family of Corporal Peter Wagler. I attended that funeral in Hutchinson, Kansas, at the Nazarene Church on February 10, 2006. Corporal Wagler was killed in Iraq at the age of 19, having served only a month in Iraq, and his family wrote the Patriot Guard Riders:

> Thank you so much for your amazing support at the funeral of our son Peter Wagler. Despite the cold north wind, you rode many miles to participate.
>
> I have never seen such a display of flags as we encountered when leaving the church. Many people have told me how meaningful the flags were to them; many shed tears as they drove through the tunnel. As for your protecting us from the demonstrators, when we arrived we looked for them, but we could not see them, and we never did.
>
> Peter loved motorcycles and planned to get one when he finished his term in Iraq. He will not get to do that, but he would have loved the tremendous display you put on. Our family feels inadequate in expressing our thanks, but please know that we deeply appreciate what you did for us.
>
> God bless you.
>
> David for the Wagler family.

Mr. Speaker, I urge that we adopt this resolution and that we, as a House, commend the Patriot Guard Riders.

Mr. BUTTERFIELD. Mr. Speaker, I have no additional speakers at this time, but I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise today in support of H. Res. 731. I want to thank my colleague Mr. MORAN and Mr. RYUN of Kansas for their leadership. I offer my deepest appreciation to the men and women of the Patriot Guard Riders, dedicated and committed Americans who will not wait for others to act, but they took upon themselves the solemn responsibility of right action.

On Memorial Day, before President Bush attended the Memorial Day ceremony at Arlington National Cemetery, he signed into law the Respect for America's Fallen Heroes Act. This new law prohibits disruptions of military funerals at national cemeteries and Arlington, which is owned by the U.S. Army.

Standing behind the President as he signed the bill in the Oval Office was the executive director of the Patriot Guard Riders, Jeff Brown, and five of his Patriot Guard Riders. They stood beside the families of two soldiers who had made the ultimate sacrifice in Iraq, that of Sergeant Rickey Jones of Kokomo, Indiana; and the family of Sergeant Joshua Youmans of Flushing, Michigan. Both families had endured harassment by protesters who were cheering the deaths of their sons.

Patriot Guard Riders, acting out of decency, compassion and respect for the law, often place themselves between the families and the hateful perversions of those who would sharpen the pain of a mourning family's unspeakable loss.

The mission of the Patriot Guard riders is simple: Show sincere respect for our fallen heroes and their families, their communities; and shield the mourning family and friends from interruptions created by any protester or group of protesters. Patriot Guard Riders attend the funerals at the invitation of the family, and they adhere to strictly legal and nonviolent means. These patriots use their vacation time and fund their own expenses to stand with the grieving families.

Among the hallmarks of the American character is our compassion and human decency. It is how we care for each other in difficult times. In towns across this country, this is evident in the thousands of Americans who line the roads in condolence at the passage of a loved one to attend the military funeral. The independent action, I think, is another of America's sacred traits.

The Patriot Guard Riders, seeing an injustice, chose to rise up and not permit the desecration of the sacred. Their courage, their conviction, and their simple decency on behalf of families grieving at the loss of a loved one represent the very best of our Nation.

In return, we as a Nation offer them our gratitude for unselfishly serving to protect the sanctity of military funerals and for easing the burden of mourning families and their communities, thereby setting a worthy example for everyone.

I urge adoption of this resolution.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise today in support of the Patriot Guard resolution put forth by one of my fellow colleagues from Kansas. I rise in support of H. Res. 731.

This group of American Legion riders from Kansas provides an honorable service by protecting military families from protesters at funerals. In fact, just a couple of weeks ago, 200 Patriot Guard Riders were at a funeral in my district, and they effectively protected the family from unwelcome protesters. I heard that even one of the riders came from as far away as Memphis just to be there and do what he could to help the family.

It is a remarkable show of gratitude and service that the Patriot Guard Riders have taken to honor the courageous and sacrificial actions of helping our service families and their servicemembers and their families pay tribute to those that have fallen.

I am disappointed that these people who are protesting at military funerals dare, but I am grateful to the Patriot Guard Riders, and the fact that they even need to be there is unfortunate. Regardless of anyone's particular political view on the global war on terrorism or any other issue, we should give the utmost respect and honor to those who have died serving our country.

The Patriot Guard Riders recognize that, and I commend them for what they are doing, and I encourage them and urge my colleagues to support H. Res. 731.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I am pleased to be able to come to the floor today and that we can honor a group of Americans who have gone literally out of their way to see that our heroes in this country are given the respect that they are due. Our fallen soldiers are to be the most honored of all Americans, since they have given their very lives to protect all of our freedoms.

It really is a great shame that any American would seek to disrupt the funeral of one who died to protect the liberty of all. While the actions of a few have been disheartening to us, there are so many who are willing to stand up to show their love and support for the families of the fallen. The Patriot Guard Riders, they show their love of our country, and they do that by drowning out the protests of a few with the rumblings of their motorcycles of the many.

So, today we come to the floor to honor our fallen soldiers, and we do that always here on both sides of the aisle by providing for their families, by mourning for their loss, by remembering their high goals for which they all stood. So it is fitting and proper that we come here today to hold up the Patriot Guard Riders as examples of devotion to the country and encourage them to continue their ride across this Nation to protect the loved ones of our fallen servicemen.

Mrs. DRAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, today we have two funerals occurring in Nebraska in my district. The two soldiers being buried are 22-year-old Specialist Benjamin Slaven, Plymouth, Nebraska, a reservist who was killed south of Baghdad on June 9; a 19-year-old Corporal Brent Zoucha from Clarks, Nebraska, who was killed in al Anbar province on the same day, June 9. Both are being buried June 20, today, and their funerals are occurring as we speak. This makes more than a dozen soldiers, all young, all from rural small communities, that have been killed in my district.

Funerals, Mr. Speaker, should honor and dignify the sacrifices of those soldiers and their families. It should not be disrupted and dishonored by protesters with a political agenda, and unfortunately, some of those protests that have been mentioned previously have occurred in Nebraska. You can imagine how devastating those are to those families who are suffering greatly.

I spoke recently to the mothers of both of these soldiers from Nebraska being buried today. You can sense their pain and their anguish. And so I commend Mr. MORAN for offering H. Res. 731 and also want to thank and commend the Patriot Guard Riders for what they have accomplished.

Mr. BUTTERFIELD. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman.

Having just come back from Iraq, and recognizing the valiant effort of our soldiers on the front line, both in Afghanistan and Iraq, and I thank the distinguished gentleman from North Carolina for his leadership in yielding, and I thank the proponent of this legislation.

I have the greatest respect for our families, and I offer to say that the decisions of the family to be able to be protected is utmost, and so there will be no disagreement on legislation of this kind. I rise to support it, as well as I raise with my colleagues the need for families to also be able to mourn with a fallen soldier ceremony or be able to have their loved ones come first to this soil at Dover Air Force Base. We hope to be able to allow that mourning in the manner that families desire and a public honoring as they may desire. Their fallen heroes deserve to be honored properly in their hometown and at Dover Air Force Base.

But as we pay tribute to those who have fallen, we want to nurture and support our families, provide them with the privacy that they desire and the respect.

At this moment, Mr. Speaker, I ask for, in the course of my debate on the floor today in support of H. Res. 731, a moment of silence and recognition of the three soldiers who lost their lives this past weekend, in particular at the checkpoint in Baghdad: David J. Babineau of Springfield, MA; Thomas Tucker of Oregon; and our own Kristian Menchaca, age 23, of Houston, TX, who grew up in a near northside neighborhood whose family now mourns his loss and the loss of others, recognizing that these brave young men, 25, 23, 25, are all heroes, and I ask for a moment of silence as we ask that they may rest in peace.

Mr. REYES. Mr. Speaker, I would like to thank Congressman JERRY MORAN for his leadership in introducing H. Res. 731, commending the Patriot Guard Riders for shielding mourning military families from protestors and preserving the memory of fallen service members at funerals.

I am proud to join in the bi-partisan support shown by the House of Representatives for this important legislation.

As you know, the main mission of the Patriot Guard Riders is to help maintain dignity and respect at the funerals of service members who have made the ultimate sacrifice for our country. They are invited as guests to block protestors through strictly legal and nonviolent means. Like dedicated sentinels, the Patriot Guard Riders line the streets shielding the grieving family and community from any disruptive protesters.

I want to thank personally the Patriot Guard Riders for their nationwide commitment to this cause. The Patriot Guard Riders have paid homage to fallen heroes in my congressional district of El Paso, TX, making a positive impact on my community.

On April 12, 2006, the Patriot Guard Riders traveled to Clint, TX, for the funeral of Sergeant Israel Devora Garcia, who was also made a U.S. citizen at his funeral. Sergeant Garcia's friends and family were left to mourn his passing in peace, free from protest. More recently, on June 16, 2006, the Patriot Guard Riders congregated at the funeral procession of Specialist Oliver Oropenza at Fort Bliss National Cemetery in El Paso, TX. They were welcomed by grieving friends and family who were able to honor SPC Oropenza free from disruptions.

You may recall that I was the primary Democratic sponsor of H.R. 5037, the Respect for America's Fallen Heroes Act, under which demonstrations are restricted within 150 feet of methods of ingress and egress from such cemetery property or within 300 feet of such cemetery in a manner that impedes the access to or egress from the cemetery. This bill guarantees the families and friends of fallen heroes the right to grieve in peace, while also protecting the freedom of speech. I am very proud that, with strong bi-partisan support this bill was passed by both chambers of Congress and signed into law by the President on Memorial Day 2006.

Mr. Speaker, I commend the Patriot Guard Riders, who have been physically present at the funerals of our fallen heroes since August 2005, to protect and guard the families and friends of the fallen from protest. I stand in strong support of their honorable mission, and I ask for all of my colleagues to join me in supporting H. Res. 731.

Mr. TERRY. Mr. Speaker, I rise in strong support of H. Res. 731 to commend the Patriot Guard Riders for their valiant efforts to shield mourning military families from protesters at the funeral services of their loved ones.

I recently had the honor and privilege to attend the funeral of Army Sergeant Lonnie Calvin Allen, Jr., who was killed along with three other servicemembers when a roadside bomb struck his Humvee in Baghdad. Over 500 people attended the standing-room-only service to honor the life of this brave young man.

The Nebraska Chapter of the Patriot Guard Riders—decked out in leather and holding American flags—lined the walkway into the church for the protection and peace of mind of friends and family members. I felt proud to be an American as I witnessed this unforgettable display of honor and respect for one of our fallen heroes. The personal dedication and commitment of the Patriot Guard Riders is an inspiring example of true American patriotism.

The Patriot Guard Riders also shielded the surviving family members of Army Captain Joel Cahill, who was on his second tour of duty in Iraq when he was killed late last year by an Improvised Explosive Device, IED, that struck his vehicle. As protesters held signs such as "God sent the IED," and "thank God for dead soldiers," Patriot Guard Riders outnumbered them by at least five to one on the other side of the street, shielding Capt. Cahill's wife and two young daughters. Captain Cahill's 59-year-old father also took action in his own style: he handed the protesters sheets of paper containing biblical verses such as "Dear friends, since God so loved us, we also ought to love one another."

Sgt. L.C. Allen and Capt. Joel Cahill were buried with full military honors in Arlington National Cemetery. Their valor and courage will stand the test of time, while the protesters dishonoring their noble sacrifices will fade into the annals of history.

I commend Nebraska State Captain Mike Smith and all the members of the Patriot Guard Riders, both in my State and nationwide. I join them in thanking the families of our servicemembers who have made the ultimate sacrifice for freedom at home and abroad. I urge all of my colleagues to support this resolution to recognize the outstanding and selfless contributions of the Patriot Guard Riders—protectors of our fallen American heroes and their families.

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 731, commending the Patriot Guard Riders for their response to the unwelcome, disrespectful and distasteful protests occurring at the funerals of fallen servicemen across our country. America's fallen heroes deserve respect. America's fallen heroes have earned respect. I am pleased that the sanctity of their sacrifice along with the sanctity of each fallen hero's family and friends being able to mourn their loss while celebrating the life of their lost loved one in dignified burial ceremonies is being protected through the selflessness and commitment of the Patriot Guard Riders.

Since August of 2005 the Patriot Guard Riders have protected the families and friends of America's fallen soldiers from radical protesters who have sought to disrupt a sacrosanct time of mourning and ritual. Clad in leather and proudly waving the red, white, and blue, the Patriot Guard Riders impose a daunting wall to all who attempt or intend to disrupt funeral proceedings. With a membership based solely on respect for fallen heroes, their families, and their communities, the Patriot Guard Riders have sought to rise above the jeers of protesters with the revving of motorcycle engines, thereby preserving the dignity of a military funeral.

I commend the Patriot Guard Riders for their loyal allegiance to the principles of integrity and to the preservation of the sanctity of service. I join my colleagues in support of the Patriot Riders and in support of House Resolution 731.

□ 1215

Mr. BUTTERFIELD. Mr. Speaker. I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the resolution, H. Res. 731, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. DRAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4356) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The Clerk read as follows:

H.R. 4356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005".

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1039. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Disaster Relief Act of 1974, or an emergency declaration under section 501 of the Disaster Relief Act of 1974, or in connection with any procurement of property or services related to any emergency or disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned for not more than 30 years, or both.

"(b) The circumstance to which subsection (a) of this section refers is that—

"(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

"(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

"(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

"(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, State or local government, or other entity.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting at the end the following new item:

"1039. Fraud in connection with major disaster or emergency benefits.".

SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency, or" after "If the violation".

SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1341 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency, or" after "If the violation".

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 5170 of title 42, United States Code, or an emergency declaration under section 5191 of title 42, United States Code; and

(2) submit to the Committees on the Judiciary of the United States Congress an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of the enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4356 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise in support of H.R. 4356, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005. Since Hurricanes Katrina and Rita last year, Congress has provided more than $68 billion in relief to the region, including funding for human services like unemployment, housing assistance, and crisis counseling. In addition, charities like the Red Cross and the Salvation Army have contributed more than $5 billion to relief efforts.

With such vast resources put into the pipeline so quickly, fraudsters and scam artists went into high gear in an effort to take advantage of these government programs as well as the generosity of the American people contributing to nongovernment organizations.

Earlier this month, the United States Government Accountability Office testified that the Federal Emergency Management Agency paid an estimated $600 million to $1.4 billion in improper and potentially fraudulent disaster assistance claims in the aftermath of Hurricanes Katrina and Rita.

GAO also reported examples of the types of disaster assistance crimes typically perpetrated on the American taxpayer. In one common scam, FEMA provided millions of dollars of rental assistance to cover a thousand individuals who used the names and Social Security numbers of prison inmates to obtain benefits.

In another instance, 750 debit cards, containing more than $1.5 million in disaster assistance funds, were provided to individuals who were not actual victims of the storms. GAO determined that some of these funds were used to procure things like diamond jewelry, Caribbean vacations, professional football tickets, and divorce lawyer services. In another case, FEMA paid $139,000 in fraudulent claims so that an individual who used 13 different Social Security numbers could obtain benefits.

To its credit, the Department of Justice has responded quickly to the problem. In September 2005, the Attorney General established a Hurricane Katrina Fraud Task Force, which includes DOJ, Homeland Security, Treasury, the FBI, Federal Trade Commission, and other Federal partners, as well as representatives of State and local law enforcement. Since its formation, 24 United States attorneys have charged 261 people in 218 cases with various criminal activities, and have obtained so far 44 guilty pleas or convictions.

Despite these efforts, it is clear the current criminal penalties are insufficient to deter disaster fraud. In March 2006 alone, DOJ announced 17 new indictments and four guilty pleas for Katrina- and Rita-related disaster fraud. In May of this year, the United States Attorney for the Middle District of Florida charged 26 people with similar acts of fraud.

To enhance Federal law enforcement's ability to combat and deter disaster fraud, this bill contains the following substantive provisions: first, the bill creates a new Federal crime to prohibit fraud in connection with any emergency or disaster relief, including Federal assistance or private charitable contributions, as long as the benefit was authorized or paid in interstate commerce, transported through the mail, or is anything of value to the United States. The penalty for engaging in such fraud is a fine or imprisonment of up to 30 years.

Second, the bill amends the Federal mail and wire fraud statute to add emergency or disaster benefits fraud to the 30-year maximum penalties in those statutes. Currently, the 30-year maximum is reserved only for cases involving fraud against financial institutions.

Finally, the bill directs the United States Sentencing Commission to review existing penalties for disaster assistance fraud, amend the sentencing guidelines as necessary, and report back to Judiciary Committees of Congress.

Mr. Speaker, I urge my colleagues to support this important antifraud and protaxpayer legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4356, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005.

In the aftermath of Hurricane Katrina, we were all appalled to learn of the rampant schemes of fraudulent benefiting of government funding intended for victims of the disasters. While these crimes are now being prosecuted under existing fraud laws, I believe that the crime warrants specific and enhanced emphasis to put on notice those who would take criminal advantage of the government's need to focus on speed and comprehensive assistance in times of disasters and emergencies. This bill would establish the specific crime of fraud in connection with major disaster or emergency benefits and increases the penalties currently available for such acts.

Recognizing the particular egregiousness of fraud claims surrounding emergencies like Hurricane Katrina, the bill also directs the U.S. Sentencing Commission to increase penalties under the sentencing guidelines for those individuals who would fraudulently seek to benefit from funding intended for victims of natural disasters and Presidentially declared emergencies.

While I generally do not support specific directives to the Sentencing Commission to increase penalties for crimes, I believe this particular category of crime is egregious enough to warrant more punishment than fraud in general, with appropriate considerations for mitigating and aggravating circumstances.

Mr. Speaker, I am in favor, as we all are, of seeing increased benefits being made available for victims of disasters such as Hurricane Katrina. Many have lost everything and are now without a permanent home or compensation for their losses. Many are still not able to return to the area. Many still need ongoing assistance.

We can all agree that the limited disaster and emergency benefits that are made available to victims should only go to legitimate victims, not to scam artists or cheats who recognize that humanitarian concerns in the middle of a disaster require a waiver of traditional checks and balances in favor of speed and getting the relief to the suffering victims. Those who cheat and scheme at these times deserve more punishment.

Accordingly, I am supportive of this legislation, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. McCAUL).

Mr. McCAUL of Texas. I thank the gentleman for his leadership on this, and, Mr. Speaker, I rise today in support of this important piece of legislation that will work to deter fraud in the wake of disasters like Hurricanes Katrina and Rita.

Disaster assistance fraud is something I have been fighting for quite some time now. I recently held a hearing in the Homeland Security Investigation Subcommittee to uncover the findings of a 6-month fraud investigation by the GAO. What they found was nothing short of shocking.

The GAO testified before my subcommittee that FEMA disaster assistance after Hurricanes Katrina and Rita was applied for and received by criminals who used deceased individuals' identities, and even a cemetery as an address to receive the emergency funding. Federal investigators also testified that prisoners in jail before the hurricanes were able to receive almost $11 million from their jail cells by fraudulently applying for the FEMA disaster assistance funds.

The total price tag for the fraud committed after Hurricanes Katrina and Rita is not yet known; but GAO investigators have testified that it will, at the very least, be in the billions of dollars. This is an insult to the victims of these natural disasters and an insult to the ultimate victim, the American taxpayer.

Through this investigation, we have referred over 7,000 fraud cases to the Department of Justice Task Force for prosecution, and this legislation will ensure that they receive the harshest penalty for their actions.

It saddens me to think about the gulf coast families that could have used this money to rebuild their homes and their lives. We need to make sure that these disaster victims and the American taxpayer are never robbed like this again. This legislation is a great first step in making that happen, and I strongly urge my colleagues to vote for the Emergency and Disaster Assistance Fraud Penalty Enhancement Act.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4356.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING AND PRAISING THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 367) honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

The Clerk read as follows:

H. CON. RES. 367

Whereas the National Society of the Sons of the American Revolution (in this resolution referred to as the "SAR") was founded on April 30, 1889, and chartered by Congress 100 years ago on June 9, 1906;

Whereas the Charter was signed by Theodore Roosevelt, himself a member of the SAR;

Whereas the SAR was conceived as a fraternal and civic society composed of lineal descendants of the men who wintered at Valley Forge, signed the Declaration of Independence, fought in the battles of the American Revolution, served in the Continental Congress, or otherwise supported the cause of American Independence;

Whereas 16 American Presidents have been proud members of the SAR;

Whereas the Charter of National Society of the Sons of the American Revolution describes the objects and purposes of the Society as ". . . patriotic, historical and educational" and that it is charged with perpetuating the memory of the men who, by their services or sacrifices during the war of the American Revolution, achieved the independence of the American people;

Whereas the Society is also dedicated to inspiring its members and the community at large with a more profound reference for the principles of the Government founded by our forefathers and to encourage historical research about the American Revolution;

Whereas the SAR has a long record of accomplishments in teaching about the Revolutionary War and those who gained our freedom during the War for Independence;

Whereas it is largely through efforts by the SAR in the late 1800s and early 1900s that the National Archives were established to gather the records of the men who fought and provided services during the Revolutionary War;

Whereas the SAR advances its mission through commemorations of battles and events that led to our freedom;

Whereas the SAR devotes a great deal of its time, energy, and resources to working with children so that they might have a better understanding of the history of the United States;

Whereas the SAR is currently working to establish a Center for Advancing America's Heritage adjacent to its national headquarters in Louisville, Kentucky; and

Whereas the SAR's almost 27,000 members are organized in Chapters throughout the 50 States and the District of Columbia and in several countries overseas that helped the American Colonies gain their freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 100th anniversary of the historic Congressional Charter of the National Society of the Sons of the American Revolution; and

(2) honors and praises the National Society of the Sons of the American Revolution on the occasion of its anniversary for its work to perpetuate and honor the memory of the brave men who fought to gain our freedom during the Revolutionary War and for the Society's unfailing devotion to our Nation's youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 367 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 367, honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

As the Declaration of Independence states, governments are instituted among men to secure the inalienable rights that the Creator has endowed upon us. Because the bonds of tyranny over the United Colonies were destructive of this end, the United Colonies sought separation from Great Britain and fought to attain their freedom and independence.

The National Society of the Sons of the American Revolution, or the SAR, was formed by descendants of patriots of the American Revolution who sought a fraternal and civic society to salute those who pledged their lives, fortunes, and sacred honor in America's battle for independence from the British Crown.

Today, we honor the SAR, which was founded on April 30, 1899, and chartered by Congress 100 years ago on June 9, 1906. The SAR is composed of lineal descendants of the men who wintered at Valley Forge, signed the Declaration of Independence, fought in the battles of the American Revolution, served in the Continental Congress, or otherwise supported the cause of American independence.

The SAR is a historic, patriotic, and educational organization. In keeping with its historical mission, the SAR commemorates and provides memorials for the people and events of the American Revolution, helps preserve records relating to the events leading up to and during the revolution, and supports research and presentations related to the history and people of the revolutionary era.

In fulfilling its patriotic mission, the SAR reaffirms the principles upon which our Nation was founded, maintains and extends the institutions of American freedom, provides recognition for public service, and honors, respects, and supports veterans.

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Mr. Speaker, I urge my colleagues to support this resolution to honor the SAR for its important work to preserve the legacy of these fallen heroes.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 367 honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

The National Society of the Sons of the American Revolution was chartered by Congress 100 years ago on June 9, 1906. The charter was signed by Theodore Roosevelt, who was a member. The resolution, which is sponsored by the distinguished gentleman from North Carolina (Mr. COBLE), recognizes this anniversary and honors and praises the National Society of the Sons of the American Revolution on the occasion of this anniversary for its work to perpetuate and honor the memory of the brave men who fought to gain freedom during the American Revolution and for the society's unfailing devotion to our Nation's youth.

Mr. Speaker, I rise in support of the resolution and urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 367.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REQUIRING REPRESENTATIVES OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM TO DISCLOSE TO ATTORNEY GENERAL LOBBYING CONTACTS WITH LEGISLATIVE BRANCH OFFICIALS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5228) to require representatives of governments designated as State Sponsors of Terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials, and for other purposes.

The Clerk read as follows:

H.R. 5228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOBBYING CONTACTS FROM REPRESENTATIVES OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM.

The Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) is amended by inserting after section 4 the following:

"LOBBYING CONTACTS FROM REPRESENTATIVES OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM

"SEC. 4A. (a) Every person required to register under the provisions of this Act who is an agent of a foreign principal, in a case in which the foreign principal is a covered foreign principal, and who makes a lobbying contact with a covered legislative branch official shall, not later than 45 days after the date of such contact, provide to the Attorney General a detailed statement of such contact.

"(b) The Secretary of State shall not recognize as accredited a diplomatic or consular officer of a covered foreign principal unless such officer agrees to provide to the Attorney General a detailed statement of any lobbying contact with a covered legislative branch official not later than 45 days after the date of such contact.

"(c) The Attorney General shall make information relating to a lobbying contact described in subsections (a) and (b) available to the general public in an electronic format not later than 90 days after the date of receipt of the statement concerning such contact.

"(d) For purposes of this section—

"(1) the term 'covered foreign principal' means—

"(A) a State Sponsor of Terrorism; or

"(B) the government of, or a political party of, a State Sponsor of Terrorism;

"(2) the term 'covered legislative branch official' has the meaning given that term in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

"(3) the term 'lobbying contact' means any oral or written communication (including an electronic communication) with regard to—

"(A) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

"(B) the formulation, modification, or adoption of a Federal rule or regulation, an Executive order, or any other program, policy, or position of the United States Government;

"(C) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

"(D) the nomination or confirmation of a person for a position subject to confirmation by the Senate; and

"(4) the term 'State Sponsor of Terrorism' means a country the government of which has been determined by the Secretary of State, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5228 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5228, legislation to enhance lobbying disclosure requirements for lobbyists who represent foreign nations designated as state sponsors of terrorism.

Lobbyists who represent foreign governments must register under the Foreign Agents Registration Act, or FARA, which also requires that they file a semiannual report with the Attorney General detailing lobbying contacts.

H.R. 5228 would require additional disclosure of the lobbying activities of foreign agents who lobby on behalf of countries that the Secretary of State has designated as state sponsors of terrorism, namely Cuba, Iran, North Korea, Sudan and Syria.

In addition to the semiannual statements, this legislation would require that agents who represent governments deemed state sponsors of terrorism also file a detailed statement with the Attorney General of every lobbying contact with a covered legislative branch official within 45 days of the contact. The Attorney General in turn must make that disclosure available to the public in an electronic format within 90 days.

If an agent of a state sponsor of terrorism failed to make these disclosures, they would be subject to the penalties of FARA, including fines of up to $10,000 and imprisonment of up to 5 years.

In addition, the legislation provides that diplomatic and consular officers of a state sponsor of terrorism, who are not otherwise required to report their activities under FARA, cannot be recognized by the Secretary of State as accredited unless the diplomatic or consular officer agrees to provide the Attorney General with a detailed statement of every lobbying contact they have had with a covered legislative branch official within 45 days of the contact.

Mr. Speaker, at a time when American forces are engaged in the global war on terror, it is both right and necessary that agents of state sponsors of terrorism be required to more fully disclose their lobbying contacts with U.S. Government officials.

I commend the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for introducing this bill and urge all of my colleagues to join me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5228 and note that while this is not a bad bill, it does track current law. Therefore, it does not really address the major problems that currently plague the lobbying industry.

This bill would amend the Foreign Agents Registration Act of 1938, FARA, to require the representatives of foreign governments that have been designated by the Secretary of State as state sponsors of terrorism to disclose to the Attorney General any lobbying contact they have made with a legislative branch official, a vital need for those governments really sponsoring terrorism, many of whom are on the list held by the Attorney General.

Moreover, this bill will require such agents of foreign principals to disclose their contacts in a timely manner or risk their diplomatic or consular accreditation by the Secretary of State.

Let me make it very clear, there are some members of the list, some nation states on the list that if a bill was to come forward on this floor, I would vote to remove them from the list. But I think overall the underlying purpose of this is to ensure that those who are perpetrating terrorists and are activating or providing or facilitating terrorist acts around the world, that any who represent them in the United States should have to report.

Under the current law, agents of foreign principals that are required to register under FARA already must disclose all lobbying contacts with legislative and executive branch officials. Thus, the premise and point of this legislation seems somewhat unclear and may only track current law.

The best component of this bill is that it would require for the first time that the Justice Department post these lobbying contact reports on the Internet. This is excellent. Currently FARA only requires paper reports that are only available at the DOJ offices. And even though DOJ has put much of this information into their own computerized system, they have refused to share the information with the public. This bill would bring much-needed sunlight to a dark industry.

I have been a constant critic of the lack of oversight of this body. This legislative initiative provides another tool for Congress to raise its head of oversight. Things don't work in this country as long as we have a lack of the three branches of government functioning independently and individually as they should. This gives Congress and the public another tool of oversight.

The lobbying industry is growing at a startling rate, and current laws have proven inadequate to keep up with this evolving industry. The recent list of stories detailing the cozy relationships between lobbyists and certain Members of Congress are only the tip of the iceberg. They are symptoms of deeper problems with lobbying regulations and oversight.

While this bill does not do much to take down the house that Jack built, it is a good step in the right direction. It calls upon Congress to raise its head on oversight.

I rise today in support of H.R. 5228, but note that while this is not a bad bill, it does track current law and therefore does not really address the major problems that currently plague the lobbying industry.

This bill would amend the Foreign Agents Registration Act of 1938, FARA, to require representatives of foreign governments that have been designated by the Secretary of State as State Sponsors of Terrorism to disclose to the Attorney General any lobbying contacts that they have made with a legislative branch official. Moreover, this bill will require such agents of foreign principals to disclose their contacts in a timely manner or risk their diplomatic or consular accreditation by the Secretary of State.

Under the current law, agents of foreign principals that are required to register under FARA already must disclose all lobbying contacts with legislative and executive branch officials. Thus, the point and premise of this legislation are unclear and seemingly unnecessary.

The best component of this bill is that it would require, for the first time, that the Justice Department post these lobbying contact reports on the Internet. This is excellent. Currently, FARA only requires paper reports that are only available at the DOJ offices, and even though the DOJ has put much of this information into their own computerized system, they have refused to share their information to the public. This requirement would bring much needed sunlight to a dark industry.

The lobbying industry is growing at a startling rate and current laws have proven inadequate to keep up with this evolving industry. The recent spate of stories detailing the cozy relationships between lobbyists and certain Members of Congress are only the tip of the iceberg—they are merely symptoms of deeper problems with lobbying regulation and oversight. While this bill does not do much to take down "the House that Jack built," it is a good step in the right direction.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the author of the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for his leadership in bringing this to the floor today. I appreciate my friend Ms. JACKSON-LEE for her support of the legislation.

I think, as Chairman SENSENBRENNER pointed out, we are living in a different time now. It is a different era. We are in a different kind of struggle.

There are different regimes, and I happen to believe that the genocide in Darfur is an affront to the entire civilized world. It is estimated over 300,000 people have been murdered there. I think we need to bring the power of sunshine to the strategies and the actions of regimes such as that. The American people need to know, I think they deserve to know, when a regime like that is paying for representation here in Washington and what contacts are being made here in Washington by representatives of a regime like that to attempt to influence officials here.

So I think it is important legislation, especially as we move forward on this area of transparency in the legislative process, improving transparency in the legislative process. I think this is an appropriate thing to do.

As Chairman SENSENBRENNER brought out, there are really two legs to this stool. You have the so-called diplomats of these regimes, and in order to be accredited here, to receive their accreditation, they would have to agree to fulfill this requirement. So obviously if they don't fulfill it, that could be a reason for seeing those so-called diplomats off, ending their accreditation.

But equally as important is that regimes such as that pay people in the United States, and we want to know who those lobbyists are and what contacts they have with the legislative branch. So we are adding to existing legislation this requirement, as Chairman SENSENBRENNER stated, to the Foreign Agents Registration Act, and despite an erroneous report in one of the publications that cover the Hill today, there are significant penalties, Mr. Speaker.

As Chairman SENSENBRENNER pointed out, if you are a lobbyist and don't fulfill these requirements, you can be subjected to a fine of up to $10,000 or imprisonment or both. So it is a serious bill.

I thank Ms. JACKSON-LEE for her support and urge all colleagues to support this legislation, especially at this time when we are in a different era, a very dangerous and challenging one.

Again, I thank Chairman SENSENBRENNER for his help and his support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, out of deference to our ranking member, I didn't claim time in opposition, but I am opposed to this bill, and I want to state why.

H.R. 5228 does change the law significantly with respect to United States policy towards countries designated as state sponsors of terrorism; but moreover, with respect to executive branch scrutiny over the schedules chosen by Members of Congress. More about that in a moment.

Under current law, the Foreign Agents Registration Act, FARA, requires that agents from foreign countries have to report on their activities to the Attorney General, but there is an exemption for all diplomatic officials recognized by the State Department.

This bill would change that. It would remove the exemption for diplomats from governments designated as state sponsors of terrorism: Cuba, Iran, Syria, Sudan and North Korea. These countries already have limited diplomatic channels in the United States. While Syria and Sudan have embassies, Iran and North Korea do not have embassies in the United States, and Iranian and North Korean diplomats don't have meetings in the halls of Congress.

Thanks to President Carter, we do have a Cuban Interest Section in the United States and a U.S. Interest Section in Havana. Meetings between Members of Congress and Cuban, Sudanese and Syrian diplomats are important, as they are with all diplomats. They offer channels for expressing ideas, improving relations, and expressing concerns.

Currently, Cuban, Sudanese and Syrian diplomats don't report on their meetings with Members of Congress and staff, just as all other diplomats do not. But this bill would require these diplomats to now report all of their meetings with Congress to the Justice Department.

Moreover, it would most directly impact the Cuban Interest Section, which has frequent meetings with Members of Congress. Furthermore, there are more Cuba-related bills and amendments per year than there are for Sudan and Syria. This bill is, therefore, a step backwards for diplomatic relations between the U.S. and Cuba, whose relations are already strained.

Moreover, this bill increases executive branch scrutiny over the scheduling books of Members of Congress, but only for Members and staff who meet with the Cuban Interest Section, the Embassy of Sudan and the Embassy of Syria.

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I want to state this again. This bill increases executive branch scrutiny over the scheduling books of Members of Congress.

Now, in the last month, there has been a significant debate in this country and in this Congress over questions of separation of power, over the very speech and debate clause of the United States Constitution which gives me the ability to stand on this floor and basically state anything that I think is in the interest of my constituents or the American people. And I can say it with impunity. This is a privilege that is given Members of Congress, that sets our role apart from the rest of the people in this country. No one outside this Chamber can make statements that would be free from being subject to attack by libel laws. Here we can say anything we want. We have a special role. This bill takes away the ability that Congress has to be able to meet independently without having to report to the executive branch or being reported on to the executive branch with respect to discussions with representatives of other countries.

I want Members of Congress to hear me loud and clear. The doctrine of separation of powers is at stake here. Our constitutional ability under speech and debate, which has been under attack by the Executive, is at risk when the Attorney General now will be collecting information from other countries based on contacts made with them by Members of Congress.

I want Members of Congress to think about this. We are a coequal branch of government, and we are a separate branch of government. Members of Congress, this is a power grab by the Executive over the legislative branch, and specifically targets Members of Congress who believe in engagement over isolation and believe that diplomacy is an important tool to achieve peaceful resolution to conflicts.

Ironically, this power grab by the Executive has been initiated by the legislative branch. Why are we so ready to give up our constitutional prerogative?

Why are we asking for countries whose representatives we meet with to report on us to the Attorney General?

What could possibly be the motivation for that, to set the stage for Members of Congress for being accused of being disloyal to the United States? How absurd can that be? Yet this is exactly what this legislation sets the stage for.

Over the last month, we have had a debate over whether the administration has the right to go into any congressional office and grab the papers of a Member of Congress. That debate focuses on the speech and debate clause of the Constitution. This debate also should, and the fact that this has been put on the suspension calendar doesn't give it the right to waive critical inspection and demand that it meet the constitutional test. This does not meet the constitutional test. This is unconstitutional. It is an abrogation of our obligations as Members of Congress to assert a check and balance to the administration exercise of power.

We ought to remember where we came from. Our power comes from the people. Congress was created specifically to be spokespersons for the people of the United States. We should not and cannot give that away.

Vote against H.R. 5228. Reassert congressional authority to be a coequal branch of government to assert checks and balances over the administration. I do not, and I insist on not having to have my schedule open to the Attorney General or to anyone else when I am pursuing the interests of this country.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I think it is important for Members to realize and focus on precisely what we are talking about here.

First of all, there is no requirement on Members of the House, Members of Congress, to report. The requirement is on the lobbyist firm who has been hired by one of a handful, five of, I would like to repeat it, state sponsors of terrorism.

What this bill says is if you are hired by one of those state sponsors of terrorism, you should report, especially in this era, your contacts. So it is an important piece of legislation, Mr. Speaker. It is one that will contribute to the national security.

I think the American people have a right to know the contacts by those paid lobbyists from state sponsors of terrorism. And so, with that in mind, and cognizant of the era that we are living in, I have brought forth this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes again to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I will repeat the title of this bill: "To require representatives of government designated as state sponsors of terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials."

This bill would require diplomats, Cuban, Sudanese, Syrian and perhaps others, to now report their meetings with Congress to the Justice Department. Now, this is a two-way street. Once they do that, then the Attorney General has the ability to go back to Members of Congress and begin to inquire what was that meeting about. They don't have any business doing that. We are a coequal branch of government. We are a separate branch of government.

Since the Justice Department now feels that they can go into our offices and grab our papers, what is the difference between doing that and having another government say they met with Members of Congress and then the Justice Department coming back and saying what was that meeting about.

We don't have to answer to the Justice Department. I wasn't elected by the Attorney General. I was elected by the people of Ohio's 10th Congressional District.

This bill opens the door for the destruction of our constitutional right to speech and debate of the separation of powers. Not everything that we do here in this Congress poses an undermining of our role as Members of Congress. And I assert that this does. So I appreciate the gentlewoman's indulgence, and I appreciate the attention of Members of Congress who are also concerned with this issue of speech and debate and of our separation of powers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the distinguished gentleman from Ohio for his insight. And I am hoping that as we move this bill along, this instruction that he has given us will be taken into account.

Might I close by simply saying that one of the strong elements of this bill, which I think maybe Members of Congress might not have been aware of, and I hope is made very plain, as these various individuals meet with members in the White House, meet with Vice President CHENEY on issues that we have concern with, they will have to report and it will be publicized, those interactions.

There is a component of this that will be worthy of the oversight that this particular bill gives at this instance. But I think it is important that when we do engage in oversight that our legislative initiatives pass constitutional muster.

With that, I would ask for the words of our various speakers, including Mr. KUCINICH, to be taken into consideration as we move this bill along. And as indicated, I ask my colleagues to support this legislation.

Mr. Speaker, I yield back my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5228.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of Rule XX and the

Chair's prior announcement, further proceedings on this question will be postponed.

NURSING RELIEF FOR DISADVANTAGED AREAS REAUTHORIZATION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1285) to amend the Nursing Relief for Disadvantaged Areas Act of 1999 to remove the limitation for nonimmigrant classification for nurses in health professional shortage areas, as amended.

The Clerk read as follows:

H.R. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005".

SEC. 2. 3-YEAR EXTENSION FOR CHANGES TO REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.

Section 2 of the Nursing Relief for Disadvantaged Areas Act of 1999 (8 U.S.C. 1182 note) is amended—

(1) in the section heading, by striking "**4-YEAR**" and inserting "**SPECIFIED**"; and

(2) by amending subsection (e) to read as follows:

"(e) LIMITING APPLICATION OF NONIMMIGRANT CHANGES TO SPECIFIED PERIOD.—The amendments made by this section shall apply to classification petitions filed for nonimmigrant status only during the period—

"(1) beginning on the date that interim or final regulations are first promulgated under subsection (d); and

"(2) ending on the date that is 3 years after the date of the enactment of the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005.".

SEC. 3. EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.

The requirements of chapter 5 of title 5, United States Code (commonly referred to as the 'Administrative Procedure Act') or any other law relating to rulemaking, information collection or publication in the Federal Register, shall not apply to any action to implement the amendments made by section 2 to the extent the Secretary Homeland of Security, the Secretary of Labor, or the Secretary of Health and Human Services determines that compliance with any such requirement would impede the expeditious implementation of such amendments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1285 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1285, to extend for 3 years the Nursing Relief For Disadvantaged Areas Act of 1999 which provides nonimmigrant visas for nurses in health professionals shortage areas.

A number of hospitals are experiencing great difficulty in attracting American nurses, particularly hospitals serving mostly poor patients in inner-city neighborhoods and those serving rural areas. For example, St. Bernard Hospital in Chicago is the only remaining hospital in an area of over 100,000 people and has a patient base composed entirely of individuals in poverty. St. Bernard almost closed its doors in 1992, primarily because of its inability to attract registered nurses.

In 1999, Congress passed the Nursing Relief for Disadvantaged Areas Act to help precisely these kinds of hospitals. This legislation created a new H–1C temporary registered nurse visa program with 500 visas available a year. To be eligible to petition for an alien nurse, the employer must, one, be located in a health professional shortage area as designated by the Department of Health and Human Services; two, have at least 190 acute care beds; three, have a certain percentage of Medicare patients; and, four, have a certain percentage of Medicaid patients.

The H–1C program adopted protections for American nurses contained in the expired H–1A nursing visa program. For instance, for a hospital to be eligible for H–1C nurses, it has to agree to take timely and significant steps to recruit American nurses, then H–1C nurses have to be paid the prevailing wage. The program also contained new protections such as the requirement that H–1C nurses cannot comprise more than 33 percent of the hospital's workforce of registered nurses, and that a hospital cannot contract out H–1C nurses to work at other facilities. This bill would reauthorize the H–1C program for an additional 3 years.

Our goal in creating the H–1C program was set out in the Immigration Nursing Relief Advisory Committee which recognized the necessity to "balance both the continuing need for foreign nurses in certain specialties and localities for which there are not adequate domestic registered nurses, and then the need to continue to lessen employers dependence on foreign registered nurses and protect the wages and working condition of U.S. registered nurses."

The H–1C program reflects this balance. I urge my colleagues to support this reauthorizing legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask to address the House for such time as I might consume.

Mr. Speaker, I rise to support the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005, H.R. 1285. And I offer my appreciation for the distinguished gentleman from Illinois (Mr. RUSH), who is en route. And I would ask, as I know that the Chairman will ask, but I ask specifically that Mr. RUSH's statement subsequently can be entered into the RECORD.

□ 1300

I do appreciate the fact that we have worked with Mr. RUSH for a number of years, and I am reminded of the passage of this legislation in 1999; so it is a long time that we have been focusing on this great need.

The original Nursing Relief for Disadvantaged Areas Act was a temporary visa program that expired at the end of September 20, 2004. H.R. 1285 would reauthorize and extend it for years.

Let me cite for my colleagues some important information. According to a report released by the American Hospital Association, April 2006, U.S. hospitals need approximately 118,000 registered nurses to fill vacant positions nationwide. This translates into a national RN vacancy rate of 8.5 percent. The report titled "The State of America's Hospitals: Taking the Pulse" also found that 49 percent of hospital CEOs had more difficulty recruiting RNs in 2005 than in 2004. Since the origins of this bill, Mr. Speaker, we are going downward, if you will.

According to the latest projections from the U.S. Bureau of Labor Statistics published in the November of 2005 Monthly Labor Review, more than 1.2 million new and replacement nurses will be needed by 2014. Government analysts project that more than 703,000 new RN positions will be created through 2014, which will account for two-fifths of all new jobs in the health care center.

This is a wake-up call for America. This legislation is attempting to respond to this crisis, but this is, frankly, a wake-up call for America. Where are the nursing schools? Where are the recruits? Where are the students, and how can we assist?

I rose in support of the original Nursing Relief for Disadvantaged Areas Act 5 years ago, and I support this. I had hoped, however, at that time that the nursing shortage would be temporary. Unfortunately, the shortage of nurses in the United States has gotten worse since then. As indicated, 5 years ago the U.S. Department of Health and Human Services reported on the results of a survey which indicated that there were roughly at that time 1.89 million nurses in the United States, but that we needed 2 million. Unfortunately, as I have said, we are spiraling downward.

I hope this debate on the floor of the House will ignite nursing schools, States, and this Congress across America. As this legislation has been so diligently offered by our colleague from Illinois, who sees the nursing shortage and who has asked us to extend the time for this particular provision to bring in nurses, let us have a wake-up call to begin to train nurses out of America's high schools around the country.

According to projections from the U.S. Bureau of Labor Statistics that were published in November 2005, I indicated that we need 1.2 million new and replacement nurses, as stated earlier, in 2014. We need a growing enrollment in America's nursing schools. Part of the problem is that a shortage of nursing school facilities is restricting nursing program enrollments. According to the American Association of Colleges of Nursing's report on 2005–2006 Enrollment and Graduations in Baccalaureate and Graduate Programs in Nursing, U.S. nursing schools turned away 41,683 qualified applicants in 2005 due to insufficient faculty, clinical sites, classroom space, and budget constraints.

Let me read to you just a paragraph from the American Nursing Association. My mother having been a nurse, I know many Members of Congress having come from the nursing profession and maybe our colleagues as well knowing nurses or working with nurses: "Overall, the ANA," and this is back in 1999, "believes that we need to address the root causes for the instability of the nursing workforce that has led to swings in the supply and demand of registered nurses. It is clear that overreliance on foreign-educated nurses by the hospital industry serves only to postpone real efforts to address the nursing workforce needs of the United States."

This is not a criticism of this legislation. This is support for this legislation. But what it says is, as we welcome the nurses who will help our disadvantaged areas, let us track their great service, as we do with the J–1 visa that helps us in rural and urban areas with doctors who will serve in underserved areas who are coming into our country. Let us work to address this critical shortage. The Nursing Relief for Disadvantaged Areas Act would provide more nurses in the disadvantaged areas, which is where the shortage is most critical. I support that enthusiastically.

I urge Members to vote for H.R. 1285 because it is needed. It is needed now. I urge Members to vote to reauthorize and extend the Nursing Relief for Disadvantaged Areas Act for another 3 years so that disadvantaged communities in our Nation do not suffer from lack of health care.

I rise in support of the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005, H.R. 1285. The original Nursing Relief for Disadvantaged Areas Act was a temporary visa program that expired at the end of September 20, 2004. H.R. 1285 would reauthorize and extend it for 3 years.

When I rose in support of the original Nursing Relief for Disadvantaged Areas Act 5 years ago, I hoped that the nursing shortage would be temporary. Unfortunately, the shortage of nurses in the United States has gotten worse since then. Five years ago, the U.S. Department of Health and Human Services reported on the results of a survey which indicated that there were roughly 1.89 million nurses in the United States, but that we needed 2 million.

According to projections from the U.S. Bureau of Labor Statistics that were published in the November 2005 Monthly Labor Review, more than 1.2 million new and replacement nurses will be needed by 2014. Enrollment in American nursing schools is not growing quickly enough to meet this demand.

Part of the problem is that a shortage of nursing school facilities is restricting nursing program enrollments. According to the American Association of Colleges of Nursing's report on 2005–2006 Enrollment and Graduations in Baccalaureate and Graduate Programs in Nursing, U.S. Nursing schools turned away 41,683 qualified applicants in 2005 due to insufficient faculty, clinical sites, classroom space, and budget constraints.

The Nursing Relief for Disadvantaged Areas Act would provide more nurses in disadvantaged areas, which is where the shortage is most critical. I urge you to vote for H.R. 1285 to reauthorize and extend the Nursing Relief for Disadvantaged Areas Act for another 3 years.

Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Maryland (Mr. CUMMINGS), who is on our Government Reform Committee and has worked very hard on these issues dealing with disadvantaged neighborhoods.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding.

I stand in support of this legislation, but I do want to emphasize something that is very important, and I think Ms. JACKSON-LEE alluded to it just a moment ago.

In my district in Baltimore, we have one Johns Hopkins, we have the University of Maryland, we have a small black college called Coppin State. Coppin State University has a nursing school, and most of its applicants come from the inner city of Baltimore, in our region. These are kids that have worked very hard to get through school and have done very well. But for every one applicant that we admit into Coppin, five are not able to come. These are people who are qualified. It is incredible to me that young people who work hard, play by the rules, give it everything they have got, and then they get to the point of being able to go to college, they cannot go to Coppin's nursing school because of two main things: one, faculty, a lack of faculty; and, second, a lack of space. And it is so incredibly sad when I think about their standing on the sidelines of life and not being able to pursue goals that are their life dreams.

In some kind of way we have got to turn this around. I mean, it is wonderful to do what we have to do to go across the shores, but what about the young people in our country? What about them? What about the ones who simply want to grow up to help other people? What about the ones who have to defer their dreams? What about the ones who have to arrest their dreams and not be able to pursue them?

We spend just a phenomenal amount of time talking about No Child Left Behind, talking about educating our children, using our State and local and Federal funds to educate them, and then when they get to the point where they are qualified to go to nursing school, there are not enough resources for them.

The other thing I might add is that Coppin State has like a 99 percent passage on the State exam, 99 percent. So what that means is definitely we have five not going to nursing school, one going, and, again, those folks being left on the sidelines.

So I hope that the committee will continue to work on this because I want these young people to fulfill their dreams.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the distinguished gentleman Mr. CUMMINGS.

Let me conclude by thanking Congressman BOBBY RUSH, who has been a strong advocate for providing and helping with nursing in underserved areas.

And let me also conclude by indicating again my support by saying, Mr. Speaker, we have to balance what we do as we provide these valuable nurses through the extension of this bill in our areas, but we must also reach out and find a way to ensure that every young person, every individual, seeking an opportunity in our medical schools for physicians and as well nursing has that opportunity to serve America.

With that, again, I ask for support of H.R. 1285.

Mr. RUSH. Mr. Speaker, I rise today in support of H.R. 1285, a bill to amend the Nursing Relief for Disadvantaged Areas Act of 1999. In 1999, I sponsored the Nursing Relief for Disadvantaged Areas Act, formerly H.R. 441–P. L. No.: 106–95, to address an immediate nursing shortage in my district, the First Congressional District of Illinois. This legislation sunset last year in June of 2005.

Today, there are many areas in this country which are experiencing a scarcity of health professionals, some areas more than others. In 1999 when I sponsored this legislation there were only pocket areas that experienced a shortage of nurses, now there exists, a national shortage. This shortage unfortunately, exists in my district, the First Congressional District of Illinois.

The Englewood community, a poor, urban neighborhood with a high incidence of crime, is primarily served by St. Bernard's Hospital. This small community hospital's emergency room averages approximately 31,000 visits per year; 50% of their patients are Medicaid recipients and 35% receive Medicare.

Prior to the creation of a non-immigrant visa (H1–C) St. Bernard could not attract nurses into the Englewood area and was forced to hire temporary nurses to service its patients. This resulted in St. Bernard nursing expenditures to increase in the millions. The Immigration Nursing Relief Act of 1989 created the H–1A visa program in order to allow foreign educated nurses to work in the United States. The rationale for the H1–A program, as acknowledged by the AFL–CIO, the American Nurses Association and others, was to address spot shortage areas.

My legislation merely seeks to close the gap created by the expiration of the H1–A program. H.R. 1285 simply extends the sunset provision in the Nursing Relief for Disadvantaged Areas Act to three years. It does not substantively change any language in the law, it still prescribes that any hospital which seeks to hire foreign nurses under these provisions must meet the following criteria: (1) be located in a Health Professional Shortage Area; (2) have at least 190 acute care beds; (3) have a medicare population of 35 percemt; and (4) have a Medicaid population of at least 28 percent.

As one who has always fought for the American worker, I can assure you that this proposal does not have a detrimental effect on American nurses. My legislation continues the cap on the number of new visas that may be issued each year. It also includes processing requirements that require employers to attest that the hiring of foreign nurses will not adversely affect the wages and working conditions of registered nurses. The Secretary of Labor will oversee this process and provide penalties for non-compliance.

Health care is a basic human right. The hallmarks of civilized nations are health care, education, and democracy.

The state of health care is a grave concern in my district. Hospitals have closed. City health clinics are closing. Payments for Medicare and Medicaid have been cut back.

The legislation we must pass today is aimed at helping hospitals, like St. Bernard's, keep their doors open to the communities they serve. That said I would like to thank my colleagues Congressman SENSENBRENNER, Congressman HOSTETTLER, Congressman HYDE, Congressman CONYERS and Congresswoman SHEILA JACKSON-LEE for their support and for recognizing the national and local importance of this bill. Again, I urge my colleagues on both sides of the aisle to support this legislation.

Mr. CASE. Mr. Speaker, I rise in strong support of H.R. 1285, which would amend the Nursing Relief for Disadvantaged Areas Act of 1999 by repealing a provision limiting the nonimmigrant classification for nurses working in health professional shortage areas.

Nursing shortages continue to plague our country, especially our underserved areas like much of my district. A report released by the American Hospital Association (AHA) in April 2006 indicated that U.S. hospitals need approximately 118,000 Registered Nurses (RNs) just to fill current vacant positions. This is, nationwide, a vacancy rate of 8.5 percent. In November 2005, the U.S. Bureau of Labor Statistics, Monthly Labor Review, stated that more than 1.2 million new and replacement nurses will be needed by 2014. Even worse, the Health Resources and Services Administration (HRSA) reported that approximately 30 states had RN shortages in 2000.

In my state of Hawaii, the University of Hawaii (UH) reported in 2000 that we faced a nursing shortage of more than 1,000 registered nurses; this shortage is projected to increase to approximately 2,000 by 2010. Like most states, UH found Hawaii's nursing workforce tired and burnt out due to incredible stress, understaffing issues, and increased overtime without adequate support staff. What is clear from the data already collected coupled with existing information regarding retention is that a worsening shortage of nurses means a worsening shortage of quality care for patients.

These statistics and the trends and conclusions they reflect are nothing new, but what do we do about it? As one valuable initiative, in 1999 President Clinton signed into law P.L. 106–96, the Nursing Relief for Disadvantaged Areas Act. This law provided for foreign nurses to obtain temporary work visas to come to the U.S. and work in places experiencing a shortage of health professionals. By allowing experienced health professionals, particularly nurses, from countries such as the Philippines into medically shortage underserved communities, the law has contributed greatly to keeping hospitals open and, more importantly, providing quality care to patients who otherwise would have no other place to seek treatment.

Mr. Speaker, I fully support the goal of H.R. 1285 to extend this important legislation, the Nursing Relief for Disadvantaged Areas Act of 1999, for an additional three years. I look forward to working with my colleagues on this and other initiatives to ensure that Americans continue to receive the health care they deserve.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1285, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.".

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 877 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 877

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and insert tabular and extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Monday the Rules Committee met and reported a rule for consideration of the House report for H.R. 5631, the Department of Defense appropriations bill for the fiscal year 2007. Mr. Speaker, when the Rules Committee met, it granted an open rule, providing 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It waives all points of order against consideration of the bill. For the purposes of amendment, the bill shall be read by paragraph. Additionally, this rule waives all points of order against provisions in the bill which fail to comply with clause 2 of rule XXI, and it authorizes the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of the rule for H.R. 5631 and the underlying resolution. In past debates on defense appropriations, I have spoken of the four challenges I believe we must successfully address if we are to ensure the security of our country in the 21st Century. These challenges are, first, addressing the equipment and readiness needs created by the 1990s procurement holiday; second, transforming and adapting our forces to use the opportunities and meet the challenges posed by the new technologies of the information age; third, increasing the size and changing the force structure of our forces in order to have more available manpower for deployment and for combat operations; and, fourth, doing those things necessary to win the war on terror and succeed in Afghanistan and Iraq.

Mr. Speaker, the rule and the underlying legislation do much to meet these four challenges. The bill itself provides $427.4 billion to meet the needs of our military. That is $19.1 billion more than last year.

□ 1315

Speaking broadly, the bill provides $84.9 billion for military personnel, $120.5 billion for operations and maintenance, $81.5 billion for procurement, $75.3 billion for research and development and $50 billion towards the cost of operations in Iraq and Afghanistan.

The procurement sections of the underlying bill do much to bring on line new weapons and replace worn-out equipment. I am particularly pleased to note the $11 billion for naval shipbuilding and conversion, the $2.9 billion for 42 F/A–22 aircraft and the $500 million above the President's request for National Guard equipment needs. In addition, in light of developments in North Korea, the $9 billion for ballistic missile defense is clearly a prudent expenditure. Additional funds are available to replace equipment lost in Iraq and Afghanistan.

On the personnel front, the end strength for the National Guard is funded at its full projected strength of 350,000. Moreover, all personnel receive a 2.2 percent across-the-board raise that the administration requested.

Mr. Speaker, we have a long way to go before we make up for the neglect of our military in the 1990s when we reduced our end strength levels and failed to replace and update weapons systems and bring on new weapons. The changing nature of technology poses real threats and opportunities. Moreover, our forces are involved in a tough fight against a vicious enemy in Afghanistan and Iraq. They require our continued support.

No one bill in and of itself can address all these challenges. However, the Appropriations Committee has brought us a bill that makes significant progress in all these areas.

Moreover, Mr. Speaker, this is a bipartisan bill, carefully crafted by the chairman, Mr. YOUNG of Florida, and the ranking member, Mr. SABO of Minnesota. Their professionalism and cooperation in devising ways to meet the needs of our men and women in uniform is something to which we should all aspire. I particularly want to recognize Mr. SABO, who is leaving Congress after the completion of his current term, for his distinguished career of service to his district, his State and our country.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Oklahoma for yielding me time.

Mr. Speaker, passage of H. Res. 877 will allow the House to consider the fiscal year 2007 defense appropriations bill under an open rule. I would like to thank subcommittee Chair YOUNG and my good friend Ranking Member MURTHA for their hard work to craft a responsible bill for consideration by this House. It provides robust support to our troops stationed in Iraq and elsewhere around the globe. In particular, I would highlight the increased funding to test new jammers for IEDs and additional funds for troop body armor and Humvees.

Importantly, the bill also focuses significant resources toward rebuilding our military. This includes addressing the strain placed on our National Guard. Wisely, the committee provided funding to maintain the Guard's current force size. In addition, they provided critical resources to ensure these men and women have equipment necessary to accomplish their mission.

I appreciate the committee's intense focus to mitigate the effect Iraq has had on eroding our military readiness.

I would like to highlight a few provisions which I feel are particularly forward-thinking. Many Members, including myself, felt that the House missed an opportunity last week to engage in substantive debate with regard to our policies toward Iraq. For that reason, I am very pleased that this bill contains a real policy proposal. It clearly states that it is not the intent of the United States to build permanent bases in Iraq.

Mr. Speaker, intentions matter. For too long this House has passed on opportunities to clarify our intentions in Iraq. Not only is such a statement in the best interest of our troops, but it is critical if we are to defeat the insurgency in Iraq. I would like to commend Mr. MURTHA for his leadership in bringing this issue to the House for consideration.

This bill also begins to bring funding for the Iraq war into the regular budget process. Since the start of the war, the majority leadership has been engaged in a shell game. We pass budget resolutions that pretend we are not at war, and in doing so, we ignore the idea of shared sacrifice.

Only a select few are paying for the costs of this war, the men and women in uniform and their families, and those who rely on critical domestic programs which have been cut to finance the war.

Let us admit we have lost the principle of shared sacrifice. This bill will be a first step toward again embracing that idea. Commend the subcommittee for returning to this path.

In closing, Mr. Speaker, the bill made in order under this rule reaffirms our ironclad support for our men and women in uniform in two fundamental ways. This legislation upholds our part of a solemn pact to provide our Armed Forces with everything they require, and it fulfills our duty to act responsibly in our Nation's interests. I commend the committee for achieving both goals in one bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 3½ minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of the rule as well as the underlying legislation.

We are a Nation engaged in a global war on terror, and it is critical that during this time we focus our spending on what we need to defeat our terrorist enemies. This bill does that. We have learned an awful lot during this conflict as to the vulnerability of our forces, and this bill addresses those vulnerabilities.

This bill allocates $1.5 billion to test and field new jammers to counter improvised explosive devices, which have been such a deadly threat to our troops.

We also provide an additional $725 million for other force protection equipment, such as body armor for our troops in the field.

This bill also fully funds the President's request for a 2.2 percent pay increase for the members of our armed services, a pay increase that is well, well deserved.

This bill also restores $557 million to the Army Reserve and National Guard above the requested amount to reflect newly authorized troop levels. Our troops need to know that the Congress of the United States is working hard to recognize their needs and to address them forcefully.

This bill also allocates $50 billion for ongoing operations in Iraq and in Afghanistan in hopes of avoiding future supplemental appropriation bills. We are at war, and it only makes sense to appropriate funds under regular order to pay for the cost of the war.

Mr. Speaker, the news today is that North Korea is threatening to launch a new ballistic missile which has the capability to reach our shores. It validates the inclusion of $9 billion in this bill for our missile defense shield.

Back in the days of the Cold War, people used to call President Ronald Reagan "crazy," or they called him a "warmonger" for even advocating missile defense. Well, today he doesn't look so crazy. Actually, today he looks visionary, and we need to do everything that we can to defend our citizens from terrorist states and rogue nations like North Korea who threaten world peace and stability.

The news today that our missile defense is on high alert in case of a launch is very good news, and the American people should know that we recognize threats to our security, and we will do all that we can to protect our Nation.

Also, Mr. Speaker, earmarks and various Member projects have come under question and scrutiny recently. This bill does the responsible thing by limiting those projects to $5 billion, $2.7 billion less than last year's bill. And for those projects that remain in the bill, every Member who advocates for a project or asked for an earmark should not be afraid to stand up on this floor to defend it.

Mr. Speaker, let me tell you about one of those projects that I asked for in this bill which is centered at Selfridge Air National Guard Base in my district. As our Nation seeks alternatives for everyday energy needs, we also need alternatives for the military.

This bill provides $2 million for the second phase of a project to turn waste into fuel and electricity. NextEnergy, a nonprofit alternative fuel research cooperative in the great State of Michigan, is working with the U.S. Army on this important project. This fuel would help run a generator that would produce high-quality electric energy that every military unit needs. This is a very important project to support our troops.

Mr. Speaker, this is a reasonable rule to manage an outstanding bill. It has the right priorities. And we need to make sure that our military remains the best trained, the best supported, the best equipped and the most lethal fighting force that the world has ever seen.

I urge my colleagues to support the rule and the underlying legislation.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I want to thank the gentlelady for yielding. I am here to speak on the rule, because I know that there will be a great deal of pressure to fill up the agenda for speakers on the bill itself.

I am here to record what I call a fury footnote, F-U-R-Y. I am furious at the kind of Neanderthal, backward, primitive thinking reflected in the bill in one statement. There is one section of the bill which says, "National Defense Education Act, $10 million." Ten million dollars, and they call it a National Defense Education Act; $10 million for scholarships for science and engineering students.

Here is a report that recently came out. I don't know whether it went to all of the offices of all of the Members of Congress. Maybe because I am on the Education and Workforce Committee, I got five copies. It is called "Rising Above the Gathering Storm."

The report is published by the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine.

The impetus for this book, the oversight for this book, the push for this book came from our own STEM Caucus, Senate and House Members together pushing to get a realistic evaluation of where we are in terms of education for engineering and science in order to keep our economic advantage in the world and remain leaders, and that means leaders also in the area of the military as well.

The National Defense Education Act was one of the first efforts of that kind put forth by the government in 1957 and 1958 as a result of the reaction to Sputnik. Some of you are not old enough to remember Sputnik. When the Russians put Sputnik up, it said they had a rocket capability which frightened us, because that rocket capability that you had to have to go into the upper atmosphere was enough, of course, for an intercontinental ballistic missile also. So we got busy, and the National Defense Education Act followed that.

The National Defense Education Act in 1958 dollars was given about half a billion dollars, $500 million. It did not limit itself to a few scholarships to science and engineering students. It provided money for laboratories in high schools, money for libraries, purchase of science books. It went right across the board, in 1958, when we were really not into large amounts of expenditures for domestic programs.

What flowed from the National Defense Education Act was later on the Elementary and Secondary Education Act and the Higher Education Assistance Act which took its place, but still there is a deficit.

The deficit was indicated when I first came to Congress by a report called "A Nation at Risk." A Nation at Risk was commissioned by President Ronald Reagan. "A Nation at Risk" made the same recommendations being made now all these years later in this "Rising Above the Gathering Storm."

The fact that there are people in the Defense Department who see $10 million as being significant, that there are people on the Appropriations Committee, the fact that we have that kind of backward, Neanderthal, primitive thinking about education and its role in our military defense is appalling.

I suppose I should not be furious and angry, I should be weeping that such a great Nation with such great minds would place education on such a low level.

We need to go across the board, and we need to appropriate billions for a new National Defense Education Act or a National Homeland Security Mobilization Act, which reaches beyond just the military and understands that in addition to scientists, we need some people who know how to interpret the Arabic language. We need some people who know how to interpret other Middle Eastern languages, we need people who understand cultures that we are at war with.

Mr. Speaker, I think we ought to pause and take a hard look at our conception of what it means to defend our country in terms of education.

Mr. COLE of Oklahoma. Mr. Speaker, at this time I am pleased to yield 5 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

□ 1330

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the rule and the underlying bill, and from the outset I want to commend Chairman YOUNG of Florida and the ranking member, Mr. MURTHA of Pennsylvania, for their leadership on this bipartisan bill and for all they do each and every day for our military and their families.

As my colleagues have noted, H.R. 5631 includes over $427 billion in discretionary funding, including an additional $50 billion provided in what is called the very critical Bridge Fund to support ongoing operations in Iraq and Afghanistan. Over 90 percent of this funding will go to the Army and Marine units that are taking the fight directly to our enemies in Afghanistan and Iraq.

Mr. Speaker, our committee's allocation is $4 billion below the President's request. This presented the committee with some significant challenges. We looked carefully at programs in the President's budget, and we made selected reductions. We also recommended less funding for programs encountering technological problems and developmental delays. With many competing challenges facing our military as we prosecute the global war on terror, this was not an easy task; but we believe we made appropriate choices to allow us to deter our enemies and yet enhance the high-intensity combat capability of our forces.

Mr. Speaker, as we consider this important legislation, we must remain mindful that our troops in Afghanistan and Iraq, mind you all volunteers, regular military, Guard, and Reserve, are literally on the battlefield as we speak, brave men and women fighting a new kind of war where everybody literally is on the front line. As we all know, the Army and Marines are carrying the brunt of the battle in Iraq and Afghanistan, with an unprecedented level of partnership by their Guard and Reserve components, and young men and women from the Air Force and Navy stand with them. Their service and dedication on the battlefields of these countries are making our Nation safer from terrorists who seek to do us and other freedom-loving nations harm.

Make no mistake, our success in Iraq is hugely important. Our enemies in Iraq are thinking enemies; they are adaptable and would like nothing better than to see us withdraw prematurely, set arbitrary dates for withdrawal, and then come back after our departure to reinstall another despot or regime even more oppressive, more fanatical, and more horrendous and more dangerous than the last.

The bottom line is that we should never forget that the soldiers we support through this appropriations bill have freed nearly 50 million people in Iraq and Afghanistan from killer regimes where protest and dissent were answered by killing fields and genocide, where women were denied basic freedoms, education, health care, and the vote.

Of course, the loss of any young soldier is heartbreaking; so are the deaths of innocent civilians killed by roadside and vehicle-borne bombs, or suicide bombers. We are dealing with Saddam loyalists, jihadists, imported terrorists, and domestic criminals who play by no rules and do not hesitate to bomb Iraqi weddings, mosques, funerals, and gatherings of children, school children as a common tactic.

Since we are engaged in the global war on terrorism with Afghanistan and Iraq being countries of conflict and violence, our soldiers and marines and others in the military need every possible advantage. This legislation provides our fighting men and women with the resources they need to be more deployable, more agile, more flexible, more interoperable, and more lethal in the execution of their missions. It provides for better training, better equipment, better weapons.

Of course, our bill supports the troops by providing a pay increase, enhanced life insurance coverage, and housing allowances. Mr. Speaker, I also welcome increased funding for research and development in this bill. Our bill exceeds the President's budget by $2.2 billion so we can speed important new technology from the drawing board to the laboratory, to the test bed, and into the arsenal of our warfighters.

My colleagues, the global war on terror will not be short. It will require deep and enduring commitment. And looking down the road, we face many potential threats and we cannot know what lies ahead, but this appropriations bill will give us the resources to do the job and to support our young men and women who do that job of liberty each and every day.

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank the gentlewoman from California for her leadership, for yielding, and for her work on the Rules Committee. Her fairness in seeking appropriate rules does not go unnoticed, and I want to thank her for fighting for fairness in this whole process.

As the daughter of a veteran of two wars, first let me just express my profound respect and admiration for our brave young men and women serving our Nation around the world and on the ground in Iraq.

I also rise to convey my appreciation for the hard work and the dedication of the distinguished ranking member of the defense subcommittee, Mr. MURTHA, and the ranking member of the full committee, Mr. OBEY. They have both been champions for a significant provision in this bill, one that would ensure that we are not establishing permanent military bases in Iraq.

Mr. Speaker, the American people do not want an open-ended war and occupation in Iraq. Congress must be on record supporting this, and the administration must level with the American people regarding their long-term desires and designs with regard to Iraq.

My colleague, Mr. ALLEN, and I offered an identical provision to the war supplemental bill this past March; but in a gross abuse of power, the Republican majority stripped it in conference. We must ensure that the no permanent bases in this bill remains and not be gutted.

While I support this provision, I also believe this bill could be improved in many ways. First, this bill does not address the waste, fraud, and abuse in Pentagon spending. GAO has identified cost savings which, if implemented, could save billions of tax dollars. This budget should not be off limits to spending cuts, especially where funds are misspent. Also, this bill continues to fund the unnecessary war in Iraq without demanding accountability from this administration.

In a larger sense, Mr. Speaker, I believe that our Nation is best defended by funding priorities that truly make our Nation and the world safer. I am disappointed that this $427 billion bill continues to fund Cold War-era weaponry for a threat that doesn't exist. We must focus our security spending on threats that we face today. By getting rid of outmoded weapons systems programs, we can not only make the much needed investment in ensuring health care for all of our children, improving our public schools, ending our dependence on foreign oil, but also improve our Homeland Security, where of course we must focus because the real threat involves possible attacks, and we need to protect our homeland.

That is why I have joined with my colleague Congresswoman LYNN WOOLSEY in introducing H.R. 4898, the Common Sense Budget Act. This bill shows how we can reduce our defense budget by $60 billion without diminishing our ability to protect our Nation by putting resources into areas where real threats exist, by protecting our ports, protecting our transit systems, real homeland security. So we must get our funding priorities right. The challenge is clear. We must, quite frankly, put some common sense into our defense spending.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume just briefly to offer a different perspective, if I may.

I would argue that we don't spend too much on defense, we spend far too little. Frankly, by historical measures, we spend less now than at any time since 1940. In 1960, at the height of the Cold War, we were spending roughly 50 percent of the entire Federal budget, roughly 9 percent of our gross national product on defense. By 1980, that was down to 33 percent of the Federal budget and 6 percent of the gross national product. Today, it is about 17 or 18 percent of the total budget, only about 4 percent, actually slightly less than that, of the gross national product.

I would argue we steadily decreased our expenditure even in a time of danger, and frankly that is a tribute to the professionalism and the skill of our military and the focus on trying to deliver the best service as reasonably priced as possible.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise in strong support of the rule for fiscal year 2007 Department of Defense Appropriations Act and the underlying legislation. I would like to commend Chairmen LEWIS and YOUNG, as well as the ranking member and the staff of the Defense Committee and subcommittee for their tireless effort in support of our soldiers, our sailors, airmen, and marines who are bravely defending us at home and abroad.

Mr. Speaker, this bill most importantly meets the immediate needs of our warfighters who are fighting and winning the global war on terror. It is a good bill that provides funding for many important programs which are our military's top priorities.

Not the least of these, Mr. Speaker, is F-22 Raptor. I am particularly delighted for the work the Appropriations Committee has done to fund the F-22 program this year. The full funding of 20 planes will go a long way toward providing stability for the program and ensuring that America maintains air dominance for the foreseeable future.

In light of emerging military threats globally, the F-22 will continue to increase in significance, as it is the world's most capable fighter. I therefore wholeheartedly agree with the Department of Defense that the F-22 should be fully funded on a multi-year contract basis, and that the procurement life of the program should be extended beyond fiscal year 2009.

Further, Mr. Speaker, during this time of conflict as we fight the global war on terror, the United States must, without question, continue to modernize and strengthen our ability to support our men and women in harm's way. Maintaining our Nation's airlift capabilities is critical to this mission, and I would like to applaud the committee for their recognition of this in funding 9 C–130Js and the C–5 modernization.

Today, the C–130J is the most modern military transport in service. Both United States and allied C–130Js are exceeding expectations in Iraq and Afghanistan. The KC–130Js have been deployed continuously to Iraq dating to February of 2005, and their unprecedented capability, reliability, and maintainability have been impressive. Over the past year of deployment, the C and the KC–130J mission capable rates have been between 89 and 93 percent, which is more than a 50 percent improvement over legacy aircraft. Similarly, the C–5 has also proven its ability to provide critical support. While the C–5 fleet has flown less than 25 percent of all cargo missions in operations in Afghanistan and Iraq, they delivered nearly 50 percent of all cargo to our troops on the ground. Clearly, the C–5 has demonstrated its effectiveness, and therefore further modernization of a C–5 fleet is imperative.

The funds for C–5 AMP modernization will be used to make critical upgrades of the cockpits with modern avionics and flight instrumentation that meet both Air Force and congressional mandated standards.

Additionally, Mr. Speaker, the funds allocated for the C–5 RERP program modernization will be used to replace old engines and systems with newer ones. These replacements represent significant improvements to the aircraft, making them even more reliable and easier to maintain.

Again, Mr. Speaker, this bill does a remarkable job in addressing a wide scope of issues that are vitally important to our armed services. I would like to again thank the chairmen and ranking members of the respective committee and subcommittee for their hard work on this bill. I urge support of the rule and the underlying legislation.

Ms. MATSUI. Mr. Speaker, I have no additional speakers. I would like to inquire of the gentleman whether he has any additional speakers.

Mr. COLE of Oklahoma. I too have no additional speakers. I am prepared to close.

Ms. MATSUI. I am prepared to close. Thank you.

The SPEAKER pro tempore. The gentlewoman from California is recognized to close for her side.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fiscal year 2007 defense appropriations bill is critical to our warfighters, to our national security, and to our long-term strategic interests. It reaffirms the unwavering commitment all Members have for Armed Forces now more than ever.

Once again, I thank Chairman YOUNG and Ranking Member MURTHA for their hard work in crafting an excellent bill that will allow our Nation to achieve these goals.

I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, today in closing I again want to draw attention of the Members to the strength of the underlying legislation, H.R. 5631. This legislation accomplishes much in terms of funding our current operations in Iraq and Afghanistan and the global war on terror, while setting the military on the path of further transformation to meet the new challenges of the 21st century.

Mr. Speaker, it must also be noted that this legislation would not have been possible without much hard work on the part of the gentleman from Florida (Chairman YOUNG), the gentleman from Pennsylvania (Ranking Member MURTHA), the gentleman from California (Chairman LEWIS), and all the members on both sides of the aisle of the defense appropriations subcommittee and the full Appropriations Committee. The appropriators have given us a genuinely excellent and bipartisan bill. It does not shrink from making the hard decisions regarding the funding of the current and the future force. This is never an easy task, and it is even harder during a time of war.

Mr. Speaker, now is the time for Members to vote on the rule and the underlying legislation.

☐ 1345

I readily admit that no bill, including this legislation, is perfect. That is the reason why we reauthorize and appropriate for the Department of Defense on an annual basis. Moreover, we deal with ongoing contingencies through emergency supplemental appropriations when and as required. This legislation takes critical steps toward fulfilling the current and future needs. It is a building block toward creating a stronger military tomorrow and an essential element in funding our troops in the field today.

Therefore, I once again urge my colleagues to support the rule and underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COLE of Oklahoma. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 877 will be followed by 5-minute votes on suspending the rules and agreeing to H. Res. 731 and suspending the rules and passing H.R. 5228.

The vote was taken by electronic device, and there were—yeas 400, nays 18, not voting 14, as follows:

[Roll No. 292]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez

Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Becerra
Conyers
Costello
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Meehan
Owens
Rangel
Schakowsky
Stark
Taylor (MS)
Towns
Udall (NM)
Watson
Woolsey

NOT VOTING—14

Brady (TX)
Cannon
Davis (FL)
Evans
Ford
Hunter
Nadler
Napolitano
Nussle
Ruppersberger
Shuster
Sodrel
Strickland
Turner

□ 1412

Mr. MCDERMOTT and Mr. TOWNS changed their vote from "yea" to "nay."

Mr. BERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROSS, Ms. ROYBAL-ALLARD, Messrs. CLYBURN, JEFFERSON, PAYNE, and CLEAVER changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 292, I missed this vote due to attending Maryland State Delegate John Arnick's Funeral. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 20, 2006, I was absent due to a family obligation. Had I been present, I would have voted "yea" on rollcall No. 292, agreeing to H. Res. 877—Providing for the consideration of H.R. 5631, Department of Defense Appropriations Act, 2007.

COMMENDING THE PATRIOT GUARD RIDERS

The SPEAKER pro tempore (Mr. FEENEY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 731, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and agree to the resolution, H. Res. 731, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, answered "present" 2, not voting 12, as follows:

[Roll No. 293]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger

Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

McDermott
Stark

NOT VOTING—12

Brady (TX)
Cannon
Davis (FL)
Evans
Ford
Hunter
Nadler
Napolitano
Nussle
Shuster
Strickland
Turner

☐ 1422

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 20, 2006, I was absent due to a family obligation.

Had I been present, I would have voted "yea" on rollcall No. 293, suspending the rules and agreeing to H. Res. 731—Commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

PERSONAL EXPLANATION

Mr. TURNER. Mr. Speaker, on rollcall Nos. 292 and 293 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members of a rule of decorum.

The appropriate dress for Members in the Chamber while the House is in session is business attire, and this standard applies even when a Member enters the Chamber only to vote by electronic device.

Without objection, 5-minute voting will continue.

There was no objection.

REQUIRING REPRESENTATIVES OF GOVERNMENTS DESIGNATED AS STATE SPONSORS OF TERRORISM TO DISCLOSE TO ATTORNEY GENERAL LOBBYING CONTACTS WITH LEGISLATIVE BRANCH OFFICIALS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5228.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5228, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 263, nays 159, not voting 10, as follows:

[Roll No. 294]

YEAS—263

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hooley
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—159

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cubin
Cummings
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Eshoo
Everett
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hefley
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
Kolbe
Kucinich
LaHood
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Poe
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—10

Brady (TX)
Cannon
Davis (FL)
Evans
Ford
Hunter
Nadler
Napolitano
Nussle
Shuster

☐ 1432

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 20, 2006, I was absent due to a family obligation.

Had I been present, I would have voted "nay" on rollcall No. 294, suspending the rules and agreeing to H.R. 5228—To require representatives of governments designated as State Sponsors of Terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials, and for other purposes.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during consideration of the bill H.R. 5631, pursuant to House Resolution 877, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5631, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 877 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5631.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from Ohio (Mr. GILLMOR) to assume the chair temporarily.

☐ 1434

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GILLMOR (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am proud to present the fiscal year 2007 defense appropriations bill. I would say to the Members that it is a bill that is $4 billion less than was requested by the administration because of our 302(b) allocation. The subcommittee worked extremely hard with great diligence to make up the difference in some creative ways. It is a good bill that has been discussed many, many times on the floor already as we considered the rule. We will possibly get into some more detail during the amending process. But at this point I am prepared to reserve my time.

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H R 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs Enacted	Bill vs Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	24,028,651	25,423,998	25,259,649	+1,230,998	-164,349
Military Personnel, Navy	19,048,651	19,135,950	19,049,454	+803	-86,496
Military Personnel, Marine Corps	7,712,511	7,983,895	7,932,749	+220,238	-51,146
Military Personnel, Air Force	19,805,780	20,220,539	19,676,481	-129,299	-544,058
Reserve Personnel, Army	2,834,301	3,058,050	3,034,500	+200,199	-23,550
Reserve Personnel, Navy	1,480,096	1,569,128	1,485,548	+5,452	-83,580
Reserve Personnel, Marine Corps	467,736	507,776	498,556	+30,820	-9,220
Reserve Personnel, Air Force	1,214,323	1,282,110	1,246,320	+31,997	-35,790
National Guard Personnel, Army	4,418,846	4,784,471	4,693,595	+274,749	-90,876
National Guard Personnel, Air Force	2,006,658	2,122,197	2,038,097	+31,439	-84,100
Total, title I, Military Personnel	83,017,553	86,088,114	84,914,949	+1,897,396	-1,173,165
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	22,031,807	23,091,606	22,292,965	+261,158	-798,641
Operation and Maintenance, Navy	28,363,907	30,129,671	29,853,676	+1,489,769	-275,995
Operation and Maintenance, Marine Corps	3,109,882	3,405,821	3,351,121	+241,239	-54,700
Operation and Maintenance, Air Force	28,182,761	29,658,288	29,089,688	+906,927	-568,600
Operation and Maintenance, Defense-Wide	18,199,977	19,989,270	19,883,790	+1,683,813	-105,480
Operation and Maintenance, Army Reserve	1,751,322	2,083,312	2,064,512	+313,190	-18,800
Operation and Maintenance, Navy Reserve	1,165,237	1,236,628	1,223,628	+58,391	-13,000
Operation and Maintenance, Marine Corps Reserve	190,702	202,332	202,732	+12,030	+400
Operation and Maintenance, Air Force Reserve	2,424,432	2,663,951	2,659,951	+235,519	-4,000
Operation and Maintenance, Army National Guard	4,053,617	4,450,783	4,436,839	+383,222	-13,944
Operation and Maintenance, Air National Guard	4,476,301	5,080,695	5,035,310	+559,009	-45,385
Overseas Contingency Operations Transfer Account	---	10,000	---	---	-10,000
United States Court of Appeals for the Armed Forces	11,124	11,721	11,721	+597	---
Overseas Humanitarian, Disaster, and Civic Aid	60,931	63,204	63,204	+2,273	---
Former Soviet Union Threat Reduction Account	411,394	372,128	372,128	-39,266	---
Total, title II, Operation and maintenance	114,433,394	122,449,410	120,541,265	+6,107,871	-1,908,145
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	2,626,748	3,566,483	3,529,983	+903,235	-36,500
Missile Procurement, Army	1,196,830	1,350,898	1,350,898	+154,068	---
Procurement of Weapons and Tracked Combat Vehicles, Army	1,377,698	2,301,943	2,047,804	+670,106	-254,139
Procurement of Ammunition, Army	1,715,693	1,903,125	1,710,475	-5,218	-192,650
Other Procurement, Army	4,548,090	7,718,602	7,005,338	+2,457,248	-713,264
Aircraft Procurement, Navy	9,677,001	10,868,771	10,590,934	+913,933	-277,837
Weapons Procurement, Navy	2,633,380	2,555,020	2,533,920	-99,460	-21,100
Procurement of Ammunition, Navy and Marine Corps	843,323	789,943	775,893	-67,430	-14,050
Shipbuilding and Conversion, Navy	8,936,959	10,578,553	10,491,653	+1,554,694	-86,900
Other Procurement, Navy	5,389,849	4,967,916	5,022,005	-367,844	+54,089
Procurement, Marine Corps	1,384,965	1,273,513	1,191,113	-193,852	-82,400
Aircraft Procurement, Air Force	12,609,842	11,479,810	11,852,467	-757,375	+372,657
Missile Procurement, Air Force	5,122,728	4,204,145	3,746,636	-1,376,092	-457,509
Procurement of Ammunition, Air Force	1,006,718	1,072,749	1,079,249	+72,531	+6,500
Other Procurement, Air Force	13,920,106	15,408,086	15,423,536	+1,503,430	+15,450
Procurement, Defense-Wide	2,548,227	2,861,461	2,890,531	+342,304	+29,070
National Guard and Reserve Equipment	178,200	---	500,000	+321,800	+500,000
Defense Production Act Purchases	57,666	18,484	39,384	-18,282	+20,900
Total, title III, Procurement	75,774,023	82,919,502	81,781,819	+6,007,796	-1,137,683

DEPARTMENT OF DEFENSE APPROPRIATIONS · FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs Enacted	Bill vs Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army.....	11,060,666	10,855,559	11,834,882	+774,216	+979,323
Research, Development, Test and Evaluation, Navy	18,803,203	16,912,223	17,654,518	-1,148,685	+742,295
Research, Development, Test and Evaluation, Air Force	21,779,654	24,396,767	24,457,062	+2,677,408	+60,295
Research, Development, Test and Evaluation, Defense-Wide	19,600,607	20,809,939	21,208,264	+1,607,657	+398,325
Operational Test and Evaluation, Defense	166,774	181,520	181,520	+14,746	---
Total, title IV, Research, Development, Test and Evaluation	71,410,904	73,156,008	75,336,246	+3,925,342	+2,180,238
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,143,391	1,345,998	1,345,998	+202,607	---
National Defense Sealift Fund: Ready Reserve Force	1,078,165	1,071,932	1,071,932	-6,233	---
Pentagon Reservation Maintenance Revolving Fund	---	18,500	18,500	+18,500	---
Total, title V, Revolving and Management Funds..	2,221,556	2,436,430	2,436,430	+214,874	---
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	1,204,349	1,046,290	1,046,290	-158,059	---
Procurement	115,362	---	---	-115,362	---
Research, development, test and evaluation	67,108	231,014	231,014	+163,906	---
Total, Chemical Agents 1/	1,386,819	1,277,304	1,277,304	-109,515	---
Drug Interdiction and Counter-Drug Activities, Defense	908,474	926,890	936,990	+28,516	+10,100
Office of the Inspector General	207,590	216,297	216,297	+8,707	---
Total, title VI, Other Department of Defense Programs	2,502,883	2,420,491	2,430,591	-72,292	+10,100
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	244,600	256,400	256,400	+11,800	---
Intelligence Community Management Account	418,121	634,811	597,111	+178,990	-37,700
Transfer to Department of Justice	(38,610)	---	(39,000)	(+390)	(+39,000)
Total, title VII, Related agencies	662,721	891,211	853,511	+190,790	-37,700
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(3,712,500)	(5,000,000)	(4,750,000)	(+1,037,500)	(-250,000)
Indian Financing Act incentives (Sec. 8018)	7,920	---	8,000	+80	+8,000
FFRDCs (Sec. 8023)	-45,540	---	-25,000	+20,540	-25,000
Overseas Mil Fac Invest Recovery (Sec. 8029)	1,000	1,000	1,000	---	---
Army Historical Foundation	2,970	---	---	-2,970	---
Rescissions (Sec. 8039)	-405,723	---	-823,122	-417,399	-823,122
Shipbuilding & Conv. Funds, Navy	17,820	---	---	-17,820	---
Travel Cards (Sec. 8064)	45,000	51,000	51,000	+6,000	---

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H.R 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs Request
Special needs students	5,445	---	---	-5,445	---
Fisher House (Sec 8074)	2,178	---	2,500	+322	+2,500
CAAS/Other Contract Growth (Sec 8075)	-262,350	---	-71,100	+191,250	-71,100
Contracted Advisory and Assistance Services (Sec 8076)	-99,000	---	-22,000	+77,000	-22,000
Working Capital Funds Cash Balance	-247,500	---	---	+247,500	---
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8082)	5,049	---	5,400	+351	+5,400
Various grants (Sec 8084)	33,017	---	13,000	-20,017	+13,000
Travel costs (Sec 8092)	-91,080	---	-45,000	+46,080	-45,000
Procurement Offsets	-357,390	---	---	+357,390	---
Army Venture Capital Funds	15,000	---	---	-15,000	---
Revised Economic Assumptions (Sec 8095)	-763,587	---	-949,000	-185,413	-949,000
Foreign Currency Fluctuation (8096)	---	---	-100,000	-100,000	-100,000
Total, Title VIII, General Provisions	-2,138,771	52,000	-1,954,322	+182,449	-2,006,322
TITLE IX - ADDITIONAL APPROPRIATIONS					
DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (contingency operations)	4,713,245	---	4,346,710	-366,535	+4,346,710
Military Personnel, Navy (contingency operations)	144,000	---	229,096	+85,096	+229,096
Military Personnel, Marine Corps (contingency operations)	455,000	---	495,456	+40,456	+495,456
Military Personnel, Air Force (contingency operations)	508,000	---	659,788	+151,788	+659,788
Reserve Personnel, Army (contingency operations)	138,755	---	---	-138,755	---
Reserve Personnel, Navy (contingency operations)	10,000	---	10,000	---	+10,000
National Guard Personnel, Army (contingency operations)	234,400	---	251,000	+16,600	+251,000
National Guard Personnel, Air Force (contingency operations)	3,200	---	---	-3,200	---
Total, Military Personnel	6,206,600	---	5,992,050	-214,550	+5,992,050
Operation and Maintenance					
Operation & Maintenance, Army (contingency operations)	21,348,886	---	24,280,000	+2,931,114	+24,280,000
Operation & Maintenance, Navy (contingency operations)	1,810,500	---	1,954,145	+143,645	+1,954,145
Operation & Maintenance, Marine Corps (contingency operations)	1,833,126	---	1,781,500	-51,626	+1,781,500
Operation & Maintenance, Air Force (contingency operations)	2,483,900	---	2,987,108	+503,208	+2,987,108
Operation & Maintenance, Defense Wide (contingency operations)	805,000	---	2,186,673	+1,381,673	+2,186,673
Iraq Freedom Fund (contingency operations)	4,658,686	---	4,000,000	-658,686	+4,000,000
Operation & Maintenance, Army Reserve (contingency operations)	48,200	---	---	-48,200	---
Operation & Maintenance, Navy Reserve (contingency operations)	6,400	---	---	-6,400	---
Operation & Maintenance, Marine Corps Reserve (contingency operations)	27,950	---	---	-27,950	---
Operation & Maintenance, Air Force Reserve (contingency operations)	5,000	---	---	-5,000	---
Operation & Maintenance, Army National Guard (contingency operations)	183,000	---	220,000	+37,000	+220,000
Operation & Maintenance, Air National Guard (contingency operations)	7,200	---	---	-7,200	---
Total, Operation and Maintenance	33,217,848	---	37,409,426	+4,191,578	+37,409,426

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs Enacted	Bill vs Request
Procurement					
Aircraft Procurement, Army (contingency operations)	232,100	---	132,400	-99,700	+132,400
Missile Procurement, Army (contingency operations)	55,000	---	---	-55,000	---
Procurement of Weapons and Tracked Combat Vehicles, Army (contingency operations)	860,190	---	1,214,672	+354,482	+1,214,672
Procurement of Ammunition, Army (contingency operations)	273,000	---	275,241	+2,241	+275,241
Other Procurement, Army (contingency operations)	3,174,900	---	1,939,830	-1,235,070	+1,939,830
Aircraft Procurement, Navy (contingency operations)	138,837	---	34,916	-103,921	+34,916
Weapons Procurement, Navy (contingency operations)	116,900	---	131,400	+14,500	+131,400
Procurement of Ammunition, Navy and Marine Corps (contingency operations)	38,885	---	143,150	+104,265	+143,150
Other Procurement, Navy (contingency operations)	49,100	---	28,865	-20,235	+28,865
Procurement, Marine Corps (contingency operations)	1,710,145	---	621,450	-1,088,695	+621,450
Aircraft Procurement, Air Force (contingency operations)	115,300	---	912,500	+797,200	+912,500
Missile Procurement, Air Force (contingency ops.)	17,000	---	32,650	+15,650	+32,650
Other Procurement, Air Force (contingency operations)	17,500	---	9,850	-7,650	+9,850
Procurement, Defense-Wide (contingency operations)	182,075	---	121,600	-60,475	+121,600
National Guard and Reserve Equipment (emergency)	1,000,000	---	---	-1,000,000	---
Total, Procurement	7,980,932	---	5,598,524	-2,382,408	+5,598,524
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Army (contingency operations)	13,100	---	---	-13,100	---
Research, Development, Test & Evaluation, Air Force (contingency operations)	12,500	---	---	-12,500	---
Research, Development, Test and Evaluation, Defense-Wide (contingency operations)	25,000	---	---	-25,000	---
Total, Research, Development, Test and Evaluation	50,600	---	---	-50,600	---
Defense Working Capital Funds (contingency operations)	2,516,400	---	1,000,000	-1,516,400	+1,000,000
Additional transfer authority (contingency operations)	(2,500,000)	---	(2,500,000)	---	(+2,500,000)
Drug Interdiction and Counter-Drug Activities, Defense (contingency operations)	27,620	---	---	-27,620	---
Global war on terror efforts in Afghanistan and Iraq	---	50,000,000	---	---	-50,000,000
Total, Title IX	50,000,000	50,000,000	50,000,000	---	---
Total for the bill (net)	397,886,263	420,413,166	416,340,489	+18,454,226	-4,072,677
OTHER APPROPRIATIONS					
Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (P.L. 109-148, Division B)					
Title I, Chapter 2 (emergency)	3,456,512	---	---	-3,456,512	---
Transfer authority (emergency)	(500,000)	---	---	(-500,000)	---
Title II, Chapter 2 (emergency)	10,000	---	---	-10,000	---
Title III, Chapter 2 (rescissions)	-80,000	---	---	+80,000	---
Net grand total (including other appropriations)	401,272,775	420,413,166	416,340,489	+15,067,714	-4,072,677

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2007 (H R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent)2/	11,880	12,000	12,000	+120	---
Disposal of defense real property (permanent)2/	14,850	15,000	15,000	+150	---
Army Venture Capital Fund (reappropriation)	---	15,000	15,000	+15,000	---
O&M, Army transfer to National Park Service:					
Defense function	-1,980	---	-2,499	-519	-2,499
Non-defense function	1,980	---	2,499	+519	+2,499
Tricare accrual (permanent, indefinite auth.) 2/	10,707,483	11,230,629	11,230,629	+523,146	---
Less emergency appropriations 3/	-53,466,512	-50,000,000	-50,000,000	+3,466,512	---
Adjustment to balance with CBO's ATB estimate	2,181	---	---	-2,181	---
Total, scorekeeping adjustments	-42,730,118	-38,727,371	-38,727,371	+4,002,747	---
Adjusted total (includ. scorekeeping adjustments)	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677
Appropriations	(359,028,380)	(381,685,795)	(378,436,240)	(+19,407,860)	(-3,249,555)
Rescissions	(-485,723)	---	(-823,122)	(-337,399)	(-823,122)
Total (including scorekeeping adjustments)	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677
Amount in this bill	(401,272,775)	(420,413,166)	(416,340,489)	(+15,067,714)	(-4,072,677)
Scorekeeping adjustments	(-42,730,118)	(-38,727,371)	(-38,727,371)	(+4,002,747)	---
Total mandatory and discretionary	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677
Mandatory	244,600	256,400	256,400	+11,800	---
Discretionary	358,298,057	381,429,395	377,356,718	+19,058,661	-4,072,677
RECAPITULATION					
Title I - Military Personnel	83,017,553	86,088,114	84,914,949	+1,897,396	-1,173,165
Title II - Operation and Maintenance	114,433,394	122,449,410	120,541,265	+6,107,871	-1,908,145
Title III - Procurement	75,774,023	82,919,502	81,781,819	+6,007,796	-1,137,683
Title IV - Research, Development, Test and Evaluation	71,410,904	73,156,008	75,336,246	+3,925,342	+2,180,238
Title V - Revolving and Management Funds	2,221,556	2,436,430	2,436,430	+214,874	---
Title VI - Other Department of Defense Programs	2,502,883	2,420,491	2,430,591	-72,292	+10,100
Title VII - Related Agencies	662,721	891,211	853,511	+190,790	-37,700
Title VIII - General Provisions (net)	-2,136,771	52,000	-1,954,322	+182,449	-2,006,322
Title IX - Additional Appropriations (net)	50,000,000	50,000,000	50,000,000	---	---
Total, Department of Defense	397,886,263	420,413,166	416,340,489	+18,454,226	-4,072,677
Other defense appropriations	3,386,512	---	---	-3,386,512	---
Total funding available (net)	401,272,775	420,413,166	416,340,489	+15,067,714	-4,072,677
Scorekeeping adjustments	-42,730,118	-38,727,371	-38,727,371	+4,002,747	---
Total mandatory and discretionary	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677
RECAP BY FUNCTION					
Mandatory	244,600	256,400	256,400	+11,800	---
Discretionary:					
General purpose discretionary:					
Defense discretionary	358,296,077	381,429,395	377,354,219	+19,058,142	-4,075,176
Nondefense discretionary	1,980	---	2,499	+519	+2,499
Total discretionary	358,298,057	381,429,395	377,356,718	+19,058,661	-4,072,677
Grand total, mandatory and discretionary	358,542,657	381,685,795	377,613,118	+19,070,461	-4,072,677

FOOTNOTES:
1/ Included in Budget under Procurement title
2/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
3/ Includes Title IX contingency operations funds

I do have two requests for time briefly, but I will reserve my time right now.

Mr. MURTHA. Mr. Chairman, I am prepared to yield back the balance of my time so we can get right to the amendment process so they can strike the last word. I am prepared to yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentleman, I do have one request for a time for 2 minutes and I will yield.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume. And before I yield to Mr. TIAHRT, I wanted to say that the subcommittee has worked extremely well together in creating a nonpartisan bill, strictly no politics in this bill. And I wanted to call attention specifically to Representative MARTIN SABO who has been a longtime member of this subcommittee, who was one of the most thoughtful members of the subcommittee and is really valuable to the work that we do.

Mr. SABO, as we all know, is leaving the Congress at the end of this term; and he will be missed seriously, especially by the members of this subcommittee. I wanted to call attention to the fact that Mr. SABO has made a great contribution to the work of this subcommittee.

I yield 2 minutes to a member of the subcommittee, the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I wanted to rise today for two reasons, one is to commend Chairman LEWIS and the Appropriations Committee for completing their work on the appropriations process today, June 20. This is quite an achievement. It has taken a lot of hard work by the committee. Both the Republican and Democrat members have worked very hard, applied themselves, had strenuous debates, and now we have completed our action, and we are looking forward to the action on the House floor for all of these bills, including today's defense bill.

The second reason I rise is to thank the chairman and the ranking member for their consideration for the young men and women that serve this great country. One of the significant additions to this bill is an additional $500 million for the National Guard.

National Guard soldiers, as you know, give up their jobs, their time with their family, make sacrifices to make sure this country is safe. Their equipment has been used and used hard, needs to be replaced. And thanks to these two gentlemen, we have $500 million to do just that.

I think this is a very good bill. It does take consideration for young men and women who make sacrifices to serve this country and carry out the will of this Nation, and I hope that we can pass this quickly and get through the amendment process quickly as well.

Mr. YOUNG of Florida. Mr. Chairman, I yield for the purpose of unanimous consent to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I rise in support of fiscal year 2007 Defense Appropriations Bill.

I congratulate Chairman YOUNG and the entire Defense Subcommittee on their hard work in support of our fighting men and women. I would also like to thank the Chairman for continuing the close relationship between the defense appropriators and authorizers.

This is a fiscally responsible bill that falls within its limits as set forth by the Budget Act and is $4 billion, or 1 percent less than the President's request for defense funding. We are in the fifth year of the War on Terror and as is the case during times of conflict, Members of Congress work to balance funding for the troops and their immediate needs while ensuring the long term outlook of the military and our national security strategy needs are not forgotten. This bill achieves that balance.

It is unfortunate that many on the other side of the aisle, in both the House and Senate, wish to use this bill to politicize the Iraq war and undermine the efforts of our troops. The Commander-in-Chief has the right and the responsibility to defend our Nation and I oppose any attempts to tie his hands through unnecessary legislation.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. HOBSON), a member of the Defense Appropriations Subcommittee.

Mr. HOBSON. Mr. Chairman, I rise today in full support of our fiscal year 2007 Defense Appropriations Bill. This bill and a bridge wartime supplemental funding it carries provide essential support for the forces engaged in the global war on terrorism.

At the strategic level I would like to focus on the Army's long-term readiness level, not only for the current fight, but also for the global threats we face as a Nation. The global war on terrorism is a fight for our cherished way of life. It is not a question of can we as a Nation support more; it is an essential that we cannot afford less.

I would truly understand the competing and compelling demands facing this body and the Nation. As we move this bill forward through the legislative process, we must ensure that the ground forces have everything they require in a timely fashion.

Mr. YOUNG of Florida. Mr. Chairman, again I want to thank the members of the subcommittee who worked so diligently. I want to thank specifically Mr. MURTHA, who worked with us every day, every hour of every day as we put this bill together. Most Members of the House had some participation in the creation of this bill. In fact, there were 412 Members who had something to do with the creation of this legislation. It is a good bill and I hope we can move it quickly.

Mr. SIMPSON. Mr. Chairman, in accordance with earmark reform proposals currently under consideration in the Senate, I would like to place into the RECORD a listing of Congressionally directed projects in my home state of Idaho that are contained within the report to this bill. These are projects that I asked the Defense Subcommittee to consider this year and I am grateful for their inclusion in this bill.

I'd like to take just a few minutes to describe why I supported these projects and why they are valuable to the nation and its taxpayers.

The report contains $2.7 million for a technology entitled Vacuum Sampling Pathogen Collection and Concentration. Developed by Microbial-Vac Systems®, Jerome, Idaho, the advanced "Vacuum Pathogen" collection and concentration systems are critical to continued advancement of DOD's applications for manual and robotic sample acquisition and traceability of bio-threat agents in food safety and environmental settings. Commercialization of the technology was significantly advanced with an appropriation in last year's Defense bill but there remains a need to further develop and manufacture both systems to meet the general national defense and homeland security requirements for safe, rapid field-accessibility of sterile disposable units and improved field decontamination protocol. With the funding in this report, manufacturing capabilities will be expanded to provide military and civilian markets with sufficient numbers of sterilely packaged pathogen collection and concentration systems to meet the anticipated emergency immediate and long-term demand during hostile attacks and post-attack remediation/decontamination monitoring and verification procedures. Sample location and traceability will be enhanced with the addition of GPS or RFID tracking capabilities imbedded within the technology and activated during sample acquisition.

This project was requested by Microbial-Vac Systems in Jerome, Idaho.

The report contains $2 million for the Cyber Threat Validation Center at the Idaho National Laboratory (INL). The INL has demonstrated exceptional capability and depth in the Cyber Security and Critical Infrastructure Protection research, development and delivery arenas. The Cyber Threat Validation Center (CTVC) for the Department of Defense (DoD) and Intelligence Community (IC) would leverage and expand the existing analytic, research, and end-to-end system testing capabilities to deliver technical grounded analysis on emerging cyber security attack techniques and their impact on critical real world systems. The analysis will focus on the investigating emerging attack techniques with the objective of understanding how they might be applied against Defense Critical Infrastructure to include vital Public Works Defense Sector systems.

I chose to request this project after learning about the capabilities of the INL in protecting our Nation against cyber based attacks on critical infrastructure systems. The Department of Energy and Department of Homeland Security have significant investments in the ongoing work at the INL. This DOD project will build on those capabilities and benefit from them.

The report contains $2 million for the Idaho Accelerator Center (IAC) at Idaho State University's (ISU) Small Accelerators and Detection Systems for Defense Applications program. Ongoing work at IAC suggests that transportable accelerators can now be developed to actively identify suspected nuclear materials/packages in the field, neutralize biological/chemical agents when discovered, decontaminate areas where bio/chem agents may have been released, and detect explosives and contraband in a variety of challenging circumstances. The IAC and the ISU academic community, in collaboration with scientists and engineers from the private sector and national laboratories, has been involved in developing technology for the remote detection of hazardous materials and contraband for more than 15 years. Through these associations the IAC has devised non-intrusive means to identify the contents of containers of various kinds that may contain *F*issionable material, *R*adioactive material, *E*xplosives, *H*azardous material (biological or chemical), and *C*ontraband (FREHC) for homeland and national security applications.

This project was requested by Idaho State University in Pocatello, Idaho.

The report contains $1 million for a program entitled Systematic Hierarchical Approach to Radiation Hardened Electronics (SHARE). As many of us know, consistent, reliable performance of integrated circuits (IC) used in space communication, surveillance, and guidance systems continues to be a potentially debilitating problem for the military services. The problem has been aggravated by the rapid and unsettling contraction of the industrial base needed to design and produce the specialized electronics that must perform in applications requiring high reliability in a challenging radiation-charged environment. As one of the principal users of radiation-hardened (RadHard) electronics, the U.S. Air Force is pursuing technologies that will ensure a ready and economical domestic capability for producing radiation hardened microelectronics using advanced commercial processes. SHARE has been identified by the Air Force as a critical capability that will enable collaboration among circuit designers, simulation software vendors, and foundries under the direction of SEAMS Center AFRL at Kirtland AFB, NM.

This project was requested by American Semiconductor in Boise, Idaho.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

Mr. STARK. Mr. Chairman, I rise in opposition to yet another bloated Defense Appropriations bill. H.R. 5631 provides billions more for missile defense systems that are nothing but a pipe dream and a War in Iraq that has turned into an international nightmare.

Republicans in Congress should wake up and smell the coffee. Another $9 billion for development of ineffective and outdated weapons systems may boost the bottom lines of their well-connected sugar daddies in the defense industry. But throwing good money after bad will do little to make Ronald Reagan's Cold War fantasy a reality. Despite nearly $100 billion in research, these systems have yet to demonstrate even a basic ability to intercept incoming missiles. Even if they could, they'd do little to make us secure from the much more likely and contemporary threat of a weapon delivered by suitcase or cargo container.

Republicans have irresponsibly funded the majority of their misguided Iraqi adventure through supplementals. But they couldn't resist also including tens of billions more in today's Defense Appropriations bill. In H.R. 5631, taxpayer money is appropriated as a so-called "bridge fund" for the first six months of war operations during fiscal year 2007. But our troops should be brought home immediately. The bill's billions are, in reality, a bridge to more death and destruction. The United States' continued occupation encourages Iraqi civil war and feeds the insurgency, providing terrorists with refuge and recruits.

Once upon a time, Congress took its oversight role seriously. Not today. Despite a recent Pentagon report that found significant cost overruns in 36 major weapons systems, this bill increases defense spending by a whopping $19.1 billion. As a result, defense spending will now total more than half of the entire federal discretionary budget!

Instead, we should provide quality education and health care to all Americans. I urge my colleagues to join me in voting no to additional spending on ineffective missile systems and a counterproductive war.

Mr. GENE GREEN of Texas. Mr. Chairman, thank you for recognizing me for some comments on H.R. 5631 and I urge my colleagues to join me in supporting this balanced bill that supports our troops and addresses critical issues to our Nation's safety and security.

This bill provides $500 million in funding above the President's request for the equipment needs of the Army National Guard to provide items needed for homeland defense and disaster response. This funding is important to our district in Houston because it is susceptible to flooding—as we are seeing right now—and the National Guard has played a critical role in responding to past tropical storms and hurricanes in our district and along the Gulf Coast.

Many Guard units are leaving equipment in Iraq when they finish their tour for future troops to use. This cuts down on transportation costs, but it also leaves units here in the U.S under-equipped to respond to a natural disaster. The funding in this bill is necessary to ensure Guard units here at home have the equipment to respond to these events.

I also want to speak briefly on two important projects included in this bill.

The first is the University of Houston Consortium for Nanomaterials for Aerospace Commerce and Technology (CONTACT). For the past four years, the University of Houston has been partnering with several University of Texas System institutions, Rice University, and the Air Force Research Laboratory (AFRL) in the Strategic Partnership for Research in Nanotechnology (SPRING). Federal funding for SPRING will end in FY06, and CONTACT will carry on the work started under that partnership.

CONTACT will have two main goals: to ensure our national air superiority through nanomaterials research and development, and to commercialize nanomaterials developed by scientists from Texas universities. This funding will make use of existing infrastructure and enable research, development and technology transfer that address three critical capabilities of the Air Force: power on demand, reconfigurable full-spectrum detectors, and interdisciplinary fundamental nanoscience and engineering.

The second project will modernize the Standard Army Retail Supply Systems (SARSS) and Standard Army Ammunition System (SAAS) and combine the two systems into one by rewriting it in a Microsoft Windows environment.

This program—the Army Legacy Logistics Systems Modernization (SAMS–E)—modernizes computer logistics systems that are critical to the operation of the Army making them more efficient.

This effort will link the STAMIS modules through the web, allowing for a sharing of information and a flexible supply chain that can be redirected seamlessly on the battlefield. The result will be more efficient field logistics management that will save money and provide soldiers with more dependable and reliable management systems.

I applaud the Subcommittee and Committee for putting forward this balanced bill and urge my colleagues to join me in supporting it.

Mr. PAUL. Mr. Chairman, I rise in opposition to this legislation. This bill is unfortunately very short on real defense spending and very generous with spending enormous amounts on expensive military equipment that is ultimately of very little use to defend our country. This bill will not do much to help our military troops. In fact, it gives the troops a pay raise lower than civilian federal employees. It short-changes them.

The bill is very generous with spending on grossly over-budget acquisition of military equipment of questionable value in our current times. Over the past 5 years, the Defense Department has doubled spending on new weapons systems from about $700 billion to nearly $1.4 trillion. However a recent Pentagon report found significant cost overruns—50 percent over original cost projections—in 36 major weapons systems. These programs benefit well-connected defense contractors, but they do not benefit the taxpayer and they do not benefit the soldiers who risk their lives.

The bill manages to spend hundreds of millions of dollars on foreign aid—$372 million to Russia, for example—and the failed drug war, but it fails to address the real problems of a military force that has been seriously stretched and challenged by an unprecedented level of sustained deployment overseas. I urge my colleagues to support a defense spending bill that really puts defense of the United States first.

Mr. SMITH of Washington. Mr. Chairman, I'd like to take a moment to discuss the important work being done at the National Defense University to help ensure that our military continues to harness innovation in Information Technologies (IT) to improve our national defense capabilities. During the past decade, the Department of Defense (DoD) has taken enormous strides in harnessing IT to support major combat operations. We've seen this in the development and fielding of key systems to support precise position location and timing, such as Global Position Systems, as well as precise weapons delivery and communications systems. The effect of these systems on our major combat operations has been profound, increasing the speed, efficiency, and precision of our operations, while minimizing loss of life and resources, as we have seen in coalition operations in Afghanistan and the invasion of Iraq. These IT-enabled military capabilities are extraordinary, and the U.S. needs to maintain them, explore ways to expand them, and ensure our future ability to benefit from such innovations.

It is important to appreciate that the information technology that underlies these extraordinary capabilities is largely commercially driven. Thus, although the U.S. has so far been able to exploit this capability effectively, it is an advantage that may be easily lost and regained only with great difficulty. If The U.S. is to continue to exploit commercial IT effectively, it must implement processes to identify promising technologies early in their lifecycle to ensure that they include the features required by the DoD. In addition, mechanisms must be instituted that facilitate the introduction of these key technologies into DoD systems.

Over the last several years, Congress has supplied a critical activity at the National Defense University (NDU) to ensure that the DoD retains and enhances the ability to identify and exploit innovative commercial IT. A small group at the Center for Technology and National Security Policy (CTNSP) has performed in excess of forty analyses, workshops, and conferences that have characterized the nature of the problem, identified key shortfalls, and proposed innovative recommendations. At the request of Congress, CTNSP has recently prepared and submitted a report that documents the key findings and recommendations of their work.

It is particularly notable that the efforts of this program have had significant visibility and impact in the DoD. As an example, the IT program at NDU has provided various studies and recommendations to the highest levels of the military, including the Chairman and Vice Chairman of the Joint Chiefs of Staff, and combatant commanders at the U.S. European Command and Joint Forces Command. These NDU products have had a very positive impact on efforts to enhance the early injection of commercial IT into key DoD policies and procedures.

Currently this NDU program is extending this work into additional critical areas. For example, they are exploring options to enhance the injection of IT into stabilization and reconstruction operations. One member of the NDU IT program has just returned from Afghanistan where he was conducting a detailed study of the impact that communications technology can have on our Nation's success there. The program has also been pursuing ways to adapt technologies currently used by the Chicago Police Department to make them relevant to our counterinsurgency efforts in Iraq. In yet another critical area, the group is in the process of developing a framework to assess the impact of enhancements in cyberspace on America's cyberpower. And finally, the group is reviewing defense spending in the area of computer science to see if it is adequate. These constitute some of the most critical issues that DoD must confront as it proceeds further into the information age.

During the past few years, the Congress and the House Appropriations Committee has been extremely supportive of this initiative. Although the investment in the effort has been modest, I believe it has had extraordinary payoff for DoD and the Nation at large. If we can retain our strong technological lead, we can save billions in defense dollars later that would otherwise need to be spent on catch-up activities. Therefore, I hope, as we look toward conference on this bill, that the Congress is able to continue to fund the NDU Technology Pilot Program's important work by setting aside $1,000,000 for the program in account PE 65104D8Z for fiscal year 2007.

Mr. COLE of Oklahoma. Mr. Chairman, during consideration of H. Res. 877, the rule for consideration of the House report for H.R. 5631, the Department of Defense appropriations bill for the fiscal year 2007, on June 20, 2006, I improperly referred to the Ranking Member of the Department of Defense Appropriations Subcommittee as Mr. SABO of Minnesota. I would like the record to show that I meant to refer to the Ranking Member of the Department of Defense Appropriations Subcommittee as Mr. MURTHA of Pennsylvania.

Mr. YOUNG of Florida. I yield back the balance of my time.

The Acting CHAIRMAN. The committee will rise informally.

The SPEAKER pro tempore (Mr. CHOCOLA) assumed the Chair.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The Committee resumed its sitting.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,259,649,000.

Mr. MURTHA. Mr. Chairman, I move to strike the last word. I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding and for his leadership and for the very hard work that he consistently does for the security of our Nation.

I appreciate this opportunity to discuss an issue that is of great importance, and that is ensuring that our Federal dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

Mr. Chairman, in an ideal world, we would not need to have to explicitly stipulate this, but events in Haiti in 2004 and in Venezuela have led me to believe that we need to codify this straightforward nonpartisan position.

As we know, the administration has committed its second term to spreading democracy around the world, and this should not be a partisan issue. It is at the core of our Nation's values: and quite simply put, it is fundamental to who we are as a people and what we stand for as a Nation.

However, Mr. Chairman, we need to be sure that this administration, or equally any future administration, that if they do not agree with certain democratically elected governments, that it does not use the Department of Defense funds to overthrow those democratically elected governments. Such actions fly in the face of our own fundamental democratic principles. So I would just like to ask the gentleman from Pennsylvania (Mr. MURTHA) if he could comment on this and what his views are with regard to the ideas that we are presenting today.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from California I agree, we certainly should not overthrow a democratically elected government. I appreciate the gentlewoman's long concern and attention to raising this issue. And I want to assure her that as this bill moves forward we will be mindful to work with her and her staff to do everything we can to help.

Ms. LEE. Mr. Chairman, let me just say, thank you, again, to the gentleman for his attention to this issue and to so many issues that are important to our Nation. He is truly a courageous hero to many of our minds and many of our views, and we look forward to continuing to work with him and the entire House in standing up for democracy throughout the world.

Mr. MURTHA. Mr. Chairman, I yield to the gentlewoman from Texas for a colloquy. She has an amendment, but I hope we can discuss this.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Florida (Mr. YOUNG) and Mr. MURTHA from Pennsylvania.

As indicated, I have an amendment that I was prepared to offer that asks for the same increase, 2.7 percent, that the Federal employees were getting for military personnel, which is now at 2.2 percent for the military.

☐ 1445

One of the few issues on which all Members of Congress agree is that our military personnel are cherished defenders of our Nation, that we value them highly, that we are proud of them. Every day they stand between the status quo and an ideal for a better future and put their lives on the line to realize this goal.

The current pay increase for military personnel in this appropriations bill is 2.2 percent. This is a total of $84.9 billion for military personnel accounts, which is $1.9 billion greater than in fiscal year 2006, but it is $1.2 billion less than necessary, I believe, to help us get to 2.7 percent.

We just passed the Transportation-Treasury-HUD appropriation bill, which provided a 2.7 percent pay increase for civilian Federal workers, as well as targeted pay increases for a variety of enlisted personnel and officer grades. We need to make the strong statement that we value our Armed Forces just as much as we do our civilian public servants. My amendment simply increases military personnel pay by 2.7 percent over fiscal year 2006.

Every day we are reminded of the sacrifice our children and our neighbors are making. Over 2,500 soldiers have died in Iraq, and over 19,000 have been injured. Several years ago military personnel were paid 13 percent less than comparable civilian pay. This gap, however, has narrowed within the past few years to 6.5 percent in fiscal year 2005. And it is my goal to ensure that we will continue to narrow even more in the coming years.

According to the fiscal year 2006 pay charts, after 4 months of service, newly enlisted individuals earn less than $2,000 per month even if they have completed ROTC courses or 2-year or 4-year college programs. Mr. Chairman, I know we can do better.

I want to thank both Mr. MURTHA and Mr. YOUNG of Florida for being steadfast warriors on the battlefield of benefits for our military and for increasing the benefits to their families and to them. I would hope with the increases in experience and education and commission that we are seeing in our young military that we will close the civilian gap so that our young military, our reservists, National Guard, and others will not suffer this, if you will, incompatibility with their needs.

Finally, a May 2004 survey of reservists from the Department of Defense found that 51 percent reported an earning loss, including 44 percent who reported a drop of 10 percent or more, and 21 percent reported an income loss of 20 percent or more. Although this may be due to differences in taxes and other factors, we need to make sure that those in Active Duty are not punished for serving. I hope, as we move through this process, the voices that will be heard will be Members like the chairman and ranking member of this subcommittee, that we must do more for our young men and women on the frontlines, our reservists, and our National Guard.

I ask the gentlemen here today with me do they share my concerns to increase the salaries? And as well, I would hope that they would work with all of us to find a way to properly compensate and reward our brave men and women in uniform wherever they might be.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from Texas that both the chairman and I have done everything we can to make sure that the pay is comparable with the civilian sector. In the past it was usually opposite.

And what we are concerned about in the amendment you were going to offer was where it came from. So we are going to work something out. If there is an increase in the civilian pay, you can be assured that the Defense Department will get the same increase.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

I yield to the gentlewoman from Texas for her question.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding.

This is an amendment that I would have offered, and I am delighted to not have to be able to offer it. And I thank the gentleman from Pennsylvania and thank the gentleman from Florida. And in noting all of their work, we have worked together, and I am very appreciative and hopeful that we will be able to work together on this increase in salaries and compensation for our brave men and women.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. The reason I asked you to yield, Mr. Chairman, is that it strikes me that the entire membership should know that already Mr. MURTHA and you together have lost out to the legislative branch subcommittee. It is a very unusual thing. I think maybe Mr. MURTHA has lost control.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, in response to the gentlewoman's question, as Mr. MURTHA suggested, we look for every way that we can to enhance the quality of life for the members of our military, to get as many pay increases and as many benefits as we can, because we recognize how important that these heroes are, these warriors are, to the security of our Nation.

I thank the gentlewoman for bringing up this issue, but I would say Mr. MURTHA and I have looked for every opportunity we can to make things better for those who serve in our military.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,049,454,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,932,749,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,676,481,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,034,500,000.

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,485,548,000.

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $498,556,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,246,320,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,693,595,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,038,097,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,292,965,000: *Provided*, That of funds made available under this heading, $2,499,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance, Army", in Public Law 107–117.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,129,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $29,853,676,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,351,121,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $29,089,688,000.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $19,883,790,000: *Provided*, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds made available under this heading, $6,300,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United States that are new to the United States market and to execute the renewable energy purchasing plan: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,064,512,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,223,628,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $202,732,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,659,951,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,436,839,000.

Operation and Maintenance, Air National Guard

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,035,310,000.

United States Court of Appeals for the Armed Forces

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,721,000, of which not to exceed $5,000 may be used for official representation purposes.

Overseas Humanitarian, Disaster, and Civic Aid

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $63,204,000, to remain available until September 30, 2008.

Former Soviet Union Threat Reduction Account

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $372,128,000, to remain available until September 30, 2009.

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,529,983,000, to remain available for obligation until September 30, 2009, of which $27,375,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That $19,200,000 of the funds provided in this paragraph are available only for the purpose of acquiring one (1) HH-60L medical evacuation Variant Blackhawk helicopter only for the Army Reserve.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,350,898,000, to remain available for obligation until September 30, 2009, of which $110,000,000 shall be available for the Army National Guard and Army Reserve.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,047,804,000, to remain available for obligation until September 30, 2009, of which $218,481,000 shall be available for the Army National Guard and Army Reserve.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,710,475,000, to remain available for obligation until September 30, 2009, of which $197,181,000 shall be available for the Army National Guard and Army Reserve.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,005,338,000, to remain available for obligation until September 30, 2009, of which $534,360,000 shall be available for the Army National Guard and Army Reserve.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $10,590,934,000, to remain available for obligation until September 30, 2009, of which $154,800,000 shall be available for the Navy Reserve and Marine Corps Reserve.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,533,920,000, to remain available for obligation until September 30, 2009.

Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $775,893,000, to remain available for obligation until September 30, 2009, of which $19,600,000 shall be available for the Navy Reserve and Marine Corps Reserve.

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $784,143,000;

NSSN, $1,775,472,000;

NSSN (AP), $676,582,000;

CVN Refuelings, $954,495,000;

CVN Refuelings (AP), $117,139,000;

SSN Engineered Refueling Overhauls (AP), $22,078,000;

SSBN Engineered Refueling Overhauls, $189,022,000;

SSBN Engineered Refueling Overhauls (AP), $37,154,000;

One DD(X) Destroyer, $2,568,111,000;

DDG–51 Destroyer, $355,849,000;

DDG–51 Destroyer Modernization, $50,000,000;

Littoral Combat Ship, $520,670,000;

LPD–17 (AP), $297,492,000;

LHA–R, $1,135,917,000;

Special Purpose Craft, $4,500,000;

Service Craft, $45,245,000;

LCAC Service Life Extension Program, $110,692,000;

Prior year shipbuilding costs, $436,449,000; and

For outfitting, post delivery, conversions, and first destination transportation, $410,643,000.

In all: $10,491,653,000, to remain available for obligation until September 30, 2011: *Provided*, That additional obligations may be incurred after September 30, 2011, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,022,005,000, to remain available for obligation until September 30, 2009, of which $23,000,000 shall be available for the Navy Reserve and Marine Corps Reserve.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,191,113,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,852,467,000, to remain available for obligation until September 30, 2009, of which $470,300,000 shall be available for the Air National Guard and Air Force Reserve.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,746,636,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,079,249,000, to remain available for obligation until September 30, 2009, of which $163,800,000 shall be available for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,423,536,000, to remain available for obligation until September 30, 2009, of which $145,600,000 shall be available for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,890,531,000, to remain available for obligation until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $500,000,000, to remain available for obligation until September 30, 2009: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $39,384,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,834,882,000, to remain available for obligation until September 30, 2008.

AMENDMENT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURTHA:

On page 27, line 17, insert after the first dollar amount, the following: "(reduced by $5,000,000) (increased by $5,000,000)".

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Chairman, I offer an amendment to restore funding for an important national program known as PASIS, Perpetually Available and Secure Information Systems program.

Mr. YOUNG of Florida. Mr. Chairman, I would like to say to the gentleman that, as he knows, this is something we had intended to do in the committee, and it is important that we do it at this point; so we accept this amendment.

Mr. MURTHA. I appreciate it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,654,518,000, to remain available for obligation until September 30, 2008: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $24,457,062,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $21,208,264,000, to remain available for obligation until September 30, 2008.

□ 1500

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas.

Page 28, line 23, before the period, insert the following: ": *Provided*, That not less than $10,000,000 of the funds appropriated in this paragraph shall be used for prosthetic research".

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Ms. JACKSON-LEE of Texas. In the best of all worlds, Mr. Chairman, I would hope that the point of order could be waived; but at the same time as I discuss this amendment, I will acknowledge the leadership of the ranking member and the chairman of this subcommittee.

Living near a veterans hospital, having the pleasure of having represented the veterans hospital in Houston, Texas, and living in the State of Texas and recognizing the facilities that we have dealing with the rehabilitation of injured persons including injured soldiers, I would say that this is one of the more important funding areas that this bill has an ability to address. Why? Because we realize that some 19,000 of the U.S. military and the number is growing have been injured.

As we know, both Mr. YOUNG and Mr. MURTHA have steadily provided insight as they visited the troops in many of our military hospitals, including Bethesda and Walter Reed; and as I have had the opportunity to visit those hospitals, as well as the veterans hospital in Houston, the Michael DeBakey Hospital, which I had the pleasure of naming in honor of Dr. Michael DeBakey, one of the world's renowned heart surgeons, but also a veteran of World War II.

This idea of funding more prosthetics research is recognizing the cherished defenders of our Nation. It is giving them a second chance at life. This amendment would add additional funding of $4 million in that area. We know that every day they stand between the status quo and an ideal for a better future.

Might I just say that we have seen some of the more heinous injuries coming from the IEDs in Afghanistan and Iraq. U.S. troops injured in Iraq have required limb amputations at twice the rate of past wars. Bulletproof Kevlar vests protect soldiers' bodies, but not their limbs.

I am exhilarated that the rate of death is the lowest of any war we have fought in our history, and I am sure that my colleagues join me in that. Yet we must continue the responsibility of rehabilitation.

The good news is that prosthetic research by the military has generated their finest quality of prosthetic limbs, and we have seen and I have seen young men and women experience the joy of being able to walk again or to use their arms again. They, of course, must now readjust to life at home, they must relearn how to move, how to eat, how to walk, how to go grocery shopping, how to cook and how to adapt to the rest of their lives.

The importance of prosthetic research is increasing in light of the ongoing hostilities in Iraq and the growing sophistication of the improvised explosive devices used against our troops.

I recently visited Walter Reed Hospital, we met a number of wounded soldiers, many of whom were badly scarred physically, and needed to have the knowledge that the prosthetic devices would be available for them.

So this amendment is simple. It attempts to place special emphasis on work that is ongoing and the importance of continuing both the research and the funding regarding prosthetic research. This will help the encreased utilization of prosthetics for our soldiers. Someone out there is listening, I hope, in order to know that we are concerned about the many issues that impacts these soldiers' lives; and one of those issues is to have the opportunity to walk again.

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman from Florida insist upon his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order, reluctantly, I might say, against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part: "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Mr. Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The amendment therefore violates clause 2 of rule XXI.

I ask for the ruling of the Chair.

The Acting CHAIRMAN. Do any Members wish to speak on the point of order?

Ms. JACKSON-LEE of Texas. I would. I would like to yield to the distinguished ranking member to ask about his belief and concern about the importance of prosthetic research funding and continue to have the opportunity to work with him and Mr. YOUNG on this issue.

The Acting CHAIRMAN. The gentlewoman may not yield, but the Chair will hear the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, nobody has worked harder than BILL YOUNG, his wife and myself in taking care of these troops at all the hospitals, all over the country. Just last year we put in money to start a new center for rehabilitation of people that had lost their limbs and so forth.

We appreciate your recommendation. We hope you withdraw the amendment, and we will continue to work toward full funding, as much as we think is absolutely necessary for all these hospitals.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will take the time to discuss the point of order and not discuss it, simply to say this amendment's intention was to further highlight both the work already done by the ranking member and the subcommittee Chair, but also to express the need in my particular locality in Houston, Texas, where a number of these veterans are coming back needing prosthetics.

Let me thank the ranking member and the chairman for the work already done and ask at this time, as the moneys will be continue to be emphasized and the need already known, I will look forward to working with both of them as these funds continue to increase to help the need that is existing for those needing prosthetics coming back from the front line.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 73, line 5 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill through page 73, line 5 is as follows:

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $181,520,000, to remain available for obligation until September 30, 2008.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For the Defense Working Capital Funds, $1,345,998,000.

National Defense Sealift Fund

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,071,932,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

Pentagon Reservation Maintenance Revolving Fund

For the Pentagon Reservation Maintenance Revolving Fund, $18,500,000, to remain available until September 30, 2011.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,277,304,000, of which $1,046,290,000 shall be for Operation and maintenance; $231,014,000 shall be for Research, development, test and evaluation, of which $215,944,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $111,283,000 shall be for the Chemical Stockpile Emergency Preparedness Program to remain available until September 30, 2008.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $936,990,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $216,297,000, of which $214,897,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,400,000, to remain available until September 30, 2009, shall be for Procurement.

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $256,400,000.

Intelligence Community Management Account

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $597,111,000, of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, $39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2009 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2008: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2007: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

C-17 Globemaster; MH-60R Helicopters; MH-60R Helicopter mission equipment; and V-22 Osprey.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2007, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2007.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8012. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8013. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8014. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8015. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8016. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8017. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8018. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: *Provided further*, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8019. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8020. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than $36,188,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $25,087,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $10,193,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $908,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2007 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2007, not more than 5,417 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2008 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $25,000,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2007. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8028. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8032. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2008 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8033. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2008: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2008.

SEC. 8034. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8038. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, notwithstanding any other provision of law, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the House report accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

(RESCISSIONS)

SEC. 8039. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Army, 2006/2008", $100,200,000;

"Aircraft Procurement, Navy, 2006/2008", $76,200,000;

"Shipbuilding and Conversion, Navy, 2003/2007", $15,000,000;

"Shipbuilding and Conversion, Navy, 2005/2009", $11,245,000;

"Aircraft Procurement, Air Force, 2005/2007", $108,000,000;

"Aircraft Procurement, Air Force, 2006/2008", $64,000,000;

"Missile Procurement, Air Force, 2005/2007", $29,600,000;

"Missile Procurement, Air Force, 2006/2008", $138,000,000;

"Research, Development, Test and Evaluation, Army, 2006/2007", $21,600,000;

"Research, Development, Test and Evaluation, Navy, 2006/2007", $42,577,000;

"Research, Development, Test and Evaluation, Air Force, 2006/2007", $92,800,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2006/2007", $123,900,000.

SEC. 8040. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8041. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8042. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program, and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8043. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8044. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8045. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8046. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8047. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

The Acting CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk will read as follows:

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F/A–22 advanced tactical fighter to any foreign government.

AMENDMENT OFFERED BY MS. GRANGER

Ms. GRANGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. GRANGER:

Strike section 8057 (page 73, lines 6 through 8).

Ms. GRANGER. Mr. Chairman, my amendment simply deletes section 8057 of the underlying bill. While there was merit in including this provision in 1997 when it was first enacted, the provision has become unnecessary due to comprehensive safeguards enacted into permanent law under the Arms Export Control Act, which is vigorously enforced by the Department of Defense.

I believe this provision of this bill is no longer necessary to safeguard our technology. I have discussed this amendment with both sides, and I ask that it be adopted.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the original language I thought was extremely important at the time that it was adopted by the House. It was adopted as an amendment by Mr. OBEY in 1997. But I believe that probably it has outlived its necessity.

I would say to the gentlewoman that we will agree to this amendment. However, I would like to advise her and the House that as we move to the conference on this bill, we are going to be extremely involved in determining that the protection of our technology will be very, very positive. This aircraft, this weapons system, has a lot of great technology that we have to protect. So we have to work out the proper language, and we will do that as we go through the conference.

We are willing to accept the amendment with that understanding.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the House needs to understand the history of this. Back in 1997, when the F–22 was first being contemplated, there was a controversy about whether it should be built, whether it was needed, given the capability of our other aircraft. We were told that we had to go ahead and construct the plane because we had given away so much technology by selling other high performance aircraft, F–15s, F–16s, that we had to regain our technological edge.

So I said, well, if that is the case, if we are going to build the thing, at least let's make certain that we hang onto our technology edge this time. Hence, the language in section 8057.

Now, I must confess that times may have changed, but I don't know that we are yet at the point that would justify removing these limitations. My own preference, given my biases about arms sales around the world, my own preference would be to impose the same kind of limitations on new aircraft that we are developing, such as the F–35, as we impose now on the F–22. But I recognize that that is not in the cards, given the mindset of the Congress these days.

So given that fact, I would simply say that I have indicated on numerous occasions that I have an open mind and I would be willing to be persuaded, but I am not yet convinced that we are at the point where we ought to relinquish the controls on the export of this aircraft.

I recognize what the committee is about to do, but I am significantly uncomfortable with it, and I am certainly not convinced that we have reached the point where we ought to remove these restrictions. I would simply ask the chairman, I would hope that if the committee does intend to accept this amendment, that it will have an in-depth discussion with the Pentagon to make certain that we know exactly what we are doing in terms of the kind of technology that we might be letting loose, that it might not be in the interest of this country to do.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I want to assure the gentleman that protecting this technology is extremely important to this chairman. This is a super aircraft. It is just an unbelievable weapons system. Mr. MURTHA and I have both seen it fly, we have talked with the pilots who fly it, we have seen the systems that they use, and this gives us technology superiority in the air. Anyone that goes into any kind of a battle will tell you that they want to make sure that those aircraft overhead belong to us and not to the other guys.

So we are going to be extremely careful before we allow this to happen, that the technology will be protected and that it will be available, the aircraft, the sales would only be available to those who are unquestionable supporters, and allies, of the United States.

Mr. OBEY. Mr. Chairman, I would simply say that is useful, but I am still concerned about the fact that we will be allowing a very high-technology aircraft to wind up in the hands of people who may be allies today, but God knows what they are going to be tomorrow.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find the exchange between the Chair, the ranking member, and the gentlewoman from Texas to be very interesting; I appreciate the sensitivity with which it is being approached by the subcommittee as we move on to conference. I hope that there will be a way, sooner, rather than later, that we can have a broader conversation about export controls and about dual use technology, because I am hearing on a regular basis that we are not correlating these in ways that are in the best interest of our national security and in terms of the way that we are practicing technology control in the ordinary course of business.

Now, in the International Relations Committee we have fallen a little short of the mark because we haven't come forward with legislation under our jurisdiction dealing with an update of this issue. I would hope that the conversation that the chairman talks about could be done in a broader context in terms of what we are doing, to make sure that we are not driving other areas of technology overseas and working to our competitive disadvantage.

I have also heard stories that I believe to be credible, which I look forward to maybe advancing further with the distinguished gentleman, where there have been situations where our allies are using our equipment, but we have artificial barriers in place to be able to have them use things like spare parts and technical manuals to be able to use them. I've heard there are odd sorts of jerry-rigged solutions that take place in the theater of battle that look to be on their face nonsensical and perhaps driving people to do things that in the long run may provide problems for protecting our technology.

While I have no objection to this amendment and I appreciate the words of the chairman, I am hopeful that this can be done in a broader context to make sure that we are achieving our objectives, not freezing things in amber rather working against the long-term interests of both American business and American technology.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, the gentleman makes a very good point, and it has not fallen on deaf ears.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. GRANGER).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8065. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8066. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8067. Notwithstanding section 12310(b) of title 10, United States Code, a Reservist who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8068. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8069. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8070. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8071. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $78,300,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8073. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2007.

SEC. 8074. In addition to amounts provided elsewhere in this Act, $2,500,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8075. Amounts appropriated in title II of this Act are hereby reduced by $71,100,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From "Operation and Maintenance, Army", $31,100,000.

(2) From "Operation and Maintenance, Navy", $35,000,000.

(3) From "Operation and Maintenance, Marine Corps", $5,000,000.

SEC. 8076. The total amount appropriated or otherwise made available in this Act is hereby reduced by $22,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

"Operation and Maintenance, Army", $20,000,000.

"Operation and Maintenance, Marine Corps", $2,000,000.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8077. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $77,175,000 shall be made available for the Arrow missile defense program: *Provided*, That of this amount, $13,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8078. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $436,449,000 shall be available until September 30, 2007, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading "Shipbuilding and Conversion, Navy, 1999/2007":

New SSN, $15,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2000/2007":

LPD–17 Amphibious Transport Dock Ship Program, $39,049,000;

Under the heading "Shipbuilding and Conversion, Navy, 2001/2007":

New SSN, $31,000,000;

Carrier Replacement Program, $318,400,000;

Under the heading "Shipbuilding and Conversion, Navy, 2003/2007":

New SSN, $22,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2005/2009"; and

LPD–17 Amphibious Transport Dock Ship Program, $11,000,000.

Sec. 8079. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

Sec. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

Sec. 8081. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

Sec. 8082. (a) In addition to the amounts provided elsewhere in this Act, the amount of $5,400,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $5,400,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

Sec. 8083. Financing and Fielding of Key Army Capabilities.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: *Provided*, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

Sec. 8084. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $13,000,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2007: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $4,500,000 to the Intrepid Sea-Air-Space Foundation; $4,000,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; $1,000,000 to the Women in Military Service for America Memorial Foundation; $2,000,000 to The Presidio Trust; and, $1,500,000 to the Red Cross Consolidated Blood Services Facility.

Sec. 8085. The budget of the President for fiscal year 2008 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

Sec. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

Sec. 8087. Of the amounts provided in title II of this Act under the heading "Operation and Maintenance, Defense-Wide", up to $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

Sec. 8088. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

Sec. 8089. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

Sec. 8090. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8091. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8092. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $45,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8093. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8094. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8095. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $514,800,000, the total amount appropriated in title III of this Act is hereby reduced by $93,900,000, the total amount appropriated in title IV of this Act is hereby reduced by $315,900,000, the total amount appropriated in title V of this Act is hereby reduced by $10,400,000, the total amount appropriated in title VI of this Act is hereby reduced by $10,350,000, and the total amount appropriated in title VII of this Act is hereby reduced by $3,650,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account: *Provided further*, That this reduction shall not apply to "Central Intelligence Agency Retirement and Disability System Fund".

SEC. 8096. Notwithstanding any other provision in this Act, to reflect savings from favorable foreign currency fluctuations, the total amount appropriated in title I of this Act is hereby reduced by $23,200,000, the total amount appropriated in title II of this Act is hereby reduced by $32,800,000, the total amount appropriated in title III of this Act is hereby reduced by $22,100,000, the total amount appropriated in title IV of this Act is hereby reduced by $20,200,000, the total amount appropriated in title V of this Act is hereby reduced by $700,000, the total amount appropriated in title VI of this Act is hereby reduced by $700,000, and the total amount appropriated in title VII of this Act is hereby reduced by $300,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8097. The Secretary of Defense shall, not later than 90 days after the enactment of this Act, submit to the congressional defense committees a report detailing the efforts by the Department of Defense Education Activity (DoDEA) to address dyslexia in students at DoDEA schools: *Provided*, That this report shall include a description of funding provided in this and other Department of Defense Appropriations Acts used by DoDEA schools to address dyslexia.

SEC. 8098. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

TITLE IX

ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $4,346,710,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $229,096,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $495,456,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $659,788,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $10,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $251,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $24,280,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $1,954,145,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,781,500,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $2,987,108,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,186,673,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $220,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Iraq Freedom Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $4,000,000,000, to remain available for transfer until September 30, 2008, only to support operations in Iraq or Afghanistan and classified activities: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That of the amounts provided under this heading, $2,500,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: *Provided further*, That not less than $1,500,000,000 shall be available for the Joint IED Defeat Organization: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $132,400,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,214,672,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $275,241,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $1,939,830,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $34,916,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $131,400,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $143,150,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $28,865,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $621,450,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $912,500,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Missile Procurement, Air Force

For an additional amount for "Missile Procurement, Air Force", $32,650,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $9,850,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $121,600,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,000,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

GENERAL PROVISIONS

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, of the funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $1,000,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to military or security forces of Iraq and Afghanistan to enhance their capability to combat terrorism and to support United States military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of equipment, supplies, services, training, infrastructure and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

SEC. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2007), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9009. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9010. The reporting requirements of section 9010 of Public Law 109–148 shall apply to the funds appropriated in this title.

SEC. 9011. Amounts provided in chapter 1 of title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 are hereby designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

☐ 1515

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 114, line 24 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIRMAN. Are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 9012. None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KING of Iowa:

Strike section 9012 (page 115, lines 1 through 4).

Mr. KING of Iowa. Mr. Chairman, I bring an amendment here to the floor that strikes section 9012 from the bill. The bill language under 9012 says: "None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq."

Mr. Chairman, I believe that we should not foreclose our options in Iraq, and H.R. 5631 prohibits the United States from entering into any military base agreement with Iraq. If we rule out all bases, we forego a critical part of diplomatic relations. My amendment would strike this section from the bill.

Historically, basing rights agreements have been a necessary part of diplomatic relations with foreign governments. These agreements outline guidelines and conditions for operating American military bases worldwide. It is both common and responsible for the United States to enter into, and periodically renegotiate, basing rights agreements with countries hosting American troops. This has been done with every country hosting U.S. troops including Afghanistan.

The newly elected democratic government of Iraq should be no exception, and it is likely and appropriate that basing agreements will soon be negotiated. In this way, my amendment respects Iraqi sovereignty.

Prohibiting these negotiations will not make the problems go away. Rather, by refusing to enter into a sensible diplomatic dialogue, the United States would neglect its diplomatic duties. Opposing my amendment would tie the hands of those responsible for engaging in civilized diplomatic relations with Iraq, but supporting my amendment would allow for prudent decision-making and dialogue with the independent nation of Iraq.

The use of the term "permanent bases" is a loaded term. The BRAC process clearly demonstrates there is no such thing as permanent U.S. military bases, even within the United States. Furthermore, military basing agreements can be negotiated for any length of time, including short term and temporary, and they can be renegotiated at any time. I am not proposing installation of permanent bases in Iraq with this amendment, Mr. Chairman. I am simply asking that the United States be allowed to pursue this historically necessary avenue of responsible foreign relations.

Mr. Chairman, I thank you, and urge my colleagues to support this amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

I think that this amendment does the opposite of what he would hope. It sends a signal to the American public: we expect to spend time there forever. Permanent bases can be negotiated at any time with the government. What we are saying with this bill is that at this point in time there shouldn't be any permanent bases in Iraq. And when you strike this language, it does the opposite of the impact the gentleman wants to have.

As I travel around the country, I hear this all the time. I hear the President say no permanent bases. I hear the Secretary of Defense say no permanent bases in Iraq. I am just reiterating what the policy of this country is, that we shouldn't have permanent bases in Iraq.

Once we start down this road of permanent bases, I remember reading something where Harry Truman said we would be out of Germany in two or three years; we were there for 50 or 60 years. We are spending almost $8 billion a day, or a month, in Iraq. And I think one of the bases that we were going to build, the construction costs were almost double what they anticipated the permanent base we were looking at or at least the temporary base we were looking at would be. I can't imagine what a permanent base would cost if you are going to build it. You have got to have permanent security. There are all kinds of things that have to be built in.

This is not the time to eliminate a provision like this, and I would hope that the gentleman would withdraw this amendment because it is very disruptive to what our troops are doing. We are trying to figure out a way to solve this problem. And when the gentleman offers an amendment like this, I think it has the opposite impact of what he is trying to do.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, all of us think that things that we say in this House are extremely important and to all of the Members in the House. But on occasion there are things that are said in this House that are heard by a lot of people not only in the House, not only in our districts, but in other parts of the world.

I understand Mr. KING's amendment, and I understand how serious he considers this to be; but what I am worried about is this: if we strike this prohibition from this bill that was well thought out, what we are saying to the Iraqi people and what I am satisfied the propaganda machine of al Qaeda in Iraq are going to do is use this and say: see there, we told you so. The Americans plan to occupy us for the rest of our lives.

We don't have any plan to do that, and we don't want the Iraqi people to think that we are going to do that, and we don't want the American people to think that we are going to be constantly occupying Iraq. I understand Mr. KING's interest, and most of the time I agree with him, but in this case I can't agree with him because I just think it sends the wrong message not only to the people of Iraq, not only to the people of America, but to the people of other Muslim nations who might say, hey, are we next? Are we going to be occupied? Are we going to have American troops in our streets? We don't want that to happen. We don't want that message delivered across the oceans. I think that we have to defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

I would like to enter into a colloquy with Mr. MURTHA, and I would invite participation of the chairman if he is so inclined, because I have an issue that I hope the conferees will consider when they meet to work out the final version of the bill.

Specifically, I would like to ask that the conferees examine the need to include funding to provide for the videotaping of interrogations of detainees in U.S. custody.

Now, as Members of this House know, I have before the House a bill that would, if enacted, require that all interactions between detainees at Guantanamo and similar facilities and U.S. personnel be videotaped. Videotaping interrogations would not only help deter any claims of actual or potential abuse of detainees, but just as importantly, it would protect the interrogators from false accusations of abuse.

Indeed, across this country, including in my own district, many police departments routinely videotape interrogations for precisely these reasons. It is a powerful and effective tool for protecting both the interrogator and the one being interrogated.

Additionally, videotaping interrogations would ensure that the maximum possible intelligence value is gained during and after the interrogation sessions. If analysts and linguists have the chance to review videotaped interrogations, they have additional opportunities to evaluate both the quality of the information gleaned from the interrogation, but they will also be able to look for body language and other clues about the truthfulness of the person being interrogated.

And I should mention that the legislation I have and what we are talking about here has been endorsed by a variety of groups as an effective way to conduct interrogations with the protections of all involved, and I know they would be supportive of the conferees acting on this request. I hope that I can have the cooperation of my friend from Pennsylvania.

Mr. MURTHA. If the gentleman would yield, is it the gentleman's understanding that such interrogation is not currently being videotaped?

Mr. HOLT. The gentleman is correct. I am informed, well, most recently by a trip to Guantanamo by the Armed Services Committee staff, that videotaping of detainee interrogations has not been conducted consistently and uniformly.

Mr. MURTHA. I can see some merit to what the gentleman is recommending, and certainly I will bring it up to the conferees when we get to conference, and we will see what they say and get some expert opinions. I can see some merit in what the gentleman is proposing, and I will certainly do my best to work something out.

Mr. HOLT. Well, I thank the gentleman for his leadership on this and related issues. I know the gentleman was instrumental last year in facilitating the establishment of specific guidelines for the treatment of detainees, and I hope that once again he can help refine and strengthen our policies in this area in conference. I thank the gentleman.

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Mr. ISRAEL. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the distinguished ranking member

Mr. Chairman, I want to thank the chairman and ranking member and the entire subcommittee for excellent work on the Defense Appropriations Act of 2007. This act does an extraordinary job of continuing the transformation of our forces, while funding our military at war.

Mr. Chairman, I believe that every military threat now and in the foreseeable future is derived from or impacted by one thing, and that is our dependence on foreign oil.

We fund a Defense budget of $500 billion this year, including supplemental spending. Of that amount, $10.6 billion is spent on the Pentagon's direct energy costs alone, and of that $10.6 billion, $4.7 billion bought one thing, fuel for our Air Force planes. That is about the same amount as the President has budgeted for the National Cancer Institute this year alone.

The Department of Defense uses 97 percent of all Federal fuel consumption, and half of that is used for fuel for the Air Force. A single F–16 can burn 28 gallons of gas a minute, in fact.

Mr. Chairman, unfortunately, $10 million for the Air Force's alternative fuels research program to help reduce our reliance on foreign oil to fly our own Air Force planes is not included in the budget.

I was going to submit an amendment that I would let the Air Force allocate $4 million for B–52 synthetic fuels testing, $3 million for other synthetic fuel testing, and about $3 million for studies on synthetic fuel and suitability for use in jet engines. However, I will not proceed with my amendment in the hope that the honorable gentleman and ranking member will pursue this effort during conference with the Senate.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I think you are absolutely right. Matter of fact, 10 years ago, we put language in that would allow them to produce jet fuel from coal. The Air Force did not particularly like it, did not particularly agree with it, but now this particular year they said to me this could reduce the cost of their fuel substantially. So I agree with you, and we will do everything we can to work this thing out.

Mr. ISRAEL. Mr. Chairman, I thank the distinguished gentleman, and I know he, above all people, realizes that our energy dependence is a national security issue that we must triumph over. I thank the gentleman.

AMENDMENT OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASTLE:

At the end of the bill, add the following new title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract concerned.

Mr. CASTLE. Mr. Chairman, let me just start by thanking the gentleman from Florida and the gentleman from Pennsylvania and their staffs for their exemplary work on what is not easy legislation. What I am about to discuss is something that has been brought more to light this spring than it had been brought heretofore, but I think it is documented enough that we should try to add it to this bill. It is a simple but, in my judgment, much-needed amendment to the legislation before us today.

Currently the Department of Defense spends over $200 billion annually to acquire products and services from defense contractors, including everything from spare parts to major weapons systems. In an effort to encourage contractors to perform at the highest level possible, the Department often gives its contractors the opportunity to collectively earn billions of dollars through monetary incentives known as award fees.

Unfortunately, while there is no doubt that U.S. weapons programs continue to be the best in the world, the Department's acquisition process has at times run into problems such as dramatic cost increases, late deliveries, and significant performance shortfalls, wasting billions of dollars in critical funding.

In response to these setbacks, Congress recently asked the General Accountability Office, known as GAO, to study the Department's use of incentives and the role they play in the acquisition system. On April 5, the GAO reported that the Pentagon's current incentive practices often do not hold contractors accountable for achieving desired outcomes and routinely undermine efforts to motivate contractor performance.

Specifically, the GAO noted that the Department regularly provides these bonuses to contractors, often giving them second, third and fourth chances, despite the fact that the contractor's work does not fulfill the Department's expectations.

As part of its report, the GAO issued detailed recommendations for how the Department could improve its strategy for using incentives to motivate exceptional performance. The Pentagon has concurred with the majority of GAO's suggestions, and during consideration of the fiscal year 2007 defense authorization bill in May, I successfully included an amendment by voice vote that would implement these reforms.

While the language included in the authorization bill is a crucial step forward, the effectiveness of these changes will ultimately be determined by how well GAO's recommendations are executed.

The Pentagon recently identified significant cost overruns in 36 of its major weapons systems. With such costs rapidly increasing, my amendment ensures that none of the funds provided in this bill will be used to continue the wasteful incentive practices identified by GAO.

As the Department moves forward in complying with GAO's findings, this amendment will provide an additional safeguard, to make certain that these funds are not wasted in violation of the new incentive guidelines.

Mr. Chairman, cost increases and business management weaknesses damage our government's ability to provide our men and women in the military with the resources to keep us safe. While we obviously have a lot of work ahead of us to improve the efficiency of military spending, I believe this amendment is a simple way to work with the Department to make certain that incentives are being used to maximize its return on investment and provide soldiers with needed capabilities at the best value for the taxpayer.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the subcommittee is well aware of the issue that the Castle amendment addresses. In fact, the subcommittee had scheduled a hearing to look into not only this issue, but a number of other acquisition issues where we believe that there can be some performance changes. Unfortunately, because of a heavy voting day on the floor, we had to postpone that hearing, which will be held sometime in July now.

In view of that, I want to say that I agree with what Mr. CASTLE is offering, and I am certainly prepared to accept his amendment. I think it is a good amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Castle/Shays amendment. As chair of the Science Committee, I oversee the National Oceanic and Atmospheric Administration, or NOAA, and the critical weather forecasting services it provides. NOAA is a partner with the Air Force on the next generation of weather satellites, known as NPOESS.

In May I held a hearing about an Inspector General report on NPOESS. One of the key findings of that IG report was that the contractor received excessive award fees for a problem-plagued program. Over the first 3 years of NPOESS—September 2002–September 2005—the contractor received 84 percent of the award fee available to it, for a total of $123 million. This occurred despite the fact the NPOESS is more than 5 years late and its total costs have risen from $6.5 billion to $11.5 billion. In my mind, that does not represent performance worthy of $123 million in award fees.

Another investigative body, the GAO, found that excessive award fees are not unique to NPOESS, but are a problem throughout the Department of Defense. Mr. CASTLE's, amendment directly addresses specific recommendations in that GAO report by prohibiting payment of award fees if contractors do not meet expectations.

It is absolutely vital that the major programs like NPOESS succeed. NPOESS will provide our "eyes in the sky" for both civilian and military weather forecasting, and we cannot afford to be stumbling around blind. We cannot allow the excessive use of award fees to continue in these major procurement programs and must hold contractors accountable for how they spend taxpayers' money. I strongly support the Castle/Shays amendment and urge my colleagues to also support it.

Mr. SHAYS. Mr. Chairman, I strongly support Mr. CASTLE's amendment to prohibit the Department of Defense from awarding bonus fees for good performance to any defense contractor that does not meet the contract's requirements.

Mr. Chairman, I'm disappointed we need to debate this subject. I'm disappointed that while our servicemen and servicewomen are in harm's way, and while the Congress and the American taxpayer are spending billions of dollars to ensure they have all the resources and equipment they need, the Defense Department is paying bonuses to companies that haven't earned them and companies are accepting bonuses that are not due to them.

During consideration of the Defense Authorization Act, we wisely passed an amendment also authored by Mr. CASTLE that requires the Defense Department to develop and issue standards that link award and incentive fees to desired program outcomes, such as meeting cost, schedule, and capability goals. I look forward to the Department implementing these standards, but until they do we should ensure unwarranted and undeserved payments are not paid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

Mr. KIRK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, hell hath no furry like an electronic warfare officer spurred into action.

This field is quite technical and obscure, but provides one of the keys to answering the question of why the United States can command the skies with such few casualties.

While the Air Force has eliminated its fleet of tactical jamming aircraft, the United States Navy has kept theirs, based on the EA-6B Prowler aircraft. The Navy's choice in this field appears to be superior because during conflicts with Bosnia, Kosovo, Iraq and Afghanistan, our joint combatant commanders have routinely denied entry to U.S. tactical aircraft in a theater of war unless there was a Prowler present to ensure that enemy air defenses were rendered blind or under attack.

Mr. Chairman, the Prowler fleet is now aging. Most aircraft are well over 30 years old and are planned to be replaced by the electronic attack variant of the F-18, the F-18G or so-called Growler. The Growler is vital to maintaining the safety of future Navy air crews sent into harm's way against competent air defense forces.

Mr. Chairman, under the committee's mark we changed the President's request from buying 30 F-18E and Fs and 12 Growlers to buying 42 F-18E and Fs. This would dramatically delay the F-18 Growler line for a year and may present a gap in the force protection for Navy air crews sent into harm's way.

Mr. Chairman, I would like your assurance that when we move this bill to conference, if there is an additional 302(b) allocation available, we might be able to address this critical 12 aircraft F-18G, Growler, model procurement so that we make sure that Navy air crews have not just what they need now, but what they need in the future with regard to tactical jamming aircraft.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, thank you very much for yielding, and I would say to the gentleman, as you and I have discussed this many times, the importance of this capability cannot be overstressed. It is extremely important.

The gentleman has reminded me, and I remember very well, in Kosovo and Bosnia we had to bring the EA-6Bs from all over the world to concentrate on their mission there. So the additional capability, I think, is well-intended. I will be glad to work with the gentleman as we go to conference.

As you are well aware, our 302(b) allocation was $4 billion less than the President's request, and so we had to do some cutting. Unfortunately, there are a lot of things that we would have liked to have done that we just could not do. The money was not there, but the gentleman makes a very important point that this capability is extremely important, I think more so than most people realize, but as an officer who flew in those aircraft, you know an awful lot about this.

So I am with you. I want to do the best we can to enhance our capability. Thank you for bringing this issue to the Congress.

Mr. KIRK. Mr. Chairman, I thank the chairman and wish to work with you and the Chief of Naval Operations on this and make sure that we can work together in conference to make sure our Navy air crews have full electronic support.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill, insert the following provision:

SEC. . It is the sense of Congress that the Department of Navy is to be commended for having the highest percentage of Alternative Fuel Vehicles acquired by any federal agency during fiscal year 2005.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Mr. ENGEL. Mr. Chairman, I rise today to commend the Navy for having the best record for purchasing alternative-fuel vehicles of any agency in the Federal Government. Whereas the overall record for all agencies is just 26 percent of all new acquisitions being alternative-fuel vehicles, the Navy had a 62 percent of AFVs, which is 2,722 of the 4,338 vehicles they acquired.

I have been making these amendments on every appropriations bill because I feel so strongly that we ought to have the different agencies abide by the laws that Congress passes which would require them to purchase more alternative-fuel vehicles.

The Army is also to be commended because this one agency purchased 8,835 alternative-fuel vehicles, about 50 percent of the 17,703 vehicles the Army acquired last year. In fact, the Army acquired more AFVs than all the other civilian agencies combined.

Many of you may think that I am fast becoming a broken record coming to the floor and talking about alternative-fuel vehicles. I prefer a more apt metaphor: I feel like the squeaky wheel.

From the bottom of my heart, I believe that our Nation's addiction to oil has a direct threat to our national security. The Federal Government has to lead the way that will ease our dependence on unstable, undemocratic, oil-producing sheikdoms.

The bill before us today pays for the costs of our operations in Iraq, paid for with taxes from the American people. At the pump the American people pay for gasoline, and some of the profits are finding their way into the pockets of the terrorists that our brave men and women are fighting right now. So, in essence, we are paying for the war on terror twice, and we have to stop this insanity.

The way to do it is to look at alternative means of producing our energy. We have to take the fight to the terrorists before they come back here, and that is not the only part of the solution. What we do here at home is obviously just as important. So ending our dependence on oil must be a key to this.

Just yesterday Roll Call ran a special section called, "Fueling Alternatives." There were editorials by myself, by Senator BURNS, former Senators Dole and Daschle, and we all spoke of the importance of ethanol as an alternative fuel. Columns by Senator BAYH and Representative KINGSTON talked about providing incentives to consumers to purchase alternative-fuel vehicles. I am doing a bill with Representative KINGSTON that would do exactly that, wean us off of Middle Eastern oil.

We have a broad, bipartisan group of Members of Congress who see the benefits for our national security, our economy and our environment if we take these steps to end our addiction.

And so I find myself on the floor again, though this time I am pleased to be able to talk about the good work of two agencies of the Federal Government; two agencies that are in the forefront of our fight against terrorism; two agencies that are strained to the limit with incredible demands; two agencies that have, in the midst of numerous other missions, taken a small step to lead the way to our safety and security. So I commend the

Navy and I commend the Army and for all that they do and for being the leaders as well in procuring alternative-fuel vehicles.

Mr. Chairman, I will cede the point of order, and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. CHOCOLA

Mr. CHOCOLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHOCOLA:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available by this Act may be obligated or expended for the development, deployment, or operation of the web-based, end-to-end travel management system of the Department of Defense known as the Defense Travel System.

□ 1545

Mr. CHOCOLA. Mr. Chairman, in 1998, the Department of Defense had a very good idea. They had the idea that they should consolidate the literally millions of trips DOD personnel made every year on an electronic-based travel management system that would result in quicker, easier, and more efficient travel and thus saving taxpayers money.

Despite the good idea, Mr. Chairman, 8 years and almost $500 million later, what we have is a no-bid contract to develop a system that is essentially inoperable, has pitifully low utilization rates, and cannot even guarantee it can book the lowest applicable airfare. Therefore, Mr. Chairman, my amendment would simply limit the money available to fund this failed effort, which is known as the Defense Travel System, or the DTS.

Now, I know that some will oppose this amendment and they will say that we cannot afford to stop the investment now because we have invested so much and we are so close to success. The unfortunate reality is that we must stop now because we have wasted so much and success is nowhere in sight. I think that argument has been made in 2002, 2003, 2004, 2005, and now 2006; and I think it is time to cut our losses.

After 8 years of development and almost $500 million spent, less than 15 percent of all DOD travel is actually booked on the system. Logically, that means over 85 percent of the travel in DOD is booked on traditional travel services. Every trip that is booked on the system is also manually reviewed by a travel agent to confirm that the transaction is complete and that it has attained the lowest applicable airfare because the system cannot guarantee that it can attain the lowest applicable airfare.

So if you divided the amount of taxpayer money we have invested in this system with the number of trips that have actually been successfully booked on this system, each transaction costs about $1,500 before the actual travel cost or the travel agent fee. And what makes this situation even worse is that there are other GSA-approved electronic-based travel systems that are fully operational today and do not cost the taxpayers one penny in maintenance or development cost and only charge on a per-transaction basis for every successful transaction when it is actually used.

Mr. Chairman, spending $.5 billion on a travel system that does not work and nobody uses might actually be worse than the days when the DOD spent $640 on toilet seats. At least people used the toilet seats.

Mr. Chairman, I encourage my colleagues to support the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would bar all funds in this act for development, deployment, or operations for the Defense Travel System. This would put us back to millions of individual transactions that would be almost totally unaccountable and which would have no proper oversight.

I admire the gentleman's goal in trying to come up with a system that is better than DTS, but I don't think he has done that. He has just done away with the DTS. We are attempting to get some integrated financial management at the Pentagon, and DTS is just one of the many programs that is trying to accomplish this integration. The program has some problems, but I don't think we ought to kill the effort and go back to ground zero and start all over again.

The prohibition on spending any money to develop, deploy or operate would bar the Department from even operating the current system and would also bar the Department from continuing any improvements to DTS. This would ultimately leave the Department's 3.5 million active duty military, reserve, and civilian employees without any travel system. DTS is currently the only system that can meet the full spectrum of cost, capability, security, and savings requirements, as well as the protection of personal information so important to the Defense Department and its global travelers.

Interrupting development of this important program would cause an enormous disruption, adversely affecting and, in some cases, seriously jeopardizing Defense Department mission requirements. I believe this amendment is well intended, but I believe that barring all funding would be a serious mistake, so I oppose the amendment.

Mr. HENSARLING. Mr. Chairman, I rise today to support the amendment of the gentleman from Indiana. Certainly there is no government agency or no government Department that is immune from having waste, fraud, or abuse and duplication; and this does indeed include the Department of Defense.

I have no doubt that there is much hard work that has been done by the gentleman from Florida, the chairman of the subcommittee, but I also believe that every single Member of this body has a responsibility, has a duty in these challenging fiscal times to root out the waste, the fraud, the abuse, and the duplication wherever they can find it.

I think that once again, as we look at how much money the taxpayers have already invested in a system that clearly does not work, when 85 percent, approximately 85 percent of the travel out of DOD is booked in other systems and only 15 percent in the DTS, clearly there are alternative systems available. GSA has already approved two E-travel systems that are being used throughout the Federal Government and could also be used by DOD.

So what we have now is already $.5 billion that is being invested in a system that doesn't seem to save any money, and certainly I don't think the case can be made that it is essential to our national security or essential to our war effort.

We are sitting here in very challenging fiscal times, when our national debt, in just a few years, has gone from $5.5 trillion to $8.5 trillion, Mr. Chairman. Of course, at the same time, tax revenues have escalated. We have personal tax revenues up 15 percent and corporate tax revenues are up 40 percent. That would seem to indicate that the challenge in the national debt is on the spending side.

So when you have 10,000 Federal programs spread across 500 to 600 different agencies, it is almost impossible for any one Member or any one committee to have effective oversight on each and every one. So I applaud the gentleman from Indiana on his work here. Because we all know that soon, soon in America's future we will face a very, very bad fork in the road. One fork is going to lead us to a Federal Government that consists of almost nothing but Medicare, Medicaid, and Social Security. There may be no Department of Defense. There may be no Border Patrol. We will see that in one generation.

The other fork in the road is going to lead to doubling of taxes on the American people. And that is unconscionable, Mr. Chairman. It is just unconscionable. We all know the old saying a billion here, a billion there, and pretty soon we are talking about real money. Well, it looks like we have at least $.5 billion here that has been spent on a system that nobody is using, that costs way beyond what the marketplace is charging now, and there are alternative systems developed by private enterprise that are doing a better job and being utilized by others.

So, indeed, our Nation faces two great threats. The war on terror, of course, is the greatest threat; but we have another threat, and that is out-of-control spending. And every Member, every Member of this body has the responsibility to root out the waste, the fraud, and the abuse; and that is why I salute the gentleman from Indiana for what he has done.

I don't think the case has been made that this is essential to our national defense. I don't think the case has been made that it is helping taxpayers. So we need to prevent future tax increases. We need to prevent more debt being placed upon our children and our grandchildren, and I think we need to adopt the amendment of the gentleman from Indiana, and I once again salute him for his work.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

I want to thank the gentleman from Indiana for offering his amendment to H.R. 5631. Mr. CHOCOLA has been a constant fighter against waste, fraud, and abuse, and today he offers an amendment that gives us sound responsible oversight, which is a critical part of our job here in Congress. He has done us a favor by bringing this program to our attention.

The Defense Travel System was envisioned as an end-to-end E-travel system for DOD employees. Yet with the money spent, we could have, for the next 40 years, given Orbitz $1 million a month; plus, with the additional $50 million that we are putting in, we could pay them another $4 million a month just to use their computer system to do approximately the same thing.

Or else, if we had decided for the 15 percent of the people who are actually using the system, we could have bought a fleet of $250 million personal jets and used $1 million a year to fuel those jets up and fly the people around.

All the facts point to a system that is behind schedule, overbudget, and inoperably broken, costing taxpayers a lot of money. At times like this, Congress should help agencies stop digging themselves deeper holes. This amendment will stop funding this wasteful program and allow DOD to stop digging themselves into a deeper hole they should not be in and reconsider a better plan for scheduling, ticketing, and paying for travel.

I urge my colleagues to support the gentleman's amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment and ask for a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHOCOLA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, the amendment which I am offering today is a simple one. It serves to reaffirm the United States' commitment to the Convention Against Torture. It does this by prohibiting the use of funds in contravention of laws and regulations promulgated to implement the Convention Against Torture.

Now, this may all seem very familiar, because I offered essentially the same amendment to three appropriation bills on this House floor last year, and each time the amendment was adopted with near unanimity. And since those votes, we also passed the amendment of Senator MCCAIN, which prohibits cruel, inhuman or degrading treatment of detainees under the law.

But President Bush, in his signing statement of that bill, announced that he did not feel bound by the restrictions on this administration's ability to be able to torture individuals who come within the protection of the United States Government. The Bush administration says that it can choose to ignore what the United States Congress says and actually what the President signs, a bill which binds him to implement.

This House cannot and should not allow the administration to get away with simply ignoring laws enacted by Congress. This is particularly the case when we are talking about torture, where the international reputation of our Nation is at stake.

In addition to refraining from the practice of torture under international law, we also have a responsibility as a Nation that we not outsource torture to other countries, that is, that we render, that we extraordinarily render prisoners who we have captured to other countries which we know engage in torture, and accept as a promise from that country they will not torture these individuals, even though these countries are on the list of the State Department as countries that we know engage in torture.

This policy must be rejected by this House. We should not and cannot undermine our standing as the international leader in human rights by allowing for the outsourcing of torture in the name of the United States to fight terrorism, because we send a signal to the rest of the world that we are not willing to abide by the rules that we say we intend for the rest of the world to adopt.

And make no mistake, that is what this country is doing when it carries out renditions of prisoners that we have captured to notorious human rights' violators; it is outsourcing torture. It must be rejected. I urge an "aye" vote on my amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

As usual, Mr. MARKEY is very persuasive, as he has been in the past. It is important that the United States Congress make it very clear to anyone who would listen that we do not intend to use torture and that we do not use torture or inhumane treatment.

As the gentleman suggested, the House agreed with the McCain amendment, and it was included in last year's legislation.

□ 1600

We believe that the Markey amendment basically restates existing law, and because of that we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used by the Office of the Secretary of Defense for the project designated as the "Wind Demonstration Project".

Mr. FLAKE. Mr. Chairman, this process of challenge earmarks on the floor is often described at tilting at windmills, so I suppose it is only proper that we start today with an earmark for the wind demonstration project.

This amendment seeks to prohibit $6.3 million from being used to fund this project. It appears that this is the second year in a row that this project has received multiple millions of dollars in Federal funding. Last year's defense appropriations included $4.25 million for this same earmark. It appears the funding was not requested by the administration.

While little information is made available in this year's report, last year's conference report indicated that the funding is for a "wind demonstration project on a U.S. Air Force installation using domestically manufactured turbines that are new to the U.S. market to test the security and reliability of wind generation on base."

So I ask when this country is at war and seeing unprecedented increases in the Federal debt, why are we spending more than $10 million on windmills for military bases? How is it in the list of extensive and costly priorities for the United States military that testing newly introduced turbines rises to the list above research and development that could save lives? How is it possible in addition that taxpayers could be asked to spend more than $10 million on an earmark that doesn't even include such basic information as where this will be sited or what companies will directly benefit from the funding?

How can we honestly say to Members that Members have a real oversight, that we have real accountability here when we are spending millions of dollars?

I would submit that spending like this doesn't just waste precious defense dollars, but it leaves taxpayers hanging in the wind.

Let me simply conclude by saying that this applies to many amendments that I will address today. They may be worthy projects, yes, but how can we justify them? How can we justify using the money in the defense bill?

Here we have a technology, wind generation. Let me just say in March 2005 at the request of Congress, the Department of Defense issued a renewable energy assessment that stated that currently 2.5 percent of the energy used on military installations is already from renewable sources. This level of renewable energy use meets a Federal goal already set by the Department of Energy.

In addition the report indicated the best way to increase the level of renewable energy being used by military installations would be through purchasing commercially developed renewable energy, not by spending earmarked money, millions of dollars, to put windmills there.

We know that wind energy is the most unreliable there is, and how we are supposed to pursue renewable projects to increase energy security at military installations by installing windmills simply strains reason.

Mr. MURTHA. Mr. Speaker, I rise in opposition to the amendment.

There are a lot of ideas that Members of Congress come up with that the Department of Defense initially opposes, and then they find out all at once they work.

For instance, some years ago we came up with a research project to produce fuel for jets out of coal, and now you would think it was the Air Force's idea, and we will save as much as 50 percent of oil costs for the jet fuel. This is something where the commercial side is way ahead, and we certainly ought to be trying to reduce our dependence on foreign oil. I would ask for a "no" vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHIFF:

At the end of the bill (before the Short Title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. (a) None of the funds made available in this Act may be used to engage in electronic surveillance in the United States except as authorized under—

(1) the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); or

(2) chapter 119 or chapter 121 of title 18, United States Code.

(b) For purposes of this section, the terms "electronic surveillance" and "United States" have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

Mr. SCHIFF. Mr. Chairman, I would like to commend Chairman YOUNG and Ranking Member MURTHA for forging a strong bill to fund our Defense Department and DOD entities, and I applaud them for their hard work and dedication. As we consider this important bill today, I appreciate the opportunity to address a crucial issue.

At the outset, I want to thank my colleague Mr. INSLEE for all of his leadership on this issue, which has been tremendous. We have been working side by side on this amendment today. I would also like to thank Mr. FLAKE that I have introduced legislation along with for his tremendous leadership. This amendment is, in fact, based on legislation that I have offered with Mr. FLAKE. I also want to thank Mr. VAN HOLLEN for all of his leadership.

The bill that I introduced with Representative FLAKE several months ago was a bipartisan bill of five Democratic Members and five Republican Members, and addresses the NSA surveillance program that almost every Member of this body learned about in the morning newspaper.

This amendment recognizes two important principles: First, that the government must have all of the tools necessary and all of the authority required to pursue al Qaeda and other terrorists who would seek to harm our country. And second, this amendment recognizes that we are a Nation of laws.

While the President possesses the inherent authority to engage in electronic surveillance of the enemy outside the country, Congress possesses the authority to regulate such surveillance within the United States, and, in fact, Congress has spoken in this area through Title III and through the Foreign Intelligence Surveillance Act.

When Congress passed these statutes, it intended that they provide the sole authority for surveillance on American soil. Our amendment simply reinforces existing law that the government must obtain a court order when U.S. persons are targeted or surveillance occurs in the United States of America.

Recently when the Attorney General testified in the Judiciary Committee, I asked about the limiting principle of the NSA program; was it restricted only to international calls; what if the administration decided tomorrow it had the inherent authority to tap purely domestic calls between two Americans, did it feel it could do so without court order; and the Attorney General said that he would not rule it out. He would not rule out having the pure authority without going to court to tap the calls between two Americans on American soil.

So what is the limiting principle if this program can change from day to day without the input of Congress? The only limiting principle is the good faith of the executive, which, when the executive shows it is infallible, might be a sufficient limiting principle, but the executive is no more infallible than we are here in Congress, and so we have a role to play.

In enacting FISA, Congress specifically sought to balance our national security interests with legitimate civil liberty concerns. In so doing, Congress expressly permitted surveillance without court order for 15 days after the declaration of a war.

Additionally, Congress provided the authority to engage in electronic surveillance for up to 72 hours without court order.

Furthermore, after the September 11 attacks, the administration came to Congress and asked us to modify FISA to respond to the new challenges in the war on terror, and Congress responded by making those changes.

Electronic surveillance of al Qaeda operatives and others seeking to harm our country must continue; it simply can and should comply with the law.

We stand ready to work with the administration if further statutory revisions to FISA or other authorities are required to meet the new challenges in the war on terrorism. Until then, we must restore the rule of law. I urge the House to do so today.

I know my colleagues Mr. SHERMAN, Mr. INSLEE, and Mr. VAN HOLLEN will want to strike the last word to speak on this as well.

Mr. SAXTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Chairman HUNTER, the chairman of the Armed Services Committee is not here today due to a important personal commitment in his district, and he asked me to state his opposition to this amendment.

Mr. Chairman, I think it goes without saying that this is an extremely important provision, and this amendment would do, in my opinion and in Chairman HUNTER's opinion, great damage to the ability of our country to provide national security for the American people.

That is why the administration also strongly opposes the Inslee-Schiff amendment. It is a direct effort to cut off the President's ability to engage in surveillance pursuant to his constitutional authority, and the authorization to use military force as passed by the Congress.

The program has been briefed to all members of the House and Senate Intelligence Committees. They are fully briefed to all aspects of the terrorist surveillance program and are conducting oversight.

I would just point out NSA Director General Hayden said on January 23, 2006, at the National Press Club, "The TSP allows interception of the international communications of people with known links to al Qaeda and related terrorist organizations. There are no communications more important to the safety of this country than those affiliated with al Qaeda with one end in the United States. The purpose here is to detect and prevent future attacks."

In underscoring the importance of this, on January 25, 2 days later, the President of the United States said, "The 9/11 Commission made clear in this era of new dangers, we must be able to connect the dots before the terrorists strike so we can stop new attacks." And the NSA program, he said, is doing just that.

Those of us on the Armed Services Committee and other Members of Congress in various other capacities work night and day trying to provide a high level of national security for our country. This amendment would do damage to that effort. It would make that effort at least much more difficult.

To the credit of the CIA and to the credit of the administration and our government generally, we have been able to get through the years since September 11, 2001, without additional attacks.

The activities are reviewed for this program every 45 days. We are making every attempt to make sure that this program is carried out correctly and safely and doesn't infringe on the rights of the American people. The NSA's activities under this authorization are thoroughly reviewed by the Justice Department and NSA's top legal officials, including NSA's general counsel and inspector general.

Mr. Chairman, I strongly oppose this amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to this amendment.

The problem we have here is those of us who have been briefed on the program, even though admittedly we were not briefed until it became public, can't talk about the program. I was briefed for an hour and 45 minutes, and I feel comfortable that there are adequate safeguards. But we can't talk about the safeguards.

I asked NSA, what can we say about the program and not violate the security? And they said, well, you have to look at what the President said. Well, I looked at what the President said, and he didn't say very much. This is a real problem we are getting into, and the more we talk about it, the more difficult it makes it.

Now you are actually authorizing this program. If you vote for this, you authorize this program. You say you have safeguards. That is what you are going to have. If this passes, this authorizes this program. At one point we couldn't even say that this program existed. So I think this is a very difficult time for those of us who have been briefed about it.

□ 1615

And I know there are a lot of people in the executive branch that know about it. But the way I read this amendment, you say follow the proper procedure and you agree with the amendment. You agree with the procedures. I think that there is some real benefit if they do it right. But if this passes, I think you ought to know this is authorizing the program. And if it fails, you are saying, in fact, let them go ahead and not pass. So we are in a catch-22 position here, Mr. Chairman. And we can't talk about it at all. And I think we have to be careful that more and more people don't talk about it so that more people don't know the value of the program. We have got a heck of a problem here. And I recommend we vote against it. But if we vote against it, then we actually are saying, well, you can go ahead with the program as it is. And yet I believe there are enough safeguards. But if we pass it, we actually are authorizing the program.

I don't even know if we can work it out, Mr. Chairman, because there are so few people that really know about the program.

Mr. SCHIFF. Will the gentleman yield?

Mr. MURTHA. I will be glad to yield.

Mr. SCHIFF. I thank the gentleman for yielding. The amendment says that there is a prohibition on using funds to fund this program unless it meets the requirements of FISA. Any part of the program that does meet the requirements of FISA, meet the existing law passed by the Congress, could continue to be funded. Those parts that don't meet the requirements of FISA, the administration will have to go back.

Mr. MURTHA. Let me take back the time. I agree with that. I agree. And I think there are sufficient safeguards in the program already. We are in a bad situation here, Mr. Chairman. I don't know that I can say any more.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment. As Mr. MURTHA has suggested, there is a lot that can't be said about this amendment and about this program. But what I would like to say is, let's don't tie our hands behind our back when we are fighting a vicious, cruel enemy.

Intelligence is extremely important in the war against terrorism. First of all, you don't have, in this particular war, you don't have an army against an army. You don't have a country against a country. You have terrorists attacking innocent people here in the United States on September 11, and leading up to September 11, and anywhere else in the world that they decide that they are going to attack.

One of the best defenses against these attacks is the ability to know where they might be or when they might strike or what the target might be. Don't deny the people on the front lines of this intelligence war and information war and the hot war, don't deny them every tool that they can possibly have.

As Mr. MURTHA said, for those that have been briefed on this program on a regular basis, I am not aware of anyone who is concerned that the rights of Americans to their privacy have been violated. I certainly do not believe that the rights of Americans have been violated in this program. And so I think it is crucial to oppose this amendment; this is far beyond politics. It goes a lot deeper. This goes to the safety and the security of American people wherever they might be. And it is unfortunate that we can't reveal everything that is done, how it is done, where it is done, when it is done; but believe me, it is effective and the privacy of the American people have been protected.

Mr. SCHIFF. Will the gentleman yield?

Mr. YOUNG of Florida. Yes, of course I would yield.

Mr. SCHIFF. Mr. Chairman, I appreciate your thoughts and I appreciate your yielding. And we are up against a vicious enemy, and we ought to have every power of intelligence and every tool in the tool box and I completely agree with that. I think we can do that within the laws that the Congress has passed. And the gravamen of my concern is something that took place in the Senate, when one of our GOP colleagues asked the administration, during the debate over the PATRIOT reauthorization, which I supported, do we need to change FISA. We were making modest changes to FISA, and the Republican Senator said, Do we need to do something larger? And the administration response was no, that FISA is operating just fine as it is.

Now, if there are changes that need to be made, there is a 72-hour after-the-fact authorization. If that window is too short, it can be lengthened. If there are other problems, they be changed. And all that can be changed without disclosing to the public the nature of the program itself.

I haven't been briefed on it. I am not one of the lucky few, or maybe I am lucky. But it concerns me when the administration says we don't need to change existing law, when I think we can retain all of these tools, but the Congress can play its role in making sure that these programs are authorized by law, that they are not being conducted extralegally.

Mr. YOUNG of Florida. Well, let me reclaim my time and suggest that if you want to rewrite FISA, you don't do it on the floor on an appropriations bill. You introduce a bill, or you go to the proper committee of proper jurisdiction. This is not something you do on the floor. This is serious. It is not something you do on the floor without any real hearings or consideration. If you want to change FISA, let the authorizing committee change it. They are the ones that have the jurisdiction.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I will.

Mr. DICKS. I am also one of those who have not been briefed on this particular program. But I would like to ask the gentleman, is the gentleman suggesting that the administration is not complying with FISA?

Mr. YOUNG of Florida. I am not.

Mr. DICKS. Well, you know, that would certainly clear it up without getting into any classified information if somebody here, the chairman of the Intelligence Committee or the chairman of the Full Committee or someone can say, yes, the administration is complying with FISA, and they have taken this program to the FISA court for clearance. That is what people who support this amendment are concerned about, that Congress enacted legislation here saying that if you want to go out and gather this kind of information, you have to first go to the FISA court to get approval and to show cause. I think that is what this really all gets down to.

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. DICKS. So that is the question we have here, Mr. Chairman.

Mr. YOUNG of Florida. I will continue to yield in just a minute. On the legal aspects of this, I am going to Mr. LUNGREN. I think he is prepared, and he will probably get his own time, because I am limited to 2 minutes.

But in the minute I have left, I will yield to Mr. LAHOOD.

Mr. LAHOOD. Mr. Chairman, let me just say I am the longest-serving member of the Intelligence Committee. I am in my eighth year. I am the vice chairman of the committee.

If it were disclosed, the answers that you want, it would be a violation of those who serve on the committee and those who have been briefed. They can't disclose that information. They will be thrown off the committee.

Mr. DICKS. I was on the committee for 8 years and served as the ranking member.

Mr. LAHOOD. I know you were. But this is highly classified information.

The CHAIRMAN. The gentleman from Florida has the time.

Mr. YOUNG of Florida. Mr. Chairman, I have yielded to the gentleman from Illinois.

Mr. LAHOOD. This is highly classified information. What you all need to know is, the people that you have put your trust in, that the leadership have put their trust in, those that serve on the Defense Appropriations Subcommittee, those that serve on the Intelligence Committee have been briefed. Now you have to trust them that they know what is going on here.

All 435 members can't be briefed. You know why they can't be briefed, because we all love to talk and it would get out.

So what I am saying to you, the gentleman from California, the author of the amendment, you need to trust Mr. MURTHA, you need to trust the chairman of the committee. You need to trust Mr. HOEKSTRA. You need to trust JANE HARMAN. These are people with the responsibility from your leadership to serve on these committees. They know what is going on.

Mr. SCHIFF. Will the gentleman yield so I can respond to the question?

Mr. YOUNG of Florida. Mr. Chairman, I would suggest that the other Members get their own time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not want to get into the specific debate on this amendment because I think there are equities on both sides. But I must comment on a statement that was just made by the gentleman from Illinois when he said that the reason this information can't be more broadly shared is because people in Congress like to talk.

When Mr. Negroponte was before the Defense Appropriations Subcommittee, and I have been an ex oficio member of that committee now for over 12 years, but when I asked Mr. Negroponte, who, after all, is the Director of Intelligence, when I asked him whether or not he could cite a single instance in which any member of the Defense Appropriations Committee had ever leaked any classified information, he indicated he could not.

I also asked him, and I think this is an accurate recollection, I also asked him if he could tell me how many times stories had appeared in the Washington Times that his own agency thought had been leaked by the executive branch of government.

And I asked him how many times he thought those leaks had been provided by the Defense Appropriations Subcommittee. And his response was, to the best of his knowledge, none.

And yet, I want to make clear, not all members of the Defense Appropriations Subcommittee have been briefed. Now, I believe they should have, because taxpayers dollars go through the appropriations bill, and I think every member of that subcommittee needs to know what the facts are on this case.

But the fact is, let's not get into the belief that it is the Congress who routinely leaks. The White House routinely leaks more classified information than the Congress even has. And anybody who doesn't believe that doesn't know the score.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. OBEY. Yes, I would be happy to yield.

Mr. DANIEL E. LUNGREN of California. I can't quote Mr. Negroponte, but I can quote Benjamin Franklin who, in 1776, explained the unanimous decision of the Committee on Secret Correspondence for not telling their colleagues in the Continental Congress about a covert operation. And he said we find by fatal experience that Congress—

Mr. OBEY. I am going to take back my time. I was prepared to entertain a serious question. That is not a serious question. I am not interested in what happened 200 years ago. I am interested in what is happening today and tomorrow.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a member of the Defense Subcommittee on Appropriations, as well as the House Select Committee on Intelligence. I'd like to answer several questions that have come up with this amendment.

When questioned about the purpose of this amendment, the author said that he thought that the FISA law, or the Foreign Intelligence Surveillance Act, should be rewritten. And there are some who believe that legislation should be rewritten because it was originally penned in 1978, and we have had significant changes in technology since that time. Each of us carries a phone or BlackBerry, none of which existed in that format back at the time. So there have been changes that have gone on to our technology.

But to answer the question of the gentleman from Washington, the administration does believe that they are within the current law, and they do believe they have the authority to do what the gentleman has alleged that they are doing. I don't think that there is anything that really needs to be expressed much beyond this, except that the gentleman from California (Mr. SCHIFF) said he believes that FISA should be rewritten, if it doesn't meet the requirements of today's environment, it should be rewritten. This amendment doesn't do that. All this amendment does is strike funds for any electronic surveillance program in the United States. And I think that would be an opportunity for putting this country in peril.

One of the reasons we haven't had an attack since September 11, 2001, is because we have used every means necessary to keep ahead of the terrorists.

□ 1630

The terrorists have used videos to advance their ideals. They have used the Internet. They have used Web sites. They have tried to raise money and reach out and touch Americans in a negative way again and again and again. And this country has done everything possible to prevent that from happening, and they have done it successfully, and they have done it by using technology. And this amendment appears to be tying hands on our ability to use technology, and I think that is wrong.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

Very quickly, the only thing the amendment provides is that surveillance on American soil cannot be funded if it is not in compliance with FISA. So if you are in compliance, if this program complies with FISA, it could go on.

Just to address the chairman's point, and this is on the same point you are making, too, which is we should not be debating this on the House floor, that you should introduce the bill, and it should be heard in committee. Mr. Chairman, we have introduced the bill. I along with Mr. FLAKE, Mr. INGLIS, Mr. LEACH, and others have introduced the bill. We have not been able to get a hearing in committee, and so the only opportunity for us to raise this issue is on the House floor

Mr. TIAHRT. Reclaiming my time, I suggest you pursue your bill then, because what you are doing here absolutely ties the hands of the Federal Government from protecting us, and it does not rewrite FISA.

Now, let me also make this argument that FISA is a very narrow portion of our law. There is a much broader scope that is applicable to the situation necessary to protect this country. So focusing on one portion of the law is tying our hands and trying to make the whole world comply with this one narrow segment of law, in my view, it ties our hand, and I don't think we should do it.

What I would suggest is that you withdraw this amendment, pursue your bill, along with the Republican cosponsors, because this does tie our hands. It gives us an opportunity to be less safe, and I suggest the gentleman withdraw his amendment.

Mr. INSLEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are times where the Constitution needs to be considered, and this is one of those times. Those of us who support this amendment, I hope that both Republicans and Democrats will do so because I think Republicans and Democrats ought to agree on one central proposition, and that is the proposition that our government ought to protect our citizens aggressively, assertively. We need electronic surveillance to be doing it to the full extent of the law, and that intelligence should be done in compliance with the American way.

There is an American way to do intelligence, and there is a Chinese way to do intelligence. There is a Turkish way to do intelligence. There is a Russian way to do intelligence. And there is an American way to do intelligence. And the American way to do intelligence is to do a very simple thing: Comply with the law that has been passed and signed by Congresses and Presidents.

And all this amendment does is say a very simple proposition: You don't spend taxpayers' money to do illegal acts by the Federal Government. That is all it says. And when it passes, we will do assertive, aggressive intelligence of these scoundrels by doing a very simple thing: Get a warrant. And if you do not have time to get a warrant, get it 72 hours after you do the intelligence, because the FISA Court allows that to happen. That is the simple proposition here.

Now, why is that important? It is important because the people who fought the Revolution realized that no American is perfect, and that includes no American President. To the proposition that all men are created equal, you can add the proposition that no man is created perfectly. And that is why we demand some judicial oversight on this.

And, by the way, the central argument I have heard about this is that a few Congressmen have said it is okay, apparently. Well, calling a few Congressmen is not enough under the law. Why? Because the law is very specific. It says that each application for an order approving electronic surveillance under this subchapter shall be made by a Federal officer in writing, upon oath or affirmation, to a judge. To a judge. And we are great Congressmen. I have eminent respect for all the people who were briefed on this. But not a single one of them wears a black robe, and not a single one of them was given authority by the United States Constitution to make this decision. Calling RAY or NORM or any of my great colleagues and saying, "Does this sound okay to you," is not enough in American democracy.

Now, we have had other occasions in our democracy where we have been challenged by fear, and I do not want to see us succumb to that again. And for those of us who think it shouldn't bother us, the President is not going to bug us, other nations have lost their liberty because of that attitude, because some Supreme Court Justice said loss of liberty does not come like a curtain coming down like a thunderclap. It comes the way the twilight comes, gradually, and you do not notice.

Do not wink at this potential violation. Say that we are going to do intelligence the American way. For those people in Iraq and Afghanistan who are risking their lives for democracy and the liberties we enjoy, don't we have enough gumption to send a simple message to the executive branch of the United States from the U.S. Congress, a very simple message that we expect the law to be fulfilled, that our personal protection to be fulfilled by getting a warrant the way the law requires? That is all that we require.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

There has been a lot of talk about following the law. People seem to ignore what Griffin Bell said at the time the Carter administration brought this bill before the Congress to be passed into law. At that time he very carefully said that enactment of FISA did not exclude the authority the President has under the Constitution.

We have heard on this floor about illegal acts. I would remind my colleagues that the supreme law of the land is the Constitution, and the President has inherent authority under Article II of the Constitution in this area. We may not like it, but the fact of the matter is that is one of the reasons you have elections for a President, to have the authority and the power that he has under the Constitution. The vesting clause of Article II of the Constitution which gives the President executive authority, coupled with his authority as Commander in Chief of the Armed Forces, forms the basis for the surveillance of al Qaeda members and those who are affiliated with al Qaeda.

The President's actions are certainly consistent with the Founding Fathers, as expressed in John Jay's observation in Federalist Paper No. 64: "The President . . . will be able to manage the business of intelligence in such manner as prudence may suggest." An examination of historical records makes clear that the Founding Fathers intended the President to have primary, if not exclusive, control over the business of intelligence. We may not like it, but that is what the Constitution establishes. We may have a FISA law, but that does not restrict the President if, in fact, he has inherent authority under the Constitution.

The argument that the President has somehow violated the law misunderstands that the Constitution is the supreme law of the land. Congress has no more authority to intrude on the executive authority of the President than the President does on the enumerated authority of the Congress. As James Wilson argued during the ratification debate in his own home State of Pennsylvania: "The President of the United States can shield himself and refuse to carry into effect an act of Congress that violates the Constitution." In the same context, John Jay points out in Federalist 64 that "it surely does not follow that because they have given the power of making laws to the Legislature, that therefore they should likewise give them power to do every other act of sovereignty by which the citizens are to be bound and affected." The United States Supreme Court summed it up well in Ex parte Miligan: "Neither can the President in war more than in peace intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law."

It is interesting to note for those who have talked about historical record that the First Congress, which created the Department of Treasury and the Departments of War and Foreign Affairs, gave Congress access to the records and papers of the Treasury Department, but not to the Departments of Foreign Affairs and War. It is clear that the power of the President vis-a-vis Congress was broader with respect to foreign affairs than it was in the domestic realm of governance. We may not like it, but that is what the Constitution says.

According to Madison, the ultimate check on Presidential power possessed by the Congress rests with the "first principle in free government."

According to John Marshall in Marbury v. Madison, the limits on such Presidential authority must be found elsewhere in the Constitution itself.

Look, we ought to look at what Justice White observed in his concurring opinion in the Katz decision. These are the words of Justice White: "Wiretapping to protect the security of the Nation has been authorized by successive Presidents." In other words, it did not start with this administration. He said, "The present administration would apparently save national security cases from restrictions against wiretapping." Again, Justice White's words: "We should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable."

As explained publicly by the President, he followed the prescription of Justice White. He has personally had hands-on over this. He has had his Attorney General with hands-on authority over this. But then in addition, he did notify the Congress. He notified the leadership of the House and the Senate. He notified the leadership of the House and the Senate committees of jurisdiction. No, he did not notify all of us, but he comported with the law and the interpretation of the Constitution suggested by Justice White.

I would suggest if one looks up the definition of the word "moderate" in Webster's Dictionary, you would find the picture of Justice White. He started the middle ground on all of this.

So I would suggest, as we look at this, we understand that we may have a debate about how the President has done it, but to suggest that what he has done is unlawful or illegal does not recognize either the Constitution or the comments of the Founding Fathers in support of the Constitution.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when President Carter signed the FISA into law, he said in his signing statement: The bill requires for the first time a prior judicial warrant for all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States in which communications of U.S. persons might be intercepted. It clarifies the executive's authority to gather foreign intelligence by electronic surveillance in the United States. It will remove any doubt about the legality of those surveillances which are conducted to protect our country against espionage and international terrorism. It will assure FBI field agents and others involved in intelligence collection that their acts are authorized by statute, and, if a person's communications are concerned, by a court order, and it will protect the privacy of the American people.

In my reading of FISA, and I served for 8 years on the Intelligence Committee, 4 years as the ranking member, I do not think there is an exception here. I do not think the President of the United States has inherent authority to violate FISA.

If you took Mr. LUNGREN's approach to this problem, he can comply with FISA when he wants to. He does not have to do it ever. That simply cannot be the reason Congress enacted this statute.

I think President Carter had it right when he signed this into law. There is one way and only one way to gather foreign surveillance information domestically, and that is you go and get a warrant and go to the FISA Court first. First. And maybe you have 72 hours to do that. That is certainly understandable.

But in my mind, if you want to change FISA, change FISA. But I cannot accept an interpretation that says the President can comply with FISA when he wants to, and he does not have to comply with it when he does not think it is in his best interest to do so. He is not a king. He is a President.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I want people to understand the sweeping scope of Mr. LUNGREN's argument. What he argues is that the President of the United States, during a time of fear and war that we are now in, has the unchecked, unfettered, unlimited authority to ignore not just FISA, but any law passed by the Congress of the United States and signed by any President. His argument here means that no law restricts this President or any other President to do anything else. Not just intelligence. Torture, false imprisonment; you go as far as you want.

Mr. DICKS. Mr. Chairman, reclaiming my time, I want to ask the author of the amendment.

Both of you are the authors of this amendment.

There is no restriction on the utilization of money if the President has complied with FISA; is that not correct?

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. SCHIFF. That is absolutely right. The only thing that the amendment does is it says that when you are surveilling people on our home soil here in the United States of America, it has to be authorized by FISA. If it is not authorized by FISA, if it is outside of FISA, you cannot use the funds in this bill.

□ 1645

The gentleman from Illinois says, "Trust us. There are some of us that know the program, trust us. We can't disclose information about the program here on the House floor." I am not asking anyone to disclose information about the program on the House floor. The only question raised by this amendment is are we funding programs that are in contravention of existing law, FISA.

I think you are exactly right about my colleague from California's argument, which is basically the President has the inherent authority to do anything he wants when he wants, surveil who he wants when he wants, how he wants, for whatever reason he wants.

In fact, this is why I made the point. When the Attorney General testified in committee, he said he believed, as evidently my colleague from California does, the President has the inherent authority to tap calls between two Americans on American soil, that he wouldn't rule that out.

Well, I am not satisfied by an argument that says, trust us. We are from the government.

Mr. DICKS. Mr. Chairman, reclaiming my time, I think President Carter had it right. He said all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States has to come under the FISA Court. That makes sense. That is, I think, the purpose of this amendment, is to make certain that the money is being expended in compliance with FISA.

The gentleman is a cosponsor of this amendment. Is that your understanding?

Mr. INSLEE. Mr. Chairman, if the gentleman will yield, that is exactly right. The President can do all of the intelligence he needs to do in a way that complies with FISA. That is what we want him to do. That is what the Constitution requires.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman, the main sponsor of this amendment, and I am pleased to be a cosponsor of it.

I would love for the President to have this authority, as he should have it. I would love to give him this authority, but I think unless he is going to go under FISA, he ought to come ask for it. I think that he needs it. I think it is proper.

But when we are told, as we have been on the Judiciary Committee by the Attorney General, that he feels that any domestic surveillance could be okay, he wouldn't rule it out, what isn't allowed? Why does the President need FISA at all if he can simply go around it? What purpose does FISA serve? Why did we go through what we went through for months and months with the initial PATRIOT Act and then for a year to reauthorize it?

In the end, we had to ask ourselves, after hearing the testimony of the Attorney General, why did we do this? Why are we so specific and so careful about the powers that we give to the executive when they can simply ignore it and go on their own? It simply begs the question if you are not going to use FISA, why not just run amuck?

I submit that the acid test for Republicans on this has to be, would we be comfortable if a Democrat were in the White House using this authority? I have to say I wouldn't be. But nor am I comfortable with a member of my own party having it.

There is a separation of powers argument here. We are a coequal branch of government, and I think it is our constitutional obligation to say if you are not going to use FISA, tell us why. Tell us what we need to do to make it more applicable.

We have offered that numerous times in the Judiciary Committee, yet we are told, no, you don't need to change it. Of course we don't need to change it if they can simply go around it. So I think the gentleman's amendment is perfectly proper.

Believe me, if this amendment passes, and the administration feels compelled, they will come directly to Congress and ask for the authority, but they will do it right, and I think the Congress will be glad to give it to them. But there has to be bounds here.

We are the elected representatives. It struck me when one of the Members in opposition to this amendment said a lot of people in the executive branch know about this program. That ought to be disturbing to a lot of us, that far more people in the executive branch know about this program than the elected representatives of the people. Does that not disturb anybody around here that many people over in the executive know about it and we don't?

We are told in the National Security Act that the President is supposed to inform the committees of jurisdiction. It doesn't say a few members of those committees, the committees of jurisdiction.

I think we simply ought to follow this. This is a reasonable amendment. I would urge those in my party and the other party to support it.

Mr. VAN HOLLEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to join with my colleagues in offering this amendment.

I think we should all be able to agree on a couple things. This is an extremely important issue. It should be beyond partisan politics. We should use all our means to intercept communications from al Qaeda for our national security. We should also abide by the rule of law.

The rule of law is not an a la carte thing. You don't get to pick and choose which laws you like and which laws you don't like. We don't say to the American people when we pass statutes in this Congress and they are duly signed by the President in accordance with the Constitution, pick the ones you like to comply with and ignore the ones we don't like.

Well, this President and any President should not be held to any different standard than the American people when it comes to abiding by laws duly passed by this Congress and signed by the President in accordance with the Constitution, and that is what this debate is all about.

The amendment is very simple. It is so straightforward, I am just going to read a portion of it right now. "None of the funds made available in this act may be used to engage in electronic surveillance in the United States except as authorized under the Foreign Intelligence Surveillance Act of 1978" and other chapters cited here.

In other words, comply with the laws passed by this Congress and signed by the President.

Now, we have heard from our colleagues on the Intelligence Committee to trust us, this is a needed program. A lot of us haven't had the benefit of that information. But I would say, many of us have not disputed the need for the program.

Maybe we should have this program. We certainly want to intercept any communications from al Qaeda. But it does concern me that the members of the same Intelligence Committee cannot tell us whether or not the program as it is currently configured is complying with FISA. That certainly is not a classified thing, whether or not it is configured to comply with FISA. The fact that the members of the Intelligence Committee cannot tell us whether it is configured with FISA or not is troubling.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, all of the articles in the Washington Post that talked about this said that it wasn't, in some cases. None of us get in trouble for disclosing that fact. Your amendment doesn't restrict money if it does comply with it.

Mr. VAN HOLLEN. Mr. Chairman, reclaiming my time, absolutely. If it complies with FISA, it is fine.

Now, what is troubling is the Attorney General was asked way back why he didn't come to Congress to seek changes to the law to accommodate this program, and he said he considered that possibility, but then he didn't think Congress would pass it. Well, if that is your conclusion, you don't get to just say, well, I am going to ignore the law and circumvent it. You have to work with Congress.

What is really troubling is I think all of us here, if we heard the same information that members of the Intelligence Committee say they have access to, would also conclude it may be a necessary program. But if it is, let's put it within the confines of the law. That is all this amendment does.

Yes, it authorizes electronic surveillance. We want it to authorize electronic surveillance. But we want to authorize electronic surveillance within the confines of existing law, and if existing law can't accommodate that program, let's come back here, let's pass a statute and change it.

Those who say FISA hasn't been changed, it is outdated, the fact of the matter is we have made eight changes to FISA since its enactment in 1978. We can make more changes to FISA right now to accommodate this program.

But let's just make it clear: If you don't think you can get a law passed by the Congress, you don't get to choose to ignore it. It is not an a la carte system. Our Constitution is based on the rule of law. We can protect the American people, we can intercept al Qaeda communications, and we can do it in accordance with the rule of law.

I urge my colleagues to adopt this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I congratulate the authors of this amendment. The debate here and potentially the outcome confirm a very important point: We do not suffer in this country from a problem of the Presidential usurpation of power. We suffer from congressional dereliction of duty. It is not a case of the President overreaching. It is a case of us ducking and dodging and letting him do all the tough issues.

This amendment is a very simple one. Now, Members have said on the other side, I heard the gentleman from Kansas say, why don't you bring in a bill? Two reasons: First of all, if we brought in a bill, it would never see the light of day. How can a majority party which has specialized in strangling legislation at its birth complain when we don't think that is a good way to debate important issues?

But there is another reason. This is one that can sustain a veto. The Supreme Court has made it very clear: It will not referee disputes between the executive and legislative branches. The only way you can put some restraint on a President who is acting without restraint is by an amendment that says there are limits on what he can do with the money.

Now, we have heard selected quotations from John Jay. Poor old John Jay hasn't been mentioned in years. I am glad his spirit has been invoked. But nobody much cares about John Jay most of the time.

We have had some Supreme Court cases cited. Youngstown Sheet and Tube against Sawyer, which restricted the President in a time of war, was not mentioned.

Let's be very clear: History does not dictate the answer. This calls on every Member of this House to say what kind of Constitution do you want? Do you want one in which the President can have unchecked executive power, not just in time of war, but any time?

We are in what the President now says is a war against terrorism that is unlikely to have an end. So we are not talking about temporary wartime powers. We are talking about what kind of Constitution do you want?

We have a President who has asserted his right to do whatever he thinks necessary to protect the country, including, remember, arresting American citizens and having them incarcerated indefinitely with no chance to present a case. The Supreme Court said, whoa, that goes a little too far. But this is what the President has asserted with regard to FISA.

One gentleman said, well, remember what Griffin Bell said. I will be honest with you, I have found that as a general principle, ignoring Griffin Bell is a good idea. I have always done that in important cases. But what Griffin Bell said or didn't say doesn't tell us.

And this is the question, not what John Jay said or this one said, because you can quote each other to death. What kind of Constitution do you want? Do you want one where the President of the United States without any check can do what he thinks best? Because, by the way, the courts won't be involved here, because they can avoid a court decision by never prosecuting based on this evidence.

So the only potential check here is if we say no. Yes, you can wiretap, as long as you can get a warrant. And getting warrants under FISA is not hard. But we do not like the principle of an unchecked Presidential power.

I will yield to my friend from California if he will begin by answering this question: Conservatives tell me they like to be textual with regard to the Constitution. Would he cite for me, I thought maybe the Constitution got changed while I wasn't looking, so I went and read article II, it took about a minute and a half, it is a pretty small article. I am glad to see the President can get paid. It is right there in the Constitution.

But would he cite for me the text of the Constitution, article II, which empowers the President to do this, even if Congress tells him not to?

I will just add this. With regard to Youngstown Sheet and Tube, as I recall the analysis, it was there are three situations. I will ask for additional time, because I would like to have a colloquy. The President acting alone, the President acting with Congress, and the President acting in contradiction to what Congress has said.

The analysis has always been acting with Congress, the President is at the peak of his powers. Acting alone, it is unclear. Acting in contravention to what Congress has said, he is at his weakest. Here, since we have FISA, this is in contravention to what Congress has told him to do.

So I would now yield to the gentleman. Would he begin just by citing the parts of the Constitution that are relevant, and then, obviously, he is free to say what he wishes.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. I was speaking of the vesting clause in the U.S. Constitution that gives the President with the executive powers——

Mr. FRANK of Massachusetts. Please read it. I would ask the gentleman literally to please read it, because I think it doesn't say what he says it says. Please read it.

Mr. DANIEL E. LUNGREN of California. I don't have the exact words.

Mr. FRANK of Massachusetts. I would ask, would a page bring me the Constitution while we are talking?

Mr. DANIEL E. LUNGREN of California. It is the vesting clause of the Constitution, vesting in the President the executive authority, coupled with his authority as Commander in Chief.

Now, let me just say to the gentleman, so we can make it clear, I have never argued that the President has this authority in all things, as some have suggested, to kill people, to do this, to do that. I have cited authority which suggested in the area of gathering foreign intelligence, which is about what we are talking.

Secondly, I would just say that the gentleman is right that we do have the power of the purse.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

☐ 1700

Mr. DANIEL E. LUNGREN of California. I don't argue at all that this is an inappropriate amendment to be considered, because this is the proper exercise of our authority to the power of the purse. What I have suggested is the arguments that the President is acting illegally or unlawfully are not appropriate, because he is acting under the Constitution, in my judgment.

Mr. FRANK of Massachusetts. I take back my time. So the gentleman then agrees with this point. There is nothing inappropriate about this amendment. So while he believes the President is within his power to do this, does the gentleman agree that if this amendment is adopted by a majority, the President would be bound by it?

Mr. DANIEL E. LUNGREN of California. He would be bound by it with respect to the expenditure of funds in this particular bill. I don't think there is any question about that.

Mr. FRANK of Massachusetts. So that if he can find, I thank the gentleman and I appreciate that. I take back my time. The gentleman knows the rules. The gentleman knows the rules. He may not know the Constitution, but he knows the rules. I take back my time just to say, so we understand——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Let us have the common ground. The question here, and I think I will accept this, we are not debating constitutionality here; we are debating what public policy ought to be. The gentleman from California agrees it is appropriate for us to consider it and agrees that, if it passes, the President is bound by it.

Now, I would yield to the gentleman. Are there other places the President can then find this money? Is that what the gentleman is saying? If the President were to be bound by this, would the gentleman suggest the President could then do this anyway in some other fashion? I would yield to him.

Mr. DANIEL E. LUNGREN of California. This doesn't cover all expenditures of the President under all circumstances. This is limited to the funds that are contained in this bill, as you know, because it is an appropriation bill.

But could I mention one thing, because there has been some question about this. The FISA court of review issued an opinion in 2002 which stated: all the other courts that have decided the issue held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information.

Mr. FRANK of Massachusetts. We are beyond that. Look, I do not think the Constitution, I will be honest with you. I think people decide and then they pick the——

Mr. DANIEL E. LUNGREN of California. Can we talk about——

Mr. FRANK of Massachusetts. I am taking back my time. Let us debate the merits. Let us not hide behind——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I just want to say, stop hiding behind varying degrees of constitutional interpretation. By hiding behind them, I mean this: I don't think that people sat and said, oh, geez this is what John Jay told me and this is what I am bound by. I think we are talking here about what we think public policy ought to be. Should the President or should not the President have to get a warrant through FISA? That is the text of this amendment. Let us debate the public policy.

I yield first to the gentleman from Washington.

Mr. DICKS. I just want to say to the gentleman, I agree with that. I also think that the American Bar Association looked at this. They came to the conclusion that the President had to comply with the FISA law.

Mr. FRANK of Massachusetts. Let me just say this. Here is the constitutional text that my friend from California invoked, and pretty accurately. Good memory the gentleman has. Article II, section 1: The executive power shall be vested in a President of the United States of America, period.

Now, he says that gives him the power. This is circular. Why does the President have the power? Because he has the executive power. But we are precisely here defining for ourselves, as Americans today, what the executive power is and has meant to be. All this says is that he has the executive power. Does the executive power mean he can lock somebody up without a trial as he has said it does? Does the executive power mean he can ignore an act of Congress and wiretap when he wants to? That is the question. Saying that the executive power is vested in him simply is a way of putting the question. The question is, What is the executive power?

I yield to the gentleman from California.

Mr. SCHIFF. I thank the gentleman for yielding. I just want to get to one question that has I think not been answered to the opposition to this amendment. And that is, the suggestion is by those who know the program better than I do that parts of it don't meet the requirements of FISA. And my question is, Why can't this program be authorized by law? Why can't we change the law to authorize it?

Mr. FRANK of Massachusetts. I will answer the gentleman's question: because the President and his supporters do not want to concede that there is any limit on his power even if he could get this done through FISA, and that is the——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

Mr. FRANK. I ask for an additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. YOUNG of Florida. Reserving the right to object, and I will not object, but we are talking in circles. We are not even talking about some of the main issues that are before us. The sponsor of the amendment just admitted that we are talking about an authorization. This is an appropriations bill. This should be done at an authorization committee where you all are.

Mr. FRANK of Massachusetts. I thank the gentleman.

Mr. YOUNG of Florida. Just a minute. It is under my reservation.

Let us bring this to a close. We can repeat our arguments so many times. I withdraw my reservation.

The CHAIRMAN. The gentleman withdraws his reservation.

The gentleman from Massachusetts is recognized for 1 minute.

Mr. FRANK of Massachusetts. In my remaining minute, I understand, I will say that my good friend from Pennsylvania I think is probably not distressed that we are talking about something that is not the heart of the bill. But the fact is, I will close by this, we are talking about it here because this is the only enforceable way to put restraints on the President. And I will tell you why I think it is important. Chaplain Yee at Guantanamo, Burton Mayfield in Oregon, Wen Ho Lee under the Clinton administration, there are, sadly, cases of entirely innocent individuals who were prosecuted and gone after.

I don't think the President is ill intended here. And I think the law enforcement people are the good guys; I just don't think they are the perfect guys. So I want to give them power, but I want to subject that to some check beforehand and some process afterwards. And that is what we are saying here. We are fully in favor of empowering law enforcement, but we do not want them to be exclusive in the exercise of that power. And asking that they go before a judge to justify it when they are going to be wiretapping an American seems to us to be reasonable and to do no harm to America.

And to repeat my answer to the gentleman from California: the opponents of this amendment are the proponents of the view that the President's power should be entirely unchecked, and that is dangerous.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the last word.

I thank the Chair, and I appreciate the discussion and the debate that we have had on this amendment. I join with the chairman of the subcommittee and the ranking member of the subcommittee in opposing this amendment.

It would jeopardize one of the most critical abilities to detect and prevent terrorist attacks on the United States. In addition, it would interfere with an ongoing course of oversight that has been conducted on a bipartisan basis by the leadership in the authorizing committee since the inception of this program.

It is the day after 9/11 and the President has asked NSA, other parts of the intelligence community, the military: What is the threat? How do we most effectively respond? And what is the threat to the Nation? And he has asked the intel community and the military to come back with various options as how best to protect the United States in that time of uncertainty, and the executive branch and the various agencies come back with a series of proposals as to exactly what they believe can be done and should be done to keep America safe.

The President doesn't act unilaterally; the President acts in a collaborative basis. It is not an overreaching of an Executive.

To my colleague from Arizona, if a President of the other party went through the same processes that this President went through and exercised these authorities would I support that President? My answer would be different than my colleague from Arizona; the answer would be, yes, because the process was very straightforward. Four times within the first 8 months after 9/11, it was a collaborative process between leaders of this House and the U.S. Senate who sat down with the executive branch and reviewed this program in detail. Do you know what they said? This is a program that is necessary in a time of uncertainty. We support this program, and it needs to move forward.

We have had some discussions and disagreements as to the extent of the number of people that should have been briefed on the authorizing committee. We have worked through that process, and now every single person who has the desire to be briefed on this program is briefed on the program and have had the opportunity or will be given the opportunity when they get new questions to have every single one of their questions answered.

We have a way ahead on our authorizing committee. The ranking member has introduced legislation that she thinks may address some of the issues. But we know that FISA and electronic surveillance is a very, very difficult issue because technology has changed significantly since FISA was originally developed. And so we are going to move forward, and I am thrilled that within the Intelligence Committee we are going to continue a bipartisan way ahead. It doesn't mean we are going to agree, but it does mean that we have laid out a process as to what the needs are of the intelligence community to keep America safe, what the legal framework is, and evaluate the changes in technology and the environment so that we can do the necessary oversight and protect and balance civil liberties with the needs of America's security.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentlewoman from California.

Ms. HARMAN. I appreciate it that you mentioned bipartisanship and mentioned our committee. I had not been planning to speak during this debate. I have great admiration for the bipartisan sponsors of this amendment. I also agree with their point, which is that the total program must comply fully with FISA. But my view is, as the chairman has stated, that we should deal with this issue in the legislative committee. And the reason we should deal with this issue in the legislative committee is that it is, as everybody here fully understands, very, very complicated. A number of us, 50 of us, are supporting H.R. 5371, The Listen Act.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. HOEKSTRA) has expired.

(By unanimous consent, Mr. HOEKSTRA was allowed to proceed for 2 additional minutes.)

Ms. HARMAN. I would like to ask our chairman: Will you agree that that bill and perhaps others will be the subject of the committee oversight and the subject of a legislative hearing in our committee at a reasonable future date?

Mr. HOEKSTRA. Reclaiming my time, absolutely. And as we have talked about it, and I appreciate the patience of my colleague as we have worked through the briefings of the entire committee and as we move forward, the legislative hearing on H.R. 5371 and other legislative initiatives that some of our colleagues are developing that address both the FISA issues which may apply to the current program but also which will be further reaching in terms of taking a look at different technology and those type of things as that has evolved is something that I think we can do on a bipartisan basis, and I am committed to doing.

Ms. HARMAN. And if you would yield to me again, first, to note that the American Bar Association and numerous civil liberties groups support H.R. 5371. But my further question is, Do you agree that the entire program should be covered by law? The President may have inherent authority to do things, but eavesdropping on Americans in America must be covered by the law that Congress passed. I am not asking you to agree to that point because you may not, although I feel strongly about it. But I am asking you whether you agree that it is the Congress that should determine the legal basis for the President's actions and not the White House acting unilaterally.

Mr. HOEKSTRA. Reclaiming my time. I thank the gentlewoman for her comments. From my perspective, it is very, very important that Congress create the legal framework by which the President exercises his authority. And the only thing that could overrule our legislative box that in our case we put the intelligence community in would be the overriding authority of the Constitution.

I thank my colleagues.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleagues for bringing this issue to the floor in the form of this amendment today. I think that they have done the country a great service. If this House had been doing its job properly, this issue would have been out here on the floor of the House of Representatives quite some time ago.

The fundamental principle that we are dealing with here is simply this: we are a Nation of law. All of our law is based upon the Constitution. There is nothing in the Constitution that gives the President of the United States the authority to violate the law. The President of the United States has violated the law.

This is not the first administration that has sought to govern the country on the basis of the creation of a climate of fear. As one of our colleagues pointed out earlier in this debate, that can be traced all the way back to the Adams administration, the first Adams administration. But that attempt eventually was overthrown, and it didn't take a long time.

□ 1715

The last time we had a President of the United States who wanted to engage in illegal surveillance on the American people, the last time we had a President like this one who was engaging in that kind of activity, was the Nixon administration. President Nixon engaged in illegal surveillance on the American people. As a result of that and other things, he was forced out of office.

Subsequently the Congress developed the Foreign Intelligence Surveillance Act, FISA, in 1978. There are some of us who believe that FISA itself is a compromise of the fourth amendment of the Constitution. The fourth amendment of the Constitution guarantees independence and privacy to every single American citizen, and there are some of us who believe that the FISA Act compromises that. Nevertheless, it is the law.

So what do we have now? We have a President who has gone beyond the Foreign Intelligence Surveillance Act, who has engaged in illegal surveillance against the American citizens.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would direct the Member not to refer to the President of the United States in accusatory terms.

Mr. HINCHEY. Mr. Chairman, I intend to speak in the way that I believe is appropriate, and I will continue to do so.

The Foreign Intelligence Surveillance Act was set up to ensure that the President did not violate the law and go beyond it. This administration has violated the law. We have not addressed that. The House of Representatives, the Senate has not addressed this issue.

Now we have an opportunity to address it by virtue of the fact that we have this amendment before us. This is an important vote today. Every Member of this House should act in accordance with the law and accordance with the Constitution and vote for this amendment.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding. I will be very quick. Two final points in response to what the chairman and the ranking member of the Intelligence Committee had to say.

First, there is legislation on this subject, bipartisan legislation, that was introduced on March 16. We have had no oversight hearing on it, no markup on it, nothing, zero, zilcho, nada, which is why we are on the appropriations bill, the only vehicle in which we could raise this issue.

Second, both Members have said that this amendment would somehow jeopardize an existing NSA program. What that means is that far from my colleague from California's point, that the program does not comply with FISA. Otherwise, how could it be jeopardized? So there is an admission by the chair of the committee that the existing program does not meet the requirements of FISA.

What still has gone unanswered is why can we not make changes to FISA and the existing law? If this is such a vital program, why does it have to be done outside of the law?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the major point here that the opposition to this makes is the President has inherent authority. That has not been tested at the Supreme Court because once FISA was enacted, that was enacted to limit unbridled Presidential authority. I believe FISA is the only way that you can proceed; that the President must go to FISA if he is going to conduct these kind of foreign intelligence activities.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, the gentleman is exactly right. That is the law currently. Whether that law violates the Constitution is an open question. Nevertheless, because it has not been contested, it is the law, and the President, the administration, all of us have to live by that law.

There is nothing that gives the President of the United States or anyone in this administration the authority to engage in surveillance of the American people, not a single American citizen, outside of the definition requirements within the Foreign Intelligence Surveillance Act.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the Supreme Court has made it very clear it will not referee fundamental constitutional debates over power between the executive and legislative branches. Only if you got a case would this get to the Court, and they will dodge and duck and never allow there to be a case. This is the only constitutional way to confront it.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

This is, I think, a very important debate, and I am glad we are having it. I think this is an absolutely terrible amendment. The question is really do you believe we are at war or not. The President has made it very clear. You have a known al Qaeda operative.

Let us go back to World War II. You have got a German or a Japanese agent, in Germany, in the south Pacific, speaking to various people, and we are listening in. Now, would the American people in World War II, if they began speaking to somebody in the United States or a known American citizen, want the listening device put down and go to a judge? That is what we are talking about.

He is in a cave, he is in Afghanistan, he is in Baghdad, he is talking. Let us talk about Israel, okay? Do you think the Mossad, if somebody is speaking from Jordan, and there are known terrorists operatives, and they are speaking to somebody in Israel, they want to put down the listening device and go in front of a judge? That is what we are talking about. Are we at war, or are we not at war? It is a known al Qaeda operative.

They are overseas, and suddenly they are talking to an American citizen, be it in the United States or elsewhere, and it is time to put down and stop listening and go find a judge and put together a brief and get a judge to review it? I believe we are at war, and they want to kill us. They want to kill our wives. They want to kill our children.

This is a good debate because this debate has been going on for months and months, and this is a horrible, horrible amendment because it ties one hand behind our back, and it should be defeated, and we should vote it soon and vote it down.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I appreciate your courtesy, and I do think this is an important debate. I appreciate your perspective.

I want to ask you a forthright question. Do you understand that under the scenario you have posed, that you can go over the executive, 72 hours after the event, 72 hours after the event, you go and get a warrant, you can continue your tap, you can get the intelligence, 72 hours? Do you understand that is allowed?

Mr. WELDON of Florida. I understand that I want them to keep listening. I want the information, and this is what the debate is about. You want to stop. You want go to a judge. I do not think we should.

Mr. INSLEE. Mr. Chairman, if the gentleman will yield, I want to make sure you understand. I want to make sure the gentleman understands that under this amendment you do not have to stop listening to anybody ever. We want to continue listening, and we simply require that 72 hours after that, we ask the executive to have another set of eyeballs take a look at it to make sure it is compliant. Does the gentleman understand this amendment does not stop anybody ever, as long as you go and have a warrant 72 hours after the intelligence gathering? Do you understand that is the purpose of our amendment? Because it is.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, that begs the question as to whether or not you can, in fact, effectively do that with the 72-hour limitation. There are those running the program that suggest that that is not possible, not because necessarily the limitation on going to court, but all of the work that needs to go forward before you get to the court to get the approval. That is what we ought to be talking about.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, as I understand it, what you all have laid out is not that easy to do basically; that you have to make a case in front of a judge, and if it is a known al Qaeda operative, I think we should be listening to all of their conversations.

Mr. INSLEE. Mr. Chairman, if you will yield just for a moment, I just want to make sure members understand what we are voting on.

If this amendment passes, the President of the United States and his executive authority will be able to continue to listen to these conversations unimpeded, unimpeded, as long as they go to a judge 72 hours after.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I think they should be able to do that. If you have a known al Qaeda operative, we should be listening to all their conversations. We should be listening to all conversations from all al Qaeda operatives.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman of the Intelligence Committee in a colloquy. Let me just state before we have this colloquy, my position is that FISA, as presently drafted, must cover the entire program. This is my position after being fully briefed on the program, as the chairman said, and being fully briefed by the NSA and the Justice Department about how FISA works. It is my position that FISA can and must cover the full program. Be that as it may, I would like to ask the chairman some questions.

As you noted, Mr. Chairman, some of us on the committee and a total of 50 Members of this House have introduced H.R. 5371, the LISTEN Act, which would require that this program be brought fully under FISA, and which also states that more resources will be made available to change the way FISA is implemented so that using electronic means, more staff, whatever it takes, there will be a more efficient way to get 72-hour emergency warrants. I know you are aware of the contents of our bill.

My question to you is are you prepared to hold a legislative hearing in the Intelligence Committee on our bill and any other bills that may be pending before our committee that address this issue of FISA as it is connected to the NSA program?

Mr. HOEKSTRA. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I thank you for yielding.

As the gentlewoman knows, we have worked through this very much in a collaborative process. We followed on the heels of the former chairman and the former ranking member in trying to make sure that we do this in a bipartisan basis.

We have had a number of briefings on this program to fully understand how FISA works both from the NSA, from Justice and a number of place. It is interesting for those people who are not part of the committee, who make categorical statements that nothing has happened, and we know that we have had a way forward, where we have done things.

But in terms of your simple question, I just had to take the shot, the opportunity to respond to just what I thought were some unfair characterizations as to what you and I have been doing in the committee.

I commit that we will have a legislative hearing on this and other proposals that will create a framework that hopefully can move out of committee, but there will be a legislative hearing, yes.

Ms. HARMAN. Mr. Chairman, reclaiming my time, are you prepared following the legislative hearing or hearings to report a bill to the House floor? Will you personally agree not to block any bill from being reported to the House floor?

Mr. HOEKSTRA. I will not use my position as chairman of the committee to block a consensus of the Intelligence Committee to move a bill to the floor.

Ms. HARMAN. Mr. Chairman, I want to clarify this for myself and others who are listening.

You are prepared to consider this bill, H.R. 5371, which would force this entire program to comply with FISA. Actually much credit for the construct of H.R. 5371 does go to Mr. SCHIFF and Mr. FLAKE. I just want to clarify, and then I would like to yield, H.R. 5371 says the entire program must comply with FISA, and we will hold a legislative hearing on this bill and other bills, the committee will then report legislation to the House floor; is that correct?

Mr. HOEKSTRA. We will hold a legislative hearing, and we will determine whether there is a consensus in the committee that will enable us to move a bill that would reform FISA and move it to the floor.

Ms. HARMAN. Well, our bill, reclaiming my time, does not reform FISA. It just gives resources to make FISA work.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we are further along than we were, but the phrase "consensus," consensus is nice, but nothing in the House rules or the Constitution or the writings of John Jay say that it is a prerequisite for moving legislation.

I would hope that the gentleman would say on an issue that we all agree is important, a bill will come to the floor, the majority will decide, but I do not think those of us not on the committee ought to only get an opportunity to legislate on this if there is a consensus.

Now, if you are telling us do not do it as an amendment to the appropriations bill, Mr. Chairman, because the bill is going to come forward, we need to know that a bill is going to come forward, consensus or not, and then the House can decide what it wants to do.

Mr. HOEKSTRA. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. Mr. Chairman, I yield to the gentleman from Michigan, and I would appreciate it if he would answer that comment.

Mr. HOEKSTRA. Mr. Chairman, to my good friend from Massachusetts, consensus means that we have 12 votes to move a bill out of committee. All right. Consensus does not mean 21 ayes and zero noes. Okay. So thank you for that clarification.

I think it is also important to know that moving a bill to floor that would deal with this issue, we would probably not be the only committee of jurisdiction. Other committees would have jurisdiction as well.

The CHAIRMAN. The time of the gentlewoman from California (Ms. HARMAN) has expired.

(On request of Mr. SCHIFF, and by unanimous consent, Ms. HARMAN was allowed to proceed for 30 additional seconds.)

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I just point out to the chair and ranking member, I know my bill, and I assume that the gentlewoman's also, has now been referred to both Intel and Judiciary, and without a similar commitment from Judiciary, there is really no commitment that would come to the floor.

Ms. HARMAN. Mr. Chairman, I wish the Judiciary Committee would also act. Mr. CONYERS is a lead author with me of the bill I am talking about. But I think it is critical that the Intelligence Committee act because we have the membership that is briefed on the program, and if we report a bill to the House floor for action, I would hope that the House would respond to that promptly.

□ 1730

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must confess I am a little ambivalent about this amendment because the amendment seems to say that we should obey the law, and some people might get the implication if we don't pass the amendment that we are free not to obey the law.

The amendment says that "funds are prohibited from being used to engage in electronic surveillance in the United States except as authorized under the Foreign Intelligence Surveillance Act or title III." Well, the Foreign Intelligence Surveillance Act says that. It says that this title and title III shall be the exclusive, exclusive, that is the word used in the law, the exclusive authority for domestic surveillance, for domestic wiretapping. Anything outside of that is illegal. Anything the administration is doing outside of FISA and title III, by the terms of FISA, is illegal.

Certainly we should obey the law. I will vote for this amendment because I can't imagine the House saying we shouldn't obey the law, although I hear some of that from the other side. The fact is that this entire program, insofar as it is done outside of FISA or title III, is by definition illegal because the law says so, period.

Now, I just came from the airport, and I heard a little of the debate, with people saying, well, maybe it is too hard to get a warrant. Maybe the work that has to go on beforehand is too hard and takes too long to get a warrant, even 72 hours after the surveillance begins, which is what FISA says. Well, if that is the case, let the administration make that case and let us amend FISA.

Remember why FISA was passed. FISA was passed because of tyrannical, illegal conduct by the FBI and by prior administrations that was considered by the Congress. After hearings and after revelations, they said, my God, we curtailed liberty in this country. We invaded the liberty of law-abiding, peaceful citizens under the cover of law, and we should never do that again; we are going to enact some safeguards. And Congress enacted FISA to be that safeguard.

And to say if you want to do domestic surveillance, if you think someone is a Communist agent, in those days, or an al Qaeda agent today, here is the procedure by which you get the authority to wiretap that person. Should a known al Qaeda agent be wiretapped all the time? I would say, yes, but a court would say, yes, too. In fact, we provided in that law for a secret court. You can go get an exparte order on secret evidence in a secret proceeding, and you can even do it after the fact, 72 hours.

Now, maybe it should be 96 hours or 5 days. Maybe someone could make a case for that. Let Congress change the law for that. But simply to say, the FBI tells us, the administration tells us that obeying the law is too difficult?

I remember a few years ago hearing ringing phrases from Henry Hyde and a lot of other people about the rule of law. We should impeach a President because he allegedly violated the rule of law. And now we come to this floor and say ignore the law? The administration, if it is too hard, can ignore the law?

The law says that FISA and title III are the exclusive authority for wiretapping in the United States, period. No ifs, ands, or buts. All this amendment does is repeat it.

As I said, I am ambivalent about it because I don't know that we should have to repeat it, but apparently we do. So I urge the adoption of this amendment, and I would remind everybody that to vote against this amendment is to say we are endorsing the violation of the law. We don't care about the rule of law. We endorse the administration's illegal and extraconstitutional action and we are making ourselves complicit in that and there is no protection, because the President now claims the power to disobey any law under his inherent authority under article II as Commander in Chief.

That is a power even George, III, didn't claim, to just disobey the law when he judges it necessary because of his being Commander in Chief of the armed services. He is Commander in Chief of the Armed Services, not of the United States. He is not Commander in Chief of the United States. He is not a monarch.

No President should have the power to disobey the law or to set aside the law when he thinks it necessary. If he thinks changing the law is necessary, come to Congress, change the law, enact a change in FISA. I might support it; I might not. But Congress will work its will. Enact a change in FISA.

Simply to say, as this amendment does, that no funds shall be used except in accordance with law, because the law says no electronic surveillance shall occur, that is the words, no electronic surveillance except as provided in this act or in title III. That is the law. That is what this says. If we have any shame at all, we should adopt this amendment.

Mr. LANGEVIN. Mr. Chairman, the House passed H.R. 5631, the Defense Appropriations Act for FY2007. I commend Chairman YOUNG and Ranking Member MURTHA for crafting an important piece of legislation that will provide our men and women in uniform with the resources they need to continue their excellent record of service to the Nation. I was proud to vote for that measure, which passed by an overwhelming vote of 407–19.

However, I am disappointed that the House did not pass a very important amendment offered by Congressman SCHIFF to block funding for any surveillance program that does not comply with the safeguards in the Foreign Intelligence Surveillance Act. I have been deeply disturbed by the President's decision to expand domestic surveillance of U.S. citizens beyond what is permitted under existing law. As a member of the House Armed Services and Homeland Security Committees, I am fully aware of the dangers posed by those who wish to harm Americans, and I have strongly supported efforts to make our Nation safer. However, President Bush has not yet explained to my satisfaction why powers available to him under existing law cannot meet the needs of the war on terrorism. For example, the Foreign Intelligence Service Act (FISA) already permits the warrantless surveillance of communications by U.S. citizens under certain limited circumstances. Nevertheless, the Bush Administration did not use those emergency powers and instead chose to expand the authority of the National Security Agency (NSA).

As I have said before, if President Bush believes that FISA needs to be altered or updated to address new threats, he should make his case to Congress and propose legislative changes. The President's decision to expand domestic surveillance while notifying only a handful of legislators does not constitute Congressional consent and is a danger to our established Constitutional system of checks and balances. While Americans may disagree about the merits of broadening the government's authority to combat terrorism, it is in all of our interests that such important decisions should be made publicly, as they affect the very values of freedom and liberty on which the Nation was founded.

Opponents of the Schiff amendment argued that we shouldn't be considering such a significant change in a spending bill. Under normal circumstances, I would agree with that assessment. However, because the House has neglected to consider any legislation to address the serious issue of domestic surveillance, we are left with no other choice.

We cannot continue to shirk our Constitutional responsibility to conduct oversight of the executive branch and its activities. We must hold hearings and consider legislation to ensure that our efforts to protect our nation are done consistent with the civil liberties that we hold dear and comply with the Constitution—the supreme law of the land.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. SIMMONS. Mr. Chairman, I move to strike the last work for purposes of engaging in a colloquy with the distinguished gentleman of the subcommittee.

On May 11, the House passed the defense authorization bill for fiscal year 2007. As the chairman knows, the bill includes a funding authorization to build two Virginia Class submarines per year, starting in 2009. Consistent with the Navy's stated requirement, the House bill also includes language requiring the service to maintain a submarine fleet of no less than 48 attack submarines.

Mr. Chairman, it is clear that the Navy has a growing shortage of fast attack submarines, and I offer for consideration the following statistics provided by the Navy: over the last 5 years, the Navy submarine force last fulfilled only 60 percent of the mission taskings; in 2006, the submarine force covered only 54 percent of the combatant commanders' requests; and most alarmingly, this year the force has met only 34 percent of high-priority missions.

I congratulate this distinguished chairman for his hard work on the defense appropriations bill under consideration today. The bill does not include submarine provisions similar to those found in the authorization bill, however; and so I ask the chairman to work toward a conference solution that includes funding for the advanced procurement of a second Virginia Class submarine sometime before 2012. Increasing our submarine build rate is the only solution to a growing force level gap.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. I yield to the very distinguished chairman of the Defense Appropriations Subcommittee, the gentleman from Florida.

Mr. YOUNG of Florida. The gentleman from Connecticut has made a strong and convincing policy argument for building two submarines each year sooner than the year 2012, and we have discussed this off and on for the last several weeks. He is very, very persuasive. So I can assure him that I will continue to work with him as we prepare to go to conference and go to conference to address the shortage of submarines in our Navy.

I am a very strong advocate of our submarine capability. I think that is one of the best deterrence systems that we have, one of the best military systems, and I appreciate the work of the gentleman from Connecticut on this issue. As I said, we have had many conversations about this. I know of no better champion of submarines in the House than Congressman SIMMONS.

But as we have discussed, the 302(b) allocation for this subcommittee was $4 billion less than the administration requested, so that made a shortage of funds. Anyway, Mr. SIMMONS has made a very strong case and I do intend to work with him because I also believe that we should have a larger submarine fleet.

I go back to the days of President Ronald Reagan, who thought we should have a 600-ship Navy, which we don't have today, but I supported that as well. And I certainly support increasing the size of our submarine fleet. So I thank the gentleman for raising the issue and doing the good job that he has done in making this case.

Mr. SIMMONS. Mr. Chairman, I thank the chairman for his commitment and applaud him and the rest of the committee for their hard work on this legislation under consideration today, and I look forward to working with him in an appropriate fashion as the Congress moves forward with this important spending bill.

Mr. BUYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the issue I bring before my colleagues is that we have done a very good job in protecting the soldiers on the battlefield, and I want to compliment Mr. YOUNG and Mr. MURTHA for all you have done. And you have done that to protect them against ballistics. So we have given them the body armor. They have the side plates, the shoulder plates, throat plate, groin plate, and they have this helmet on them and it protects them against the ballistic and crash.

But we have a problem. The problem is now, when these IEDs go off, we have blast injuries. Where before you would be close to a blast and the body or the torso would absorb part of that blast, now that blast hits all that armor that we have put on them, and part of that goes up the face where the helmet is strapped onto the chin, and when it goes up into the helmet there is no place for the force to be released. So you get a concussion, and as the force then comes back down you get a precussion. So we have traumatic brain injuries.

We need to examine this, and I want to work with Mr. YOUNG, with Mr. WELDON, and Mr. MURTHA. We need for the Under Secretary of Defense for Acquisition, Technology, and Logistics to conduct a series of comprehensive, nonballistic and ballistic tests and an evaluation of the Marine Corps light combat helmet and Army combat helmet with all qualified sling, pad, and suspension systems available in accordance with the operational requirements applicable to such helmets.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank my colleague for yielding.

Last week, on Thursday, I chaired a hearing in my subcommittee looking at this very issue with helmets, and we have a dilemma right now, Mr. Chairman.

We have all of our Army being outfitted with modern helmets thanks to the good work of the appropriators. 500,000 of these helmets are on order and in place with cutting-edge technology inserts that the soldiers are very happy with. We have the Marines Special Ops units deployed with similar helmets with the inserts the Army is using.

But we have 20,000 marines in theater, and 6,000 of those marines have requested an updated insert that the marines are unwilling to provide. So we have a private nonprofit, headed by a former Navy surgeon, who has raised hundreds of thousands of dollars to buy inserts to give to our soldiers in theater, including the 6,000 marines.

It is a very confusing issue. General Catto last week said, well, we are not going to stop them from using these inserts, but he won't order them for the rest of the marines. What this language does is it says complete this study within 60 days and buy immediately the helmets and the inserts, especially for the Marine Corps that the marines in theater are in fact requesting and using.

Mr. BUYER. I thank the gentleman for his good work.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. For those of us who have visited our wounded soldiers and marines in the hospitals understand the importance of the type of injury you are discussing. Sometimes it is very obvious, very evident, and sometimes it is not obvious at all, but it is there.

I believe we can help with what you want to do here. I believe as we write our conference report that will come with the conference product, I think we can direct what it is that you want to see directed, and I am prepared to offer that as we go into the conference.

Mr. BUYER. I thank the chairman, and I yield to Mr. MURTHA.

Mr. MURTHA. I agree.

Mr. BUYER. I thank the two gentlemen and look forward to working with you as we go to conference.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Institute for Exploration at Mystic Aquarium in New London, Connecticut.

Mr. FLAKE. Mr. Chairman, when I saw this earmark, which is $1 million for research at the environmental center at Mystic Aquarium, Connecticut, I thought I was experiencing deja vu. We had a similar amendment in the Energy and Water bill just last week, or 2 weeks ago. Now we are looking at the defense bill, and the only difference is the amount of the earmark. I believe it was $400,000 then; this defense bill earmark is for $1 million. My amendment would remove this earmark from the bill.

Now, during our debate a few weeks ago on this subject, we learned that the aquarium has been in operation for over 20 years, that it is an educational and research institution with expertise in ocean environmental studies and in deep sea exploration. We learned that it provides activities and learning for boys and girls clubs. All of these are worthy activities, certainly.

We learned that the world's foremost deep sea explorer collocates his operation at the aquarium. That is Dr. Robert Ballard, I believe.

☐ 1745

What we didn't learn was why this aquarium gets favorable treatment over aquariums in Arizona or Massachusetts or Kansas. We didn't learn what enumerated Federal function the aquarium fills. We certainly did not learn, and we haven't learned yet today, and I hope to learn in the next 5 minutes, how the aquarium contributes to the most basic and critical function of defending our country.

We just heard a great discussion about how we need to free up more funding for helmets for our military. I would suggest this is a great place to start. It is often said you can't vote for the Flake amendments because the money will simply be spent anyway by the agency. In this case the agency is the Department of Defense, and I think it would be hard to believe that they could make a case for a program less wise than this on their own, that they have something that fitters away more dollars than spending on an aquarium.

I like the Boys and Girls Club, but they aren't fighting for us and defending our country. Maybe they have programs that benefit them at this aquarium, but I would submit that it is no way to spend our defense dollars.

By voting against this amendment, you are saying that we place more value in the defense bill for funding aquariums than we do in funding defense.

Now we were trying to find out when we were researching this amendment, and we were not told much by the Appropriations Committee, so we tried to find out what this is, if it really is Connecticut, and I was told today, no, I think it is in Ohio on Lake Erie. I don't know what the aquarium does. I am anxious to learn what it does and how it contributes to defense.

In this process without a unanimous consent agreement on this bill, I am unable to ask questions and then speak later. I hope whoever is sponsoring this legislation or supporting this will please tell us how it is more vital to fund aquariums in the defense bill than funding helmets for our troops, for example, or anything else the Defense Department can do.

I would ask, please, for the sponsor of the amendment or whoever is defending it to tell us why we should be funding aquariums in the defense bill.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment and oppose the gentleman's effort to try to eliminate the funding for this program.

Let me first begin by saying that the Supreme Allied Commander of NATO supports this effort as one that is strategic. Many of us on the committee also support it because it is educational.

Let me explain to the gentleman that the organizations that will carry out the undersea exploration in the Black Sea and in the eastern Mediterranean will do this working under the authority of NATO. There are very preeminent scholars who are involved in this, including Mr. Bob Ballard, best known for finding the wreckage of the Titanic.

The efforts in the Black Sea and the eastern Mediterranean will be to explore underwater in a cooperative effort with our friends in both Ukraine and in Russia. The Government of Greece will be involved as well, but the instrumentalities that you talked about in this country are only locations through which some of our talented people have been selected and will be coupled with those of Ukraine, Russia and Greece.

As you may or may not know, Russia has a base in Crimea, and as both Russia and Ukraine move towards NATO, I think it is important for the United States to find ways to work with them together so we can achieve a very progressive maturation and a set of relationships that include underwater exploration in which everyone feels they have a stake.

One of the side benefits of this particular effort, so you know, is that there will be educational programs relating to math and science. This particular scientific endeavor will be broadcast through a live network of museums, science centers, Boys and Girls Clubs, and aquariums, perhaps the one the gentleman mentioned. There are literally hundreds of them, including Department of Defense schools in all of the NATO countries. So there is also a benefit for education.

One of the goals is to take and broadcast through Ukraine and Russia so we work on this together. There is actually a term that they use, I might not have it exactly right, but it is like an instantaneous televideo connect where as they film underwater and begin to identify various undersea artifacts and conditions, and the oceanographers and the scientists involved will make this information available globally.

So the Institute for Exploration Project is designed not only to help our strategic relationships in the region, but it has a benefit for children across the world. And by working on a project focused on exploration of the maritime conditions in those locations, we engage strategically with countries where we need to develop friendships and a common agenda without engaging in any kind of overt military activity. That is a bit of an explanation.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. SIMMONS), who has been such a great colleague in helping the Ukrainian Caucus move this project forward.

Mr. SIMMONS. Mr. Chairman, I thank the gentlewoman for yielding, and I also rise in opposition to the amendment.

If the logic of the amendment is to be understood, the Department of Defense should not engage in any funding of academic research. I think we know that the Department of Defense expends incredible dollars on academic research, especially applied research, that has application to some of their varied missions.

The United States since World War II has enjoyed subsurface dominance. Just a few minutes ago we talked about the issue of our submarines and our Submarine Center of Excellence in Groton-New London. Well, that Submarine Center of Excellence in Groton-New London is collocated with the Institute for Exploration. We are not talking about funding for fish food and cleaning the tanks. My colleague from Arizona keeps saying it is an aquarium as if we have goldfish in this place, or something like that. That is to trivialize some of the activities that take place there.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

(On request of Mr. SIMMONS, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. Mr. Chairman, I continue to yield to the gentleman from Connecticut.

Mr. SIMMONS. That is to trivialize the fact that Dr. Robert Ballard, a Navy officer, whose exploration activities also mirror his activities as a naval officer, and is involved in very interesting and sensitive research in the subsurface.

I would say to my colleague from Arizona, the Department of Defense does engage in funding for academic research. The investment in this program is very consistent with that, and I feel that perhaps in another venue or another time we could make a very detailed explanation as to why this is important to our country.

Ms. KAPTUR. Mr. Chairman, I just wanted to mention to the gentleman from Arizona that some of the following school districts in your State will benefit directly, including the Mesa Unified School District, and schools in Phoenix, Tucson, Scottsdale, Glendale, Yuma, Prescott and the Arizona Science Center in Phoenix is also involved in the dissemination of materials.

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

(By unanimous consent, Mr. FLAKE was allowed to proceed for 15 additional seconds.)

Mr. FLAKE. Mr. Chairman, the gentlewoman mentioned school districts in my State that would benefit. I would say again, this is the exact point we are making. This is not the Labor-HHS bill. This is the defense bill, for crying out loud. We are trying to fund our defense, and we are bleeding off dollars to aquariums. This is the wrong place to have this debate. It should be on Labor-HHS.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the JASON Foundation.

Mr. FLAKE. Mr. Chairman, I put this next one after the last one because they kind of are similar. Again, the argument has to be why aren't we debating this in the Labor-HHS bill? If we are debating it at all, it should be debated in the Labor-HHS.

This earmark that we are seeking to strike is $1 million for the JASON Education Foundation in Ashburn, Virginia. Again, it seems like something that ought to be in the Labor-HHS bill. The mission of the JASON Foundation, and this is from their own Website, is to "inspire in students a lifelong passion for learning in science, math and technology through hands-on, real-world scientific discovery." That is a wonderful mission. I am glad kids are getting the opportunity, but we shouldn't be funding it in the defense bill.

Dr. Robert Ballard has already been referenced here. He is the world's foremost ocean archeologist, and is its founder. They have good leadership. This is the same Dr. Ballard who collocates his ocean exploration operations out of the Mystic Aquarium, the recipient of $1.4 million in earmarks so far this year.

With corporate sponsorship and support from the likes of Oracle, Sun Microsystems, EDS, Shell, and Texas Instruments, the JASON Foundation has very good backing. However, this earmark raises questions that apply to too many other earmarks: Why is it in the defense bill? Should it receive any earmark funding at all? Who requested it? We don't know. I to this moment do not know who requested this earmark. I am hoping the author will come and say. Has there been a hearing on the subject? What essential Federal purpose does this serve; and doubly, what defense purpose does this earmark serve?

I think the mission of the JASON Foundation is noble, but the fact that we are funding it this way with this vehicle without real transparency is very disconcerting. This is not the Labor-HHS-Education bill. And frankly, given a lack of transparency and many problems that the current earmarking process presents, I don't think that it belongs in that bill either when we have a situation where I still to this moment have no idea who authored this earmark or what else it is supposed to do. All I know is what I have read, and yet we are being asked to approve a million dollars for it.

This is the only oversight this earmark will likely ever get. There is virtually no oversight after this. The agencies don't know about these earmarks. Most of the time they can't tell us what the earmark is for. And if we don't ask these questions here on the House floor, they simply don't get asked. I am anxious to hear answers to the questions that have been asked: Why is it in the defense bill? Who requested it? Has there been a hearing on the subject? Is there a Federal purpose? And is there a purpose for it in the defense bill? I can't ask that question too many times: Why are we funding this in the defense bill?

Mr. LEWIS of California. Mr. Chairman, I rise to oppose the amendment and to try to answer the gentleman's very appropriate questions.

I will speak to both of the amendments that he might have in mind, the Tech Center in Apple Valley, California, and the JASON Foundation program, for it speaks very much to why this kind of funding should flow through the Defense Department. If there is a need that this country has today as it relates to our future security and national defense, it is to one way or another here at the Federal level, where we can impact education, it is to begin to turn around the involvement of young people as well as excellent teachers in the fields of math and science.

Without any question, our future viability in terms of security does relate to America leading in these fields. The JASON Foundation is very much involved in that question; but most importantly, I would like to highlight that by describing the Tech Center in Apple Valley, California, and give you a feeling for what we are talking about as far as turning kids on to math and science and stimulating teachers to become better teachers in the fields of math and science.

A young teacher dealing with kids at the elementary level took them out in the countryside in the nighttime in the desert. You and I know it gets cold in the desert, and they looked at the stars. When it started getting cold, he thought, we need a center where kids can study these things.

□ 1800

It led to this high-tech center. Amazing over time what has evolved from that model that one day may very well turn around the teaching of math and science in the country. No less than Dan Goldin visited this school, and walking into a classroom with me. Here were about 30 youngsters around the room at computers. The unique thing about this was not just that. But these were third grade youngsters who happened to be handicapped, and they were using their computers to develop lesson plans for their colleagues in the third grade in Philadelphia.

And Goldin's eyes got big as he examined some of the ideas coming from this high-tech center as to how to turn kids on. Over time he saw that this was perhaps the first chapter of the book that must be written that will change the way we teach math and science in the country. Dan Goldin eventually, with this young guy, became convinced that he ought to gift him the first antenna that brought men back from the Moon. And as a result of that gift, that school and its teaching model is currently across the country teaching kids to use the Internet by way of using this antenna. Now, tens of thousands of youngsters in school districts all over the country and in four foreign countries are participating in this effort to turn around the way math and science is taught, the way teachers are turned on, and the way kids are turned on to the fields of math and science.

If we are going to lead the world in the future and have the security for the world for peace we need, we must get back in the business of math and science, and this chapter will be a piece of the book that will be written.

Mr. Chairman, I want to thank the gentleman for the chance to tell my colleagues about the benefits to students from military families from access to the JASON science education program.

Since 1993, this non-profit subsidiary of the National Geographic Society has provided advanced science and mathematics training to DoD teachers and students. Because of the funding provided in past Defense Appropriations bills, many DoD teachers have had the opportunity to attend extended hands-on science training sessions with experts from NASA, NOAA and many major universities.

As my colleagues are well aware, we are facing a science education crisis in the United States. Within the next five years, some 70 percent of current advanced math and science teachers will be able to retire. More and more of the science and math students in our top universities are immigrants, with fewer and fewer students from our nation's public schools each year.

Independent analysis shows that teachers who have the opportunity to attend the JASON seminars are much better prepared to lead their students into an understanding of science and math, and to get their kids enthusiastic about making a career out of these subjects. These seminars are highly recommended by the National Science Teachers Association.

Schools that serve our nation's military families are increasing ranked among the best, and one of the chief reasons for that is their affiliation with enrichment programs like the JASON project. Our responsibility lies not only with providing weapons and training to those who would defend our nation. We must also make we give the very best opportunities and benefits to their families, who are also making a sacrifice in defense of America.

Mr. Chairman, this is a modest amount of money to invest in bringing better science and mathematics education to our military families. Our nation needs that training, and these families deserve it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. SCHIFF of California.

Amendment No. 1 by Mr. KING of Iowa.

Amendment by Mr. CHOCOLA of Indiana.

Amendment by Mr. FLAKE of Arizona regarding the Mystic Aquarium.

Amendment by Mr. FLAKE of Arizona regarding the JASON Foundation.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SCHIFF

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 219, not voting 6, as follows:

[Roll No. 295]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Flake
Ford
Frank (MA)
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle

□ 1827

Messrs. SULLIVAN, MCCAUL of Texas, BONILLA, HOBSON, NEY, SOUDER, GOHMERT, and EHLERS changed their vote from "aye" to "no."

Messrs. GORDON, BISHOP of Georgia, Ms. KAPTUR, Messrs. BERRY, COOPER, WAMP, ROSS, REYES, SALAZAR, and SHAYS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 50, noes 376, not voting 6, as follows:

[Roll No. 296]

AYES—50

Barrett (SC)
Barrow
Beauprez
Bishop (UT)
Blackburn
Boren
Brady (TX)
Burgess
Cole (OK)
Davis (KY)
Deal (GA)
Drake
Feeney
Fortenberry
Foxx
Franks (AZ)
Gingrey
Gohmert
Green (WI)
Hyde
Johnson, Sam
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Marshall
McHenry
Miller (FL)
Miller (MI)
Myrick
Neugebauer
Norwood
Pearce
Pitts
Poe
Price (GA)
Ryan (WI)
Schwarz (MI)
Sessions
Shadegg
Shuster
Smith (TX)
Souder
Thornberry
Tiahrt
Westmoreland
Wilson (SC)

NOES—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway

Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 1832

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CHOCOLA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 141, noes 285, not voting 6, as follows:

[Roll No. 297]

AYES—141

Baird
Barrett (SC)
Barrow
Barton (TX)
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Blackburn
Blumenauer
Boehner
Boren
Boswell
Boyd
Brown-Waite, Ginny
Camp (MI)
Campbell (CA)
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Cuellar
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Duncan
Ehlers
English (PA)
Eshoo
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goodlatte
Graves
Green (WI)
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Hoekstra
Hooley
Hostettler
Hulshof
Inglis (SC)
Inslee
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
King (IA)
Kucinich
Larsen (WA)
Leach
Linder
Lipinski
Lofgren, Zoe
Lungren, Daniel E.
Mack
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McKinney
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Schakowsky
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Strickland
Sullivan
Tancredo
Thompson (CA)
Tiberi
Upton
Walden (OR)
Waxman
Weiner
Weller
Westmoreland

NOES—285

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Bartlett (MD)
Bass
Becerra
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Clyburn
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Hyde
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lowey
Lucas
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
McCarthy
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Sodrel
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas

Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 1837

Mr. SPRATT, Mrs. MALONEY and Mr. AL GREEN of Texas changed their vote from "aye" to "no."

Mr. GOODLATTE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Mystic Aquarium on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 77, noes 347, answered "present" 1, not voting 7, as follows:

[Roll No. 298]

AYES—77

Andrews
Barrett (SC)
Bass
Bean
Beauprez
Bilbray
Bilirakis
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Chabot
Chocola
Cooper
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
Duncan
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Holt
Inglis (SC)
Israel
Istook
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Linder
Lungren, Daniel E.
Marshall
Matheson
Miller (FL)
Moore (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Slaughter
Souder
Stearns
Tancredo
Taylor (MS)
Terry
Thornberry
Udall (CO)
Udall (NM)
Waxman
Westmoreland

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—7

Cannon
Davis (FL)
Evans
Hart
Hunter
Napolitano
Nussle

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 1842

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HART. Mr. Chairman, on rollcall No. 298 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Jason Foundation on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 69, noes 352, answered "present" 1, not voting 10, as follows:

[Roll No. 299]

AYES—69

Andrews
Barrett (SC)
Bass
Bean
Beauprez
Bilbray
Bilirakis
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Chabot
Chocola
Cooper
Davis (KY)
Deal (GA)
Doggett
Duncan
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Hayworth
Hefley
Hensarling
Inglis (SC)
Israel
Jindal
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kline
Linder
Matheson
Miller (FL)
Moore (KS)

Musgrave
Myrick
Norwood
Otter
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Ramstad
Rohrabacher
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Slaughter
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Udall (CO)
Udall (NM)
Westmoreland
Whitfield

NOES—352

Abercrombie
Ackerman
Aderholt
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Davis (AL)
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Davis, Jo Ann
Davis, Tom
DeFazio
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Delahunt
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Diaz-Balart, L.
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Jackson (IL)
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Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
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Kennedy (RI)
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Kilpatrick (MI)
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Larson (CT)
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Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
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McCarthy
McCaul (TX)
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McMorris
McNulty
Meehan
Meek (FL)
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Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
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Nadler
Neal (MA)
Neugebauer
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Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
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Wilson (NM)
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Wolf
Woolsey
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Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—10

Cannon
Davis (FL)
Davis (TN)
Evans
Hunter
Istook
Napolitano
Nussle
Price (GA)
Scott (GA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to to interpret voluntary religious discussions as "official" as specified in the revised interim guidelines concerning free exercise of religion in the Air Force.

Mr. STEARNS. Mr. Chairman, I have this amendment, and it took quite a bit of expertise on myself and staff to get this so it would be germane, and I sort of feel that that is one of my accomplishments. I intend to offer this, but then I am going to ask unanimous consent to withdraw it out of great deference to the chairman.

The second is to bring it on the House floor and to discuss it so we can put it in the RECORD so that the Armed Forces, particularly the Air Force, when they talk about the revised interim guidelines concerning free exercise of religion in the Air Force, have an understanding what we in the House believe is appropriate.

The amendment is basically saying that none of the funds made available in this act may be used to interpret voluntary religious discussion as official, because within this interim guidelines concerning free exercise of religion the word "official" is in the paragraph where we are talking about voluntary worship. Let me read this portion to you:

"Voluntary participation in worship, prayer, study, and discussion is integral to the free exercise of religion."

Now, that we all agree upon. And then they go on to talk about this voluntary discussion of religion. But then there is a sentence in this that goes on to say: "Voluntary discussions of religion or the exercise of free speech where it is reasonably clear that the discussions are personal and not official."

So even within the paragraph talking about voluntary, talking about voluntary discussion of people coming together, there is still an interpretation by the Air Force that it is reasonably clear it is not official. Well, obviously if these people come together voluntarily to talk about their faith, to pray, to study, and have this discussion, it is voluntary and should the word "official" not even be in this paragraph. But it still gives the Air Force the ability to go in and say, well, you know, we can reasonably say that it is not clear that the discussion that you men and women have had while you are worshipping, you are praying, you are studying is an integral part of this free speech. It appears that there might be some official overtone. So it is official overtone. Then at that point they can step in and say, okay, you cannot have this discussion.

So my amendment is basically saying that, no, the Air Force could not step in anytime there is voluntary participation in worship, prayer, study, and discussion. And it is simple on that respect.

Some of the revised interim guidelines that the military put together is worded in such a way that it makes many of us feel a little uncomfortable. It seems like it is a little bit over the line, and I felt personally, and I say to the chairman, my colleague from Florida (Mr. YOUNG), that when you add voluntary, I think that should be enough. And the word official and reasonably clear and some of these extraneous words that would imply intimidation to the people who are trying to worship and pray should not be a part of this interim guideline.

So I wanted to go on record to say I as one Member don't agree, and I hope perhaps there are other Members who would take this amendment to heart. And so if we find that the Air Force somehow intimidates these people during voluntary participation in prayer, worship, and study, that they would remember my amendment.

With that, Mr. Chairman, I am going to ask unanimous consent to withdraw out of deference and understanding the lateness of the hour and also the understanding that you have just been through one donnybrook and perhaps this one might be another one, but I still feel and I might at a later date bring this forward now that I finally figured out a way to make it germane.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to place a social security account number on any identification card issued to a member of the Armed Forces, a retired member of the Armed Forces, or a dependent of such a member or retired member.

Mr. FILNER. Mr. Chairman, I thank the chairman and the ranking member of the committee for this discussion we have had on so many issues today.

As the senior Democratic member of the Veterans Committee, I have been particularly appalled at the loss of 26½ million records of veterans with their Social Security numbers and some medical data plus about 200,000 active duty personnel. So the issue of identity theft I think is on all our minds. And we all know that servicemembers and military retirees are at great risk for identity theft because the Department of Defense puts the Social Security number right on their military ID cards. The DOD is thereby placing millions of servicemembers, military retirees, and their family members at risk for identity theft, and the threat is heightened for servicemembers who must carry this ID with them at all times.

We all know identity theft as being one of the fastest growing crimes of the decade, and it creates a nightmare for the victims who suffer. Identity thieves make off with billions of dollars each year, and each day more than 1,000 people are being defrauded. The Federal Trade Commission recently listed identity theft as the top consumer complaint. With just your name and your Social Security number, a thief can open credit lines worth thousands of dollars, rent apartments, sign up for utilities, earn income, and your credit rating is ruined. You risk being rejected from everything from a college loan to a mortgage, and it is all up to you as an individual to fix it all up. Law enforcement will generally not pursue these identity theft cases.

Sixteen percent of the 13 million victims of identity theft in the last 2 years had their wallets stolen. Anybody who had their ID card in their wallet lost their identity. A military ID is one of those that is generally carried in a wallet. We could have saved 2 million people from the problems of identity theft. Just look at the two individuals who were recently convicted of Federal identity theft after creating 331 fake credit cards in the name of high-ranking military officers. They just found their Social Security numbers and military IDs on a Web site and copied the information from the CONGRESSIONAL RECORD.

The recent incident at the VA affirms our need to wean the Federal Government from its overreliance on the Social Security number for ID purposes. There seems to be a culture of indifference in many agencies with regard to these numbers. States and universities and health care insurance companies have given up their addiction of Social Security numbers. Why can't we in the Federal Government?

So I hope this issue is taken very seriously. I know Mr. MURTHA and Mr. YOUNG are seriously looking at this. I hope they will look at it in conference and as they pursue this bill.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, add the following new title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds appropriated by this Act may be used to waive or modify regulations promulgated under chapter 43, 71, 75, or 77 of title 5, United States Code.

Mr. INSLEE. Mr. Chairman, this amendment brought by myself and my colleagues, Mr. VAN HOLLEN and Mr. JONES, seeks to protect very basic job securities for Department of Defense employees by blocking funds for those parts of the National Security Personnel System that have been declared illegal. The workplace environment that would result if this amendment does not pass, that results in destroying basic worker rights; jeopardizes our ability to recruit and maintain qualified, skilled workers to protect our national security. These are hardworking men and women. They deserve our gratitude, they deserve our respect, they deserve a personnel system that respects their work and complies with principles that we hold forth.

I have got to tell you. I just want to note who we are talking about here. These are the men and women who make sure that our equipment works. When I went out and saw the Carl Vinson, one of our great carriers coming back from the Afghanistan campaign, the sailors asked me to thank the people who worked on that carrier to see to it that it could launch 10,000 sortees without losing an airplane.

These people are part of the defense team. They deserve respect. But, unfortunately, the current situation does not give them either respect or fairness in the personnel system.

It is worth noting that the Office of Personnel Management questioned the legitimacy of this new program in March 2004 in a letter to Secretary Rumsfeld and said, "The current system may be contrary to law insofar as it attempts to replace collective bargaining with consultation and eliminate collective bargaining agreements all together. In addition, other elements of the proposal lack a clear and defensible national security nexus and jeopardize those parts that do."

Now, this is not just us speaking; it is the Federal courts. At the beginning of this year, U.S. Federal District Court Judge Emmitt Sullivan ruled that the NSPS system failed to "ensure even minimal collective bargaining rights." The court further enjoined the National Security Labor Relations Board on the grounds that it did not satisfy congressional requirement for independent third-party review. It has been declared illegal.

Now, one might assume after such a ruling had come down that the Pentagon would attempt to fix the problem and that the administration would do so, but in fact that has gone on after 3 years. They are essentially snubbing their noses at collective bargaining rights, at civil service rights, at the right to know whether you are discharged or what your discharge would be, basic fundamental rights that we ought to give to the people who are critical members of the defense team.

□ 1900

That is why we bring this amendment, to preserve the right to be free from discrimination based on political opinion, something that our Civil Service rules need to protect; and the right to collective bargaining, to engage in collective bargaining in good faith; the right to due process for advance notice of suspension and some meaningful appeal rights for people who work on the defense team.

So we are offering a commonsense amendment that will recognize that we should not be forcing this broken system that has been ruled illegal for people who are doing such great work for us, keeping our uniformed personnel on the post in Iraq and Afghanistan. We commend this amendment to our colleagues' attention.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment, a simple and commonsense statement from this Congress that says we stand with our Nation's Federal civilian employees.

We are here today to take a stand and rein in a personnel system that is opposed by nearly each and every one of the 700,000 members of the DOD Federal civilian workforce.

The National Security Personnel System, or NSPS, is a system that restricts our Nation's Federal civilian employees of their collective bargaining rights, as well as the right to have an independent labor relations board settle disputes, as was recently affirmed in a court of law.

This amendment would withhold the funding to go forward on implementing only those portions of the NSPS declared illegal. It would not arbitrarily kill the system as a whole, but allow Congress to carry out its oversight responsibility.

Congress has continuously affirmed its strong support of the men and women in our Nation's military. Today, with this amendment, we are asking the same thing, reaffirm your support for our Nation's Federal civilian workforce.

Mr. Chairman, by passing this amendment we will help send a message to these highly valuable men and women that we stand with them today; that we stand with those Federal civilians who maintain and repair our Navy and Marine Corps' battle-worn helicopters; that we stand with those Federal civilians who capitalize and upgrade our Army's Bradley fighting vehicles and Abrams tanks; that we stand with those Federal civilians who skillfully manage our Air Force's logistics and distribution operations; and that we stand with those Federal civilians who maintain, overhaul and upgrade our Navy's fleet of ships, submarines and aircrafts.

I hope that my colleagues in this House of Representatives will join us and vote "yes" on this amendment.

Mr. VAN HOLLEN. Mr. Chairman, I move to strike the requisite number of words.

I am pleased to join with my colleagues Mr. INSLEE and Mr. JONES in offering this amendment, and the issue here is really straightforward: Are we going to require the Department of Defense to comply with guidelines established by this House and this Congress, or are we going to allow them, one more time, to ignore the will of Congress and roll over us here in the House of Representatives?

Here is the situation. Back in 2004, this House passed the defense authorization provision that allowed the Defense Department to go out and set up a new personnel system, but we did it with certain guidelines. We wanted to provide the Department of Defense with greater flexibility, but we also wanted to ensure fairness to the employees.

Here is what happened. The DOD took the flexibility part, and they ignored the portions requiring fairness to employees. They ignored the provision that required, for example, an independent entity to arbitrate certain disputes between management and labor. They ignored the provisions that said you have to have a merit system protection board that has an independent judgment, instead of allowing the Defense Department to essentially overrule the decisions, at least on a preliminary basis, of an independent merit system protection board. So they made a number of changes to the congressional intent.

As my colleague Mr. INSLEE said, you do not have to take our word for it. Just listen to what a Federal judge said, and that is Judge Emmet Sullivan. He is the first person in the District of Columbia to have been appointed by three United States Presidents to three judicial positions, and he ruled in favor of the employees who brought a case and challenged the administration's decision on this. He said it was "the antithesis of fairness" the way DOD had set up its system and determined that it was outside the scope of what the Congress had mandated.

Now, they have ruled. That ruling came down in February. We have had a Federal judge, therefore, stick up for the Congress. The question is, are we going to stick up for ourselves? Did we mean what we said back there? A Federal judge has looked at the law and said, clearly, the DOD provisions are outside the scope of what we intended. Anyone who takes a fair look at what this Congress said to the administration and to the guidelines that we had in setting up the system would reach the same conclusion.

Let us not once more roll over. A Federal judge has done the right thing. They said the administration should not roll over the will of Congress. Let us not allow them to do it. Let us make sure that we do not spend taxpayer money on a system that a Federal judge has said is outside the scope of what Congress intended.

So I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin by thanking Chairman YOUNG and Mr. MURTHA for their hard work and support of our troops and support of our Nation's defense, but I also join with my colleagues who have previously spoken.

In November of 2003, I supported the National Defense Authorization Act, which authorized the NSPS system. At that time, I believed that NSPS would produce greater efficiencies in government. Further, I believed NSPS would reward government employees that displayed personal initiative, hard work, and productivity, all at the same time while preserving collective bargaining and Civil Service protections.

Unfortunately, as others have outlined, the implementation of NSPS has been staggered and revised on several different situations, indicating both the complexity and the problems when applying some of the good aspects of NSPS with the reality of its implementation.

Last November the Department of Defense and the Office of Personnel Management published the final regulations for NSPS. These did not live up to the spirit of cooperation and collaboration between the government and labor that was promised when Congress passed the authorization bill several years ago.

In fact, as has already been alluded to, a Federal judge agreed with representatives of labor that NSPS failed to meet fundamental standards. On February 27, 2006, a Federal court enjoined the NSPS regulations because they failed to ensure collective bargaining rights, did not provide for independent third-party review of labor relations decisions, and failed to provide a fair process for appealing adverse actions.

For the thousands of Federal workers at Portsmouth Naval Shipyard, which is in my district, the NSPS regulations as proposed would have had a damaging impact. The shipyard's unique labor and management relationship has created tremendous efficiencies and progress and has become a model for good government. This progress and the relationship at the Portsmouth Naval Shipyard could well be lost under the NSPS program.

Under the broad and rigid centralized NSPS regime, the flexibility that has led to some of our government's best practices and most successful entities would be impossible. In fact, representatives of labor have indicated to me that many of the efficiencies that were the result of labor-management agreements would not have been possible under NSPS.

NSPS, as proposed, systematically restricts opportunities for labor representatives to communicate, negotiate and collaborate with Pentagon management. Given the exemplary record of the Portsmouth Naval Shipyard, which is in my district, which has returned submarines to the water and to fleet commanders sooner than any other yard in the country, all while saving significant millions of dollars on submarine maintenance for taxpayers, it is difficult to imagine that none of this could have been possible under the proposed NSPS format.

So, Mr. Chairman, I appreciate my colleagues who have spoken previously on this issue, and I rise in support of this amendment and ask the entire House to support it tonight.

Mr. MURTHA. Mr. Chairman, I rise in support of the amendment.

I think at times we have an arrogance in the Defense Department when they ignore not the regulations, but what we are trying to do in this legislation. We expected them to talk to the people working in the Defense Department.

I have never seen a better workforce than we have in the United States when it comes to the civilians who support our troops out in the field and civilians who work for the Defense Department, and we have tried several years now to get them to do more negotiations. They have continually ignored our advice, and I am very nervous about the way they have handled things.

I have never seen so many union representatives come to me and say, we have asked them for this, and then the court, the court itself, says they are not being treated fairly.

So I would hope we could accept this amendment or at least vote this amendment. It is a little broader than I would like, but we can always adjust that if we have to at some other point.

I would advise, recommend the Members they support the amendment.

Mr. DICKS. Mr. Chairman, I rise in strong support of this amendment.

Based on the actions of the Department of Homeland Security and the Department of Defense, it is clear to me that it is time for Congress to send a message to the Administration about the importance of preserving bedrock principles of labor relations.

In making my case for this amendment, I want to recount a few key points leading up to where we are today.

In 2002, Congress enacted legislation to create the Department of Homeland Security. This legislation provided the Secretary of Homeland Security and the Director of the Office of Personnel Management with the authority to develop a separate human resources management system for the employees of the Department of Homeland Security. Subsequently, in the FY2004 Defense Authorization Act, the Department of Defense was authorized to develop and implement the National Security Personnel System.

In August 2005, U.S. District Court Judge Rosemary Colyer ruled that the proposed Department of Homeland Security personnel rules "would not ensure collective bargaining, would fundamentally alter [Federal Labor Relations Authority] jurisdiction . . . and would create an appeal process at MSPB [Merit Systems Protection Board] that is not fair." This federal court ruling should have been a wakeup call to the Department of Defense to take care in pursuing changes to labor relations regulations. However, DOD chose to ignore it, proceeding with plans to implement regulations that would make substantial changes concerning collective bargaining and review of appeals of adverse actions.

In February 2006, U.S. District Court Judge Emmet Sullivan ruled that specific sections of DOD's NSPS regulations were unlawful. He ruled that NSPS "fails to ensure that employees can bargain collectively," that the proposed National Security Labor Relations Board "does not meet Congress's intent for independent third party review," and that "the process for appealing adverse actions fails to provide employees with fair treatment."

To their credit, the labor organizations that represent many federal government workers have been vigilant in protecting the rights of their members by appealing to the courts. I believe that it is time for Congress to reinforce the ruling of the federal court to ensure that the Administration gets the message: Congress does not intend that core principles of labor relations are to be eroded by DOD, and we are prepared to make that crystal clear by prohibiting the expenditure of funds on steps that violate the intent of the law.

I urge my colleagues to support this amendment.

Mr. HOYER. Mr. Chairman, I rise in support of the amendment offered by my colleagues, Representatives INSLEE, JONES and VAN HOLLEN, which would prohibit the use of funds in this bill to be expended on specific elements of the National Security Personnel System.

In February, U.S. District Court Judge Emmet G. Sullivan ruled that the Department of Defense, in establishing a rule to execute the National Security Personnel System, had failed to ensure the rights of the approximately 700,000 civilian employees of the Department of Defense.

Specifically, the judge determined that the rule:

Fails to ensure that employees can bargain collectively.

Does not meet Congress's requirement for "Independent Third Party Review" of labor relations decisions.

And that the process for appealing adverse actions fails to provide employees with the "Fair Treatment" required by the Congress.

Yet, despite the decision, the department has proceeded with the implementation of the rule.

Mr. Chairman, this amendment simply ensures that the Department of Defense will not continue to pursue a policy that is clearly against the law and against the best interests of our national security.

I commend the gentlemen for their continued efforts on behalf of our Federal employees and urge my colleagues to support this important amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Center for Rotorcraft Innovation.

Mr. FLAKE. Mr. Chairman, before addressing this amendment, let me simply speak to the problem with this process of earmarking. We have the last amendment with regard to the Jason Foundation. All we know is that it was, I believe, requested for Ashburn, Virginia.

We still do not know, after having voted for it, after 332 Members voted for it, after people came to defend other earmarks, nobody came to defend this one. We still do not know. What we do know is that the administration never requested it, that no hearings were ever held, no markup was ever held. We still do not know why it is in the defense bill.

As I mentioned, we do not know who requested it. There is no oversight mentioned, no, no process or structure for oversight, nothing, yet we just appropriated $1 million for the Jason Foundation in Ashburn, Virginia. That is all we know, and that is all we will probably ever know.

What kind of process is that? It is simply wrong. We should have a process that is more transparent where there is real accountability.

Let us go on to this amendment. This is an amendment to strike $4 million for the Center for Rotorcraft Innovation in Media, Pennsylvania. This amendment would prohibit funds in the bill from being used for the Center for Rotorcraft Innovation.

According to the center's Web site, their goal is to enhance the competitiveness of the U.S. rotorcraft industry in the world marketplace.

I should say nobody is more supportive of a strong, viable rotorcraft industry than I am. Just about 2 miles from my house is the Boeing facility that makes the Apache. About a mile and a half from my home is where MD Helicopter has made for Special Forces the Little Bird helicopter. So this is important for my district and every other district that does have a strong, viable rotorcraft industry.

But what we should not be doing is picking winners and losers and saying the Federal Government, in the defense bill, is going to prop up one industry or another. We simply should not be doing that.

The helicopter companies that are principal members of the center are world-class and competitive because they make a great product needed by our military and militaries around the world.

I have toured a number of times the Apache facility. I have heard the accounts of soldiers who have been to Iraq and Afghanistan, and the Apache has performed wonderfully. I have also toured MD Helicopter. It is a great product. I am sure Sikorsky and others who manufacture helicopters do as well.

The question becomes, why are we using the defense bill as a mechanism to fund a center like this when these businesses are fully capable of marketing their own products?

☐ 1915

The rotorcraft industry wants $4 million of Federal defense dollars to subsidize their marketing efforts around the globe. They are doing pretty well. I hope they continue to do well. They are competitive because they make a good product, not because the Federal Government is subsidizing them.

Many of them compete for government contracts. That is great. We rely on them, but we shouldn't be saying, all right, we are going to pick you and we are going to lavish you with Federal dollars to help market your product.

Those of us who oppose corporate subsidies for cotton and sugar and tobacco and the airline industry, I think that we also ought to say, if we are going to oppose those subsidies, why don't we oppose subsidies for the rotorcraft industry as well?

At this time of war, we need to send money to help our troops and not subsidize private industry. Again, it is not the role of the Federal Government, and certainly not in a defense bill, to be picking winners and losers in industry, saying you are going to get a subsidy but you are not.

This argument will come up as we offer additional amendments in the next few minutes, but I would ask support for this amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

First of all, let me say there is a role for this Congress to play in defense, in spite of my colleague from Arizona. If it wasn't for this Congress, a decision made by the administration back in 1989, when they canceled the V–22 program, would have been left undone. This year, the Marine Corps will deploy the V–22 program.

In spite of the administration back then and Secretary CHENEY canceling the program, we did the right thing for the Marines. Today, we are building 450 of these aircraft because this Congress knew what it was doing.

I would remind my colleague that it was in 1996 that this Congress passed a defense authorization bill requiring that we arm the Hellfire missile on the Predator system. The administration didn't want it back then. They knew better than we did. Thank goodness this Congress armed the Hellfire missile on the Predator. That was our decision, not the administration's.

If this Congressman would have come to me and asked me some questions, perhaps he would have been a bit more enlightened about what this is. This is not a subsidy program. This is a program to focus research and technology on the rotorcraft industry for our military and for other purposes.

If the gentleman would have come to me, he could have attended one of our four hearings. Now he speaks a good game here. Why weren't you at the hearings when we discussed rotorcraft over the past 2 years? We had two hearings this year. Why didn't you come and sit on those hearings and understand what the rotorcraft center was all about? Why didn't you talk to the American Helicopter Society, headed by Rhett Flater? More importantly, why didn't you talk to the Boeing folks? Maybe by then you would have realized that a portion of this money, and by the way none of it goes into my district, the money is funneled out to 21 other locations, including your district. The Boeing Company received a grant from this program in your district, which you weren't even aware of.

I will not yield because the gentleman has offered an amendment that he knows nothing about. I respect people of intelligence, who have integrity. You didn't have the courtesy to come and ask me about this program. You didn't have the courtesy to come and ask about the briefing, about the four hearings, about the memorandum of understanding signed in 2004 by every major rotorcraft manufacturer in this Nation, including Sikorsky, Bell Textron, including Kaman Industries, including Boeing, including Georgia Tech, Penn State, and Maryland, all the major rotorcraft centers in this Nation.

You didn't have the courtesy to come and ask. You took a cheap shot. And you know what? Your cheap shot is just that. The amount of impact on my district is one job, one job at Penn State University. The money you just talked about flows into 21 other States, into universities and corporations doing research on rotorcraft technology.

Now, why is that important? Because the primary responsibility for rotorcraft research was NASA, but NASA has seen fit to move away from that. And as a member of the Science Committee, we have worked repeatedly to try to get NASA to take the responsibility mandated by the law. NASA used to fund $30 million a year in rotorcraft research. In the past 5 years, they have spent zero. So we took the initiative that the Army established.

And when the gentleman says on this floor, again ignorantly, that the military and the Pentagon don't support this, I would have said to him, why don't you go talk to the Army, because the Army has supported the Center For Rotorcraft Innovation repeatedly. The U.S. Army. Not the Russian Army, the U.S. Army. If you would have taken the time to go to the Army, you would have found those facts out.

You know, Mr. Chairman, I hate to be emotional in this debate; but doggone it, I am not going to let somebody stand up here in total and complete ignorance and spout off a bunch of gobbledygook about subsidizing the rotorcraft industry. That is not what this is about.

If you want to give the money back from your district, you go to Boeing and tell them to turn back the money they got from this research initiative. But don't stand up on the floor and make stupid allegations because you want a headline about cutting waste. This is not waste.

Mr. Chairman, I submit for the RECORD the memorandum of understanding, the list of all 21 centers that have received funding from this program, and the Center For Rotorcraft Innovation's outline.

MEMORANDUM OF AGREEMENT

This MOA is between the Boeing Company, a Delaware corporation having offices at Ridley Park, Pennsylvania, Sikorsky Aircraft Corporation, a United Technologies Company, having offices at Stratford, Connecticut, Bell Helicopter Textron Inc, a Delaware corporation that is a wholly owned subsidiary of Textron having offices at Hurst Texas, the Kaman Aerospace Corporation, having offices in Bloomfield, CT, the Rotorcraft Industry Technology Association (RITA) Inc., a Delaware corporation, Keystone Helicopter Corporation, having offices in West Chester, PA, The Pennsylvania State University, located at State College, PA, The University of Maryland, located in College Park, MD, the Georgia Tech Research Corporation, located in Atlanta, GA, the Piasecki Aircraft Corporation having offices in Essington, PA, Augusta Aerospace Corporation having offices in Philadelphia, PA and the American Competitiveness Institute, having offices in Philadelphia, PA, hereinafter which may be referred to individually as "party" or collectively as "parties".

I. PURPOSE

Sec. 1: The parties to this agreement agree to provide oversight for the Center for Rotorcraft Innovation (the "Center"), which will be established by the American Competitiveness Institute (ACI), a Pennsylvania corporation with its principal place of business in Philadelphia, PA.

Sec. 2: The Center's mission will be to administer and conduct rotorcraft pre-competitive research and development with the participation of rotorcraft manufacturers, their suppliers, operators, support providers, academic researchers, government laboratories, industry associations and other non-profit organizations. Research projects will be conducted both at the Center and the participants' facilities, including subcontractors as appropriate.

Sec. 3: ACI will administer, at no cost to the parties, the acquisition and expenditures of federal, state, local and private funding for the creation of the Center by:

(i) establishing and implementing a business plan to acquire the necessary funding for the creation and sustainment of the Center; and,

(ii) establishing and implementing a plan for the Center's design, operations and final incorporation into a rotorcraft organization governed by industry and academia.

Sec. 4: ACI shall provide oversight consistent with the mission stated above. Such oversight shall include participation and guidance associated with formation of the Center, and such other Administrative support as mutually agreed to by the Parties. Technical oversight, including Program selection and monitoring of projects performed by the Center shall be provided by the other Parties to this Agreement.

Sec. 5: A Center Director will be appointed by ACI to oversee the daily operations of the Center.

II. BACKGROUND

There have been several initiatives to facilitate joint government, industry and academic collaboration to address technical challenges facing the rotorcraft industry. Despite this, tight government budget constraints and a shift in emphasis to other programs, the rotorcraft program has suffered and funding has failed to materialize. Advanced rotorcraft systems for military applications and the emerging needs for homeland security clearly demonstrate a need for advancement through an investment in research and development. The unique capabilities of rotorcraft are indispensable in both national security and emergency response situations. The highly competitive commercial rotorcraft industry and its worldwide proliferation make it an ideal candidate for technical cooperation and collaboration. The intent of the Center is to centralize and refocus the attention, technology and expertise of industry and academia to achieve adequate and sustainable funding through government and commercial sources. The goal is to be a recognized Center of Excellence in rotorcraft technology to support and coordinate research and development, education, training and outreach to expand and strengthen the U.S. rotorcraft community.

III. TECHNICAL ADVISORY BOARD

Sec. 1: The organizations that are parties to this agreement shall provide technical oversight to the Center through a Technical Advisory Board.

Sec. 2: The Technical Advisory Board shall be comprised of a representative from each of the initial organizations who sign this agreement. Notwithstanding the foregoing, the Georgia Tech Research Corporation is a cooperative organization of the Georgia Institute of Technology ("GIT") and may identify a GIT employee as a representative to the Technical Advisory Board.

Sec. 3: The Technical Advisory Board shall utilize its collective expertise in various aspects of the Rotorcraft Industry to establish and maintain a technical roadmap to guide Center activities consistent with its mission. It is recognized that inputs from industry, academia, and government sources are essential to creating and maintaining a dynamic and relevant Center agenda.

Sec. 4: Additional representatives may be added to the Technical Advisory Board subsequent to the execution of this agreement by majority consent of the initial parties to this agreement.

IV. MEETINGS

Sec. 1: The Technical Advisory Board will meet a minimum of four (4) times a year at a time and location determined by the Center Director.

Sec. 1a: The Center Director shall preside over Technical Advisory Board meetings, and with the advice and consent of the Technical Advisory Board, shall set the time, place, and agenda.

Sec. 1b: Each Technical Advisory Board member may designate, by notifying the Center Director in writing, a qualified alternate to attend and participate in Board meetings in his/her absence.

V. FISCAL CONSIDERATIONS

Sec. 1: No membership fees or dues are required to be paid.

Sec. 2: The salaries and expenses of representatives of the Technical Advisory Board shall be the responsibility of their respective organizations.

Sec. 3: Any contractual relationship entered into between Technical Advisory Board members shall be solely the responsibility of those members, and the Center shall expressly have no performance or fiscal obligation.

Sec. 4: In no event shall the parties be liable to each other or any third party in privity with any party for any special, indirect, exemplary, incidental, or consequential damages arising out of or in connection with this agreement.

VI. RELATIONSHIP OF THE PARTIES

Nothing contained in this Agreement shall be deemed to constitute, create, give effect to, or otherwise recognize a joint venture, partnership, or formal entity of any kind between the parties. No party shall have the authority to bind any other party or the Center except to the extent authorized in this Agreement. Each party shall bear sole responsibility for its own actions in furtherance of the Center.

The parties agree to execute appropriate confidentiality agreements prior to disclosing any proprietary information. No intellectual property right or license, either express or implied is granted to any other party as a result of this Agreement.

VII. TERM OF THE AGREEMENT

An organization may terminate its participation in this agreement at any time by notifying ACI in writing.

This Agreement shall terminate upon the intended transfer of the administration of the Center for Rotorcraft Innovation from ACI to the Rotorcraft Industry Technology Association (RITA) or another suitable third party, and/or the execution of subsequent Agreements by the parties relative to the formation of the Rotorcraft Center.

VIII. ASSIGNMENT

No party may assign or transfer this agreement, its interest, or obligations hereunder without the written consent of the parties to this agreement.

The Boeing Company Integrated Defense Systems; Bell Helicopter Textron Inc.; The Kaman Aerospace Corporation; The Pennsylvania State University; Georgia Tech Research Corporation; Keystone Helicopter Corporation; Sikorsky Aircraft Corporation; American Competitiveness Institute; Rotorcraft Industry Technology Association; University of Maryland; Piasecki Aircraft Corporation; Agusta Aerospace Corporation.

Bell Helicopter Textron: Fort Worth, TX—Lloyd Doggett, 26th district; Kay Granger, 12th district.

The Boeing Company: Philadelphia, PA—Robert A. Brady, 1st district, Robert A. Brady, 1st district, Chaka Fattah, 2nd district, Allyson Y. Schwartz, 13th district.

The Boeing Company: Mesa, AZ—Jeff Flake, 6th district.

Sikorsky-UTC: Stratford, CT—Christopher Shays, 4th district.

Kaman Aerospace: Bloomfield, CT—John B. Larson, 1st district.

BF Goodrich: Vergennes, VT—Bernard Sanders, 1st district.

Armour Holdings: Phoenix, AZ—Ed Pastor, 4th district, John B. Shadegg, 3rd district.

Smiths Industries: Grand Rapids, MI—Vernon Ehlers, 3rd district.

Endevco: San Juan Capistrano, CA—Ken Calvert, 44th district.

Lord Corporation: Erie, PA—Philip S. English, 3rd district.

Georgia Tech: Atlanta, GA—John Lewis, 5th district, Cynthia McKinney, 4th district.

Penn State University: State College, PA—John E. Peterson, 5th district.

University of Illinois—Chicago: Chicago, IL—Bobby Rush, 1st district, Jesse Jackson, Jr., 2nd district, Dan Lipinski, 3rd district, Luis V. Gutierrez, 4th district, Rahm Emanuel, 5th district, Danny K. Davis, 7th district, Janice D. Schakowsky, 9th district.

University of Maryland: College Park, MD—Steny H. Hoyer, 5th district.

University of Texas—Arlington: Arlington, TX—Joe Barton, 6th district.

UCLA: Los Angeles, CA—Henry A. Waxman, 30th district, Xavier Becerra, 31st district, Hilda L. Solis, 32nd district, Diane Watson, 33rd district, Lucille Roybal-Allard, 34th district, Maxine Waters, 35th district.

Arizona State University: Tempe, AZ—J.D. Hayworth, 5th district.

West Virginia University: Morgantown WV—Alan B. Mollohan, 1st district.

Ohio Aerospace Institute: Cleveland, OH—Stephanie Tubbs Jones, 11th district.

Mississippi State University: Starkville, MS—Charles "Chip" Pickering, Jr., 3rd district.

Syracuse University: Syracuse, NY—James T. Walsh, 25th district.

Ohio State University: Columbus, OH—Deborah Pryce, 15th district, Patrick J. Tiberi, 12th district.

KSR, LLC: Newport Beach, CA—John Campbell, 48th district.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment, and I rise speaking as the ranking member on Mr. WELDON's committee.

Mr. WELDON, as my good friend from Arizona now knows, has a deep and abiding interest in this activity. And he is my good friend, that is to say Mr. WELDON, as well as you, Mr. FLAKE.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I certainly will yield to the gentleman from Arizona.

Mr. FLAKE. I simply want to respond to the allegation that I did not know that some of the beneficiaries were in my district. I stated that in my statement. I know they are. I live less than 2 miles from them. I spoke with the Boeing representative this morning, and I knew full well that it would impact them.

Mr. ABERCROMBIE. I accept you at your word, and reclaiming my time, I hope that this is instructive in the end for us.

One of the reasons I like working with Mr. WELDON is I think we bring a certain amount of passion to our work. And as with many other things in our lives, sometimes your virtues are also your vices, so I understand that very, very well.

My request is that you think perhaps about withdrawing this amendment. It is not to argue with you about your premises. Believe me, Mr. FLAKE, I don't do that. I understand exactly what you are saying, and I understand your concerns with regard to whether or not there are full and complete understandings of what we are doing and why we are doing it under the general aegis of earmarks. My point is that this particular designation has had thorough, and I assure you nonpartisan, thorough, complete briefings and hearings. That is the way our subcommittee works on Armed Services. I assure you of that.

Again, as I say, everybody's virtue is also their vice; but let me tell you, if it is a vice to go into exquisite detail as to what you are dealing with, then Mr. WELDON, and I guess by extension myself, is guilty of that.

I can assure you that if there is an argument on the floor against what we want to do with rotorcraft innovation in research, then I could understand why you wouldn't want to vote for it. But I can assure every Member here, Republican and Democrat alike, that in the Armed Services Subcommittee, on which I am privileged to serve with Mr. WELDON, that we go into the details of what we are doing and why we are doing it.

The final point here. The reason that I support this and the reason Mr. WELDON recommended it to the subcommittee and that he succeeded is that the big companies, the big companies don't do the innovation and the research. They really don't.

Mr. HUNTER in particular, and, again, I have had my differences with Mr. HUNTER, but Mr. YOUNG recognizes and Mr. HUNTER recognizes that true innovation in this country comes from the small companies. It comes from the research areas that don't necessarily get the big contracts, nor are they sought out by the big companies. They are like the Titanic. They go right down there. And they can be told there's an iceberg, but, boy, they head there anyway by kinetic energy.

I can assure you, Mr. FLAKE, if you would at least consider withdrawing the amendment, this is one time when the research has been done, the background has been done, the hearings have been held, and we are trying to support the true innovative research side with regard to rotorcraft that might not otherwise get the attention that it deserves and what we need to have for our Armed Forces.

I can assure you that the ideological content or premise that forms the philosophy upon which you are making these inquiries I have no argument with, and I give you credit for standing up. It is not easy to stand up against the tide coming at you. It is a lot easier to vote against you and walk off and claim victory. I don't do that. I don't take any shots like that at you. I respect you and I understand what you are doing and why you are doing it. But in this instance, my request to you as a ranking member on this subcommittee is that you consider whether or not this might be an instance in which the House is well served and the Nation is well served by its adoption as recommended by the Appropriations Committee.

I thank you for your kind attention.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my friend, because I can see he has something to say real quick.

Mr. FLAKE. Well, thank you, and I simply want to reiterate if I were to stand here and offer amendments that had no impact on my district at all, if I ignored those that had an impact, then I could be accused of hypocrisy and doing things that simply have no impact on me.

I have tried to make a point to offer amendments that do have an impact, and I have offered them in other bills as well, those that have an impact on both my district and on my State. I simply think that this process is out of control and we have to start on it.

And I appreciate the gentleman from Hawaii. That was a very good explanation. I appreciate that hearings have been held on this, certainly more thoroughly than some of the other earmarks. But the case I would make is that simply I have made my case.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. It would be an honor to yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Thank you. That is why I am hoping that you would consider in this instance possibly withdrawing it.

When you say the process is out of control, I am not going to argue with you about that. I really don't. But this process with this project, I can assure you was totally in control, thoroughly vetted, and the decision that came out of it was I believe unanimous in the committee, and I don't believe received any opposition on the basis that it was done capriciously or arbitrarily or because of the influence of a Member for reasons other than the merits.

I can assure you of that, and I make my request once again, and thank you for your time and thank the gentleman for yielding.

Mr. KINGSTON. Mr. Chairman, I thank both of my colleagues, and now I want to claim my time to oppose this amendment, but I wanted to talk about the bigger picture.

Each year, the House Appropriations Committee receives about 35,000 requests for individual projects in all the appropriation bills. Just to give one example, on the Labor-HHS bill there were 10,272 different requests. That is about 25 projects per Member. Yet this committee has worked very hard to scrutinize those requests and to decide which ones are good and which ones have less of a case and we eliminate all of them.

To give you some of the numbers, it is incredible. This bill alone is $1 billion below last year's in terms of Member earmarks. The Ag Committee, which I sit on, is $35 million below last year's. The Energy and Water Committee is 16 percent, or $197 million below last year's in Members' earmarks. The Interior Committee is $89 million, or 32 percent less than last year. Military Quality of Life, $40 million below last year's. The Labor-HHS is $100 million. Transportation-Treasury is $2.1 billion below last year's, and Science, State and Justice is $1.3 billion less than last year's.

And this is a sign of the committee doing their work on a bipartisan basis. We are going to continue to work for earmark reforms. The House Appropriations Committee is the first committee that wants to have earmark reform, something Mr. FLAKE is a great advocate of, in all committees, not just appropriations.

For example, the infamous "bridge to nowhere" did not come from an appropriation bill. We need to have earmark reform. The Appropriation Committee supports that, but we support it for all committees, if we are going to make it complete. If it is good for one, let us do it for all.

We also have Member scrutiny and Member criteria requests. And this year, more than ever, we are asking for local grant money, State money, matching money so that if we do appropriate something back home, the folks back home have skin in the game, not just something that the Federal Government is paying for.

I have also, Mr. Chairman, a 2½-page list of some of the programs which the Appropriations Committee has terminated. Now, Ronald Reagan said, if you don't believe in resurrection, try killing a Federal program.

☐ 1930

Indeed, that is the case. It is hard as the dickens to kill programs here, and yet Appropriations remains the only committee on a consistent level that is eliminating spending and terminating programs.

In Agriculture, there were about eight eliminated, including the Classical Chinese Garden at $8 million. Mr. FLAKE, I am sure, would have approved of that. In Foreign Operations we eliminated the Asia Pacific Partnership for $46 million. I don't know what it did. Does anybody here?

We eliminated the Congo Debt Relief, $160 million.

In Homeland Security, we eliminated $21 million for the SURGE initiative, and a new Coast Guard headquarters for $50 million.

In conclusion, Mr. FLAKE is not the only one applying the big magnifying glass to spending. This committee is doing it, and we need to be talking more about it. I appreciate the gentleman for what he is bringing up, but he is trodding on turf that a lot of us have already driven on at the committee level.

CONTINUED EARMARK REFORMS FOR 2006

(1) Include all Member project funding during the House consideration of appropriations bills.

(2) Sharply limit the number of Member project requests. Curtailing the number of Member requests per Appropriations subcommittee would dramatically improve oversight and lead to a reduction of earmarks. Last year, the House Appropriations Committee received nearly 35,000 individual project requests. In the Labor-HHS Appropriations bill, 417 Members requested 10,272 projects, or nearly 25 projects requested per Member.

(3) Require that all project requests be submitted in writing to the Appropriations subcommittee of jurisdiction via a Member-signed request letter or form.

(4) Establish clearly defined criteria for all project requests and require Members to specify how each project meets those criteria. Member requests would also be required to be strictly germane to the spending bills in which they are contained.

(5) Increase the proportion of projects that have a dollar-matching requirement. HUD economic development initiative grants are among those that ought to be considered for a local matching requirement.

(6) Require all congressionally approved projects go through a formal Executive Branch contracting and auditing process.

(7) Require that all other committees adopt similar earmarking reforms. Earmarks are not unique to the House Appropriations Committee. The most notable earmark in recent history—the so-called "Bridge to Nowhere"—had its origins elsewhere.

FY07 MEMBER PROJECT FUNDING

FY07 Agriculture Member Project Funding: The House bill includes $435 million in Member project funding which is $35 million below last year's House bill level of $460 million and $277 million below last year's conference agreement of $812 million.

FY07 Defense Member Project Funding: The bill includes a little less than $5 billion which more than $1 billion below last year's House bill and $2.7 billion below last year's conference report.

FY07 Energy and Water Project Funding: The bill includes $1.04 billion in Member project funding which is 16% or $197 million below last year's House level of $1.24 billion.

FY07 Interior Member Project Funding: The bill includes $188 million in Member project funding for 246 projects. This is an $89 million or 32% reduction compared to last year's enacted total of $277 million in Member project funding.

FY07 Military Quality Member Project Funding: Total Member project funding in the bill is $572 million which is $40 million below the last year's House bill level of $612 million and $804 million below the enacted level of $1.376 billion.

FY07 Labor-HHS Member project funding: The bill provides approximately $1 billion for Member projects, $100 million less than previous, comparable levels and less than 1% of the total funding in the bill.

FY07 Transportation-Treasury, HUD Member Project Funding: Total Member project funding in the bill is $986 billion which is $2.1 billion below last year's level. This is an 70 percent reduction from the previous year. In addition, for the first time ever, the bill requires a 40 percent matching requirement for grantees receiving Economic Development Initiative funding.

Science-State-Justice: The bill provides approximately $387 million for Member projects, $1.3 billion less than the enacted level and less than 1 percent of the total funding in the bill.

PROGRAM TERMINATIONS

Agriculture includes 8 terminations for a savings of $414 million.

Healthy Forests Reserve: $3 million.

Invasive Species Grant: $10 million.

Wildlife Air Safety initiative: $3 million.

Classical Chinese Garden: $8 million.

Financial Management Modernization Initiative: $14 million.

Child Nutrition Program, contingency reserve fund: $300 million (new mandatory).

P.L. 480 Title I program: $64 million.

Ocean Freight Differential Grants: $12 million.

Energy and Water includes 3 terminations for a savings of $411 million.

Geothermal R&D technology: $23 million.

Natural gas R&D technologies: $20 million.

Construction of the Mixed Oxide Fuel Plant: $368 million.

Foreign Operations includes 4 terminations for a savings of $286 million.

Conflict Response Fund: $75 million.

Asia Pacific Partnership: $46 million.

Africa Housing Facility: $5 million.

Congo Debt Relief: $160 million.

Homeland Security includes 6 terminations for a savings of $154 million.

Office of Screening Coordination and Operations: $4 million.

SURGE initiative: $21 million.

Maritime security response team shoot house: $2 million.

Fast Response Cutter: $42 million.

Citizen Corps: $35 million.

New Coast Guard headquarters: $50 million.

Interior includes 4 terminations for a savings of $54 million.

Stateside Land and Water Grants: $30 million.

Forest Service economic action program: $9 million.

BLM rural fire program: $10 million.

Asia Pacific Partnership: $5 million.

Labor-HHS-Education includes 56 terminations for a savings of $1.66 billion.

Responsible Reintegration for Youthful Offenders: $50 million.

Women's Educational Equity (FIE): $3 million.

Math Now for elementary schools: $125 million.

Math Now for middle schools: $125 million.

Science-State-Justice includes 8 terminations for a savings of $96 million.

Grants for Televised Testimony: $1 million.

Forensic Science Grants: $18 million.

Crime Identification Technology Act Grants: $28 million.

Cannabis Eradication: $5 million.

Public Television Facilities, Planning, and Construction: $22 million.

Microloan Technical Assistance: $13 million.

Microloan Subsidy: $1 million.

PRIME: $2 million.

Transportation-Treasury-HUD includes 6 terminations for a savings of $742 million.

Rural Housing and Economic Development: $17 million

FTA Small Starts: $200 million.

Housing Counseling Assistance: $45 million.

National Defense Tank Vessel Construction Program: $74 million.

Open Roads Financing Pilot Program: $100 million.

New Coast Guard Headquarters: $306 million.

Denali Commission: $7 million.

Prisoner Re-entry: $20 million.

Community College Initiative: $150 million.

Work Incentives Grants: $20 million.

Management Crosscuts: $2 million.

Working Capital funds: $7 million.

NY State UI: $50 million.

Tech Asst. Nat Activities: $2 million.

HRSA—Health Career Opportunity Program (HCOP): $4 million.

HRSA—Faculty loan repayment: $1 million.

HRSA—Public health/dental training: $8 million.

HRSA—Delta Health Initiative: $25 million.

HRSA—Denali Commission: $39 million.

HRSA—ER 1 Administration earmark: $25 million.

CDC—Pandemic Flu base activities: $168 million.

CDC—Bulk Monovalent Vaccine Purchase: $30 million.

CDC—Mind-Body Institute: $2 million.

CDC—Special Olympics Healthy Athletes: $6 million.

CDC—Diamond Blackfan Anemia Program: $1 million.

CDC—Arctic health program: $0.3 million.

CDC—Hanford study: $1 million.

CDC—Pfiesteria program: $8 million.

CDC—Volcanic Emissions program: $0.1 million.

CDC—ALS Registry: $1 million.

SAMHSA—Access to Recovery: $98 million.

CMS—Health Care Fraud and Abuse Control: $118 million.

Health admin: $1 million.

ACF—Job Opportunities for Low-Income Individuals: $5 million.

ACF—Sex and other severe forms of trafficking program: $5 million.

Early Learning Fund: $36 million.

Embryo adoption campaign: $2 million.

Alcohol Abuse Reduction: $32 million.

Dropout Prevention Programs: $5 million.

Close Up Fellowships: $2 million.

Education Technology State Grants: $272 million.

Foundations for Learning (FIE): $1 million.

Whaling trading partners (FIE): $9 million.

Javits Gifted and Talented Ed: $10 million.

Mental Health Integration in Schools (FIE): $5 million.

Parental Information and Resource Centers (FIE): $40 million.

Ready to Learn TV: $24 million.

Ready to Teach (FIE) $11 million.

Star Schools (FIE): $15 million.

Teacher to Teacher (FIE): $2 million.

Language Teacher Corps (FIE): $5 million.

State scholars (FIE): $8 million.

State Grants for Incarcerated Youth Offenders: $23 million.

Underground Railroad: $2 million.

Byrd Scholarships: $41 million.

Demonstration in Disabilities: $7 million.

Thurgood Marshall Legal Educational Opportunity Program: $3 million.

Interest Subsidy Grants: $2 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title) insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to initiate military operations against Iran except in accordance with Article I, Section 8 of the Constitution of the United States.

Mr. HINCHEY. Mr. Chairman, the background is obvious and well known to all of us. The fact of the matter is we are now living in a moment which is among the most difficult and dangerous periods in the modern history of our country. It came about as a result of the administration sending our military to attack Iraq. There was no justification, certainly no adequate justification, for that attack. The rationale for doing so as it was presented to the Congress was falsified, unjustified. I think that we all see that today very clearly.

The consequences of that action are afflicting our country very decidedly. We have now lost 4,500 American servicemen and women killed, tens of thousands others very seriously wounded. The dollar cost to our country is now approximately $400 billion. By the end of this year it is anticipated to be $450 billion.

The costs to Iraq are even more severe. The loss of life in that country may be as many as 100,000 people. Circumstances of life in that country are worse than they were 3 years ago when the invasion occurred in March 2003. And we have now been engaged in an occupation of that country for more than 3 years.

The fact that we all have to face is that it is becoming increasingly apparent that the administration has no plan for ending that occupation, and so it will continue. The loss of life will continue, the loss of funds will continue, and the deterioration of our reputation in the world will continue to decline.

This Congress has been derelict in its duty. We have not examined the administration in its activities related to the attack on Iraq, the falsified way in which it presented the rationale to this Congress, the way in which it failed to adhere to the recommendations of the military with regard to actions taken prior to the attack and subsequent to it, right up to the present moment.

So now we are faced with another potential problem that would magnify the one that we currently confront, and that is we have come to understand that there have been serious considerations within this administration to engage in a military attack on Iran. The rationale for that attack as it has been presented to us is that Iran is engaged in a nuclear weapons development program. Of course, that was part of the falsified rationale that was presented for the attack on Iraq.

We also know, of course, that the President in his State of the Union Address here, the address that attempted to justify by presenting false information to the Congress, attempted to justify the attack on Iraq, associated Iraq with the phrase "axis of evil" with two other countries, North Korea and Iran.

We now learn that there are discussions within the administration for a potential attack on Iran. And in the context of those discussions, it has also been suggested that the administration has the authority to engage in such an attack based upon the vote that was taken here to authorize the attack on Iraq based upon falsified, misleading information, information that was presented to us intentionally falsified and misleading.

So the purpose of this amendment is to make sure that none of the funding in this defense appropriations bill is used to engage in any military operation against Iran without a full vote of the Congress of the United States in accordance with the Constitution of the United States.

It is a very simple, very straightforward amendment, and I hope that this Congress will live up to its obligations and this House of Representatives in accordance with its responsibilities will pass the amendment.

While our Chamber is on track to complete another lightning round of spending bills during this appropriations cycle, we have abdicated our oversight responsibilities across the board in the process. We are writing blank checks for bankrupt foreign policies without having sufficiently robust debate on the administration's actions abroad.

Our invasion of Iraq in 2003 was a terrible mistake resulting in an inextricable quagmire. And regardless of what our friends across the aisle claimed during our waste of a discussion last week, we are still not on the road to success in that country.

Now that other legitimate hot spots in the world, such as Iran, are heating up, we are a passive audience sitting on the sidelines as the Bush administration uses its damaged credibility and poorly-conceived diplomacy to try to head off a nuclear crisis within the most volatile area of the world.

We should be an active participant in the formulation of our foreign policy.

The Bush administration must be held accountable by Congress for its failings on the world stage. In addition, the administration must work with Congress before it stretches our already-depleted defense capabilities to the breaking point in another ill-conceived engagement.

And while the administration's recent efforts to engage with the European community in diplomacy on this issue are a welcome change, their international dealings have not proven to be trustworthy—another cause of our diminished credibility abroad.

This administration is tone-deaf when it comes to understanding the diverse religious beliefs and cultural principles of countries in the Middle East. It does not sufficiently support the troops that are already engaged abroad, and it does not understand the damage that this engagement has done to our armed services. We must rectify these problems, and Congress must be an active participant.

Iran presents our Chamber with the opportunity to right past wrongs, and to assume the responsibility for oversight and management that we tragically abandoned in the months leading up to our invasion of Iraq.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

I read the amendment about Iran, but I heard the debate about Iraq. The gentleman's debate made it appear that we just indiscriminately decided to attack Iraq.

I would remind the gentleman that there were not only United Nations resolutions dealing with the issue of Iraq, but there was also an overwhelming vote in the House and in the Senate to authorize the President to take whatever military action was necessary.

He talked about Iraq, and so I want to talk about Iraq. I want to talk about the June 25, 1996, bombing of Khobar Towers in Saudi Arabia. We were not in Iraq, nowhere near Iraq. Khobar Towers was bombed, and 19 of our airmen who were living there lost their lives.

In August of 1998, our embassies in Kenya and Tanzania were bombed with a loss of life, including Americans. And by the way, we were not in Iraq or Afghanistan for that matter.

October 12, 2000, the USS *Cole* offshore of Yemen was bombed by terrorists, and 17 sailors lost their lives, and many others were seriously injured.

And then there was September 11, and I don't have to explain what happened there because everyone knows what happened there. It was the Pearl Harbor of this century.

So what does that have to do with Iraq? Information continues to be uncovered where Saddam Hussein, who was the dictator of Iraq until we removed him, Saddam Hussein had contacts with the terrorists of different stripes, not only al Qaeda, but other terrorists. And that's why, and Congress reacted to that, and Congress approved the President making whatever military move he thought was necessary. So that goes to the issue of the gentleman's debate on the Iran amendment relative to his comment about Iraq.

The vote on the Iraq resolution was 296–133. That is a pretty sizable majority.

I have a copy of the Constitution. Section 8 of Article I is a very long article, a very long section, and I am not sure which provision in here that the gentleman's amendment is talking about unless it gets down to the part of section 8 that says to declare war. I assume that is what he is talking about.

To declare war in today's world, previous wars you had a little time. Even after Pearl Harbor, we had time to recover and react. Today's world you don't have that. So I would think you would want to be very, very careful about tying the hands of this Congress in authorizing whatever was needed to defend and support the United States and the security of the American people.

I do not want another September 11 on my hands. I don't want something else to happen that is going to kill innocent Americans, and then have people come to me and say, Why didn't you do something about it? Why weren't you prepared for it? Why did you have to wait and go through all of the political charades?

I don't think that the American people would be very, very happy with this Congress if we didn't take every step necessary to prevent another aircraft hijacking and flying into the World Trade Center or something similar, or hijacking an airplane that landed in Pennsylvania or at the Pentagon. I think we better think very carefully before we, on an appropriations bill, make a major decision like this.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Just to remember, Khobar Towers, of course, was perpetrated by Saudi Arabians. The *Cole* and the embassies were attacked by al Qaeda, which was based in Afghanistan, led by Osama bin Laden, who is still at large and still based in Afghanistan or Pakistan. But I am not going to revisit the debate of last week about Iraq.

What we are going to talk about here is the Constitution and the authority of the United States Congress. There seems to be a new-found respect for that among the Republican leadership, and I appreciate that.

Recently Speaker HASTERT said: "We need to protect the division of powers in the Constitution of the United States. We want to make sure that we protect the Constitution."

Majority Mr. Leader BOEHNER said: "Every 2 years I stand in the well of the House and raise my right hand and swear to uphold and defend the Constitution."

So there is a new-found and growing respect on that side of the aisle for the Constitution. Unfortunately, all of that umbrage was about a search with a warrant of a Member's office, a Member of Congress who had $90,000 cold cash in his freezer.

Now I don't agree with their concerns and don't feel that it is an abrogation of the Constitution, but I do feel that ceding our war powers is.

In the case of Iraq, the United States Congress, I believe, unconstitutionally ceded its authority. We didn't declare war, we just said the President should do whatever he wanted, whenever he wanted, however he wanted. And it hasn't worked out real well.

Article I, section 8, is quite specific about the authorities reserved for the Congress. They were worried, the Founders were worried, about the wont of kings to engage in foreign adventures, so they wanted to restrain the king and retain the authority to raise the armies, fund the armies, and declare war to the Congress.

They are very clear in Article II, section 2, which says, "The President shall be the Commander in Chief of the Army and Navy, and of the Militia of the several States, when called into actual service of the United States." That is, the President had the authority to repel sudden attacks, but not launch a offensive military actions without a declaration of war.

Now, unfortunately, Mr. Gonzales, the President's former counsel, now head of the Justice Department, the Attorney General, has said he finds new inherent powers in the President in times of war, and he says the President has constitutional authority as Commander in Chief, as the sole organ of the Federal Government in foreign affairs, to deploy the Armed Forces of the United States. A formal declaration of war or other authorization from the Congress is not required to enable the President to undertake the full range of actions.

This is a total denial of all previous jurisprudence of the writings around the Constitutional Convention and basically rendering Congress meaningless.

Now, in this House we did have a proud moment after 9/11. On September 14, we voted with near unanimity, one person dissenting, to go after, essentially a declaration of war against the Taliban, the perpetrators of 9/11, al Qaeda, and Osama bin Laden.

□ 1945

Now that was a proud moment. And we should look back to that, and we should retain those authorities, and we should safeguard those authorities to this United States Congress. This would not tie the hands of the President in any way that isn't tied by the Constitution of the United States. If there was an imminent attack, if they had a missile on the pad and they were fueling it up to shoot at the United States of America, with a nuclear weapon on it, the President would have authority to repel a sudden attack. But if they are contemplating a preemptive or preventative or whatever they want to call it war, similar to the one launched under false pretenses in Iraq, then they should come and make the case to the people's House, the United States House of Representatives, and to the Senate and get the legal authority in order to conduct those actions.

So I would urge our colleagues to stand up for our constitutional rights here in the United States House of Representatives. I know it is a lot easier to have plausible deniability sometimes and give the President a broad grant of authority; and if in the end it is skewed, then you can say, they really didn't exactly tell us the right stuff when they launched that war. It would be better for us to be very clear about the delineation of these authorities, and the House should approve this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Illinois Technology Transition Center.

Mr. FLAKE. Mr. Chairman, my amendment would prohibit funds in this bill from being used for the Illinois Technology Transition Center, which receives $2.5 million in this legislation.

The Illinois Technology Transition Center's objective is to stimulate enterprise growth by helping technology companies realize their commercial potential. The center offers entrepreneurial services, technology transition support, and commercialization support.

Again, this is a defense bill, yet we are offering this funding.

I support the technology center. I encourage growth in it. I think all of us do. It is a great source of entrepreneurship and innovation.

The United States has the largest and most technologically powerful economy in the world. Technological progress is responsible for one-half of the growth of the U.S. economy.

Competition is a driving force in this innovation. We all know that free markets flourish when there is less government involvement.

I am all for seeing the technology sector in Illinois grow, just as I do hope that it grows in Arizona or any other State.

However, in this defense bill the American taxpayers are being asked to pay for support services for the private sector. I don't think that that is appropriate in a defense bill.

Our troops are fighting insurgents in Iraq and Afghanistan. We ought to be spending money in the defense bill on equipment, on helmets, on body armor, on other things, rather than subsidizing the technological center in one particular State.

I should note I believe the Illinois Technology Transition Center was established by a contract with the Department of the Navy, the Office of Naval Research, in 2005. But it is also my understanding that the Office of Naval Research did not request this earmark for $2.5 million in funding.

With that, I request support for the amendment.

Mr. LAHOOD. Mr. Chairman, I ask to have the opportunity to speak against the amendment.

I wonder if the gentleman would take a question.

Mr. FLAKE. You bet.

Mr. LAHOOD. Do you know who earmarked this money?

Mr. FLAKE. I was told by a reporter this morning who it might be. That was the first time I learned it after I had already agreed to offer it.

Mr. LAHOOD. And the answer to my question is?

Mr. FLAKE. I was told that it was the Speaker who offered it.

Mr. LAHOOD. And so when you were told that, did you think that maybe you might look into the earmark to see if it had merit and to see if it was a set-aside that might merit further consideration?

Mr. FLAKE. Well, seeing that I had already agreed to offer it, I thought that had I agreed to pull back now, I would be looked to favoring one particularly powerful Member of my party.

Mr. LAHOOD. The Illinois Technology Transition Center is a public-private collaboration between academia, industry, and government. It collaborates with the Department of Defense, and it has identified innovative technology applications that meet DOD mission requirements and strives to take technology from the laboratory to use by DOD within 12 to 18 months.

This is an extraordinary opportunity for the public and the private to come together. The lion's share of the money that funds this is private dollars. It is not Federal dollars. It comes from people who have businesses and people who want to invest in smart people and smart ideas.

And the answer to your question about Iraq is that one of the technologies that is being developed is being developed in my hometown of Peoria by a company called Firefly. And they are developing a revolutionary battery that will have the opportunity to withstand huge amounts of heat and not become the kind of traditional batteries that are currently used.

Now, this would not have been able to come about if it hadn't been the collaboration of a private business and the Federal Government coming together in a collaboration.

So are some of the technologies that are being developed in this center being used in Iraq? The answer is yes, they are.

So the point is that there are many innovative approaches that are being taken here. And this kind of collaboration really takes the smart ideas that people in the private sector are using and trying to develop them with the public sector. And some revolutionary things have really come about. And I could name at least six or eight of them, but this is an opportunity for the private sector to take the lion's share of the money and collaborate with the public sector.

Many of these innovative approaches are being requested by the Defense Department. Try them out, test them out, see if they work, and then send them out to the private sector to be funded. And some of these could not come about without this center. They would not come about without this center.

So I wish the gentleman would have looked into this a little bit further, and I wish he would appreciate the idea that what is being developed here could not be developed without the opportunity for the public and private sector to work together.

This is an appropriate appropriation for the defense bill. That is why it is not in any other bill. And it is appropriate, because many of the things that are being tested, many of the innovative approaches will be used by the Defense Department.

Now, I don't know if the Department of the Navy requested this or not. I don't know the answer to that. But I know that some of the innovative approaches have been requested.

The company that I mentioned, Firefly, is in direct collaboration with the Defense Department on a regular basis. And they did ask for Firefly to help them develop this. Eventually Firefly will be spending all of the money, and hopefully, what will happen is that once the battery is in full development, it will create jobs in central Illinois, in my district.

And when people say to me, Congressman, what are you going to do about the erosion of the industrial base? It is to think outside the box. It is to take smart people to get them to think outside the box to create opportunities that eventually will create jobs that no one ever thought could exist in central Illinois because in my district people worked at Caterpillar for years and worked in other industries for years. This is the kind of thing that creates opportunities and jobs and could not come about without a collaboration between the Defense Department and this company that exists in my district.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. LAHOOD) has expired.

(By unanimous consent, Mr. LAHOOD was allowed to proceed for 2 additional minutes.)

Mr. LAHOOD. This kind of collaboration could not come about, and these jobs, very few at this point, but an opportunity for expansion.

And the truth is, the reason that the Speaker asked for this kind of set-aside is because it helps all of us in Illinois. It creates not only opportunities in central Illinois but all over the State, and it does give hope and opportunity to people that there are going to be innovative approaches and people can think outside the box and they can collaborate.

I yield to the gentleman if he has a question; or if he would like to withdraw the amendment, I would certainly entertain that.

Mr. FLAKE. I would not like to withdraw the amendment. I would simply say, and I thank the gentleman for yielding, this is the private sector. I would submit that companies in Phoenix and in St. Louis and in a number of cities and centers around the country are facing difficulties and are having drawdowns, or technology is shifting. The world economy is shifting.

But we can't simply at any time like this say, all right, we are going to give an earmark to that industry or to that region. If we do that, there is simply not enough money in the Federal budget. There is not enough money in the Federal budget to do what we are doing. We are in a deficit.

Mr. LAHOOD. I agree with that, Mr. FLAKE. And that is the reason that this opportunity exists.

It is not a significant amount of money. When you look at the overall defense budget, this is an insignificant amount of money in terms of what it does in terms of the expansion of jobs, the expansion of ideas, the expansion of technology, and it does create hope and opportunity for people who really want to do business with the Federal Government and have opportunities for creating new opportunities for people.

And listen to me, this is a no-brainer. And I hope that we can get the House, when we come back in to vote on this amendment, to vote down this amendment. This is a very, very good technology center and it has created lots of opportunities for many, many people. And I urge the House to vote against the Flake amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for any contract with the communications and public relations firm known as the Lincoln Group.

Mr. HINCHEY. Mr. Chairman, late last year a number of American news agencies blew the cover off a covert propaganda operation pursued by the Department of Defense in Iraq. Through this operation, members of our Armed Forces write articles and have them planted in Iraqi newspapers. They also engage with private contractors to do that as well.

DOD works with a contractor, the Lincoln Group, who actually pays off Iraqi journalists and publications to get their words printed in Iraqi newspapers and other media.

According to a November 30 Los Angeles Times report, many of the articles are presented in the Iraqi press as unbiased news accounts written and reported by independent journalists. The stories trumpet the work of U.S. and Iraqi troops, denounce insurgents, and tout U.S.-led efforts to rebuild the country.

By December 2005, the Lincoln Group had paid to plant upwards of 1,000 of these articles in the Iraqi and Arab media. I was shocked by this revelation, which is completely antithetical to what we should really be doing in Iraq. In fact, it is completely antithetical to what other U.S. agencies are doing in Iraq.

With one hand we are trying to develop a free, fair and independent news media in that country. But with the other, we are manipulating that media and breeding distrust among Iraqis of their democratic institutions and our efforts at reconstruction. That distrust is a direct threat to our troops in Iraq and a direct impediment to efforts to end our involvement in Iraq.

This revelation shocked a lot of people across our country. Both Defense Secretary Rumsfeld and President Bush were reported as being concerned about the effort. In fact, National Security Advisor Steven Hadley predicted that the program would soon end.

A USA Today-CNN Gallup poll taken immediately after the program was exposed showed that nearly 75 percent of Americans thought it was wrong for the Pentagon to pay Iraqi newspapers for made-up articles.

In early March, General Casey announced that an internal review conducted by DOD had concluded that its own activities were legitimate and would continue.

Mr. Chairman, these efforts need reconsideration and careful scrutiny.

☐ 2000

With the Internet and the round-the-clock news reporting, as well as the unfortunate development of media consolidation, the boundaries between international and domestic news are increasingly fuzzy. There is no guarantee that articles sold by the Lincoln Group to the Iraqi press will exist alone, in a bubble, ignored by other media outlets. There is an ever-increasing likelihood that these stories will make their way into our media, which directly contradicts our own laws.

These reports are strangely similar to stories that we were seeing here in the United States last year about the administration's developing packaged news articles that they paid to have placed in our own news outlets. I want to know if the Lincoln Group effort is a continuation of that behavior, which was strongly condemned by this House.

The program appears to violate a directive that was signed by Secretary Rumsfeld on October 30, 2003, which restricts psychological operations, or PSYOPS, from targeting American audiences, military personnel, and news agencies or outlets. DOD's decision to continue this effort in one country could easily lead to a decision to expand the effort to other countries, a wholly inappropriate idea that is very plausible in the current environment. That needs to be stopped.

And DOD is conducting this program with a company called the Lincoln Group, whose beginnings, current activities, and partnerships are cloaked in confusion and deception. This amendment prevents the Department of Defense from spending any of the money it receives in this bill on contracts with the Lincoln Group, its coconspirator in this inappropriate and damaging program.

I believe this amendment will send a clear signal to the Department of Defense that Congress and the American public do not agree with this administration's continued efforts to manipulate the media, especially when those efforts jeopardize the safety of our troops and the always shaky trust that we are fighting to maintain with the Iraqi people.

I urge my colleagues to support this amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

I rise in support of the Hinchey-Kucinich amendment, which would prohibit funds from being used in this bill to fund Pentagon contracts with the Lincoln Group.

The Lincoln Group is a controversial PR firm that has been awarded major Pentagon contracts, worth over $100 million, to help the Pentagon covertly place dozens of pro-U.S. stories, written by U.S. military "information operations" troops in Iraqi news outlets. Lincoln would help write and translate these stories and then have them placed in Iraqi newspapers, without revealing the Pentagon's role. Staff for the Lincoln Group would even at times pose as freelance reporters or advertising executives when delivering propaganda stories to Iraqi media outlets. That is according to the L.A. Times of November 30, 2005.

There has been much controversy over the Pentagon's dissemination of propaganda to foreign media outlets. We appear hypocritical when on one hand we advocate democracy and freedom in Iraq, including freedom of the press, and on the other hand, we manipulate the Iraqi press to achieve our own aims. This hypocrisy not only damages the United States' reputation abroad, but it places our soldiers in greater harm's way when we come to believe our own propaganda.

Yet the contract with Lincoln also goes beyond this controversy and is symptomatic of the familiar problems with the Pentagon's use of private contractors in the war: waste, fraud, and abuse.

The Lincoln Group earned its Pentagon contracts partially by misrepresenting its contacts to the Pentagon. The group has claimed to have partnerships with major media and advertising companies, former government officials and former military officers. According to the New York Times, some of those companies and individuals say their associations were fleeting or even nonexistent. For example, Lincoln Group said that it worked with the ad conglomerate Omnicom Group, but Omnicom has no knowledge of such a relationship.

The Lincoln Group has also run into problems delivering on work for the Pentagon. After earning a contract in 2004 to get Iraqi publications to run articles written by the U.S. military, Lincoln admitted to the Pentagon that it had not yet fully staffed and had not yet acquired necessary media monitoring software.

According to a former strategic adviser for the Lincoln Group, they, and this is a quote, "The Lincoln Group appear very professional on the surface; then you dig a little deeper and you find that they are pretty amateurish."

Well, not only has this amateurish work come to this country, it has come at a not-so-amateurish price of $100 million. It is also likely that the Lincoln Group's contract is in violation of a Pentagon directive and maybe even in violation of U.S. law.

A recently classified Pentagon directive, signed by Secretary Rumsfeld on October 30, 2003, prohibited U.S. troops from conducting psychological operations targeting the news media. According to one senior Pentagon official, based on the language of the 2003 directive, the Lincoln Group operation seemed to violate Pentagon policy. That from the L.A. Times, January 7, 2006.

While the Pentagon has initiated two investigations into the Lincoln Group's work in relation to this directive, the group's contract, get this, has not even been temporarily suspended. Moreover, if the Pentagon's dissemination of propaganda for Iraqi media is picked up by other foreign news organizations, like Reuters, for example, it could then easily be picked up by American news organizations. Yet U.S. law has banned the Pentagon from propaganda activities in the United States since the mid-1970s. The Lincoln Group's work could be in violation of this law.

Now, this is a question of tens of million of dollars being misspent. It is also a question of official deception, of a real effort to try to fool the American people, to try to fool the people of Iraq, to try to fool the foreign press.

Our soldiers know what is going on in Iraq. They know when they read these stories or the stories come to them of a totally different situation than what they are living with. They know it is a lie.

We should make our decisions in this Congress based on the truth, not on fiction written by individuals who never have to deal with the real reality. Think of how unconscionable this is. They reveal a garden in the Iraqi media while our soldiers are in a desert of hell. How wrong that is.

That is why the Hinchey-Kucinich amendment is important. That is why we must prohibit funds in this bill from going to the Lincoln Group.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is not a good amendment at all. Earlier in the debate earlier in the day, I said we should not be tying our hands behind our back with a specific amendment. This amendment would disarm part of our arsenal against the enemy.

If you do not like the Lincoln Group, I do not care about that because I have no idea who they are. And maybe they are amateurish, as my friend from Ohio suggested. If that is the case, maybe we ought to fire the Lincoln Group. But let us not stop the ability of the United States and our story to be told to the Arab world.

You have a hard time turning on television and news stories around here that you do not see some of the propaganda from al Jazeera put out by Zarqawi, the former Zarqawi, and his cohorts. Those messages get spread all over the world.

In war, psychological war is very important. Is anybody here old enough to remember Tokyo Rose? Mr. HASTINGS says he is, and so am I. Tokyo Rose, who broadcast radio propaganda to our troops, trying to demoralize them every day, 24 hours a day. Well, are you going to just ignore that kind of warfare, or are you going to fight back?

We have a story to tell. Mr. KUCINICH talked about the soldiers. Let me tell you something. I have seen and talked with a lot of wounded soldiers and marines in our hospitals right out here north of the city, and many of them complain, Why isn't our story getting told? They do not believe that our story is getting told. They hear the trash that comes out of al Qaeda on al Jazeera that spreads out to all of the Arab worlds and finds its way back here to America, as the gentleman conceded. Are we just going to sit back and take those blows, just sit back and let the enemy throw all of the lies and all of the trash that they want to at us without fighting back? Not me. Not me.

Do not take away one of the tools in our arsenal: the ability to fight back in a psychological way, because fighting for the minds of the people involved are a big part of our issue.

If you want to fire the Lincoln Group, do it. If this amendment should pass, and I hope that it does not, and the Lincoln Group doesn't get funded, what is to say that they do not hire some other firm to do the same thing? Specifying a particular company is not what we do in appropriations bills. We do not specify companies for contracts or projects. We just do not do that. If you want to fire the Lincoln Group, put in an amendment that says fire the Lincoln Group, but do not take away one of the tools in our arsenal of fighting the battles that we have to fight.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

As I noted earlier today, Mr. Chairman, Chairman HUNTER, who is chairman of the Armed Services Committee, is not here today due to an important personal commitment, and he asked me to state his opposition to this amendment.

The issue of authorization and funding for public affairs and information operations in Iraq has been monitored and discussed by the Armed Services Committee to some length. Information operations are vital, as our good chairman from Florida just pointed out. In Iraq the United States faces a determined enemy that attempts to manipulate the media, often with the purpose of further endangering U.S. forces. Chairman HUNTER, in fact, has pledged to hold hearings on this matter.

But let me just point out, as Chairman YOUNG just so eloquently stated, information dissemination on the battlefield and in the countries that are affected in a direct way by warfare such as Iraq is extremely important. Earlier today we had that in mind when Chairman YOUNG led us in opposition to an amendment proposed by another Member because of the message it sent. Messages in Iraq and other countries torn by war are extremely important. As a matter of fact, we devote a great deal of time, effort, and money to train members of our military forces in operations called psychological operations. As a matter of fact, we used them extensively during the invasion of Iraq, not through the contractor that is in question here, but through our military personnel who are trained to do just that. The use of broadcast has traditionally been an important part of information operations as well.

So Chairman HUNTER and the rest of us on the Armed Services Committee and the Defense Appropriations Committee have paid a lot of attention to this matter for many reasons. I am sure the committee will continue to do so if necessary. And Deputy Secretary of Defense Gordon England has informed us on the Armed Services Committee that he is reviewing this matter very closely. In the meantime, General Casey in Iraq and the Department of Defense inspector general are both investigating the use of funds by the Lincoln Group and by the Rendon Group. The results of the Casey investigation are expected to be released in the near future.

I could only say on behalf of Chairman HUNTER that the Armed Services Committee will continue to monitor closely and will take appropriate action as needed.

I urge a "no" vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

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AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Northwest Manufacturing Initiative.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funds in the bill from being used for the Northwest Manufacturing Initiative, which receives $2.5 million in this defense bill.

What is the Northwest Manufacturing Initiative? Where is the money going? To the northwest of what? Of the United States? Of Arizona? Of Washington, DC?

There is no description of this project in the committee report. It strikes me again, why can't Members get more information on these projects beforehand? We made calls to the Department of Defense, which funds this earmark. They knew nothing. They didn't get back to us with anything. Calls were unanswered. We asked the Appropriations Committee as well, and we couldn't get anything from the Appropriations Committee before we filed the amendment to be offered here. It was only after the amendment was filed that those who are sponsoring the earmark called to tell us what the amendment is about.

It is the Northwest portion of the United States, I come to understand, and it is a manufacturing initiative, but we don't know much else about it. A few of the Members have been kind enough to share with me today what they are seeking to do. My understanding is that businesses in the

Northwest, particularly those that contract with the United States Government, the Department of Defense and others, some are having difficulty, as they are in many parts of the country.

My question is, why in the defense bill are we offering help to manufacturing companies in the Northwest? What about the Southeast or the Southwest? What about companies in Arizona or California or Colorado? Why don't they get similar treatment? How does the Federal Government decide, all right, we are going to help manufacturing companies there, but not here? Again, we are picking winners and losers here. It is not the job and should not be the job of the Federal Government.

I appreciate the fact there are Members here willing to defend this amendment. My good friend Mr. BLUMENAUER is here to do so and others, and I appreciate that. In this way we can actually have a dialogue.

Again, sometimes this is the only oversight, the only explanation. This is it. This is all we get on some of these earmarks. I feel it is important when we are spending taxpayer dollars, particularly $2.5 million in the defense bill, that it is important to know what it is going for. So I am glad the authors of the amendment are here, and I look forward to the explanation.

Mr. BLUMENAUER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I welcome the gentleman's opportunity to engage in what, in fact, the proposal is about, because there was a rather detailed proposal that was extended to the Defense Appropriations Subcommittee. It is cosponsored by the entire House delegation, 10 Northwest Representatives and Senators, a bipartisan effort, and it is dealing with the need to be able to have a bistate program to help support a strong defense industrial base.

It contributes directly to our national defense. We have outlined how it helps in terms of providing research and development on the reliability, cost-effectiveness and environmental performance of products designed specifically for the defense marketplace. It increases the ability to deal with workforce, to provide the products, to expand the reach of high-performance manufacturing techniques, and create more efficient and competitive companies in the defense sector, and to build the capacity of small and medium-sized companies to participate in this marketplace.

This is precisely the sort of thing that I think we would want to have to help the defense opportunities, not just in the Pacific Northwest, but to be able to scale it and take it in other parts of the country.

I could go on at great length. I will not, because I have been admonished that time is short and because others from the Northwest who are part of this are here.

But let me just say that I have been struck by, and one of the reasons I have been working on this for some time is the ability of small companies that I work with to make a difference, and that we have great difficulty in terms of scaling and being able to help them perform in this arena.

In my district we have Danner Boots, which far exceeds the capacity of the specifications that the Department of Defense requests. Our soldiers would be safer. In fact, that is the boot of choice for people who have young men and women going to Iraq.

We have had the same consortium develop HemCon Bandages, which have an amazing capacity to accelerate the clotting. In fact, it is the consensus that our troops should all be provided with this when they go overseas.

We have got small companies that are dealing with technology that others are going to speak to that I won't go into that are all a part of this consortium.

Last but not least, the notion here is having skin in the game. Well, this is matched by a 50 percent match by local sources. It is a public-private partnership where we are not looking for something that has dropped out of the sky, but is matched by the Federal Government. I think anybody who reviews this proposal will find that it is cost-effective, that it is important for the Defense Department, that it builds on proven technologies and opportunities and speaks to gaps that need to be filled, and will have application not just for the Department of Defense, but for others that work to serve it.

So, in the interest of time, I will conclude on that point and invite anybody to look at this proposal that has been offered by my colleagues from the Northwest. I think they will be satisfied that there will be full value offered, and it is worthy of support.

Ms. HOOLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Arizona to strike the funding for the Northwest Manufacturing Initiative.

The Northwest Manufacturing Initiative encompasses Oregon and southwest Washington. The initiative is organized as a regional coalition, and its purpose is to make the Northwest region's diverse manufacturing sector a stronger contributor to the Nation's defense and national security.

The initiative seeks to provide to the Defense Department a coordinated, regional resource for assessing products and services being offered by the private sector that meets our Nation's future defense needs. A key goal of the initiative is to increase the contribution of the Northwest coast to the Nation's industrial preparedness and security. A focus of this project is to assist small and medium-sized manufacturers to become providers of products to defense contractors.

My colleague talked about HemCon; he talked about another company, Danner Boots. I could name several companies. There is another company, Hydration, which allows you with a membrane to fill water into this CamelBak and give you clean drinking water from the filthiest water you can find. Those are the kind of companies. These are small, innovative companies. This is where we get our innovation.

The Oregon Manufacturing Initiative is a key component of the Oregon business plan and economic development plans in communities across Oregon and southwest Washington. Local, regional and State funding has been used to plan and develop the initiative.

As manufacturing has declined in many parts of the Nation, it has become more urgent that small to medium-sized companies are mobilized to provide the necessary goods demanded by a modern military and the Nation's security. Through the Northwest Manufacturing Initiative, the Defense Department will have a one-stop resource when it needs information on what companies are providing to meet defense needs or when it seeks critical manufacturing research and development.

The Northwest Manufacturing Initiative is a regional model designed to create efficiencies and cost savings. While I appreciate the intentions of the gentleman from Arizona, I must urge my colleagues to oppose this amendment and ask they support this worthwhile project.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the intent of the gentleman from Arizona, but I rise to join my colleagues in explaining why this is so important.

We have talked about boots, we have talked about hydration systems. This same coalition is involved with making some of the finest combat knives in the world; laser sights, laser devices that can help protect aviation or even possibly one day shoot down missiles; adhesive armor, to up-armor Humvees in 4 hours to save our soldiers' lives.

The gentleman from Arizona said we don't pick winners and losers. In fact, we do. If you vote against this provision and for your amendment, you will pick our soldiers as losers. This is about providing resources to help small businesses and medium-sized businesses get state-of-the-art equipment to our soldiers.

I don't know if you have had the occasion to meet with a midsized growing business that makes this kind of equipment, but talking to them and the challenges they face in working with defense procurement proposals, defense procurement procedures and other needs are very difficult challenges. I think it is entirely appropriate that the Federal Government participate in this, along with the match that was described earlier, because this is a program that could well be a model for the country, that will produce more effective business results and better products for our soldiers.

One final statement I would just make: We talk in this body a lot about dynamic scoring of tax cuts. There is also dynamic scoring of expenditures. I would submit to the gentleman from Arizona and to all my colleagues that for a small amount of money, we are going to stimulate manufacturing of state-of-the-art devices and equipment that will save our soldiers' lives and save this government money over the long run.

This is a good proposal, an innovative proposal, and good products that will save the lives of our soldiers will result from it. I urge a "no" vote on this amendment.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again, this is about public-private partnerships. It is about cost-effective and innovative production. The large defense manufacturers are not exactly known as paragons of innovation or cost-effectiveness, so diversifying into the small and midsized businesses in the Pacific Northwest is a great investment for the Federal taxpayers, and we are providing vital products to our troops. Hydration technologies was already mentioned, based in my district. Body armor is produced in my district. We have a stealth boat manufacturer, missile silos up in DARLENE's district. These are all members of the coalition. Night vision goggles, critical to our troops.

So if you support cost-effective, innovative and effective equipment for our troops, you will oppose this amendment and support the initiative.

Mr. WU. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona seeking to cut all $2.5 million for the Northwest Manufacturing Initiative, NMI.

I, along with all members of Oregon's bipartisan House and Senate delegation as well as House and Senate members from Washington, asked for funding for NMI because of its goal to improve the Department of Defense's industrial base by strengthening the Northwest's diverse, value-added manufacturing sector.

Through research and development to enhance the reliability, cost effectiveness and performance of defense related products and through increasing our ability to train and deliver work-ready employees to defense related manufacturing companies, NMI will increase and improve the contributions of Northwest companies to the nation's industrial preparedness and security.

We have seen what innovative and cutting edge technologies can come out of the Northwest to benefit our military:

HemCon, located in my Congressional district, has developed a new bandage technology that has already saved the lives of dozens of U.S. soldiers in Iraq and Afghanistan. In fact, the Army Surgeon General has requested that every soldier deployed to a combat zone carry a HemCon Bandage in their first-aid kit.

Similarly, through work being done at iSense in my district, military doctors will have the technology to quickly detect severe blood loss or internal bleeding. There is no doubt in my mind that these technologies have and will save the lives of Americans at home and abroad.

Another company, InSport, is ensuring that our service members have the best products available in combat. InSport has developed base layer t-shirts for our military that resist the build up of bacteria that adversely affects performance on the battlefield.

Yet, despite these innovative companies, challenges remain. Many small defense companies, especially those in manufacturing, have trouble finding skilled workers.

The NMI will help train manufacturing workers and increase participation of innovative companies. It will allow an entire region's companies to learn from each other, and more Oregonians to learn to earn.

More importantly, it will save the Department of Defense, DOD, time and money by making these manufacturers more efficient and competitive and, consequently, able to provide better and less expensive products.

Mr. Chairman, I support the Northwest Manufacturing Initiative and I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 1001.

None of the funds made available in this Act may be used to enter into or carry out a contract for the performance by a contractor of any base operation support service at Walter Reed Army Medical Hospital pursuant to the public-private competition conducted under Office of Management and Budget Circular A-76 that was initiated on June 13, 2000, and that has the solicitation number DADA 10-03-R-0001.

Ms. NORTON. Mr. Chairman, this amendment concerns the Walter Reed Army Medical Hospital.

Mr. MURTHA. Mr. Chairman, if the gentlewoman will yield, we have no problem with the amendment on our side.

Mr. FRELINGHUYSEN. Mr. Chairman, we are pleased to accept the amendment.

Ms. NORTON. Mr. Chairman, I thank both gentlemen for accepting my amendment.

□ 2030

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Lewis Center for Education Research.

Mr. FLAKE. Mr. Chairman, this amendment would prevent any funding from going to the Lewis Center for Educational Research in Apple Valley, California.

Mr. Chairman, the Lewis Center has hosted more than 100,000 students, teachers, and parents participating in educational activities. The center's Web site contains a wish list for funding for three log cabins for third graders, an amphitheater, a schoolhouse shed, a large water wheel for panning gold during the gold rush educational fourth grade outreach program, and similar activities to that.

Mr. Chairman, these are undoubtedly worthy educational tools. My question is this: Why are Federal tax dollars intended for our national defense being used to fund this type of institution? It seems that corporate sponsors of the center abound, including corporations like JPL, Allied Signal, Boeing, Verizon, Lucent Technologies, Lomac Information System, Mitsubishi, RFG, Rockwell Rocketdyne Aerospace. Surely these donations can keep the center in good stead.

The center has already received $3 million in earmarked funds in fiscal year 2004 and an additional $2.5 million in 2005. It looks as if the center is back for more in this bill to the tune of $4 million.

The description of the earmark in this bill provides no detail on how the $4 million is to be spent on the Lewis Center. If there is a defense angle for this earmark, I am simply not seeing it. Again, it seems as if we are debating the Labor-HHS bill at this point or some other education bill and not the defense bill. These may well be worthy programs, but should we be funding them with defense dollars?

I would like to hear justification for the Federal defense function in this case. Again, why are we doing this in the defense bill? These are clearly educational functions. Why should we be taking money that could be spent for the troops and for the operations in the military for things like this?

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment and ask for a "no" vote.

Mr. FRELINGHUYSEN. Mr. Chairman, earlier this evening Mr. LEWIS talked extensively in support of projects and made I think the relationship between education for our youngsters in math and science and the work of the U.S. Department of Defense, and I believe that his comments are on the record and I would like to resubmit them in case they are not.

Mr. LEWIS of California. Mr. Chairman, I welcome the opportunity to inform my colleagues on the excellent programs put together by the Center for Education Research in Apple Valley, California.

First, it is important to remember that the 21st Century Department of Defense is much more than weapons programs and soldiers in barracks. Tens of thousands of our dedicated men and women in uniform have made a lifelong career of defending their nation. They now have families, and it has become our responsibility to provide for those families as they move about our nation to meet the needs of our military.

Many schools that serve the children of military families have developed high standards of excellence. But not all schools in all places have met these standards in the past. As the DoD worked to translate these high standards to other schools, the Center for Education Research came forward with a proposed discipline for science nearly a decade ago.

The heart of this program is the Goldstone-Apple Valley Radio Telescope curriculum, which allows 10,000 students around the world to take part in NASA research projects by way of the Internet. This program now reaches students and teachers in 27 states, 14 countries and three territories.

I want to emphasize that the support of these students is valued and sought out by NASA researchers. In fact, the students' efforts have in many cases saved millions of dollars for Federal science programs by freeing top researchers from process work and allowing them to do more analysis.

The Center for Excellence was asked last year to create a comprehensive Internet-based science curriculum and train 500 teachers by the Department of Defense Education Activity program, which is the primary agency helping our DoD schools achieve high levels of excellence. The Stars and Stripes newspaper, and even DoDEA itself, have featured this program in stories that highlight what we are trying to do for our military families.

In conclusion, Mr. Chairman, I once again want to point out that not all good ideas come through the bureaucracies that oversee spending for our federal government. Often those bureaucracies hold back ideas that could quickly and dramatically advance the quality of services we provide to our constituents—and in this case—the families of those who defend us.

When this happens, these programs need an advocate who can get the agency to engage, and see the value of these ideas. I am proud to be an advocate for a program that continues to help tens of thousands of kids whose parents devote their lives to protecting our nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Advanced Law Enforcement Rapid Response Training Program (ALERRT).

Mr. FLAKE. Mr. Chairman, this amendment would prevent funding from going to the Advanced Law Enforcement Rapid Response Training Program, or ALERRT program, at Texas State University in San Marcos, Texas.

The ALERRT program, as it is called, provides training for first responders and police officer. It would appear that this is not the first earmark appropriated to Texas State University for the ALERRT program. Evidently, the program has received $300,000 in the past; now it needs another $1 million.

I am all for the training of our police officers, although it is primarily a function of State and local governments. However, I understand the Federal Departments of Justice and Homeland Security grants go toward law enforcement agencies. In the defense appropriations bill why is this a vehicle for funding for law enforcement training? Are we not adequately training our military troops at our Defense Department facilities? Do we now need to send them to this law enforcement training center? If this is the case, I would submit that we ought to hold some hearings on the subject. I should note that the President did not request this money.

I would submit that it is time for Congress to be a little more attentive to how we are spending and earmarking valuable defense dollars. Again, we have other appropriations bills, and homeland security certainly comes up here. This is a function of training local police officers or others for a local police function. We have scarce defense dollars, and we shouldn't be spending them in this way. I hope that we will vote for this amendment and keep the funding for defense in defense.

Mr. YOUNG of Florida. Mr. Chairman, I am opposed to the amendment.

The type of warfare that we are involved in now is different than army-against-army or squad-against-squad and actually is an urban type of warfare street-by-street, and seeking out individuals who may be in hiding. Law enforcement does this extremely well. The FBI or the local police or these folks, they do a really good job at this because that is what they do, seek out criminals. It is probably a pretty good idea that we give our military troops some training from experts who really know something about how to do this street-by-street seeking out terrorists who are in hiding. So I think it does have a military application and I am opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word. And to clarify Ms. NORTON's amendment, I should have added to it besides we were pleased to accept her amendment, and the committee looks forward to working with her and the Armed Services Committee towards its objective.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Let me say that I started out this debate when I raised the question regarding the compensation of our soldiers with my appreciation for both Mr. MURTHA and Mr. YOUNG. I continue that appreciation because this is a very difficult challenge to appropriate funds for a myriad of issues on the Defense Department, including addressing questions of humanity, if you will, personnel issues, issues dealing with combat stress, medical issues dealing with the research on prosthetics.

I rise today to discuss an issue that is enormously important to me. It might be that I am a child of the Vietnam War and many of my fellow contemporaries, my friends, male friends, went off to this war. Some did not come back. And I am reminded of the simple honor that was given the families as these fallen soldiers came home to the American soil.

I am reminded also of the visit that President Ronald Reagan made when he went to Dover Air Force Base to receive the fallen soldiers from the explosion in Lebanon. What a moving expression to see that. As they first touched American soil, we were there to say thank you. So I rise to discuss an amendment that simply would have allowed the option of arrival ceremonies to be presented for our deceased military personnel returning to or departing from Ramstein Air Force Base or Dover Air Force Base. In particular, I think the focus would be for those coming to Dover Air Force Base where many families come to greet their loved ones.

My amendment does not in any way or the amendment would not in any way have banned or eliminated the ban on media coverage of arrival ceremonies at this time on any returning individuals fallen who have come from overseas. By continuing the ban on media, I believe it appropriately addressed the question and the sensitive question of the privacy of families.

But I do note that many come with the resolve that their fallen soldier is truly a hero. And because of that, they deserve an arrival ceremony with America acknowledging that that fallen soldier is truly a hero and it is all together fitting and proper that there be a pause and a remembrance when the remains of an American freedom fighter are returned to the land they gave their bodies to defend.

As I mentioned, I am forever reminded of that fateful day that President Reagan went on behalf of a grateful Nation to Dover Air Force Base to welcome the marines who had fallen and who had been killed in Lebanon.

Perhaps you recall also that President Jimmy Carter attended arrival ceremonies held at Dover Air Force Base in Delaware when the brave Americans who lost their lives in the Iran hostage rescue attempt were returned home.

Similarly, the first President George H.W. Bush, the first President, participated in the arrival ceremony held for soldiers killed in Panama and Lebanon.

To most Americans welcoming home, it is a fitting ceremony that the men and women who willingly risked all and sadly gave all that they had for this country, it is a simple statement of justice. And so I had hoped to be able to offer an amendment to be able to give guidance to the Defense Department on behalf of the families of the fallen and the families of the United States military using the degree of sensitivity that I think would be appropriate, keeping in place the media issue that we would be concerned about. I am hoping that as we move this bill that we will have the opportunity to be able to address this question.

Before I yield to the gentleman, might I just cite, and I will yield to the distinguished gentleman from Pennsylvania quickly, that it was Abraham Lincoln who said the loss is doubly great to the families of the fallen for they have laid so costly a sacrifice on the altar of freedom. I am hoping that we will have the opportunity to have these arrival ceremonies.

Ms. JACKSON-LEE of Texas. Mr. Chairman, before I explain my amendment, let me express my deep appreciation and gratitude to Chairman YOUNG and Ranking Member MURTHA for their hard work on this bill and for all the good work they have performed for so long on behalf of the Nation's soldiers, sailors, marines, air forces, and all who work to keep our Nation safe and free.

Mr. Chairman, my amendment is simple and easy to understand. The amendment simply defunds that part of the Department of Defense policy that bars arrival ceremonies for deceased military personnel returning to Dover Air Force Base. My amendment does not—I repeat does not—lift the Defense Department ban on media coverage of arrival ceremonies or of any returning or departing deceased military personnel. By continuing the ban on media coverage but permitting arrival ceremonies my amendment accommodates and balances the interests of those families who wish to have their privacy respected and the Nation's interest in paying fitting tribute to their fallen heroes who have given the last full measure of devotion on foreign soil.

It is altogether fitting and proper that there be a pause and a remembrance when the remains of American freedom fighters are returned to the land they gave their lives to defend.

I remember when President Reagan, on behalf of a grateful Nation, traveled to Dover Air Force Base in 1983 to welcome home the fallen marines who had been killed in Lebanon. Perhaps you recall also that President Jimmy Carter attended arrival ceremonies held at Dover Air Force Base in Delaware when the brave Americans who lost their lives in the Iran hostage rescue attempt were returned home. Similarly, the first President Bush, George H.W. Bush, the 41st President, participated in the arrival ceremony held for the soldiers killed in Panama and Lebanon. To most Americans, welcoming home in a fitting ceremony the men and women who willingly risked all and, sadly, gave their all is only right. It is a matter of simple justice.

I was then quite shocked to realize that there is now a policy guidance from the Defense Department that directs this government not to honor our soldiers when they come, having fallen in battle, back to the soil of the United States of America.

Might I share with you the language. "There will be no arrival ceremonies for or media coverage of deceased military personnel returning to or departing from Ramstein AB or Dover Air Force Base." What a shocking statement to make to the Nation, that when our soldiers fall in battle or when they lose their lives as members of the United States military, there is a blanket order, an across-the-board policy, affirmed by the administration in March 2003, not to pay honor and tribute to the fallen when they return.

Mr. Chairman, I am not speaking of disrespecting family members who desire no such formal ceremonies. What I am suggesting is it should be an option and that there should be no blanket barrier that would, in fact, stop the honoring of these soldiers.

I remind you of the words of Abe Lincoln, who said the loss is doubly great to the families of the fallen. For they have laid "so costly a sacrifice on the altar of freedom." We owe them the respect of this honor, and a grateful Nation should be permitted to show its gratitude. But with this blanket order that suggests that there can be no arrival ceremony, I believe we denigrate, we deny the opportunity for honor.

My colleagues will say that there are individual ceremonies and funerals and memorials. And they may be right. But I ask you as Americans and colleagues, how many times have we been able to mourn as a Nation the soldiers who are in the war on terror, fighting in places around the world? In these recent years, we have seen none. We have not honored any publicly.

Yes, in just 2 weeks from now will be Independence Day, but yet we are denied the right to be able to show our gratitude. My amendment is intended to comfort the widow and the orphan as President Lincoln enjoined us to do. I believe many of them will find comfort in their hour of loss by the certain knowledge that a grateful Nation remembers. My amendment is on behalf of Americans.

Mr. Chairman, let me simply say that in reading this language, I struggled with the reason and the premise. Why can't we join together as patriots, respecting and recognizing the young lives that have been sacrificed, by the Reservists, the National Guard and all the service branches on behalf of this Nation? Why would you have this kind of prohibition with no basis, no premise, particularly when we saw flag-draped coffins being utilized after the tragedy of 9/11? Why would you not allow us as Americans to embrace the widows and orphans and be able to say to them, thank you.

I urge my colleagues to support this amendment.

AMENDMENT #4 TO H.R. 5631, AS REPORTED (DEFENSE APPROPRIATIONS, 2007) OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds appropriated in this Act may be used to implement the provision in Paragraph 4.F of "Public Affairs Guidance On Casualty and Mortuary Affairs in Military Operations," (R 311900Z) March 2003, as it relates to barring arrival ceremonies for deceased military personnel.

Ms. JACKSON-LEE of Texas. I would be delighted to yield to the distinguished gentleman from Pennsylvania.

Mr. MURTHA. I appreciate what the gentlewoman from Texas said, and I hope we can work something out. It is always a delicate situation where one family, maybe more than one soldier or service person comes in at the same time. But I hope we can work something out in line with what she is talking about if the family is interested in doing this. I appreciate what she is saying and the statement and sentiment behind what she is trying to do.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Leonard Wood Research Institute.

Mr. FLAKE. Mr. Chairman, before I address this amendment, let me simply say that I spoke earlier today with Representative CUELLAR. He would have liked to be here to offer a defense of the last earmark, the Advanced Law Enforcement Rapid Response Training program. He offered a spirited defense to me today. I still don't happen to agree with him about the amendment, but I know he would have liked to be here to offer that. And I have enjoyed the opportunity to hear about these amendments and to hear them defended today as Members have known that they are going to be challenged on the floor, and that is what this process is all about.

Mr. Chairman, this amendment would prohibit any funds from the Leonard Wood Institute at Fort Leonard Wood, Missouri. As many of you know, Major General Wood led the Rough Riders in the Spanish-American war. The Leonard Wood Institute develops, promotes, and manages worldwide collaborations that are related to the Department of Defense.

I am all for seeing the Missouri business sector grow as I would other States' business sectors as well, particularly Arizona. But it seems to me that American taxpayers are being asked to spend Federal defense dollars on promoting Missouri businesses rather than on the war on terror. Again, we are picking winners and losers here. I know that there are institutions in Arizona, business sectors everywhere else, that would like to get this kind of funding, $20 million, in the defense bill.

□ 2045

So why are we choosing one State? Why are we picking the businesses of that one State as the winners here?

I would ask the chairman of the subcommittee or the sponsor of the amendment to explain to the taxpayers and every other State outside of Missouri why we should support this earmark. Frankly, dollars in the defense bill should go to the war on terror. They ought to go to the troops. They ought to go for body armor. They ought to go for vehicles, for ammunition, for everything else we spend on defense. I do not believe they ought to go to support businesses that are simply looking for defense contracts or looking to promote business in one particular State.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment and ask for a "no" vote.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this, it is my understanding, would be the last amendment to be considered on this bill today, and I wanted to just a minute to thank everyone who participated in the debate. It has been a lively debate all day. A lot of good arguments were made on both sides of the various issues, but it is a good example of how intense this bill really is. It is a very large bill. It includes an lawful lot of important material for the security of our Nation, to provide our troops with the best equipment possible, to provide them with the best training possible, to provide them with the best protective gear possible.

It is a bipartisan bill, one that was put together with the cooperation of all of the Members of both parties on the subcommittee. It was approved unanimously by the full committee. I want to compliment all the Members, especially of the subcommittee, who worked so hard to make this a good bill.

I want to thank the staff who was led on our side by John Shank and on Mr. MURTHA's side by David Morrison, and the staff that worked with them. They are 24/7 workers, and they are extremely well-qualified and dedicated to the job that they do.

So thank you for a good day, and, Mr. Chairman, I want to especially compliment you on the excellent way that you have conducted the affairs of the committee this afternoon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. HINCHEY of New York regarding Iran.

Amendment by Mr. HINCHEY of New York regarding the Lincoln Group.

Amendment by Mr. FLAKE regarding Northwest Manufacturing Initiative.

Amendment by Mr. FLAKE of Arizona regarding Lewis Center.

Amendment by Mr. FLAKE of Arizona regarding Leonard Wood Institute.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) regarding Iran on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 262, not voting 12, as follows:

[Roll No. 300]

AYES—158

Abercrombie
Allen
Andrews
Baca
Baldwin
Bartlett (MD)
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Ehlers
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Garrett (NJ)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Serrano
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Woolsey
Wu

NOES—262

Ackerman
Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey

Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Israel
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Bilbray
Cannon
Davis (FL)
Evans
Ford
Hunter
Issa
Marshall
Napolitano
Nussle
Oxley
Spratt

☐ 2112

Mr. HEFLEY and Mr. POMEROY changed their vote from "aye" to "no."

Mr. FATTAH, Mr. GILCHREST, Ms. CORRINE BROWN of Florida, Messrs. SERRANO, GARRETT of New Jersey, BARTLETT of Maryland, COSTELLO, and MOORE of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The Acting CHAIRMAN (Mr. CHOCOLA). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) regarding the Lincoln Group on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 268, not voting 11, as follows:

[Roll No. 301]

AYES—153

Abercrombie
Ackerman
Allen
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Neal (MA)
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rothman
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—268

Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hulshof
Hyde
Inglis (SC)
Israel
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Osborne
Otter
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Cannon
Davis (FL)
Evans
Ford
Hunter
Issa
Keller
Marshall
Napolitano
Nussle
Oxley

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 2117

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Northwest Manufacturing Initiative on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 369, not voting 7, as follows:

[Roll No. 302]

AYES—56

Barrett (SC)
Bass
Bean
Beauprez
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Chocola
Cooper
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Green (WI)
Hall
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Jindal
Jones (NC)
Kennedy (MN)
King (IA)
Linder
Miller (FL)
Moore (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Ramstad
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns
Tancredo
Terry
Udall (NM)
Waxman
Westmoreland

NOES—369

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle
Oxley

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2122

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Lewis Center on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 50, noes 373, not voting 9, as follows:

[Roll No. 303]

AYES—50

Barrett (SC)
Bass
Bean
Beauprez
Blackburn
Bradley (NH)
Chabot
Chocola
Cooper
Deal (GA)
Duncan
Feeney
Fitzpatrick (PA)
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Jones (NC)
Kennedy (MN)
King (IA)
Kline
Linder
Matheson
Moore (KS)
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Sullivan
Terry
Udall (NM)
Westmoreland

NOES—373

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)

Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Cannon
Davis (FL)
Evans
Gilchrest
Hunter
Napolitano
Nussle
Oxley
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 2126

Mr. HEFLEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Leonard Wood Research Institute on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 62, noes 363, not voting 7, as follows:

[Roll No. 304]

AYES—62

Barrett (SC)
Bass
Bean
Beauprez
Bilbray
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Castle
Chabot
Chocola
Cooper
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Hall
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Inslee
Jindal
Jones (NC)
Kennedy (MN)
King (IA)
Leach
Linder
Lungren, Daniel E.
Matheson
McHenry
Musgrave
Myrick
Norwood
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Ramstad
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Udall (NM)
Upton
Westmoreland

NOES—363

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle
Oxley

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 2131

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last 2 lines.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 2007".

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. CAMP of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 877, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 19, not voting 6, as follows:

[Roll No. 305]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Baldwin
Conyers
Filner
Flake
Frank (MA)
Kucinich
Lee
Lewis (GA)
McDermott
Moore (WI)
Olver
Owens
Paul
Payne
Schakowsky
Stark
Watson
Watt
Woolsey

NOT VOTING—6

Cannon
Davis (FL)
Evans
Hunter
Napolitano
Nussle

☐ 2150

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5631, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON H.R. 5647, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–515) on the bill (H.R. 5647) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO FLOYD PATTERSON

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. HINCHEY. Mr. Speaker, I ask my colleagues here in the House to join me in celebrating the life of an outstanding American, an American who was a boxer and the heavyweight champion of the world. His name was Floyd Patterson. He died recently, on May 11 at the age of 71.

He was a truly outstanding athlete and, I think even more importantly, an incredibly outstanding human being. All of us who had the opportunity to know him benefited from that knowledge and our association with him, and I am proud to be one of those people who knew him well.

Floyd Patterson was born in a rural cabin in Waco, North Carolina, one of 11 children. When he was still young, his family moved to Brooklyn, New York. As a young child there, he struggled in a tough urban environment and as a youngster got into a certain amount of trouble.

He was sent upstate to Wiltwyck School For Boys where, under the proper kind of supervision, he began to turn his life around. He did so in a very dramatic way. He became associated with a very important boxing trainer named Cus D'Amato, and at the age of 17 Floyd Patterson won a gold medal in the 1952 Helsinki Olympics, boxing as middleweight.

He was known as a "gentleman boxer." He was known as a gentleman boxer because in the ring he knocked a number of people out and a lot of people down, but he always helped them to their feet.

He had an amazing boxing career. In 1956 he became the youngest boxer to win a world heavyweight championship, and in 1960 he became the first boxer to ever regain the world heavyweight championship.

After an outstanding career in the ring, where he set an extraordinary example for other athletes, he eventually retired to a 17-acre farm that he purchased in New Paltz, New York. While in his retirement, he served as the chairman of the New York State Athletic Commission. He counseled troubled teens through the New York State Office of Children's Services. He welcomed dozens of young men into his home and he trained numerous boxers in the boxing ring that he built in the barn on his farm.

He gave generously of himself to the young men he trained and to the communities of the Hudson River Valley in New York, including his generous support of the athletic facilities at New Paltz High School and the State University College of New York at New Paltz.

Floyd Patterson was an extraordinary, one might say almost unique, individual. He came from a very difficult set of circumstances. As a very young child he grew up in a set of very dangerous circumstances, but he managed to move himself away from all of that and to realize the extraordinary physical potential that he possessed as a human being and became the kind of champion that I just described.

He is an American worthy of honor and tribute and worthy of the recognition of this Congress. I hope that all of the Members of this Congress will join me in a resolution honoring him, his athletic career, and the contributions that he made to countless other individuals whom he helped succeed in realizing the potential of their lives.

Floyd Patterson, an extraordinary boxer, an extraordinary American, an outstanding, extraordinary human being. I am proud to celebrate his life.

☐ 2200

IN CELEBRATION OF THE LIFE OF FLOYD PATTERSON

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent to follow Mr. Hinchey in the Record because my remarks are about Floyd Patterson as well.

The SPEAKER pro tempore (Mr. Marchant). Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank my colleagues for allowing me to proceed at this time.

I rise today as well in honor of one of the greatest boxers of all times. Unfortunately, at the time of his death, we were engaged in so many different activities that we were unable to obtain a Special Order or hour Special Order to celebrate Floyd Patterson's life.

Those that know me know that I am one of the greatest boxing fans. It is always a great opportunity for me to have a chance to turn on a boxing match any chance I have the opportunity.

Most recently, in fact week before last, one of the young boxers said that he wanted to be able to do what Floyd Patterson had not been able to do, and he came into the ring and was able to win that boxing match. I think he did it in celebration of the great life of Floyd Patterson.

Floyd Patterson once said, "They said I was the fighter who got knocked down the most, but I also got up the most." I am pleased to stand here on the floor today to celebrate his life.

As you have already heard, he was born in Waco, North Carolina; raised in Brooklyn, New York; and rose from humble beginnings to become the first two-time heavyweight champion of the world.

You know that he is 1 of 11 children. I will not repeat that.

He represented the United States in the 1952 Olympics in Helsinki, Finland, bringing home the gold in the middleweight division.

He turned pro in 1952 under the management of Cus D'Amato, and all of us know what a famous trainer Cus D'Amato was at the legendary Gramercy Gym. D'Amato in the 1980s would develop another heavyweight champion by the name of Mike Tyson.

At just 21, Patterson became the youngest man to ever win the heavyweight championship with a fifth-round knockout of Archie Moore in 1956. In 1959, Patterson would suffer an embarrassing loss to Ingemar Johansson at Yankee Stadium that cost him the heavyweight title. However, Patterson would make a triumphant comeback and beat Johansson and become the first man to regain the heavyweight title.

Though he was known as a shy and quiet man, he had what critics call a "big man's punch," and in one match he knocked down his opponent 11 times. He had a unique style of holding his gloves high in front of his face and leaping in with hooks.

Floyd Patterson, as a boxer, was considered a small heavyweight; however, he competed against some of the giants of the boxing word. He went up against some of the best in boxing world, including Sonny Liston and Muhammad Ali.

He would lose his title to Sonny Liston in a first-round knockout. Following his loss to Liston, Patterson fought for 10 years, getting three more shots at the title, but never regaining it.

He fought Muhammad Ali in 1965. Despite taking a devastating beating from Ali, he lasted until the 12th round. Ali, who was angry because Patterson called him by his given name Cassius Clay, taunted and toyed with Patterson during the fight, peppering him with jabs and right hands while asking him, what is my name, what is my name?

Patterson and Ali would later reconcile when Patterson approached Ali in a restaurant and said, hello, Muhammad Ali. They would remain friends, and ironically, Patterson's last fight would be against Muhammad Ali in 1972.

Overall, Patterson finished with a record of 55 wins 8 losses and 1 draw, with 40 knockouts. He was inducted into the International Boxing Hall of Fame in 1991.

Following his retirement, he remained close to the sport, serving twice as chairman of the New York State Athletic Commission, and he resigned from this post in 1998.

Patterson passed away on May 11 in his home in New Paltz, New York, at the age of 71, and as my other colleagues say, we join today in celebrating the great life of Floyd Patterson. A lot of us choose different roads to stardom and opportunity, but think of this, a man who was 1 of 11 children, who went from a man no one knew to a man who everyone in the world knew.

So I thank you for joining me today in celebrating the life of Floyd Patterson.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 9, FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109-516) on the resolution (H. Res. 878) providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965, which was referred to the House Calendar and ordered to be printed.

THREE BROTHERS OF THE BAND OF BROTHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, they were called the Screaming Eagles of World War II. They jumped into Normandy into the wet darkness of the night before sunrise on D-Day, June 6, 1944. They held off the Germans in the dead of winter in the Battle of the Bulge in a small Belgian town called Bastogne. Even though completely surrounded, they replied to the demands of the Germans to surrender with that famous statement of their commander, "Nuts."

They are the 101st Airborne of the United States Army. They are the Band of Brothers. The 101st is still on duty, and their legacy now continues in the blistering heat of Iraq. They are once again fighting the forces of tyranny and terrorism.

Recently, at an outpost near Baghdad, American volunteers of the 101st found themselves surrounded and attacked by the enemy. One soldier, Specialist David Babineau, was killed in the skirmish. Private First Class Kristian Menchaca and Private First Class Thomas Tucker were kidnapped, captured, and later, apparently, murdered.

Twenty-three-year-old Kristian Menchaca was from my hometown of Houston, Texas. The Army turned Kristian Menchaca's life around. It gave him a greater purpose, a higher calling. He leaves behind a wife, a family, and lots of grateful Americans.

The terrorists that America fights in Iraq and Afghanistan, they take no prisoners. They have no POW camps. While the media here is bemoaning some alleged improper events in Guantanamo Bay prison about some captured terrorist that got their feelings hurt while in custody, they would do better to point out terrorists execute their prisoners.

Terrorists kill everybody because terrorists hate everybody that believes in freedom. They kill children, the elderly, the weak, the innocent, and they even murder captured American soldiers.

This enemy we fight in the desert sands of Iraq and Afghanistan are evil villains who oppose our righteous and just cause to proclaim freedom throughout the world.

News reports claim the attackers of the outpost all wore masks to cover their faces. Mr. Speaker, outlaws and bandits of the Old West wore masks to disguise who they were because they, like these terrorists, covered up their wicked intentions of destruction of everything that is good and right.

But like the outlaws of yesteryear, each of these criminals will be hunted, tracked and brought to a speedy end, because the 101st Airborne is on patrol in the hot hills of Iraq.

These terrorists have messed with the wrong people. These American soldiers fear no enemy. You see, they are brothers. They are the Band of Brothers, and while three of them have given their lives for liberty, it will be the wrath of the remaining brothers that these terrorists will experience. The terrorists will be introduced to judgment day.

Shakespeare said of the brothers in Henry V how they will be regarded. He said, "From this day to the ending of the world, but we in it shall be remembered; we few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother."

Tonight, we remember the strongest of those unyielding warriors against terror, three members of the 101st Airborne, these Band of Brothers.

And that's just the way it is.

MINE SAFETY—HONORING THE MINERS OF HARLAN COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this day of June 20, 2006, marks the 1-month anniversary of the mining disaster in Harlan County, Kentucky, where five miners were killed in another mine accident.

I started thinking about the history of Harlan County and in paying tribute to these five brave Americans wanted to place in the RECORD the fact that these miners are from a region of our country that has been home to generations of coal miners with entire communities dependent on the mines.

While the coal mines have gotten somewhat safer with deaths steadily declining as a result of stricter safety laws passed by the Congress of the United States, coal mining remains one of our Nation's most dangerous professions.

This year has been a particularly deadly year. Our Nation held its breath before learning of the 12 deaths at the Sago Mine in West Virginia, and then we mourned with the families in Harlan County, Kentucky, after learning of the deaths of five miners killed at the Darby Mine in May.

With the year just half over, we have already seen 33 coal mining deaths 6 months into this year.

☐ 2210

The names of Harlan County's most recent fatalities, Roy Middleton, Amon "Cotton" Brock, Jimmy D. Lee, and George William Petra and Paris Thomas, Jr., will now be added to a memorial honoring the ultimate sacrifice made by 1,200 coal miners that were killed in Harlan County since 1912.

Harlan County has been the site of mammoth labor organizing battles between the United Mine Workers strike and the region's coal mining companies. The bloody strikes of the 1930s and 1973 earned Harlan County the nickname "Bloody Harlan." Coal miners from this region know all too well the dangers of this dirty and dangerous business.

The five miners from the Darby mine in Harlan County have joined another 104,574 miners that perished in our Nation's coal mines since 1900. To put this into perspective, this number would be about equivalent to one-third of the entire population of the largest city I represent, Toledo, Ohio. And keep in mind this number only accounts for the actual deaths, not the countless others that have been maimed in our Nation's dangerous mines.

On this 1-month anniversary of these horrific deaths, Congress can point to recently passed legislation. But you know, Mr. Speaker, a couple hours' oxygen won't solve the problem either. This act certainly strengthens the mine safety requirements enforced by the Mine Safety and Health Administration, but what good does the law do for a grieving widow or an orphaned child?

As our Nation struggles with another coal mining tragedy, I would like to place into the RECORD an old coal mining song, "Come All You Coal Miners," sung by Sarah Gunning. Hopefully, some of the words in this song will remind us of those who have laid down their lives for us and the other 110,000 miners that go into the mines every day in this country facing death every single one of those days.

Some of the words of the song read: "They take your very lifeblood, and they take our children's lives. They take fathers away from children and husbands away from wives. Oh, miner, won't you organize wherever you may be and make this a land of freedom for workers like you and me."

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Thank you very much. I appreciate all of the work that you have done and the attention that you have given to the coal mining issue, and the fact that you have been trying to get this Congress to focus in real and concrete ways. What has happened over the past year is just indescribable, and I think avoidable.

We need to do all that you have told us over the past months that we need to do to ensure safety in the mines, and I just appreciate the fact that you are here representing not only the people in your district in all the ways that you do, but that you have once again focused your time and your energy on this very important issue.

Ms. KAPTUR. Thank you very much, Ms. WATERS. I could have no one that I admire more in terms of her love of community and her complete dedication to those who don't have enough voice in this Congress of the United States. To have that compliment from you means a great deal to me this evening. Thank you.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO RISK OF NUCLEAR PROLIFERATION CREATED BY ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN TERRITORY OF RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–115)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 20, 2005 (70 *FR* 35507).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2006.*

BLOCKING PROPERTY OF PERSONS IN CONNECTION WITH SITUATION IN BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–116)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b)(IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the "order") blocking the property of persons in connection with the situation in Belarus. In that order, I declared a national emergency with respect to the policies and actions of certain individuals in Belarus, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and circumstances involving Belarus, as described below. This action follows the issuance of Proclamation 8015 of May 12, 2006, "Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten the Transition to Democracy in Belarus," in which I determined that it is in the interest of the United States to suspend the entry into the United States of members of the government of Alyaksandr Lukashenka and others who formulate, implement, participate in, or benefit from policies or actions, including electoral fraud, human rights abuses, and corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus.

The United States, the European Union, and other allies and partners around the world have repeatedly expressed support for the democratic aspirations of the Belarusian people and condemned the Belarusian government's human rights abuses, assaults on democracy, and corruption. The Belarusian authorities have resorted to intense repression in an attempt to preserve their power, including the disappearance of four regime critics in 1999 and 2000, which the authorities have failed to investigate seriously despite credible information linking top government officials to these acts.

The undemocratic 2006 presidential election was only the latest example of the Belarusian government's disregard for the rights of its own citizens. Hundreds of civic and opposition activists were arrested—and many beaten—both before and after the vote for exercising their rights. The authorities forcibly dispersed peaceful post-election demonstrations. There is simply no place in a Europe whole and free for a regime of this kind.

The order also takes an important step in the fight against public corruption, which threatens important United States interests globally, including ensuring security and stability, the rule of law and core democratic values, advancing prosperity, and creating a level playing field for lawful business activities. As noted in Proclamation 8015, the persistent acts of corruption by Belarusian government officials in the performance of public functions has played a significant role in frustrating the Belarusian people's aspirations for democracy. This order authorizes the Secretary of the Treasury to block the asserts of senior-level officials of the Government of Belarus, their family members, or those closely linked to such officials engaged in such corruption.

This, pursuant to IEEPA and the NEA, I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and I have issued the order to deal with this threat.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

—to be responsible for, or to have participated in, actions or policies that undermine democratic processes or institutions in Belarus;

—to be responsible for, or to have participated in, human rights abuses related to political repression in Belarus;

—to be a senior-level official, a family member of such official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to have materially assisted, sponsored, or provided financial, material, or assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the other. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, was effective at 12:01 a.m. eastern daylight time on June 19, 2006.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 19, 2006.*

HONORING WINSTON-SALEM FIRE AND RESCUE TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to recognize and congratulate the Winston-Salem Fire and Rescue Team for their tremendous efforts participating in the World Championship Firefighter Combat Challenge. The world finals of this competition were held in Deerfield Beach, Florida, late last year. Over 1,500 firefighters from around the globe, including members from every branch of our military, descended on Deerfield Beach to compete for the right to be called the "best of the bravest."

While wearing full firefighting gear, teams from across the United States raced through obstacle courses that mirrored the real demands and challenges of firefighting. I am proud to say that one of the teams in the competition was made up of six brave firefighters from Winston-Salem, North Carolina, which is located in the Fifth Congressional District. Joining them were 10 firefighters from the adjacent city of Greensboro. This great group is often referred to as "the ambassadors of the State of North Carolina."

Teams competed in several divisions in the week-long competition. Winston-Salem team members Duane Creek and Ricky Brown finished second in the over-40 male Tandem Relay and Robert Klingersmith and Jesse Walker of the Greensboro Fire Department teamed up to grab second in the over-50 male Tandem Relay. Kelvin Astrop, Ricky Brown, and Duane Creek also finished with individual qualification times fast enough to compete for the individual finals.

The highlight of the competition was when Winston-Salem team members Duane Creek, Ricky Brown, Kelvin Astrop, John Pennington and Robert Klingersmith went head-to-head against team Dr. Pepper, the 2004 World Champions, and defeated them in the over-40 relay.

Mr. Speaker, I am honored to represent these courageous firemen and congratulate them on their achievements.

OUT OF IRAQ CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise tonight to continue the debate on Iraq, the war in Iraq. I rise to continue this debate because those of us who are part of the Out of Iraq Caucus, and I am the Chair of that caucus, do not intend to have a debate organized for one day and have people going away saying, well, we took care of that.

□ 2220

This debate must continue because the truth must be told.

Over the weekend, we received terrible news. Two of our soldiers, Private First Class Kristian Menchaca of Texas and Private First Class Thomas Tucker of Oregon were captured by insurgents, reportedly al Qaeda operatives in Iraq.

Today their bodies were found. Their bodies showed signs of torture, leading an Iraqi Defense Ministry official to say that they were "killed in a barbaric way." I extend my deepest sympathies to the families and friends of Private Menchaca and Private Tucker. Our thoughts and our prayers are with them and all those who have lost loved ones in this war.

Mr. Speaker, the President constantly tells us that "as Iraqis stand up, we will stand down." This is the President's way of describing in a rather vague and evasive manner our involvement in Iraq, our continued involvement in Iraq.

According to the Department of Defense, significant progress is being made in training Iraqis to assume security responsibilities in Iraq. The Defense Department trumpets the news that 250,000 Iraqi military are either fully trained or nearly fully trained to provide security throughout Iraq. Well, my question to the administration is: What are they doing? What are these trained Iraqi soldiers doing?

If they are so trained as the administration says they are, they should be able to take over the responsibility of providing security to their fellow countrymen while allowing our men and women in uniform to return home.

But the sad fact is Iraqis are not assuming this role. Instead, our troops who are put in harm's way are the ones paying the price for this administration's mistaken and misguided war. They have been assuming this role and will continue to do so indefinitely until this President's irresponsible leadership is challenged and changed.

Furthermore, Mr. Speaker, the administration constantly tells the American people that progress is being made on the war. For example, when the formation of the Iraqi Government was announced, President Bush said the Iraqis had reached a "turning point." At least five times since the beginning of the Iraq war, President Bush has declared that Iraq has reached a turning point. Yet after each milestone was achieved, violence in Iraq grew progressively worse, and more U.S. soldiers have died or been injured.

The most infamous turning point was on May 1, 2003, when President Bush rolled out and declared "Mission Accomplished" aboard the USS *Abraham Lincoln*. At that point, 139 U.S. servicemen and -women had died in Iraq. Today that number has grown to 2,502 U.S. servicemen and -women who have died in Iraq.

Furthermore, the violence against Iraqis has grown almost beyond comprehension. It is estimated that between 138 and 242 Iraqis have died so far this month alone. They die from car bombings, assassinations and other violent acts.

Today alone, news report indicate that at least 11 Iraqis were killed in a string of bombings across Iraq. In short, the progress that the administration and its supporters cite in Iraq does not exist.

The administration went into war with rose-colored glasses on. They promised the American people that the war had been adequately justified, planned and could be an affordable undertaking.

Unfortunately, the facts on the ground show differently. The war has gone on for more than 3 years, and by the end of this year, the total cost of the war will be $450 billion.

Mr. Speaker, it is time for us to redeploy our troops from Iraq and end the war in Iraq. The best way to accomplish these goals is to pass the Murtha resolution, H.J. Res. 73, which would redeploy U.S. forces from Iraq. The resolution says no more U.S. troops sent to Iraq, and that the troops in Iraq will be redeployed as soon as possible, a judgment made by military officials on the ground.

Section 2 says that a group of marines will remain in the Middle East to respond to threats that destabilize our allies in the region or the national security of the United States.

I wish could go into it more, but I have run out of time.

HONORING THERE'S NO PLACE LIKE HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to a New Hampshire organization called There's No Place Like Home.

This group is a committee of volunteers who have made a commitment to helping those who are most in need, those who have lost their homes to a natural disaster. The mission of No Place Like Home is to raise funds and organize volunteers to build homes for families who lack the resources to rebuild after their home has been lost to a natural disaster.

There's No Place Like Home was founded in response to the tragic losses suffered in the wake of Hurricane Katrina and Hurricane Rita. The idea came from the building trades program at Somersworth High School, which takes on a building project each and every year. The students in this program were so moved by the devastation caused by Hurricane Katrina, that they decided they would build a home to send from New Hampshire to a deserving family in the gulf coast as their project for this year.

After working hard all year, the students recently completed the first home, and it is on its way, as we speak, to Louisiana. Having been successful on this first project, the students are now going to build a second home to send to another family in our gulf coast.

In addition to the students that are building this home, there are several people whose involvement have made this project possible. They are: There's No Place Like Home team, consisting of the program development coordinator Paula Young, program director Pastor Bernie Quinn of the Rochester Grace Community Church, the construction coordinator Roy Darling, and the building trades instructor Brian Patterson.

These individuals are passionately committed to this cause. They have been working hard to raise funds, find deserving recipients of a home, and oversee the students and the construction. They have worked tirelessly to support this laudable project from its conception, and they deserve a world of thanks for their efforts.

I would also like to thank the members of the New Hampshire National Guard who are in charge of the important task of transporting the finished home to Louisiana, and the many businesses and sponsors in New Hampshire who have donated supplies, money and time to this organization.

I had the opportunity to twice visit with the students of Somersworth High School, the first time while they were building the home and just yesterday after it was completed. To see these students, fine young Americans hard at work using their skills to help families in need, was truly remarkable and for me very inspiring. I was impressed not only by the quality of their work, but certainly by the compassion that they displayed for the family receiving this home.

I wish There's No Place Like Home continued success and hope they are able to inspire other organizations to follow their lead. The founders of this organization, like Paula Young and all of the volunteers, are to be commended for their hard work and their commitment to giving back to the greater good of our Nation.

I am honored to represent such caring, civic-minded citizens in the U.S. House of Representatives.

WORLD REFUGEE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, of all the urgent matters in the world today, and there are many, none is more poignant than the plight of millions of homeless refugees in countries like Africa, Asia and Latin America, and here in the United States.

There are 8.4 million refugees worldwide. Some were displaced because of natural disasters. Most were forced to flee their homes and their homeland and loved ones to avoid being killed because of persecution, civil war and outright genocide.

They were forced to flee through no fault of their own, and were forced to abandon their belongings and their lives. They fled with the clothes on their back, memories and hopes that one day they would go home again.

Today we meet some of these people. This is World Refugee Day, organized by the United Nations to focus attention on the millions of innocent people who are entitled to live and not merely survive.

□ 2230

Every one of those 8.4 million refugees has a personal story. They hope, as we do, for healthy children, a bright future and peace and security in their lives. They long for a standard of living measured by dignity, not by personal possessions.

And it is within our power to make a difference. I think of it this way: if a million people make one small difference today, the world will wake up tomorrow a much different place.

Almost every day I wear a tie from Save the Children, although I left it off today, because Save the Children does, and lots of Americans help them. There are other noble organizations just like them. Organizations like World Vision in my congressional district respond every day to the needs of people in places like Darfur. The need always outstrips the available resources. But no one gives up. They just dig deeper. They have been there on the ground in camps next to people who are just like us. Once that happens, you never forget.

I know. I went to the refugee camps in Darfur last year as part of a bipartisan congressional delegation. You don't forget people jammed into a refugee camp who pass you handwritten notes asking you to tell the world that they exist and not to forget them.

There are those who refuse to forget. A megastar like Angelina Jolie willingly trades on her name to focus global attention on poverty and homelessness. Angelina is a U.N. goodwill ambassador whose works speak louder than words and whose words echo through capitols, including this one. Angie is redefining the phrase, "one person can make a difference." She will make a difference again tonight as she goes on CNN to tell the world firsthand about the millions of people around the world who want nothing more than to go home. But they cannot do it alone. Watch, learn, and listen.

In a world united by technology, we remain divided by brutal conflicts with millions of innocent victims homeless and held hostage, and that is where they will remain until the nations of the world intercede.

Nations rally behind leaders, political or otherwise, and nations are beginning to hear the voices of people like Ms. Jolie.

The United Nations tells us that 6 million people have returned to their homelands in recent years. That is dramatic progress, but the world has a long way to go before human liberty is protected in every nation.

All too often, refugees return home to find their towns and villages completely destroyed. And all too often, new conflicts disenfranchise or endanger new people.

From afar it seems almost impossible to believe that one person can make a difference. Then I remember the scraps of paper with personal notes handed to me in Darfur. You recognize the work of organizations like Save the Children representing millions of Americans. You meet people like Bono and get to know people like Angelina, and pretty soon you realize that we are all in this together. You recognize that refugees haven't given up. How can we?

Today is the day to see the faces and hear the voices of those who don't have a home, but do have a heart.

Today is the day to meet the people who are worth fighting for, who believe that hope can triumph over despair and that courage can overcome adversity and that every person on Earth is entitled to a life of dignity.

Do the world a favor. Change the television channel tonight. Watch and learn the news on CNN as they help us face the world in which we live. Listen to humanitarian leaders like Angelina. She will help you understand and change the world that we can all make a difference. There is no one who can't make a difference for a refugee in this world.

1-YEAR ANNIVERSARY OF THE KELO DECISION

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, this Friday is the 1-year anniversary of the United States Supreme Court's decision of Kelo v. City of New London. And this decision has wide-ranging constitutional ramifications, most notably the grasping at rights guaranteed by our guiding document, the Constitution. That is the reason that we dedicate this week's Congressional Constitution Caucus to discuss this case.

The fifth amendment clause, the so-called "taking clause," the one cited by the Court here and cited by the city as well to allow them to take homes from various families away from them and give them to other private individuals, that clause, the power of eminent domain, that is not a positive grant of power to the government. Rather, that is an express limitation on the powers of the government. In other words, our Constitution expressly limits the powers the government has to take away your property or mine.

James Madison once said: "As a man is said to have a right to his property, he may be equally said to have property in his rights."

Our Founding Fathers understood that private ownership of property is vital. It is vital to our freedom and to our prosperity as well. Yet our own, very own U.S. Supreme Court issued a very narrow 5-4 decision in the Kelo v. City of New London case, giving local governments broad powers to seize private property from one private party and to give it to another private party, citing nothing more than a subjective claim of sorts, a claim of economic development and something called public benefit.

But once again, the highest court in the land has shown its inability to interpret the Constitution and defend the liberties and freedoms that our forefathers so desperately envisioned when they established this great Nation. Instead, this unelected body just across the street seeks now to make its own law for the land.

For over a generation, our judicial branch in this country has headed down what we call the old proverbial slippery slope of overstepping their bounds, and this decision is judicial activism at its worst.

I bring with me tonight a book that is called "Constitutional Chaos." It was written by actually a constituent of mine, a former judge in the Fifth Congressional District. This is Judge Andrew Napolitano. Members may know that name from seeing it on TV. And I want to cite something he that he says in his book talking about this taking by the courts. He says, we have seen in the past the proper function of eminent domain, the government's taking of lands for use by the public. And the radical transformation of the taking clause to mean public benefit rather than the public use. And this began, this change, this radical change began in the early 20th century, back from 1936 on in a New York City case.

There the court determined that slum clearance would be a public use, that was a good use, taking away people's homes from one set of circumstances and giving it someplace else. And he says, "This is a quintessential private use. The government took the land from private individuals so that other private individuals could use that land to live on."

Then he goes on to say, the Court blatantly ignored the fact that the Constitution uses the phrase "public use" rather than "public benefit." And the Court concluded "the law of each age is ultimately what the age thinks the law should be."

What a scary thought that is, if the courts really take that view that the law can simply change from age to age to age, and that there are no firm foundations from one generation to the next.

Our government, both on the State and the Federal level, were intended to be limited with only certain specific powers being delegated by the people to the various branches. And the ability of the government to seize private property from its citizens far exceeds the authority the people have bestowed upon it. And that authority may not be changed from generation to generation to generation.

The Justices in the majority, while they may have been well intentioned and trying to provide what they cited as economic development, had absolutely no constitutional authority to make those decisions. Certainly, not in the liberty-grasping fashion that they did.

So tonight I come here and, again, I call for limitations on the courts' jurisdiction before every one of our liberties and freedoms are clutched from our very possessions as our homes now apparently may be. And in light of this anniversary, I recently introduced a resolution, again emphasizing this body, this House's disapproval of the majority opinion of the Supreme Court and highlighting other positive actions we have taken, such as my amendment recently to, in fact, a year ago to say the Federal Government would not use our dollars to help facilitate these actions.

You see, Mr. Speaker, the United States, the greatest Nation in the world, must always remain a Nation where rights and liberties are celebrated, not a Nation where people live in fear of those rights and liberties being instantaneously taken away by unelected judges covetous of policy-making powers.

POWER SHARING NEEDS BIPARTISAN ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS Mr. Speaker, power sharing and the Voting Rights Act will be on the agenda tomorrow. The United States Voting Rights Act, launched and guided by President Lyndon Johnson, was a front line cutting-edge innovation in constitutional democratic government. The turmoil and conflict of the civil rights struggle was brought to a high level, successful, peaceful conclusion with the passage of the Voting Rights Act.

□ 2240

We could hold up to the world a new refinement in democratic governance. That was in 1967. Today in 2006 we should take note of the fact that the Government of Norway has established a new frontline for democratic inclusiveness. Last January Norway passed a law mandating that 40 percent of the board members of all major corporations, private and public, must be women. This is a far-reaching and bold action; however, it reflects a mushrooming trend toward the goal of a fair and productive inclusiveness of all citizens in vital decision-making processes. Norway is at one extreme, but there is a great deal between Norway and our Voting Rights Act.

As we consider reauthorization of the Voting Rights Act, we should look beyond our borders. A serious examination of the struggle for democracy across the globe reveals that our American constitutional democracy is not the final realization of the most perfect governance structure that can be achieved. In fact, it may be that our American democracy is now being eclipsed by more a sophisticated set of mutations of constitutional democracy. Our way, born in 1776, may within a few decades appear to be a crude, outdated approach to the rule of law with justice for all.

As of this date, one-third of the world's democratic governments have some form of mandates or incentives for promoting ethnic minority or gender representation. Norway, with its 40 percent mandate for female board representation on private company boards, may be way out there ahead of other governments; nevertheless, many others recognize the need to move out beyond the slow processes of tradition and the prevailing power arrangements.

Denmark and Germany elect minorities in their respective countries into regional and national Parliaments. In Iran ethnic minorities such as Armenians and Jews have seats allocated for them in Parliament. The Pakistan Government has provided for special representation for minorities and women in Parliament. Burundi guarantees 40 percent of the Parliament and Cabinet positions to the Tutsi minority and half the positions in the army.

Advised by the United Nations, the Kosovo Parliament will be chosen by direct elections with special arrangements for Serb and other minority groups to be represented. Billions of United States dollars have been spent in Kosovo to achieve this outcome.

In Iraq the United States advisers are insisting on an all-inclusive government with the dominant majority Shiites sharing power with the minority groups such as the Sunnis and the Kurds.

Our Voting Rights Act, which we are about to renew and extend, is very much in harmony with an escalating international consensus which emphasizes the fact that power sharing promotes good government and peace. Shortsighted efforts to dilute the provisions of the Voting Rights Act must be defeated. This act goes as far as our Constitution will allow us in order to create opportunities for minority representation. However, beyond the law the time has come for each of the political parties to adopt platforms and positions which further enhance the highly desirable goal of power sharing. Beyond opportunity for minority representation, the Republican Party and the Democratic Party should assume positions and take actions to discourage and remove any roadblocks to the greatest possible amounts of power sharing at all levels of government.

There is bipartisan agreement that Kosovo, Rwanda, and Iraq must have power sharing. At home we can offer no less to our minorities. The Voting Rights Act is our successful weapon of mass construction, mass democratic construction. We must support the renewal of the Voting Rights Act.

PERSONAL PROPERTY RIGHTS AND THE KELO DECISION

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, one of my top five movies of all time was the 1968 cult classic, the original Producers. And, of course, as you know, that was the story of a Broadway producer who tried to find the worst play possible to produce a Broadway flop, and unfortunately it turned into a smash hit. And there is this wonderful scene where the producer Max Bialystock looks at the audience in the movie and says, "I chose the wrong play, the wrong director, the wrong actor. Where did I go right?"

Well, to me the Max Bialystock of government, the Supreme Court, sometimes does the same thing, as their best laid plans and correct principles end up in something simply messed up. As my good friend, the gentleman from New Jersey, spoke a moment ago, this week will be the 1-year anniversary of the Kelo decision. After years of harping and praying and hoping the Supreme Court would actually take the right concept and respect States rights, to respect the 10th amendment, they did it for the first time and once again got it wrong. For in their respect for the process, the majority of the Court forgot the constitutional principle involved.

We have talked, as the Constitutional Caucus, a great deal about the concept of federalism. Federalism is not the same thing as States rights. Federalism is the idea of a balance between the national and State governments solely for the purpose of protecting individual liberty and individual property. States rights is decisions and powers being made at the State level, which usually produces the proper result, but every once in a while has a history of abuse of power.

This particular situation, the Kelo decision, is one of those, where one of our good States in New England, both the local government and State decided to use eminent domain to take property from individuals not for the public good, but for economic development, a government abuse of property rights for the sake of money.

Fortunately, the dissenters of the Supreme Court clearly understood it. In reading the words of the dissent on the Kelo situation, they said, "If such 'economic development' takings are for a 'public use,' any taking is, and the Court has erased the public use clause from our Constitution." Further, he said, "The takings clause also prohibits the government from taking property except 'for public use.' Were it otherwise, the takings clause would either be meaningless or empty."

It was appropriate for this body, immediately after that decision, to pass both the resolution and the law condemning those decisions. It is also appropriate at the 1-year anniversary that we once again understand and review the significance of that concept of personal property rights.

The Supreme Court recently made a decision this week dealing with wetlands cases. We are talking, as well as the Senate, about the concept of death taxes. Both of those have at their core the understanding of the significance and importance of personal property rights. It is right and proper for us at the dedication of this anniversary of this infamous decision on Kelo to once again restate and reunderstand our purpose and the purpose of this government, which is to protect personal property.

JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to acknowledge the World Refugee Day as we keep the flame of hope alive, showing some 20.8 million internally displaced refugees fleeing persecution who are now looking to the world to ask for relief.

As I stand to acknowledge that day, I draw the House's attention to a day I believe that symbolizes the hopes and dreams of many. Although the occasion of Juneteenth happens to be a holiday that is celebrated by African Americans, it is, in fact, the oldest nationally celebrated commemoration of the ending of slavery in the United States. So I say simply that it is symbolic of people who are in need of empowerment.

And, in fact, this celebration took place in this country, and certainly in the State of Texas, over the last 3 days, this past weekend. I participated with my colleagues in different States to celebrate Juneteenth, as well as my constituents, on Saturday and Sunday and Monday.

From its Galveston, Texas, origin in 1865, the observance of June 19 is considered the African American Emancipation Day even as it claimed a time frame in which African Americans were actually denied the knowledge of their freedom. Those in Texas did not hear of the declaration that President Lincoln made until 1865.

Today Juneteenth commemorates, I believe, African American freedom and symbolically freedom around the world. And that is why in the beginning I stood and acknowledged this is

World Refugee Day, for refugees are looking for freedom and hope, and they belong to us, and they are placed around the world.

This special day of Juneteenth, however, emphasizes education and achievement. It is a day, a week, and in some areas a month marked with celebrations, guest speakers, picnics, and family gatherings.

☐ 2250

It is a time for reflection and rejoicing. It is a time for assessment, self-improvement and planning for the future. But it is a time for reinvesting, restoring ourselves. It relates to the struggle of freedom. It reinforces the fact that freedom is not easy and it is not free, and as those who stood witness waiting in the State of Texas near the Galveston Bay to find out whether they were free, there are many who still stand waiting for that call of freedom.

The growing popularity of Juneteenth signifies a level of maturity and dignity in America long overdue. In cities across the country, people of all races, nationalities and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today. Sensitized the ties to the conditions and experiences much others only then can we make significant and lasting improvements in our society.

The civil rights movement of the fifties and sixties yielded both positive and negative results for the Juneteenth celebrations. While it pulled many of the African American youth away and into the struggle for racial equality, many linked these struggles to the historical struggles of their ancestors. They wanted to be free of the Juneteenth celebration.

This was evidenced as students began to participate in student demonstrations involved in the Atlanta civil rights campaign in the early 1960s, who wore Juneteenth freedom buttons. Again, in 1968, Juneteenth received another strong resurgence through the Poor Peoples March to Washington, D.C. Reverend Ralph David Abernathy called for people of all races, creeds, economic levels and professions to come to Washington to show their support for the poor.

Juneteenth has a way of generating the kind of compassion for the struggle and, of course, a reason for fighting for freedom.

Let me thank Representative Al Edwards, a constituent of mine and a State representative who can be called the father of Juneteenth in the State of Texas, establishing the first State holiday for African Americans, Juneteenth, June 19, here in the State of Texas that we have the opportunity to celebrate.

He has not finished his work, for he continues to promote the Juneteenth Commission, and I am very proud that on Monday morning, we opened and christened the first Juneteenth statute in the State of Texas. This holiday, however, is spreading across the country as a symbol of freedom.

Tomorrow we will have the opportunity, as we have had today, to acknowledge the that people are still struggling for freedom by World Refugee Day, but tomorrow this body will have the opportunity to reauthorize the Voting Rights Act of 1965, now in 2006, now named the Fannie Lou Hammer, Rosa Parks, and Coretta Scott King Voting Rights Act.

I ask my colleagues in the name of Juneteenth and many other symbolic holidays that establish and create freedom, that we should stand tall for the reauthorization of the Voting Rights Act. It should not be a political struggle or a power struggle. It should be the right struggle, the right thing to do.

And for those who intend to offer what we call poison pill amendments, I would ask my colleagues to defeat them handily, because the Voting Rights Act is a symbol of freedom for all, all colors, all creeds, to be able to suggest that every citizen has a right to vote. Whether they speak English or not, Mr. Speaker, they have a right to vote, and these amendments that are being offered to undermine their voting rights say that if you are a citizen and you speak a different language, you cannot have the protection of the Voting Rights Act.

I ask my colleagues to join us in continuing the freedom statement of the Juneteenth holiday and to vote for the Voting Rights Act tomorrow. Juneteenth is alive and well.

Mr. Speaker, I rise to mark the occasion of Juneteenth, the oldest nationally celebrated commemoration of the ending of slavery in the United States. From its Galveston, Texas origin in 1865, the observance of June 19th as the African American Emancipation Day has spread across the United States and beyond.

Today Juneteenth commemorates African-American freedom. This special day emphasizes education and achievement. It is a day, a week, and in some areas, a month marked with celebrations, guest speakers, picnics and family gatherings. It is a time for reflection and rejoicing. It is a time for assessment, self-improvement and for planning the future. Its growing popularity signifies a level of maturity and dignity in America long over due. In cities across the country, people of all races, nationalities and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our society today. Sensitized to the conditions and experiences of others, only then can we make significant and lasting improvements in our society.

The Civil Rights movement of the 50's and 60's yielded both positive and negative results for the Juneteenth celebrations. While it pulled many of the African American youth away and into the struggle for racial equality, many linked these struggles to the historical struggles of their ancestors. This was evidenced by student demonstrators involved in the Atlanta civil rights campaign in the early 1960's, whom wore Juneteenth freedom buttons. Again in 1968, Juneteenth received another strong resurgence through Poor Peoples March to Washington D.C.. Rev. Ralph Abernathy's call for people all races, creeds, economic levels and professions to come to Washington to show support for the poor. Many of these attendees returned home and initiated Juneteenth celebrations in areas previously absent of such activity. In fact, two of the largest Juneteenth celebrations founded after this March are now held in Milwaukee and Minneapolis.

TEXAS BLAZES THE TRAIL

On January 1, 1980, Juneteenth became an official state holiday through the efforts Rep. Al Edwards, an African American state legislator. The successful passage of this bill marked Juneteenth as the first emancipation celebration granted official state recognition. Representative Edwards has since actively sought to spread the observance of Juneteenth all across America.

JUNETEENTH IN MODERN TIMES

Throughout the 80's and 90's Juneteenth has continued to enjoy a growing and healthy interest from communities and organizations throughout the country. Institutions such as the Smithsonian, the Henry Ford Museum and others have begun sponsoring Juneteenth-centered activities. In recent years, a number of National Juneteenth Organizations have arisen to take their place along side older organizations—all with the mission to promote and cultivate knowledge and appreciation of African American history and culture.

Juneteenth today, celebrates African American freedom while encouraging self-development and respect for all cultures. As it takes on a more national and even global perspective, the events of 1865 in Texas are not forgotten, for all of the roots tie back to this fertile soil from which a national day of pride is growing. The future of Juneteenth looks bright as the number of cities and states come on board and form local committees and organizations to coordinate the activities.

With the Voting Rights Act Reauthorization and Amendments Act of 2006 coming up on the floor tomorrow, it is important to remember that the VRA is one of the most effective civil rights statute ever enacted, and while its successes has generated increased political power for many at the local, state, and federal levels, there is still much work to be done. Critical provisions of the Act, including the language assistance provisions contained within Section 203, are set to expire next year. The right to vote is only meaningful when the language of the ballot and other election materials is fully comprehensible to the voter.

Recently, a 9-foot bronze statue, created by Eddie Dixon of Lubbock, was erected in the city of Galveston, TX. The Statue depicts a man holding the state law that made Juneteenth a state holiday in 1979. It was at the Ashton Villa where Maj. Gen. Gordon Granger of the U.S. Army is believed to have read a proclamation on June 19, 1865, announcing that slaves were free. The historic emancipation proclamation enacted by President Abraham Lincoln went into effect Jan. 1,

1863. Monday marked the 27th year that people have gathered to celebrate Juneteenth.

ON THE ONGOING DISENFRANCHISEMENT OF BLACK VOTERS

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, on the eve of the reauthorization of the Voting Rights Act, I come to the floor to say to that the dream of full participation by all Americans has yet to be fulfilled. And, in fact, even at the dawn of a new century, black voters are still confronted with a concerted effort to deny their right to vote when it is politically necessary and expedient to do so.

We can start with the fiasco that brought the current administration to power, the Florida vote of 2000. First of all, in testimony from African American voters in Florida, outright voter intimidation is documented in dozens of cases.

You know, the passage of time is a wonderful thing. It makes wine taste better; it makes women look better; it makes us long for the days of good music, however we define "good music." The older songs always just seem the best.

So, too, it is with information. But with the passage of time, truth crushed to the Earth, rises. The ashes of the Phoenix rise.

As a result of a town hall meeting that I organized in Georgia, bringing in the vice president of ChoicePoint, the company hired by the Florida Board of Elections under the control of the then Secretary of State KATHERINE HARRIS, we now know that ChoicePoint was asked to provide an incorrect list of supposed convicted felons who would be denied the right to vote in Florida. The only thing is that the list compiled by ChoicePoint imported data from several States; Ohio, New Jersey and Texas.

Now, it just so happens that the Governor of Texas is now our President, and the interesting thing about the list that was given from Texas to KATHERINE HARRIS in Florida is that it was not a list of convicted felons. The Texas list was a list of those convicted of misdemeanors, thereby enlarging the number of entrants on the ChoicePoint list destined for Florida.

Now, why is this important? Because the method of disenfranchisement in Florida was to deny people the right to vote based on fictitious felony conviction records. And since KATHERINE HARRIS had told ChoicePoint that she only wanted an 80 percent match, an example is that John Smythe, who had committed a misdemeanor in Texas, say, for example, became John Smith, a convicted felon in Florida. The list was labeled by race, so that the folks down in Florida knew who would be denied the right to vote before the voting even started.

As a result, ChoicePoint presented a list of about 90,000 so-called convicted felons, whose only crime was being registered to vote in a battleground State whose leaders were willing to commit crimes in order to deny people the right to vote. And I am sorry that the Democrats didn't fight this gross travesty of justice carried out against black voters.

Now, there will be folks who will say that we don't need a Voting Rights Act any more. If you ask George Wallace or George Maddox or, for that matter, even Strom Thurmond back then, I am sure they would have said you didn't need a Voting Rights Act then too. I am sure they would have said no.

But if this gross disenfranchisement scheme could happen in 2000, it means that the right to vote and the right to representation are still precious, so precious that we have to have laws in place to protect those who will not respect the rights of their fellow Americans.

Then in 2002 we learned that crossover voting can be used as effectively as the all-white primaries were to deny African American voters their right to choose their representatives.

I am glad to know that BENNIE THOMPSON from Mississippi, our colleague, has filed a lawsuit against Mississippi's open primary statute. We need to rid the South of open primaries, because, as in my State, they were enacted in the days when the lips of staunch segregationists dripped with the words of nullification and interposition.

The advent of the electronic voting machines offers another peril to the voting rights of all Americans who use them. In my own district, those machines broke down, burned out, froze screens and cast votes for the candidate not intended by the voter.

In Georgia, our machines are also equipped with a wireless capability. That means that somebody who has got a Treo that is properly outfitted can come in and change the outcome of an election just by entering the signal space of a voting machine. Since no action has been taken by the Federal Government to prevent any of these abuses, we can expect more of the same.

And speaking of voting machines, the allocation of those machines is also done to manipulate the outcome. Who wants to wait 5 hours in line in the rain to vote? Thousands of voters in Ohio had to do that and it just so happened that they were black. Scholars and researchers have done the math. Voting machines were allocated not by the number of registered voters by precinct, but by some other calculation. How could majority black precincts in Columbus, OH have 3, 4, or 5 machines and have over 1,000 voters in their precincts, and mostly Republican precincts in say, Dublin, OH had the same number of machines for one third the number of voters?

This pattern of devaluing and marginalizing the black vote was seen again in the recent Mayoral election in New Orleans. Here it was not Republicans, but a conservative Democratic Governor who blocked efforts to provide electronic polling stations to enable hundreds of thousands of mostly Black Katrina survivors the chance to vote. It was among the largest instance of African-American voter disfranchisement since the enactment of the Voting Rights Act in 1965.

Since no action has been taken by the Federal Government to prevent any of these abuses, we can expect more of the same. In addition, in the coming Fall election we will see the introduction of electronic poll-books, which are untested and non-transparent. Governor Ehrlich of Maryland, a Republican, has deemed this new addition to the voting experience to be unreliable.

So, Mr. Speaker, who cares? We care. And that is why we need a Voting Rights Act. Not to tarry in the days of the past, but to protect us from encroachments on the right to vote that occur today and that might be tried tomorrow.

□ 2300

RESTORING ACCOUNTABILITY

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, on behalf of the 37-Member strong, fiscally conservative, Democratic Blue Dog Coalition, I rise this evening to talk about a very important principle, and that is restoring accountability within our government.

Under the United States Constitution, Congress has an obligation to provide congressional oversight of the executive branch. Congressional oversight prevents waste and fraud, ensures executive compliance with the law, and evaluates executive performance. However, under the current leadership, Congress has abandoned this responsibility by failing to conduct meaningful investigations of allegations of serious waste, fraud, abuse and mismanagement of taxpayer dollars.

By failing to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch, this Republican-led Congress has failed the American taxpayer.

This President, this administration, and this Republican-led Congress must be held accountable for our massive Federal debt. American taxpayers deserve to know how their money is being spent.

In 2004, $25 billion of Federal Government spending went absolutely unaccounted for, according to the Treasury Department. The Bush administration was unable to determine where the money had gone, how it was spent, or what the American people got for their tax money. Even worse, the Republican-controlled Congress failed to hold the executive branch accountable for this omission.

Then, in 2005, the Government Accountability Office reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by this Republican-led Congress. Yet, Republican leaders in Congress did not force these agencies to fully account for how the money was being spent before doling out billions more of taxpayer dollars to the same programs.

FEMA continues to store over 9,000 mobile homes, as you can see here, in a pasture in Hope, Arkansas, while victims of Hurricane Katrina remain homeless. FEMA's response has been, well, we will make sure the manufactured homes do not sink; we will spend $4 million laying gravel in this pasture. It is time FEMA was held accountable. It is time FEMA got these brand new, fully furnished, 14-foot-wide, 60-foot-long mobile homes to the victims of Hurricane Katrina.

American taxpayers deserve answers as to why their children and grandchildren have to foot the bill for the fiscal mismanagement of this administration. The time has come that this administration is held accountable for its reckless behavior. Congress must act now to renew its constitutional responsibility to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch.

That is why the Blue Dog Coalition is sponsoring legislation that would require Congress to renew its duty to conduct hearings on spending and hold the administration officials accountable.

One of the founders of the Blue Dog Coalition, Mr. TANNER of Tennessee, has introduced H. Res. 841. Among other things, it would require congressional hearings within 60 days of Inspector General reports that identify waste, fraud, abuse or mismanagement of more than $1 million.

It would require congressional hearings when the Government Accountability Office names an agency "high risk" for mismanagement.

It would require congressional hearings when an agency's auditors issue disclaimers or corrections, indicating accounting information is inaccurate or incomplete.

It would require congressional hearings at least twice a year to review the Office of Management and Budget's performance-based review program.

Mr. Speaker, wasteful government spending must stop, and that is why it is time to restore some commonsense and fiscal discipline to our Nation's government. It is time to restore accountability to our Nation's government.

OUR UNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, in 2 weeks, we will be observing the 230th anniversary of our Declaration of Independence, and I think it was on June 21, in 1788, that the State of New Hampshire was actually the ninth State to ratify the Constitution of the United States.

When the United States was founded, there was a search for a national motto, and the first motto of our country, e pluribus unum, Latin, translates to, out of many, we are one.

The very words, United States, speaks to the unity, not just of colonies and then States, but really speaks to a deeper meaning of human unity. Out of many, we are one. It is not simply unity in this country. It is the unity of people all over the world.

This year, in our 230th year since we declared our independence, we find ourselves gripped by a type of thinking which separates us from the rest of humanity, which causes the United States to be locked into dichotomized thinking of us versus them, whoever they are.

With that comes a very heavy price. It comes a separation which has led us to war. It comes a separation that has separated us from the ambitions of people all over the world who are hoping for a rising standard of living through having guarantees for workers rights, human rights, environmental quality principles, which they had hoped that the United States would stand for.

We separate ourselves from human unity by not participating in a wide range of international agreements, and yet we are the United States. Our very name speaks to unity.

How then can we find ourselves again as a Nation? How can we come to reconnect with the deeper meaning of who we are? How can we step away from this experience which since 9/11 has taken us into a blind alley?

If there was ever a time when this country needed a period of truth and reconciliation, this is it. We find so many of our fellow countrymen and women still believe that Iraq had something to do with 9/11. It did not. But at a time when 9/11 gave us an opportunity to start a whole new national discussion about who we are and how we can reconnect with the world, decisions were made which further separated us. We went down a blind alley, and in that blind alley we remain, unaware of the truth behind 9/11, not with respect to who did it, but with respect to what is our role in the world, what is America's position in the world.

This, the 230th year of our experience of declaring independence, is a perfect time for us to recommit ourselves to perhaps call for a declaration of interdependence, accompanied by a vision which sees the world as one, which sees the world as being interconnected and interdependent, which understands that when we build nuclear weapons, we, the United States, threaten the world; that we have a responsibility to lead with nuclear non-proliferation; that we have the responsibility to lead with the biological weapons convention, fully participating in that, and the chemical weapons convention and the small arms treaty and the land mine treaty, to join the International Criminal Court, to sign the Kyoto climate change treaty, to truly participate the entire world.

We are independent, but we are also interdependent, and there is no paradox there. It is a fact that both of those modalities can and must exist simultaneously in order for our Nation to be healthy, in order for us to grow.

□ 2310

Mr. Speaker, although I didn't really agree with many of his policies, one of the President's I admired the most was Ronald Reagan, because I saw him as being connected to the optimistic nature of America. One of the casualties of 9/11 has been our optimism, our courage.

This Nation has the capacity to be much more than it is today, and whether we are Democrats or Republicans, we need to try to search for a deeper meaning of who we are. We need to reach for a deeper meaning of who we are in the world and we need to confirm that our purpose is human unity, not just the unity of 50 States.

MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized for half the time remaining before midnight.

Mr. GEORGE MILLER of California. So I have 25 minutes; is that correct?

The SPEAKER pro tempore. Yes.

Mr. GEORGE MILLER of California. Mr. Speaker, I would say to those who are going to speak to be aware of that so others get a chance to speak.

I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Thank you very much. The hour is late and the time is limited. Mr. Speaker, I rise, however, to briefly urge my colleagues to take action on raising the minimum wage. This is an action of fairness. It is the right thing to do. It is an issue of values. The American people believe it is the right thing to do. Eighty-six percent of them have said we ought to raise the minimum wage.

This issue clearly illustrates the different priorities, it seems to me, between the Democratic and Republican sides of the aisle. We Democrats have been trying to get this issue on the floor for years now.

Let us look at the facts, Mr. Speaker. Democrats have been fighting to raise the minimum wage from $5.15 to $7.25 an hour over 2 years. Today, if the minimum wage were at the rate it was in 1968, we would be paying $9.05. We are not getting there, but we ought to do better than we have done.

Unfortunately, Mr. Speaker, the Republican side of the aisle is fighting us tooth and nail while attempting this week to bring up legislation once again that gives the heirs of the wealthiest families in America a break on the estates tax and drive our Nation even deeper into debt. That is right, while the working people struggle to make ends meet, doing what we expect them to do, this Congress is rushing an estate tax bill, what I call the "Paris Hilton Tax Relief Act," to the floor.

Of course, as usual, the bill is not paid for and continues the majority's fiscal irresponsibility and will increase our costs of borrowing by $280 billion over the next 10 years. We are borrowing because we have no money to give a tax cut, so we are going to have to borrow it from other nations.

Last week, in the Appropriations Committee, I offered an amendment to the fiscal year 2007 labor-health bill. That amendment passed, raising the minimum wage 70 cents on each of the next Januarys, 2007, 2908 and 2009, bringing to $7.25 the minimum wage. Seven Republicans, Mr. Speaker, on the committee voted for that bill, several of whom have tough races. So they were listening very carefully to their people at home; and their people, again by overwhelming majorities, say this is the fair and right thing to do.

We thought we were going to consider that labor-health bill this week. It was announced it would be on the floor this week, but it was pulled. I am not sure exactly of all the reasons, but in part surely it was pulled because there was a question about the rule.

I want to say, Mr. Speaker, when that bill comes to the floor, the rule vote will be a minimum-wage vote. And if you think that the minimum wage ought to be increased, if you think working Americans ought to be given a wage that gets them out of poverty, if you think that somebody who works in America ought to be able to support at least themselves, then you will vote against the rule, unless it gives a waiver for this amendment.

Mr. Speaker, Mr. MILLER and I, and the others who will speak on this floor, believe very strongly that in an America that honors work and in an America, the richest Nation on the face of the Earth, that is an example for the rest of the world, we ought to make sure that those who work, those who get up in the morning and work hard, play by the rules, as Bill Clinton used to say, ought to get a decent, fair wage.

Mr. Speaker, I hope that when this bill comes forward that every Member of this House will vote for a rule that ensures an up-or-down vote on raising the minimum wage in America for all our workers who work at that level. There are 6.6 million people, Mr. Speaker, 6.6 million Americans trying to support themselves and participating in helping to support their children and their families. It is the right thing to do.

Over 86 percent of Americans think it is the right thing to do and the House of Representatives ought to do the right thing.

And, five of those seven Republicans who voted with Democrats last week flip-flopped. The other two failed to vote.

And, the amendment failed.

Mr. Speaker, the failure of this Congress to act on the minimum wage is a national embarrassment.

It has been 9 years since we last raised the Federal minimum wage—the second longest period without an increase since a minimum wage was first enacted.

Today, the minimum wage is at its lowest level in 50 years, when adjusted for inflation.

Had the minimum wage been indexed for inflation since 1968, it would be $9.05 an hour today—not $5.15.

People who work full-time in the United States of America—the richest nation on earth—should not be poor.

But in 2003 there were 3.7 million workers who worked full-time, year-round, and still lived in poverty.

And, let's disabuse ourselves of this notion that "no one" really makes the minimum wage any more.

Not true.

In fact, a minimum wage increase would directly benefit 6.6 million low-wage workers—most of whom are adults who work to support themselves and their families.

An increase would specifically benefit 760,000 single mothers who toil day in and day out, sometimes at 2 or 3 jobs to provide just the basic necessities for themselves and their children.

Let's also dispense with the Republicans' favorite argument—that raising the minimum wage will somehow cost us jobs.

Again, not true.

We know that this argument is false because 20 States and the District of Columbia have raised their minimum wage above the federal rate.

And, a study conducted by the Center for American Progress and Policy Matters Ohio shows the following:

Employment in small businesses grew more (9.4 percent) in states with higher minimum wages than Federal minimum wage states (6.6 percent).

And, inflation-adjusted small business payroll growth was stronger in high minimum wage states (19 percent) than in Federal minimum wage states (13.6 percent).

Raising the minimum wage is an issue of fairness and an issue of values.

A PEW research poll in December 2005 found that 86 percent of Americans support raising the minimum wage.

The time to increase the minimum wage is long overdue, and Democrats are going to keep fighting for a fair wage for America's working families.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, the fact that we have not had a minimum wage increase over such a long period of time, over $5.15 an hour, when we should be at $9 an hour, is reflective of the fact that our government, the decision-makers, this Congress, this administration are hostile towards poor people. We are hostile towards poor people. We have contempt for poor people.

I have reams of statistics here which show the validity of increasing the minimum wage and how we are holding people in poverty, but I don't want to address those statistics except to say just one blunt fact: minimum-wage employees, working 40 hours a week, 52 weeks a year, earn $10,000. That is $10,700 per year. That is $6,000 below the Federal poverty guidelines of $16,600 for a family of three. If you work 40 hours a week, 52 weeks a year, you come in at that level.

Now, we have, as a government and as an administration, we have had Alan Greenspan for ages, under Democratic administrations and Republican administrations. Alan Greenspan has come to Congress several times and testified he doesn't believe in a minimum wage. We shouldn't have a minimum wage. He's a disciple of Ayn Rand, who says government should not get involved in anything except defense. Only defense.

Roll out the troops to defend the rich. Roll out the troops to defend our property. What happens is that the people who are from the working families, those that we have most contempt for and refuse to adjust our economic society so that they have a way to earn a decent living, those are the people who go off to fight. And I have statistics that in war after war. World Ward I, World War II, the Korean War, the Vietnam War, the largest number of the casualties came out of the big cities of America, the slums, the people who were poorest, the working families. The same thing is true in Iraq.

Let the rich go first in times of war. They are the ones that have the most to defend. Ayn Rand and Greenspan feel we should do nothing to help to force our government to protect the welfare of the poor. But those poor are to go off and defend the wealthy. The New York Stock Exchange has the most to lose if the government were to collapse. If we didn't have soldiers fighting and protecting the Nation, the rich and those who have contempt for the poor would have the most to lose.

So I want the moral issue here to come forward, and let us look at it in the face and let the American people out there ask their Congressman, ask their President, Why do you want to hold people in a state of near chattel slavery? Why are you looking at the rest of the world and saying, well, they have low wages and China is way down there and we have to compete with China. If you compete with China, you end up having prisoners, prisoners manufacturing goods, and prisoners will be the basic labor force. We don't want to go in that direction.

In America, everybody should have a chance to share in the prosperity that is possible here. Certainly those men and women who go off to fight our wars and who are very much a part of our society deserve to be recognized and protected and regulated, their economic lives, regulated in a way which gives them a chance to make it. All they want is a chance to survive and prosper like all other Americans. A minimum wage increase will allow us to do that.

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Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding to me and for holding this Special Order tonight on the minimum wage.

We are not the only ones that are up at this hour and doing our work. There are millions of Americans around the country who are working. Some of them are working in all-night diners serving people food, maybe taking care of a crying baby right now for someone else, maybe cleaning up after some elderly person, and many of them are doing that just to try and make ends meet and really aren't because they make the minimum wage, about 7 million hard-working people, and anybody who thinks a minimum wage worker doesn't work hard hasn't done a minimum-wage job. Sixty percent are women; many are the heads of households and have children themselves that they have a hard time buying food for or providing health care for.

In fact, a lot of those people who often are held in some contempt when they go to the store with food stamps, and who feel some embarrassment they have to come to get help from the government, put their hand out for assistance, and who are we really helping? We are helping the employers. We are subsidizing those employers with taxpayer dollars who don't pay a living wage or even close to a living wage to many of those workers.

Today the Economic Policy Institute and the Center on Budget and Policy Priorities released a study entitled "Buying Power of Minimum Wage at 51-Year Low." The title tells it all. It has been 10 years since the Congress voted to raise the minimum wage and nearly 9 years since its implementation. If we don't act this year, it will be the longest period of inaction and stagnation since the minimum wage was created.

I know we have limited time, but I wanted to make a couple of points about what it really means to be on the minimum wage.

According to a New York Times article reporting on a recent study by the National Low-Income Housing Coalition, last year was the first year on record that a full-time worker making minimum wage could not afford a one-bedroom apartment anywhere in the country. Anywhere in the country. Over the past 9 years, the minimum wage has not increased, but average rents have gone up more than 28 percent. In Illinois where I live, you need to make $15.44 an hour. In Chicago, you need to make $17.44 an hour in order to pay a two-bedroom apartment at fair market rent. That is three times the minimum wage.

In the 9 years that minimum wage hasn't increased, average health care premiums have risen over 75 percent. What hasn't risen? Everything has risen. All of the basics have risen, but the minimum wage has not. It is just shameful. Here we are talking about tax breaks for the wealthiest Americans, talking about eliminating the estate tax for the Paris Hiltons of our country, and minimum-wage workers, people working right now at this late hour, make $5.15 an hour. We should all be ashamed.

We can do that right away. We could do it tomorrow. We could raise the minimum wage and provide some level of dignity and relief for hard-working Americans, and we should do that.

Mr. Speaker, I thank the gentleman for allowing me to speak on this.

Mr. MILLER of California. I yield to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I rise tonight also to add my voice to this important issue of the need to raise the minimum wage. The fact that the Federal minimum wage remains $5.15 an hour is a disgrace.

I think it was stated earlier by Mr. OWENS that someone who works 40 hours a week, 52 weeks a year at minimum wage, they will still be $2,000 below the poverty level for a family of two and $5,000 below the poverty level for a family of three. There are several million Americans who fall into that category working full time year around and living in poverty. We should be able to do better in America. It is a matter of fairness. The American people do not want this kind of situation to continue.

We can pass legislation to raise minimum wage any time we wish, except that the Republican majority does not wish to bring forward the bill that could do just that. It has been 9 years since we last raised the minimum wage. According to the Bureau of Labor Statistics, the real value of minimum wage is lower today than at any time since 1968. To have the purchasing power it had in 1968, the minimum wage would have to be increased to $7.54 an hour. If it were just to equal 50 percent of the average wage, as it did in the 1950s and 1960s, it would need to be increased to $8.20 an hour.

If the minimum wage had grown at the same rate as chief executive officers' pay since 1990, the lowest paid worker in the United States would be earning $25 an hour. But since 1997, Congress has failed to raise that amount, relegating millions of hardworking Americans to poverty by freezing that rate at $5.15.

Even The Economist, a notably conservative publication, is concerned about the fact that the gap in rich and poor exists. They are not concerned so much that the gap exists, but they are concerned that the way of bridging that gap is disappearing, and people no longer feel there are the rungs up on the ladder to get from one status in life to another.

We should take notice that in States that have raised the minimum wage above the Federal level, jobs have been created faster than in States that have not raised that level. A case in point is Oregon. In 1998, when its raised its minimum wage above the Federal level, wages and job opportunities increased. We should get the message.

I would like to hear what Mr. MILLER has to say, but please add my voice to the fact that we need to act immediately to raise the minimum wage.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield time to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time, and thank you for your legislation, the Fair Minimum Wage Act.

In 2004, 37 million Americans lived below the poverty line, a 1.1 million increase from the year before. In 2004, 13 million children in America lived below the poverty line, and one in six children was poor. Yet here in the richest country on Earth, there is no guarantee that a full-time job will lift a family out of a situation of dire poverty and need.

That is because the full-time minimum wage earnings of $5.15 an hour leaves a family of three 31 percent below the poverty line. As a matter of fact, Mr. MILLER, if the minimum wage growth had kept pace with the increase in the pay levels of CEOs, the minimum wage today would be closer to $16. So this is a major issue of social and economic justice.

I am pleased to stand here with my colleagues in support of Congressman MILLER's legislation, the Fair Minimum Wage Act. It is time that we raise the minimum wage for 7 million Americans. It is time that we recognize their right to fully participate in the economic life of this Nation.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank all of my colleagues for joining me in this Special Order to try to bring to the attention of this Nation the unwillingness of the Republican Congress to raise the minimum wage for these workers that my colleagues have described.

We are talking about the dignity of millions of workers. We are talking about millions of workers who must rely on the Congress of the United States to give them a raise, and this Congress has refused to do so and has refused to do so for the past 9 years.

These are people who work very hard. They get up and go to work every day, just like we tell them we want them to do. We don't want them to get on public assistance. We want them to take responsibility, and they do. They work at some of the most difficult jobs in the Nation, and they do it every day, and at the end of the year they simply end up poor. They end up poor not because they are not tough people, not because they are not diligent, not because they are competent; they end up poor because they simply do not get paid enough, and this Congress is unwilling to lend a hand to them.

When we refuse to pay these workers, we refuse them the dignity of that work and the recognition that we all understand. This country could not survive without their effort. They cook our food. They take care of our families and clean our offices. They do so many things for us without asking the question, and we come to expect it. It is just that way when we show up in the morning, it is just that way when we go home because of their hard work.

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I dare say most Members of Congress couldn't toil at these jobs for a day, a week, or a month. And yet these people do it all year long. And they are now working for a wage that has its lowest value in 50 years. That is what we tell them that they are worth, that they are not entitled to that increase. And yet, do we see in just one week's time the Congress voted to give itself a COLA, turned around and we thought vote to raise the minimum wage in the Labor-HHS bill after 9 years, finally voting to raise the wage.

But the Republican leadership interceded. When the amendment was offered today, this Republican Congress changed their vote and voted against the minimum wage. And the majority leader, Mr. BOEHNER of the Republican Party, is quoted as saying he is against it. It is not going to happen. It is not coming to the floor and he hasn't voted for minimum wage in 25 years of his public service, a boast of pride. I think it is a boast of shame.

It is a shame this Congress doesn't understand its obligation to these workers who are in such desperate need. These are people who are trying to hold their family together. Again we ask them to take care of their children to keep them safe, to provide for the care for these children. Do you know how difficult it is to put a family together on $10,000 a year? At a time, as Ms. SCHAKOWSKY says, what is it that isn't going up? You have to pay the utility bills. You have to pay increased prices. These people have to work all week to fill the gas tank. All week. $5.15 an hour. How do you do this? How do you do this? You have got to fill the gas tank; you have got to drive the car. You have got to take care of your kids. You have got to buy groceries. You can't afford the rent.

How is it they do this? How do they do it? One day is for gas; one day is for food. It doesn't work out. It simply doesn't work out. So what happens to these people? They become dependent on the taxpayer. Because the employers won't pay them the wages, the taxpayers come in and subsidize the jobs. They subsidize the jobs in terms of housing, in terms of free and reduced-price lunches, in terms of health care.

So the employer simply decides that he won't pay this wage. We don't know whether or not he can afford to. That is the claim. But they end up just handing them off to the taxpayers. And even that voice of an industry that was doing the same thing at a different level, Wal-Mart, now has come out and asked for an increase in the minimum wage. Why? Because they realize that people who are shopping and earning at the minimum wage simply don't have enough to buy the necessities of life. Even at Wal-Mart with everyday low prices, as they advertise, people cannot do this.

So that power, that bastion of capitalistic spirit is saying, if the Nation doesn't do something for these workers, growth is going to go down in the retail industry. You know what it means? You know what Wal-Mart understands? They understand that this increase of the minimum wage would mean about $4,300 to these families, to these individuals, that that is real purchasing power and that is what the communities that Mr. TIERNEY cited and Ms. SCHAKOWSKY cited. What we see is jobs were created in those communities. Retail sales are actually up in those communities because people have money to spend. They can go to the grocery store. They can go and buy their kids clothes. They can buy them things for school.

None of that is possible at the minimum wage. None of that is possible at the minimum wage. And that is why this Congress has got to understand the human dimensions of this. If the Republicans are so callous that they can't understand how hard these people work and how they toil, and they cannot figure out that these people are worth more than $5.15 an hour, something is terribly wrong.

I heard one of the spokesmen for the Club For Growth today said there shouldn't be any minimum wage. Just let the marketplace set the price. Just let the marketplace set the price. And former Secretary Rice said, oh, you mean like it does for executive salaries? And the answer was absolutely, just like it does for executive salaries. Are those the same executives that were backdating the stock options? They didn't let the marketplace set their compensation. They backdated the stock options so they were guaranteed a profit in those stock options. No, they didn't rely on the market. They manipulated the market. They manipulated the market.

And how is it that somehow they want to suggest that for people at the minimum wage that they are the ones that have to survive in the marketplace? The fact of the matter is the marketplace is exploiting these individuals by failing to pay them a decent wage so that they can raise their families.

And it has got to stop. And it has got to stop here because the times has come to do this, to make sure that after 9 years, after 9 years of no increases, after six times of increasing congressional salaries, somehow something is terribly wrong for these individuals, and we have got to change that. We have got to make sure that that can't happen.

The disparities are just unbelievable in terms of these people and the rest of the country. And we cannot believe that each of these children who are in these families are going to have the same kind of opportunity that other children have, and that is why we have got to raise the minimum wage.

This is an issue of moral dimensions. It is way beyond the pay for the hours worked, the pay for the week's work. It is about whether or not we really do, in fact, believe in the value of work, whether we really do believe in the human dignity of these individuals who toil at these jobs. That is what this minimum wage is about. And it is a tragedy, it is a tragedy that the Republican leadership is now vowing that it simply will not be able to be voted on.

This is a Congress. We have a bipartisan solution; clearly we have enough votes in the Congress to pass the minimum wage. But they are going to do everything they can from keeping that vote from taking place. So the democracy is not going to work its will. The House is not going to work its will. All of the jabbering that goes on about bipartisan government is not going to work its will because bipartisan government in the House of Representatives would vote to increase the minimum wage. But that apparently is not going to happen.

But we have got to continue to struggle on behalf of these families, on behalf of their children, on behalf of this Nation in terms of human dignity.

And I want to thank my colleagues for joining me in this Special Order to raise this issue with our colleagues and with people in the country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUNTER (at the request of Mr. BOEHNER) for today on account of personal business.

Mr. MANZULLO (at the request of Mr. BOEHNER) for June 19 on account of being with his wife at the hospital.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. BRADLEY of New Hampshire) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and June 21.

Mr. POE, for 5 minutes, June 27.

Mr. OTTER, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

ADJOURNMENT

Mr. GEORGE MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 21, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8176. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Radio Frequency Identification (DFARS Case 2006-D002) (RIN: 0750-AF31) received June 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8177. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Contract Termination [DFARS Case 2003-D046] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8178. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Authorization for Continued Contract [DFARS Case 2003-D052] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8179. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Special Contracting Methods [DFARS Case 2003-D079) received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8180. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Quality Assurance [DFARS Case 2003-D027] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8181. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Basic Agreements for Telecommunications Services [DFARS Case 2003-D056] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8182. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Describing Agency Needs [DFARS Case 2003-D073] received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8183. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 2005, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Financial Services.

8184. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's notification to Congress of any significant modifications to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

8185. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no such exemptions to the prohibition against favored treatment of a government securities broker or dealer were granted during the period January 1, 2005 through December 31, 2005, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

8186. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Eighth Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

8187. A letter from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Cuba: Revisions of Personal Baggage Rules [Docket No. 051219342-5342-01] (RIN: 0694-AD23) received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8188. A letter from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Implementation of New Formula for Calculating Computer Performance: Adjusted Peak Performance (APP) in Weighted TeraFLOPS; Bulgaria; XP and MT Controls [Docket No. 0604096-6096-01] (RIN: 0694-AD66) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8189. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Iranian Assets Control Regulations, Narcotics Trafficking Sanctions Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations, Weapons of Mass Destruction Trade Control Regulations, Highly Enriched Uranium (HEU) Agreement Assets Control Regulations, Zimbabwe Sanctions Regulations, Syrian Sanctions Regulations, Iranian Transactions Regulations, Western Balkans Stabilization Regulations, Global Terrorism Sanctions Regulations, Terrorism Sanctions Regulations — Received May 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8190. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revision of NRC Form 7, Application for NRC Export/Import License, Amendment, or Renewal (RIN: 3150-AH89) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5574. A bill to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals; with an amendment (Rept. 109-508). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5573. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act (Rept. 109–509). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention; with an amendment (Rept. 109–510). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. House Concurrent Resolution 426. Resolution recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides to the Nation (Rept. 109–511). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5076. A bill to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and 2009, and for other purposes (Rept. 109–512). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 235. Resolution expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual (Rept. 109–513). Referred to the House Calendar.

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. H.R. 5187. A bill to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007 (Rept. 109–514). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee on Appropriations. H.R. 5647. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–515). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida. Committee on Rules. House Resolution 878. Resolution providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965 (Rept. 109–516). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HERGER (for himself and Mr. MCDERMOTT):

H.R. 5640. A bill to amend part B of title IV of the Social Security Act to reauthorize the safe and stable families program, and for other purposes; to the Committee on Ways and Means.

By Mr. LANTOS (for himself and Mr. BROWN of Ohio):

H.R. 5641. A bill to promote safe and ethical clinical trials of drugs and other test articles on people overseas; to the Committee on International Relations.

By Mr. WAXMAN (for himself, Mr. GEORGE MILLER of California, Mr. MARKEY, Mr. PALLONE, Mr. SANDERS, Ms. ESHOO, Mr. HINCHEY, Mr. FARR, Mr. DOGGETT, Mr. BLUMENAUER, Mrs. CAPPS, Mr. INSLEE, Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. VAN HOLLEN):

H.R. 5642. A bill to reduce greenhouse gas emissions and protect the climate; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. BOEHLERT, Mr. HALL, and Mr. GILCHREST):

H.R. 5643. A bill to authorize the commercial application and transfer of technologies developed by the Department of Energy, and for other purposes; to the Committee on Science.

By Mr. MCCAUL of Texas (for himself, Mrs. BIGGERT, Mr. HALL, Mr. EHLERS, and Mr. INGLIS of South Carolina):

H.R. 5644. A bill to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; to the Committee on Science.

By Mr. CARNAHAN:

H.R. 5645. A bill to direct the Director of the Federal Emergency Management Agency to convey an easement to St. Louis County, Missouri, for the construction, operation, and maintenance of a road in Lemay, Missouri; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Michigan:

H.R. 5646. A bill to study and promote the use of energy efficient computer servers in the United States; to the Committee on Energy and Commerce.

By Mr. REGULA:

H.R. 5647. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

By Mrs. DAVIS of California:

H.R. 5648. A bill to amend the Older Americans Act of 1965 to facilitate interaction between students and older individuals with limited English proficiency; to the Committee on Education and the Workforce.

By Ms. HARRIS:

H.R. 5649. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Mr. HULSHOF (for himself, Mr. POMEROY, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. SHIMKUS, Mr. TERRY, Mr. BOSWELL, Mr. OSBORNE, Mr. EMANUEL, Mr. MORAN of Kansas, Mr. SALAZAR, Mr. MOORE of Kansas, and Ms. HERSETH):

H.R. 5650. A bill to amend the Internal Revenue Code of 1986 to make permanent certain tax incentives for ethanol and biodiesel used as a fuel; to the Committee on Ways and Means.

By Mr. KOLBE:

H.R. 5651. A bill to revise the boundary of the Fort Bowie National Historic Site, and for other purposes; to the Committee on Resources.

By Ms. LEE (for herself and Mr. FORTENBERRY):

H.R. 5652. A bill to amend the African Development Foundation Act to redesignate the name of the Foundation, to increase funding for the mission of the Foundation, and to increase the powers of the Foundation; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H.R. 5653. A bill to amend the Internal Revenue Code of 1986 to promote investment in energy independence through coal to liquid technology, biomass, and oil shale; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 5654. A bill to prohibit the Department of Homeland Security from limiting the amount of Urban Area Security Initiative or State Homeland Security Grant Program grant funds that may be used to pay salaries or overtime pay of law enforcement officials engaged in antiterrorism activities, and for other purposes; to the Committee on Homeland Security.

By Mr. CLEAVER:

H. Res. 879. A resolution expressing the sense of the House of Representatives that Members of the House of Representatives should use alternative fuel vehicles in their professional and personal lives; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H. Res. 880. A resolution expressing the sense of the House on the occasion of the first anniversary of the Supreme Court's decision in Kelo v. City of New London; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina (for himself, Mr. BUTTERFIELD, Mr. COBLE, Mr. ETHERIDGE, Ms. FOXX, Mr. HAYES, Mr. JONES of North Carolina, Mr. MCHENRY, Mr. MCINTYRE, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. TAYLOR of North Carolina, and Mr. WATT):

H. Res. 881. A resolution congratulating the National Hockey League Champions, the Carolina Hurricanes, on their victory in the 2006 Stanley Cup Finals; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

367. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 92 urging the Congress of the United States to authorize and appropriate funds to allow all members of the Armed Forces Reserve component to access the TRICARE Program; to the Committee on Armed Services.

368. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution No. 122 requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations; to the Committee on International Relations.

369. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution 06-027 concerning condemnation of the Chinese government's persecution of practitioners of Falun Gong; to the Committee on International Relations.

370. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 83 memorializing the Congress of the United States to reconsider the decision to exclude Plaquemines Parish from the federal plan to invest $2.5 billion for levee re-enhancement in south Louisiana; to the Committee on Transportation and Infrastructure.

371. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 72 memorializing the Congress of the United States to immediately authorize the Morganza to the Gulf Hurricane Protection Project, and urging and requesting the United States Army Corps of Engineers to include such recommendation in its pending report to Congress; to the Committee on Transportation and Infrastructure.

372. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 74 memorializing the Congress of the United States to provide funding for local housing authorities located in Vermillion Parish which were impacted by Hurricane Rita; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 611: Mr. ENGEL.

H.R. 615: Mr. GOHMERT.

H.R. 898: Mr. CLYBURN, Mr. REHBERG, and Mr. FITZPATRICK of Pennsylvania.

H.R. 1237: Mr. SHAYS.

H.R. 1249: Mr. UDALL of New Mexico.

H.R. 1306: Mr. KELLER, Mr. BOOZMAN, and Mr. SHIMKUS.

H.R. 1333: Mr. DAVIS of Alabama, Ms. NORTON, and Mr. OWENS.

H.R. 1356: Mr. WYNN and Mr. DELAHUNT.

H.R. 1415: Mr. ROTHMAN.

H.R. 1416: Mr. CLYBURN and Mr. LEACH.

H.R. 1424: Mr. BOYD.

H.R. 1849: Mr. DINGELL.

H.R. 1898: Mr. GOHMERT and Mr. DAVIS of Kentucky.

H.R. 2386: Mr. DEFAZIO and Mr. FITZPATRICK of Pennsylvania.

H.R. 2470: Mr. DEAL of Georgia, Ms. FOXX, and Mr. WELDON of Florida.

H.R. 2567: Mr. KIRK and Mr. WYNN.

H.R. 2730: Mr. HASTINGS of Florida, Mr. SHIMKUS, and Mr. WYNN.

H.R. 2861: Ms. GRANGER and Mr. HASTINGS of Florida.

H.R. 2869: Mr. THOMPSON of Mississippi, Ms. MATSUI, Mr. OWENS, and Mr. PAUL.

H.R. 2943: Mr. ANDREWS.

H.R. 3034: Mr. BRADY of Pennsylvania, Mr. CLYBURN, Mr. CLAY, Mr. GUTIERREZ, and Mr. GRIJALVA.

H.R. 3478: Mr. PICKERING and Mr. ACKERMAN.

H.R. 3547: Miss MCMORRIS.

H.R. 3616: Mr. BROWN of Ohio.

H.R. 3854: Mr. SIMMONS.

H.R. 4047: Mr. THORNBERRY and Mr. PICKERING.

H.R. 4166: Mr. CLYBURN.

H.R. 4212: Ms. KAPTUR.

H.R. 4264: Mr. PETERSON of Minnesota.

H.R. 4282: Mr. BRADLEY of New Hampshire.

H.R. 4341: Mr. GERLACH.

H.R. 4403: Mr. CLYBURN and Mr. SHIMKUS.

H.R. 4414: Mr. HASTINGS of Florida and Mr. OWENS.

H.R. 4423: Mr. WELLER.

H.R. 4434: Mr. CUMMINGS.

H.R. 4452: Mr. BARROW.

H.R. 4547: Mr. SMITH of Texas.

H.R. 4725: Mr. AKIN.

H.R. 4747: Ms. ZOE LOFGREN of California and Mr. BARROW.

H.R. 4767: Mr. WEXLER, Ms. CORRINE BROWN of Florida, and Mr. HINCHEY.

H.R. 4800: Ms. ESHOO.

H.R. 4950: Mr. NEAL of Massachusetts.

H.R. 4961: Mr. BEAUPREZ, Mr. HAYWORTH, Mr. TERRY, Mr. GOHMERT, Mr. FORTENBERRY, and Mr. COLE of Oklahoma.

H.R. 4980: Mr. PLATTS.

H.R. 4993: Mr. SCHIFF.

H.R. 4994: Mr. HASTINGS of Washington.

H.R. 4997: Mr. MCHUGH.

H.R. 5005: Mr. COLE of Oklahoma.

H.R. 5081: Mr. SOUDER, Mr. LATOURETTE, Mr. BROWN of South Carolina, Mr. CONAWAY, Mr. SCHWARZ of Michigan, Mr. UPTON, Mr. RADANOVICH, Mr. PITTS, Mr. ADERHOLT, Mr. CANNON, and Mr. SIMPSON.

H.R. 5100: Ms. KILPATRICK of Michigan, Mrs. MCCARTHY, Mrs. MALONEY, Mr. SABO, and Mr. ACKERMAN.

H.R. 5120: Mrs. JONES of Ohio.

H.R. 5134: Mr. OWENS and Mr. FORTENBERRY.

H.R. 5150: Ms. WASSERMAN SCHULTZ.

H.R. 5159: Mr. BECERRA.

H.R. 5177: Ms. SCHWARTZ of Pennsylvania and Ms. PRYCE of Ohio.

H.R. 5182: Mr. WAXMAN, Mr. BLUMENAUER, Mr. GUTKNECHT, and Mr. PLATTS.

H.R. 5201: Mr. WU, Mrs. BIGGERT, and Mr. ROTHMAN.

H.R. 5211: Mr. GOODE.

H.R. 5216: Mr. DAVIS of Florida.

H.R. 5230: Mr. GOHMERT and Mr. CARTER.

H.R. 5233: Mr. CONYERS and Mr. CLYBURN.

H.R. 5238: Mr. CLYBURN.

H.R. 5255: Mr. MANZULLO and Ms. HART.

H.R. 5265: Mr. CASE.

H.R. 5280: Mr. FERGUSON.

H.R. 5312: Mr. BOREN.

H.R. 5317: Mr. HOSTETTLER, Mr. KUHL of New York, Mr. BURTON of Indiana, and Mr. REHBERG.

H.R. 5319: Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. ROGERS of Michigan, Mrs. BLACKBURN, and Mr. HAYWORTH.

H.R. 5322: Mr. PAUL and Mr. HOSTETTLER.

H.R. 5328: Mr. GONZALEZ, Ms. DELAURO, and Mr. FARR.

H.R. 5337: Mr. BRADLEY of New Hampshire and Mr. VAN HOLLEN.

H.R. 5365: Mr. LIPINSKI.

H.R. 5367: Mr. NEAL of Massachusetts.

H.R. 5417: Mr. VISCLOSKY.

H.R. 5436: Mr. WAXMAN.

H.R. 5442: Mr. OWENS and Ms. JACKSON-LEE of Texas.

H.R. 5444: Mrs. BIGGERT and Mr. UPTON.

H.R. 5453: Mr. JEFFERSON and Mr. BROWN of Ohio.

H.R. 5462: Ms. FOXX, Mr. FRANKS of Arizona, Mr. CARTER, Mr. WELDON of Florida, Mrs. MYRICK, Mr. FEENEY, and Mr. DOOLITTLE.

H.R. 5472: Ms. GINNY BROWN-WAITE of Florida, Mr. MCDERMOTT, Mr. CAPUANO, Ms. DELAURO, Mr. CONYERS, Mr. HINCHEY, Mr. GRIJALVA, Ms. BERKLEY, Mr. MCINTYRE, Mr. PORTER, Mr. NEAL of Massachusetts, and Ms. WASSERMAN SCHULTZ.

H.R. 5476: Mr. GOHMERT.

H.R. 5483: Ms. MCCOLLUM of Minnesota.

H.R. 5499: Mr. GONZALEZ and Mr. PETERSON of Minnesota.

H.R. 5523: Mr. BURTON of Indiana.

H.R. 5526: Mr. KINGSTON.

H.R. 5538: Mr. GILCHREST.

H.R. 5551: Mr. WAMP.

H.R. 5554: Mr. CLYBURN.

H.R. 5557: Mr. CONYERS.

H.R. 5558: Mr. BROWN of South Carolina and Mr. BARTON of Texas.

H.R. 5560: Mr. MCCOTTER and Mr. GORDON.

H.R. 5579: Mr. PALLONE, Mr. ENGEL, and Mr. MEEHAN.

H.R. 5594: Mr. GILCHREST.

H.R. 5595: Mr. ENGEL.

H.R. 5598: Ms. SOLIS and Mr. CLAY.

H.R. 5611: Mr. SESSIONS and Mr. DOOLITTLE.

H. R. 5615: Mr. HONDA, Mr. WEXLER, and Mr. MCDERMOTT.

H. R. 5624: Mr. BROWN of South Carolina.

H. R. 5632: Mr. KINGSTON and Mr. LIPINSKI.

H. Con. Res. 415: Mr. ANDREWS.

H. Con. Res. 425: Ms. ROS-LEHTINEN.

H. Res. 79: Mr. CROWLEY, Mr. CAPUANO, Ms. MCKINNEY, Mr. HINCHEY, and Ms. ROYBAL-ALLARD.

H. Res. 323: Mr. PICKERING.

H. Res. 461: Mr. SMITH of Washington.

H. Res. 605: Mr. OSBORNE.

H. Res. 787: Mr. HONDA, and Mr. FARR.

H. Res. 825: Mr. PRICE of North Carolina.

H. Res. 846: Ms. KAPTUR, Mr. DEFAZIO, Mr. GRIJALVA, Mr. OWENS, Mrs. NAPOLITANO, Mrs. MALONEY, Mr. MARKEY, Mr. HINCHEY, Mrs. CHRISTENSEN, and Mr. DAVIS of Illinois.

H. Res. 854: Mrs. MCCARTHY, Mr. SHERMAN, Mr. TOWNS, Ms. CARSON, Mr. OWENS, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, Mrs. JONES of Ohio, Mrs. TAUSCHER, Mr. RAHALL, and Mr. TIBERI.

H. Res. 858: Mr. KENNEDY of Minnesota.

H. Res. 860: Mr. AKIN, Mrs. JO ANN DAVIS of Virginia, Mr. MANZULLO, Mr. MCGOVERN, Mr. PEARCE, Mr. PITTS, Mr. SCHIFF, Mr. WELLER, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Ms. HARRIS, Mr. MCCOTTER, and Mrs. SCHMIDT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5631

OFFERED BY MR. CHOCOLA

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available by this Act may be obligated or expended for the development, deployment, or operation of the web-based, end-to-end travel management system of the Department of Defense known as the Defense Travel System.

H.R. 5631

OFFERED BY MR. STEARNS

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to implement guidelines for military chaplains that do not allow a chaplain covered by the guidelines to pray according to the dictates of the chaplain's own conscience, except as must be limited by military necessity.

EXTENSIONS OF REMARKS—*Tuesday, June 20, 2006*

IN TRIBUTE TO CORPORAL SHEILA C. MIDDLETON

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to one of our Virgin Islands' heroines—Corporal Sheila Christina Middleton.

Born in Far Rockaway, Queens, she moved with her family to St. Croix, U.S. Virgin Islands in 1996.

After graduating the Virgin Islands Police Academy in 1981 she served the department as a patrol officer for 9 years. That was before she found her true calling—working with the children and youth of the Virgin Islands.

Sheila understood and loved our children, and they loved and respected her in return. Her emphasis in criminal justice was prevention, and she knew that effort had to begin as early in their lives as possible.

She was the D.A.R.E. coordinator for the territory. She taught the children about the negative effects of drugs and alcohol on their bodies and their lives. She counted among her greatest rewards the smiles on their faces, after they had completed their courses and marched to receive their certificates at the annual D.A.R.E. graduations.

Her passion for this work emanated from her deep religious faith. She was a devout member of Speak the Word Ministries from whose congregation and worship she also renewed her strength and received guidance. They and her family were her "rock."

Mr. Speaker and colleagues, I had the privilege of working with Corporal Middleton. She was as fine an officer and human being as you would ever want to know.

She left us early, but she gave much during her relatively short life. We are grateful for her life and service to the Virgin Islands community. Our children and our entire community call her blessed.

A TRIBUTE TO SUNIL ANAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Sunil Anand, a distinguished member of the business community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

A native of India, Sunil Anand is a successful Certified Public Accountant and entrepreneur performing specialty services to the non-profit sector. He has consulted for numerous Headstart and day care centers, senior citizen programs, mental health programs, homeless prevention programs, AIDS and drug-addiction prevention programs, teenage pregnancy prevention programs, and low-income housing programs.

Mr. Anand is a much sought-after consultant because he is very familiar with federal, state and city rules and regulations for funding agency financial reporting procedures. He has conducted certified audits including A–133, reviewed and prepared financial statements including cash flow analysis and other related statements for various non-profit government funded organizations.

A full service accounting professional, Mr. Anand has established internal control systems including budgetary controls, structural polices and procedures with respect to the cycle of the entity's activities (external financial reporting), financial statement captions (cash and cash equivalents, receivables, payables and accrued liabilities), accompanying systems (cash receipts, disbursements, payroll and general ledger) and inventory controls. Additionally, Mr. Anand has provided financial and administrative management to the real estate industry; his service to the industry included purchase and sales of apartment buildings (residential and commercial), multiple dwellings, condominiums, and single-family residences.

In 1968, Mr. Anand graduated with a Bachelor of Arts degree in Accounting from Delhi University in India. In 1971, he received Professional Accounting and Auditing Training (equivalent P.A.) from the Institute of Chartered Accountants of India. In 1973, he completed an IBM System 360—Programming, System Design and Analysis Internship Program at New York University and in the same year he completed an M.B.A.–C.P.A. Program at Long Island University in New York. In 1984, Mr. Anand became a New York State Licensed Real Estate Broker and Notary Public.

Mr. Anand is a member of several professional organizations including: Association of MBA Executives; National Association of Accountants; National Society of Public Accountants; National Society of Tax Professionals; and the American Institute of Professional Bookkeepers.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Sunil Anand as he offers his talents and philanthropic services for the betterment of our local community.

Mr. Speaker, Sunil Anand's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

BANKER ALLEY TO RETIRE AFTER 50 YEARS OF SERVICE

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. CARTER. Mr. Speaker, I wish to congratulate Mr. Dale Alley of Hutto and Round Rock, TX, for his retirement after 50 years in the community banking profession. Achieving 50 years in the community banking profession is a rare honor and Dale should be commended for having reached this milestone. On June 25, 2006, Dale will retire with grateful acknowledgment from his communities, customers, and friends. He leaves behind a legacy of tireless service, active community participation, and positive impact on local economies.

As community banks are merged and acquired at a rapid rate, it is important to note that there are still bankers who participate fully in their communities and strengthen those communities by their dedication to service and goodwill; Dale Alley is such a banker. Community bankers fuel the engine of small businesses and literally built Texas communities from the ground up. Dale Alley leaves a dynamic blueprint and a commendable legacy for those assuming his positions at Union State Bank and the other institutions where he has served.

In 1956, a young man nervous with anticipation walked into First State Bank in Denton, TX, for his first day of employment. He wasn't sure where this initial job might take him, but he knew that he wanted to be involved in the banking industry. Now, 50 years later, that same man is putting the finishing touches on a brilliant career in community banking.

Dale began his employment with First State Bank in Denton, TX, in 1956. During the next two decades, he worked both as an administrative assistant in the Texas State Banking Department and an executive vice president and loan officer with Farmers State Bank in Round Rock. Over the course of his distinguished career, Dale served as president and board chairman of the Hutto State Bank, which he opened in 1986. As president and board chairman, he achieved his ultimate goal of becoming the chief managing officer.

After the sale of that bank, Dale was approached by B.M. Beck, president and chairman of Union State Bank, in regards to opening a Union State Bank Branch in Round Rock. Dale accepted the offer and operated a service-oriented and profitable banking branch. In 2003, Dale accepted the position of executive vice president and chief lending officer for all five Union State Bank locations in Central Texas. Over the course of his career, Dale consistently emphasized the importance of customer service and making his clients feel appreciated.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dale's career path has been filled with success, but he would tell you his proudest accomplishments come from the impact he has made on his community. In fact, Dale recently wrote, "My favorite part of working in the banking industry for 50 years has been the satisfaction gained from being a community banker and experiencing the economic growth and vitality resulting from the bank's activities." The efforts of Dale and his fellow community bankers are essential to the success of communities throughout America.

Small businesses come to community banks for financial help because they know and trust the banker they are working with. In turn, community banks realize their success revolves around the overall growth of the community. It's a reciprocal relationship in which the small business and the community bank depend on each other for future growth; neither can be successful without the other. Independent Community Bankers of America, ICBA, Chairman Terry Jorde explained the relationship well when he said, "Each of our nearly 5,000 bank members is a shining example of how community banks are still joined at the hip to our communities."

In addition to his many work contributions and other honors, Dale was responsible for establishing the Hutto Chamber of Commerce and also served on the Hutto School Board for many years. Having had the opportunity to witness firsthand his contributions to the Hutto and Round Rock communities, I am certain his impact will continue to be felt after his retirement.

Mr. Speaker, on behalf of myself, my constituents, Union State Bank, and the communities of Round Rock, Hutto, Georgetown, Florence, Liberty Hill, and Killeen, I would like to thank Dale for 50 years of distinguished service to the banking industry and the communities throughout Central Texas. Although his daily presence at Union State Bank will be sorely missed, I look forward to his continued contributions to the banking industry. I thank Dale for his service and friendship, and wish him the utmost happiness and success in all of his future endeavors.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. REICHERT. Mr. Speaker, on June 19, 2006, I missed the following rollcall votes due to my flight being delayed: rollcall vote No. 289, final passage of H.R. 5540 and rollcall vote No. 290, final passage of H.R. 5504.

Had I been present, I would have voted "yes" to rollcall vote No. 289 and "yes" to rollcall vote No. 290.

IN RECOGNITION OF MR. MERRILL WORCESTER FOR HIS GENEROUS HOLIDAY CONTRIBUTIONS TO ARLINGTON NATIONAL CEMETERY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend my congratulations to Mr. Merrill Worcester, an American who believes in paying homage to the memory of veterans who gave all in the name of freedom.

As the owner of the Worcester Wreath Company of Harrington, Maine, Mr. Worcester oversees the workings of his holiday decoration company. Thirteen years ago, he could think of nothing better to do with his surplus of over 4,000 Christmas wreaths than bring them to Arlington National Cemetery. Mr. Worcester had visited Arlington at the age of 12 and dreamed of somehow honoring fallen soldiers.

Each year since 1993, Mr. Worcester has brought trucks holding over 5,000 Christmas wreaths to Arlington and has joined with hundreds of volunteers from all walks of military and civilian life in placing the wreaths on the headstones. The wreathlaying event continues to be one that carries a great message of thanks and gratitude to those who gave their lives as well as a reminder to their families during the holidays that they will never be forgotten.

Mr. Speaker, on behalf of the U.S. Congress, I would like to offer my sincere thanks to a man who truly understands the nature of giving and works to continually commemorate the giving of the ultimate sacrifice—life—in order to achieve freedom.

IN HONOR OF JEAN JOSEPH SIBILLY 1889–1997

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mrs. CHRISTENSEN. Mr. Speaker, each year in mid-July, the French Community on St. Thomas, in my District, observes French Heritage Week, commemorating the storming of the Bastille on July 14, 1789 which marked the beginning of the French Revolution, with a week of French flavored activities.

This year, the French Heritage Week Committee is posthumously honoring Jean Joseph Sibilly, patriarch of the French community of Estate Elizabeth on St. Thomas.

I ask my colleagues to join me today to honor and acknowledge the innumerable contributions this great visionary made to the Virgin Islands in general and his community in particular.

Jean Joseph Sibilly was born on the French Caribbean island of St. Barthelemy on January 5, 1889, but grew up and received his education on the island of Guadeloupe. Trained in agriculture and animal husbandry, he emigrated to St. Thomas in 1912 and established residence on the north side of the island, an area predominantly occupied by other French immigrants.

At age 23, this agricultural entrepreneur purchased Estate Elizabeth and a few years later another 268 acres with 12 other north side families in nearby Estate Lerkenlund to be used for farming. This area has had a long legacy as until recently the French north side farmers were still the primary source for fresh produce.

He was a self taught skilled engineer and builder credited for planning and supervising the road system on the north side of St. Thomas, the construction of numerous homes and public buildings, and was legendary for his ability to draw a straight line without the aid of conventional instruments.

Above all else, he was a humanitarian and community leader. His generosity is exemplified by the large tracks of land he donated to the Catholic Church and the local government. The community's Catholic Church, Our Lady of Perpetual Help, and adjacent cemetery, as well an elementary school, were made possible through his philanthropy. Not a politician or elected official, he was however influential in local elections and served as the guardian of good government in the particular interest of the people of the north side of the island.

On March 9, 1973, the Tenth Legislature of the Virgin Islands approved Resolution 3395 which renamed the Robert Herrick Elementary School the Joseph Sibilly Elementary School in honor of his great community spirit, generous donations, and good deeds.

A devout Roman Catholic, his religious beliefs were reflected in his daily life. In recognition of his humanitarian spirit, The Virgin Islands Daily News on his passing wrote, "Joseph Sibilly was in a sense an Old Testament man, a patriarch with vision and strength and generosity. He left for all of us a valuable legacy, the knowledge that ultimately a man serves himself best when he serves others".

Jean Joseph Sibilly's generosity, considerateness, wisdom, foresight, pride in and love for his fellow man deserve our recognition honor today.

A TRIBUTE TO SANG SU YI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Sang Su Yi, a distinguished member of the business and civic communities. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Sang Su Yi was born in Kobe, Japan in 1933 and returned to South Korea right after World War II in 1946. During the Korean Civil War, he served at the supply base in the U.S. Marine Corps Headquarters Division. At the end of the Korean Civil War, Sang Su Yi returned to high school.

Sang Su Yi started his career as a reporter after receiving his bachelor's degree at the University of Han Yang. In 1963, he also served in seventh division of the U.S. Infantry in Korea. In 1973, when he was offered a job from the Carnival Cruise Line in Miami, FL, Sang Su Yi decided to enter the new world of the United States of America. In 1976, he came to New York City and started his small business. In 1984, Sang Su Yi's wife and children immigrated from Seoul, Korea and joined him in New York City. Since coming to New York City, Sang Su Yi has enhanced his spiritual life. He attends Full Gospel New York Church and has served in various positions. He completed the Bible College with his wife and he is serving the Lord as a deacon in the church. Currently, Sang Su Yi is the president of the World Mission of Korean Folk Praise. His Folk Praise team, which includes his wife, traveled to many countries to help missionaries to build schools and hospitals in Central and South America.

Additionally, Sang Su Yi is the chairperson of the board of trustees of the Korean Traditional Music Institute of New York. The Korean Traditional Music team has performed more than 1,800 times over last 20 years. They have performed in Washington, DC, Long Island University, Lincoln Center, at the U.N., World Hunger events, museums, local schools, nursing homes, prisons, and almost every parade and major event in New York and New Jersey. Sang Su Yi has received numerous awards including from the chairperson of the New York Korean Association, the president of the Long Island Korean Association, a mayor from Guatemala City, a couple of outstanding performance awards from Seoul Korea and a leadership award from Full Gospel New York Church.

Sang Su Yi, his wife and his praise team stand ready to travel beyond the United States to support the missionaries around the world wherever help and encouragement are needed.

Sang Su Yi has been married for 48 years; he and his wife have four children and nine grandchildren.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Sang Su Yi, as he offers his talents and services for the betterment of our local and global communities.

Mr. Speaker, Sang Su Yi's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

LTG METZ TO GIVE UP COMMAND OF III CORPS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. CARTER. Mr. Speaker, in May 2006 LTG Thomas F. Metz relinquished command of the III U.S. Corps in Fort Hood, TX. This successful and decorated general has had an illustrious career and will be missed at Fort Hood.

After his graduation from the United States Military Academy at West Point, he was commissioned as a second lieutenant in the infantry. His career has taken him to locations throughout the world including Germany, Italy, and Iraq, with such varied positions as assistant professor at West Point and Combined Joint Task Force 7 commander in Operation Iraqi Freedom.

He assumed the post at Fort Hood in February 2003. Since then, he deployed the III Corps to Iraq in January 2004 and was commanding the Multi-National Corps—Iraq until May 2006. He will now continue to serve our country at Fort Monroe as U.S. Army Training Doctrine commanding general.

In his career, Lieutenant General Metz has been awarded the Defense Distinguished Service Medal, Distinguished Service Medal, Legion of Merit with two Oak Leaf Clusters, Meritorious Service Medal with three Oak Leaf Clusters, Army Commendation Medal with two Oak Leaf Clusters, Good Conduct Medal, National Defense Service Medal with two Service Stars, Army Service Ribbon, Overseas Service Ribbon with Numeral 3, Expert Infantry Badge, Senior Parachutist Badge, Ranger Tab, and Belgium Brevet "A" Commando.

He and his wife, Pam, have been and remain good friends of mine and my wife, Erika. Pam has been an active part of the community of Fort Hood and the families on base will not soon forget them.

I had the honor to visit Lieutenant General Metz and the Fort Hood soldiers under his command during a recent trip to Iraq. I saw firsthand the powerful leadership he demonstrates and the strong support he enjoys. Lieutenant General Metz is the pride of the United States Army and will be dearly missed at Fort Hood.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. REICHERT. Mr. Speaker, on June 16, 2006, I missed the following rollcall vote: rollcall vote No. 288, Final Passage of H. Res. 861.

Had I been present, I would have voted "yes" to rollcall vote No. 288.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed roll call Votes Nos. 289–291 on June 19, 2006. These were suspension votes on H.R. 5540, H.R. 5504, and H. Res. 826. Due to plane delays, my travel to Washington, DC was not completed until following the conclusion of votes this evening.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted rollcall vote No. 289, the "Sergeant Jacob Dan Dones Post Office Designation Act," "yea"; rollcall vote No. 290, the "Larry Winn, Jr. Post Office Building Designation Act," "yea"; and rollcall vote No. 291 Expressing the sense of the House of Representatives that a National Youth Sports Week should be established," "yea."

RAISING THE MINIMUM WAGE (REPUBLICANS STALL BILL THAT WOULD BOOST SALARIES)

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, workers across this country are increasingly being asked to do more with less. As prices rise on housing, health care, energy and education, the millions of Americans who work full time and make minimum wage are slipping farther and farther into poverty.

The minimum wage in this country has not been raised since 1997 and is now at its lowest level in 50 years when adjusted for inflation. Making only $5.15 an hour, a full-time minimum wage employee will earn only $10,700 annually. This is far from enough to make ends meet—especially for the 75 percent who are responsible at least half of their family's income. Raising children on a middle-class income is hard enough—imagine trying to do it on one-third of that amount.

Mr. Speaker, Democrats believe that the minimum wage should be a living wage. No American who works full-time, all year, should live in poverty, unable to support their family. Last week, Democrats were successful in inserting a minimum wage increase into the Labor-H-H-S appropriations bill. But now the Republican leadership is stalling a floor vote. It is time for real action to move hard working Americans out of poverty. Seven million Americans deserve a raise today.

TRIBUTE TO RAYMOND REINICK

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. BEAUPREZ. Mr. Speaker, I rise today to honor the memory of a remarkable gentleman from my district. Raymond Reinick was born in Kersey, CO in 1924. Growing up on his family's farm, he learned the value of hard work and developed a strong sense of pride in his country.

Raymond answered the call to duty when America entered WWII, joining the Navy and serving in the Pacific Theater aboard the USS *Fond Du Lac* as a Signalman Second Class. Having received the WWII Victory Medal, the Asiatic-Pacific Campaign Medal and the Philippine Liberation Medal, Raymond was honorably discharged from the Navy and returned home to work on the family farm.

Not long after Raymond returned from the war, he married Bernadette and began a family. Raymond worked as a stationary engineer for Union Pacific Railroad for almost 40 years, supporting his wife and four children.

Raymond passed away in 2003 and was buried at Fort Logan National Cemetery along side his comrades from the war.

Mr. Speaker, it is an honor to stand before this body of Congress and recognize Raymond Reinick's loyal service to our grateful Nation.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. NEUGEBAUER. Mr. Speaker, due to official business, I missed rollcall votes 290 and 291 on Monday, June 19, 2006. Had I been present, I would have voted "yea" on both votes. Rollcall vote 290 was a vote to pass H.R. 5504, legislation to designate a post office in Mission, Kansas for Larry Winn, Jr. Rollcall vote 291 was a vote to pass H. Res. 826, a resolution expressing support for the creation of a National Youth Sports Week.

THE STUTTERING FOUNDATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. WOLF. Mr. Speaker, I rise today to bring the attention of the House to an article I recently read about Tiger Woods in The Stuttering Foundation's summer newsletter. I stuttered as a child and I think it's important for kids to know that they can overcome this complex disorder. Tiger Woods is an excellent example of the many people who have led successful productive lives despite struggling with stuttering as a child.

TIGER WINS AT GOLF—AND STUTTERING

Top-ranked golfer Tiger Woods tells CBS's 60 Minutes that it takes hard work and a competitive spirit to overcome childhood stuttering.

"The words got lost, you know, somewhere between the brain and the mouth. And it was very difficult, but I fought through it. I went to a school to try and get over that, and I just would work my tail off," Woods told the news program in April.

"The parallels between speech performance and sports performance are striking," said Jane Fraser, president of the Stuttering Foundation, "and Tiger Woods is the latest example of how the many hours of practice and hard work to win in sports are no different from those long hours spent in therapy for stuttering."

NBA Hall of Famer and sports commentator Bill Walton dealt with stuttering just like he did basketball. "I thought about the fundamentals of the game and how to start with the basics like the ability to mechanically duplicate moves on a basketball court. And then I just applied that to speaking."

Chicago Bulls' legend Bob Love notes that "countless hours of work taught me to manage moments of difficult speech."

In a recent interview, Denver Nuggets' star Kenyon Martin said of his stuttering, "How I got through it was just by working hard at it."

U.S. Open golf champion Ken Venturi adds, "I have had to work through the years to overcome stuttering and to speak more easily and fluently." Venturi compares moving smoothly through speech to moving gracefully through a golf stroke.

"Tiger Woods is the perfect role model for all school-age children who struggle with this complex disorder," said Fraser. The Foundation offers free resources at www.stutteringhelp.org where Tiger joins a long list of celebrities who stutter.

PERSONAL EXPLANATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MORAN of Kansas. Mr. Speaker, on June 19, 2006, I was unavoidably detained because of travel delays and missed the following rollcall votes:

1. Rollcall vote No. 289: the Sergeant Jacob Dan Dones Post Office Designation Act;
2. Rollcall vote No. 290: the Larry Winn, Jr., Post Office Designation Act; and
3. Rollcall vote No. 291: Expressing the sense of the House of Representatives that a National Youth Sports Week should be established.

Had I been present I would have voted "yea" to rollcall vote No. 289, "yea" to rollcall vote No. 290, and "yea" to rollcall vote No. 291.

TRIBUTE TO FRANK AND MARY'S SUB SHOP

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. DELAURO. Mr. Speaker after 22 years of service and smiles, Frank and Mary's Sub Shop—a popular eatery in my childhood neighborhood of Wooster Square—has closed its doors. A family owned and operated business opened by my dear friends Frank and Mary Florenzano, Frank and Mary's fast became a local landmark and a must stop for New Haven visitors.

The dream of Frank Florenzano, Frank and Mary's has been located at the end of Wooster Street, New Haven's most predominant Italian-American neighborhood for over two decades. One of Wooster Street's greatest attractions to residents and visitors alike are the numerous Italian-American restaurants that line the street. From Sally's and Pepe's pizza houses, to Libby's Ice Cream and Consiglio's, to Tre Scalini and Frank and Mary's, Wooster Street is home to the very best of Italian cuisine. Open daily from 7 a.m. to 2:30 p.m., Frank and Mary's always had a steady stream of customers—many times with lines out the doors and onto the sidewalk. One of its most famous customers was lifestyle icon Martha Stewart whose order of eggplant with grilled onions, peppers, and mushrooms became one of the most popular menu items. Known for its variety of hot and cold subs made fresh daily—especially the steak and cheese, eggplant and grilled veggies, and meatball—Frank and Mary's quickly became a New Haven institution, leaving an indelible mark on our community which will always be remembered by friends and customers.

I am also pleased to have this opportunity to extend a special note of thanks to Mary Florenzano and her family for their many years of special friendship to myself and my family. Frank and Mary's has been one of my mother, Luisa's, favorite lunch spots for many years and, like so many others in this Italian-American neighborhood, she will be sure to reminisce about the great food, conversation, and atmosphere that Frank and Mary's always offered.

Frank and Mary's was more than a great sub shop; it was the dream of Frank Florenzano and represented the very spirit of the American dream. Together, the Florenzanos made that dream a reality. Owned and operated by the Florenzano family since its opening, Mary, her daughter Lori, and niece Nicole have worked hard to keep Frank's dream alive since his passing in 2003. Though this local treasure will be missed, it is with my heart-felt congratulations that I rise today to extend my very best wishes to Mary Florenzano and her family for many more years of health and happiness. I have no doubt that they will enjoy great success no matter what their future endeavors may be.

RECOGNITION OF JOE GESSLER AND HIS CONTRIBUTIONS TO AMERICA'S NATIONAL DEFENSE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. RUPPERSBERGER. Mr. Speaker, the strength of America is found in the commitment of the service men and women defending our liberties, and the lifelong dedication of American engineers and scientists developing the technologies upon which these brave warriors depend. Today I have the opportunity to recognize Joe Gessler, one of these unsung engineers, who at the age of 82, is finally taking a well deserved retirement as America's oldest active thermal battery engineer.

For over half a century, Joe Gessler has quietly made a profound contribution to our nation's defense through development of the battery technology that has become an essential component in a vast array of modem defense systems. Receiving his bachelors degree in chemistry and math from Loyola College in 1945 and his masters in chemical engineering from Johns Hopkins, Joe immediately entered the thermal battery business at its infancy, joining Catalyst Research, a division of Mine Safety Appliances (MSA), in 1948.

Catalyst Research had just been challenged by the National Bureau of Standards to develop a battery that could sit inertly on a shelf for years, and when needed, be instantaneously turned on without requiring any mechanical activation. Thermal batteries were the answer. Joe was part of the team that in the early 1950's provided the first thermal batteries for the U.S. Navy. Over the next decade, Joe helped refine this technology for use by our other services. In 1964, Joe went to the U.K. to start up a new MSA thermal battery factory in Scotland meeting the needs of our NATO allies.

Joe Gessler's contribution goes beyond engineering; he has been both a teacher and mentor. As the production and engineering manager at Catalyst Research, Joe had a direct and future impact on his current employer, Saft America. Three of the engineers he trained met him for lunch one day to announce they had decided to go out on their own and form KDI Score Thermal Batteries, which was eventually acquired by Saft.

Joe himself joined Saft in 1983 where he shared his expertise until his "first" retirement in 1990. But retirement for Joe Gessler meant he only worked 40 hours a week as a "part-time" employee. In the 16 years since then, Joe was instrumental in ramping up Saft's battery production for Operation Desert Storm and applying his vast knowledge of battery technology and production to help grow Saft America's Cockeysville facility to where it is today, the largest supplier of advanced lithium ion battery systems to America's Armed Forces.

Whatever the challenge, at an age when most men are content playing golf or sitting in a club house, Joe Gessler puts in a full 40 hours every week generating amazing results with the same positive "can do" attitude he had on the day he graduated college.

Mr. Speaker, I ask you to join with me today in recognizing Joe Gessler for over 58 years of dedication and contributions to the defense of the United States through superior technology, and congratulates him on his retirement as America's oldest thermal battery engineer.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MOORE of Kansas. Mr. Speaker, due to a combination of mechanical problems suffered by US Airways and inclement weather in the Washington, DC, area, I arrived at the Capitol yesterday later than I anticipated. For this reason, I missed the following three recorded votes on June 19:

1. H.R. 5540—Sergeant Jacob Dan Dones Post Office Designation Act—had I been present, I would have voted "aye";

2. H.R. 5504—Larry Winn, Jr. Post Office Building Designation Act—had I been present, I would have voted "aye"; and

3. H. Res. 826—Expressing the sense of the House of Representatives that a National Youth Sports Week should be established—had I been present, I would have voted "aye."

TRIBUTE TO KERRY DUMBAUGH

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to recognize Kerry Dumbaugh for becoming the Butler Distinguished Graduate for 2006. Having demonstrated a great degree of ability and knowledge in her field, it is my hope that she will continue to share this and grow in prosperity.

Graduating from Butler High School located in Pennsylvania's third Congressional District in 1970, Dumbaugh started out at Eastman School of Music as a piano performance major. Although she had been a piano student since she was 7 years old, she soon discovered that this was not the course she wished to pursue. She decided to transfer to Wittenberg University to study music, yet after meeting an enthusiastic professor, she was convinced to add Eastern Asian Studies to her "repertoire." After her time there, she attended the University of Pennsylvania, where she earned her master's in Chinese Studies and International Relations. Thus began her political career. Working as a legislative correspondent, assistant, and director for various United States Congressmen, she enjoyed her experience, yet felt that there was more.

When a position at the Congressional Research Service, CRS, opened, Dumbaugh seized the opportunity. She went on to earn a master's in National Security Studies from the U.S. National War College. Utilizing her knowledge about Eastern Asia, with the CRS, she provides information and analysis about the developments in Hong Kong, Taiwan, and China to U.S. Congressmen. She analyzes the political, military, economic, and security developments as well as the implications of U.S. foreign policy. She has authored over 100 articles; and since 1992, she has moderated the China Forum, a public policy TV program about China.

The Distinguished Graduate award is given to a Butler graduate each year. Kerry Dumbaugh will be the 27th recipient and the 5th woman to receive it. She is a model of excellence in academia and politics, as well as for women. Her intelligence has served to aid in furthering American policy abroad. Due to her many accomplishments, Dumbaugh deserves commendation.

Mr. Speaker, I hope my colleagues will join with me in congratulating Kerry Dumbaugh and her family on her receiving the Butler Distinguished Graduate Award for 2006 and in wishing her continued success in all her endeavors.

A TRIBUTE TO GLORIA GARNER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to Gloria Garner, a 38-year veteran of the Knoxville Area Urban League. Her efforts will be long remembered and continually missed.

Gloria spent her 38 years of service with the goal of helping others help themselves. She is a great example of how individuals in our communities can make a difference in the lives of others.

I commend Gloria Garner for all that she has done for the men, women, and children of Knoxville. I wish her all the best in her future life, and am hopeful that others will stand in to follow in her path.

I would also like to include in the RECORD a June 16, 2006 article in the Knoxville News-Sentinel about Gloria's retirement and career for all of my colleagues, constituents and readers of the record, so that they can more fully understand her dedication.

HEART OF THE URBAN LEAGUE; GLORIA GARNER RETIRES AFTER 38 YEARS WITH KNOXVILLE AFFILIATE

(By Chandra Harris)

A walking encyclopedia chock-full of Knoxville Area Urban League facts, Gloria Garner is clearing out her bookshelves.

Retiring after 38 years with the league, Garner doesn't need a book to recount the history of the league because she is the history of the league.

The vice president of community affairs has held every position there is and was at the league since starting there months after its inception in 1968.

A handful of moves for the Urban League came before settling at East Fifth Avenue. But Garner was never moved to leave.

And four presidents came and went. Garner stepped in as interim director while the search was on for the next president.

When money was tight and staff was short, Garner's smile and tenacity remained steadfast through 40-plus-hour weeks.

She held onto the words of the national president from 1961–1971, Whitney M. Young, Jr.: "Every man is our brother, and every man's burden our own."

"Where poverty exists, all are poorer. Where hate flourishes, all are corrupted. Where injustice reigns, all are unequal."

Garner said she stood in then and will continue to stand in to bridge the gap of social and economic development in minority communities.

Even as she is dusting off her desk and packing up, she is still telling strangers and friends alike that they need to join the Knoxville affiliate of the National Urban League.

"Once an Urban Leaguer, always an Urban Leaguer," she said during a celebratory reception in her honor Thursday night at the University Club.

While she may no longer have an office to call her own come next Thursday, her official last day, Garner said, "I will still be around helping wherever I can."

"When you have a passion for what you do, you want to work hard."

The on-time Head Start teacher who dreamt of becoming a nurse or joining the military still found a way to help people.

"There are people in jobs today that I had a hand in, and that's a good feeling," Garner said.

"The Urban League is my family and I was busy helping people," said the mother of five adult children when asked why her tenure was such a long one.

Without her insight through the years, there wouldn't have been a foundation of the league, Ernest Fulton and Douglas Upton said.

Fulton and Upton both worked with Garner in the early days of the league.

"She has a way with people," Upton said. "She connects with people."

And that was apparent Thursday night as dozens, including Knoxville Mayor Bill Haslam and Vice Mayor and former Urban League President Mark Brown, offered encouragement and shed a few tears.

"We can't fill her shoes," said Phyllis Nichols, league president and CEO.

Life after checking into the Urban League some mornings at 7 for Garner will be filled with lunch dates, "some good movies and relaxing travels," she said.

Grandson Kody Wills summed it up: "That's my granny and she's a star."

IN RECOGNITION OF THE OUTSTANDING PUBLIC SERVICE OF JOSEPH VALENZANO, JR.

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise to recognize Joseph Valenzano's tremendous commitment to public service and his outstanding contributions on behalf of the disability community. Later this week, Joe, who is a constituent of New Jersey's Fifth District, will be honored for his work in Chester, NJ, by the International Brain Research Foundation.

Joe Valenzano has spent more than 30 years in publishing and communications, most recently as president, CEO, publisher, and editor in chief of EP Global Communications, Inc., which publishes Exceptional Parent Magazine. This publication provides both practical advice and emotional support to the parents of children and adults with disabilities and special health needs. The magazine provides a forum for parents, health care professionals, and education specialists to work together as a community for the betterment of the disability community.

Under Joe's direction and vision, Exceptional Parent magazine has been a pivotal player in important discussions, such as use of restraints and aversive punishments, expanded universal newborn screening, the use of people first language among journalists, end of life issues, and more. Exceptional Parent has led the fight to support the frontline workforce of professionals who provide care and assistance to those with special needs and to promote the use of tandem mass spectrometry to screen for over 60 inborn metabolism errors in newborns. And Exceptional Parent has worked with the Department of Defense to deliver reliable, accurate information to more than 150,000 military families around the globe to help them care for their children with special needs and disabilities.

It is the dedication of individuals like Joe Valenzano that gives hope to so many parents when they first embark upon the path of raising a child with special needs and provides sustenance to those parents who have already spent years in loving care of children with special needs. I applaud Joe for his efforts and join the International Brain Research Foundation for honoring this lifetime of work.

CONGRATULATING EAST HIGH SCHOOL ON PLACING THIRD AT NATIONAL COMPETITION ON THE CONSTITUTION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. UDALL of Colorado. Mr. Speaker, I am pleased to announce that East High School from Denver, CO, placed third in the national finals competition of "We the People: The Citizen and the Constitution." From April 29 to May 1, 2006, approximately 1,200 students from across the country participated in the 19th annual We the People competition—the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. The We the People program is administered by the Center for Civic Education and funded by the U.S. Department of Education by act of Congress.

The We the People national finals are a 3-day academic competition that simulates a congressional hearing in which the students "testify" before a panel of judges on constitutional topics. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues.

In Colorado, I have made a priority of dispatching my staff to serve as "judges" in competitions at all levels within my district and throughout the State. Through them I can attest to the skill, intellect and diligence that characterize the East High School team. Congratulations to the members of the East High School team: Michelle Buchanan, Darien Combs, Lila Creighton, Paula Davis, Joshua Figueroa, Sophia Galleher, Rose Green, Jonathon Hammond, Meghan Harrington, Kathryn Havranek, Than Hedman, Collin Hornsby, Noah Hubbell, Mackenzie Jacobs, Elizabeth Kochevar, Clay Lemar, Zach Levek, Christopher Linsmayer, Elise Mann, Gabe Mann, Logan McHenry, Tyler McNamara, Sarah McNaughton, Zena Price-Broncucia, Rachel Romer, Claire Sanderson, Cary Shapiro, Amy Stanesco, Amy Steinhoff, Alex Stevens, Zachary Susel, Elizabeth Trower, and Will VanTreuren. I also wish to commend the teacher of the class, Ms. Edna Sutton, who was responsible for preparing the class for the national finals competition. Also worthy of special recognition are Ms. Jackie Johnson, the State coordinator, and Mr. Loyal Darr, the district coordinator, who are among those responsible for implementing the We the People program in my district.

I am an unequivocal supporter of the We the People program. Nothing is more important to a healthy democracy than a civicly educated and informed citizenry. East High School's team is a shining example of the bright future of tomorrow's leaders. Mr. Speaker and my colleagues in the House, please join me in congratulating these young constitutional experts for their outstanding achievement.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes due to a delayed flight. If I had been present, I would have voted as follows on June 19, 2006:

Rollcall vote 289, on motion to suspend the rules and pass H.R. 5540—to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office", I would have voted "aye."

Rollcall vote 290, on motion to suspend the rules and pass H.R. 5504—to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building", I would have voted "aye."

Rollcall vote 291, on motion to suspend the rules and agree to H. Res. 826—Expressing the sense of the House of Representatives that a National Youth Sports Week should be established, I would have voted "aye."

TRIBUTE TO MR. MARTY BERGER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the life and contributions of Mr. Marty Berger, who died June 18, 2006.

A board member of the Action Alliance of Senior Citizens of Greater Philadelphia and president of the Pennsylvania Alliance for Retired Americans, Mr. Berger was a man of action. In fact, he was a dynamic 77-year-old man of action who inspired hundreds of labor, civil rights, women's rights and senior citizen activists.

Because of Mr. Berger's efforts, senior citizens throughout Philadelphia and across Pennsylvania are coming together in increasing numbers in a common effort to address their own needs and influence the legislative process to affect social, political and economic change.

All who knew him are saddened by the passing of Mr. Berger. But, I and those he worked so hard to empower will continue to struggle to make a better world for our senior citizens so they can live out their final years with justice and dignity.

More than ever seniors need a powerful voice: to demand affordable, quality, and accessible health care for all senior citizens; to protect Social Security, Medicare and Medicaid; and to ensure social and economic justice and full civil rights for our most vulnerable citizens. Mr. Berger's passing represents the loss of a powerful and committed voice, but his legacy of dedication continues, and it is for these reasons that I ask you and my other distinguished colleagues rise to honor him.

INTRODUCTION OF THE SAFE CLIMATE ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. WAXMAN. Mr. Speaker, I am pleased today to join 12 of my colleagues in introducing the Safe Climate Act. Global warming is the greatest environmental challenge of our time, and we have a short window in which to act to prevent profound changes to the climate system. Unless we seize the opportunity to act now, our legacy to our children and grandchildren will be an unstable and dangerous planet.

There are different approaches that can be taken to climate legislation. Some bills seek a symbolic recognition of the problem. Others are premised on what may be politically achievable in the near terms.

The Safe Climate Act is drafted on a different premise: It reflects what the science tells us we need to do to protect our children and future generations from irreversible and catastrophic global warming. The bill has aggressive requirements to reduce emissions of greenhouse gases. But the reality is, these are the reductions that scientists say we need to achieve to preserve a safe climate for future generations.

The science clearly tells us what we need to do—we must reduce emissions of greenhouse gases, starting now and continuing over the next few decades. To achieve this, we have to grow our economy into a new and cleaner future. It's simply too late for legislative baby steps.

I have been working to address the threat of global warming for many years. At first, the scientists' warnings about global warming came like a few early drops of rain. We knew that our activities were emitting large quantities of greenhouse gases. And we knew that greenhouse gases trap the sun's heat and warm the planet. When scientists found steadily rising quantities of greenhouse gases in the atmosphere, they hypothesized that our activities could warm the planet, with unknown but potentially troubling consequences.

Over the years, these scattered warnings grew to a stream, then to a rushing river of danger signals. Over 10 years ago, the science and the threat of global warming were clear. That's why I introduced the Global Climate Protection Act of 1992, which would have frozen U.S. emissions of carbon dioxide at 1990 levels. But Congress failed to act.

Now the river of warnings has become a flooding torrent. We can no longer ignore the evidence of global warming. We're now just starting to experience some results of climate change. And they are not good.

Eight of the ten warmest years on record have occurred in the last decade. As the earth warms, its ice is melting. From the glaciers in Glacier National Park, to the snows of Kilimanjaro and the Larson B ice-shelf in Antarctica, ice that has been here since the last ice age is disappearing or already gone. The permafrost supporting towns and roads in Alaska is melting rapidly, and the summer sea ice in the Arctic Ocean is diminishing each year. These are changes we can see with our own eyes.

The seasons are changing—maple sugar producers in Vermont are tapping trees earlier, plants are flowering earlier, and birds are migrating earlier. These changes are happening across the globe. And with warmer weather come bugs that are no longer being killed by the winter cold, such as the beetles that are destroying forests across the Southwest and Alaska.

The scientists have long predicted that as the oceans warm, rainfall episodes, storms, and hurricanes will become more intense. Last year broke hurricane records, and America experienced the devastating results of just a few such storms with Hurricanes Katrina and Rita. The scientists have been proven right about global warming, over and over again, across the planet. We should start listening to them.

Now they are telling us that we have about 10 years to act to avoid being locked into irreversible global warming on a scale that will transform the planet. The scientists have identified a global temperature rise of just 3.6 degrees Fahrenheit as enough to produce undeniably dangerous consequences, such as 20 feet or more of sea level rise, which would flood large parts of Florida and New York City, as well as huge population centers in other countries. And scientists have calculated the quantity of atmospheric greenhouse gases that would very likely cause such a temperature rise. The nations of the world must keep greenhouse gases below that level to avoid irreversible dangerous global warming.

The United States emits more greenhouse gases than any other country in the world—about 20 percent of the total worldwide. We simply cannot avoid catastrophic global warming without substantial cuts in U.S. emissions. Of course, every nation will have to do its part. According to the best science, under any plausible scenario of future international actions to stabilize the climate, the United States will eventually need to reduce its emissions by about 80 percent.

Fortunately, we have some time to get there, as long as we start reducing our total emissions now. And that's what the Safe Climate Act does. It caps U.S. emissions in 2010, and then gradually reduces them by just 2 percent per year until 2020. This gives us 15 years to deploy the cleaner technologies that we already have but aren't using much, such as hybrid vehicles and wind power. After 2020, emissions must fall under the legislation by roughly 5 percent per year, as more advanced technologies, such as biofuels from waste materials and capturing carbon dioxide from power plants, become widely available.

The Safe Climate Act reduces emissions through a flexible, market-based emissions trading program, as well as complementary requirements for cleaner cars and more electricity from renewable energy and efficiency. The Environmental Protection Agency and the Department of Energy would oversee these programs nationally, while states would retain their authority to act on the State level. In effect, the Safe Climate Act sets the targets and then unleashes market forces and American ingenuity to solve the problem.

This sounds ambitious, and it is. But it is also completely doable, once we decide to act. Look at what we've already achieved. In just over 30 years, from the passage of the Clean Air Act in 1970 to 2002, we reduced air pollution from automobiles by over 60 percent. We achieved these reductions even as the total number of vehicle miles traveled increased by 160 percent and GDP grew by 166 percent.

From 1990 to 1996, in just 6 years, we ended production of key chemicals destroying the earth's protective tropospheric ozone layer and shifted to substitutes. Those chemicals had been widely used throughout the economy in applications from air conditioning and refrigeration to solvents and fire suppression.

In each case, entrenched industries told Congress that changes of these magnitudes would be impossible to achieve without massive economic dislocation. And in each case, they were wrong.

We've ignored the threat of global warming for almost too long, but we still have an opportunity if we act now. I urge my colleagues to join me in cosponsoring this critically important bill, and I urge the committee of jurisdiction to consider it without further delay. We must face and overcome the challenge of global warming, and the Safe Climate Act is the way to do it.

TRIBUTE TO SONDRA FROHLICH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Sondra Frohlich, who is celebrating her retirement from her position as executive director of the Sherman Oaks Chamber of Commerce. Sondra has overseen the Sherman Oaks Chamber since 1997 and has been an active leader in the community for over 40 years.

Sondra has been a dynamic force on the Sherman Oaks Chamber. During her tenure as executive director, the chamber experienced a 100-member net increase and expanded its involvement in business and community improvements. She was one of the founders of the Village at Sherman Oaks Business Improvement Districts, which has blossomed into one of the valley's most recognized destinations for shopping. She was also the incorporator of the Sherman Oaks Business Improvement District to the State of California.

Ms. Frohlich has enjoyed many other accomplishments in her position as executive director of the chamber. She was responsible for the expansion of the Sherman Oaks Street Fair through her engagement of professional management. She coordinated the chamber fight for business tax relief and worker's compensation reforms. She won national recognition for excellence of the chamber's website.

Outside of her work with the Sherman Oaks Chamber, Ms. Frohlich has been very involved in the larger San Fernando Valley community. A true leader, she has served as president of the San Fernando Valley Business and Professional Association, the Northridge Republican Women's Club, and twice has led the Rotary Club of Studio City-Sherman Oaks. She is currently the secretary of the Mid-Valley Community Police Council, a support group to the Van Nuys division of the Los Angeles Police Department, as well as a member of the Board of Directors of the Circle of Care Foundation.

Sondra Frohlich is an outstanding community leader and activist. Her commitment to the San Fernando Valley is impressive, and her leadership is evident. Even with her imminent retirement, she will continue to make a difference. Ms. Frohlich may be retiring from the Chamber of Commerce, but she is not retiring from involvement in the life and growth of the valley.

Ms. Frohlich has been a distinguished leader, and I ask my colleagues to join me in saluting and honoring her for all of her outstanding accomplishments.

IN HONOR OF DR. RICHARD ELSTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. FARR. Mr. Speaker, I rise today to recognize the tremendous public career of Dr. Richard Elster who will retire this year from his post as the Naval Postgraduate School's provost and academic dean.

As many of my colleagues know, the Naval Postgraduate School, NPS, located in Monterey, CA, is this Nation's premier institution for graduate level military education and research. While its name points to its origins as a Navy facility, NPS in fact graduates masters and Ph.D. candidates from every U.S. military service and many allied foreign militaries. It also houses a pioneer program to research and grant masters degrees in homeland security.

Dr. Elster has been associated with NPS since 1969, when he joined the faculty as an assistant professor. Since then he has at various times served at NPS as an associate professor, professor, chairman of the Department of Administrative Sciences, dean of instruction, and finally the provost and academic dean position from which he is retiring. In the last 10 years, under Dr. Elster's tenure in this last position, NPS has seen a burst of activity, not only in the areas mentioned above but in many small ways that make it a key component of our Nation's security. Under Dr. Elster's leadership, much of the academic work of NPS students and faculty responds directly to real world defense mission needs. It's a marriage of top notch academics and military mission that no other institution in the U.S., or the world for that matter, can duplicate.

Considered on its own, Dr. Elster's academic career sets a remarkable standard of achievement. However, interspersed through his time at NPS, Dr. Elster served in several high ranking Pentagon positions. Starting in 1975 as a special advisor to the Secretary of Defense for Manpower and reserve affairs, Dr. Elster also held positions as the Deputy Assistant Secretary of the Navy for Manpower, Acting Assistant Secretary of the Navy for Manpower and Reserve Affairs, and Deputy Assistant Secretary of Defense for Resource Management and Support. This record of service reflects both Dr. Elster's keen intelligence and leadership qualities, but also his absolute dedication to public service. The combination of these qualities and his achievements in national security management and in the classroom allow Dr. Elster to leave more than several lifetimes of achievement upon his retirement.

Mr. Speaker, it is easy to say that Dr. Elster's retirement from NPS will leave a void that will be hard to fill. That much is obvious. What is also apparent to me and many others is that he has over these past 30 years set so powerful an example that there are many men and women in public service today who can fill that role by virtue of Dr. Elster's example. It is my privilege to share with Dr. Elster the thanks of this House on the occasion of this retirement and to offer him and his family our best wishes on his life and work to come.

IN HONOR AND REMEMBRANCE OF DAVID "DOOVY" KIRSCHENBAUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise in joyful remembrance of the life and work of David "Doovy" Kirschenbaum, an extraordinary man whose life was dedicated to family, friends and community. Mr. Kirschenbaum exemplified the purest meaning of the word "father," and his caring, nurturing, dedication and commitment to others enriched the lives of countless individuals.

Doovy was a successful attorney and a staunch advocate for those who could not defend themselves. He built a large law practice with the daily assistance of members of his family. As his life touched the lives of more and more individuals, his influence widened. His wisdom and advice was soon sought after by officials from every rank and branch of government. Doovy's reputation became that of a kind, wise man, who, with just a twinkling of his eye could provide down-to-earth, practical advice. His possessed a philosophic mind, understood deeply the human condition, and always communicated great optimism and love. His commitment to and participation in Cleveland's Jewish community was central to his passion for social and economic justice.

Doovy pushed himself in all of his endeavors. He was constantly building his physical strength. He was an excellent skier and golfer, but a gentle competitor, who understood that life, like sports, was played not just to win but for the love of the game. His enthusiasm and joy for living were contagious. His friendship was consistently sought after by others, as his magnetic character easily drew people to him. His interest in public service led him to an appointment on the Cleveland Port Authority, where he presided over the growth of the great ports along the Great Lakes. His business interests also included health care, where he took pride in helping many families extend the quality of life of their loved ones in superior nursing facilities.

Doovy's greatest achievement in life was always his family. He was a loving father, grandfather and great-grandfather, who with his beloved wife Elise, took great pride in the lives, growth and accomplishments of each of their six children. Together, Doovy and Elise built a family and a life of love that touched the lives of countless people in numerous and permanent ways.

When Doovy reached his 70th birthday, hundreds of his friends traveled to Cleveland from all around America to celebrate his diamond year. When they entered the Kirschenbaum home, Doovy presented them with a small booklet of his philosophical observations entitled: "It's Still All About Nothing." Today, in honoring his memory, we understand why his life meant everything to so many people. We know why this wise man, this advocate of the people, this gentle loving soul will be missed long into the future, not only by those in his large, extended family who shared his life, but by everyone whose life he ever touched.

Mr. Speaker and colleagues, please join me in honor and remembrance of my dear friend, David "Doovy" Kirschenbaum. Please also join me as I offer my deepest condolences to his wife Elise; to his daughters, Amy, Lynn, and Jo; to his son Dan; to the memory of his daughters, Susan and Gail; to his 22 grandchildren; to his 3 great-grandchildren, and to his extended family members and many friends. Although he will be greatly missed, his life was lived with great joy and love that he freely extended to his family, friends and to our community. Doovy's limitless kindness, generosity, humor and love consistently framed his life and embraced the lives of others, and his spirit live on within the hearts of his family and friends, today, and for all time, and he will never be forgotten.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. HERSETH. Mr. Speaker, I regret that I was unable to participate in votes on the floor of the House of Representatives on June 19, 2006. I was absent to attend a Veterans' Affairs Committee hearing in South Dakota. I submit this statement today to establish for the record how I would have voted had I been present for these votes.

On June 19, 2006, the House of Representatives held three votes.

The first vote was on a motion to suspend the rules and agree to the H.R. 5540, to designate the Sergeant Jacob Dan Dones Post Office. Had I been present, I would have voted "yea" on that question.

The second vote was on motion to suspend the rules and agree to the H.R. 5504, to designate the Larry Winn, Jr. Post Office Building. Had I been present, I would have voted "yea" on that question.

The third vote was on a motion to suspend the rules and agree to the H. Res. 826, a resolution expressing the sense of the House of Representatives that a National Youth Sports Week should be established. Had I been present, I would have voted "yea" on that question.

TRIBUTE TO ROSITA FERNANDEZ, SAN ANTONIO'S FIRST LADY OF SONG

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to pay tribute to Rosita Fernandez, a San Antonio icon and a giant in Tejano music. In a career spanning six decades, she was one of the first Latinas to cross over into Anglo American mainstream media and appeared in television shows, radio broadcasts and major studio movies, Rosita performed for Pope John Paul II, Prince Charles and five U.S. Presidents including President Carter for his inauguration.

She introduced Mexican culture to a wider audience and was an ambassador for Latino cultures. First Lady Lady Bird Johnson named her "San Antonio's First Lady of Song," yet in San Antonio, we knew her as "Rosita" and were very proud that she represented our community.

She began singing at the age of 9 shortly after her family made their way from Monterrey, Mexico, to San Antonio. Rosita adapted to each new mode of entertainment. In the 1920's, she performed throughout south Texas with her uncles in the "Trio San Miguel." As radio grew more popular, Rosita began broadcasting on a W.O.A.I. program, As W.O.A.I. moved into television, so did Rosita as she appeared in the station's first broadcast. Thereafter, Rosita performed in a weekly series. Yet, she made recording the foundation of her career and cut hundreds of records over the duration of her career. Her recordings will perpetuate her brilliance and be a lasting contribution to American culture.

Rosita was a pioneer in popularizing a number of styles including canciones romanticas and the bolero, a hybrid style that fused African and Hispanic styles. At a time when the ranchera style was ascendent, Rosita breathed new life into canciones romanticas, which entailed complex orchestral arrangements.

Rosita achieved success on the silver screen. She appeared opposite John Wayne in "The Alamo," and played the lead in Disney's 1963 film, "Sancho, The Homing Steer," which was based on J. Frank Dobie's true story. But, at a time, when most Americans did not have first hand experience with Latinos, figures like Rosita or Desi Arnaz began to change perceptions and biases against our community. Rosita was the consummate cultural ambassador for San Antonio and Latinos throughout America.

Beginning in the 1950's, Rosita performed at the Arneson River Theater every year during the "Fiesta Noche del Rio." San Antonio could look forward to a summer full of their beloved Rosita performing at the beautiful amphitheater on the Riverwalk in La Villita. It was there during the 1968 Hemisfair that Rosita performed for 40 ambassadors. She became so inseparable from that place that San Antonio named an adjacent bridge for her and many said that this bridge symbolized the way Rosita brought Mexican and American cultures together.

She began a much deserved retirement in 1982 that concluded her performing career but began her philanthropic career. Rosita sang for numerous causes and charities and appeared at a wide range of locales to do so. Among the causes she supported were the Brooke Army Medical Center's Burn Unit, the March of Dimes, and churches. Yet, the cause she worked hardest to promote was that of education. After spending her life bridging cultures and educating America about Latinos, it is fitting that she chose to focus her talents on helping others cross the bridge from ignorance to knowledge.

San Antonio suffered a great loss and my thoughts and prayers go out to her husband and her family.

TRIBUTE TO PROJECT GRAD NEWARK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge Project GRAD Newark as it hosts its sixth annual scholars celebration on Monday, June 19, 2006. Project GRAD has every right to be proud of its accomplishments and a celebration is indeed in order.

Project GRAD Newark was established in 1998 to provide support and an educationally enriched opportunity for Malcolm X Shabazz High School and eight schools that feed students to it. The objectives of Project GRAD Newark are to raise the level of academic performance in mathematics and literacy; to have students believe in their ability to achieve; to have all students aspire to graduate from high school and pursue a college education and to have students strive to receive the $6,000 Project GRAD scholarship. Fortunately for the students of Newark, Project GRAD Newark expanded to include Central High School and its six feeder schools in 2000.

In both instances, the leadership of the Newark Public Schools assessed key indicators of progress and determined these two feeder groups were lowest in the district. These schools needed the GRAD reform initiative to support them with research-based programs, services and resources.

Project GRAD Newark is the first expansion site for the model that was developed in Houston, TX, in 1993. With initial support from Lucent Technologies Foundation and the Ford Foundation, the Newark Public Schools entered into partnership and launched Project GRAD Newark.

Today, 16 schools serving over 8,500 students, 485 teachers and 50 administrators constitute the Project GRAD Newark family. All can share in the joy of the improvements in each of the schools. On-time graduation rates at Central High School have doubled since it became a GRAD school. At Malcolm X Shabazz, the on-time graduation rate has improved by 20 percent compared to the years before it became a GRAD high school.

This year 109 students, 60 from Malcolm X Shabazz and 49 from Central, will graduate with the $6,000 Project GRAD Newark Scholarship as they go off to college this fall. At a time when the City of Newark is struggling to reduce crime in the streets and help young people have hope and focus for a bright future, these students are taking full advantage of the opportunities Project GRAD Newark provides. Mr. Speaker, I know my colleagues join me in congratulating these students on their achievements and all those associated with the Project GRAD Newark program in helping to facilitate this significant program.

CONGRATULATING IMMANUEL ST. JOSEPH'S MAYO HEALTH SYSTEM HOSPITAL

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate St. Joseph's Mayo Health System Hospital of Mankato, Minnesota, on receiving the National Committee for Employer Support of the Guard and Reserve's Above and Beyond award.

The National Committee for Employer Support of the Guard and Reserve, ESGR, was established in 1972 to promote cooperation and understanding between Reserve component members and their civilian employers. Their mission is to continuously gain and maintain active support from all public and private employers for the men and women of the National Guard and Reserve. Local and national representatives stand ready to help employers understand Federal laws that affect the call-up of their employees. The Above and Beyond Award recognizes those who have gone beyond what Federal law requires for supporting activated Guard employees.

Minnesota businesses that employ Guard members are an essential link in family support for deployed service members. The State of Minnesota is recognized as a leader among those employing Guard and Reserve members and received the 2004 Secretary of Defense Employer Support Freedom Award.

Immanuel St. Joseph's Mayo Health System Hospital, ISJ–MHS Hospital, one of 475 companies nominated for the Above and Beyond Award, was nominated by Chief Master Sgt. Dennis of Mankato, Minnesota.

I extend my sincere congratulations to Immanuel St. Joseph's Mayo Health System Hospital for receiving the Above and Beyond Award from the National Committee for Employer Support of Guard and Reserve and commend them for the extraordinary services provided to those who serve our country.

KAREN HOSPITAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, a few months ago, there was an historic moment that was, sadly, underreported by the news media in this county and in much of the rest of the world. It is only recently that I came to learn of it and I wish to bring it to the attention of this House.

On March 31, outside of Nairobi, Kenya, there was a dedication ceremony for the Karen Hospital, which is the first full-service hospital opened in Kenya since the colonial era, before that country became an independent state within the community of nations.

Karen Hospital is located in the Nairobi suburb of Karen, which many will recognize as the setting for the movie, "Out of Africa," which told the story of author Isak Dinesen, who used the pen name Karen Blixen, and who lived and worked in Kenya and wrote about that country and her love for it.

The opening of Karen Hospital has important implications for health care in Kenya and throughout East Africa. This state-of-the-art facility will provide opportunities for teaching health-care professionals—not just doctors, but nurses, administrators, orderlies, and others—who will bring their knowledge and skills into cities and villages across the region.

When Karen Hospital was opened formally, its chief executive officer, Dr. Betty Gikonyo—who received her medical education in the United States—made a speech, in the presence of President Mwai Kibaki, that reflected the pride and hard work of bringing this hospital from a mere conception to a full-fledged operating unit serving the people of Kenya.

Mr. Speaker, if there is no objection, I would like to place excerpts of the address by Dr. Gikonyo in the CONGRESSIONAL RECORD. Such a historic occasion deserves to be paid much more attention than it has so far received.

EXCERPTS FROM A SPEECH BY DR. BETTY GIKONYO, CHIEF EXECUTIVE OFFICER, THE KAREN HOSPITAL, FRIDAY, MARCH 31, 2006

We have gathered here to celebrate a special day, which will form a milestone in the history of The Karen Hospital. 21 years ago a dream was born, nurtured over the years and now realized. Over the last 10 years we have gone through a process of feasibility studies, consultation, intense planning resulting in a business plan for the Karen Hospital. The search for a financier was not an easy one and it took us over 5 years to convince financial institutions that a medical business is a viable option. We kept on knocking at their doors. Nevertheless some doors were open. We received some offers from both regional and local banks. In consultation with our financial advisers opted for a loan in Kenya Shillings that could finance the two major components of the project which are including building and acquisition of medical equipment. Your Excellency Sir, please, allow us to thank the Kenya Commercial Bank, for believing in our vision and trusting the business plan of a local investor. Kenya Commercial Bank took the risk and proudly partnered with us in undertaking a project of this magnitude. To the KCB Board of Directors and Management Asanteni Sana. You have worked closely with in the formation of this project to see it conclude successfully.

Medical equipment are an expensive undertaking and we wish to recognize Philips Medical Systems Netherlands and Frescenius Renal Supplies of Germany who entered into equipment financing credit plans to enable us to equip the hospital with ultra modem state of the art equipment in all departments as Your Excellency has had an opportunity to see.

This has been achieved through hardwork, commitment and consistency of purpose by a team of financial consultants, medical consultants, hospital engineers and building and civil engineers and a dedicated contractor and sub-contractors. By following the clearly laid out rules we were able to import clear all equipment in good time for installation.

The hospital building comprises of 4 floors each with four wings thoughtfully planned to ensure all services are accessed with minimum effort and maximum convenience to our patients and staff. . . .

The Karen Hospital is a world class ultra modern health facility bringing quality healthcare not only to Kenyans but also to Eastern and Central Africa but beyond.

The 102 bed hospital serves patients with general ailments alongside specialized medical and surgical interventions. It has the newest ultra modern state-of-the art equipment, cardiac diagnosis, interventions and surgery, intensive care, kidney dialysis, Laparoscopic surgery, video Endoscopy and physiotherapy. . . .

[A] Hospital is however not made of building and equipment. Our most important resource is the highly trained and experienced personnel in all departments. Through competitive selection of the best qualified personnel Karen Hospital has been manned by the best Kenya can offer in all our departments both medical and non-medical. This includes our permanent staff as well highly experienced team of medical consultants who form the large panel of over 100 admitting doctors of different areas of specialization.

Your Excellency Sir, I am happy to inform you that we have been able to attend to 634 patients in our Accident and Emergency department. Some with major injuries including bullet assault cases and road traffic accidents. Additionally we have performed a number of surgeries, endoscopies and cardiac catheterizations and as you have seen a full wing of inpatients with varying ailments ranging from major surgeries to medical conditions are recuperating in our Sagana Ward. This confirms that Kenyans have already come to know, trust and use this facility in the last one month. We look forward to a full house in 6 months time. The performance so far has been very impressive and we are encouraged and grateful for the support Kenyans have given this facility at its inception. . . .

The City of Nairobi has been the hub of specialized medical services for the entire country as well as for the Eastern and Central Africa region. Indeed this has been realized in the month of March, as we have admitted referred patients from Tanzania (Daresalam), DRC Congo, Sudan (Khartoum), and Burundi (Bujumbura).

Referrals from the region not only is testimony to the high standard medical services available in Kenya but also affords us an opportunity to boost our inflow of foreign currency to enhance our economic growth. This is an area that can be expanded further by the establishment of highly specialized medical services in the private sector that would see greater number of referral from this population of over 100 million that forms the Eastern Africa community. We at The Karen Hospital has addressed this very specifically by incorporating in our hospital a cardiology program that spans from diagnosis to interventional non-evasive procedures and to heart surgery. We believe that more patients will be diverted from the exodus that sees patient travel to India, South Africa and Europe to seek some of these specialized services. As a new centre of medical excellence, we plan to market our services effervescently to the region and make Kenya a preferred destination for medical services. . . .

This will provide a forum for many to channel their energies, experiences, resources and to harness these positively towards our mission statement. I believe that many of us are cognizant of the benefits that come along with the integrated teaching and referral facility globally.

We at The Karen Hospital wish to compliment and be active participants in the implementation of the government policy of providing promotive, preventive and curative services. We believe there is room for the private sector to provide specialist tertiary medical institutions to compliment those existing in the government and indeed these are not in competition but rather in partnership. More facilities like Karen Hospital are needed in our countries especially in cities Like Mombasa Kisumu and Eldoret and also in the East African cities.

On behalf of the Board of Directors, Management, Staff of The Karen Hospital, may once again, thank you for joining us during this auspicious occasion.

In closing, allow me to quote Our Mentor and Teacher Dr. Sam Mwinzi, a renowned neurologist who is with us today and had this immortalized in our visitors book when he visited Karen Hospital, "May the portals of this magnificent edifice forever remain open and overflowing with those that seek better health as well as those that have the gift of giving it".

PAYING TRIBUTE TO BRYTANI CAIPA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Brytani Caipa for her efforts to protect teens on Internet.

Brytani joined a national effort to protect teens from internet predators by putting together a public service announcement. Brytani's public service announcement focused on protecting our First Amendment rights, while at the same time protecting our children. Her hard work paid off, as her public service announcement placed second nationally in a contest run through the Take Charge Program, and it is currently airing on numerous radio stations.

Mr. Speaker, I am proud to honor Brytani Caipa for her efforts to educate teens on Internet safety and protect them from Internet predators. I wish her the best of luck in her future endeavors.

CONGRATULATING ARCHER DANIELS MIDLAND

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Archer Daniels Midland of

Mankato, Minnesota, on receiving the National Committee for Employer Support of the Guard and Reserve's Above and Beyond award.

The National Committee for Employer Support of the Guard and Reserve (ESGR) was established in 1972 to promote cooperation and understanding between Reserve component members and their civilian employers. Their mission is to continuously gain and maintain active support from all public and private employers for the men and women of the National Guard and Reserve. Local and national representatives stand ready to help employers understand Federal laws that affect the call-up of their employees. The Above and Beyond award recognizes those who have gone beyond what Federal law requires for supporting activated Guard employees.

Minnesota businesses that employ Guard members are an essential link in family support for deployed service members. The state of Minnesota is recognized as a leader among those employing Guard and Reserve members and received the 2004 Secretary of Defense Employer Support Freedom Award.

Archer Daniels Midland (ADM) was nominated by Sgt. Dave Bonnifield who has been mobilized twice with the Army Guard. ADM has been extremely supportive by providing pay differential and continuous support to Sgt. Bonnifield's family. Archer Daniels Midland was one of 475 companies nominated for the Above and Beyond award.

I extend my sincere congratulations to Archer Daniels Midland for receiving the Above and Beyond Award from the National Committee for Employer Support of Guard and Reserve and commend them for the extraordinary services provided to those who serve our country.

THE DEMOCRATIC PACIFIC UNION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, on May 14, 2005, the 60th anniversary of the end of World War II, the Democratic Pacific Union was formally inaugurated in Taipei, Taiwan. Notable guests at the ceremony included presidents of Taiwan, Costa Rica and Guatemala, as well as vice presidents of Taiwan, Nicaragua and Palau. The goals of the union are to integrate resources in the pan-Pacific region for joint development and regional cooperation and to promote democracy, peace and prosperity among DPU member democracies.

Since May of 2005, the union has established a Secretariat, published its first quarterly, planned West Pacific regional meetings, formed a Pacific economic advisory group, and initiated the Pacific Congressional Caucus project. The project seeks to bring congressional and parliamentary members of DPU together to promote exchange and cooperation among lawmakers throughout DPU member countries. The Taiwan Chapter of the Pacific Congressional Caucus was inaugurated on May 20, 2006 and convened by the Speaker of Taiwan's Legislature Yuan.

The Taiwan Chapter of the Pacific Congressional Caucus will sponsor a symposium on congressional reforms this August 12–14 in Taipei, Taiwan. Legislative members of the DPU members states and U.S. Members of Congress are cordially invited to attend this symposium either as participants or observers. I hope that my colleagues will find time to attend this very important event in Taipei and lend our encouragement and support to the Pacific Congressional Caucus.

I salute the Democratic Pacific Union, its goals, achievements, and initiations which included a training program on hazard mitigation on typhoon-related disasters held May 8–12, 2006 in Taiwan; a 2006 fellowship and scholarship program providing funds for students from DPU member states to attend universities in Taiwan; invitation of distinguished women from member states to attend meetings in Taiwan to identify, and address problems women face in the Pacific region; invitation of political experts to observe elections in Taiwan; and establishment of the Pacific Center for Disaster Reduction in Taipei.

PAYING TRIBUTE TO WEN HUI TAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Wen Hui Tan for being named the Nevada State winner in the 19th annual National Peace Essay Contest sponsored by the United States Institute for Peace.

Approximately 4,000 students from across the United States wrote essays for this year's topic, "Controlling the Proliferation of Nuclear Weapons." This contest challenges students to consider some of the most pressing issues confronting international peace and our country's security. This year's topic of nuclear proliferation could not be more timely, and it is also a challenge that the international community will confront for decades to come. Wen's essay, titled "Nuclear Proliferation: Two Superpowers and Iraq," won at the Nevada State level, earning Wen a $1,000 college scholarship and a chance to compete at the national level.

Wen is currently a student at Coronado High School in Henderson, NV. Her passions include volunteering in the children's department of a local library, graphic design, eating foreign cuisine, chemistry, and traveling. With a myriad of interests, she has aspirations of pursuing higher education at the Massachusetts Institute of Technology in hopes to train for her future careers as a linguist, pediatric surgeon, and paleontologist.

Mr. Speaker, I am proud to honor Wen Hui Tan for being the Nevada State winner of the 19th annual National Peace Essay Contest sponsored by the United States Institute for Peace. I commend her success and wish her the best of luck at the national competition and in all of her future endeavors.

HOUSE OF REPRESENTATIVES—*Wednesday, June 21, 2006*

The House met at 10 a.m.

Father Luke Palumbis, St. Basil Greek Orthodox Church, Stockton, CA, offered the following prayer:

Lord, have mercy. Heavenly Father, through Your love for all of Your creation and Your consummatory divine plan, You have established a natural, communal existence which symbiotically maintains fairness, serenity, shared support, concern for holistic well-being, and license from imposed control.

We thank You, Loving Master, that in accordance with this perfect model of Your creation, our Founding Fathers established a foundation for the formation of what they termed a more perfect Union through the establishment of justice, the ensuring of domestic tranquility, the providing for common defense, the promoting of general welfare, and the securing of the blessings of liberty.

We beseech You, All Holy One, to strengthen our civic leaders and our entire population of America with the virtues of humility, courage, and perseverance so that today we may actualize the poetic words of our Constitution not only as United States, but as united individual Americans, living in the union of God's creation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. GINGREY) come forward and lead the House in the Pledge of Allegiance.

Mr. GINGREY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DEMOCRATS STILL NEED TO DECIDE WHERE THEY STAND ON WAR ON TERROR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, last week the House voted to pass a resolution declaring that the United States will prevail in the global war on terror. The House spent 10 hours debating the measure, which came on the heels of two victories, the formation of the Iraqi Government and the death of Abu Musab al Zarqawi.

House Republicans made clear that we are determined to prevail in protecting our freedoms from the terrorists, but House Democrats couldn't even develop a unified message to let the American people know where they stand on the global war on terror. While House Republicans stood firmly in support behind our troops, House Democrats were all over the place. The San Diego Union Tribune reported on this confusion by saying, "Some Democrats stand with the White House, some change their views day to day, some incredibly don't believe Iraq has much to do with the war on terrorism. They seem to want Iraq to collapse in civil war rather than have any sort of resolution that can be seen as vindication of U.S. foreign policy."

Mr. Speaker, the American people have a clear choice: House Republicans are committed to winning this global war on terror, while House Democrats seem to want to give up and concede defeat.

BLACK ROBE DISEASE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, judicial injustice has struck again. That is what has happened in Ohio.

After 6 years of waiting to face the man who raped her and tell her horror at his hands so he would be off the streets, a teen saw her chances for justice smashed with one swoop of a rogue judge's gavel. It was nothing the victim did; it wasn't even anything the defendant did. Judge Eileen Gallagher dismissed the girl's case, get this, because the prosecutor was late to court. Furious he hadn't been on time when she herself was 45 minutes late to her own court, Judge Gallagher called the prosecutor unprofessional, so she took it out on the victim.

Judge Gallagher suffers from "black robe disease," an incurable ailment, arrogant, hypocritical incompetence some judges get.

Mr. Speaker, when I was a judge in Texas for 22 years, and a lawyer was late to court, hold the lawyer in contempt, put him in jail. Don't let the defendant out of jail. Don't punish the victim.

The teen victim was raped by the defendant, then raped by her right to justice by Judge Gallagher. Hopefully the people of Ohio will hold this judge in contempt and dismiss her from the bench.

That's just the way it is.

A CALL FOR A NEW DIPLOMACY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, if you had a friend who anytime he took the car out for a drive got in a wreck, if you really cared about your friend and others, you would take away the car keys. Nearly every time this administration takes the U.S. for a drive out in the world, it crashes the car. Look at Iraq: no diplomacy, confrontation, attack, occupation. Iran: no diplomacy, confrontation. North Korea: no diplomacy, threats, confrontation, even when they are preparing a missile test.

Instead of a national missile defense system which doesn't work protecting us against a North Korea missile of dubious accuracy, we should look at talking with them. North Korea wants direct talks. Well, talk to them. Don't crash the car.

America must be able to negotiate in a complex world without confrontation and creating enemies. You are either with us or against us or bring it on? That is not a path towards successful diplomacy.

There is a basic flaw in America's world view and this administration's world view. This, then, is a call for a new diplomacy, policies where we look at potential adversaries as potential allies, and then acting upon that vision.

IMMIGRATION AND BORDER SECURITY

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, the more people learn about TED KENNEDY's immigration bill, the less they like it. Let me give you four examples.

First, before we build a border security fence on our own U.S. property, we must first consult with the Mexican Government to make sure it is okay with them.

Second, using a fake Social Security card is a felony in this country. If an American citizen does it, he goes to jail. If an illegal alien does it, he gets

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to collect Social Security benefits based on past illegal conduct, and even gets a chance at citizenship.

Third, when it comes to in-state college tuition, illegal aliens get it, but U.S. citizens from out of State pay higher tuition rates.

Fourth, illegals who become so-called guest workers would get the higher union-level prevailing wage on private construction contracts, something even U.S. citizens don't get.

Mr. Speaker, we should first secure our borders and enforce the law, not appease the liberal constituency of TED KENNEDY by accepting his pathetic bill.

DEMOCRATS REFUSE TO IGNORE THE NEEDS OF LOW-INCOME AMERICANS

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute.)

Mr. HINOJOSA. Mr. Speaker, this week was supposed to finally have a vote on increasing the minimum wage for more than 7 million Americans. Unfortunately, it appears the Republican leadership is willing to delay a vote on the must-pass Labor-HHS appropriations bill rather than actually have a real floor debate and a vote on the minimum wage.

This is a real disservice to every American. An increase in the minimum wage does not only benefit the minimum-wage workers, it also helps millions of middle-class workers who would also see their hourly wages increase as a result of a higher minimum wage.

But this is also a question of fairness. It has been 9 years since the minimum-wage workers last received a pay raise. Does that sound fair? Today the minimum wage is its lowest level if you take into account inflation. Do my Republican colleagues really believe that we should continue to force more than 7 million Americans to live on less than $11,000 a year? That may have been a liveable wage 10 years ago, but it surely isn't now. We should do the right thing and expand economic opportunity to millions of Americans who are just trying to make a living wage.

MS–13 AND IMMIGRATION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, crime by illegal immigrant members of criminal street gangs is exploding. Immigration and Custom Enforcement has stated, "The victims of gang crime are not limited to rival gang members. Entire neighborhoods are held hostage by and subjected to the violence of street gangs."

Currently alien members of criminal street gangs are not deportable. Many of the U.S. members of one of the international criminal gangs are present here under temporary protective status. MS–13 originated in El Salvador, complicating detention and deportation. A 1988 Ninth Circuit Federal Court injunction prevents expedited removal of Salvadorans due to a vicious civil war in this country. That civil war ended in 1992, and the injunction still remains. As a result, captured El Salvadorans are immediately released. In 2005, 40,000 Salvadoran illegals were apprehended. However, we currently estimated that for each individual caught, five cross our borders successfully.

SLOGANS DO NOT REPLACE SOLUTIONS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, if there is one thing we have learned from the Republican Congress in the last 6 years, it is that slogans do not replace solutions. On America's most pressing issues, they have failed to act, and on others they demonstrated an uncanny Midas touch.

Take the $800 billion prescription drug benefit. Rather than reducing costs for seniors, it is nothing more than an ATM machine for HMOs and drug companies. Two studies released yesterday show that the prices of medicines used by seniors are rising twice the rate of inflation. Consider the energy bill. In June 2005, a month before the bill passed, gas was $2.07; today, it is more than $3.

On immigration, the House Republicans have sent up a white flag, an issue which they have ignored for 6 years. They offer more talk, less action. They won't pass a bill. They want a single-issue election on something they haven't done a single thing on.

Even yesterday's conviction of the Bush administration chief procurement officer for influence peddling won't shame them into passing real lobbying or ethics reform. They deny an increase in the minimum wage and a vote on that legislation.

Mr. Speaker, one thing is clear: When it comes to addressing the issues important to American families, the Republican Congress is all hat and no cattle. It is time for a new direction. It is time for a change.

DEM AGENDA

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Doomsday. That is what the Democrats have to offer. But, actually, we have been waiting for weeks, months, actually over a year now for the Democrats to offer an agenda, and they did that last week, although agenda may be a little too strong of a word. It should be more appropriately called the Cliff Notes for Liberal Lunacy.

Case in point. They say they need to require fiscal discipline. Is this some kind of joke coming from the Dems? This is the same party that has proposed $45 billion in new spending on this House floor to appropriations bills over and above what we as Republicans want to fund.

Where do Democrats propose eliminating the deficit, by cutting the size of growth? Do they do that? No. They actually just want to go back to raising your taxes for all hardworking Americans.

The Democrats are calling from the same old playbook: Promise, tax, spend. Promise, tax, spend. And what we have with their agenda is more of the same.

☐ 1015

LINE ITEM VETO IS NOTHING BUT DIVERSION

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, House Republicans are going to try to demonstrate that they are serious about reversing the record deficits that they have created. What is their plan? They want to give President Bush a line item veto. Incredible.

If the President was really interested in curbing Federal expenditures, he could have vetoed any number of appropriations bills over the last 5 years. To this date, Mr. Speaker, the President has not vetoed one bill that has come out of this Republican Congress, not one. President Bush is the longest sitting President since Thomas Jefferson not to exercise the veto.

So one might ask, why does the President need a line item veto when he refuses to use the veto? The fact is, Mr. Speaker, this is nothing more than a smokescreen invented by the Republicans to show that they are serious about deficit reduction.

They are trying to divert attention away from the fact that under their control record surpluses have turned into record deficits. If President Bush really wanted to exercise discipline, he would have vetoed other legislation.

IRAQ

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in strong support of the impressive work our troops are doing to fight and win the global war on terror.

Last week, we debated a resolution pledging our commitment to victory in

Iraq. I was troubled by some of the rhetoric I heard coming from other side of the aisle. Many Democrats are still advocating a withdrawal policy, and that is a policy that is sure to fail.

Mr. Speaker, we are making significant strides toward a secure Iraq and a more stable Middle East. At that critical moment, it would be a tremendous mistake for us to set a hard deadline for troop withdrawal. A deadline only serves to embolden the terrorists because they know they only have to hold out for a few more weeks or months, or 6 months.

Instead, the House last week sent a resounding message to al Qaeda that we will withdraw when the Iraqi security forces are ready and able to defeat the terrorists and their brutal tactics. This, and not some arbitrary deadline, is our true measure of success.

Mr. Speaker, once again, we have assured our troops that we will support them and will allow them to finish this critical mission.

REPUBLICANS STALL BILL THAT WOULD BOOST SALARIES

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. Mr. Speaker, workers across this Nation are increasingly being asked to do more with less. As prices rise at the gas pump, at pharmacies, on college loans, the millions of Americans who work full-time and make minimum wage are slipping further and further into poverty.

The minimum wage in this country has not been raised since 1997 and is now at its lowest level in 50 years, when adjusted for inflation. Making only $5.15 an hour, a full-time, minimum wage employee will earn only $10,700 annually. This is far from enough to make ends meet, especially for the 75 percent or so who are responsible for at least half of their family's income. Raising children on a middle-class income is hard enough. Imagine trying to do it on less than a third of that.

Mr. Speaker, Democrats believe that the minimum wage should be a living wage. No American who works full-time, all year, should live in poverty, unable to support their family. Last week at the committee level, Democrats were successful in inserting a minimum wage increase into an appropriations bill. But now, the Republican leadership says they will not permit a vote on the minimum wage. They will not permit a vote in this full House.

It is time for real action to move hardworking Americans out of poverty. Seven million Americans deserve a raise today.

WHERE IS THE OUTRAGE?

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, where is the outrage? We hear stories today of two of our soldiers having suffered unspeakable tortures and left in a nearly unrecognizable condition, yet where are the cries of outrage against this brutality?

Instead, we hear today of the EU leadership focused on closing Gitmo and Members of this body rushing to judgment on national TV before the facts are known about what our troops in the field have done.

Yes, we should hold our troops to the highest ethical standards, but we must be outraged by acts against our troops. Our troops deserve our full support, and we must recognize the intensity of evil that we face, the lengths they will go to harm America and undermine our values, and the need to make sure we win this war on terror to keep our families safe at home.

HONORING ALBERT HILL ODOM

(Mr. BOYD asked and was given permission to address the House for 1 minute.)

Mr. BOYD. Mr. Speaker, I rise to honor and pay tribute to Mr. Albert Hill Odom, a good friend and a loving husband and father, who passed away on June 6, 2006, at the age of 87.

Mr. Odom was a great man who positively impacted many young lives, including my own. Mr. Odom was a 4–H extension agent for 30 years in Jefferson County, Florida. He taught me and many others so much, not only about the principles of 4–H, but also how to conduct ourselves in a respectful and professional way. We were all young farm boys whom he carried to places we had never been before.

I am often asked who the most influential people in my life have been, and my answer is always, first, my father, then Albert Odom, my 4–H agent. A lifelong mentor and role model, Albert Odom was a wonderful man who left the world a better place than he found it.

Mr. Speaker, I ask my colleagues to join me in honoring Albert Odom for his many achievements in life and the legacy that he leaves. I extend my deepest sympathy to the Odom family, including his wife, Dot, and his children, Carol and Martha. He will be greatly missed by his family and all who knew him.

STATE CHAMPS—LASSITER AND BLESSED TRINITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today I proudly rise to honor and congratulate some spectacular student athletes from Georgia's Sixth District. This month, two of our hometown high schools won a State baseball championship.

Marietta's Lassiter High School and Roswell's Blessed Trinity High both took home their respective class' State championship in dominating fashion. These skilled young men showed what is possible with hard work and unending determination.

Lassiter took home the school's second State title after beating another Sixth District team, Kell High School. The Trojans ended their season with 19 straight wins, sweeping every round of the playoffs.

Blessed Trinity amazed everyone with their ascendancy to the State title in only 6 years of existence. Similar to Lassiter, the Titans went through the playoffs losing only one game and sweeping four out of five series.

These student athletes will forever cherish the memory of this season. The players, their families, and their classmates who cheered them on will always look back at the 2006 season as a source of pride, accomplishment and satisfaction.

Mr. Speaker, congratulations to all from Lassiter and Blessed Trinity High Schools.

A PRESCRIPTION DRUG BENEFIT THAT PUTS SENIORS FIRST

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, House Democrats continue the fight for a real prescription drug benefit that puts America's seniors first. There is no doubt that the current prescription drug program could be improved.

Today, the Department of Veterans Affairs is saving millions of dollars a year simply by negotiating drug prices on behalf of our country's veterans. Just imagine how much more affordable drugs would be if the Federal Government could negotiate for lower prices on behalf of our country's 40 million seniors.

Seniors who need help affording their monthly prescription drug bills deserve to be heard.

House Democrats not only support requiring Medicare to negotiate lower prices with the drug companies, we also favor allowing for the safe reimportation of less expensive drugs from abroad. These are real solutions. Let us finally put our seniors first and help them afford their prescription drugs.

HELPING AMERICAN SENIORS MAINTAIN INDEPENDENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Census Bureau estimates that more than 36 million Americans are over the age of 65, making them members of the fastest growing age group in our country. Under the able leadership of Chairman BUCK MCKEON, House Republicans are working to ensure the quality and effectiveness of Federal programs designed to help America's elderly.

Today, I am proud to speak in support of the Senior Independence Act of 2006, which proposes several necessary reforms to help older individuals avoid institutional care, improve their health services, and have access to employment-based training programs. By reviewing and modernizing programs established over 50 years ago, we are helping to ensure that America's government programs actually address the needs of today's seniors.

This bill will help ensure America's seniors live healthier and happier lives.

In conclusion, our sympathies are with the families of Private Thomas Tucker and Private Kristian Menchaca. God bless our troops, and we will never forget September 11.

WE NEED A LIVABLE WAGE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, somebody asked me the other day how do you strengthen the economy, and I said to them that you strengthen it by putting additional money into the hands and the pockets of those at the economic bottom. If they get an additional dollar or two, what are they going to do with it? They are going to buy milk, Cream of Wheat, oatmeal, pay the utility bill, maybe some gasoline for an automobile, if they still have one. They will put it right back into the economy.

That is why, Mr. Speaker, we need a livable wage. Money to the economy is like blood to the body. If too much of it is on one side, you will have a stroke. Our economy has a stroke because too much of the money is in the hands of too few people. We need a livable wage.

WE MADE THE RIGHT DECISION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, for decades, America and free countries in Europe, Africa and Southeast Asia have been the targets of terrorism, terrorism that originated in the Middle East and has been if not openly supported by countries there then at the very least overlooked by these nations.

On September 11, we decided that periodic attacks like the bombing of the Pan Am Flight 103, the USS *Cole*, Khobar Towers, the first World Trade Center bombing, we decided that that had to stop. We decided the only way to end these attacks was going into the Middle East and let it be known that we would no longer tolerate regimes that encouraged terrorism and shunned the rules most in the civilized world choose to abide by.

That was the right decision then. It remains the right decision today.

DEMOCRATS WORKING TO EXPAND OPPORTUNITY TO MINIMUM WAGE WORKERS

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.)

Mrs. JONES of Ohio. Mr. Speaker, House Democrats want to give minimum-wage workers their first pay raise in 9 years. Can you imagine working 9 years and never have a pay raise? Gas went up, milk went up, housing went up, electricity went up, and the House Republicans are doing everything they can to avoid the issue.

Last week, seven Republicans on the House Appropriations Committee voted with Democrats to increase the minimum wage from $5.15 to $7.25 as part of the Labor-HHS appropriations bill, but now the leaders of the Republican Party refuse to bring this bill to the floor, hoping they can skirt the issue until after election.

Can you imagine if you had to wait till after an election to get some more money to buy that gas that is $3 a gallon?

The Republican leaders must have done a lot of arm twisting over the weekend because when Democrats called for an increase in the minimum wage on another appropriations bill yesterday, not one of those seven who were with us last week, who had the guts to be with us last week, were with us yesterday.

I just cannot understand why the House Republicans refuse to allow a floor vote on minimum wage. They will not do it because they know the American people will not vote for them if they do not increase the rate.

SENIOR INDEPENDENCE ACT

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, today I want to commend Chairman MCKEON of the Energy and Workforce Committee and Congressman TIBERI, who chairs the relevant subcommittee of that committee.

Today, we are going to discuss on suspension a bill that they have created, the Senior Independence Act, which is the reauthorization of the Older Americans Act. They have done excellent work, and I also want to thank Congressman DANNY DAVIS, who has worked with me and I have worked with him to make certain that we also address mental health issues in this bill.

Last winter, I had the pleasure of meeting Suzann Ogland-Hand, who is one of my constituents, and whom I nominated for the White House Conference on Aging. She is a mental health expert, and she helps large numbers of elderly people deal with their mental health problems.

Clearly, this is an issue whose time has come, and I am very pleased that the bill we will be taking up today under suspension includes provisions that will take care of the mental health needs of so many Americans, large and small, and deal with all the different issues that the elderly face.

I commend, again, Mr. MCKEON for bringing this bill to the floor.

□ 1030

WHAT A DIFFERENCE A WEEK MAKES

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, one of my favorite scriptures is, "Let the work I have done speak for me." Mr. Speaker, what a difference a week makes. Last week seven House Republicans joined Democrats in supporting an increase in the minimum wage. Yesterday, when the measure came up in another appropriation bill, they certainly changed their minds and joined the rest of the Republicans in ignoring the needs of 7 million hard-working minimum-wage workers, which begs the question: What exactly happened over the last 7 days to make those seven Republicans change their minds?

They certainly didn't spend any time with minimum-wage workers, otherwise they would have heard how the workers can barely make ends meet, considering that those who work have to work an entire 8-hour shift just to fill up their gas tank, if they are lucky enough to have a car. In the wealthiest country in the world, this is not acceptable.

Mr. Speaker, House Democrats want to expand economic opportunities for 7 million Americans. Let the work we do make a difference for the working men and women in this country.

DEMOCRATS ATTEMPTING TO INCREASE MINIMUM WAGE

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, over the past 5 years, average, hardworking Americans have been ignored by the Republicans in Washington. While House Republicans have been showering their corporate interest friends with tons of tax breaks, they have refused for 9 years, for 9 years, to bring to the floor a vote to increase the minimum wage. It is time that this Congress gave 7 million people across the United States a raise.

Last week the Democrats were successful in adding a minimum wage to the labor appropriation bill, and it was supposed to be on the floor this week, but the House leadership refuses to bring it up. They want to bring it up after the elections. Why would that be? They are afraid if they vote against it, which they need to vote against the minimum wage, the rest of you Americans won't vote for them. So they are going to wait until after the election.

The American people should know that House Democrats are not running away from this issue. In fact, increasing the minimum wage is one of our top priorities.

LINE ITEM VETO WON'T BALANCE BUDGET

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, over the next couple of days we are going to hear a lot from House Republicans about how they are finally being fiscally responsible by giving the President a line item veto. The House Republicans are kidding themselves if they believe this will reverse the fiscal collapse they have presided over the last 5 years.

If House Republicans were really interested in restoring fiscal discipline here in Washington, they would have adopted a 2007 budget that actually balanced the budget in the coming years. Instead, the House Republican budget actually makes the deficit worse, offers no plan to bring the budget back in balance, and adds to the growing burden of the national debt. Thanks to these Republican budgets, the five largest deficits in history will have occurred in these last 5 consecutive years.

Giving President Bush a line item veto will not change the course. Instead, we need to go in a new direction. House Democrats offered an alternative that balanced the Federal budget by 2012. Our proposal also restored pay-as-you-go rules that were so successful in turning deficits into surpluses in the 1990s. Democrats offered a fiscally sound plan, but Republicans rejected it.

So much for Republican fiscal discipline.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

AMENDING FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5060) to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form, as amended.

The Clerk read as follows:

H.R. 5060

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. DATA WITH RESPECT TO FEDERAL FINANCIAL ASSISTANCE REQUIRED TO BE AVAILABLE FOR PUBLIC ACCESS IN SEARCHABLE AND USER-FRIENDLY FORM.

(a) DATA REQUIREMENTS.—The Director of the Office of Management and Budget shall, as part of the implementation of the Federal Financial Assistance Management Improvement Act of 1999 (Public Law 106–107; 31 U.S.C. 6101 note), work with the Administrator of General Services and other agencies to make available data with respect to Federal financial assistance in accordance with this section and section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note).

(b) MATTERS COVERED.—The Director shall ensure that the data required under subsection (a), at a minimum—

(1) are available on the Internet, from a single website database, at no cost to the public;

(2) contain—

(A) all information and types of information (in this section referred to as "data fields") collected through the Federal Assistance Award Data System, Grants.gov, or any other existing Federal database; and

(B) additional information about each Federal financial assistance award, including program source or funding authority, statutory or regulatory authority, renewability, number of applicants and recipients, type of activity being performed, required measurable outcomes, and any other relevant information;

(3) are in a form that allows for full searching and aggregation of all data fields across all agencies;

(4) include information about Federal financial assistance awards within 30 days after award of the assistance;

(5) identify the Federal financial assistance that a recipient has received during the preceding 10-year period, including an itemized breakdown of that assistance by agency and program source;

(6) include lists of Federal financial assistance awards and the dates and amounts of Federal fund disbursements; and

(7) identify subgrantees that are non-Federal entities.

(c) DOWNLOAD ABILITY.—The Director also shall ensure that the website containing the data allows for the public to download—

(1) results of searches; and

(2) the entire database on a quarterly basis.

(d) PERIOD COVERED.—For purposes of subsection (b)(5), the first 10-year period to be covered shall begin with the year 2006.

(e) DEFINITIONS.—In this Act:

(1) The term "Federal financial assistance" has the same meaning as defined in section 7501(a)(5) of title 31, United States Code, except that, in applying such definition, the term "non-Federal entity" has the meaning provided in paragraph (2).

(2) The term "non-Federal entity" means a State, local government, nonprofit organization, corporation, association, partnership, limited liability company, limited liability partnership, or any other legal business entity.

(f) COMPLIANCE REQUIREMENT.—The website database made available pursuant to this section shall not be considered in compliance with this section if it only provides electronic links to the Federal Assistance Award Data System, Grants.gov, or other existing websites and databases, unless each of those sites has information from all agencies and meets the requirements of subsections (b) and (c).

(g) EFFECTIVE DATE.—The data shall be available for public use not later than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS), and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Majority Whip ROY BLUNT and I introduced H.R. 5060, which would amend the Federal Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user-friendly form. The bill would require the Office of Management and Budget to create a Web site for all grant awards to be displayed in a format that would be easily accessible and free of charge. Each award would be required to be listed on the Web site within 30 days of its enactment.

No such real-time disclosure is required today of grant awards, and available data is often untimely. Currently there is no central database of all entities receiving Federal funds, including the nearly 30,000 organizations that are awarded nearly $300 billion in Federal grants each year. In fact, several agencies have taken different approaches to making public information about grantees, and often little or no information is available on line.

Our bill would put the framework in place for increased sunshine on the Federal grant process, allowing anyone with access to the Internet to review and search Federal assistance awards, thus providing greater transparency to the grant-making process.

I congratulate my friend and colleague, the gentleman from Missouri, for recognizing the importance of this issue and working so hard to bring this measure forward. I also want to thank my ranking member Mr. WAXMAN for working to move this legislation forward in a bipartisan way. This bill adds much-needed transparency to the Federal grant process. I also want to thank Mr. DAVIS, too, my colleague from Illinois, for his assistance in this.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the chairman of the Government Reform Committee, Chairman DAVIS, in consideration of H.R. 5060, which calls for the creation of a new searchable database of all Federal grants to be made publicly available on the Internet.

I have always had serious concerns about any decision to bring a bill to the floor without the opportunity for hearings or other committee consideration, but I have been very pleased with Majority Whip BLUNT and Chairman DAVIS' willingness to work together over the past week to address problems with the bill and to make revisions.

As revised, the bill will require the Office of Management and Budget to develop a database that would be useful to individuals and organizations researching Federal grant funding. The database will provide a complete record of Federal grant funding, including information about grantees and the purpose and requirements of each grant. The requirement that the database be fully searchable and available for download is also most important.

As Members of Congress, we have a responsibility to increase public understanding of Federal spending and public access to information about how taxpayer dollars are spent. Currently the public has access to a data system, the Federal Assistance Award Data System, that provides limited information about domestic grants, but this system is unwieldy and difficult to use. Under this bill public oversight of Federal spending will increase.

The bill is a step in the right direction, but it is missing a key component that is essential to public oversight. I had hoped that the legislation we are considering today would have required that information on Federal contracts be included in the database or in a similar separate database of Federal contracts. As Federal contract spending increases, there is a vital need for the public to be able to track and understand this spending.

As with the Federal Assistance Award Data System for grants, there is a publicly available database of contracts, the Federal Procurement Data System, but it, too, is plagued with problems. This data system is often incomplete, and, like the grant data system, is unwieldy and difficult to use. Currently it is virtually impossible for the public to accurately track Federal contract spending.

I understand that Chairman DAVIS has agreed to work on improving the FPDS with Ranking Member WAXMAN and others in order to make Federal contract information freely and easily accessible to the public. I, quite frankly, look forward to this collaboration, and I hope that when the new database of Federal grants is made available on a Web site for the public to search and download at no charge, there will also be a new FPDS system or other new contracts database made available that is just as accessible and usable as the new grants database that we are dealing with.

I want to again commend the chairman of the Committee on Government Reform and Oversight and its ranking member, Mr. WAXMAN, for the tremendous leadership that they both provide in a very bipartisan way. I think that is one of the reasons that you see us down here so often with bills that have come through that committee ready for passage on the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank my friend for his kind words and also thank him for his many, many contributions to the committee and the bipartisan approach we have taken to issues.

Mr. Speaker, I yield such time as he may consume to the majority whip, the gentleman from Missouri (Mr. BLUNT), who is the chief author of this legislation.

Mr. BLUNT. I thank the chairman for yielding, Mr. Speaker, and I also thank Mr. DAVIS for his generous comments and his hard work on this bill.

Over the past several months, Mr. Speaker, we have had good discussions in the House about earmarks and earmark reform. The House has committed to pass and will pass earmark reform to increase sunshine on the earmark process, yet there is another process in the Federal Government that, despite spending over $300 billion a year, has almost no disclosure. That is really the purpose of this bill.

Each year the Federal Government gives out thousands of grants to various organizations and entities. All told, about 30,000 organizations a year receive grants, yet there is no central system available to the public or even to the Congress to determine who is receiving these taxpayer funds and how they are being spent.

Chairman DAVIS and I have introduced H.R. 5060, the bill we are considering today, to correct this. This legislation requires the Office of Management and Budget to establish a searchable public Web site listing all recipients of Federal financial assistance, such as grants and loans. Within 30 days of a grant award, the following information would be available to the public through this single site on the Internet and should be and would be required by law to be easily searchable:

There would be the name of the grantee and the subgrantees who have received the award; an itemized breakdown of that assistance by agency and program source; and all of the grants that the grantee has received in the past 10 years.

This database will serve as an invaluable tool enabling Congress, the public, and the media to easily determine who is receiving taxpayer funds. This information will be critical in uncovering wasteful spending and ensuring compliance with existing Federal laws, including the 1995 Lobbying Disclosure Act.

There are numerous examples of wasteful government grants, such as millions of dollars spent by the National Institute of Mental Health to study what makes a meaningful day for college students or to study how college students decorate their dorm rooms.

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I was a college president for 4 years, and I will tell you that is a study that is not only not worth having, but something that nobody wants to know about.

Often such waste has been uncovered by the inspector general from the various agencies, such as an effort made by the inspector general in 2003 that resulted in an EPA grant from the 1990s, where $700,000 was spent, was granted, without any knowledge of what work the recipient was going to perform. Under this law, that information will become publicly and quickly available.

This bill will empower everybody with access to the Internet to begin reviewing Federal grants and other forms of taxpayer assistance to look for such waste, fraud and abuse. This, in turn, will help us become better stewards of taxpayer funds.

This legislation will also help to ensure that Federal laws are adhered to by those receiving Federal funds. Frequently, Federal law imposes various restrictions or requirements on Federal grantees. For example, Congress has required that entities receiving funds under our global AIDS programs have a firm policy opposing prostitution and sex trafficking. Yet last year, the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources uncovered that a USAID grantee was subgranting taxpayer funds to an organization that was pro-prostitution. This bill requires grantees to also disclose their subgrantees, thus making it easier to ensure compliance with important Federal policies like those that would be applicable to this and other funds.

This legislation will also ensure compliance with existing lobbying restrictions. The 1995 Lobbying Disclosure Act prohibits organizations that receive Federal grants from lobbying, even with their own funds. The restriction has been difficult to enforce. This access to information about who gets grants makes it easier to see that the lobbying bill itself is enforced.

It is my belief that this bill will provide important information to all Americans and serve as a powerful to tool to improve how the government spends precious taxpayer funds.

I want to thank Chairman DAVIS and ranking member WAXMAN for their assistance in moving this legislation forward. And in particular, I want to thank the staff of the Committee on Government Reform, particularly Ellen Brown, Mason Alinger, and Ed Puccarella for their tremendous efforts to help my staff with this bill and to improve the bill as it moved through the committee. I urge passage of this bill.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. DREIER. I thank my friend from Branson for yielding, and I rise in strong support of this legislation.

As my colleague knows, we have been focusing on the issue of accountability, transparency and greater disclosure as we look at the challenge of trying to put into place lobby and ethics reform which passed in this House with bipartisan support. We are still working with the Senate on that.

And the notion of oversight is something that is a very important constitutional responsibility that we have. This measure that the distinguished majority whip has pursued is, I believe, very important in recognizing that greater transparency and disclosure is important.

I do appreciate his commitment to ensure that as information comes forward, and his experience for 4 years as a college president demonstrates, that we will not, in fact, have to have a greater degree of transparency on what will be disclosed as to what is existing on the walls of those college dormitories. But I do believe that the American people should have an opportunity to gain access to as much information as possible when it deals with the awarding of these grants.

I thank Chairman DAVIS and Mr. DAVIS and Mr. WAXMAN and all who have been involved in this and believe that it very importantly gets right at our core constitutional responsibility. I think this is a very, very helpful measure, and I urge my colleagues to support it.

Mr. BLUNT. I thank the gentleman for his comments, his support of the bill and his clear understanding that as we bring transparency to the process of spending, that to not have transparency where most of the money is really spent would be a huge, huge gap in our efforts to make it easier to see how government money is spent, to see that it is more accountable and that we have a real way to access that, and the public as well as the Congress has a way to access that.

I thank the chairman and Mr. WAXMAN for the great work they have done to advance this bill.

Mr. TOM DAVIS of Virginia. And as we shed more light and sunshine on congressional earmarks, grants are essentially executive earmarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, first, let me thank Chairman DAVIS and our majority whip, Congressman BLUNT, for their leadership on this important legislation. I particularly want to thank the whip for making sure that this gets to the floor.

Our chairman knows and is regularly hearing our frustrations at the subcommittee level in Government Reform and Oversight because it has been so hard to get information from this administration. It was not easy from the last administration, either; and this is basic information that is necessary to do oversight.

So I rise in support of this bill and I thank the chairman for being persistent in backing up the subcommittee chairman in trying to receive this grant information in a searchable and user-friendly form.

Let me illustrate why H.R. 5060 is necessary.

We battled this with multiple agencies, whether it is the faith-based category as they give grants, National Parks, we have battled it in all kinds of narcotics oversight, but let me illustrate the specifics and detail in one of the most frustrating processes that I have ever dealt with that our majority whip just referred to in his statement.

In my capacity as chairman of the Committee on Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources on October 6, 2005, I sent a letter to USAID seeking information about its funding of the pro-prostitution nongovernmental organization called SANGRAM in violation of Public Law 108–25, the United States Leadership Against HIV–AIDS, Tuberculosis, and Malaria Act of 2003.

According to an unclassified State Department memorandum obtained by subcommittee staff, Restore International, an anti-trafficking NGO that works with law enforcement agencies in India, was confronted by an USAID-funded NGO, SANGRAM, while the former attempted to rescue and provide long-term care for child victims of sex trafficking. The confrontation led to the release of 17 minor girls, victims of trafficking, into the hands of traffickers and trafficking accomplices. Now get this, a tax-funded organization in violation of Federal law forced the release of girls who were being rescued from sex trafficking. They were victims of trafficking and they turned them back to the traffickers and trafficking accomplices.

According to this memorandum, SANGRAM "allowed a brothel keeper into a shelter to pressure the girls not to cooperate with counselors. The girls are now back in the brothels, being subjected to rape for profit."

On November 16, 2005, a USAID briefer asserted to the Government Reform Committee staff that USAID had "nothing to do with" the grant to the pro-prostitution SANGRAM, and that the committee's inquiries were "destructive." The subcommittee is now in possession of documents that demonstrate that USAID must provide a revised briefing to Congress on its true role.

These documents prove that USAID money financed the pro-prostitution SANGRAM through a second organization named Avert, which was established with the assistance of four USAID employees as a pass-through entity. USAID has held the ex-officio vice chairmanship of Avert since inception.

According to these documents, the USAID board member of Avert voted twice to award funding to SANGRAM, once on July 27, 2002, and again on December 3, 2004, the last time being some 18 months after the provisions of Public Law 108–25 prohibited taxpayer funding of pro-prostitution like SANGRAM.

That SANGRAM was a high-risk candidate for not complying with Public Law 108–25 should have been no surprise to USAID. SANGRAM was a cosigner, along with many other high-risk candidates, of a May 18, 2005, letter to President Bush opposing the anti-prostitution pledge.

Subcommittee staff found posted on a USAID-sponsored Web site a 5-year-old report from SANGRAM that states: "We believe that when involuntary initiation into prostitution occurs, a process of socialization within the institution of prostitution exists. whereby the involuntary nature of the business changes increasingly into one of active acceptance, not necessarily with resignation. This is not a coercive process."

I agree with President Bush that "it takes a special kind of depravity to exploit and hurt the most vulnerable members of society. Human traffickers rob children of their innocence; they expose them to the worst of life before they have seen much of life. Traffickers tear families apart. They treat their victims as nothing more than goods and commodities for sale to the highest bidder."

It is inconceivable that an organization like SANGRAM could have received funding from the American taxpayer had USAID put in place an adequate management system to carry out Public Law 108-25.

On December 13, 2005, a large briefing team from the State Department and USAID met with staff from my subcommittee in order to demonstrate ownership of the problem and lay out corrective measures being taken. To my dismay and astonishment, the briefers were not prepared to discuss and exhibited little knowledge of the pass-through entity known as Avert that USAID has established and which served as the mechanism whereby NGOs in India were monitored and financed with American tax dollars.

Subcommittee staff knew more than the State Department USAID briefing team about this matter, thanks to Google searches on the Web for critical documents that had not been provided to the subcommittee by the administration.

At that meeting, USAID was requested by the subcommittee staff to establish an electronic registry for grantees and subgrantees to facilitate oversight by USAID Washington as well as by Congress and ensure compliance with the Federal law. That request has not been honored.

In the months since that December 13 appeal was made for an electronic registry, the subcommittee request has inspired two pieces of legislation: First in the other body, and the second we are debating here today. This scandal of financing pro-prostitution groups by USAID was highlighted by the authors in both Chambers as illustrating the need for this legislation.

On April 7, I asked USAID in writing to provide legal advice to make certain that all USAID grantees and subgrantees would be captured by H.R. 5060. That request, too, has not been honored.

I, for one, am out of patience having to wait months for agencies to reluctantly produce documents to shed light on how questionable projects are funded.

I ask my colleagues to support H.R. 5060 and begin the process of bringing sunshine on the processes of unelected bureaucrats doling out grants to questionable organizations.

Mr. TOM DAVIS of Virginia. Mr. Speaker, in conclusion, I again thank Mr. WAXMAN and his staff and Mr. DAVIS for being here, and all of the staff on the Government Reform Committee on the minority side, Anna Luitin, Christopher Davis, Robin Appleberry, and Brian Cohen for their contributions to this legislation as well. We thank you for working with us.

I would just add that I would urge all Members to support the passage of H.R. 5060, as amended.

Mr. WAXMAN. Mr. Speaker, H.R. 5060 requires the Office of Management and Budget to create a web-based database of Federal grants.

I want to thank Majority Whip BLUNT and Chairman DAVIS for working with us to make changes to the bill as originally drafted. Based on these revisions, I am supporting the bill.

As modified, H.R. 5060 will create a robust, fully searchable database of all Federal grants that is free for members of the public to use. The database will contain a significant amount of information about each grant awarded—including details about the grantee, the process under which the grant was awarded, as well as the purpose and requirements of the grant.

Currently, there is an existing grants data system that is available to Members of Congress. The database that will be created under H.R. 5060 is an improvement over this existing system in two key ways: it will include more information and it will be available to the public, not just Members of Congress. As a result, this database will serve as a useful tool for individuals and organizations hoping to understand how the Federal Government distributes funds.

There is also an urgent need to improve the existing database of Federal contracts. Earlier this week, I released a report finding that the "shadow government" of private companies working under Federal contract has exploded in size over the past 5 years. Far more taxpayer dollars now go to contracts than to grants.

I had hoped that we would be able to add language improving the current contracts database, the Federal Procurement Data System, to this bill. The FPDS can be hard to use and is not fully accurate. Although it contains a significant amount of information about Federal contracts, it is not easily or freely searchable by members of the public. It must be fixed in order to provide the public with the ability to truly understand the role of contracts in the Federal Government.

We were not able to reach agreement on language to add a contracts database to this legislation. But Chairman DAVIS has pledged to work with me to address this issue in separate legislation.

Again, I want to thank the Majority Whip and the Chairman for working with us to amend H.R. 5060, and look forward to continuing this collaboration as we address the problems with the existing database of Federal contracts.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 5060, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SECOND HIGHER EDUCATION EXTENSION ACT OF 2006

Mr. KELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5603) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read as follows:

H.R. 5603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Second Higher Education Extension Act of 2006".

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "June 30, 2006" and inserting "September 30, 2006".

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5603.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5603, the Second Higher Education Extension Act of 2006. This bill will provide a clean extension of the Higher Education Act for 3 months. This bill enjoys bipartisan support and is cosponsored by the chairman and ranking members of the full Education Committee and the Higher Education Subcommittee.

On March 30, 2006, the House of Representatives completed its work and passed the College Access and Opportunity Act to fully reauthorize the Higher Education Act. We strengthened Pell Grants, improved the Perkins Loan program, and expanded access for millions of American students.

However, the Senate has not yet acted to reauthorize the Higher Education Act. The Senate should soon act to pass the reauthorization bill so we can have these important higher education reforms signed into law during this session of Congress.

Mr. Speaker, this is a clean extension that will allow the important programs of the Higher Education Act to continue past their current June 30, 2006, expiration date until September 30, 2006. Programs like Pell Grants and Perkins Loans are the passports out of poverty for millions of American students. We must not break our commitment to higher education.

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I urge my colleagues to vote "yes" on H.R. 5603.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 5603, a 3-month extension of the Higher Education Act. I have enjoyed working with the new chairman of the subcommittee Mr. KELLER on this bill.

This bill, in essence, temporarily extends the last portions of the Higher Education Act not reauthorized in the reconciliation package.

During the 1998 reauthorization, I had the opportunity to work closely with Chairman MCKEON, now chairman of the full committee, in crafting a bipartisan bill. Our reauthorization attempts this Congress have been a little more rocky than in 1998. Most of the hard-hitting changes to the Higher Education Act and student aid have already been passed in reconciliation, which I opposed. That action forever removed nearly $12 billion from student aid programs and missed an opportunity to reinvest in students who are already struggling to pay for college.

In response, along with Representative MILLER, I recently introduced a bill called the Reverse the Raid on Student Aid Act, H.R. 5150. This bill would have cut interest rates in half for students and parents taking out subsidized loans, the borrowers most in need. This bill would save the average borrower already saddled with $17,500 in debt $6,600 over the life of their loan.

The consideration and passage of the Reverse the Raid on Student Aid Act is a critical investment in our global competitiveness and would offer real relief to students and families in need.

Let's set the record straight on Pell. Today we will hear about Republican support of Pell Grants. Yes, overall, spending on Pell Grants is on the rise, but Pell Grants are semientitlement programs, which means that if eligible students apply for Federal financial aid, they automatically get a Pell Grant. The increased spending they referred to is not because we are doing more to help individual students struggling to pay for college; this is because more students qualify, and more students are going to college. In other words, Mr. Speaker, we have more poor students that need our help.

In reality, the individual Pell Grant has seen no meaningful increase in the last 5 years. In fact, Pell Grants today are worth $900 less in inflation-adjusted terms than they were in the 1975–1976 school year.

Until the appropriators restore the actual buying power of the Pell Grant to the $5,100 level promised by our President 6 years ago, we have not done anything meaningful in helping the students and families struggling to pay for college.

As we worked towards reauthorizing the remainder of the higher education through H.R. 609 in March, I had hoped we could change the tone of debate and act in the interest of the students that the Higher Education Act was intended to help. Unfortunately, in the end, my concerns in the bill still far outweighed any benefit. The bill that was considered was not something I considered comfortable to support, and, for that reason, opposed it.

Again, I would like to thank Chairman KELLER and Chairman MCKEON for offering H.R. 5603, the 3-month extension of the Higher Education Act. And because we still have time to work on this, and hopefully things can change, we can achieve some repair work, repair of the reconciliation act. I will support this and have cosponsored the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield as much time as he may consume to the gentleman from California, the chairman of the full Education and Workforce Committee, Mr. MCKEON.

Mr. MCKEON. Mr. Speaker, I thank the subcommittee chairman for his works on bringing this bill to the floor, and thank Mr. KILDEE for his work in supporting the bill.

It is important that we extend this act and give the Senate time to act on the bill, so I would encourage all of our colleagues to support the bill to help our young people get the education they need to realize the American dream.

Mr. Speaker, I rise in support of H.R. 5603, the Second Higher Education Extension Act of 2006. I thank the Chairman of the 21st Century Competitiveness Subcommittee, Mr. KELLER, for his work on this bill, as well as his consistent efforts on behalf of our Nation's college students and their families.

Discretionary programs under the Higher Education Act will expire on June 30, 2006, and this legislation before us simply extends the programs for an additional three months.

Earlier this year, when the Deficit Reduction Act was signed into law, we authorized the Act's mandatory spending programs. In the process, we reduced lender subsidies; increased loan limits for students; simplified the financial aid process; and provided additional resources for needy students studying math, science, and critical foreign languages in college. And we managed to achieve all that while also making certain that student aid programs operate more efficiently, saving U.S. taxpayers billions of dollars.

In March, the House backed H.R. 609, the College Access & Opportunity Act, which would reauthorize the remaining programs under the Higher Education Act. This bill would strengthen the Pell Grant program, empower parents and students through "sunshine" and transparency in college costs and accreditation, improve college access programs, and much more. I am hopeful that our friends on the other side of the Capitol will act on these reforms soon so these extensions will become a thing of the past.

In the meantime, however, Congress again must act to extend the Higher Education Act, which we have done previously on several occasions and with bipartisan support. The Second Higher Education Extension Act will ensure that vital Federal college access and student aid programs continue to serve those students who depend upon them. At the same time, the bill also gives our Senate colleagues additional time to complete a renewal of the Higher Education Act.

Mr. Speaker, we are facing new realities in an increasingly competitive global economy. U.S. workers of today are no longer just competing with one another for jobs, but also against counterparts across the globe. One avenue we have for tackling today's new climate is through education in general, but more significantly through higher education. That's why the Federal investment in the Higher Education Act is so vital. Our Nation has millions of low and middle income students aspiring to go to college. They not only deserve an opportunity to educate themselves, but we personally depend on their having that opportunity.

I encourage my colleagues to support the bill before us today and continue to work toward a fundamental reform package so that we can better serve American students pursuing the dream of a college education.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, almost 3 months to the day, I stood here in support of the third extension to the Higher Education Act with the hope that it would be the last short-term measure we needed to pass before we finally produced an improved bipartisan and long overdue reauthorization bill that reflects the best interest of America's college students.

I now rise in support of H.R. 5603 with a different hope, that the pending version of the Higher Education Act that the House passed in late March does not advance in the Senate, and that during the next session of Congress, under a new majority, we start over by making this legislation truly about increasing access and affordability.

On July 1, student borrowers will be burdened with a higher interest rate on their loans as a result of the administration's fiscal irresponsibility. Student loan interest rates are based on the 91-day T-bill, which is directly tied to the status of our economy. Based on today's current T-bill, interest rates for student borrowers who do not consolidate by July 1 will jump from 5.3 percent to 7.14 percent, which is a 34 percent increase in the rate.

Record-breaking budget deficits, tax breaks for the wealthiest Americans, and an economic policy flawed by fiscal irresponsibility have resulted in higher interest rates and our Nation's students having to pay for the mistakes of this administration and this Congress.

Last year the House leadership chose to cut student loans to the tune of $12 billion through the Deficit Reduction Act. With those cuts in the budget reconciliation bill, and now with higher interest rates on student loans, we are sending a message to America's students and their families that they are no longer among this Nation's top priorities.

As high school graduates and their proud parents calculate how they can squeeze college costs into their budget, they are discovering that it is an uphill climb for most families, made tougher by new higher interest rates.

Mr. Speaker, I support this extension that we are considering here today, but I do not support the direction and actions of this Congress as it relates to higher education. We must do more to ensure that every qualified student has the chance to go to college.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, the last couple of weeks and months have been times of mixed emotions for a lot of American families. Many people got the thick envelope in the mail that told them they were accepted to the school they really want to get into. And then it became time to figure out how to pay for it.

Now, a few families were fortunate enough, very few families were fortunate enough, they have enough income to meet the tuition payment. Others immediately went down to the bank and made a home equity loan application to figure out a way to borrow enough money to send their son or daughter to school. Others weren't so fortunate and had to decide some other course, maybe including not going to school at all. And then others who are themselves already parents who are raising children and working full time just can't figure out a way to do it without putting themselves so far in debt that it makes no sense to get an education.

This bill is a missed opportunity to address that problem. There were significant savings generated in the student loan programs that were thrown away by the reconciliation bill, the budget-cutting bill passed by this Congress late in 2005. Money that could have been used to raise loan limits, eliminate origination fees, expand programs where people can pay back their loan as a function of their income, money that could have been used to increase Pell Grants was instead put into the economic priorities of this majority: tax cuts for the very wealthy, subsidies for corporate America and misadventures around the world. So here we are feebly extending existing terms of this bill, while millions of American families struggle with the very real problem of how to pay for a higher education.

This is a missed opportunity. It calls for a radical change in the country's priorities away from tax breaks for the wealthy, away from welfare for corporate America, away from misadventures around the world, toward educating and investing in the people of this country. Those changes in priorities are coming.

Mr. KILDEE. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Ms. McCOLLUM of Minnesota. Mr. Speaker, today the House will temporarily extend for 3 months the Higher Education Act. I rise today to support this extension and to express my concern for the dangerous direction in which this Congress has taken our country's college students and our Nation's valued higher education system.

The Republican leadership has failed college students and their families by pushing through a reauthorization bill that does nothing to make college more affordable as tuition continues to increase at a rate faster than inflation. Instead of helping students and families deal with the rising price to attend college, Republicans also passed legislation cutting $12 billion from the student loan program—the largest cut in the history of federal student financial aid.

In addition to cutting Federal aid, the Republican leadership has made loans more expensive. And the bad news keeps coming. Recent reports confirm what struggling families already know—students and families are going deeper and deeper into debt to finance a college education. The Project on Student Loan Debt, a non-profit advocacy group, has found that the percentage of graduate seniors who have debt loads of $40,000 or more have increased from 1.3 percent to 8 percent between 1993 and 2004.

Another recent report done by the Public Interest Research Group's Higher Education Project shows that 25 percent of public school graduates and 38 percent of private school graduates who become new teachers can't afford to pay their student debt on their salaries. Social workers in the same situation number even more—37 percent of public and 55 percent of private school graduates can't afford their student loan payments. More and more students are graduating with student loan debt numbers in the six figures. This is unmanageable and unfair and Congress can be a better partner in making the possibility of going to college more attainable—especially for middle- and low-income students.

Another troubling statistic has emerged—during the 2004–2005 school year—student borrowing of private loans increased by 30 percent. Private student loans are often used to bridge the gap between traditional financial aid and the cost of tuition—but they are more costly to students and families. In addition to being costlier, these private loans do not share some of the features of Federal student loans that are backed by the government, including deferment of payments and the rates at which interest may accrue.

What's more, starting July 1, Federal student loans will carry a higher fixed interest rate of 6.8 percent, an increase from the current 5.3 percent. That's why I support Democratic plans to provide substantive increases to the Pell Grant and to cut the student loan interest rates in half. As a co-sponsor of the Reverse the Raid on Student Aid Act, I believe that Congress can be a better partner for those students and their families who—as we debate these very issues that affect them—are sitting at kitchen tables across the country trying to figure out how to piece together the finances to attend college this fall.

There is some good news in this extension. The good news is that the current law that will be extended today is better than the Republican bill to reauthorize the Higher Education Act, H.R. 609, which does nothing to make college more affordable for students—the expressed purpose of the Higher Education Act. It makes no sense to make college more expensive by amending a law that exists to promote access to a college education.

College students should not be forced to bear the weight of President Bush's and this Republican Congress's irresponsible fiscal policies that have slashed student aid in order to pay for tax cuts that only benefit one percent of the nation's wealthiest. As I've stated in earlier extensions—today, this temporary extension is necessary, but I will continue to work to ensure that students will not be forced to pay for this enormous deficit now through financial aid cuts—or in the future as taxpayers.

Mr. KELLER. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and pass the bill, H.R. 5603.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4755

Mr. McKEON. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor from the bill, H.R. 4755.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SENIOR INDEPENDENCE ACT OF 2006

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5293) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senior Independence Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Establishment of Administration on Aging.
Sec. 4. Functions of the Assistant Secretary.
Sec. 5. Federal agency consultation.
Sec. 6. Administration.
Sec. 7. Evaluation.
Sec. 8. Reports.
Sec. 9. Contractual, commercial and private pay relationships; appropriate use of Act funds.
Sec. 10. Nutrition education.
Sec. 11. Pension counseling and information programs.
Sec. 12. Authorization of appropriations.
Sec. 13. Purpose; administration.
Sec. 14. Authorization of appropriations; uses of funds.
Sec. 15. Organization.
Sec. 16. Area plans.
Sec. 17. State plans.
Sec. 18. Payments.
Sec. 19. Nutrition services incentive program.
Sec. 20. Consumer contributions.
Sec. 21. Supportive services and senior centers program.
Sec. 22. Nutrition service.
Sec. 23. Congregate nutrition program.
Sec. 24. Home delivered nutrition services.
Sec. 25. Criteria.
Sec. 26. Nutrition.
Sec. 27. Evaluation of nutrition projects.
Sec. 28. Improving indoor air quality to buildings where seniors congregate.
Sec. 29. Caregiver support program definitions.
Sec. 30. Caregiver support program.
Sec. 31. Activities of national significance.
Sec. 32. Title IV grant programs.
Sec. 33. Career preparation for the field of aging.
Sec. 34. Health care service demonstration projects in rural areas.
Sec. 35. Demonstration projects for multigenerational activities.
Sec. 36. Native American programs.
Sec. 37. Multidiciplinary centers.
Sec. 38. Responsibilities of Assistant Secretary.
Sec. 39. Community service employment-based training for older Americans.
Sec. 40. Native Americans caregiver support program.
Sec. 41. Vulnerable elder rights protection activities.
Sec. 42. Native American organization provisions.
Sec. 43. Elder abuse, neglect, and exploitation prevention.
Sec. 44. Technical amendments.

SEC. 2. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) by amending paragraph (10) to read as follows:

"(10) The terms 'assistive device', 'assistive technology', and 'assistive technology service' have the meanings given such terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).",

(2) by amending paragraph (12)(D) to read as follows:

"(D) evidence-based health promotion programs, including programs related to the prevention and mitigation of the effects of chronic disease (including osteoporosis, hypertension, obesity, diabetes, and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, stress management, falls prevention, physical activity, and improved nutrition through the consumption of a healthful diet and multivitamin-mineral supplementation;",

(3) in paragraph (29)(E)—

(A) in clause (i) by striking "and" at the end,

(B) in clause (ii) by striking the period at the end and inserting "; and" , and

(C) by adding at the end the following:

"(iii) older individuals at risk for institutional placement.",

(4) by amending paragraph (24) to read as follows:

"(24) The term 'exploitation' means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual that uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets.",

(5) by amending paragraph (34) to read as follows:

"(34) The term 'neglect' means—

"(A) the failure of a caregiver or fiduciary to provide goods or services that are necessary to maintain the health or safety of an elder; or

"(B) self neglect.",

(6) by redesignating paragraphs (1) through (43) as paragraphs (43), (7), (48), (37), (25), (26), (52), (13), (46), (8), (28), (12), (1), (2), (3), (5), (6), (10), (24), (35), (11), (14), (15), (17), (19), (20), (21), (22), (27), (29), (30), (32) (33), (36), (38), (39), (40), (41), (42), (49), (51), (18), and (47), respectively,

(7) by transferring such paragraphs so as to arrange them in numerical order as so redesignated,

(8) by inserting after paragraph (3), as so redesignated the following:

"(4) The term 'Aging and Disability Resource Center' means a program established by a State as part of the State's system of long-term care, to provide a coordinated system for providing—

"(A) comprehensive information on available public and private long-term care programs, options, and resources;

"(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

"(C) consumer access to the range of publicly-supported long-term care programs for which they may be eligible, by serving as a convenient point of entry for such programs.",

(9) by inserting after paragraph (8), as so redesignated, the following:

"(9) The term 'at risk for institutional placement' means, with respect to an older individual, that such individual is unable to perform at least two activities of daily living without substantial human assistance (including verbal reminding, physical cuing, or supervision) and is determined by the State to be in need of placement in a long-term care facility.",

(10) by inserting after paragraph (15), as so redesignated, the following:

"(16) The term 'elder justice' means efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation and to protect elders with diminished capacity while maximizing their autonomy.",

(11) by inserting after paragraph (22), as so redesignated, the following:

"(23) The term 'Hispanic serving institution' has the meaning as defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101A).",

(12) by inserting after paragraph (30), as so redesignated, the following:

"(31) The term 'long-term care' means any services, care, or items (including assistive devices), including disease prevention and health promotion services, in-home services, and case management service—

"(A) intended to assist individuals in coping with, and to the extent practicable compensate for, functional impairments in carrying out activities of daily living;

"(B) furnished at home, in a community care setting (including a small community care setting as defined in subsection (g)(1), and a large community care setting as defined in subsection (h)(1), of section 1929 of the Social Security Act (42 U.S.C. 1396t)), or in a long-term care facility; and

"(C) not furnished to prevent, diagnose, treat, or cure a medical disease or condition.",

(13) by inserting after paragraph (33), as so redesignated, the following:

"(34) The term 'multivitamin-mineral supplement' means a dietary supplement that provides at least two-third's of the essential vitamins and minerals at 100 percent of the daily value levels as determined by the Food and Drug Administration.",

(14) by inserting after paragraph (43), as so redesignated, the following:

"(44) The term 'self-directed care' means an approach to providing services (including programs, benefits, supports, and technology) under this Act intended to an older individual to assist such individual with activities of daily living, in which

"(A) such services (including the amount, duration, scope, provider, and location of such services) are planned, budgeted, and purchased under the direction and control of such individual;

"(B) such individual is provided with such information and assistance as necessary and appropriate to enable such individual to make informed decisions about his or her care options;

"(C) the needs, capabilities, and preferences of such individual with respect to such services, and such individual's ability to direct and control his or her receipt of such services, are assessed by the area agency on aging (or other agency designated by the area agency on aging);

"(D) based on the assessment made under subparagraph (C), the area agency on aging (or other agency designated by the area agency on aging) develops together with such individual and his or her family, caregiver, or legal representative—

"(i) a plan of services for such individual that specifies which services such individual will be responsible for directing;

"(ii) a determination of the role of family members (and others whose participation is sought by such individual) in providing services under such plan; and

"(iii) a budget for such services; and

"(E) the area agency on aging or State agency provides for oversight of such individual's self-directed receipt of services, including steps to

ensure the quality of services provided and the appropriate use of funds under this Act.

"(45) The term 'self-neglect' means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

"(A) obtaining essential food, clothing, shelter, and medical care;

"(B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

"(C) managing one's own financial affairs.", and

(15) by inserting after paragraph (49), as so redesignated, the following:

"(50) The term 'State system of long-term care' means the Federal, State, and local programs and activities administered by a State that provide, support, or facilitate access to long-term care to individuals in such State.".

SEC. 3. ESTABLISHMENT OF ADMINISTRATION ON AGING.

Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

"(e)(1) The Assistant Secretary may designate within the Administration responsibility for elder abuse prevention and services.

"(2) It shall be the duty of the assistant secretary, acting through the person designated with responsibility for elder abuse prevention and services, to develop objectives, priorities, policy, and a long-term plan for—

"(A) carrying out elder justice programs and activities relating to—

"(i) elder abuse prevention, detection, treatment, and intervention, and response;

"(ii) training of individuals regarding the matters described in clause (i); and

"(iii) the improvement of the elder justice system in the United States;

"(B) collecting and disseminating data relating to the abuse, neglect, and exploitation of older individuals;

"(C) disseminating information concerning best practices regarding, and providing training on, carrying out activities related to abuse, neglect, and exploitation of older individuals;

"(D) conducting research related to abuse, neglect, and exploitation of older individuals;

"(E) providing technical assistance to States and other eligible entities under title VII;

"(F) assisting States and other eligible entities under title VII to develop strategic plans to better coordinate elder justice activities, research, and training; and

"(G) promoting collaborative efforts and diminishing duplicative efforts in the development and carrying out of elder justice programs at the Federal, State, and local levels.

"(f)(1) The Assistant Secretary may designate an officer or employee who shall be responsible for the administration of mental health services authorized under this Act;

"(2) It shall be the duty of the Assistant Secretary, acting through the individual designated in paragraph (1), to develop objectives, priorities, and a long-term plan for supporting State and local efforts involving education, prevention, detection, and treatment of mental disorders, including age-related dementia, depression, and Alzheimer's disease and related neurological disorders.".

SEC. 4. FUNCTIONS OF THE ASSISTANT SECRETARY.

Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) in paragraph (5) by inserting "assistive technology," after "housing,",

(B) in paragraph (12)—

(i) by striking "(12)" and inserting the following:

"(12)(A) consult and coordinate activities with the Centers for Medicare & Medicaid Services and other federal entities to implement and build awareness of programs providing benefits affecting older individuals; and

"(B)",

(C) in paragraph (20)—

(i) by striking "and area agencies on aging" and inserting ", area agencies on aging, and service providers",

(ii) by striking "and benefits" and inserting "benefits",

(iii) by inserting "benefits under any other applicable Federal program, or any other service (including technology and internet-based decision support tools) to assist consumers to learn about, to receive benefits under, and to participate in programs for which they may be eligible" after "(7 U.S.C. 2011 et seq.),",

(iv) by inserting "(A)" after "(20)", and

(v) by adding at the end the following:

"(B) provide technical assistance and support for benefits enrollment assistance and outreach to support efforts to inform and enroll low-income older individuals who may be eligible to participate, but who are not participating, in Federal and State programs for which they are eligible, and may in cooperation with Federal partners, make grants or contracts to establish a National Center on Senior Benefits Outreach and Enrollment, which shall—

"(i) maintain and update web-based decision supports and enrollment tools and integrated, person-centered systems designed to inform older individuals about the full range of benefits for which they may be eligible;

"(ii) utilize cost-effective strategies to find and enroll those with greatest economic need;

"(iii) create and support efforts for Aging and Disability Resource Centers, and other public and private State and community-based organizations and coalitions, including faith-based organizations, to serve as enrollment benefit centers;

"(iv) develop and maintain an information clearinghouse on best practices and cost-effective methods for identifying and enrolling limited income older Americans in benefits for which they are eligible; and

"(v) provide, in collaboration with Federal partners administering programs, training and technical assistance on effective outreach, screening, enrollment and follow-up strategies.",

(D) in paragraph (26)—

(i) in subsection (D)—

(I) by striking "gaps in", and

(II) by inserting "(including services that would permit such individuals to receive long-term care in home and community-based settings)" after "individuals", and

(ii) in subsection (E) by striking "and" at the end,

(E) in paragraph (27)—

(i) in subparagraph (B) by adding "and" at the end,

(ii) in subparagraph (C) by striking the semicolon and inserting a period, and

(iii) by striking subparagraph (D), and

(F) by adding at the end the following:

"(28) make available to States, area agencies on aging, and service providers information and technical assistance to support the provision of evidence-based disease prevention and health promotion services.", and

(2) by striking subsections (b) and (c), and inserting the following:

"(b) To promote the development and implementation of comprehensive, coordinated systems at Federal, State, and local levels for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, the Assistant Secretary shall, consistent with the applicable provisions of this title—

"(1) collaborate, coordinate, and consult with other Federal agencies and departments responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and may make grants, contracts, and cooperative agreements with funds received from other Federal entities;

"(2) conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying State systems of long-term care to—

"(A) respond to the needs and preferences of older individuals and family caregivers; and

"(B) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based care settings;

"(3) establish criteria and promote the implementation (through area agencies on aging, service providers, and such other entities as the Assistant Secretary determines to be appropriate) of evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals;

"(4) facilitate, in coordination with the Centers for Medicare & Medicaid Services, the Cash and Counseling National Program Office, and other Federal entities as appropriate, the provision of long-term care in home and community-based settings, including the provision of self-directed care models that—

"(A) provide for the assessment of the needs and preferences of an individual at risk for institutional placement to help such individual avoid unnecessary nursing home placement and depletion of income and assets to qualify for Medicaid eligibility;

"(B) respond to the needs and preferences of such individual and provide the option for the individual (or representative, as appropriate) to direct and control the receipt of support services provided;

"(C) assist an older individual (or a representative, as appropriate) develop a plan for long-term support, including the selecting, budgeting, and purchasing of home and community-based long-term care and supportive services;

(for purposes of this paragraph, the term 'representative' means a person appointed by the eligible individual, or legally acting on the individual's behalf, to represent or advise the individual in financial or service coordination matters);

"(5) provide for the Administration to play a lead role with respect to issues concerning home and community-based long-term care, including—

"(A) directing (as the Secretary or the President determines to be appropriate) or otherwise participating in departmental and interdepartmental activities concerning long-term care;

"(B) reviewing and commenting on departmental rules, regulations, and policies related to providing long-term care; and

"(C) making recommendations to the Secretary with respect to home and community-based long-term care, including recommendations based on findings made through projects conducted under paragraph (2);

"(6) promote, in coordination with other appropriate Federal agencies, enhanced awareness by the public of the importance of planning in advance for long-term care and the availability of information and resources to assist in such planning;

"(7) implement in all States Aging and Disability Resource Centers—

"(A) to serve as visible and trusted sources of information on the full range of long-term care options that are available in the community, including both institutional and home and community-based care;

"(B) to provide personalized and consumer friendly assistance to empower people to make informed decisions about their care options;

"(C) to provide coordinated and streamlined access to all publicly supported long-term care options so that consumers can obtain the care they need though a single intake, assessment and eligibility determination process;

"(D) to help people to plan ahead for their future long-term care needs; and

"(E) to assist, in coordination with the State Health Insurance Assistance Program, Medicare beneficiaries in understanding and accessing the Prescription Drug Coverage and preventative health benefits available under the Medicare Modernization Act;

"(8) establish, either directly or through grants or contracts, national technical assistance programs to assist State agencies, area agencies on aging, and community-based service providers funded under this Act in implementing—

"(A) such home and community-based long-term care systems, including evidence-based programs; and

"(B) such evidence-based health promotion and disease prevention programs;

"(9) develop, in collaboration with the Administrator of the Centers for Medicare & Medicaid Services, performance standards and measures for use by States to determine the extent to which their systems of long-term care fulfill the objectives described in this subsection; and

"(10) conduct such other activities as the Assistant Secretary determines to be appropriate.

"(c) The Assistant Secretary, in consultation with the Corporation for National and Community Service, shall—

"(1) encourage and permit voluntary groups active in supportive services and civic engagement, including youth organizations active at the secondary or postsecondary levels, to participate and be involved individually or through representative groups, in such programs or activities to the maximum extent feasible;

"(2) develop a comprehensive strategy for utilizing older individuals to address critical local needs of national concern, including the engagement of older individuals in the activities of public and nonprofit organizations such as community-based and faith-based organizations; and

"(3) encourage other community capacity building initiatives involving older individuals, with particular attention to initiatives that demonstrate the effectiveness and cost savings in meeting critical needs.".

SEC. 5. FEDERAL AGENCY CONSULTATION.

Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(1) in subsection (a)(3)(A) by striking "(with particular attention to low-income minority older individuals and older individuals residing in rural areas)" and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)", and

(2) in subsection (b)—

(A) in paragraph (17) by striking "and" at the end,

(B) in paragraph (18) by striking the period at the end and inserting "; and", and

(C) by adding at the end the following:

"(19) sections 4 and 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3003–3004).".

SEC. 6. ADMINISTRATION.

Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C) by adding "and" at the end,

(ii) in subparagraph (D) by striking the semicolon at the end and inserting a period, and

(iii) by striking subparagraph (E), and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

"(i) designing, implementing, and evaluating evidence-based programs to support improved nutrition and regular physical activity for older individuals;",

(II) by amending clause (iii) to read as follows:

"(iii) conducting outreach and disseminating evidence-based information to nutrition service providers about the benefits of healthful diets and regular physical activity, including information about the most current Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Food Guide Pyramid published jointly by the Secretary and the Secretary of Agriculture, and advances in nutrition science;",

(III) in clause (vii) by striking "and" at the end, and

(IV) by striking clause (viii) and inserting the following:

"(viii) disseminating guidance that describes strategies for improving the nutritional quality of meals provided under title III, particularly strategies for increasing the consumption of whole grains, lowfat dairy products, fruits and vegetables;

"(ix) developing and disseminating guidelines for conducting nutrient analyses of meals provided in subparts 1 and 2 of part C, including guidelines for averaging key nutrients over an appropriate period of time; and

"(x) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (viii).", and

(ii) by amending subparagraph (C)(i) to read as follows:

"(i) have expertise in nutrition, energy balance, and meal planning; and".

SEC. 7. EVALUATION.

The 1st sentence of section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) is amended to read as follows:

"From the total amount appropriated for each fiscal year to carry out title III, the Secretary may use such sums as may be necessary, but not to exceed ½ of 1 percent of such amount, for purposes of conducting evaluations under this section, either directly or through grants or contracts.".

SEC. 8. REPORTS.

Section 207(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(2)) is amended—

(1) in subparagraph (B) by striking "Labor" and inserting "the Workforce", and

(2) in subparagraph (C) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions".

SEC. 9. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF ACT FUNDS.

(a) Private Pay Relationships; Appropriate Use of Act Funds.—Section 212 of the Older Americans Act of 1965 (42 U.S.C. 3020c) is amended to read as follows:

"SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF FUNDS.

"(a) In General.—Subject to subsection (b), this Act shall not be construed to prevent a recipient of a grant or a contract from entering into an agreement—

"(1) with a profitmaking organization;

"(2) under which funds provided under such grant or contract are used to pay part or all of a cost (including an administrative cost) incurred by such recipient to carry out a contract or commercial relationship for the benefit of older individuals or their family caregivers, whether such relationship is carried out to implement a provision of this Act or to conduct activities inherently associated with implementing such provision; or

"(3) under which any individual, regardless of age or income (including the family caregiver of such individual), who seeks to receive 1 or more services pays, at their own private expense, to receive such services based on the fair market value of such services.

"(b) Ensuring Appropriate Use of Funds.—An agreement described under subsection (a) may not—

"(1) be made without the prior approval of the State agency (or, in the case of a grantee under title VI, without the prior recommendation of the Director of the Office for American Indian, Alaska Native, and Native Hawaiian Aging and the prior approval of the Assistant Secretary);

"(2) directly or indirectly provide for, or have the effect of, paying, reimbursing, or otherwise compensating an entity under such agreement in an amount that exceeds the fair market value of the goods or services furnished by such entity under such agreement;

"(3) result in the displacement of services otherwise available to an older individual with the greatest social need, an older individual with greatest economic need, or an older individual who is at risk for institutional placement; or

"(4) in any other way compromise, undermine, or be inconsistent with the objective of serving the needs of older individuals, as determined by the Assistant Secretary.".

SEC. 10. NUTRITION EDUCATION.

Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended to read as follows:

"SEC. 214. NUTRITION EDUCATION.

"The Assistant Secretary, in consultation with the Secretary of Agriculture, shall conduct outreach and provide technical assistance to agencies and organizations that serve older individuals to assist such agencies and organizations to carry out integrated health promotion and disease prevention programs that are designed for older individuals and that include nutrition education, physical activity, and other activities to modify behavior and to improve health literacy (including information on optimal nutrient intake) through education and counseling in accordance with section 339(2)(J).".

SEC. 11. PENSION COUNSELING AND INFORMATION PROGRAMS.

Section 215 of the Older Americans Act of 1965 (42 U.S.C. 3020e-1) is amended—

(1) in subsection (e)(1)(J) by striking "and low-income retirees" and inserting ", low income retirees, and older individuals with limited English proficiency",

(2) in subsection (f) by amending paragraph (2) to read as follows:

"(2) The ability of the entity to perform effective outreach to affected populations, particularly populations with limited English proficiency and other populations that are identified in need of special outreach.", and

(3) in subsection (h)(2) by inserting "(including individuals with limited English proficiency)" after "individuals".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) is amended—

(1) in subsection (a) by striking "2001, 2002, 2003, 2004, and 2005" and inserting "2007, 2008, 2009, 2010, and 2011.", and

(2) in subsections (b) and (c) by striking "year" and all that follows through "years", and inserting "years 2007, 2008, 2009, 2010, and 2011".

SEC. 13. PURPOSE; ADMINISTRATION.

Section 301(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)(2)) is amended—

(1) in subparagraph (D) by striking "and" at the end,

(2) in subparagraph (E) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(F) organizations with experience in providing senior volunteer services, such as Federal volunteer programs administered by the Corporation for National and Community Service designed to provide training, placement, and stipends for volunteers in community service settings.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) in subsections (a)(1), (b), and (d) by striking "year 2001" and all that follows through "years" each place it appears, and inserting "years 2007, 2008, 2009, 2010, and 2011", and

(2) in subsection (e)—

(A) by striking paragraph (1),

(B) in paragraph (2)—

(i) by striking "(2)" and inserting "(1)", and

(ii) by striking "each of the 4 succeeding fiscal years" and inserting "for fiscal years 2007, 2008, 2009, 2010, and 2011", and

(C) in paragraph (3)—

(i) by striking "(3)" and inserting "(2)", and

(ii) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)".

SEC. 15. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (1)(E) by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" each place it appears and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)",

(2) in paragraph (2)(E) by striking "with particular attention to low-income minority individuals and older individuals residing in rural areas" and inserting "with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas", and

(3) by adding at the end the following:

"(3) the State agency shall, consistent with this section, promote the development and implementation of a comprehensive, coordinated system in such State for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

"(A) collaborating, coordinating, and consulting with other agencies in such State responsible for formulating, implementing, and administering programs, benefits, and services related to providing long-term care;

"(B) participating in any State government activities concerning long-term care, including reviewing and commenting on any State rules, regulations, and policies related thereto;

"(C) conducting analyses and making recommendations, and implementing programs and strategies to modify the State's system of long-term care to better—

"(i) respond to the needs and preferences of older individuals and family caregivers;

"(ii) facilitate the provision of long-term care in home and community-based settings through service providers; and

"(iii) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based care settings;

"(D) implement (through area agencies on aging, service providers, and such other entities as the State determines to be appropriate) evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

"(E) providing for the availability and distribution (through public education campaigns, aging and disability resource centers, area agencies on aging, and other appropriate means) of information relating to—

"(i) the need to plan in advance for long-term care; and

"(ii) the range of available public and private long-term care programs, options, and resources.".

SEC. 16. AREA PLANS.

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" each place it appears and inserting "(with particular attention to low-income older individuals, low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)", and

(ii) by inserting "the number of older individuals at risk for institutional placement residing in such area," after "individuals) residing in such area,",

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

"(i) provide assurances that the area agency on aging will—

"(I) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

"(II) include in the area plan specific objectives for providing services to low-income minority older individuals and older individuals residing in rural areas; and

"(III) include in the area plan proposed methods to achieve such objectives;", and

(II) in clause (ii) by inserting "(including older individuals with limited English proficiency)" after "low income minority individuals" each place it appears; and

(ii) in subparagraph (B)—

(I) by moving the left margin of each of subparagraph (B), clauses (i) and (ii), and subclauses (I) through (VI) of clause (i), 2 ems to the left,

(II) in clause (i)—

(aa) in subclause (V) by striking "and" at the end; and

(bb) by adding at the end the following:

"(VI) older individuals at risk for institutional placement; and", and

(III) by striking "(VI)" and inserting "(VII)",

(C) in paragraph (5) by inserting "and individuals at risk for institutional placement" after "severe disabilities",

(D) in paragraph (6)—

(i) in subparagraph (C)—

(I) in clause (i) by striking "and" at the end,

(II) in clause (ii) by adding "and" at the end, and

(III) by inserting after clause (ii) the following:

"(iii) make use of trained volunteers in providing direct services delivered to elderly and disabled individuals needing such care and, if possible, work in coordination with volunteer programs (including programs administered by the Corporation for National Service) designed to provide training, placement, and stipends for volunteers in community service settings.",

(ii) in subparagraph (D)—

(I) by inserting "family caregivers of such individuals," after "Act,", and

(II) by inserting "service providers, the business community," after "individuals,", and

(iii) by amending subparagraph (F) to read as follows:

"(F) in coordination with the State unit on aging and the State agency responsible for mental health services, increase public awareness of mental health disorders, remove barriers to diagnosis and treatment, and coordinate mental health services provided (including mental health screenings) with funds expended by the area agency on aging with mental health services provided by community health centers and by other public agencies and nonprofit private organizations;",

(E) by amending paragraph (7) to read as follows:

"(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

"(A) collaborating, coordinating, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

"(B) conducting analyses, making recommendations, and implementing programs with respect to strategies for modifying the local system of long-term care to better—

"(i) respond to the needs and preferences of older individuals and family caregivers;

"(ii) facilitate the provision, through service providers, of long-term care in home and community-based settings; and

"(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based care settings;

"(C) implement, through the agency or service providers, evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

"(D) provide for the availability and distribution (through public education campaigns, aging and disability resource centers, and other appropriate means) of information relating to—

"(i) the need to plan in advance for long-term care; and

"(ii) the range of available public and private long-term care programs, options, and resources;",

(F) by striking paragraph (14) and the 2 paragraphs (15),

(G) by redesignating paragraph (16) as paragraph (14), and

(I) by adding at the end the following:

"(15) provide assurances that funds received under this title will be used—

"(A) in a manner, consistent with paragraph (4), that gives priority in furnishing benefits and services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement; and

"(B) in compliance with the assurances specified in paragraph (13) and the limitations specified in section 212(b); and

"(16) provide, to the maximum extent feasible, for the furnishing of services under this Act consistent with self-directed care.",

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), and

(3) by inserting after subsection (a) the following:

"(b)(1) An area agency on aging may include in the area plan an assessment of how prepared

the planning and service area is for any anticipated change in the number of older individual during the 10-year period following the fiscal year for which the plan is submitted. Such assessment may include—

"(A) the projected change in the number of older individuals in the planning and service area;

"(B) an analysis of how such change may affect such individuals, including such individuals with low incomes, such individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

"(C) an analysis of how the programs, policies, and services provided in the planning and service area can be improved, and how resource levels can be adjusted, to meet the needs of the changing population of older individuals in such area; and

"(D) an analysis of how the change in the number of individuals 85 years of age and older is expected to affect the need for supportive services.

"(2) An area agency on aging, in cooperation with government officials, State agencies, tribal organizations, or local entities, may make recommendations to government officials in the planning and service area and the State, on actions determined by the area agency to build the capacity in the planning and service area to meet the needs of older individuals for—

"(A) health and human services;

"(B) land use;

"(C) housing;

"(D) transportation;

"(E) public safety;

"(F) workforce and economic development;

"(G) recreation;

"(H) education;

"(I) civic engagement; and

"(J) any other service as determined by such agency.".

SEC. 17. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (4) by striking "with particular attention to low-income minority individuals and older individuals residing in rural areas" and inserting "low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas",

(2) by striking paragraph (15),

(3) by redesignating paragraph (14) as paragraph (15),

(4) by inserting after paragraph (13) the following:

"(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(A) identify the number of low-income minority older individuals in the State, including the number of low-income older individuals with limited English proficiency; and

"(B) describe the methods used to satisfy the service needs of such minority older individuals, including the plan to service the needs of older individuals with limited English proficiency.",

(5) in clauses (ii) and (iii) of paragraph (16)(A) by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" each place it appears and inserting "(with particular attention to low-income older individuals, low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)", and

(6) by adding at the end the following:

"(27) The plan shall provide assurances that area agencies on aging will, to the maximum extent feasible, provide for the furnishing of services under this Act consistent with self-directed care.

"(28)(A) The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State's statewide service delivery model, for a change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

"(B) Such assessment may include—

"(i) the projected change in the number of older individuals in the State;

"(ii) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with great economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

"(iii) an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and

"(iv) an analysis of how the change in the number of individuals 85 years of age and older in the State is expected to affect the need for supportive services.".

SEC. 18. PAYMENTS.

Section 309(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3029(b)(2)) is amended by striking "the non-Federal share required prior to fiscal year 1981" and inserting "10 percent of the cost of the services specified in such section 304(d)(1)(D)".

SEC. 19. NUTRITION SERVICES INCENTIVE PROGRAM.

(a) CASH ONLY PROGRAM; AUTHORITY TO USE PROGRAM FUNDS TO PURCHASE FOOD THROUGH SCHOOL FOOD AUTHORITIES.—Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b) by adding at the end the following:

"(3) Each State agency shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts.",

(2) in subsection (c)—

(A) in paragraph (1) by inserting "(including bonus commodities)" after "commodities",

(B) in paragraph (2) by inserting "(including bonus commodities)" after "commodities",

(C) in paragraph (3) by inserting "(including bonus commodities)" after "products", and

(D) by adding at the end the following:

"(4) Among the commodities delivered under this subsection, the Secretary of Agriculture shall give special emphasis to high protein foods. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the donation of commodities under this subsection.",

(3) by amending subsection (d) to read as follows:

"(d)(1) Amounts provided under subsection (b) to State grantees and contractors, and to title VI grantees, shall be available only for the purchase by such entities of United States agricultural commodities and other foods for their respective nutrition projects, subject to paragraph (2).

"(2) Part or all of the amounts received by an entity specified in paragraph (1) may be used to pay a school food authority (as referred to under the Richard B. Russell National School Lunch Act (42 U.S.C.1751 et seq.) to obtain United States agricultural commodities for such entity's nutrition projects, in accordance with an agreement between the entity and the school food authority, under which such payments—

"(A) shall cover the cost of such commodities; and

"(B) may cover related expenses incurred by the school food authority, including the cost of transporting, distributing, processing, storing, and handling such commodities.",

(4) in subsection (e) by striking "2001" and inserting "2007",

(5) in subsection (f)—

(A) in the matter preceding paragraph (1) by striking "the Secretary of Agriculture and the Secretary of Health and Human Services" and inserting "the Assistant Secretary and the Secretary of Agriculture", and

(B) by amending paragraphs (1) and (2) to read as follows:

"(1) school food authorities participating in programs authorized under the Richard B. Russell National School Lunch Act within the geographic area served by each such State agency; and

"(2) the donated foods available to such State agencies, area agencies on aging, and providers under subsection (c).".

SEC. 20. CONSUMER CONTRIBUTIONS.

Section 315 of the Older Americans Act of 1965 (42 U.S.C. 3030c–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking "provided that" and inserting ", and such contributions shall be encouraged for individuals whose self-declared income is at or above 125 percent of the poverty line and may be requested at contribution levels based on the actual cost of services, if", and

(B) in paragraph (4)(E) by inserting "and to supplement (not supplant) funds received under this Act" after "given",

(2) in subsection (c)(2) by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)", and

(3) in subsection (d) by striking "with particular attention to low-income and minority individuals and older individuals residing in rural areas" and inserting ", with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas".

SEC. 21. SUPPORTIVE SERVICES AND SENIOR CENTERS PROGRAM.

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (8) by inserting "(including mental health screening)" after "screening",

(2) in paragraph (11) by inserting "(including assistive technology devices and assistive technology services)" after "services",

(3) in paragraph (14)(B) by inserting "(including mental health)" after "health",

(4) in paragraph (21)—

(A) by striking "school-age children" and inserting "students", and

(B) by inserting "services to older individuals with limited English proficiency and" after "including",

(5) in paragraph (22) by striking the period at the end and inserting a semicolon,

(6) by redesignating paragraph (23) as paragraph (25), and

(7) by inserting after paragraph (22) the following:

"(23) services designed to support States, area agencies on aging, and local service providers carry out and coordinate, with respect to mental health services, activities including outreach, education, screening, and referral for treatment of older individuals;

(24) activities to promote and disseminate information about life-long learning programs, including opportunities for distance teaching; and".

SEC. 22. NUTRITION SERVICE.

After the heading of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e–3030g–22), insert the following:

"SEC. 330. PURPOSE.

"It is the purpose of this part to promote socialization and the health and well-being of older individuals by assisting such individuals to gain access to disease prevention and health promotion services (including information, nutrition services, and programs of physical activity) to delay the onset of health conditions resulting from poor nutritional health or sedentary behavior.".

SEC. 23. CONGREGATE NUTRITION PROGRAM.

Section 331 of the Older Americans Act of 1965 (42 U.S.C. 3030e) is amended—

(1) by striking "projects—" and inserting "projects that—",

(2) in paragraph (1) by striking "which,",

(3) in paragraph (2)—

(A) by striking "which" the last place it appears, and

(B) by striking "and" at the end, and

(4) by striking paragraph (3) and inserting the following:

"(3) provide nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal participants; and

"(4) may provide along with a meal described in (1), a multivitamin-mineral supplement as an addition to such meal.".

SEC. 24. HOME DELIVERED NUTRITION SERVICES.

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended to read as follows:

"SEC. 336. PROGRAM AUTHORIZED.

"The Assistant Secretary shall establish and carry out a program to make grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals which provide, on 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by rule) and a lesser frequency is approved by the State agency)—

"(1) at least 1 home delivered meal per day consisting of hot, cold, frozen, dried, canned, fresh, or supplemental foods and any additional meals that the recipient of a grant or contract under this subpart elects to provide; and

"(2) nutrition education, nutrition counseling, and other nutrition services as appropriate, based on the needs of meal recipients.".

SEC. 25. CRITERIA.

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended to read as follows:

"SEC. 337. CRITERIA.

"The Assistant Secretary, in consultation with experts in the field of nutrition science, dietetics, meal planning and food service management, and aging, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336.".

SEC. 26. NUTRITION.

Section 339 of the Older Americans Act of 1965 (42 U.S.C. 3030g–21) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) solicit the expertise of a dietitian or other individual with equivalent education and training in nutrition science, or if such an individual is not available, an individual with comparable expertise in the planning of nutritional services, and", and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by amending clause (i) to read as follows:

"(i) comply with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture, and", and

(ii) in clause (ii) by striking "daily recommended dietary allowances as" and inserting "dietary reference intakes",

(B) in subparagraph (D)—

(i) by inserting "joint" after "encourages", and

(ii) by inserting "shared" after "promote",

(C) by amending subparagraph (G) to read as follows:

"(G) ensures that local meal providers solicit the advice and expertise of—

"(i) a dietitian or, if a dietitian is not available, an individual with comparable expertise in the planning of nutrition and food services,

"(ii) meal participants, and

"(iii) other individuals knowledgeable with regard to the needs of older individuals,",

(D) in subparagraph (H) by striking "and accompany",

(E) by amending subparagraph (J) to read as follows:

"(J) provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate, and", and

(F) by adding at the end the following:

"(K) encourages professionals who distribute nutrition assistance under subpart 2 to provide information to homebound seniors on how to get an influenza vaccination in their local areas.".

SEC. 27. EVALUATION OF NUTRITION PROJECTS.

(a) Study.—The Assistant Secretary for Aging shall use funds allocated in section 206(g) of the Older Americans Act of 1965 to enter into a contract with the Food and Nutrition Board of the Institute of Medicine, for the purpose of establishing an independent panel of experts that will conduct an evidence-based evaluation of the nutrition projects authorized in such Act. Such study shall, to the extent data are available, include—

(1) an evaluation of the effect of nutrition projects authorized by such Act on—

(A) health status of participants, including nutritional status,

(B) prevention of participant hunger and food insecurity, and

(C) ability of participants to remain living independently,

(2) a cost-benefit analysis of nutrition projects authorized by such Act, including the potential to affect costs of Federal programs under title XIX of the Social Security Act, and

(3) recommendations for how nutrition projects authorized by such Act may be modified to improve the outcomes described in paragraph (1), including recommendations for improving the nutritional quality of meals and other potential strategies to improve the nutritional status of participants, including vitamin-mineral supplementation.

(b) Timing.—The Institute of Medicine shall establish an independent panel of experts not later than 90 days after the date of the enactment of this Act. The panel shall submit to the Assistant Secretary the report described in subsection (a) not later than 24 months after the date of the enactment of this Act. The Assistant Secretary shall submit a report on the findings of the evidence-based study described in such subsection to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

SEC. 28. IMPROVING INDOOR AIR QUALITY IN BUILDINGS WHERE SENIORS CONGREGATE.

Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended by adding at the end the following:

"(c) The Assistant Secretary shall work in consultation with qualified experts to provide information on methods of improving indoor air quality in buildings where seniors congregate.".

SEC. 29. CAREGIVER SUPPORT PROGRAM DEFINITIONS.

Section 372 of the National Family Caregiver Support Act (42 U.S.C. 3030s) is amended—

(1) in paragraph (1) by inserting "or who is an individual with a disability" after "age",

(2) in paragraph (2) by inserting "or an individual with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction" before the period at the end, and

(3) in paragraph (3) by striking "60" and inserting "55".

SEC. 30. CAREGIVER SUPPORT PROGRAM.

Section 373 of the National Family Caregiver Support Act (42 U.S.C. 3030s–1) is amended—

(1) in subsection (b)(3) by striking "caregivers to assist" and all that follows through the end and inserting the following: "assist the caregivers in addressing caregiver issues related to the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiving roles;",

(2) by amending subsection (d) to read as follows:

"(d) Use of Volunteers.—In carrying out this subpart, each area agency on aging shall encourage the use of trained volunteers to expand the available services described in subsection (b) and shall, if possible, coordinate with volunteer programs (including programs administered by the Corporation for National Service) designed to provide training, placement, and stipends for volunteers in community service settings.",

(3) in subsection (e)(3) by adding at the end the following: "The reports shall describe any mechanisms used in the State to provide family caregivers of an older individual and relative caregivers of a child or an adult child with a disability, information about and access to various services so that caregivers can better carry out their care responsibilities.",

(4) in subsection (f)(1) by striking "2001 through 2005" and inserting "2007, 2008, 2009, 2010, and 2011", and

(5) in subsection (g)(2)(C) by inserting "of a child who is not more than 18 years of age" before the period at the end.

SEC. 31. ACTIVITIES OF NATIONAL SIGNIFICANCE.

Section 376 of the National Family Caregiver Support Act (42 U.S.C. 3030s–12) is repealed.

SEC. 32. TITLE IV GRANT PROGRAMS.

Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) in subsection (a)—

(A) in paragraph (8) by striking "and" at the end,

(B) by redesignating paragraph (9) as paragraph (13), and

(C) by inserting after paragraph (8) the following:

"(9) planning activities to prepare communities for the aging of the population, which include—

"(A) efforts to assess the aging population;

"(B) activities to coordinate State and local agencies in order to meet the needs of older individuals; and

"(C) training and technical assistance to support States, area agencies on aging, and tribal organizations receiving a grant under title VI, engage in community planning activities; and

"(10) the development, implementation, and assessment of technology-based service models and best practices, to support the use of health monitoring and assessment technologies, communication devices, assistive technologies, and other technologies that may remotely connect family and professional caregivers to frail elderly residing in home- and community-based settings or rural areas;

"(11) conducting activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through activities that include program evaluation, training, technical assistance, and research, including—

"(A) intergenerational programs—

"(i) providing support to grandparents and other older relatives raising children (such as kinship navigator programs); and

"(ii) involving senior volunteers who provide support and information to families who have a child with a disability or chronic illness, or other families in need of such family support;

"(B) programs addressing unique issues faced by rural caregivers;

"(C) programs focusing on the needs of older individuals with cognitive impairment such as Alzheimer's disease and other dementias, and their caregivers;

"(D) programs supporting caregivers in the role they play in health promotion and disease prevention;

"(12)(A) building public awareness of cognitive impairment such as Alzheimer's disease and related disorders with neurological and organic brain dysfunction, depression, and mental disorders; and

"(B) developing and enhancing multidisciplinary systems for the delivery of mental health screening and treatment referral services to improve access to community-based mental health services for older individuals; and", and

(2) in subsection (b) by striking "year" and all that follows through "years", and inserting "years 2007, 2008, 2009, 2010, and 2011".

SEC. 33. CAREER PREPARATION FOR THE FIELD OF AGING.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032a(a)) is amended by amending subsection (a) to read as follows:

"(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, including historically Black colleges or universities, Hispanic serving institutions, and Hispanic Centers of Excellence in Applied Gerontology, to provide education and training that prepares students for careers in the field of aging.".

SEC. 34. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.

Section 414 of the Older Americans Act of 1965 (42 U.S.C. 3032d) is amended—

(1) in subsection (a) by inserting "mental health services," after "care,", and

(2) in subsection (b)(1)(B)(i) by inserting "mental health," after "health,".

SEC. 35. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

Section 417(c)(2) of the Older Americans Act of 1965 (42 U.S.C. 3032f(c)(2)) is amended by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)".

SEC. 36. NATIVE AMERICAN PROGRAMS.

Section 418(a)(2)(B)(i) of the Older Americans Act of 1965 (42 U.S.C. 3032g(a)(2)(B)(i)) is amended by inserting "(including mental health)" after "problems".

SEC. 37. MULTIDISCIPLINARY CENTERS.

Section 419 of the Older Americans Act of 1995 (42 U.S.C. 3032h) is amended—

(1) in subsection (a) by inserting "diverse populations of older individuals residing in urban communities," after "minority populations,", and

(2) in subsection (b)(2)—

(A) in subparagraph (E) by inserting ", including information about best practices in long-term care service delivery, housing, and transportation" before the semicolon at the end,

(B) in subparagraph (F)—

(i) by striking "consultation and",

(ii) by inserting "and other technical assistance" after "information", and

(iii) by striking "and" at the end,

(C) in subparagraph (G) by striking the period at the end and inserting "; and", and

(D) by adding at the end the following:

"(H) provide training and technical assistance to support the provision of community-based mental health services for older individuals.".

SEC. 38. RESPONSIBILITIES OF ASSISTANT SECRETARY.

Section 432(c)(2)(B) of the Older Americans Act of 1965 (42 U.S.C. 3033a(c)(2)(B)) is amended by inserting ", including preparing an analysis of such services, projects, and programs, and of how the evaluation relates to improvements in such services, projects, and programs and in the strategic plan of the Administration" before the period at the end.

SEC. 39. COMMUNITY SERVICE EMPLOYMENT-BASED TRAINING FOR OLDER AMERICANS.

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended to read as follows:

"TITLE V—COMMUNITY SERVICE EMPLOYMENT-BASED TRAINING FOR OLDER AMERICANS

"SEC. 501. SHORT TITLE.

"This title may be cited as the 'Older American Community Service Employment-Based Training Act'.

"SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT-BASED TRAINING PROGRAM.

"(a) To foster individual economic self-sufficiency and to increase the number of individuals who may enjoy the benefits of unsubsidized employment in both the public and private sectors, the Secretary of Labor (hereafter in this title referred to as the 'Secretary') may establish an older American community service employment-based training program to foster and promote useful part-time public and private-sector employment-based training opportunities for unemployed low-income eligible individuals who have poor employment prospects and to provide vital social and human services to communities by providing work experience to eligible individuals in public agencies, community-based and faith-based organizations.

"(b)(1) To carry out this title, the Secretary may make grants to public and nonprofit agencies and organizations, agencies of a State, and tribal organizations to carry out the program established under subsection (a). Such grants may provide for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make such program effective or to supplement such program. No payment shall be made by the Secretary toward the cost of any project established or administered by any organization or agency unless the Secretary determines that such project—

"(A) shall provide authorized activities only for eligible individuals, and that not less than 50 percent of hours worked (in the aggregate) shall be in community service employment-based training provided by a grantee in a program year;

"(B)(i) shall provide authorized activities for eligible individuals in the community in which such individuals reside, or in nearby communities, and that not less than 50 percent of hours worked (in the aggregate) shall be in community service employment-based training provided by a grantee in a program year; or

"(ii) if such project is carried out by a tribal organization that receives a grant under this subsection or receives assistance from a State that receives a grant under this subsection, will provide authorized activities, including community service employment-based training for such individuals, including those who are Indians residing on an Indian reservation, as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));

"(C) together with all the projects carried out under this title in each program year by a grantee, will not provide for participation under this title by eligible individuals (in the aggregate) for an average period per capita that exceeds 24 months (whether or not consecutive) during the period including the program year for which the determination under this subparagraph is made and the previous program years in which such grantee carried out projects under this title;

"(D) will provide employment-based training to eligible individuals in service related to publicly owned and operated facilities and projects, or projects sponsored by profitmaking or nonprofit organizations (excluding political parties exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986), but excluding projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

"(E) will contribute to the general welfare of the community, which may include support for children, youth, and families;

"(F) is intended to result in unsubsidized employment for eligible individuals after completion of such program;

"(G)(i) will not reduce the number of job opportunities or vacancies that would otherwise be available to individuals not participating in such program;

"(ii) will not displace currently employed workers (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits);

"(iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

"(iv) will not place an eligible individual in employment-based training to perform work the same or substantially the same work as that performed by any other individual who is on layoff;

"(H) will coordinate with training and other services provided under title I of the Workforce Investment Act, including utilizing the One-Stop delivery system to recruit eligible individuals to ensure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(I) will include such training (such as community service employment-based training, work experience, on-the-job training, and classroom training) as may be necessary to make the most effective use of the skills and talents of those individuals who are participating;

"(J) will ensure that safe and healthy conditions of the employment-based training facility or other training facility will be provided, and will ensure that individuals employed in community service and other jobs assisted under this title shall be paid wages that shall not be lower than whichever is the highest of—

"(i) the minimum wage that would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof;

"(ii) the State or local minimum wage for the most nearly comparable covered employment; or

"(iii) the prevailing rates of pay for individuals employed in similar occupations by the same employer;

"(K) will be established or administered with the advice of persons competent in the field of service in which job training is being provided, and of persons who are knowledgeable about the needs of older individuals;

"(L) will authorize payment for necessary supportive services costs, (including transportation costs) of eligible individuals that may be *incurred in training in any project funded under this title, in accordance with rules issued by the Secretary;*

“(M) will ensure that, to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

“(N)(i) will prepare an assessment of the participants' skills and talents and their needs for services, except to the extent such project has, for the participant involved, recently prepared an assessment of such skills and talents, and such needs, pursuant to another employment or training program (such as a program under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.));

“(ii) will provide training and employment counseling to eligible individuals based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment and service strategy provided for in clause (i), and provide other appropriate information regarding such program; and

“(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

“(O) will provide appropriate services for participants through the One-Stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c));

“(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation—

“(i) clarifying the law with respect to political activities allowable and unallowable under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project; and

“(ii) containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed;

“(Q) will provide to the Secretary the description and information described in—

“(i) paragraph (8), relating to coordination with other Federal programs, of section 112(b) of the Workforce and Investment Act of 1998; and

“(ii) paragraph (14), relating to implementation of One-Stop delivery systems, of section 112(b) of the Workforce Investment Act of 1998; and

“(R) will ensure that entities that carry out activities under the project (including State agencies, local entities, subgrantees, subcontractors) and affiliates of such entities receive an amount of the administrative cost allocation determined by the Secretary to be sufficient.

“(2) The Secretary may establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

“(3)(A) An assessment and service strategy required by paragraph (1) to be prepared for an eligible individual shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such eligible individual also qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)).

“(B) An assessment and service strategy or individual employment plan prepared under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) for an eligible individual may be used to comply with the requirement specified in subparagraph (A).

“(c)(1) The Secretary may pay a share not to exceed 90 percent of the cost of any project for which a grant is made under subsection (b), except that the Secretary may pay all of such cost if such project is—

“(A) an emergency or disaster project; or

“(B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

“(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to services and facilities contributed from non-Federal sources.

“(3) Of the amount to be paid under this subsection by the Secretary for a project, not to exceed 13.5 percent shall be available for any fiscal year to pay the administrative costs of such project, except that—

“(A) the Secretary may increase the amount available to pay administrative costs to an amount not to exceed 15 percent of the cost of such project if the Secretary determines, based on information submitted by the grantee under subsection (b), that such increase is necessary to carry out such project; and

“(B) if the grantee under subsection (b) demonstrates to the Secretary that—

“(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

“(ii) the number of positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available to pay administrative costs is not increased; or

“(iii) the size of the project is so small that the amount of administrative costs incurred to carry out the project necessarily exceeds 13.5 percent of the cost of such project;

the Secretary shall increase the amount available for such fiscal year to pay administrative costs to an amount not to exceed 15 percent of the cost of such project.

“(4) Administrative costs are the costs, both personnel and non-personnel and both direct and indirect, associated with the following:

“(A) The costs of performing general administrative functions and of providing for the coordination of functions, such as—

“(i) accounting, budgeting, financial, cash management and related data processing;

“(ii) quality assurance;

“(iii) preparing program plans;

“(iv) procurement and purchasing;

“(v) property management;

“(vi) personnel management, including personnel administration, administration of affirmative action plans, and training and staff development;

“(vii) administrative salaries, including clerical and other support staff salaries;

“(viii) payroll functions;

“(ix) coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;

“(x) audit;

“(xi) general legal services;

“(xii) developing systems and procedures, including information systems, required for administrative functions;

“(xiii) preparing reports; and

“(xiv) other activities necessary for the general administration of government funds and associated programs.

“(B) The costs of performing oversight and monitoring responsibilities.

“(C) The costs of goods and services required for administrative functions of such program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.

“(D) The travel costs incurred for official business in carrying out such program, excluding travel costs related to providing services.

“(E) The costs of information systems related to personnel, procurement, purchasing, property management, accounting, and payroll systems), including the purchase, systems development, and operating costs of such systems.

“(F) The costs of technical assistance, professional organization membership dues, removal of architectural barriers, operating and maintaining assistive technology, and evaluating program results against stated objectives.

“(5) To the extent practicable, an entity that carries out a project under this title shall provide for the payment of the expenses described in paragraph (4) from non-Federal sources.

“(6)(A) Amounts made available for a project under this title that are not used to pay for the administrative costs shall be used to pay for the costs of programmatic activities, including—

“(i) participant wages, such benefits as are required by law (such as workers compensation or unemployment compensation), the costs of physical examinations, compensation for scheduled work hours during which an employer is closed for a Federal holiday, and necessary sick leave that is not part of an accumulated sick leave program, except that no amounts provided under this title may be used to pay the cost of pension benefits, annual leave, accumulated sick leave, or bonuses;

“(ii) participant training (including the payment of reasonable costs of instructors, classroom rental, training supplies, materials, equipment, and tuition) which may be provided prior to or subsequent to placement and which may be provided on the job, in a classroom setting or pursuant to other appropriate arrangements;

“(iii) job placement assistance, including job development and job search assistance;

“(iv) participant supportive services to enable a participant to successfully participate in a project under this title, which may include the payment of reasonable costs of transportation, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and follow-up services; and

“(v) outreach, recruitment, and selection, intake, orientation, and assessments.

“(B) Not less than 65 percent of the funds made available under a grant made under this title (excluding a grant made under subsection (d)) shall be used to pay wages and benefits for eligible individuals who are employed under projects carried out under this title.

“(d) PILOT, DEMONSTRATION, AND EVALUATION PROJECTS.—The Secretary shall use funds reserved under section 506(a)(1) to carry out demonstration projects, pilot projects, and evaluation projects, for the purpose of developing and implementing techniques and approaches, and demonstrating the effectiveness of the specialized methods, in addressing the employment and training needs of eligible individuals. Such projects may include—

“(1) activities linking businesses and eligible individuals, including assistance to participants transitioning from subsidized activities to private-sector employment; and

“(2) demonstration projects and pilot projects designed to—

"(A) attract more eligible individuals into the labor force;

"(B) improve the provision of services to eligible individuals under the One-Stop delivery system established in accordance with title I of the Workforce Investment Act of 1998;

"(C) enhance the technological skills of eligible individuals; and

"(D) provide incentives to grantees under this title for exemplary performance and incentives to businesses to promote their participation in the program under this title;

"(3) demonstration projects and pilot projects, as described in paragraph (2), for older workers only if such demonstration projects and pilot projects are designed to assist in developing and implementing techniques and approaches in addressing the employment and training needs of eligible individuals;

"(4) training and technical assistance to support any project funded under this title;

"(5) dissemination of best practices; and

"(6) evaluation of the activities authorized under this title.

"SEC. 503. ADMINISTRATION.

"(a) State Plan.—

"(1) Chief Executive Officer Submits Plan.—For a State to be eligible to receive an allotment under section, 506, the chief executive officer of the State shall submit to the Secretary for consideration and approval, a single State plan (referred to in this title as the 'State plan') that outlines a 3-year strategy for the statewide provision of training and related activities for eligible individuals under this title. The plan shall contain such provisions as the Secretary may require, consistent with this title, including a description of the process used to ensure the participation of individuals described in paragraph (2).

"(2) Recommendations.—In developing the State plan prior to its submission to the Secretary, the chief executive officer of the State shall seek the advice and recommendations of—

"(A) individuals representing the State agency and the area agencies on aging in the State, and the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(B) individuals representing public and nonprofit private agencies and organizations providing employment services, including each grantee operating a project under this title in the State; and

"(C) individuals representing social service organizations providing services to older individuals, grantees under title III of this Act, affected communities, unemployed older individuals, community-based organizations serving the needs of older individuals, business organizations, and labor organizations.

"(3) Comments.—Any State plan submitted by the chief executive officer in accordance with paragraph (1) shall be accompanied by copies of public comments relating to the plan received pursuant to paragraph (4) and a summary thereof.

"(4) Plan provisions.—The State plan shall identify and address—

"(A) the relationship that the number of eligible individuals in each area bears to the total number of eligible individuals, respectively, in the State;

"(B) the relative distribution of eligible individuals residing in rural and urban areas in the State; and

"(C) the relative distribution of—

"(i) eligible individuals who are individuals with greatest economic need;

"(ii) eligible individuals who are minority individuals, including individuals who are limited English proficient; and

"(iii) eligible individuals who are individuals with greatest social need;

"(D) the current and projected employment opportunities in the State, by occupation, and the type of skills possessed by local eligible individuals;

"(E) the localities and populations for which projects of the type authorized by this title are most needed; and

"(F) plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998.

"(5) Chief Executive Officer's Recommendations on Grant Proposals.—Before a proposal for a grant under this title for any fiscal year is submitted to the Secretary, the chief executive officer of each State in which projects are proposed to be conducted under such grant shall be afforded a reasonable opportunity to submit recommendations to the Secretary—

"(A) regarding the anticipated effect of each such proposal upon the overall distribution of enrollment positions under this title in the State (including such distribution among urban and rural areas), taking into account the total number of positions to be provided by all grantees in the State;

"(B) any recommendations for redistribution of positions to under served areas as vacancies occur in previously encumbered positions in other areas; and

"(C) in the case of any increase in funding that may be available for use in the State under this title for any fiscal year, any recommendations for distribution of newly available positions in excess of those available during the preceding year to underserved areas.

"(6) Disruptions.—In developing plans and considering recommendations under this subsection, disruptions in the provision of services for current participants shall be avoided to the greatest possible extent.

"(7) Determination; review.—

"(A) Determination.—In order to effectively carry out this title, each State shall make the State plan available for public comment. The Secretary, in consultation with the Assistant Secretary, shall review the plan and make a written determination with findings and a decision regarding the plan.

"(B) Review.—The Secretary may review, on the Secretary's own initiative or at the request of any public or private agency or organization or of any agency of the State, the distribution of projects and services under this title in the State including the distribution between urban and rural areas in the State. For each proposed reallocation of projects or services in a State, the Secretary shall give notice and opportunity for public comment.

"(8) Exemption.—The grantees that serve eligible individuals who are older Indians with funds reserved under section 506(a)(3) may not be required to participate in the State planning processes described in this section but will collaborate with the Secretary to develop a plan for projects and services to eligible individuals who are Indians.

"(b) Coordination With Other Federal Programs.—

"(1) The Secretary and the Assistant Secretary shall coordinate the program carried out under this title with programs carried out under other titles of this Act, to increase job opportunities available to older individuals.

"(2) The Secretary shall coordinate programs carried out under this title with the program carried out under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973, the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall coordinate the administration of this title with the administration of other titles of this Act by the Assistant Secretary to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services. Funds appropriated to carry out this title may not be used to carry out any program under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973, the Carl D. Perkins Vocational and Technical Education Act of 1998, the National and Community Service Act of 1990, or the Domestic Volunteer Service Act of 1973. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence, or from carrying out section 512.

"(3) The Secretary shall distribute to grantees under this title, for distribution to program participants, and at no cost to grantees or participants, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies that the Secretary determines are designed to help participants identify age discrimination and to understand their rights under the Age Discrimination in Employment Act of 1967.

"(c) In carrying out this title, the Secretary may use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

"(e) The Secretary shall not delegate any function of the Secretary under this title to any other Federal officer or entity.

"(f)(1) The Secretary shall monitor projects for which grants are made under this title to determine whether the grantees are complying with rules and regulations issued to carry out this title (including the statewide planning, consultation, and coordination requirements of this title).

"(2) Each grantee that receives funds under this title shall comply with the applicable uniform cost principles and appropriate administrative requirements for grants and contracts that are applicable to the type of entity that receives funds, as issued as circulars or rules of the Office of Management and Budget.

"(3) Each grantee described in paragraph (2) shall prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under this title.

"(4) Each grantee described in paragraph (2) shall keep records that—

"(A) are sufficient to permit the preparation of reports required by this title;

"(B) are sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and

"(C) contain any other information that the Secretary determines to be appropriate.

"(g) The Secretary shall establish by rule and implement a process to evaluate, in accordance with section 513, the performance of projects and services carried out under this title. The Secretary shall report to the Congress, and make available to the public, the results of each such evaluation and shall use such evaluation to improve services delivered by, or the operation of, projects carried out under this title.

"SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.

"(a) Eligible individuals who are participants in authorized activities in any project funded

under this title shall not be considered to be Federal employees as a result of such participation and shall not be subject to part III of title 5, United States Code.

"(b) No grant, subgrant, contract or subcontract shall be entered into under this title with an entity who is, or whose employees are, under State law, exempted from operation of the State workers' compensation law, generally applicable to employees unless the entity shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the grant, contract, subgrant, or subcontract shall enjoy workers' compensation coverage equal to that provided by law for covered employment.

"SEC. 505. INTERAGENCY COOPERATION.

"(a) The Secretary shall consult with and obtain the written views of the Assistant Secretary before issuing rules and before establishing general policy in the administration of this title.

"(b) The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies that carry out related programs, in order to achieve optimal coordination with such other programs. In carrying out this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

"(c)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities carried out under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through One-Stop delivery systems established under section 134(c)) of such Act (29 U.S.C. 2864(c)), that provide training and employment opportunities to eligible individuals.

"(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with workforce investment activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Technical Education Act of 1998.

"SEC. 506. DISTRIBUTION OF ASSISTANCE.

"(a) RESERVATIONS.—

"(1) RESERVATION FOR NATIONAL ACTIVITIES.—Of the funds appropriated to carry out this title for each fiscal year, the Secretary may first reserve up to 1.5 percent to carry out demonstration projects, pilot projects, and evaluation projects under section 502(d).

"(2) RESERVATION FOR TERRITORIES.—Of the funds appropriated to carry out this title for each fiscal year, the Secretary shall reserve up to 0.75 percent, of which—

"(A) Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent of the funds so reserved; and

"(B) the Commonwealth of the Northern Mariana Islands shall receive 10 percent of the funds so reserved.

"(3) RESERVATION FOR ORGANIZATIONS.—Of the funds appropriated to carry out this title for each fiscal year, the Secretary shall reserve such amount as may be necessary to make national grants to public or nonprofit national Indian aging organizations with the ability to provide authorized activities for eligible individuals who are Indians and to national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide authorized activities for eligible individuals who are Pacific Island and Asian Americans.

"(b) STATE ALLOTMENTS.—The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).

"(c) DIVISION BETWEEN NATIONAL GRANTS AND GRANTS TO STATES.—The funds appropriated to carry out this title for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a), shall be divided by the Secretary between national grants and grants to States as follows:

"(1) RESERVATION OF FUNDS FOR FISCAL YEAR 2006 LEVEL OF ACTIVITIES.—

"(A) The Secretary shall reserve the amount of funds necessary to maintain the fiscal year 2006 level of activities supported by grantees that operate under this title under national grants from the Secretary, and the fiscal year 2006 level of activities supported by State grantees under this title, in proportion to their respective fiscal year 2006 levels of activities.

"(B) If in any fiscal year for which the funds appropriated to carry out this title are insufficient to satisfy the requirement specified in subparagraph (A), then the amount described in subparagraph (A) shall be reduced proportionally.

"(2) FUNDING IN EXCESS OF FISCAL YEAR 2006 LEVEL OF ACTIVITIES.—

"(A) UP TO $35,000,000.—The amount of funds remaining after the application of paragraph (1), but not to exceed $35,000,000, shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to grantees that operate under this title under national grants from the Secretary.

"(B) OVER $35,000,000.—The amount of funds remaining (if any) after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to grantees that operate under this title under national grants from the Secretary.

"(d) ALLOTMENTS FOR NATIONAL GRANTS.—From funds available under subsection (c) for national grants, the Secretary shall allot for public and nonprofit private agency and organization grantees that operate under this title under national grants from the Secretary in each State, an amount that bears the same ratio to such funds as the product of the number of individuals 55 years of age or older in the State and the allotment percentage of such State bears to the sum of the corresponding products for all States, except as follows:

"(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for public and nonprofit private agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

"(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

"(A) equal to or less than the amount necessary to maintain the fiscal year 2006 level of activities, allotments for grantees that operate under this title under national grants from the Secretary in each State shall be proportional to their fiscal year 2006 level of activities; or

"(B) greater than the amount necessary to maintain the fiscal year 2006 level of activities, no State shall be provided a percentage increase above the fiscal year 2006 level of activities for grantees that operate under this title under national grants from the Secretary in the State that is less than 30 percent of such percentage increase above the fiscal year 2006 level of activities for public and nonprofit private agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

"(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

"(e) ALLOTMENTS FOR GRANTS TO STATES.—From the amount provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such amount as the product of the number of individuals 55 years of age or older in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

"(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

"(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

"(A) equal to or less than the amount necessary to maintain the fiscal year 2006 level of activities, allotments for State grantees in each State shall be proportional to their fiscal year 2006 level of activities; or

"(B) greater than the amount necessary to maintain the fiscal year 2006 level of activities, no State shall be provided a percentage increase above the fiscal year 2006 level of activities for State grantees in the State that is less than 30 percent of such percentage increase above the fiscal year 2006 level of activities for State grantees in all of the States.

"(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

"(f) ALLOTMENT PERCENTAGE.—For purposes of subsections (d) and (e)—

"(1) the allotment percentage of each State shall be 100 percent less that percentage that bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that—

"(A) the allotment percentage shall be not more than 75 percent and not less than 33 percent; and

"(B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

"(2) the number of individuals 55 years of age or older in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

"(3) for the purpose of determining the allotment percentage, the term 'United States' means the 50 States and the District of Columbia.

"(g) DEFINITIONS.—For purposes of this section:

"(1) COST PER AUTHORIZED POSITION.—The term 'cost per authorized position' means the sum of—

"(A) the hourly minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), multiplied by the number of hours equal to the product of 21 hours and 52 weeks;

"(B) an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and

"(C) an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.

"(2) FISCAL YEAR 2006 LEVEL OF ACTIVITIES.—The term 'fiscal year 2006 level of activities' means—

"(A) with respect to public and nonprofit private agency and organization grantees that operate under this title under national grants from the Secretary, their level of activities for fiscal year 2006; and

"(B) with respect to State grantees, their level of activities for fiscal year 2006.

"(3) Grants to States.—The term 'grants to States' means grants made under this title by the Secretary to the States.

"(4) Level of activities.—The term 'level of activities' means the number of authorized positions multiplied by the cost per authorized position.

"(5) National grants.—The term 'national grants' means grants made under this title by the Secretary to public and nonprofit private agency and organization grantees that operate under this title under national grants from the Secretary.

"(6) State.—The term 'State' does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

"SEC. 507. EQUITABLE DISTRIBUTION.

"(a) Interstate Allocation.—In making grants under section 506, the Secretary shall ensure, to the extent feasible, an equitable distribution of activities under such grants, in the aggregate, among the States, taking into account the needs of underserved States.

"(b) Intrastate Allocation.—The amount allocated for projects within each State under section 506 shall be allocated among areas in the State in an equitable manner, taking into consideration the State priorities set out in the State plan in effect under section 503(a).

"SEC. 508. REPORT.

"To carry out the Secretary's responsibilities for reporting in section 503(g), the Secretary shall require the State agency for each State that receives funds under this title to prepare and submit a report at the beginning of each fiscal year on such State's compliance with section 507(b). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allocated to each such project under section 506.

"SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS.

"Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other individuals, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

"SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES.

"Eligible individuals under this title may be considered by local workforce investment boards established under title I of the Workforce Investment Act of 1998 to satisfy the requirements for receiving services under such title I that are applicable to adults.

"SEC. 511. TREATMENT OF ASSISTANCE.

"Assistance provided under this title shall not be considered to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255A(h)(1)(A)).

"SEC. 512. COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998.

"(a) Partners.—Grantees under this title shall be One-Stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the One-Stop delivery system established under section 134(c)) of such Act (29 U.S.C. 2864(c))) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.

"(b) Coordination.—In local workforce investment areas where more than 1 grantee under this title provides services, the grantees shall—

"(1) coordinate their activities related to the One-Stop delivery system; and

"(2) shall be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c)).

"SEC. 513. PERFORMANCE.

"(a) Measures.—

"(1) Establishment of measures.—The Secretary shall establish, in consultation with grantees, subgrantees, and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, performance measures for each grantee for projects and services carried out under this title.

"(2) Content.—

"(A) Composition of measures.—The performance measures established by the Secretary in accordance with paragraph (1) shall consist of—

"(i) core indicators of performance specified in subsection (b)(1) and the expected levels of performance applicable to each core indicator of performance, and

"(ii) additional indicators of performance specified in subsection (b)(2).

"(B) Continuous improvement.—The measures described in subparagraph (A)(i) shall be designed to promote continuous improvement in performance.

"(C) Expected levels of performance.—The Secretary and each grantee shall reach agreement on the expected levels of performance for each program year for each of the core indicators of performance specified in subsection (b)(1). The agreement shall take into account the factors described in subparagraphs (B) and (D) and other appropriate factors as determined by the Secretary, and shall be consistent with the requirements of subparagraph (E). Funds under the grant may not be awarded until such agreement is reached.

"(D) Adjustment.—The expected levels of performance described in subparagraph (C) applicable to a grantee shall be adjusted after the agreement under subparagraph (C) has been reached only with respect to the following factors:

"(i) High rates of unemployment or of poverty or welfare participation, in the areas served by a grantee, relative to other areas of the State or Nation.

"(ii) Significant downturns in the areas served by the grantee or in the national economy.

"(iii) Significant numbers or proportions of participants with 1 or more barriers to employment served by a grantee relative to grantees serving other areas of the State or Nation.

"(iv) Changes in Federal, State, or local minimum wage requirements.

"(E) Placement.—

"(i) Level of performance.—For all grantees, the Secretary shall establish a level of performance of not less than the percentage specified in clause (ii) (adjusted in accordance with subparagraph (D)) for the entry into unsubsidized employment core indicator of performance described in subsection (b)(1)(A). If a grantee achieved a level of performance less than the percentage specified in such clause for the preceding fiscal year for which results are available before the enactment of the Senior Independence Act of 2006, the Secretary shall provide technical assistance to assist such grantee to achieve the applicable percentage specified in such clause.

"(ii) Required placement percentages.—The minimum percentage for the entry into unsubsidized employment described in subsection (b)(1)(A) is—

"(I) 22 percent in fiscal year 2007;

"(II) 24 percent in fiscal year 2008;

"(III) 26 percent in fiscal year 2009;

"(IV) 28 percent in fiscal year 2010; and

"(V) 30 percent in fiscal year 2011.

"(3) Performance evaluation of grantees.—The Secretary shall annually establish national performance measures for each grantee under this title, which shall be applicable to the grantee without regard to whether such grantee operates such program directly or through contracts, grants, or agreements with other entities. The measures shall include the core indicators of performance and expected level of performance for each such indicator, and the additional indicators of performance. In addition, the Secretary shall annually publish the actual performance of each grantee with respect to—

"(A) the levels achieved for each of the core indicators of performance, compared to expected levels of performance under paragraph (2)(C) (including any adjustments to such levels made in accordance with to paragraph (2)(D)); and

"(B) the levels achieved for each of the additional indicators of performance.

"(4) Limitation.—An agreement to be evaluated on the performance measures shall be a requirement for application for, and a condition of, all grants authorized by this title.

"(b) Indicators of Performance.—

"(1) Core indicators.—The core indicators of performance described in subsection (a)(2)(A)(i) shall consist of—

"(A) entry into unsubsidized employment;

"(B) retention in unsubsidized employment for 6 months;

"(C) earnings; and

"(D) hours (in the aggregate) of community service employment-based training pursuant to subparagraphs (A) and (B)(I) of section 502(b)(1).

"(2) Additional indicators.—The additional indicators of performance described in subsection (a)(2)(A)(ii) shall consist of—

"(A) retention in unsubsidized employment for 1 year;

"(B) the number of eligible individuals served, including the number of participating individuals described in section 516(2)(A)(ii), and

"(C) any other indicators of performance that the Secretary determines to be appropriate to evaluate services and performance.

"(c) Definitions of Indicators.—The Secretary, after consultation with national and State grantees, representatives of business and labor organizations, and providers of services, shall issue rules that define the indicators of performance described in subsection (b).

"(d) Corrective Efforts.—

"(1) National grantees.—

"(A) In general.—Not later than 120 days after the end of each program year, the Secretary shall determine if a national grantee awarded a grant under section 514 has met the expected levels of performance established under subsection (a)(2)(c) (including any adjustments to such levels made in accordance with to subsection (a)(2)(D)) for the core indicators of performance described in subsection (b)(1).

"(B) Technical assistance and corrective action plan.—

"(i) In general.—If the Secretary determines that a grantee fails to meet the expected levels of performance described in paragraph (1), the Secretary shall provide technical assistance and require such grantee to submit a corrective action plan not later than 160 days after the end of the program year.

"(ii) Content.—The plan submitted under subparagraph (A) shall detail the steps the grantee will take to meet the national performance measures in the next program year.

"(2) State grantees.—

"(A) In general.—Not later than 120 days after the end of the program year, the Secretary shall determine if a State grantee allotted funds under section 506(e) has met the expected levels of performance established under subsection *(a)(2)(C) (including any adjustments to such levels made in accordance with to subsection (a)(2)(D)) for the core indicators of performance described in subsection (b)(1).*

"(B) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—If a State fails to meet the levels of performance described in subparagraph (A), the Secretary shall provide technical assistance and require the State to submit a corrective action plan not later than 160 days after the end of the program year.

"(C) CONTENT.—The plan described in subparagraph (B) shall detail the steps the State will take to meet the standards.

"(D) FAILURE TO MEET PERFORMANCE MEASURES FOR THE THIRD YEAR.—If the State fails to meet the levels of performance described in subparagraph (A) for a third consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award the funds allocated to the State for the first full program year following the Secretary's determination that the State has not met the performance measures.

"SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS.

"(a) PROGRAM AUTHORIZED.—

"(1) INITIAL APPROVAL OF GRANT APPLICATIONS.—From the funds available for national grants under section 506(d), the Secretary shall award grants to eligible applicants to carry out projects under this title for a period of 3 years through a competitive process except as provided in paragraph (2).

"(2) CONTINUATION OF APPROVAL BASED ON PERFORMANCE.—If the recipient of a grant made under paragraph (1) satisfies the requirements of section 513 during such 3-year period (and the succeeding 1-year period for which any grant is made under this paragraph) with respect to a project, the Secretary may award grants to such recipient to continue such project beyond such 3-year period for not to exceed 2 successive 1-year periods without regard to such process.

"(b) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under subsection (a) in accordance with section 502(b)(1), and subsections (c) and (d).

"(c) CRITERIA.—The Secretary shall select the eligible applicants to receive grants under subsection (a) based on the following:

"(1) The applicant's ability to administer a program that serves the greatest number of eligible individuals, giving particular consideration to individuals with greatest economic need, greatest social need, poor employment history or prospects, and over the age of 65.

"(2) The applicant's ability to administer a program that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the community.

"(3) The applicant's ability to administer a program that moves eligible individuals into unsubsidized employment.

"(4) The applicant's prior performance, if any, in meeting performance measures under this title and under other Federal or State programs.

"(5) The applicant's ability to move individuals with multiple barriers to employment into unsubsidized employment.

"(6) The applicant's ability to coordinate with other organizations at the State and local level.

"(7) The applicant's plan for fiscal management of the program to be administered with funds received under this section.

"(8) Any additional criteria that the Secretary considers to be appropriate in order to minimize disruption for current participants.

"(d) RESPONSIBILITY TESTS.—

"(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant's overall responsibility to administer Federal funds.

"(2) REVIEW.—As part of the review described in paragraph (1), the Secretary may consider any information, including the organization's history with regard to the management of other grants.

"(3) FAILURE TO SATISFY TEST.—The failure to satisfy any 1 responsibility test that is listed in paragraph (4), excluding those listed in subparagraphs (A) and (B), does not establish that the organization is not responsible unless such failure is substantial or persists for 2 or more consecutive years.

"(4) TEST.—The responsibility tests include review of the following factors:

"(A) Unsuccessful efforts by the organization to recover debts, after 3 demand letters have been sent, that are established by final agency action, or a failure to comply with an approved repayment plan.

"(B) Established fraud or criminal activity of a significant nature within the organization.

"(C) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal rules or regulations.

"(D) Willful obstruction of the audit process.

"(E) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

"(F) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

"(G) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

"(H) Failure to submit required reports.

"(I) Failure to properly report and dispose of Government property as instructed by the Secretary.

"(J) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

"(K) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A-133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

"(L) Failure to audit a subrecipient within the required period.

"(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

"(N) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

"(5) DETERMINATION.—Applicants that are determined to be not responsible shall not be selected as grantees.

"(6) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

"SEC. 515. AUTHORIZATION OF APPROPRIATIONS.

"(a) There is authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

"(b) Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period that begins on July 1 of the calendar year immediately following the beginning of such fiscal year and that ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency that receives funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

"(c) At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

"(1) technical assistance; or

"(2) grants or contracts for any other program under this title.

"SEC. 516. DEFINITIONS.

"For purposes of this title:

"(1) COMMUNITY SERVICE EMPLOYMENT-BASED TRAINING.—The term 'community service employment-based training' means work experience that is related to providing social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary determines by rule.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is 55 years of age or older and who has a low income (including any such individual whose income is not more that 125 percent of the poverty line), excluding any income that is unemployment compensation, benefits received under title XVI of the Social Security Act, veterans payments, or 25 percent of the benefits received under title II of the Social Security Act, but—

"(A) pursuant to regulations prescribed by the Secretary, any such individual who meets one or more of the following criteria shall have priority for the work opportunities provided under this title—

"(i) is 65 years of age or older; or

"(ii) has one or more of the following barriers to employment:

"(I) has a disability;

"(II) has limited English proficiency or low literacy skills;

"(III) resides in a rural area;

"(IV) is a veteran;

"(V) has low employment prospects; or

"(VI) has failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998; and

"(B) notwithstanding any other provision of this paragraph, excludes—

"(i) an individual who has participated in projects under this title for a period of 48 months in the aggregate (whether or not consecutive) after the date of the enactment of the Senior Independence Act of 2006; and

"(ii) an individual who has participated in projects under this title for a period of 24 months in the aggregate (whether or not consecutive) after the date of the enactment of the Senior Independence Act of 2006 if such individual participated more than 24 months in the aggregate (whether or not consecutive) under title V of this Act, as in effect before the date of the enactment of the Senior Independence Act of 2006.

"(3) INCOME.—The term 'income' means income received during the 12-month period (or, at the option of the grantee involved, the 6-month period that is not multiplied) ending on the date an eligible individual submits an application to participate in the project carried out under this title by such grantee.

"(4) PACIFIC ISLAND AND ASIAN AMERICANS.—The term 'Pacific Island and Asian Americans' means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

"(5) PROGRAM.—The term 'program' means the older American community service employment-based training program established under this title.

"(6) SUPPORTIVE SERVICES.—The term 'supportive services' means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this title, consistent with the provisions of this title.

"(7) UNEMPLOYED INDIVIDUAL.—The term 'unemployed individual' means an individual who is without a job and who wants and is available for work, including an individual who may have occasional employment that does not result in a constant source of income.".

SEC. 40. NATIVE AMERICANS CAREGIVER SUPPORT PROGRAM.

Section 643 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended by striking "title—" and all that follows through the period at the end, and inserting "title such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

SEC. 41. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended by striking "2001" each place it appears and inserting "2007".

SEC. 42. NATIVE AMERICAN ORGANIZATION PROVISIONS.

Section 751(d) of the Older Americans Act of 1965 (42 U.S.C. 3058aa(b)) is amended by striking "2001" and inserting "2007".

SEC. 43. ELDER ABUSE, NEGLECT, AND EXPLOITATION PREVENTION.

Section 721 (b) of the Older Americans Act of 1965 (42 U.S.C. 3058i(b)) is amended—

(1) by inserting after paragraph (1) the following new paragraph:

"(2) providing for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals;"; and

(2) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively.

SEC. 44. TECHNICAL AMENDMENTS.

The Older Americans Act of 1965 (42 U.S.C. 2001 et seq.) is amended—

(1) in section 202(e)(1)(A) by striking the semicolon at the end and inserting a period, and

(2) by inserting before section 401 the following:

"TITLE IV—ACTIVITIES FOR HEALTH, INDEPENDENCE AND LONGEVITY".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous information on H.R. 5293.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5293, the Senior Independence Act of 2006, and I ask my colleagues to join me in supporting this critical measure.

Today supporting the needs of older Americans is more important than ever. More than 49 million people in the United States are over the age of 60, making it the fastest-growing age group in the country. By the year 2050, that number will reach nearly 90 million and comprise almost a quarter of our population. This trend requires substantial reforms to ensure the quality and effectiveness of Federal programs aimed at assisting the elderly.

Last month the Education and the Workforce Committee approved the bipartisan bill before us, legislation that will make those additional reforms by reauthorizing and strengthening the Older Americans Act.

Initially established in 1965, the Older Americans Act has transformed into the first stop for seniors to identify home- and community-based long-term care options, as well as other supportive services that can help prevent or delay expensive institutional care and generate significant savings in Federal entitlement programs. And H.R. 5293 builds on that progress.

Specifically, the bipartisan Senior Independence Act will, number one, promote measures such as nutrition programs and health screens that reduce seniors' risk of injury, disease or disability; two, improve access to health care by supporting resource centers in every community where older Americans and their families can go for reliable information about long-term care options, community support services and important health benefits such as Medicare, prescription drug coverage; and number three, encourage States and communities to plan for an increasing number of older Americans.

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This bill also reauthorizes the Senior Community Service Employment Program to provide older individuals with temporary employment-based training opportunities. These opportunities can help seniors obtain the skills they need to obtain a full- or part-time unsubsidized job. This program is a means to an end and should not be considered permanent employment. Therefore, this legislation requires national grantees selected through a full and open competition and States to place 30 percent of their participants into unsubsidized employment by the year 2011.

The bill also encourages grantees to establish partnerships with private sector businesses that can provide participants on-the-job training and help individuals achieve their goal of obtaining employment. At the same time, H.R. 5293 does not lose sight of the valuable community services of this program and requires at least half of all subsidized employment-based training to provide a community service.

My colleagues may recall that in the past, reauthorizing the Older Americans Act was often a very partisan process. However, this year that has not been the case. Both Democrats and Republicans on the Education and the Workforce Committee pulled together to make the reforms necessary to meet the challenges of an aging population. In fact, the bill passed our committee without any opposition whatsoever. I want to commend the chairman of the subcommittee, Mr. TIBERI from Ohio; and his ranking member, Mr. HINOJOSA from Texas; and Mr. GEORGE MILLER, the ranking member of the full committee for their great work and leadership in helping to craft this bill in such a thoughtful, bipartisan manner. During this political season that is quite a rare feat.

I close by thanking all Americans who work or volunteer to support our country's aging network. This strong and vital network is made possible because of a cadre of selfless volunteers who deliver meals to homebound seniors, offer companionship, assist with activities of daily living, and provide many other necessary supports that help older Americans remain healthy and fulfilled. This legislation is designed to support you, and I hope it is a positive reflection of your good work.

Mr. Speaker, Senior Independence Act aims to make the most of the Federal investment in programs to assist older Americans. It is a good bill worthy of our support.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

I am proud to rise in support of H.R. 5293, the Senior Independence Act. I would like to thank Chairman McKEON, Subcommittee Chairman TIBERI, Ranking Member GEORGE MILLER, and all of the members of the Education and the Workforce Committee who have rolled up their sleeves to produce a bipartisan bill to reauthorize the Older Americans Act.

I would also like to take a moment to commend the outstanding staff on both sides of the aisle for their excellent work. The chairman set up an open process, a process that aimed to engage all of the stakeholders. That kind of process is only successful when you have staff members who are dedicated to getting the job done and able to synthesize the recommendations and build the consensus necessary to move forward. I would especially like to recognize the work of Kate Houston and Lucy House and Angela Klemack on the majority staff, as well as Cheryl Johnson, Ricardo Martinez, and Moira Lenehan on our side of the aisle. They made a sometimes difficult and complicated process go smoothly, and I thank them and appreciate their good and effective service.

Aging is a fact of life. However, through the establishment of Social Security, Medicare, and the enactment of the Older Americans Act, living in poverty to most Americans no longer is a fact of aging. From 1959 to 2002, the percentage of older people living in poverty fell from 35 percent to only 10 percent.

The Older Americans Act of 1965 is the landmark legislation that articulated our core values as a Nation. The act begins with a declaration of objectives which includes the following: "Retirement in health, honor, dignity, after years of contribution to the economy." This is a statement of our national obligation to older Americans. The Older Americans Act represents our commitment to meeting that obligation. This law provides for supportive services such as transportation, housekeeping, and personal care. It provides nutrition services both in the home and in community settings. It provides preventative health services and supports family caregivers. Finally, it protects the rights of vulnerable older Americans by combating consumer fraud and protecting seniors from abuse.

The legislation before us today, H.R. 5293, the Senior Independence Act, truly represents our good faith effort to respond to the community's will, as expressed at the White House Conference on Aging where the reauthorization of the Older Americans Act was declared the top priority.

The bill before us reauthorizes all of the core programs in the Older Americans Act. It promotes greater access to services for individuals who are more comfortable in a language other than English. It maintains the structure of the Senior Community Service Employment Program that reaffirms the dual purpose of the programs, employment and community service. It strengthens the very successful Family Caregiver Program. It promotes greater choices and health nutrition education so that our seniors can remain at home and in their communities. It promotes financial literacy for family caregivers and seniors so that older Americans' physical and mental health are not jeopardized by poor financial health. It strengthens our system of protecting older Americans from abuse. Finally, it recognizes that seniors are a growing resource for the aging network and for our communities in general. We must continue to look for ways to leverage our older citizens' talents and desires to continue to make a difference.

It is incumbent upon us all to step up and invest in these programs. It is one sure way to help control the cost of our growing entitlement programs. It is the right thing to do. We know that every dollar spent providing a meal or supporting seniors so that they can remain at home and in their communities not only improves their quality of life but saves entitlement spending on long-term care. That is the genius of the Older Americans Act. Yet we know that the Older Americans Act's purchasing power per individual has dropped by 50 percent since 1980.

As we have worked in a bipartisan manner to craft a reauthorization bill, I was pleased that we were able to advocate together for an increase in the nutrition and support services programs in the Older Americans Act in the Labor, HHS, and Education appropriations bill. I hope that as we move forward with the appropriations process, we will restore the funding that was cut for the Senior Community Service Employment Program and that we will continue to look for ways to increase our investment in all of the critical programs under this Older Americans Act.

In closing, Mr. Speaker, I want to say that I look forward to continuing to work with the chairman and all of the members of the committee to move this legislation forward.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I am pleased to yield at this time 1½ minutes to Mr. KELLER, the chairman of the 21st Century Subcommittee.

Mr. KELLER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 5293, the Senior Independence Act of 2006. This bipartisan legislation would renew the Older Americans Act, which is our Nation's primary Federal program overseeing the delivery of services to our Nation's elderly.

As chairman of the Subcommittee on 21st Century Competitiveness, I am particularly supportive of the assistance the act provides to our seniors seeking employment. This act includes the Senior Community Service Employment Program, a community-oriented employment-based training program for low-income older Americans. It provides work experience and training opportunities to older individuals to help them prepare for unsubsidized employment. Program participants receive experience through job placements in a wide variety of occupations and industries.

In a nutshell, this legislation helps seniors to help themselves by providing them with valuable job training and placement assistance to get jobs.

I urge my colleagues to support the passage of H.R. 5293.

Mr. HINOJOSA. Mr. Speaker, it gives me great pleasure to yield 3 minutes to an outstanding individual from the great State of Illinois, the ranking member of the Government Reform Subcommittee and a distinguished member of the Select Education Committee, Congressman DANNY DAVIS.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, I have been told that you can measure the greatness of a society by how well it treats its young, how well it treats its old, and how well it treats those who have difficulty caring for themselves. So I rise in strong support of this bill, which reauthorizes the Older Americans Act.

At the outset, I want to commend and thank Chairman McKEON; Ranking Member MILLER; Subcommittee Chairman TIBERI; and the subcommittee ranking member and my colleague from Texas, Mr. HINOJOSA, for an excellent bipartisan bill. I also want to extend my sincerest appreciation to the staff persons on both the majority and on the minority sides.

Mr. Speaker, I have a Seniors and Eldercare Task Force composed of a wonderful group of experts who advise me on key issues regarding seniors in my district back in the great city of Chicago. This act advances many areas of concern to my district. Foremost, it expands access of younger grandparents to the National Family Caregiver Support Program, and it encourages States to adopt Kinship Navigator programs for relative caregivers. My district has over 10,000 grandparent-headed households. So the bill aids these caregivers with services that help in their caregiving responsibilities. Further, the bill promotes community-based services via self-directed models of care. This bill will reduce instances of abuse and neglect and improve data collection on the subject, building on the ideas promoted by my colleague from Illinois, Mr. EMANUEL.

I am also happy that the bill emphasizes the importance of mental health in many ways, drawing on the spirit of the Positive Aging Act, sponsored by Mr. KENNEDY. And I want to commend Mr. EHLERS for his efforts to make sure that the mental health component of this legislation is strong.

Mr. Speaker, Hubert Humphrey once said that the moral test of government is how it treats those in the dawn of life, the children, and those who are in the twilight of life, the elderly. The Senior Independence Act of 2006 ensures that our senior citizens would have a greater opportunity for a happy, meaningful, and productive life. I commend the Education and the Workforce Committee for a tremendous piece of legislation.

Mr. McKEON. Mr. Speaker, I am happy to yield 6 minutes to the gentleman from Ohio (Mr. TIBERI), the subcommittee chairman who has provided the leadership to get this bill to the floor.

Mr. TIBERI. Mr. Speaker, I always tell constituents back home when they ask me what the most important part of my job is, I tell them it is about helping people. This legislation today is really all about helping people, especially our senior citizens.

This bill renews our commitment to the vital programs our older Americans use every day in our communities, in our neighborhoods, and especially in their homes. The Committee on Education and the Workforce voted unanimously to favorably report out the Senior Independence Act of 2006 to the floor today. It is the product of months of hard work to reauthorize and make meaningful amendments to the Older Americans Act. We have heard from national, from State, from local stakeholders and advocates, those involved directly in the output of services under this act.

□ 1130

We heard from constituents, seniors themselves, those on the receiving end of services, as the subcommittee went into the field and held field hearings in Edinburg, Texas, in Congressman RUBÉN HINOJOSA's district, and in Westerville, Ohio, in my district.

The vast aging network contributed greatly to the reauthorization process. My gratitude goes out to all of them for their commitment to our seniors and to the mission of the act itself. It has been an open and a bipartisan process from the very beginning, and I believe we have a better product and a better bill because of that process, a bill that all Members of this House can support, and a bill that older Americans can support as well.

I want to acknowledge the valuable contribution of the ranking member of the subcommittee, Mr. HINOJOSA from Texas, and his staff, particularly Ricardo Martinez and Moira Lenehan, for their outstanding contribution to this process. Thank you so much. Mr. HINOJOSA has been a devoted partner from the beginning of this process, and I am so grateful for his work on this legislation.

I also want to acknowledge the leadership, the friendship through the entire process that my friend Chairman MCKEON has provided as well. Thank you for your tireless work and the tireless work of your staff. Kate Houston, Stephanie Milburn, Lucy House and Angela Klemack have all been great champions in this work that we have before us today.

I sincerely appreciate the support from the cosponsors of the legislation and all the members of the committee who supported the bill. It is a testament to our sincere efforts to have open and bipartisan process.

The Senior Independence Act builds on the successes of the programs authorized by the Older Americans Act by strengthening services to help individuals avoid institutional care and to improve the quality of life for aging Americans. It promotes the development and implementation of comprehensive, coordinated systems at the Federal, State and local levels to streamline access to programs, benefits and help for individuals to avoid institutional care.

It encourages local area agencies on aging to work with city and county officials, State agencies and other community entities to plan for the aging across multiple areas, including land use, housing, transportation, public safety and recreation.

Among other things, Mr. Speaker, it advances the mission of evidence-based programs to assist older Americans and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease and disability among seniors.

The bill brings health care monitoring into the 21st century, providing grants specifically for the development of new practices and technologies, allowing physicians and other health care professionals to remotely monitor the health and well-being of our seniors either in the home or in community-based settings. It encourages providers to deliver services in a manner responsive to the needs and preferences of older individuals and their family caregivers.

Mr. Speaker, this bill also expands eligibility for the National Family Caregiver Support Program to grandparents and other relatives age 55 years and older who care for a grandchild or an adult child with a disability.

And this bill gives attention to the rising significance of Alzheimer's disease in our society. Current law allows caregivers to receive support only when they are caring for adults over the age of 60. However, it is estimated that about 300,000, about 7 to 8 percent, of the 4 million Americans diagnosed with Alzheimer's disease are cases, are early onset.

This bill allows caregivers who care for individuals at any age with Alzheimer's disease or other dementia or neurological disorders to receive support from the caregiver support program.

The Senior Independence Act also emphasizes the critical link between nutrition and prevention of chronic disease, and supports efforts to reduce the incidence of obesity, which is a growing problem among all segments of our society, and seniors as well.

It strengthens, finally, Mr. Speaker, the Community Service Employment-Based Training Program for older Americans, promoting business sector partnerships, flexibility to grantees, and recognizing seniors as valuable assets to our communities and to our Nation, promoting activities to harness their services for the greater good of our community and our country.

The Education and Workforce Committee has strived to make the necessary reforms to make the most of the Federal investment in programs to assist older Americans, while ensuring that the growing senior population is served by quality programs established by the 1965 law.

I thank Chairman MCKEON, I thank Ranking Member MILLER and Ranking Member HINOJOSA of my subcommittee for their tireless and great work for this product. The Senior Independence Act of 2006 accomplishes all these goals, and I am a proud sponsor of this legislation, Mr. Speaker, and urge all my colleagues to support the bill.

Mr. MCKEON. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. TIBERI), and ask unanimous consent that he be able to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to acknowledge the presence of and the comments made by Chairman TIBERI from the State of Ohio, and I want to associate myself with many of the comments that he made about the bipartisanship that was seen and experienced as we worked on this legislation. I congratulate him for his leadership and congratulate him for helping us get to this point that we are today.

Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island (Mr. KENNEDY), a friend and colleague who serves on the powerful Appropriations Committee and is recognized for his commitment and passion for education and health care.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank my colleague from Texas (Mr. HINOJOSA) for his great leadership on this bill, and applaud Chairman MCKEON for his leadership as well, and also Representative MILLER from California. But I want to begin by paying special tribute to my colleague from Illinois (Mr. DAVIS) for his leadership on the issues of mental health in the committee and working to try to get more mental health provisions incorporated into this legislation.

I also want to add a special word about my Fellow in my office, Berre Burch. Our Fellows do enormous work for all of us. They don't get paid for it, but they are very committed and spend long hours. Berre Burch has been instrumental in working on many of these provisions on mental health in this bill, as well as many others.

Mr. Speaker, I know we are in a tight budget year, and often programs are not included in bills such as this because of the expense that they have. But, frankly, Mr. Speaker, I am pleased to see that the mental health needs of our seniors are included in this bill, principally because they do help save us money. Not only do they help save us money in long-term care costs, but they also help save lives as well. Yes, lives.

According to the National Institutes of Health, senior citizens commit suicide at a higher rate than any other age group in our country. Now, understand this. Suicide is already twice the rate of homicide in this country. People don't recognize that. For every murder in this country, two people take their lives.

Now you can see that having senior citizens have the highest suicide rate of all is pretty startling. It runs in the face of our notion of what the golden years of a senior citizen's life should be all about.

We all have been guilty about understanding what it means to be a senior citizen. A lot of us confuse dementia. We say that is part of being old. It doesn't have to be part of what being old is all about. We have proven, effective treatments to intervene with seniors and make sure that the depression that they may be suffering is something that is treated so that their golden years can actually be golden years, where they can live productive, happy lives.

But what does this country do to our seniors? They put them away. They put them in senior high-rises. They take them away from their families. They don't support them in their communities. They are detached from the social networks in their communities and from the community bonds that keep them uplifted.

Many of them lose their spouse. Many of them lose their independence. They have physical challenges. And all of this leads, very obviously, to anything that we would all acknowledge is depression. Who wouldn't be depressed under these circumstances?

The fact of the matter is, Mr. Speaker, they don't have to remain depressed. They can get treatment. We can intervene and help them out of these very same challenges.

Mr. Speaker, this is an issue that has been looked at over and over and over again. Surgeon General Satcher acknowledges it, the New Freedom Commission on Mental Health by President Bush acknowledges it, the White House Commission on Aging, all of whom say that there are many impediments and obstacles to senior citizens getting the mental health care that they need, none the least of which is stigma and stereotype.

In my generation, mental health is no longer the stigma that it used to be. But for many senior citizens, when they hear mental health, they think that it is something wrong with them. They think it is something morally wrong with them.

We need to tell senior citizens this is part of your health care. The brain is part of your body. When the brain has chemical imbalances, we need to treat those.

But, Mr. Speaker, in our country today, even in this great time of prosperity and advancement in science, we still don't acknowledge the brain as part of the body. When it comes to insurance coverage, we don't have parity for mental health or for Medicare parity, which basically means if you have depression or any other mental illness, you are paying a higher copay for your insurance for mental health treatment, you are paying a higher deductible for your health insurance, you are paying a higher premium, because somehow mental health care is treated as if it is cosmetic surgery. It is treated like it is elective surgery. It is not treated as if it is the real physical health challenge that so many millions of Americans face and, tragically, so many senior citizens face on a daily basis.

But it doesn't have to be this way. I appreciate the fact that many portions of my bill called the Positive Aging Act were included in this legislation. But I will continue to fight for mental health parity so that we can give all Americans access to mental health services, and I will continue to fight for the Positive Aging Act so we get all of the necessary community support systems in place to help treat our seniors with the dignity and the respect that our senior citizens have earned and that we ought to give them.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. PORTER), a member of our subcommittee who was a great asset to the development of this legislation.

Mr. PORTER. Mr. Speaker, I rise today in strong support for H.R. 5293, the Senior Independence Act of 2006.

This important piece of legislation includes two amendments I authored along with my friend and colleague from Illinois (Mr. DAVIS) regarding elderly abuse prevention and "cash and counseling."

Findings from the National Elder Abuse Incidence Study, which was conducted by the National Center for Elder Abuse, suggests that more than 500,000 Americans age 60 and over were victims of domestic abuse in 1996. As shocking and profound as these numbers are, it is possible that they are on the low end as the problem remains greatly hidden, and cases go unreported.

A few of these cases of neglect and abuse have surfaced in the papers. For example, an 82-year-old East St. Louis man with diabetes who spent 2 weeks at a nursing home had to have his left leg amputated because he did not receive proper care.

In another sickening incident, Chicago paramedics found a 94-year-old man lying in bed unattended for so long that the bones had poked through his skin in several places. His daughter, who was supposedly caring for him in her home, was later charged with two counts of criminal abuse.

Educating seniors, professionals, caregivers and the public on abuse is critical to prevention, and this is obviously a position that warrants the attention of this Congress.

My amendment authorizes the Assistant Secretary on Aging at the Department of Health and Human Services to develop objectives, priorities, policy and a long-term plan for carrying out and coordinating elder justice activities.

In addition, this amendment will help States and local entities coordinate their fragmented activities, and I believe it will ultimately improve elder justice efforts across our great country.

I would like to thank my colleague from Illinois (Mr. DAVIS) for taking the lead on the cash and counseling amendment. This amendment will support consumer-driven models of home- and community-based care and help prevent high-risk individuals from spending down their savings to receive Medicaid. It does not create a new program. Instead, it revises language in current law that directs the Administration on Aging to develop policy alternatives for long-term care.

Activities such as cash and counseling programs have the potential to generate significant savings to large taxpayer-funded entitlement programs like Medicare and Medicaid. So I think this amendment makes fiscal sense, and I urge my colleagues to support it.

Once again, I would like to thank Mr. DAVIS from Illinois for his help on these important amendments, and also thank Representative TIBERI for his work on the underlying legislation. I urge my colleagues to support H.R. 5293.

□ 1145

Mr. HINOJOSA. Mr. Speaker, I am pleased to be able to give 3 minutes to a hardworking and a valued member of the Education and Workforce Committee and also a member of the Government Reform Committee, Congressman KUCINICH from Cleveland, Ohio.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Texas who serves ably on the Committee. And it is a good demonstration here of bipartisan support, and I certainly want to add to it by supporting the legislation.

I also think that I can speak for many Members in saying how much we appreciate Representative KENNEDY'S role in all of this. He has shown himself to be a very valuable Member of this Congress, and his voice is an important voice in this Congress, and we certainly want to do all we can to not only further his leadership, but encourage his participation.

I want to say, though, to Mr. TIBERI, who has done a very good job on this, there is a gaping hole in this legislation, and we need to address it in conference. I intended to offer an amendment that would help provide for administrations on aging and thousands of volunteers nationwide from being squeezed by the rising cost of gasoline. My amendment would have provided a nonbinding formula for calculating annual increases in fuel cost for the three Older American Act programs that are most heavily dependent on transportation. These programs include the in-home nutrition services, the congregate nutrition services, and the supportive services that provide rides to doctors' appointments, trips to the grocery store and to senior centers, among other services.

These programs help seniors maintain their independence, dignity and health. In 2003, the supportive services gave almost 36 million rides and provided 20 million hours of personal care, homemaker and chore services. In that same year, 248 million meals were served. Each meal required transportation.

According to the Energy Information Administration, the price of gas the week ending on Christmas of the year 2000 was $1.60. The price of gas for the week of May 15, 2006, was $3.15. In other words, since the Older Americans Act was last authorized, gas prices have doubled.

High gas prices heavily impact programs like meal and transportation services. First, programs have to cut back services for all nonessential trips such as family visits, general shopping, trips to the workplace, and other social activities. Second, volunteer drivers, many of whom are retired and on fixed incomes, are quitting because their mileage reimbursement rates can't be updated by the underfunded Administration on Aging. Finally, as gas prices squeeze seniors living at the financial margin, forcing them to lose their independence, they rely more heavily on services like those provided by the Administration on Aging through the Older Americans Act.

At the same time that prices have gone up, funding has gone down. My amendment would have held harmless from rising gasoline prices the congregate and in-home nutrition services as well as the supportive services by authorizing a yearly adjustment to the fuel component of their budget. If the price of crude oil rises year after year, then the agency's fuel budgets would rise a proportionate amount. If oil prices fall, fuel budgets would fall as well.

Although I strongly support the underlying bill, I want to say that it is important that the House address this in conference. We have to do more to make sure our mothers, fathers, siblings, and grandparents are not losing the services they need to help them lead an independent, dignified, healthy life because of high gas prices. Keep it in mind, so many services are dependent on transportation. If the price of transportation goes up, we don't want senior citizens hurt from this. I ask Mr. TIBERI to do everything he can in conference to help our senior citizens meet this. I thank my fellow colleagues.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to a contributing member of the Education and Workforce Committee, a veteran member of the committee from Michigan, Mr. EHLERS.

Mr. EHLERS. Mr. Speaker, I rise in strong support of the Senior Independence Act. I commend Congressman TIBERI and Chairman MCKEON for their work on this bill. I especially thank Chairman MCKEON, Congressman DANNY DAVIS, and their staff members Kate Houston and Jill Hunter-Williams for their work on adding mental health provisions to the bill.

Last winter I had the pleasure of meeting with Suzanne Ogland-Hand, the director of the Center For Senior Care at Pine Rest Christian Mental Health Services, a very large faith-based psychiatric hospital located in my district. Ms. Ogland-Hand had served as my delegate to the White House Conference on Aging, and provided valuable input to both the conference and to me regarding the need for a focus on seniors' mental health at the Administration on Aging.

Throughout my life and career, I have met many people, including seniors, who are affected by mental health problems. Certainly the stigma related to mental health issues for seniors is significant. I know this personally because my mother suffered from mental health problems and was very ashamed of it.

I have observed the devastating impact untreated mental health conditions have on individuals and their family members' lives. This bill makes positive steps towards encouraging awareness and coordination of mental health service for seniors. I urge my colleagues to support this bill and vote in favor of it.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume. I would like to make some closing remarks and acknowledge that during this opportunity that I have had in a year and a half to work with Chairman TIBERI, I have learned to appreciate his commitment to helping people, as he said in his opening remarks, and this bill, H.R. 5293, which will amend the Older Americans Act of 1965, to authorize appropriations for fiscal year 2007 through 2011, and for other purposes, is one that makes me feel very proud to be a part of this work that has been accomplished. I am a proud sponsor of this bill, and I urge my colleagues to vote in favor of it.

Mr. Speaker, I yield back the balance of my time.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska, another contributing member of the Education and the Workforce Committee, Mr. OSBORNE.

Mr. OSBORNE. Mr. Speaker, as an older American, I rise in strong support of H.R. 5293, the Senior Independence Act, which reauthorizes the Older American Act. And I want to congratulate Chairman TIBERI, who is not an older American, but he is getting there, as well as Chairman MCKEON and Ranking Member MILLER and Mr. HINOJOSA.

The Senior Independence Act, as has been pointed out many times, reauthorizes and strengthens the delivery of social services for older Americans. In my State, Nebraska, 13.6 percent of our population are over 65. In most States, the average is between 10 and 15 percent, and this is a very rapidly increasing percentage. So this is an important segment of our population, and I would like to focus in my brief time here on the significance and the possibilities that lie before seniors.

President Bush stated this. He said, "Too often society views retirement as an ending not just of a career, but of an active life. For many, even most, the opposite is true. Today's elderly are the healthiest, most energetic, best-educated generation of seniors in history. They have more free time, and they want to use it. They have the wisdom of years, and they want to share it."

So seniors are a vast untapped resource in our society, and so we think that we need to better harness those abilities and those talents that they have.

During committee consideration of this legislation, I along with Mr. FORTUÑO offered an amendment to authorize a pilot project within the Administration on Aging called the Silver Scholarship Initiative to encourage and reward older Americans who dedicate at least 600 hours of service each year to their communities by providing them a $1,000 educational award. This award can be used for themselves or, probably more likely, for grandchildren, members of their family, or just a young person that they want to designate. This would allow us to harness those volunteer hours and make this more a useful period of their lives.

So while this provision was not added to the bill, I strongly believe in this idea, and I hope that Congress will keep looking for ways to encourage all Americans, especially seniors, to contribute to their communities in the form of this service.

Thank you, and I want to encourage passage of this bill.

Mr. TIBERI. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Speaker, I would like to thank the chairman for his hard work in building a coalition to put this bill together, and particularly I rise in strong support of the provisions reauthorizing the vital senior nutrition programs. This legislation, like the Stop Senior Hunger Act that I introduced last year, recognizes how important these programs are and how much they help the elderly, the homebound, the disabled, and the frail across America. The senior nutrition programs and these services play a vital role in helping older Americans lead active, independent, healthy lives and avoid unnecessary institutionalization.

The Older Americans Act nutrition programs serve about 250 million congregate and in-home meals to about 6.6 million older adults annually. I have been on some of the deliveries with the volunteers to the Meals on Wheels program. I have had an opportunity to look into the faces of the seniors who are receiving these programs. Very often it is the only contact of the day. It is an extremely cost-effective program, but, more importantly, it is a program that genuinely helps seniors. These meals support quality of life, promote independence, reduce health care costs, decrease nursing home admissions, and help those with long-term illnesses and those who may just need a little short-term assistance after the hospital stay during the time of need. In the words of the Meals on Wheels Association of America, the oldest and largest organization representing senior meal programs, these programs are needed so no senior goes hungry.

Mr. TIBERI. Mr. Speaker, it has been an honor and a privilege to be the sponsor of this legislation, to work with Chairman McKEON, before him Chairman BOEHNER, the ranking member of the subcommittee, Mr. HINOJOSA, the field hearings that we had, the wonderful staff, the bipartisan vote out of committee. I urge all my colleagues to vote "aye" on this great piece of legislation for our aging seniors across our country.

Mr. WU. Mr. Speaker, I rise in strong support of the Senior Independence Act of 2006.

The Older Americans Act was enacted in 1965 to establish the Administration on Aging to institute and support Federal nutritional and social programs for this Nation's seniors, and since then, millions of this Nation's elderly have benefited from the Act's many programs.

This act is more important to the country today than ever before. More than 49 million people in the United States are over the age of 60, making it the fastest growing age group in the country. By 2050, that number will reach nearly 90 million and will count as almost a quarter of our population.

With this rapid demographic increase, it is essential that we ensure the establishment of effective Federal efforts to aid America's elderly. There are more seniors who are minorities, more seniors who are trying to go back to work; more seniors who are living longer; and more seniors living in urban areas. Specifically, the Senior Independence Act will promote home- and community-based supports to help older individuals avoid institutional care, strengthen health and nutrition programs, improve educational and volunteer services, increase Federal, State, and local coordination, and safeguard employment-based training for older Americans.

This Act was conceived 40 years ago in a spirit of bipartisanship to better the lives of those put in less fortunate circumstances. I would like to commend Chairman McKEON and Ranking Member MILLER today on their spirit of bipartisanship during this reauthorization.

I am especially thankful to the chairman and his committee staff for working with me to include my amendments that would recognize the growing number of older Americans who are living in urban areas and would encourage life-long learning.

The number of Americans aging in urban areas is growing and its diversity is increasing. Between 1999 and 2030, the urban minority population of 65 and older is projected to increase by 217 percent, as compared with the projected 81 percent increase among the white population. My amendment, which has been included in the bill, will assist urban seniors by providing grants to discover how older Americans can age successfully in urban areas.

The bill also adds my amendment to promote and disseminate information about life-long learning programs. Researchers and clinicians are increasingly interested in the concept of successful aging, and they are finding that a person who engages in a healthy lifestyle including continuing education, thinking and maintaining social contacts are part of successful.

Together, these amendments will improve the lives of older Americans by helping to address the unique needs of those living in urban areas and also to help promote the benefits of taking part in life-long learning programs.

In closing, I would also like to pause and remember the life and work of Dr. Elizabeth Kutza. Dr. Elizabeth Kutza was the Professor of Community Health and former Director of the Institute on Aging at Portland State University. Dr. Kutza died on Friday, June 9, 2006, after a seven-year battle with breast cancer. Dr. Kutza and her family are in my thoughts and prayers.

Again, I would like to thank Chairman McKEON and Ranking Member MILLER for their outstanding writing of this bill and for making sure that the Older Americans Act can continue to provide for the growing number of seniors in our country today.

Mr. HOLT. Mr. Speaker, I rise in support of providing the social and nutritional support that older Americans need, and in support of the Seniors Independence Act of 2006.

Since originally enacted in 1965, the Older Americans Act has been an important vehicle by which senior citizens in need have received nutritional support, community service employment, pension counseling services, protections against neglect and abuse, and many other services.

Nutrition services through Title III of the Older Americans Act, such as the "Meals on Wheels" program, are essential in helping senior citizens who cannot prepare their own food to still have access to convenient and nutritious meals. The program serves those most in need, such as the aged, the less affluent, those who live alone, and members of minority groups.

I was pleased that I was able to amend the Seniors Independence Act during markup to stop the Department of Labor from using an unfair calculation of income to determine eligibility for Title V seniors community service employment programs (SCSEP). In January 2005, the Department of Labor issued a "Training and Employment Guidance Letter" that unilaterally changed the eligibility criteria for Title V. Instead of discounting certain forms of income like veterans' compensation, Social Security Disability Insurance, unemployment compensation, and a portion of traditional Social Security benefits, the new regulation mandated inclusion of that income, thus making fewer seniors eligible for vital services.

It would be inconsistent to state that the program targets persons with greatest economic need and persons who are disabled, and then use their Social Security income or disability benefits to exclude them from participation. It would also be a mistake to hold someone's service in the Armed Forces against them in determining their eligibility for employment assistance. The amendment that I offered in the Education and the Workforce Committee restores the eligibility criteria to the pre-2005 levels, and it was unanimously agreed to. I thank Chairman McKEON and the rest of the committee for their help and cooperation on this issue.

Mr. Speaker, the Seniors Independence Act of 2006 reauthorizes vital services for some of the most vulnerable Americans, and those in greatest need. I rise in support of H.R. 5293, and I urge its passage by this body.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this bill which reauthorizes the Older Americans Act. This act was developed with the goals of improving the lives of older people in areas of income, housing, health, employment, retirement, and community service. At the outset, I have to commend and thank Chairman McKEON, Ranking Member MILLER, Subcommittee Chairman TIBERI, and Subcommittee Ranking Member HINOJOSA for this incredible bipartisan bill. This has been one of the most bipartisan efforts in which I have engaged during my tenure in Congress. Also, I extend my sincerest appreciation to the majority and minority staff members for working diligently to address my concerns. Also, I would like to thank the delegates of the White House Conference I on Aging for their input on and promotion of this reauthorization. I am proud to be a cosponsor of this bill.

Mr. Speaker, I have a Seniors and Eldercare Taskforce composed of a wonderful group of experts who advise me on key issues regarding seniors in my district—the great city of Chicago. I want to recognize and thank the cochairs of this taskforce—Karen Graham and Phyllis Mitzen—and the members of this taskforce for their leadership and attention to the needs of seniors in Chicago." This act advances many areas of concern to my district. Foremost, it expands access of younger grandparents to the National Family Caregiver Support Program, and it encourages states to adopt Kinship Navigator programs for relative caregivers. In the United States, 2.4 million grandparents are responsible for raising grandchildren in their homes. My congressional district has over 10,000 grandparent-headed households; it has the second highest percentage of children living in grandparent-headed households in the nation. This bill aids these caregivers with services that help in their care giving responsibilities. Further, the bill promotes community based services via self-directed models of care. It specifically directs the Assistant Secretary on Aging to help individuals avoid depleting their assets in order to qualify for Medicaid. This bill would reduce instances of abuse and neglect and improve data collection on the subject by broadening the definition of abuse to include self neglect and better coordinating the efforts of state and local agencies, building on the ideas promoted by my colleague from Illinois, Mr. EMMANUEL. I also am very happy that the bill emphasizes the importance of mental health in many ways, drawing on the spirit of the Positive Aging Act sponsored by Mr. KENNEDY.

Mr. Speaker, The 38th Vice President of the United States, Hubert Humphrey, once said, "The moral test of government is how it treats those who are in the dawn of life . . . the children [and] those who are in the twilight of life . . . the elderly." The Senior Independence Act of 2006 ensures that our Government continues to recognize the needs of the elder within our country and continues to fulfill these needs.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of H.R. 5293, the "Senior Independence Act of 2006," reauthorizing the Older Americans Act. This is an important measure for our Nation's seniors in delivering nutrition services, supportive services, and caregiver services. I am particularly appreciative of the bipartisan manner in which this measure was crafted by Chairman TIBERI and Ranking Member HINOJOSA, and thank them specifically for improvements in the law which would help to target individuals with limited English proficiency.

Though the bill offers valuable resources for our Nation's seniors, one area where I believe we can continue to make strides is in capitalizing on the experience older Americans can share with their communities. I have introduced legislation to establish a "Silver Scholarship" program—H.R. 5275—based on President Bush's 2001 proposal to reward seniors for their volunteer service. The Silver Scholarship program would provide an educational award to any senior, age 55 and older, who dedicates a set number of hours each year to volunteering in their communities. The educational award, or "Silver Scholarship," would be fully transferable to a family member or any other deserving individual to help them pursue postsecondary education.

The first of the 77 million baby boomers turn 60 this year. This new "senior" population is the largest, healthiest, best educated population of older Americans in our history. Baby boomers are pioneers in a new stage spanning the decades between middle and late life, and represent an extraordinary pool of social and human capital. This initiative would foster senior service and invest in the education of the next generation of America's workforce.

While I understand this provision was not included in the reported version of H.R. 5293, I look forward to working with my colleagues as the process moves forward in the hopes that this worthy bipartisan initiative be promoted through our efforts.

Mr. TIBERI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 5293, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE FOOD AND DRUG ADMINISTRATION

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 426) recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides the Nation, as amended.

The Clerk read as follows:

H. CON. RES. 426

Whereas the Food and Drugs Act of June 30, 1906 (34 Stat. 768; chapter 3915), transformed the Food and Drug Administration ("FDA") into a scientific regulatory agency;

Whereas the FDA is the oldest consumer protection agency in the United States;

Whereas the FDA is the primary consumer protection agency in the United States and the world;

Whereas FDA has the critical mission of protecting the public health by ensuring that—

(1) foods are safe, wholesome, sanitary, and properly labeled;

(2) human and veterinary drugs are safe and effective;

(3) devices intended for human use are safe and effective;

(4) cosmetics are properly labeled; and

(5) consumers are protected from electronic product radiation;

Whereas FDA is also responsible for advancing the public health by helping to speed innovations which improve peoples' lives;

Whereas, in protecting and promoting the health of citizens of the United States, the FDA has been a pioneer and leader in the field of food and drug science;

Whereas people around the world enjoy a higher quality of life due, in part, to the work of the FDA to expand food safety, medical product safety, and regulatory science; and

Whereas the centennial anniversary of the passage of the 1906 Food and Drugs Act occurs on June 30, 2006, marks the 100th anniversary of the Agency's founding, and is a major milestone in FDA's celebrated history: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the Food and Drug Administration of the Department of Health and Human Services and its employees for—

(1) 100 years of service in working to ensure the safety of our food and the safety and efficacy of our medical products;

(2) providing leadership to the world in the regulatory sciences; and

(3) their hard work and extraordinary dedication to the protection and promotion of our Nation's public health.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 426, a resolution offered by the chairman of the Energy and Commerce Committee, Mr. JOE BARTON of Texas, and the ranking member of the committee, Mr. JOHN DINGELL of Michigan.

Today the House is honoring the 100th anniversary of the Food and Drug Administration, an organization responsible for ensuring the gold standard of safety for the medical products Americans use and the foods we consume.

□ 1200

For a century now, the dedicated public servants at FDA have worked professionally and tirelessly to promote public health by regulating drugs, biologics, medical devices and cosmetics in a science-based way. As a result of their continued efforts, the United States stands alone, rightfully laying claim to the safest and most effective medical product supply in the world.

Additionally, the agency's vigilant work on food safety protects us against natural and man-made threats to the safety of the foods we eat.

The long-standing tradition of professionalism and diligence of this importance agency, which regulates roughly 25 percent of our gross domestic product, continues today under the able leadership of the Acting Commissioner of Food and Drugs, Dr. Andrew C. von Eschenbach. Under his leadership, the FDA enters its second century of service, with both a broad history and a bright future.

As chairman of the Energy and Commerce Health Subcommittee, I look forward to continuing to work closely with Dr. von Eschenbach and his agency's outstanding staff on many important public health issues. Mr. Speaker, I want to thank Dr. von Eschenbach and the more than 10,000 civil servants for their continued service to the American people who are safer and healthier because of their efforts.

Again, I would like to commend Chairman BARTON and Ranking Member DINGELL for offering this worthy resolution and for their strong leadership on FDA-related issues. I encourage all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleagues, both Chairman BARTON and Ranking Member DINGELL, for introducing this resolution.

The Food and Drug Administration is the Nation's premier consumer protection agency. It ensures that food and drugs are safe and properly labeled, that medical devices are safe and effective, and that cosmetics are properly labeled. In the 100 years since its founding, the FDA has changed with the times and has adapted to the health and safety needs of Americans.

As initially enacted, the 1906 Food and Drug Act prohibited food, drinks and drugs to be adulterated or misbranded.

Over the years, the scope of the FDA has increased significantly. In 1938, its authority was extended to cosmetics and devices through a law that also established a new system for regulating drugs. The 1938 law also gave the authority to inspect factories.

By the 1960s, the FDA's role in ensuring drug safety expanded even more as the 1962 drug amendments required pharmaceutical manufacturers to prove the effectiveness of their drugs before being allowed to market them.

In 1958, the FDA played a key role in the country's response to the growing AIDS epidemic by approving the first blood test for AIDS.

Given the sensitive nature of its many activities and the effect they have on Americans from all walks of life, the FDA has not been without controversy or its critics. Yet, 100-years after its creation, I hope that we can all agree that the FDA remains a critical part of our efforts to protect and improve the health and safety of our Nation.

Every day, the FDA evaluates and approves new drugs and medical devices that improve our lives and productivity. It regulates food packages so we know what we are getting when we buy food for our families at the grocery store. The agency develops oversight policies regarding blood donations to ensure safe blood supplies. These are just some of the way the FDA's responsibilities are essential to protecting the public health.

As we come up on the 100th anniversary of this vital Agency, I am happy to support this resolution honoring the FDA and its staff for their 100 years of work to protect and improve public health.

Just a side note, Mr. Speaker, the FDA Commissioner von Eschenbach actually was a great researcher at M.D. Anderson in Houston, and with the National Cancer Institute, now at the FDA. Again, I know of no better person to be at the FDA because of both his experience, both as a cancer patient, but also as a researcher. He knows how important it is to make sure our drugs are protected will actually cure us, and will do what they say they will.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I have no other additional speakers, and I will be prepared to close. I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, we have two speakers, and I am glad to yield 5 minutes to the gentleman from New York (Mr. HINCHEY), a colleague from the same class of mine.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to my good friend and colleague from Texas (Mr. GENE GREEN) for providing me with this opportunity.

As we have heard, Mr. Speaker, next week the Food and Drug Administration turns 100 years old, and it is unfortunate that this agency is not making laudatory headlines as it celebrates such an auspicious occasion.

Instead, the Food and Drug Administration is at the nadir of its trustworthiness with the American people. Its basic defense of the public health has simply been perverted in the name of so-called conservative interests.

As a member of the House Agriculture Appropriations Subcommittee which has oversight over the Food and Drug Administration, I have been frustrated by the agency's cozy relationship with the pharmaceutical industry whose products it is supposed to regulate.

In 2001, fees paid by the drug companies funded 32 percent of the FDA's budget for drugs. Today, that figure is nearly 50 percent, and it is expected to go higher. Making matters worse, the FDA must negotiate with the drug industry on how those user fees are allocated. This financial dependency, along with the FDA's constant negotiations with companies over how to spend the fees, is the foundation for the conflict of interest that exists between the FDA and the pharmaceutical industry and others it is supposed to regulate.

I have been alarmed that financial conflicts of interest are waived by the FDA among its advisory committee members. The agency relies heavily on these scientists and these experts to guide policy when questions arise concerning medical treatments. When the FDA allows conflicted scientists to serve on these boards, events that have occurred over 100 times already during this fiscal year alone, the public health is obviously jeopardized at the expense of inappropriate personal interests.

I have been saddened by the stories I have heard from American families who have paid the price for mismanagement of this agency. I have met with many of these families on the efforts by the FDA to preempt their right to sue pharmaceutical companies in local and State courts. These families must be allowed to seek the understanding and justice they are owed after their loved ones are injured or killed from an adverse reaction to a product regulated by the FDA. I will meet with some of these families again later next week.

For these and many other reasons, I and many of my Democratic colleagues have introduced legislation, the FDA Improvement Act and others, to address many of the loopholes that currently exist at this agency. This legislation would sever the financial links between the FDA and the drug companies. It would restore the independence of the FDA. It would strengthen the agency's efforts to guarantee post-market drug safety. It would eradicate conflicts of interest on FDA advisory boards. It would restore the public trust in this very critically important agency.

Last month, the Wall Street Journal and Harris Interactive released a poll on public perceptions of the job that the FDA is doing on the safety of prescription drugs. Only 36 percent of the adults polled believe that the agency was doing a good job on ensuring the safety and efficacy on new prescription drugs. Eighty-two percent of the people polled believed that the FDA's decisions are influenced by politics over medical science to a great extent or at least to some extent.

According to its own Web site, the FDA is our country's oldest consumer protection agency. It should be given the authority to do its job independently, and the administration should sufficiently use that authority to protect the American people. It is a two-step process.

Yesterday, the American Association of Retired Persons reported that prices for brand-name pharmaceuticals jumped nearly 4 percent during the first 3 months of this year alone. The men and women paying for these drugs should be able to trust in the safety and the efficacy of the products for which they are paying so dearly.

The Food and Drug Administration's 100th anniversary should be a time of celebration, and if we are going to make it such, we have to bring forward legislation to the floor of this House, legislation which makes the Food and Drug Administration free and independent, legislation which reestablishes the arm's-length relationship between the regulator and the regulated. That arm's-length relationship has completely disappeared because the FDA has become financially dependent upon the agency, the entities, the corporations, the drug companies that it is supposed to regulate, and that regulation has fallen apart.

Let us bring forward legislation to the floor of this House which improves the FDA and protects the American people.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to our colleague from Chicago (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to join with my colleagues in thanking Congressmen BARTON and DINGELL for introducing H. Con. Res. 426, which recognizes the 100th anniversary of the passage of the Food and Drug Act. I also want to thank the gentleman from Texas for yielding.

I rise in support of this resolution. First of all, Chicago had a great deal to do with the development of the Food and Drug Act because of the book that Upton Sinclair wrote, "The Jungle," and the vast stockyards and meat packing plants that were in Chicago, running amok and running afoul at that time.

But I most directly want to associate my comments with those of the gentleman from New York (Mr. HINCHEY), who just spoke, because I too believe that we must, in fact, have enough distance between the Food and Drug Administration and any kinds of political considerations.

I have had the opportunity in the last few weeks to meet and hear and be in the presence of Dr. Andrew C. von Eschenbach, the new acting director, and I must tell you that I have been tremendously impressed with his vision, with the articulation of a mission for the Food and Drug Administration, and with the assurances that he continues to give that science-based evidence will be his approach.

So I am optimistic about what the Food and Drug Administration is going to continue to do in the future, and we are going to find ourselves pleasantly pleased, I believe, under the leadership of Dr. von Eschenbach.

So I thank the gentleman again from Texas for yielding.

Mr. GENE GREEN of Texas. Mr. Speaker, again, I know I do not have the right to close, but I just encourage passage of this bill and recognize the 100 years, not that it is perfect, but we are still working on it, particularly in our committee, and encourage passage of the resolution.

Mr. Speaker, I yield back my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are not here today to say that the Food and Drug Administration is infallible. They certainly have made mistakes, as I am sure every Member of this body has made mistakes.

We are here, though, to say that over the past 100 years, there have been tens of thousands of FDA employees who have dedicated their lives to ensuring that our food and our medical products are safe. Time and again, Congress has entrusted fundamental safety responsibilities to the FDA.

We do not have a perfect system, but because of the dedicated public servants at the FDA, the United States stands alone as having the safest and most effective medical products supply in the world.

In 2002, we entrusted the FDA with new authorities to protect our food supply from terrorist threats. Every day, the employees at the FDA go to work to protect the best interests of the American people.

Although we may have disagreements over particular issues, we are better off as a country by having the dedicated individuals at the FDA working for the American people. We should not politicize a resolution that seeks to recognize their hard work. Mr. Speaker, I urge the adoption of this concurrent resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 426, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HEALTH CENTERS RENEWAL ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5573) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

The Clerk read as follows:

H.R. 5573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Centers Renewal Act of 2006".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Community, migrant, public housing, and homeless health centers are vital to thousands of communities across the United States.

(2) There are more than 1,000 such health centers serving over 15,000,000 people at over 3,700 health delivery sites, located in all 50 States of the United States, the District of Columbia, and Puerto Rico, Guam, the Virgin Islands, and other territories of the United States.

(3) Health centers provide cost-effective, quality health care to poor and medically underserved people in the States, the District of Columbia, and the territories, including the working poor, the uninsured, and many high-risk and vulnerable populations, and have done so for over 40 years.

(4) Health centers provide care to 1 of every 8 uninsured Americans, 1 of every 4 Americans in poverty, and 1 of every 9 rural Americans.

(5) Health centers provide primary and preventive care services to more than 700,000 homeless persons and more than 725,000 farm workers in the United States.

(6) Health centers are community-oriented and patient-focused and tailor their services to fit the special needs and priorities of local communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments.

(7) Health centers are built through community initiative.

(8) Health centers encourage citizen participation and provide jobs for 50,000 community residents.

(9) Congress established the program as a unique public-private partnership, and has continued to provide direct funding to community organizations for the development and operation of health centers systems that address pressing local health needs and meet national performance standards.

(10) Federal grants assist participating communities in finding partners and recruiting doctors and other health professionals.

(11) Federal grants constitute, on average, 24 percent of the annual budget of such health centers, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees.

(12) Health centers make health care responsive and cost-effective through aggressive outreach, patient education, translation, and other enabling support services.

(13) Health centers help reduce health disparities, meet escalating health care needs, and provide a vital safety net in the health care delivery system of the United States.

(14) Health centers increase the use of preventive health services, including immunizations, pap smears, mammograms, and HbAlc tests for diabetes screenings.

(15) Expert studies have demonstrated the impact that these community-owned and patient-controlled primary care delivery systems have achieved both in the reduction of traditional access barriers and the elimination of health disparities among their patients.

SEC. 3. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR HEALTH CENTERS PROGRAM OF PUBLIC HEALTH SERVICE ACT.

Paragraph (1) of section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended to read as follows:

"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated $1,963,000,000 for fiscal year 2007, $1,999,000,000 for fiscal year 2008, $2,015,000,000 for fiscal year 2009, $2,041,000,000 for fiscal year 2010, and $2,041,000,000 for fiscal year 2011.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

□ 1215

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5573, the Health Centers Renewal Act of 2006, which is legislation to reauthorize the Community Health Center program for another 5 years. As we learned from the hearings we held last month in the Subcommittee on Health, the Community Health Center program has been an unprecedented success, and community health centers are an integral part of this country's health care delivery system, providing quality health care services to people and communities that would otherwise not have access to such care.

We are sticking with the old maxim of not fixing something that isn't broken, and this legislation represents simply a straight reauthorization of that program and seeks to build upon the success of the program by significantly increasing the levels of authorized funding.

I am proud to sponsor this legislation, along with my friend, Mr. GREEN of Texas and Mr. MICHAEL BILIRAKIS of Florida, and I would like to thank the 24 members of the Energy and Commerce Committee who have joined us as cosponsors of this bill.

Again, I encourage all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill before us today, which will reauthorize the community health center program through 2011. Over the years, the health center program has gained tremendous support from Democrats and Republicans, the Congress, and the President, a claim that can be made by very few Federal programs.

This support is due to the overwhelming impact that health centers have made on the health and well-being of our country's most vulnerable populations. In 2005, health centers provided care to 6 million uninsured individuals who represented 40 percent of the patient population at health centers. Ninety-one percent of health center patients are low income, and 36 percent are Medicaid.

Without a doubt, health centers are meeting their mission for providing much-needed health care to the medically underserved in this country. Much of this success can be attributed to the core elements of section 330 of the statute we seek to reauthorize today. To be eligible for Federal funding, health centers must be located in medically underserved communities; they must have independent boards, a majority of which must be governed by members of the community who utilize the center for health care; and they must also provide compulsory, primary, and preventive health care with services available to all community residents regardless of the patient's ability to pay.

This focus on primary and preventive care has yielded tremendous savings for our health care system, as health centers provide the uninsured and underinsured with access to care that they would otherwise seek in our hospital emergency rooms.

A study in Harris County, Houston, Texas, where my district lies, found that 57 percent of the emergency room visits could be handled at a primary care clinic. This is a perfect example of the type of health care problem that health centers help solve.

Access to affordable primary care at health centers has also reduced the need for inpatient and specialty care. Because of medical problems in health centers, patients are treated earlier before they require in-hospital treatment. In fact, a study suggests that health centers saved Medicaid approximately 30 percent in annual spending on beneficiaries receiving care at our Nation's health centers.

This successful result is that health centers have become the medical home for more than 15 million Americans. Health centers also represent the Nation's largest primary care system, with one in nine Medicaid beneficiaries and one in five low-income individuals receiving care at health centers.

I have a personal interest in this issue because we have been working for years in the Houston area to establish additional community health centers to serve our growing uninsured and underinsured population. My State of Texas, unfortunately, ranks number one in the number of uninsured and with 25 percent of Texans living without insurance.

The statistics for the Houston area are just as troubling. More than 30 percent of Harris County residents are living without health insurance. Despite the obvious need for additional health centers in the Houston area, we have been playing catch-up for quite a while. Last year our area was awarded five additional FQHCs, federally qualified health centers, bringing our total to nine sites, including look-alike centers.

With more than 1 million uninsured, however, the Houston area will still have fewer than 10 FQHCs, while other large cities, like Chicago, have more than 70 sites. In the Houston area we know our work is not done. As a Nation we have a long way to go before we meet the President's goal of locating health centers in every low-income county in this country.

In fact, studies suggest there are still more than 900 poor counties in the U.S. in need of a health center. To ensure that these goals are met, it is crucial that we pass this bill to reauthorize the health center program, whose current authorization expires this year.

Mr. DEAL, Mr. BILIRAKIS and I have put together a compromise bill that will reauthorize the program to 2011, keeping intact the core elements of the program that have been critical to its success, and I want to thank all my colleagues on the Energy and Commerce Committee who supported this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Florida (Mr. BILIRAKIS), who has been one of the cosponsors of this legislation and a leading supporter of community health centers.

Mr. BILIRAKIS. Mr. Speaker, I thank Chairman DEAL, and I do rise in support of this bill which I have cosponsored with Chairman DEAL and with our colleague from Texas (Mr. GENE GREEN).

I have long championed community health centers, Mr. Speaker, because they have been a model for delivering primary and preventive care efficiently and effectively for more than four decades. They serve more than 16 million Americans, many of whom are underinsured or uninsured, in areas where people need most services. They make their services available to all residents of the communities in which they are located without regard to their ability to pay.

One of the reasons community health centers have successfully provided care to so many through the years is that the individual centers are governed by a community board, a majority of whose members are patients of the health center itself. I think this feature makes health centers more responsive to the needs of the communities they serve than they otherwise might be.

Health centers have proven that health care need not be complicated or expensive to work well. The health centers program started more than 40 years ago with the idea that patients should run the show, a remarkably simple formula for success. This patient democracy, if you will, shapes the delivery of health care to the community and determines the range of affordable services the health center will provide.

And those services are certainly needed. Despite our best efforts, there are still far too many Americans who lack health insurance and for whom community health centers are their only source of care. These vulnerable individuals need the Community Health Centers program to remain strong and vibrant as they work toward greater health security for themselves and their families.

The authorization for this valuable program expires this year; however, I have introduced legislation with our colleague from Texas (Mr. GENE GREEN) to reauthorize the Federal health center program through 2011. Our bill would authorize $1.93 billion in funding in fiscal year 2007, thereby increasing funding next year to the level the President has requested, or approximately $181 million more than last year.

Although we introduced the bill only a few weeks ago, I am pleased that it already has 233 bipartisan cosponsors, more than half the House, including almost every member of the Energy and Commerce Committee. I believe these numbers are a testament to the broad and bipartisan support for reauthorizing the Federal health center program this year while preserving the key elements of its authorizing statute.

The bill we are considering today is identical to the Bilirakis-Green bill, except it includes specific authorization levels for fiscal years 2008 through 2011, which would bring health center funding to $2.04 billion by fiscal year 2011 and allow for the continued expansion of health centers in needed areas around the country.

I certainly want to thank our full committee chairman, Mr. BARTON, and our subcommittee chairman, Mr. DEAL, for acting expeditiously on reauthorizing this important program.

Although I am pleased the bill before us today maintains the fundamental structure of the Federal health center program, I do support making what I believe are commonsense legislative changes to enhance the ability of community health centers to provide care to those who need it, and, hopefully in the coming weeks, to examining the merits of several of the proposals which my committee colleagues have put forth that I believe would do just that.

I am especially supportive of H.R. 1313, legislation our colleague from Pennsylvania (Mr. MURPHY) has introduced, which would extend liability protection to volunteer physicians at community health centers. I believe that this change, which the National Association of Community Health Centers fully supports, will encourage doctors and other medical professionals to volunteer their time and talent at health centers in underserved areas which are facing workforce shortages.

I believe that it is imperative we move forward on Mr. MURPHY's legislation as soon as possible. There currently, as we know, is a serious shortage of health care providers in areas where community health centers are located. In addition, there will be an increasing demand for physicians to serve the millions of new patients that will be seeking care as centers come on line as part of President Bush's initiative to put new community health centers in medically underserved areas around the country.

As many of us know, the high cost of medical liability insurance can be prohibitive, especially for physicians who are going above and beyond, so to speak, by volunteering at community health centers. The bill that Mr. MURPHY has introduced, which I have cosponsored, would do that by extending the medical liability protections under the Federal Tort Claims Act to volunteer physicians at community health centers.

I believe this commonsense proposal would encourage more qualified health care providers to volunteer their much-needed services at health centers that desperately need their expertise. Although I would have preferred, Mr. Speaker, to also be considering this legislation here today, I am nonetheless, of course, fully supportive of the bill and urge its passage.

Mr. Speaker, community health centers have deservedly earned bipartisan support in Congress because of their long and well-documented record of success. This bill will help them continue their mission well into the future, especially in the most needed areas around the country. I urge all our colleagues to both support and invest in proven health care solutions by voting for H.R. 5573. The health and well-being of our constituents depends on it.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to our colleague on the Committee on Energy and Commerce, Congressman ENGEL of New York.

Mr. ENGEL. I thank the gentleman from Texas for yielding to me, and I rise in strong support of the Health Centers Renewal Act of 2006.

Community health centers ensure that over 15 million low-income Americans, including 1 million New Yorkers, get access to affordable primary care and preventive services regardless of insurance status or ability to pay. In my own district, I am very proud of the good work that the Mount Vernon Neighborhood Health Center, Refuah Health Center, the Community Medical and Dental Care Center in Monsey, and the Bronx Community Health Network do. I am proud of them.

Patients who use community health centers are some of our Nation's most vulnerable, with unique and complex health care needs. It has been estimated that nearly 70 percent of community health center patients have family incomes at or below the Federal poverty level. These patients, therefore, benefit from the special services that community health centers provide, such as transportation and translation assistance, which truly opens access to health care.

Community health centers improve health outcomes through their cost-effective, high-quality care. It is estimated that the health centers save the Federal Medicaid 30 percent in annual spending through innovative care. Both the Institute of Medicine and General Accountability Office have praised health centers for their effective management of chronic illnesses and have said they are a model in screening and diagnosing conditions like asthma, cardiovascular disease, depression, cancer, and HIV/AIDS. In addition, community health centers are estimated to be responsible for cutting infant mortality rates in the communities they serve by as much as 10 percent.

Considering these facts, we should support the community health centers with additional funding. Less than 25 percent of applications for new health center sites were funded last year, despite being qualified. It is also worth noting that when we do consider health information technology on the floor, we must ensure appropriate Federal investment in grants and loans to ensure community health centers get access to the technology.

While the unanimously passed Senate bill included Federal funding for low-income providers, the Energy and Commerce bill, unfortunately, did not. Health IT has the potential to even further improve the quality of care at the community health centers, but the centers simply cannot afford the technology without extra help.

I should note that New York City appropriated $27 million to help provide 1,000 New York City doctors treating underserved patients with electronic health record systems by 2008. The city's contribution is being matched by an additional $13 million contributed by the community health centers participating in the program. The end result is that 30 community health centers, which include 150 sites, will be linked throughout New York City. This worthy initiative would certainly benefit from Federal assistance as well.

Mr. Chairman, thank you again for calling for the reauthorization of the health centers program. Millions of people will be better for it.

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Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise to support the Community Health Center Reauthorization.

Mr. Speaker, we are approaching 1,000 community health centers with 3,600 sites serving over 13 million Americans. There are over 80 of these sites in northeast Georgia alone, in my district and in Chairman DEAL's district. They operate in rural communities where health services are either scarce, or, in some cases, nonexistent. They help keep our poor out of expensive emergency rooms.

With 25 percent of our population living in rural areas, only 10 percent of our physicians practice there. Rural Americans, like many folks in my district, are more likely to live below the poverty level and therefore be uninsured.

Health centers are Medicaid and Medicare providers, guaranteeing access for much of our elderly. While health care costs have risen, health centers have been kept theirs well under those of other providers.

Patients of health centers are generally healthier, use emergency rooms less and save money. In Georgia, they save the State $13.4 million each year in Medicaid costs alone. Community health centers are a good deal for poor Americans and taxpayers.

I have been an enthusiastic supporter of this program, and I am glad the President has supported the expansion of health centers in 200 new communities.

Mr. Speaker, the least expensive way possible to provide health care is to provide the best possible treatment up front. Community health centers are doing just that, and all of us need to support them.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS), an active member of the committee.

Mrs. CAPPS. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support as well of the Health Centers Renewal Act, and commend all of our colleagues on the Energy and Commerce Committee, but especially the subcommittee chairman, Mr. DEAL, and the ranking member, Mr. BROWN, for working together in this bipartisan fashion to pass this legislation.

Community health centers are vital to our Nation's delivery of primary care services to those who otherwise would lack access to health care. In my own district, we are fortunate to have several excellent health centers, including Clinicas del Camino Real in Ventura County, the Santa Barbara and Isla Vista Neighborhood Clinics in Santa Barbara County, and Health Care for the Homeless in San Luis Obispo County.

At a time when this body often seems too willing to divest from primary and preventive care, health centers are a model of success. They ensure that individuals in low income and medically underserved communities can receive checkups, screenings and early interventions, especially in a culturally sensitive environment. This is essential.

It means that conditions can be diagnosed and treated before they unnecessarily progress, at which point they often require very expensive treatment and sometimes hospitalization.

Mr. Speaker, it is no surprise that care at our health centers is the most cost effective care there is. We would do well to look at the lessons learned at our community health centers' focus on primary and preventive care and expand this to all areas of health care delivery in this country.

We know we need to be doing much more to expand access to care to encourage Americans to take advantage of primary care services available to them. Oftentimes, the community health center is the only care available to our constituents, so I support the reauthorization of health centers, and I hope we can use this as a stepping stone to further improve access to primary care for our entire Nation.

Mr. DEAL of Georgia. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MURPHY), a member of the committee who has been very supportive of community health centers and has some very good ideas for additional improvements.

Mr. MURPHY. Mr. Speaker, I thank the distinguished gentleman and chairman, Mr. DEAL. I am pleased to be a cosponsor of this legislation and to have worked closely with him on this vitally important bill that saves money and lives, and I am pleased to represent Cornerstone Community Center, one of the centers in my district.

Mr. Speaker, H.R. 5573 is a great step toward meeting our Nation's health care needs. Community health centers are a critically important solution to providing affordable and accessible quality care to millions of Americans who are uninsured or underinsured.

Medical care at community health centers is approximately $250 less than the average annual expenditure for office-based doctor visits. And keep in mind that over 30 percent of patients seeking care at a health center are uninsured. That is some 15 million people a year that seek care.

Moreover, health center services save money and lives by treating diseases before they become chronic conditions, require hospital care or require a trip to the emergency room.

I have with me here a list of the typical procedures that are offered at community health centers: Prenatal care, dental care, mental health care, substance abuse counseling, hearing and vision screening. They also offer discount prescription drugs. They provide vital case management for those with chronic illness, and keep in mind that 80 percent of health care costs go to those with chronic illness. Oftentimes, those complex cases require that sort of case management to help them meet the needs of their cases. They provide smoking cessation classes, blood pressure monitoring, weight reduction programs, and a host of other programs so vital to saving money in health care.

It also provides a health care home for many folks, many clinics giving patients a card so they recognize this is a place where they know their doctor and their doctor knows them.

By expanding community health centers, Americans could save as much as 30 percent for Medicaid patients, or $17 billion annually, due to reduced specialty care referrals and fewer hospital admissions.

However, our Nation's community health centers are experiencing a staffing crisis. A March 2006 publication in the Journal of the American Medical Association reported that community health centers have a 13 percent vacancy rate for family physicians, a 9 percent vacancy rate for interns, 20 percent vacancy for OB–GYNs, and an 8 percent vacancy rate for podiatrists, 22 percent for psychiatrists, and 18 percent for dentists. In other words, although we are trying to meet the needs of the 15 million who use the community health centers, the problem is growing in that not enough doctors are available to provide that care.

Vacancies of needed medical personnel at community health centers jeopardizes access to care to the Nation's uninsured and underinsured. Plus, the President has called for more centers around the Nation to fill our needs, and 11,000 more doctors are needed to fill those needs.

I have a letter from the National Association of Community Health Centers that says there is a dire shortage of health care providers in underserved communities where health centers are located. Congress and the President have worked to double the capacity of the Federal health centers programs, but in order to ensure that millions of additional patients can be served through this initiative, health centers must also double their workforce by adding 12,000 clinicians and 48,000 administrative staff soon.

Many skilled health care providers are willing to volunteer their time and expertise. Volunteer doctors acting as Good Samaritans have proved invaluable to clinics across the Nation. However, many skilled medical volunteers are turned away because community health centers cannot afford to cover their additional medical liability insurance.

Over the past year, I have been pleased to work with Chairman DEAL, Mr. BILIRAKIS, and also Chairman BARTON to make volunteering at community health centers more practical to doctors in order to meet the needs of families. Community health centers play a key role in any reform-minded approach to improving our health care delivery system.

Mr. Speaker, there is a desperate need for doctors and medical personnel of all sorts at community health centers, and I pledge I will continue to work with Chairman BARTON and Chairman DEAL and other members of the Energy and Commerce Committee and every Member of this body to explore every solution possible to meet our Nation's community health center staffing crisis.

We owe this to the patients, to the taxpayers of America who recognize this is a cost-saving, viable measure where we can provide care to millions of Americans who otherwise do not have it. This is the way we should be doing this, through community health centers, centers where the doctors know the patients and the patients know the doctors.

Please let us continue to work together to make this care affordable and accessible for patients all around the Nation so they do not have to see dire consequences that come when their conditions get worse because they couldn't receive the care they needed.

I thank the chairman for yielding me this time and for our collaboration together.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS), our colleague on the Energy and Commerce Committee.

Ms. SOLIS. Mr. Speaker, I rise in strong support of H.R. 5573, the Health Centers Renewal Act of 2006.

H.R. 5573 reauthorizes the Community Health Center program, guaranteeing a funding source for critical providers in communities like mine.

Community health centers leverage what little they have to ensure working families, the uninsured, and our Nation's children have access to critical medical care.

More than 40 million people in our country lack health care coverage today, including one in three in the San Gabriel Valley and in East Los Angeles. Eighty-three percent of the uninsured are from working families, and 14 million of those families are Latinos.

Community health centers are a fundamental component to our safety net, often providing vital care in a culturally competent and linguistically appropriate manner for all families, and often being the only source of care.

In my own district, community health centers bear the brunt of responsibility for treating the uninsured. After 70 years of serving much of my congressional district in the city of Azusa, our health center there was forced to be closed. There was not sufficient funding to keep it open. I knew one in three people in my district without health insurance would suffer without access to this care.

Through the support of the city of Azusa, Los Angeles County and many other community organizations, the clinic in Azusa was opened. Now it is there because we were able to secure section 330 designation. Now they can open their doors and serve the thousand or so patients that come through their doors every month. It is exciting to tour that clinic and see the kind of assistance that mothers are receiving in terms of prenatal care, to see that the elderly are having someone help them manage their diabetes, and to see that young children are getting their immunizations. Those things are vitally important to our community.

There is another community clinic that has been in my district for over 30 years, and what is wonderful about this particular clinic is that it also serves surrounding congressional districts. Mr. DREIER's constituents receive services from the East Valley Clinic, as do Mrs. NAPOLITANO's constituents. We worked there to help leverage support and fund services to serve all of our residents and constituents.

I am proud to say this is a wonderful bill to be able to express our strong support, and I urge all of my colleagues to support this bill.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I want to begin by thanking the chairman for his fine work on bringing forward this bill, as well as the ranking member, and for the bipartisan nature of this bill.

As so many other speakers have testified this morning, community health centers are an integral part of our health care network throughout our country, and are an increasingly important aspect of trying to deal with the uninsured and underinsured.

The reason they are so important is that community health centers focus on preventive care and primary care. They offer low-cost alternatives to emergency room visits, which is not only the most expensive care that people can get, but also why should we be letting illnesses progress to that stage when community health centers can help people with preventive and primary care.

Community health centers focus on the uninsured and the underinsured, a critical element of our health care delivery system. And the cost savings to our system are significant, as other people have testified this morning.

In my State of New Hampshire, in 2004 there were 219,000 patient visits to community health centers. Not only do they provide basic preventive care, but also education, outreach, screenings, nutrition counseling, substance abuse counseling, prenatal care, and dental care, so the community health centers are full service medical care for so many different people in our community.

I have eight community health centers in my district. I have visited three of them, and I would like to cite them all for their good work: The Avis Goodwin Community Health Center in Dover that is run by Janet Atkins; the Manchester Community Health Center in Manchester, the director is Ed George; and the Lamprey River Community Health Center in New Market run by Ann Peters recently won a Federal project designation and was able to significantly expand their ability to treat patients in their area of New Hampshire. Their efforts are noteworthy. That is why this legislation is so important to be able to not only encourage the existing health care centers we have, but to expand them and expand their mission.

So I urge my colleagues to support the bill. I thank the chairman and thank the ranking member for the bipartisan nature of this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

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Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the reauthorization of the community health centers for a number of reasons.

First of all, more than probably anything else, community health centers are the reason that I am a Member of Congress. My public work began at a community health center, the Martin Luther King Center in Chicago, then the Miles Square Center in Chicago. I became a member of the association when we organized it, ultimately became chairman of the legislative committee. The current president of the association, Tom Van Coverden, was my staff person when I was chairman of the legislative committee. I became its speaker of the house and eventually became president of the National Association of Community Health Centers. And so I used to be one of those people who would run around here knocking on Members' doors asking them to appropriate money and to support community health center programs.

Community health centers are the best thing that has happened to ambulatory health care since Medicare and Medicaid for large numbers of poor people throughout the country. I commend them. I have been in centers all over the country, and they do outstanding jobs.

They are also the main economic engine in many communities, the biggest employer. People get a chance to work who have never had a job before. I know individuals who are nurses and physicians who came to work in community health centers as aides, as orderlies, who are now professionals. It is really the best thing that I have ever encountered in health care.

My district, this is the one time that I envy the members of Commerce and Energy because I also have 26 hospitals in my congressional district, probably more than any other district in the country, five medical schools, and so health is a big part of what goes on where I live on a daily basis.

I commend the committee for an outstanding piece of legislation, the great work that it does. And, yes, they are going to have their convention in Chicago in August of this year, and we look forward to hosting them at that time.

Mr. DEAL of Georgia. Mr. Speaker, first of all, I would like to thank Mr. DAVIS for a very inspiring testimonial of the importance of community health centers, and to learn of his longtime dedication to them, and I thank him for that.

I yield 2 minutes to my colleague, Mr. SHAYS.

Mr. SHAYS. Mr. Speaker, I join my colleague as well in thanking Mr. DAVIS for his comments.

I am a huge fan of what I call community-based health centers. These clinics, these health centers do awesome work. So, Mr. Speaker, I strongly support H.R. 5573, the Health Centers Renewal Act, which will reauthorize the Community Health Center program for 5 more years and increase the program's funding. This continues the strong commitment Congress has shown to these centers over the past 5 years.

During the last reauthorization, this administration sought to double the amount of people receiving care through community health centers from 10 million to 20 million. Already nearly 16 million individuals are now receiving quality care, and half of these individuals are uninsured. So of the 46 million uninsured, approximately 8 million are receiving excellent care from these centers.

By preventing costly hospitalizations and reducing the use of emergency care for routine services, it is estimated community clinics save the health care system over $6 billion annually.

So, in conclusion, I strongly support passage of this legislation so community health centers can continue providing high-quality, cost-effective care. And I thank Mr. DEAL and others, including Mr. GREEN, for bringing this bill out. It is an important bill, and I urge its passage.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to another member of the Energy and Commerce Committee, a good member, Congresswoman SCHAKOWSKY.

Ms. SCHAKOWSKY. Mr. Speaker, I am so pleased to join in support of this important bipartisan Health Centers Renewal Act, H.R. 5573.

Each and every day health centers provide high-quality primary and preventive care to our constituents. In Illinois, community, migrant, homeless and public housing health centers operate 268 primary care sites and serve close to 1 million patients every year.

Community health centers do a great deal with limited resources. They provide critical medical care services to many who would otherwise have no other place to go or would end up in an emergency room. They provide early care and chronic disease treatment, keeping people healthy and productive. They are models of accountability and patient involvement.

As the reauthorization bill points out, health centers are community-owned and patient-controlled, an important factor in their ability to reduce barriers to health care access and disparities in health care delivery.

They are also extremely cost-effective. According to the Kaiser Commission on Medicaid and the Uninsured, Illinois health centers save over $34 million in State Medicaid expenditures alone. The cost of serving a patient in a health center is about one-third less than in other settings.

As grateful as we are for all the work the community health centers do, it is also important that we recognize that they cannot solve the health care crisis facing our Nation by themselves. We need a vibrant Medicaid program and strategies to expand affordable access to health care for all, especially for the specialty care services that community health centers do not provide.

Finally, I want to take a moment to recognize the outstanding work of the Illinois Primary Health Care Association, which represents the State's community health centers. The association provides important support, not just in advocacy, but in helping health centers learn about and enter the new world of health information technology, IT, assisting in the expansion and construction of new health centers, encouraging culturally appropriate care. We thank them for meeting the new challenges of a growing medically indigent population that is diverse in every conceivable way.

I particularly want to thank the health centers that serve my district so well, centers operated by Access Community Health Network, Heartland Health Outreach, Heartland International Center, Howard Brown Health Center, the Chicago Department of Public Health, and the American Indian Health Service of Chicago. This reauthorization bill is important in making sure that they and other health centers around the country can continue to provide timely, high-quality care to those who would otherwise lack a source of care.

I strongly urge support of H.R. 5573, and encourage my colleagues to do so as well.

Mr. DEAL of Georgia. Mr. Speaker, I have no additional speakers, and I would reserve my time pending the right to close.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 1 minute to my colleague and our ranking member on the health subcommittee, Congressman BROWN.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Texas, Mr. GREEN, who is doing yeoman's work in bringing community health centers to Houston and to his whole State. I thank him for that and thank Chairman DEAL for his good work on this issue.

Every year, a quarter million Ohioans, more than that, 280,000 Ohioans, from Lisbon to Piketon, from Fremont to Chillicothe, from Hough to Lincoln Heights, visit facilities associated with the 27 community health care centers in my State. Many of them are uninsured. Many of them, most of them, have incomes below the Federal poverty level. These centers give these thousands of Ohioans access to a medical home where they can receive a comprehensive range of health care services. Without these centers, many of these Ohioans might opt to delay care. Some of them are likely to end up in the emergency room. Many of them will suffer permanent illness as a result. All of that strains the system, creates unnecessary cost for our health care system, and causes undue bad health and undue human suffering. Investing in community health centers in Mansfield and Youngstown and Barnesville, Ohio, is a far better alternative.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would like to close by thanking both our chairman and ranking member of the Energy and Commerce Committee, Mr. BARTON and Mr. DINGELL, as well as the chair and ranking member of our health subcommittee, Chairman DEAL and Ranking Member Mr. BROWN, who we just heard from, the committee staff and their hard work on the bill.

There are many of us on the committee with strongly held views about health centers. Some want higher authorization levels, while others sought certain changes in the statute. In the end we came together in a bipartisan fashion to ensure that our differences didn't overshadow our shared support for this important program. And that it has made a tremendous difference in many lives of our constituents.

The bill before us today is truly an example of compromise within our committee, and I would like to thank my colleagues for putting together the good of the health center program above all else when it comes to this bill.

Mr. DINGELL. Mr. Speaker, I support H.R. 5573, the "Health Centers Renewal Act of 2006". Community Health Centers are local, non-profit, community-owned health care providers that serve low-income and medically under-served communities. They provide healthcare services to more than 15 million people annually, 6 million of whom have no health insurance coverage. They are located in more than 3,400 communities in every single State, including my home State of Michigan where we have approximately 30 health centers.

Community health centers are vital to the health and well-being of our country's most vulnerable citizens. There are over 41 million uninsured Americans and untold numbers of under-insured persons. This number is increasing at a rapid pace, forcing risky delays for important primary and preventive healthcare services.

For almost 40 years, America's health centers have helped communities meet escalating health needs and address costly and devastating health problems, from infant health development to chronic illness, to mental health, substance addiction, homelessness, domestic violence, and HIV/AIDS. Community Health Centers span urban and rural communities across the Nation and their remarkable success has earned them broad bipartisan support among Federal, State, and local policy-makers. We should continue to do everything within our power to support these health centers and provide them with the resources they need so that they can continue to do their jobs as successfully and effectively as they have for the past four decades.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 5573, the Health Centers Renewal Act of 2006. Community Health Centers are important resources for our country's healthcare system and vital sources of healthcare for many Americans. Their work, the services and care they provide, and the impacts on the lives of the over fifteen million Americans they serve are commendable. Community Health Centers are important to providing quality healthcare and services to our country's underinsured, uninsured, and underserved communities.

The Northern and Southern Community Health Centers on Guam are two of the more than one thousand such health centers that serve Americans across the country. The Northern and Southern Community Health Centers on Guam are valued and trusted healthcare delivery sites for residents of Guam.

That these community health centers are flexible in their response to the particular needs of the communities they serve is of particular value. This flexibility and ability to adapt to local needs helps ensure that local communities continue to benefit from the high-quality, focused care provided by Community Health Centers such as the Northern and Southern Community Health Centers on Guam. Key among these flexible and locally tailored services is the aggressive outreach, education, and preventative medicine programs these Community Health Centers offer.

But flexible care and services tailored to local needs alone will not ensure that Community Health Centers continue to offer and provide local communities with high-quality, cost-effective healthcare. Community Health Centers, like the Northern and Southern Community Health Centers on Guam, are small and lack significant organic capabilities to earn capital. Continued access to capital to grow these centers and improve their services is vital to their continued success. I strongly support programs that provide Community Health Centers across America access to additional capital resources.

It is only as a result of the efforts of the many professionals within the greater Community Health Center community that its innovative healthcare programs and services can be provided and adequate financial resources can be best utilized for the benefit of the Center and the community it serves. The Northern and Southern Community Health Centers on Guam are staffed by dedicated professional healthcare providers and support personnel who are committed to delivering the best care possible to their patients. Their efforts to provide high-quality care to residents on Guam are representative of their commitment to our island's unique community. The compassion and level of service they display in carrying out their duties is representative of the highest qualities of professionalism demanded by the medical profession. Lastly, the level of respect they have earned among the medical community on Guam and from the patients they serve on-island is notable.

I support H.R. 5573 and the additional authorization of appropriations for the health centers program established under the Public Health Service Act.

Mr. CASE. Mr. Speaker, I rise in strong support of the Health Centers Renewal Act of 2006 (H.R. 5573), which would authorize appropriations for Fiscal Years 2007–2011 for health centers to meet the health care needs of our medically underserved populations.

Health care centers (aka Federally Qualified Healthcare Centers (FQHC)) provide essential services to our communities. More than a thousand FQHCs serve over 15 million people in 3,700 communities across the United States. FQHCs not only provide primary and preventive care, but also meet emergency care needs in their communities. My State of Hawaii has 13 FQHCs across the state, and 10 of which are in my district alone.

We are all well aware of the important role of FQHCs in providing cost-effective, quality health care to our poor and medically underserved communities. FQHCs exist in areas where economic, geographic, or cultural barriers limit access to primary health care for the working poor, the uninsured, and many high-risk and vulnerable populations. More important, these health care centers tailor their services to specific community characteristics and needs.

When Congress established the FQHC system nearly 40 years ago, we intended a unique public-private partnership by providing direct funding to community organizations for the development and operation of these healthcare centers. Federal grants, on average, constitute 24 percent of the annual budget of FQHCs by assisting communities to find partners and recruit doctors and other health professionals. Today's passage of H.R. 5573 will continue that time-proven commitment and mission by helping to reduce health disparities, meeting health care needs, and providing a vital safety net in the health care system across our country and especially in my home.

Mr. Speaker, I fully support the Health Centers Renewal Act and urge its expedited passage in the Senate.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 5573, the Health Centers Renewal Act. By reauthorizing the health center program, we will ensure that community health centers are able to continue the delivery of cost-effective, high quality care to medically underserved communities.

It is important to note that community health centers are the primary providers of health care to America's poor and medically underserved. For over 30 years, they have been responsible for bringing doctors, basic health services and facilities into the Nation's neediest and most isolated communities. Community health centers provide quality primary health care in over 20 locations to one out of ten Rhode Islanders throughout my home state.

With increasing numbers of Americans losing access to employer-sponsored health coverage as a result of recent increases in unemployment and the rising cost of health care, it is more important than ever to support people and programs devoted to filling in the gaps. Without the services of community health centers, we would see even more over-crowding in our emergency rooms and unnecessary declines in quality of life for those who lack access to other forms of preventative care. Health centers do a tremendous job of managing the problems that exist in our broken health care system. But they cannot continue to do it alone. As we join together today to reauthorize the health center programs, I hope my colleagues will take this opportunity to reflect on the health care crisis that exists in America.

I have introduced legislation that proposes a universal system of health care, offering access to coverage for all Americans. Under my proposal, all Americans would have the opportunity to participate in a program modeled after the Federal Employees Health Benefits Program (FEHBP), which has provided Members of Congress, their staffs and other federal employees with quality health care over many years. With a commitment and partnership from businesses, consumers and the government, we could offer this kind of coverage and oversight to all Americans. Recent developments in Massachusetts and other parts of the country have shown us that the business community and Americans are ready to participate in such a system—it is now up to us, as Congress, to take on this Issue.

Mr. Speaker, once again I call on Congress to join me in the effort to develop a universal health insurance program that will include all Americans. In the meantime, I urge my colleagues to join me in support of programs that make health care available to at-risk individuals in underserved communities and vote in favor of H.R. 5573.

Mr. REYES. Mr. Speaker, I strongly support H.R. 5573, the Health Centers Renewal Act of 2006.

Federal community health centers provide health care services to poor and under-served communities across the country. They serve the uninsured, the homeless, rural residents, farm workers, and others who have no other access to care. These centers make health care accessible and affordable through outreach programs, education initiatives, and translation services, and many people rely on these centers for their primary care.

There are over 1,000 federal community health centers across the United States, and we are fortunate in my congressional district of El Paso, TX, to have three excellent health centers.

Centro de Salud Familiar La Fe has been serving clients in the El Paso area since 1967. The organization currently operates eight clinics, including a new Child and Adolescent Wellness Center and an HIV/AIDS clinic. La Fe also employs over 300 El Pasoans.

Project Vida is a multi-service agency in El Paso that has a long record of delivering quality services to those in need. The organization operates three health care clinics in our community.

Finally, Centro San Vicente provides a comprehensive range of health care services, including primary care, dental care, and behavior health services, to El Pasoans.

Mr. Speaker, in my congressional district and across America, community health centers are essential to keeping our constituents healthy and our communities strong. H.R. 5573 will assist them in their important efforts, and I ask all of my colleagues to support the bill.

Mr. CAPUANO. Mr. Speaker, I rise today in support of H.R. 5573, the Health Centers Renewal Act of 2006. This legislation is an important first step towards a straight reauthorization of the community health centers program. As we all know, community health centers are the backbone of our Nation's health care safety net, providing quality, affordable primary I health care to over 15 million people across the country. There is overwhelming, bipartisan support for the community health centers program because the evidence of its I success is undeniable. Health centers are efficient, locally controlled, and provide a high standard of care: simply put, they work.

In my District, the eighth district of Massachusetts, community health centers are not only essential to providing access to excellent health care in many of the neighborhoods I represent, but they are also pillars of the communities they serve. The community board, a majority of which is comprised of patients that the health center serves, is an essential part of keeping individual health centers inextricably linked to the community and its needs. It is significant that the bill before the House recognizes the unique, consumer-driven nature of the health centers model that has worked so well for many years. This fundamental structure of the health centers program must be maintained to ensure that the widely acknowledged success of the program continues.

The bill before the House authorizes appropriations for fiscal year 2007 at the same level as proposed by the President in his budget. This is a promising first step that echoes the amount authorized for fiscal year 2007 in H.R. 5201, legislation offered by my fellow cochair of the Community Health Centers Caucus, the gentleman from Florida, Mr. BILIRAKIS. However, that legislation, which I have cosponsored along with 233 Members of the House, would authorize such sums as necessary for fiscal years 2008–2011. The legislation we are considering today authorizes a specific dollar amount for each of those years, and I am concerned that the amounts in the bill may not take into account the costs of both the President's plan to expand health centers to every poor county in the Nation and the growing demands placed on existing health centers due to the increasing numbers of uninsured or underinsured, coupled with rising costs of providing medical care.

As the reauthorization moves forward, I hope that we can all remember those health centers in our districts who serve everyone who walks through their doors, regardless of ability to pay. They do extraordinary work, and we have an obligation to ensure that they have sufficient resources to continue to fulfill their essential role in our Nation's health care safety net.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield back my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time and would urge the adoption of this resolution.

The SPEAKER pro tempore (Mr. KIRK). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5573.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5574) to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals, as amended.

The Clerk read as follows:

H.R. 5574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Hospital GME Support Reauthorization Act of 2006".

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by inserting "and each of fiscal years 2007 through 2011" after "for each of fiscal years 2000 through 2005";

(2) in subsection (f)(1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) for each of fiscal years 2007 through 2011, $100,000,000."; and

(3) in subsection (f)(2)—

(A) in the matter before subparagraph (A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(B)";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) for each of fiscal years 2007 through 2011, $200,000,000.".

(b) REDUCTION IN PAYMENTS FOR FAILURE TO FILE ANNUAL REPORT.—Subsection (b) of section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) ANNUAL REPORTING REQUIRED.—

"(A) REDUCTION IN PAYMENT FOR FAILURE TO REPORT.—

"(i) IN GENERAL.—The amount payable under this section to a children's hospital for a fiscal year (beginning with fiscal year 2008 and after taking into account paragraph (2)) shall be reduced by 25 percent if the Secretary determines that—

"(I) the hospital has failed to provide the Secretary, as an addendum to the hospital's application under this section for such fiscal year, the report required under subparagraph (B) for the previous fiscal year; or

"(II) such report fails to provide the information required under any clause of such subparagraph.

"(ii) NOTICE AND OPPORTUNITY TO PROVIDE MISSING INFORMATION.—Before imposing a reduction under clause (i) on the basis of a hospital's failure to provide information described in clause (i)(II), the Secretary shall provide notice to the hospital of such failure and the Secretary's intention to impose such reduction and shall provide the hospital with the opportunity to provide the required information within a period of 30 days beginning on the date of such notice. If the hospital provides such information within such period, no reduction shall be made under clause (i) on the basis of the previous failure to provide such information.

"(B) ANNUAL REPORT.—The report required under this subparagraph for a children's hospital for a fiscal year is a report that includes (in a form and manner specified by the Secretary) the following information for the residency academic year completed immediately prior to such fiscal year:

"(i) The types of resident training programs that the hospital provided for residents described in subparagraph (C), such as general pediatrics, internal medicine/pediatrics, and pediatric subspecialties, including both medical subspecialties certified by the American Board of Pediatrics (such as pediatric gastroenterology) and non-medical subspecialties approved by other medical certification boards (such as pediatric surgery).

"(ii) The number of training positions for residents described in subparagraph (C), the number of such positions recruited to fill, and the number of such positions filled.

"(iii) The types of training that the hospital provided for residents described in subparagraph (C) related to the health care needs of different populations, such as children who are underserved for reasons of family income or geographic location, including rural and urban areas.

"(iv) The changes in residency training for residents described in subparagraph (C) which the hospital has made during such residency academic year (except that the first report submitted by the hospital under this subparagraph shall be for such changes since the first year in which the hospital received payment under this section), including—

"(I) changes in curricula, training experiences, and types of training programs, and benefits that have resulted from such changes; and

"(II) changes for purposes of training the residents in the measurement and improvement of the quality and safety of patient care.

"(v) The numbers of residents described in subparagraph (C) who completed their residency training at the end of such residency academic year and care for children within the borders of the service area of the hospital or within the borders of the State in which the hospital is located. Such numbers shall be disaggregated with respect to residents who completed residencies in general pediatrics or internal medicine/pediatrics, subspecialty residencies, and dental residencies.

"(C) RESIDENTS.—The residents described in this subparagraph are those who—

"(i) are in full-time equivalent resident training positions in any training program sponsored by the hospital; or

"(ii) are in a training program sponsored by an entity other than the hospital, but who spend more than 75 percent of their training time at the hospital.

"(D) REPORT TO CONGRESS.—Not later than the end of fiscal year 2011, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit a report to the Congress—

"(i) summarizing the information submitted in reports to the Secretary under subparagraph (B);

"(ii) describing the results of the program carried out under this section; and

"(iii) making recommendations for improvements to the program.".

(c) TECHNICAL AMENDMENTS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is further amended—

(1) in subsection (c)(2)(E)(ii), by striking "described in subparagraph (C)(ii)" and inserting "applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year";

(2) in subsection (e)(2), by striking the first sentence; and

(3) in subsection (e)(3), by striking "made to pay" and inserting "made and pay".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5574, the Children's Hospital Graduate Medical Education Support Reauthorization Act of 2006, which is legislation to reauthorize the Children's Hospital Graduate Medical Education Payment Program for another 5 years.

Without question, Children's Hospitals are an integral part of this country's health care delivery system. They improve health outcomes by providing a unique set of specialized health care services and treatment options for children.

The Children's Hospital Graduate Medical Education Payment Program is designed to provide financial assistance to children's teaching hospitals which do not receive significant Federal support for their resident and intern training programs through Medicare because of their low Medicare patient volume. By reauthorizing this important but relatively young program, we are able to help ensure that the mission of these teaching hospitals is continued.

I am also proud to say that this legislation makes improvement to the program by strongly encouraging the participating hospitals to report important new data measures to the Department of Health and Human Services.

I am proud to sponsor this legislation with my friend from Ohio and the ranking member of the health subcommittee, Mr. BROWN. And I would like to thank the 20 members of the Energy and Commerce Committee who joined us as original cosponsors of this bill.

I would also like to commend Chairman DEBORAH PRYCE of Ohio and Chairman NANCY JOHNSON of Connecticut for their strong and continued leadership on this important issue.

Again, I encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

It has been a pleasure working with Chairman DEAL from Georgia to introduce and move this legislation through the House. I appreciate his strong support and concern about funding, of creating an ongoing, more predictable funding treatment for graduate medical education.

Children's Hospitals, as we know, care for our Nation's youngest members, helping them grow and thrive. When a child develops a serious illness, these hospitals fight back with every weapon at their disposal, focused expertise, cutting-edge technology, a mission that embraces all children regardless of their family's income, regardless of their insurance status, regardless of their family's ability to pay.

Like other teaching hospitals, freestanding Children's Hospitals, we have many of them in Ohio, in Akron, in Toledo, Columbus and in Youngstown, freestanding Children's Hospitals make it a priority to pass on their expertise. They train the next generation of children's health care providers, ensuring a steady stream of physicians fluent and conversant in the unique challenges of pediatric care.

Most of our Nation's teaching hospitals rely on the Medicare GME program, Graduate Medical Education program, to help cover the costs associated with training new physicians.

□ 1300

However, Children's Hospitals, as I discovered in Akron Children's some years ago, which obviously serve few Medicare patients, the program for the elderly, are largely excluded from this funding. Before the enactment of Children's Hospital GME, this anomaly forced Children's Hospitals to divert funding from their medical mission to their teaching mission. Two crucial missions, teaching and health care, serving children, one source of funding with no cushion in it, and who is caught in the middle of this funding squeeze? Sick children. It makes no sense to finance Graduate Medical Education for professionals who treat adults but not for professionals who treat children.

In 1999, Chairman BILIRAKIS and I introduced legislation to address this investment gap. Since its enactment, the Children's Hospital GME program has met and surpassed expectations. Our Nation's investment in Children's Hospitals enables these providers to simultaneously train tomorrow's pediatric workforce and treat today's young patients, many of whom are battling for their lives. Serious illness is always heartrending, but when serious illness takes a child, it is an unfathomable loss. Children's Hospitals save young lives, and there is no mission more important than that.

Earlier this year, the administration proposed cutting the funding for Children's GME by 66 percent. Such a drastic cut would have devastating effects on the Nation's 60 freestanding Children's Hospitals, including the six that serve my home State of Ohio, and including Ms. PRYCE's Columbus Children's Hospital and have an impact on those like Rainbow in Cleveland that are not freestanding but still need the revenue to train their pediatric specialists. Columbus Children's Hospital alone would have faced a 76 percent cut in GME funding.

My child was at that hospital after an accident once. I know how serious and important they take their work and what a terrific job they do at that hospital in Columbus.

The Bush administration never justified the 66 percent cut. That is not all that surprising since it simply cannot be justified. This program works.

It is true that reckless fiscal decisions, tax cuts during wartime comes to mind, this body and the other body have continued to cut taxes for the wealthiest of our citizens and then logically the President proposes a 66 percent cut in Children's Hospital funding. Those reckless decisions by the Republican majority have plunged the Federal budget into the red. But the President is not doing any of us favors, and both parties recommend that, people sitting on the floor, Mr. MURPHY and Chairman DEAL and Ms. PRYCE. The President is not doing us any favors when he tries to compensate for his fiscal mistakes by making more of them. You would not take pennies from your child's piggy bank to pay off your million dollar yacht. You should not take dollars from our Children's Hospitals to pay off your trillion dollar tax cut. That would be a mistake.

Republicans and Democrats alike reaffirmed our support in committee for full GME funding when we passed this legislation out of the Commerce Committee, which Chairman DEAL and Chairman BARTON led. There is no 60 percent cut in the authorization. There should be no 66 percent cut in the appropriation.

This legislation, Mr. Speaker, helps safeguard our Nation's greatest asset: our children. I hope all Members of this body join Chairman DEAL and me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the chairman for yielding me this time.

I rise today in support of H.R. 5574, legislation that will reauthorize and strengthen the Children's Hospital Graduate Medical Education program.

Mr. Speaker, once in a great while, a program stands out among a crowded field of programs that grabs the attention of policymakers. Back in 1999, together with the gentlewoman from Connecticut (Mrs. JOHNSON), we saw such a program and took the reins to bring it to our colleagues' attention.

This program, known as Graduate Medical Education, was great at providing teaching hospitals that served Medicare patients with the tools and resources they needed to train doctors and treat patients. But what we realized was that the program did not reach teaching hospitals that treat children. Obviously, Children's Hospitals do not receive much in the way of Medicare payments. In fact, at the time no Federal program provided Children's Hospitals with the resources they needed to train and retain doctors and treat kids.

So in response to this inequity, Congresswoman JOHNSON and I worked with our colleagues to enact legislation that created a discretionary program to pay for Graduate Medical Education at Children's Hospitals.

Under the strong leadership of Chairman RALPH REGULA of the Labor, Health and Human Services Appropriation Subcommittee, Congress has taken the extraordinary step of providing equitable GME funding for independent Children's Hospitals at a level of about $300 million over the past several years. This program has strong bipartisan support and extraordinary support in my home State of Ohio.

I feel extraordinarily fortunate to have a state-of-the-art Children's Hospital in my hometown of Columbus, Ohio, as was mentioned earlier. At a time when programs are, and should be, scrutinized for their effectiveness and value, I am proud to report on what Children's Hospital in Columbus has been able to accomplish with the funding for the program we are seeking to reauthorize today. In the past 5 years, Columbus Children's has increased the number of physicians trained each year by over 100 percent. It has doubled residency fellowship programs and has launched these programs in areas of local and national shortage, such as pediatric surgical critical care, child neurology, and child abuse and neglect. It has initiated programs for primary care in underserved urban and rural areas. And because the Children's Hospital GME program has provided for the cost of their residency training, just as the Federal Government has always done for adult hospitals, these improvements for education and training of physicians for children have not come at the expense of patient care or research.

What all of this means is that the program is working. It is contributing to an improvement in the quality of care that our children receive at Children's Hospitals all across America. And that is exactly what our kids deserve.

I want to thank my colleagues, Chairman DEAL and Ranking Member BROWN, for prioritizing the reauthorization of this important program and commend all of the Children's Hospitals across the country for their extraordinary commitment to the health of our Nation's children.

As the motto of Children's Hospital in Columbus states: "For Every Child, For Every Reason." That is what Children's Hospitals are all about and why I am so proud to support this worthy program. I urge my colleagues to support it as well.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY), member of the Energy and Commerce Committee.

Mr. MURPHY. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, as a psychologist who spent many years working in the Children's Hospital of Pittsburgh, I was pleased to cosponsor H.R. 5574, the Children's Hospital GME Support Reauthorization Act of 2006, and I am pleased to speak on the bill today.

The Children's Hospital Graduate Medical Education program has been of significant help to Children's Hospitals across the country, like Children's Hospital of Pittsburgh, whose pediatrics department is also headed by Dr. David Perlmutter. For several years I served on the staff of Children's Hospital in Pittsburgh and remain on the faculty of the School of Medicine at the University of Pittsburgh as an associate professor of pediatrics; so I have seen firsthand through many years the ongoing value of pediatric education for young physicians where they have so much of their learning that comes not from books but at the bedside. Children's Hospitals provide the world class expertise needed to teach the next generation of medical professionals.

Recently, I received a letter from Mr. Roger Oxendale, the president of the Children's Hospital of Pittsburgh, who summarized the importance of the bill by saying, "The Children's Hospital Graduate Medical Education program provides the ability to serve all children through clinical care, research, and public health advocacy, as well as its primary purpose of the training of future pediatricians, pediatric specialists, and pediatric research scientists." And this bill, he said, "means a great deal to our hospital and the future of pediatric medicine." That support has really echoed throughout our Nation's Children's Hospitals in terms of the service they provide but also what is needed to keep that ongoing medical education going.

This payment program provides Federal funds to freestanding Children's Hospitals to support the training of pediatric and other residents in Graduate Medical Education programs. This program compensates for the disparity in the level of Federal funding for teaching hospitals for pediatrics versus other hospitals.

So I would urge all of my colleagues to support this vital and necessary legislation to reauthorize the training for pediatric programs for another 5 years and to ensure that America can continue to meet the health care needs of our Nation's children with high quality.

Mr. BROWN of Ohio. Mr. Speaker, I ask my colleagues to join Ms. PRYCE and Mr. MURPHY and Chairman DEAL in passing this legislation unanimously.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to one of the real leaders in this area, the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding.

I rise in strong support of H.R. 5574, legislation to reauthorize the Children's Hospital Graduate Medical Education program. Back in 1998, before my colleague from Ohio, Congresswoman PRYCE, and I authored this legislation, Children's Hospitals' residencies were getting .5 percent of what Medicare provided for other teaching hospitals. Thanks to that legislation that we authored and put in place a number of years ago, Federal GME support for Children's Hospitals approaches 80 percent of what Medicare provides to other teaching hospitals. Yes, only 80 percent.

Nonetheless, as a result, Children's Hospitals have been able to increase the number of residents they train, including both general pediatricians and pediatric specialists, increase the number of training programs they provide, and improve the quality of the training they provide and strengthen the programs they provide not only to residents but to the communities.

Between 2000 and 2005 in my own State of Connecticut, the Connecticut Children's Medical Center increased the total number of full-time equivalent residents by 31 percent. About 50 percent of their graduates pursue careers in primary care and 50 percent go on to subspecialty fellowship programs. In addition to so significantly strengthening our capacity to care for children with serious medical problems, they also have introduced new curricula to provide training in community pediatrics and professional development and, indeed, have had a systemic impact on the practice of pediatrics in many settings throughout the State.

I am proud of what they have accomplished. I am proud of what we have done here on this floor and in preceding Congresses to strengthen the training of pediatricians and pediatric specialists, and I urge support of this legislation.

And I thank my colleague, Mr. DEAL, for the work of him and his subcommittee and the full committee in bringing this forward this week.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 5574, the Children's Hospital GME Support Reauthorization Act of 2006. In FY2002, 59 children's hospitals received payments totaling $276 million. These hospitals provide specialized health care for infants, children and adolescents. Most have a wide variety of pediatric specialists to care for all types of medical problems.

The Children's Hospital GME Support Reauthorization Act is of importance to me as it affects many citizens of my congressional district. My district contains 26 hospitals and many are children's hospitals. In Chicago, Advocate Lutheran General Children's Hospital recently opened the world's first Ambient Experience pediatric radiology suite. The project seeks to make children more comfortable potentially reducing the need for sedation and repeat examinations. Federal funding has helped hospitals such as Advocate Lutheran General Children's Hospital the ability to take care of the sick children of Chicago.

Our society must continue to recognize the needs of children. Urie Bronfenbrenner, the co-founder of the national Head Start program, once said, "no society can long sustain itself unless its members have learned the sensitivities, motivations and skills involved in assisting and caring for other human beings." I am pleased that we are continuing to understand the needs of children in our society and that we are continuing to make progress with this issue.

Mr. CLEAVER. Mr. Speaker, I rise today to express gratitude for the passage of H.R. 5574, the Children's Hospitals GME Support Reauthorization Act of 2006. This bill will extend funding through fiscal year 2011 for children's hospitals that provide approved graduate medical residency programs. Hippocrates once said, "Healing is a matter of time, but is sometimes a matter of opportunity." Kansas City's Children's Mercy Hospitals and Clinics continue to provide numerous opportunities for the children of Missouri and Kansas to receive the best pediatric healthcare available. The services Children's Hospital Graduate Medical Education (CHGME) provides are invaluable. The $7 million received by Children's Mercy Hospitals and Clinics in the Greater Kansas City Metropolitan Area trains 125 interns and residents from the University of Missouri-Kansas City Medical School each year. The CHGME program ensures that children will continue to receive excellent healthcare and our Nation's pediatric health workforce will remain strong and competitive for years to come.

Since Children's Mercy Hospital in Kansas City is the only children's hospital between St. Louis, Missouri and Denver, Colorado, I know it is essential to continue to provide this vital funding. These valuable funds will keep the hospitals running efficiently while training our future pediatric care providers. I will support the restoration of CHGME's full funding for $300 million when the House considers the Labor, Health and Human Services, Education Appropriations Bill for Fiscal Year 2007.

Children's Mercy Hospitals and Clinics provide services spanning from Wichita, Kansas to Springfield, Missouri, and the passage of H.R. 5574 will ensure on-going financial support for over 60 children's hospitals, including Children's Mercy Hospital in Kansas City where the program started. From heart surgery to brain tumors to burn treatment, patients at Children's Mercy Hospitals and Clinics know they are receiving the best medical care possible and parents will never forget the "angels" who saved their children's lives. I am proud to support a program that has improved the lives of countless children nationwide, especially in my district, Missouri's Fifth Congressional District, while also expressing gratitude to the Missouri and Kansas delegation for their unending support.

Mr. Speaker, please join me in expressing our pleasure at the passage of this bill, and also to Children's Mercy Hospital in Kansas City for providing such a valuable service to so many families. The residents of Missouri's Fifth Congressional District take comfort in knowing the medical experts up at Children's Mercy Hospital are constantly on call ensure our children's well being. The health and safety of our children should remain a national priority, and today, I am proud to be a Member of Congress as we pass H.R. 5574.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5574, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 323) supporting efforts to increase childhood cancer awareness, treatment, and research, as amended.

The Clerk read as follows:

H. RES. 323

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years old are caused by cancer;

Whereas while some progress has been made, a number of promising opportunities for childhood cancer research still remain untapped;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancers continues to grow, with about 1 in 640 adults between ages 20 to 39 who have a history of cancer;

Whereas up to two-thirds of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) pediatric cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) efforts to encourage the incorporation of pain management for pediatric cancer patients into medical education curricula; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material to the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 323, a resolution authored by my colleague, Representative PRYCE of Ohio. This resolution expresses support for efforts to increase childhood cancer awareness, treatment, and research.

Just uttering the word "cancer" conjures up a fearful imagery. All of us can name a friend, a neighbor, coworker, or family member whose life has been touched by this terrible disease. Many here today have gone through or are going through the ordeal of cancer. Thankfully, more and more people are continuing to lead full and productive lives both during and after cancer. And while it is a tragedy whenever cancer takes someone's life, the tragedy is only intensified when cancer cuts short the life of a child.

As a parent and as a grandparent, I can only imagine hearing these dreadful news stories that my child or my grandchild may have been diagnosed with incurable cancer. That would be a terrible story to hear. The impact on families going through such shock and sadness is truly profound. Parents would do anything to cure their son or daughter.

All of us long for the day when a cure is found and cancer is eradicated from the face of the earth.

□ 1315

With advances in science and medicine, we are getting closer every day. But while research for many forms of cancer is vibrant and moving steadily forward, childhood cancer research lags behind in many ways. Promising avenues for research remain unexplored. There are several reasons why this is true. First, because childhood cancer is rare, it doesn't receive the same attention as more common adult cancers.

Second, as a further consequence of this rarity, there is less known about the causes of childhood cancer. This hinders efforts to create effective treatment and prevention strategies.

Finally, because children's young bodies are still developing, they present special problems for administering the powerful cancer therapies that are often used on adults.

The purpose of the resolution before us today is to draw public attention to these issues and to call for increased public and private efforts to address the problem of childhood cancer.

One issue that deserves our attention is the lack of professionals specializing in childhood cancer. We need to encourage more health professionals and students to enter this important field. Work with children who have cancer is a very difficult job and the burnout rate is high. It takes a very special combination of compassion and toughness for a caregiver to remain at a child's side as cancer takes its toll on his or her body.

We need caring people of many backgrounds, including physicians, nurse practitioners, data managers, research assistants and other health care professionals to take childhood cancer research and treatment forward. These professionals can ensure that as many children as possible are able to reap the benefits of research through clinical trials and other opportunities.

While the job of working with childhood cancer patients is tough, the payoff is high. Every ray of a child's smile and every extra day a family spends with their loved one can make all the difference.

Another issue we should consider very carefully is the availability of cutting edge cancer treatments. Experts say the future of cancer research lies in targeted treatments that are specially engineered to treat an individual person's cancer. These are the so-called designer cancer treatments. Designer treatments can attack a cancerous tumor while saving healthy cells in the body. This approach offers the hope of a cure with fewer side effects.

With the availability of such treatments, there is less need for children to endure difficult chemotherapy and other harsh treatments that may cause severe and lifelong side effects such as blindness and hearing loss.

While designer cancer treatments hold great promise, they require high-tech equipment and a host of specialty trained professionals to make them a reality. Each drug is specially tailored for an individual patient, making the drugs labor intensive and prohibitively expensive to produce.

While we should continue to explore both public and private options to provide these drugs to as many children and adults as possible, we should resist the temptation to impose price controls that would discourage these cutting-edge technologies from coming to fruition. Price controls of all kinds are ineffective in lowering the price of a product and cause more harm than good. Rather than getting the drugs to more people, they will cause fewer drugs to be manufactured and everyone's access will be diminished.

Through research, public awareness, education and wise public policy, we can make strides in the fight against childhood cancer. With this resolution, we are calling attention to the problem of childhood cancer and supporting efforts to improve its diagnosis and treatment.

Again, I commend Ms. PRYCE for her leadership on this issue, and I encourage my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to thank my Ohio colleague, Congresswoman DEBORAH PRYCE, for introducing this legislation. Ms. PRYCE has been instrumental in raising awareness of childhood cancers and promoting the research needed to overcome them.

Every year, more than 12,000 children in our country are diagnosed with cancer. More than 2,000 of them lose their lives. Although survival rates are increasing and great progress has been made to develop new diagnostics and treatments and cures, cancer remains the number one disease killer of children. There is, of course, no tragedy comparable to the loss of a child. If we can prevent cancer from taking the life of a child, then we must prevent cancer from taking the life of a child.

This resolution calls for Congress to support public and private sector efforts to promote awareness about the incidence of childhood cancer, its signs and symptoms, its treatment options and its long-term follow-up care. The resolution also calls for increased public and private investment in childhood cancer research, incentives to encourage health care providers to enter pediatric oncology, and incentives to spur development of better pediatric drugs and remedies. There is no more important fight than the fight against childhood cancer.

I think the legislation we just passed on the reauthorization of GME for Children's Hospitals, coupled with Ms. PRYCE's legislation here, will really matter to children in this country. I am proud to be a cosponsor of this resolution. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the author of this resolution, the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank Chairman DEAL for making this a priority, and Ranking Member BROWN. I appreciate your words and I associate myself with both of your remarks, and I rise today as a voice for the thousands of families across America who have been touched by pediatric cancer.

Each day, two classrooms full of children are diagnosed, two classrooms, and I rise today for the children who will be diagnosed today and for their families who love them.

This week, we celebrate Gold Ribbon Days, a time for children and their families to come to Washington, D.C., to raise awareness about pediatric cancer. Some of those children are fighting their own battles. To them, we offer support. Some of these families have lost their children to cancer. To them, we offer compassion. And to some of those children who are survivors, they offer us hope.

This morning, I had a chance to spend time with the children and families in town for Gold Ribbon Days. We held a rally right outside the Capitol to tell our stories. We celebrated the fact that this body today would be considering this important resolution that will help raise awareness, education and research. Those families are so thankful, Representative DEAL. Thank you so much for allowing us this time.

We also celebrated the premier tonight of the much anticipated documentary called "A Lion in the House." This film, produced by two brilliant Ohio filmmakers, is extraordinary. It offers an unprecedented look at the cancer journey of five young people and their families over a 6-year period. For those of us who have traveled on our own journey, this film depicts our experiences, our struggles and our pain. For those of you who have not traveled on this journey, this film will give you empathy and compassion.

Never before has such a delicate and serious topic like childhood cancer been brought to the public's attention in such a powerful and meaningful way; real families sharing stories, the very, very private moments, the highs and the lows, the roller coaster of never knowing what lies around the corner, the confusion, the frustration and the darkness, the joy and the pain, the love and the loss.

The families we meet in the film, their resilience, courage and wisdom, remind us that while it is human nature to question the sanity and injustice of why such a tragedy has befallen those of us who have been touched by pediatric cancer, we must find a way to channel our pain and our anger into action to change the course of this disease. That is what Gold Ribbon Days is all about, and this resolution is part of our action plan.

I want to recognize and thank the pediatric cancer organizations, the advocates, the children and their families who are waging their own battle against cancer. They are the tireless soldiers in our army, and until we rid the world of the scourge that is childhood cancer, we must keep up our strong army and we must keep up the fight, and we shall.

I urge my colleagues to support this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I have one final speaker. I am pleased to yield 5 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Speaker, I rise today in strong support of this resolution to fight childhood cancer. I would like to especially thank Congresswoman PRYCE for her leadership and strong dedication to this issue, which I can't think of any issue more important than this one.

My father died from this disease, but no parent should ever have to bury a child. As the father of five, I wake up every morning thanking God for the health and happiness of my children. Not all parents are as fortunate.

Unfortunately, cancer is the number one killer of children in this country today, and it destroys not only these innocent victims, but their families as well.

In too many cases, the moms, the dads, the sisters and brothers of children with cancer must stand by a hospital bed and watch helplessly as this horrible disease consumes the life of an innocent child.

Two of my constituents, Tim and Donna Culliver, lost their son Adam to childhood cancer. Faced with the loss no parent could put into words and a lifetime of pain they will feel forever in their hearts, they bravely have chosen to honor Adam by leading the fight to cure childhood cancer and by courageously working to ensure that no other mom or dad has to suffer as they did. And we should help them.

We can and must increase the funding for childhood cancer research. Underfunding this cancer research delays the goal of finding a cure for children like Adam Culliver. This is an investment we cannot afford to pass up. Unlike many of the investments that we make here in the Congress, this one will actually save the lives of innocent children.

Every day we do get closer to a cure. Three out of four children who are diagnosed with cancer will survive the disease, but that is not good enough. The loss of one child to this disease is too much.

Congresswoman PRYCE and I have introduced legislation called the Conquer Childhood Cancer Research Act, which provides for $100 million in desperately needed grants for childhood cancer research, and I urge all my colleagues to show their support for this important bill.

I spent the last 2 days with the families whose children have been afflicted by this terrible disease. They gave me a baseball bat that was signed by children at M.D. Anderson Hospital in Houston. The fortunate thing is that some of the children who signed that bat are survivors. The unfortunate thing is some of the children who signed that bat no longer are alive.

I want to take that bat and get our bill passed through the Congress, and, once and for all, defeat childhood cancer.

Many of my colleagues' offices will be visited today by the families who have suffered through this nightmare. I urge them to listen to the compelling stories the families have to tell and imagine how you would feel if you were in their place, and find the compassion in your hearts to help. This is an issue that no Member of Congress should say no to.

I ask you to fight for these families so no more families will have to suffer again.

Mr. DAVIS of Illinois. Mr. Speaker, children are one-third of our population and all of our future. If our American way of life fails the child, it fails us all. Today, we have the opportunity to ensure the best healthcare, research and treatment is provided for our children suffering with cancer. Our investment in children will benefit not only their future, but ours as well.

At present, 12,400 children have been diagnosed with cancer. Typically, cancer is the leading cause of death by disease in children under age 15. In 2005, cancer took the lives of 2,300 children. Our limited resources for childhood cancer have hindered the recruitment of investigators and physicians into the field of pediatric oncology. Not long ago, cancer was seen as a death sentence. But today we have hope as survival rates climb and new treatments are on the horizon.

Both public and private sector investments must be made to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long term survival. We should provide incentives to encourage the development of drugs and therapies to treat pediatric cancers. Our American citizens deserve the best in healthcare and we must ensure that they get it.

Let us continue to work together to fight childhood cancer and pass this bill.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Res. 323, which supports efforts to increase childhood cancer awareness, treatment, and research. Childhood is supposed to be a carefree and exciting time filled with joy and wonderment. Too many children, unfortunately, spend their childhood fighting for their lives against cancer. Cancer takes the lives of up to 2,300 children each year. It is imperative that we do more to combat childhood cancer.

The number of childhood cancer survivors is growing. Progress is being made but more must be done. This positive trend must be increased.

To do so, efforts to increase childhood cancer awareness, treatment, and research must continue. Increased public awareness of childhood cancer will help increase public and private sector investment in childhood cancer research. More and broader investment will improve prevention, treatment, and long-term survival for cancer patients.

H. Res. 323 provides policies that encourage the development of pediatric treatments and enhances educational resources related to cancer treatments. By supporting H. Res. 323, we demonstrate our support for providing cancer patients adequate resources in medicine and education.

The recent and tragic passing of a young girl, a daughter of Guam, brought this issue to the forefront of the minds of my constituents. Justice Taitague, a 5-year-old who suffered from leukemia, passed away in February 2003. Her best chance for life was a marrow transplant. The first-ever marrow drive on Guam was held as a result of the efforts of Dr. Thomas Shieh, president of the Guam Medical Society, the Hawaiian Bone Marrow Donor Registry, and the National Marrow Donor program. This "Drive for Justice" registered 3,400 donors in 3 days. Awareness of the need to address childhood cancer is high on Guam. But more must be done.

We must continue to promote awareness of, research on, and treatment for childhood cancer research. We must also increase funding to support those activities. I strongly support H. Res. 323, as it will help raise awareness of the need for continued investment of financial resources and intellectual energies toward combating childhood cancer. I urge my colleagues' support.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time, and ask this Congress to pass the Pryce legislation.

Mr. DEAL of Georgia. Mr. Speaker. I too yield back and urge the adoption of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 323, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair. two-thirds of those present have voted in the affirmative.

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement. further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5573, by the yeas and nays:

H.R. 5574. by the yeas and nays.

Proceedings on H. Res. 323 will resume tomorrow.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

HEALTH CENTERS RENEWAL ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5573.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5573, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 3, not voting 5. as follows:

[Roll No. 306]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown. Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis. Jo Ann
Davis. Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart. L.
Diaz-Balart. M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green. Al
Green. Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson. E. B.
Johnson. Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren. Zoe
Lowey
Lucas
Lungren. Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller. George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez. Linda T.
Sanchez. Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner

Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Hostettler
Paul

NOT VOTING—5

Cleaver
Evans
Lewis (CA)
McKinney
Rothman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1454

Mr. SALAZAR and Mr. STARK changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. McKINNEY. Mr. Speaker, on rollcall No. 306, had I been present, I would have voted "yea."

CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5574, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5574, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 4, not voting 7, as follows:

[Roll No. 307]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Flake
Linder
Paul
Waters

NOT VOTING—7

Bass
Carnahan
Evans
Lewis (CA)
Marshall
Rothman
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1503

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NEED FOR BORDER SECURITY ACTION

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to urge the Senate to take immediate action to secure our borders. Our constituents have watched in disbelief and disgust as the Senate passed a no-illegal-left-behind bill that gives in-state tuition and Social Security to illegal immigrants. Rather than seal our gaping borders, the bill gives the green light to even more illegal immigrants to cross our borders.

Though it would be a huge challenge to reconcile our varying bills, I ask my colleagues to stand with me to turn a terrible Senate bill into something that will secure America and make its citizens proud. I urge immediate action on a conference committee, so we can finally plug the holes in our border and show lawbreakers that Americans will not tolerate their disrespect for our laws.

MEDICARE PART D: A FLAWED HEALTHCARE POLICY

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of New York. Mr. Speaker, two new reports released yesterday make an open and shut case that the Medicare part D drug benefit is inadequate to meet the needs of America's seniors. One report indicates that drug prices are increasing at four times the rate of inflation. The other report shows that the VA, which negotiates with the drug companies for better pricing, is paying 46 percent less for brand-name drugs than the prices listed by Medicare plans for the same drugs.

Is there any better proof that we should have allowed the government to negotiate for lower prices when we had the chance? How can we explain or justify these exorbitant drug price increases to seniors? The drug companies say it is not their fault and blame the insurance companies, who return blame to the drug companies.

There is really nowhere else to turn except to the Medicare bill, which continues to disappoint, frustrate and anger seniors. Part D works just fine for the drug companies and the HMOs, but it is not working for those seniors who, through no fault of their own, haven't signed up for a plan and will pay for the consequences of a bad plan for the rest of their lives.

Like our energy policy, which coddles oil companies earning record profits, the Republicans' flawed health care policy built around part D rewards the pharmaceutical industry, another coddled industry, at the expense of one of the most vulnerable segments of our population, our seniors.

NEEDED LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we work toward completing our appropriations work, I think it is important to acknowledge that there are some policy questions of concern.

I have introduced legislation to address the signing statements of the Executive, the President, which allows the President not to veto legislation when he is opposed, but really to send out signing statements that then causes the executive branch to totally ignore the laws of Congress. If we are to have a separation of powers, we need to make sure that Congress has its own powers to pass its laws and have them applied.

I also think it is important to acknowledge that the no-knock decision by the Supreme Court is in and of itself unconstitutional, and I will be writing legislation to put back in place that the fourth amendment is truly constitutional.

It is important, as well, as we debate the immigration issue that we bring down the tone of divisiveness, and I hope to file a sense of Congress resolution that would encourage all Members of Congress not to divide us on the debate of immigration.

I hope we will pass legislation as well that says no amnesty should be given to those in Iraq who kill American soldiers. I will be introducing legislation on that as well.

CONGRATULATING THE MIAMI HEAT ON WINNING THE NBA CHAMPIONSHIP

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on a lighter note, it has been said that there is no "I" in "teamwork." Indeed, a successful team beats with one heart. So, I rise today to congratulate the entire Miami Heat organization, Micky Arison, head coach Pat Riley, the Heat players and the entire Miami community for beating with one heart and winning the 2006 National Basketball Association championship.

The Heat became only the third team in NBA history to win the final series after being down two to nothing. For four games in a row, they were too hot to handle.

I know that I speak for Heat fans throughout south Florida and across the country when I say that the Heat could not have made us more proud last night. The entire Heat organization overcame a great deal of individual and collective adversity throughout the season. Yet despite doubters, they proved to have the hearts of champions.

The Heat victory was a true tapestry, comprised of the youthful talent of Finals Most Valuable Player Dwayne Wade and the veteran leadership of Alonzo Mourning, Shaquille O'Neal and Gary Payton. This team truly is 15 strong.

Congratulations to the Heat fans in south Florida, who have patiently waited 18 years for a championship parade on Biscayne Boulevard. There are no fans more deserving.

INCREASE FEDERAL MINIMUM WAGE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, the Federal minimum wage is now the lowest that it has been, adjusted for inflation, in over 50 years. Here in Congress we have not made an adjustment; we have not given the lowest-income, most hard-pressed economic citizens of our country any raise since 1997.

I thought for a moment that there was a glimpse of hope as we have seen a proposal that finally passed in the Appropriations Committee that would have made in order an amendment that would have raised it gradually from $5.15 to $7.25 an hour. But now we see this is tied up in partisan politics, and it looks as though the Republican leadership is not going to allow the House of Representatives to vote on giving low-income Americans a salary increase.

Mr. Speaker, in my State of Oregon the voters have gone ahead and passed a statewide initiative that provides an automatic increase in the minimum wage, taking it out of politics. It is supported by our public, it is good for our economy, and it is good for our citizens. I hope we can do the same here in Congress.

REDUCING AMERICA'S DEPENDENCE ON FOREIGN OIL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in 2003, we spent $103 billion buying oil from nondemocratic countries, such countries as Iran, Syria and Venezuela, hardly American allies by any stretch, and, in fact, people who in some ways are funding the war against us in the war on terrorism.

We need fuel independence. We need to pass the bipartisan H.R. 4409, which accelerates the market towards flex-fuel vehicles, ethanol-run vehicles, hybrids, and an assortment of other energy-saving measures. It will, in fact, by the year 2020 reduce our dependence on foreign oil by 20 percent.

We need to drive by a cornfield and say, that is our next tank of gas. The technology is already out there. In Brazil, 40 percent of the cars run on ethanol. In America, only 3 percent of them do.

What we need to do is make it so that this technology is affordable and practical for all households in America. I urge my colleagues to cosponsor and pass H.R. 4409.

HONORING POLICE LIEUTENANT GREGORY BENNERSON

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker and colleagues, as I rise this morning, my Virgin Islands community is paying a fond but sad farewell to a favorite son of St. Croix, Police Lieutenant Gregory Bennerson.

Just to speak of his years as a policeman and rise to the position of commander of criminal investigations does not do full justice to his life and contributions. He dedicated much of his free time to youth and involved himself in many activities that uplifted and guided them to be the best they could be.

Greg served as a senator in the 23rd Legislature of the Virgin Islands. He was well on his way to being elected once again, because our community values and needed his consistency, his diligence, his commitment to truth, to values, and to all of the people of the Virgin Islands.

Greg was a devoted son, father, and solid, caring, selfless friend. It was out of this that his humanity became manifest and extended to everything else he did. We are all saddened by his loss, which touches my family and I personally.

Although we grieve, we should take heart that knowing Greg won an even more important election. He now looks over and advocates for us in a far better and all-powerful place. May he rest in peace.

Mr. Speaker and colleagues, my Virgin Islands community is saying a fond but sad farewell to a favorite and favored son of St. Croix, Lieutenant Gregory Bennerson of the Virgin Islands Police Department.

As excellently as he has served the Department—just to speak of—his years of service as a policeman and his rise through the ranks to the position of Commander of Criminal Investigations does not do full justice to his life and contributions.

A young man himself, he dedicated much of his free time to youth and worked with boys and girls clubs, was a PTA president and led the pre-cadet and Police Athletic League, but also involved himself in many other activities that uplifted our youth and guided them to be the best they could be.

He also gave his time and support to domestic violence prevention and the Women's Coalition, as well as to improving health services at the Governor Juan F. Luis Hospital. Greg loved St. Croix and was its dedicated advocate and devoted servant.

First a Republican following in the footsteps of his much revered dad, he became a Democrat and served his adopted party with commitment and passion. Greg served as a senator in the 23rd Legislature of the Virgin Islands and at the time of his passing he was well on his way to being elected once again. Our community valued and needed his consistency, his diligence, his commitment to truth, to values, to right, and to all of the people of the Virgin Islands.

Though a big tease, with a subtle sense of humor, more than anything else he was a devoted son, father, and solid, caring, and selfless friend. It was out of this that his humanity became manifest and extended to everything else he did.

We are all saddened by his loss, which touches my family and me personally.

As I said in tribute at a gathering at home, although we grieve, we should take heart knowing that Greg won an even more important election. He now looks over and advocates for us in a far better and all powerful place.

May he rest in peace.

□ 1515

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORTING THE WAR ON TERROR

Mr. CARTER. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. CARTER. Mr. Speaker, there was an historic debate on the House floor last week between both sides of the aisle concerning the war in Iraq. Unfortunately, I got a call late on Wednesday evening that my wife Erica had been rushed to the hospital with a serious medical emergency, and I was absent from that debate because I had to go to my wife's bedside at the hospital. I am happy to report she is at least out of the hospital, although the infection in her hand is still giving her a lot of trouble.

I wanted to at least state my opinion on the war in Iraq and the consequences of American action, and I think heroic action, that is taking place in Iraq and also in Afghanistan.

Mr. Speaker, we are involved in a war on terror. The battle for Iraq and the battle for Afghanistan are clearly part of that war on terror. And if you want to talk about terror, how terrible could it be that what we have discovered happened to two of our fine soldiers, Kristian Menchaca and Thomas Lowell Tucker, who were slaughtered and butchered by our enemy, and we are just learning of the horror of what they did to those poor young men, those heroes, those American heroes who were willing to stand in the gap and be counted so that the people of Iraq can do what they have done, form up a government, make that government functional, get that government to where it is operational so that we can meet our goal.

Our goal is a free Iraq, a democratic Iraq, because, as the President says, when we have free democratic countries, we don't have disputes with those countries that go to war. We are trying to advance the cause of freedom around the world and protect ourselves from people who would slaughter our citizens of this country.

This is not warfare that we are talking about of these people. We are abiding by the rules of war; they are abiding by the rules of terrorism, which is no rule. And that is why we have to continue to take this fight to the enemy where they are until we have established a victory for the United States. And I honestly believe that victory is on the horizon.

I have made three trips to Iraq. I have visited with individual soldiers in Iraq. They are proud of their mission, they are proud of their accomplishments, they are proud of the things that they do for the Iraqi public. They have stories to share, as one soldier shared with me who was in the hospital and had a rose there with him, about a little girl who gave him that rose and said thank you. He didn't understand the language she was speaking, but he knew it meant thank you.

These troops are doing humanitarian as well as soldierly efforts to make life for the Iraqi people better. But, more importantly, we as American citizens should never tolerate an enemy that would butcher our troops. If there is any amount of decency in these people, they would at least abide by simple, simple rules of war. But they don't. We have had beheadings. We have had slaughter and mutilation of our American corpses.

Mr. Speaker, we are on the right side of Iraq. I am proud that the 4th Infantry Division, which is in my district, and the 1st Cavalry Division have been active participants in making life better for the Iraqi public. And, Mr. Speaker, I honor them by standing here today and say I fully support America's war on terror and the war in Iraq. And I apologize that I was not here for the debate, but I am grateful for all those who stood up for the United States of America's effort in the battle of Iraq.

VOTING RIGHTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, thank you so much for granting me this time.

As chair of the House Democratic Caucus, Mr. Speaker, I would like to offer my congratulations to Chairman SENSENBRENNER, Ranking Member CONYERS, the chair of the Congressional Black Caucus Mr. WATT, and the chair of the Hispanic Caucus Mrs. NAPOLITANO, for the great work and the significant sacrifices they gave in helping us to fashion a Voting Rights Act renewal that we thought was acceptable for the vast majority of the Members of this body.

We are extremely disappointed, however, that the leadership of the House has decided to pull the Voting Rights Act which we had hoped to be considering this afternoon.

It is my understanding, Mr. Speaker, that the Judiciary Committee had 12 or 13 hearings, and everybody in this body had an opportunity to come before that committee to let their views be known. Everybody in the voting public had ample opportunity to present their views and their emotions to the committee.

After all of this, we thought we had an agreement that this legislation would come before this body on suspension. We can understand why it was necessary for the Rules Committee to allow two amendments to be offered. We understand politics, and we do not have a problem with that. We do, however, have a problem with raising expectations among the people of this great State and having those expectations dashed as they were today.

We are hopeful that the leadership will bring this legislation before this body before we go out for the July 4 break. I do not believe there is any better way to celebrate this Nation's birthday, which we do on July 4, than by saying to the American people that the Voting Rights Act, which was created to get rid of creative devices that work to nullify and dilute the impact of minority voting in our great State.

I am proud to represent the State of South Carolina in this body. I used to teach history to students in that State. I used to tell my students all the time that one of the reasons that we study history is so that we can understand the past so that we will know pretty much how to prepare for the future. And one of the things I used to tell them, Mr. Speaker, is that if a thing has happened before, it can happen again. And I am afraid that the creative devices that were developed in the 1890s and early 1900s in this country under what we call the Black Codes, things like numbered posts, things like at-large voting, things like what we call full-slate voting, would be allowed back into our electoral process if we politicize section 5 that grants review. And if we were to turn that section over to a political appointee to make determinations as to whether or not they allow to be required other forms of exceptions, that is exactly what we will do with that law.

So, Mr. Speaker, I come today to thank the bipartisan group of legislators on the Judiciary Committee for fashioning an acceptable compromise to bring to this body. And I also ask the leadership of the Republican Party to please bring this legislation to this body next week and give us an opportunity to say to the American people that we will celebrate our birthday on July 4 with an understanding that everybody, irrespective of status, will have their votes counted and counted effectively.

DEMOCRATIC AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

Mr. McHENRY. Mr. Speaker, the Democrats gave the Republicans a gift last Friday. Let me give you a drum roll here. It is a wonderful gift given by the left to the conservatives here in Washington, D.C. Let me tell you what that gift was. It was the Democrat agenda. They call it the new direction. Someone said after they released this agenda that it was a new direction. When you are going in circles, you are constantly going in a different direction every time you go around that circle. And that is what the opposition party here in this Chamber is doing, they keep going in circles. It is the same old ideas.

They call it an agenda, but it is more like the Cliff Notes for Liberal Lunacy, Mr. Speaker. The theme of their agenda is best described as, well, promise, tax, spend. Promise, tax, spend. It is what they do best. And it is encouraging to see, and it shows a stark difference between the two parties and where we want to take our country, Mr. Speaker.

They say fiscal responsibility. That is one of their agenda items. Well, that is a wonderful thing to advocate, but it is laughable coming from Democrats. Here on this House floor, just this year, the opposition party has asked for $45 billion in new spending; $45 billion. And they call that fiscal responsibility. That is just amazing. And do you know what? They want to have all these new spending programs and call it fiscally responsible. Well, how are they going to do that? How are they going to pay for it? By raising every American's taxes. That is how they will do it.

They say roll back the Bush tax cuts. What that means is every American will pay more next year if the Democrats are in control than if Republicans are in control. That is what it means.

Energy policy. Energy policy. They want to lower gas prices and achieve energy independence. It sounds good. It is very good. Their voting record is far different from that. As we proposed ways of exploring for new energy sources, oil and gas, renewable energy, putting forward bold ideas here on the House floor, they just vote "no." We want to put out tax incentives for new innovation and new ideas for energy production. They say "no." We want to drill and explore for energy in Alaska. They say "no." One hundred eighty-four Democrats voted against exploration of ANWR; 196 Democrats voted against the passage of the Gas Act to relieve high fuel prices for every American; 124 Democrats voted against the Energy Policy Act of 2005, which provided tax incentives and energy production improvements.

Look, the Democrats' rhetoric is far removed from the reality of their voting here on the House floor. But let us talk about what they have done to energy. When you constrict the supply of energy and the demand goes up, costs go up for the consumers. As demand rises and supply is constricted, prices go up. It is very simple, basic economics. Well, the Democrats are in favor of constricting that supply and making the costs go up. That is the policies they have advocated.

But let us move on to taxes. As I said, they have all these new spending proposals, but what are they going to do? Let us talk about the tax cuts the President has implemented in the last 5 years. One hundred eleven million American taxpayers have seen their taxes decline by an average of $1,800. That is a wonderful thing for the American people. Over 5 million individuals and families will see their income tax liabilities completely eliminated because the President cut taxes across the board. So if you pay taxes, you have received a tax cut, Mr. Speaker, but those that don't pay any taxes didn't receive a tax cut. That is who the Democrats are saying are left behind by tax cuts. Well, it is a basic notion of fairness, Mr. Speaker. If you pay taxes, we have cut your taxes. But if you don't pay taxes, how can we cut your taxes? So I think the American people should remember that when the Democrats talk about Republicans not cutting everyone's taxes.

□ 1530

Let us talk about the economic growth that we have implemented as a conservative party here in the House and the Senate with a good President working hard. We have had real per capita disposal income growth of 8.5 percent increase since 1999.

HONORING AMERICA'S FALLEN IN IRAQ AND AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, we recently marked a sad milestone in the war in Iraq, as the number of Americans fallen surpassed 2,500. We owe it to each of these families to do everything we can to honor the debt of gratitude we owe them, a debt that can never be fully repaid.

Over the past year, I have led 20 other Members of Congress from both parties in reading the names of the fallen in Iraq and Afghanistan into the CONGRESSIONAL RECORD.

In the words of President Franklin Delano Roosevelt, each of these heroes stands in the unbroken line of patriots who have dared to die that freedom might live and grow and increase in its blessing.

God bless and keep each of the brave Americans whose memory we honor today: 1. 1st Lieutenant Benjamin T. Britt. 2. Specialist Cheyenne C. Willey. 3. Sergeant Regina C. Reali. 4. Master Sergeant Joseph J. Andres, Jr. 5. Sergeant Myla L. Maravillosa. 6. Specialist Anthony O. Cardinal. 7. Specialist Sergio Gudino. 8. Specialist Dane O. Carver. 9. Chief Warrant Officer Isaias E. Santos. 10. Chief Warrant Officer Richard Matthew Salter. 11. Sergeant Dominic R. Coles. 12. Private Joshua M. Morberg. 13. Specialist Lance S. Sage. 14. Specialist Aaron M. Forbes. 15. Private 1st Class George Anthony Lutz II. 16. Specialist Prince K. Teewia. 17. Staff Sergeant Ayman A. Taha. 18. Private Jonathan R. Pfender. 19. Sergeant 1st Class Shawn Christopher Dostie. 20. Sergeant Marcelino Ronald Corniel. 21. Sergeant 1st Class Jason Lee Bishop. 22. Staff Sergeant Christopher J. Vanderhorn. 23. Lance Corporal Ryan S. McCurdy. 24. Corporal Albert Pasquale Gettings. 25. Specialist Ryan D. Walker. 26. Sergeant Jason Lopezreyes. 27. Lieutenant Colonel Michael E. McLaughlin. 28. Sergeant Adam Leigh Cann. 29. Private Robbie M. Mariano. 30. Sergeant Johnny J. Peralez, Jr. 31. Sergeant 1st Class Stephen J. White. 32. Captain Christopher P. Petty. 33. Major William F. Hecker III. 34. Corporal Brett L. Lundstrom. 35. Lance Corporal Jeriad P. Jacobs. 36. Lance Corporal Kyle W. Brown. 37. Sergeant Radhames Camilomatos. 38. Specialist Clinton R. Upchurch. 39. Specialist Robert T. Johnson. 40. Sergeant Nathan R. Field. 41. Civilian Darren D. Braswell. 42. 1st Lieutenant Joseph D. deMoors. 43. Major Douglas A. LaBouff. 44. Major Michael R. Martinez. 45. Major Stuart M. Anderson. 46. Specialist Jacob E. Melson. 47. Specialist Michael I. Edwards. 48. Chief Warrant Officer 4 Chester W. Troxel. 49. 1st Lieutenant Jaime L. Campbell. 50. Lance Corporal Jason T. Little. 51. Lance Corporal Raul Mercado. 52. Sergeant Michael Joseph McMullen. 53. Petty Officer 1st Class Michael Anthony Jordan. 54. Lance Corporal Jonathan Kyle Price. 55. Chief Warrant Officer 2 Kyle E. Jackson. 56. Chief Warrant Officer 3 Mitchell K. Carver, Jr. 57. Corporal Justin J. Watts. 58. Specialist Dustin L. Kendall. 59. Private 1st Class Kasper Allen Dudkiewicz. 60. Chief Warrant Officer 2 Ruel M. Garcia.

This brings our total to 1,957 names read.

Mr. Speaker, I would also like to recognize and thank the brave men and women who continue to serve our Nation with distinction in Iraq, Afghanistan and throughout the world.

Our thoughts, our prayers are with you and your families both during your service and after you come home.

God bless America.

DROUGHT SITUATION

Mr. OSBORNE. Mr. Speaker, I ask permission to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. OSBORNE. Mr. Speaker, I would like to call attention to the chart that is being presented here which is a drought monitor and reflects pretty much the current situation in drought.

The interpretation of that map would lead you to understand that yellow means abnormally dry. The light brown indicates a moderate drought. Brown is severe drought. Red is excessive or extreme drought, and then black or dark brown is exceptional drought.

We can see that a large part or the central part of the country is either in an extreme or exceptional drought, and that is disturbing, but if it only was ongoing for this particular period of time would not be so damaging.

The problem is that this is a 7-year process. We are in the seventh year of this drought, and most of those areas we are beginning to see some patterns emerge that are very disturbing.

This, for instance, is what has happened in some of the cities and towns in my district and in the State of Nebraska, and you see Lincoln, Grand Island, Hastings, Kearney, a minus 27, 28 inches over that period of time. Some other areas in the eastern part of the State are 10, 15 inches down, but if you look at this map, what you will notice is that the western two-thirds of Nebraska, the western half of Kansas, western half of Oklahoma, much of South Dakota, at times North Dakota, Montana, down into Texas, Arizona and New Mexico have experienced this extreme drought and this loss of water.

What that means is the aquifers in most of those areas are declining. The reservoirs are down to where they are 25, 30 percent full instead of 75 to 100 percent full, and as a result, we are beginning to see a pattern that is really very difficult for many of our farmers to continue to combat.

In many cases here, what we have seen is a reduction of herds. As water has been insufficient and pastures dry out, you cannot support as many cows on that pasture, and you have to sell off some of your brood stock, and of course, that has hurt the cattle industry in those areas.

We have also had to compensate by increased irrigation, and of course, that has been very expensive as fuel prices have gone up, as fertilizer has increased in costs by triple, sometimes quadruple over the last 3 or 4 years. Those input costs have squeezed profit margins to the point where many people are not able to survive in farming.

Also, we have seen some rather major changes in agricultural practices, mitigation of drought. For instance, we are now planting more sorghum, which requires less water than corn or soybeans. We are seeing skip row planting where we are not planting every row that we used to because of the lack of water. Using no till, which means that you plant the seeds in the ground without actually plowing up the ground because that causes water to evaporate so that preserves water.

So, a lot of changes have been made, but even so, this has not been enough. We are still seeing all of those problems.

What we are seeing is a major loss of equity in many of these farmers. They simply had to go to the bank and borrow more money and sacrifice whatever equity they have built up in their farm or in their ranch. As a result, we are seeing some people now that are teetering on the brink to some degree.

We will see what happens in the rest of this planting season and growing season, but things are getting somewhat extreme and somewhat dire.

2002, 2004, we had some drought relief. We are not sure what will happen because in those years we were able to get an offset, and we went into the conservation security program and secured, roughly, $3 billion in both of those years for drought mitigation, but this year, again we will be asked for an offset. I really do not know where that is going to come from.

We are concerned, and I am simply on the floor here today speaking, letting people know, make them aware of this thing that has continued now in this year for the better part of 7 years and is really affecting the agriculture sector.

IRAQ AND THE FISCAL YEAR 2007 DEFENSE APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday the House voted on the Defense appropriations bill for the year 2007, and once again, we missed a golden opportunity. We missed an opportunity to pass a bill that strengthens our national security, while at the same time, reflecting the very best of American values.

Foremost among these values is our desire for peace, our capacity for global leadership and our compassion for the people of the world.

Unfortunately, the Defense bill passed by the House, which included a $50 billion bridge fund for Iraq, came to a grand total of $431 billion. This amounts to more than all other discretionary programs combined. With this latest appropriation, the war in Iraq now totals $320 billion.

With this amount of money, we could have given more than 61 million American teenagers a 4-year university scholarship. We could have created nearly 3 million affordable housing units, a process by the way that would in itself have created over 1 million jobs.

Remember, this is the same war that Paul Wolfowitz said could be paid for out of Iraq's oil revenues, the same war that caused Bush economic adviser, Lawrence Lindsey, to be fired when he suggested it might cost as much as $200 billion.

Three years, more than $300 billion later, and over 2,500 American soldiers killed and more than 18,000 wounded, and with Iraq's oil still not flowing at the capacity it was before the war, there is still no end in this war in sight. We are still mired in a seemingly endless conflict.

The President still has not told the American people how he plans to bring our troops home, or even what an end to the war would look like. In fact, when pressed, our President, the commander-in-chief, explained that ending the war would be the job of a future President.

Mr. Speaker, this administration likes to claim that those who support the U.S. leaving Iraq are somehow not supportive of our troops, but the very, very opposite is true. Those who would leave our soldiers in harm's way for years on end on a dangerous and ill-conceived mission should ask themselves whether this is the best way to truly support our troops and to truly secure America.

What we need is a smarter approach to national security, an approach that puts sanity back in our Nation's defense policies.

With the help of Physicians for Social Responsibility, the Friends Committee on National Legislation, and Women's Action for New Direction, I have introduced a plan that would do just that. It is SMART security, H. Con. Res. 158, and it represents a sensible, multilateral, American response to terrorism.

SMART security focuses on investments in multilateral partnerships and regional security arrangements, rather than spending billions of dollars for perpetual war and Cold War relics like the missile defense system.

SMART attacks terrorism at its source with an ambitious international development agenda that supports democracy and economic growth in the troubled regions around the world.

You see, Mr. Speaker, it is time for a fundamental change in our national security policy, a change affected through our actions on the ground and through the bills we pass in Congress. Yesterday's Defense bill was a step in the opposite direction.

The first step in the right direction is an end to the war in Iraq. For the sake of our soldiers, their families and our national security, it is time to stop spending billions of dollars on this war, and it is time to bring our troops home.

HONORING CHRIS BROWN

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Utah is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, Aristotle once said that, "All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth."

Mr. Speaker, today I would like to honor one of those responsible for educating the next generation of Americans. His name is Chris Brown, who is a principal of Corinne Elementary School in Box Elder County, Utah. Chris is a 2006 recipient of the Huntsman Award for Excellence in Education.

Now in its 14th year, this award was created by one of Utah's businessmen to honor his father who was a teacher. It nominates up to 500 teachers every year. The winner is chosen by a panel of their peers, as well as business and community leaders. They are remarkable people.

Chris Brown originally planned on getting an MBA, but his wife encouraged him to become an educator, and as she said, he "just fell in love with it." He earned a bachelor of arts and bachelor of science degree from Utah State, and then he taught social studies at Bear River Middle School for 6 years before going on to become a principal now at his fourth elementary school.

□ 1545

Chris's focus has been on the students, and it goes beyond the school grounds. Every summer he visits every student who attends Corinne Elementary School to understand their home environment, to reach a friendship with their families, as well as to set goals for the upcoming year. He works hard to ensure that children from all walks of life are provided with the best educational experience.

Chris's wife Sharon, who is also an elementary school principal, says, that to Chris, everything about his job is being with the students. He feels an administrative position should give him time to be closer to students. He is in the classroom every day. He teaches social skills to his students every year. He leaves home between 4 and 5 in the morning, very seldom gets back before 7 at night, unless his wife creates some kind of fit, and he goes to work early and stays late so that he can do his administrative duties at that time and has time for the kids during the day.

He is kind of leader who is always trying to find some kind of positive interaction with his students. He sees them in the classroom often. He believes if the students see him in the classroom, they will know what they are doing is important. Every Monday and Tuesday he is in the classroom visiting every one of them, teaching social skills that would be expected of them.

On Wednesdays he meets with the teachers and the literary teams discussing each student's needs. He wants them to know how to read and gives teachers and aides ideas that fit into the student's ability, not some one-size-fits-all program. On Friday the students come to Chris's office to pass off their spelling words so that they have a positive interaction with the principal.

Mr. Brown makes sure that everyone stays focused on the most important issue, which is the kids. When a growing class size met his school and was problematic, he reduced the number by creating an additional third class which he himself taught.

At his current school he can be seen on the playground kicking soccer balls with his students at recess. In fact, one parent said, the whole second grade lives for PE with Mr. Brown. She overheard her son Daniel tell a home-schooled neighbor, "You have to go back to school so you can have PE with Mr. Brown."

Chris and his wife Sharon were both brilliant, student-oriented classroom teachers. I know, I team-taught with Sharon. They both have taken the same commitment to kids to the dark side of administration. Chris Brown has gone above and beyond the call of duty. Each student under his care knows that he truly cares about them and that he values them.

His commitment to the students demonstrates the quality of leader and teacher that he is. It is right that he has been recognized with this award by his peers, because he does education right. And, besides, Chris Brown still did the best audience belly dance we ever had at our Renaissance Festival.

It is an honor to recognize Mr. Brown. It is an honor to present him to you as someone who does his job in education right.

IRAQ PLAN

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, for over a year, the American people have asked in increasing numbers for the Congress and the President to work on a real plan for Iraq. As we all know, the American people have been increasingly frustrated by the lack of progress both there and here.

For one thing, the battle lines have grown beyond Iraq's borders. The continuing U.S. presence in Iraq has inflamed tensions throughout the Arab world, and hostile sentiment is growing. That makes it harder to deal effectively with Iran and harder to achieve stability and security for Israel and the Palestinian people. In other words, the casualties in the Iraq war are spreading to U.S. strategic and diplomatic interests throughout the Middle East.

The price we pay continues to escalate, and so does the violence. Iraq has become an unlimited front without battle lines and without a visible enemy. That is the Iraq war our soldiers face every single day.

On any given day, the level of violence may be more or less than the day before, but no one doubts that the United States' soldiers patrol and rest a heartbeat away from certain violence and potential death. They live the Iraq war 24/7 and patrol an unlimited front in an open-ended commitment of U.S. forces.

While the President waits for the Iraqi clerics to declare themselves ready to take up government, some in the Iraqi Government itself are demanding to know when the U.S. forces will leave. Now, that might sound ungrateful after all the sacrifice by our soldiers and all the money we have spent. On the other hand, it may be the clearest sign yet that the Iraqi leaders are emerging who recognize that Iraq will never stand alone until it is on its own.

They are not alone in this desire. It is what the American people want. It is what they want to see, an end to the unlimited sacrifice by U.S. soldiers, unlimited expenditures by the U.S. Government, and unlimited battle lines surrounding our troops.

Despite the nature of last week's debate, the American people finally have begun to see this House take a step forward, with 153 Members voting in favor of the Murtha plan for strategic redeployment. It begins to address the military issues associated with projecting U.S. power in a region without keeping U.S. forces in the middle of Iraqi sectarian violence. The Murtha military option does something else. It offers a realistic opportunity for diplomacy to take root in ways both familiar and effective in the region.

For some time I have urged the involvement of the United Nations as a first step to diffuse the focus on hostility directed towards the United States. The more the U.S. is seen as directing people, government, and events in Iraq, the more we prolong the violence. That has been a familiar theme in the Middle East and one that I heard repeatedly last August when I met with civic and business leaders at a prestigious Arab leadership forum in Amman, Jordan.

Zbigniew Brzezinski, who served as National Security Adviser under President Carter, has outlined a vision for Iraq that is a thoughtful roadmap for peace. The nations of the Middle East, including Iraq, have relied for centuries on a gathering of regional leaders to resolve conflicts. It is time to establish a way for that historical process to occur.

Adopting the Murtha plan is the first step. U.N. leadership is second, because it sets the stage for the nations to become involved without military forces and without the balance tipping to any one ideology, including some we absolutely do not support.

Finally, the roadmap leads to a regional conference where those closest to the problem have the most to gain and/or lose in solving it.

Now, the role of the United States at this point would be a role the United States can play better than any other nation in the world. We can help broker peace from the sidelines instead of fighting the war on the front lines. U.S. diplomacy has accomplished miracles over the years. Israel today is better off than it was before President Carter called the parties to Camp David. It is time we make a similar commitment to a peace process in Iraq.

Let the Murtha plan be the foundation block on the road to peace in Iraq. One hundred fifty-three Members of the House voted to support what the American people believe: We can protect the American interests without automatically ordering our soldiers into combat. We can project American military might without occupying a country.

We have a realistic plan for Iraq and a growing desire to see it implemented. It may take an election to start the real discussion about Iraq, but the American people are ready, willing, and determined to have it. The election is coming.

BRZEZINSKI'S IRAQ PLAN MAKES SENSE

Former national security advisor Zbigniew Brzezinski suggests that the U.S. could leave Iraq now and create a better and stronger situation.

His simple four-point proposal is (essentially):

1. Washington should quietly ask Iraqi leaders to publicly ask the US to leave, rather than announce arbitrarily a date for the departure. (The catch—If we had any diplomats left in this administration, they could call Ali Sistani and the Kurdish leaders and the top Sunni leaders and ask them to agree to this easily—but the Dubya-Cheney administration's diplomacy quotient is zero!)

2. After such a public request, the US and Iraqi governments would jointly consult on a date for ending the occupation to allow a complete and orderly disengagement.

3. After this, the Iraqi government—not the US—should then also call for a regional conference of Muslim states, some immediately adjoining Iraq, others more distant, to help consolidate internal stability.

4. On leaving, the US should convene a donors' conference of Western states, Japan, China and others with an interest in Iraq's future stability to help with the restoration of the Iraqi economy.

LOWERED VISION

(By Zbigniew Brzezinski)

America's Iraq policy requires a fundamental strategic reappraisal. The present policy—justified by falsehoods, pursued with unilateral arrogance, blinded by self-delusion, and stained by sadistic excesses—cannot be corrected with a few hasty palliatives. The remedy must be international in character; political, rather than military, in substance; and regional, rather than simply Iraqi, in scope.

Rectifying the increasingly messy Iraqi adventure requires understanding its root: the extremist foreign policy pursued by this administration. Its rhetoric has been demagogic, especially at the very top. Its strategic content has been manipulated by officials preoccupied more with reshaping the security landscape of the Middle East than with maintaining America's ability to lead globally. Domestic support for its policies was mobilized by the deliberate exploitation, as well as stimulation, of fear among the electorate. The Iraq war is not only an outgrowth of this flawed approach to foreign policy, but also its symbol.

Unlike the 1991 war against Iraq, for which more than 80 percent of the cost was borne by America's allies, this time American taxpayers must foot the bill, which is already approaching $200 billion. The number of Americans dead and wounded is in the thousands and climbing, and the number of innocent Iraqis killed is considerably higher. America's relationship with Europe—which is integral to global stability and to the protection of U.S. interests—has been badly strained. America's credibility has been tarnished among its traditional friends, its prestige has plummeted worldwide, and global hostility toward the United States has reached a historical high.

Most immediately dangerous, the war has focused Arab hatred on the United States. The U.S. occupation of Iraq is now seen by most Arabs as a mirror image ofIsrael's repression of the Palestinians. The Bush administration's unqualified support for Prime Minister Ariel Sharon's brutal treatment of the Palestinians has created a political linkage between the war in Iraq and the Israeli-Palestinian conflict that is evident to almost everyone in the world except the current White House.

The initiatives President Bush took this week point in the right direction, but they are too late in coming and involve too little change in substance. The president now accepts implicitly what top-level administration officials explicitly rejected when I spoke with them just a few months ago: the need for a U.N. umbrella over the U.S. grant of even limited sovereignty to the Iraqi government. The administration, however, still refuses to bite the bullet and make difficult decisions on the role and duration of the U.S. military presence in Iraq or on the larger dilemmas of regional peace in the Middle East.

The administration has yet to confront squarely the fact that the deteriorating situation both in Iraq and in the region will not improve without a politically comprehensive and coldly realistic revision of current policies that addresses four key points: (1) The transfer of "sovereignty" should increase, rather than discredit, the legitimacy of the emerging Iraqi government, and hence it should issue from the United Nations, not the United States; (2) Without a fixed and early date for U.S. troop withdrawal, the occupation will become an object of intensified Iraqi hostility; (3) The Iraqi government should reflect political reality, not doctrinaire American delusions; and (4) Without significant progress toward an Israeli-Palestinian peace, post-occupation Iraq will be both anti-American and anti-Israel.

First, the transfer of nominal sovereignty to a few chosen Iraqis in a still-occupied country will brand any so-called "sovereign" Iraqi authority as treasonous. A grant of "sovereignty" by the United States to the Iraqis—while an American proconsul backed by an occupation army remains ensconced in a fortress in the very heart of the Iraqi capital—will have no political legitimacy. The president's assertion (repeated more than once in his speech on Monday night) that such a transfer will bestow "full sovereignty" on Iraq is Orwellian artifice.

The urgent need is to subordinate, as soon as possible, the U.S. occupation—which is rapidly alienating the Iraqis—to the visible presence of the United Nations, headed by a high commissioner to whom effective authority should then be transferred. A genuinely empowered U.N. high commissioner could, in turn, progressively yield genuine sovereignty to the Iraqis with much greater prospects of gaining Iraqi public support for the interim government.

The authority of any such high commissioner should extend to the security sphere. The American military commanders in Iraq should retain full discretion to respond to attacks upon U.S. forces in the manner they deem necessary, but any offensive operations they—or other coalition forces—conduct should require explicit authorization from the high commissioner, perhaps in consultation with the Iraqi leaders. That change in command and control would automatically transform the character of the U.S. presence in Iraq from a military occupation to internationally supervised peacekeeping. The U.N. resolution the Bush administration proposed Monday makes token gestures to that end, but it does not fundamentally alter the continued and overt supremacy of the United States in Iraq.

Second, the longer the U.S. military presence lasts, the more likely it is that Iraqi resistance will intensify. It is, therefore, in America's interest to credibly convey U.S. determination to let Iraqis manage (however imperfectly) their own security. Setting a reasonable deadline for the departure of U.S. troops—far enough in the future not to look like a pell-mell withdrawal but soon enough to concentrate Iraqi minds on the need for self-sufficiency—could take practical advantage of the fact that the countrywide situation on the ground is currently not quite as bad militarily as necessarily selective TV images suggest.

April 2005—two years after the occupation began—might be the appropriate target for terminating the U.S. military presence. A publicly known date for the departure of U.S. troops would refute suspicions that the United States harbors imperialist designs on Iraq and its oil, thereby diluting anti-American resentments both in Iraq and the region at large. Only a firm deadline for military withdrawal will convince the Iraqis that we truly intend to leave. Conversely, failure to set a date will encourage Iraqi politicians to compete in calling for early U.S. departure.

Admittedly, there is a risk that a U.S. withdrawal will be followed by intensified instability, but such instability would harm U.S. global interests less than continued (and perhaps rising) resistance to a seemingly indefinite U.S. occupation—which, in any case, has not suppressed low-level but widespread crime, violence, and terrorism. That resistance could take the form of intensified urban warfare, such as that waged five decades ago by the Algerians against the French. The United States could doubtless crush such an insurgency with an intensified military effort, but the political costs of such escalation—massive civilian casualties, pervasive destruction, and the inevitable exacerbation of national, cultural, and religious indignities—would be colossal.

The United States should consult with the principal members of its military coalition about an appropriate deadline. A set date of April 2005 could force other states, notably our European allies, to focus on the need for a wider and more ambitious effort to help the Iraqis stabilize and reconstruct their country. The militarily significant members of the coalition (those with 1,000 or more troops in Iraq) are Great Britain, Italy, Poland, Ukraine, and the Netherlands. Their views should be solicited, if for no other reason than because the publics in these countries are increasingly hostile to continued participation in Iraq's occupation, while some of the officers commanding their contingents in Iraq have been quite critical of heavy-handed U.S. military tactics.

Third, the internationalization of the supreme political authority in Iraq and the setting of a date for U.S. withdrawal will require a redefinition of the oft-proclaimed (but largely illusory) goal of transforming Iraq into a democracy. Democracy cannot be implanted by foreign bayonets. It must be nurtured patiently, with respect for the political dignity of those involved. An assertive and occasionally trigger-happy occupation is no school of democracy. Humiliation and compulsion breed hatred, as the Israelis are learning in the course of their prolonged domination over the Palestinians.

Post-occupation Iraq will not be a democracy. The most that can be practically sought is a federal structure, based on traditional, often tribal, sources of authority within the three major communities that form the Iraqi state: the Shia, the Sunnis, and the Kurds. It would be unwise, however, to demarcate these communities into three territorially defined regions, for that would almost certainly produce intense border conflicts among them. Until the dust settles from Saddam Hussein's dictatorship and the U.S. military intervention, it would be wiser to rely on the traditional arrangements within the more numerous existing provinces—a strategy that could promote political compromise across sectarian lines. The result would likely be a somewhat Islamic Iraqi national government that roughly reflected the country's demographic, religious, and ethnic realities.

Fourth, but far from least, the United States must recognize that success in Iraq depends on significant parallel progress toward peace between the Israelis and Palestinians. The Israeli-Palestinian conflict is the single most combustible and galvanizing issue in the Arab world. If the United States disengages from Iraq before making significant headway toward settling that dispute, it could face a sovereign Iraqi government that is militantly hostile to both Israel and the United States.

Therefore, the United States—if it is to gain any international (and especially European) support for remedying its Middle Eastern dilemmas—will have to clarify its stand on the eventual shape of an Israeli-Palestinian peace settlement. It should by now be clear that the conflict will never be ended by the two parties on their own. U.S. unwillingness to define, even in broad terms, the fundamentals of a peaceful outcome abandons those Israelis and Palestinians who genuinely desire peace to the mercies of their extremist leaders. Furthermore, endorsing Ariel Sharon's goals but ignoring the Palestinian side of any compromise is delaying, rather than accelerating, the peace process—while compounding the suffering on both sides.

To mobilize those Israelis and Palestinians who seek peace, and to convince the Middle East that U.S. occupation of Iraq is not simply a conspiratorial extension of Israeli domination of the West Bank, the United States should more explicitly state its position regarding the six key issues that a final Israeli-Palestinian peace will have to resolve: not only (as Israel demands) that there can be no right of return for Palestinian refugees, and that the 1967 lines cannot automatically become the final frontier, but also that there will have to be equitable territorial compensation for any Israeli expansion into the West Bank; that settlements not proximate to the 1967 line will have to be vacated; that Jerusalem as a united city will have to be shared as two capitals; and that Palestine will be a demilitarized state, perhaps with some NATO military presence to enhance the durability of the peace settlement.

A fundamental course correction is urgently needed if the Middle East is to be transformed for the better. Slogans about "staying the course" are a prescription for inflaming the region while polarizing the United States and undermining U.S. global leadership. A bold change of course—given the gravity of the situation confronting the Iraqis, Israelis, and Arabs more generally, as well as concerned Europeans—could still snatch success from the tightening jaws of failure. But there is little time left.

IN HONOR OF THE INAUGURAL CARIBBEAN AMERICAN HERITAGE MONTH

Ms. LEE. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. LEE. Mr. Speaker, I rise today to pay tribute to the Caribbean American community in honor of the first-ever National Caribbean American Heritage Month.

On June 27, 2005, the House unanimously adopted H. Con. Res. 71, my resolution to declare June National Caribbean American Heritage Month. On February 14, 2006, the Senate followed suit, thanks to the work of Senator SCHUMER of New York and Arielle Goren on his staff.

And let me begin by recognizing the many people who helped realize this 2-year bipartisan, bicameral effort, because this was quite a feat. First, I want to recognize our colleague, a great leader on so many issues and especially on health care, Congresswoman DONNA CHRISTENSEN from the Caribbean, who has been tremendous in terms of bringing us together to address the issues of health disparities throughout our country and throughout the world.

Also, I would like to thank the Institute of Caribbean Studies, especially Dr. Claire Nelson and her team, for joining us in this effort from the very beginning.

Also, we must recognize our friends from the Caribbean diplomatic corps, who worked so hard to spread the word about this effort both at home in the Caribbean and in their embassies and consulates across the country.

There are so many Members of Congress who supported this effort. In addition to early support from my colleagues in the Congressional Black Caucus and friends of the Caribbean Task Force, the former chair of the Western Hemisphere Subcommittee, Representative Cass Ballenger, was the first Republican to endorse this bill, and his successor, Chairman Dan Burton, was one of the first to help urge the President to issue an official proclamation.

This was truly a bipartisan effort, with, of course, our chairman Mr. Hyde of the International Relations Committee and our ranking member Mr. Lantos, who lent their very strong support.

And, of course, we never would have done any of this without our staff. First, let me commend and thank my staff person Jamila Thompson for her leadership and for her commitment to not only this issue and this bill, but for so many of the efforts that she mounts. She has roots in the Bahamas, and she understands the importance of recognizing Caribbean Americans and their proper role and proper recognition in our country.

Also, we had many staff members, Ted Brennan, Jack Scharfen, Paul Oostburg, Dan Getz, and Mark Walker. They all worked in a bipartisan way to make this a reality and really to realize this dream for many, many people.

The Government Reform Committee, Chairman Tom Davis, and our Ranking Member Henry Waxman. They applauded the passage of this resolution last year and were instrumental in its passage.

And, of course, in the final weeks before the proclamation was issued by the White House, a coalition was formed that was very instrumental in urging the White House to officially declare June National Caribbean-American Heritage Month. This coalition included Senator Mel Martinez from Florida, Ambassador Tom Shannon, State Department's Assistant Secretary for the Western Hemisphere, and Brian Nichols of his staff.

And the Caribbean American community was very active around this effort. It could not have been done without them. From Glenn Joseph and John Felix in Florida; to Jean Alexander and Horace Morancie, Anthony Carter, and so many others in New York; to Shorron Levy in California, this became, quite frankly, an international grass-roots effort. It was really an exercise in democracy. So I am pleased that on June 5, the President responded by officially declaring June National Caribbean American Heritage Month.

And let me also say that we know the Caribbean is as racially diverse and ethnically and religiously diverse as the United States. We have some phenomenal spokespersons who are traveling throughout the country, like Sheryl Lee Ralph and basketball legend Rick Fox. Sheryl Lee Ralph is a woman of Caribbean descent from Jamaica actually, and is a great actress as well. Her voice on HIV and AIDS, as well as promoting and spreading the word about Caribbean American Heritage Month, will be very valuable in terms of making sure that our entire country knows about the phenomenal contributions of Caribbean Americans.

On a very personal level, my relationship with persons of Caribbean descent began with the late great former member of this body, the first African American woman elected to Congress, Congresswoman Shirley Chisholm. I worked as a volunteer in her historic 1972 Presidential campaign. As a woman of Barbadian and Guyanese descent, Congresswoman Chisholm never forgot her roots and connections to the Caribbean. Her work, whether it was fighting for equal access to education in the United States Congress or Haitian refugees in detention camps, her commitment always stemmed from her faith and her strong Caribbean values.

When the United States-Caribbean relations began to deteriorate over the war in Iraq, the coups in Haiti, and the Cuban embargo, I knew that we needed to go back and really recognize our deep and strong relations with the Caribbean. So we need to send a message of goodwill to the Caribbean American community. So soon we will be introducing the Shirley Chisholm Caribbean Educational Exchange Act of 2006 to provide existing and expanded educational exchanges between our country and the Caribbean.

Who Supports the Caribbean-American Heritage Month Effort?

The Secretary of State Condoleezza Rice and CARICOM Foreign Ministers included the following statement in their joint press release issued at the conclusion of the US-CARICOM Ministerial Meeting held in The Bahamas in March 2006:

"The Ministers and the Secretary of State welcomed the recent resolution of the U.S. Congress to commemorate Caribbean American Heritage Month in June. The resolution is a recognition of the deep and lasting human ties that bind the United States and the Caribbean."

This bi-partisan effort to create a National Caribbean-American Heritage Month is supported by Ambassador Albert Ramdin, Assistant Secretary General of the Organization of American States, the Caucus of CARICOM Ambassadors in Washington, DC and the following organizations:

The Institute for Caribbean Studies, DC; Caribbean-Central American Action, DC; Caribbean American Chamber of Commerce of Florida, Inc.; The West Indian American Day Carnival Association, NY; Caribbean-American Cultural Association, Inc. of North America (CACANA), FL; Caribbean-American Center of New York; Conference of Heads of Caribbean Organizations of Central Florida; TnT International, Inc.; The Caribbean American Chamber of Commerce and Industry—Greater Washington Area Network; South Florida Caribbean Diaspora Task Force; Trinidad & Tobago Working Women's Committee, DC; Caribbean Association of World Bank Group and IMF Staff, DC; Caribbean American Chamber Commerce and Industry, Inc. (CACCI), NY; Global Exchange, CA; Caribbean Peoples International Collective, NY (CPIC); The St. Lucia Nationals Association; Dominica Academy of Arts & Sciences, DC; Metro Atlanta Caribbean Cultural Arts Centre, Inc. (MACCA); The Washington Office on Latin America (WOLA); The Caribbean Voice, NY; Northern California Caribbean American Heritage Month Committee; Central Florida's Caribbean Sun Newspaper; The Guyanese Society of St. Louis; The Caribbean Club in Mount Vernon, NY; Caribbean Professional Networking Series, DC; Caribbean World Arts & Culture, Inc.; St. Kitts and Nevis Association of Metropolitan Washington; The West Indian Social Club of Hartford, Inc.; The Inter-American Economic Council; Sunrise Symphony Steelpan Corporation; Barbados Assoc. of Central Florida; Jamaican American Association of Central Florida; Grenadian-American Educational and Cultural Organization of Central Florida, Inc.; Caribbean and Floridian Association, Inc. (CAFA); Guyanese American Cultural Association of Central Florida; Orlando Carnival Association, Inc.; Alliance of Guyanese Expatriates of Central Florida; Caribbean Students' Association at the University of Central Florida; Jamaican/American Partners in Education, GA; Central Florida Cricket League; Caribbean Bar Association (Central Florida Chapter); Antigua and Barbuda Association of Central Florida; Association of Asian Cultural Festivals, Inc.; Caribbean Community Connection of Orlando, Inc.; Trinidad & Tobago Association of Central Florida; Suriname American Network; Haitian American Support Group of Central Florida, Inc.; Caribbean-Guyana Institute for Democracy; The Indo-Caribbean Council, NY; The Haitian American Historical Society, FL; Caribbean American Intercultural Organization; Sistas-With Style, CA; Dominican American National Roundtable, DC; West Indian Social Club of Hartford, Inc.; Caribbean American Society of Hartford; The Ballentine Group; Jamaica Progressive League; St. Lucian American Society of Hartford. Mico Alumni Association Inc.; Guyanese American Cultural Association; Connecticut Haitian American Organization, Inc.; Barbados American Society of Hartford; Sportsmen Athletic Club & Cricket Hall of Fame; Cultural Dance Troupe of the West Indies; Trinidad and Tobago Steel Symphony; Jamaica Ex-Policeman Association of Connecticut; West Indian American Newspaper; Center for Urban & Caribbean Research; CAYASCO, Inc.; Martin Luther King Jr. Soccer League; Morancie Family Reunion, Inc., NY; Tropical Paradise Restaurant and Juice Bar, NY; Jamaica Nationals Association, DC; Medgar Evers College, NY; Carriacou Charitable Health Services, Inc., NY; The Caribbean World News Network, NY; The Shirley Chisholm Cultural Institute for Children, Inc., DC; Caribbean Research Center, NY; Montserrat Progressive Society of NY, Inc.; The Georgia Caribbean-American Heritage Month Planning Committee, GA; Ainsley Gill & Associates LLC, DC; SOCA Warriors

United, NY; The Black Diaspora, NY; Sunrise Symphony Steelpan Orchestra, Inc., NY; Gloria's In & Out Restaurant, NY; Virgin Islands Association, DC; CCB International, Inc., NJ; TATUCA, NY; Callaloo Magazine, NY; Department of African American Studies, Ohio University; Hannah's Place International, NY; Guyana Folk Festival, DC; Caribbean Sunshine Awards, NJ; Trinidad and Tobago Business Association, Inc., NY; RAJHUMARI Center for Indo-Caribbean Arts & Culture, NY; Mauby Media Services, NY; Merrymakers Cultural Association, NY; Caribbean People's Association, NJ; Trin-American Social & Cultural Association, DC; Trinidadian and Tobagonians Inc., NY; Gasparillo Group, NY; Trinidad and Tobago Association of Washington, MA; Caribbean Journal, NY; St. Anthony's Spiritual Baptist Church, PA; Friends of the Caribbean, Inc., DC; The International Consortium of Caribbean Professionals (ICCP); Tropicalfete.com, NY; St. Louis-Georgetown Sisters Cities Committee, MO; Virgin Islands Association of the District of Columbia (VIA); Patterson Dental Clinic, NJ; Barbados American Society of Hartford, Inc.; TransAfrica Forum, DC; Caribbean-African-American Hotline, Ads, News, Gospel & Global Events (411XCHANGE), NY; Belizean Information & Services International, NY; St. Vincent and the Grenadines Nationals Association of Washington, DC; eCaroh Caribbean Emporium, MA; Caribbean American Weekly (CAW), NY; Council of St. Vincent and the Grenadines Organizations U.S.A., Inc., NY; St. Vincent Benevolent Association; Bequia United Progressive Organization, Inc.; Chateaubelair Development Organization; Club St. Vincent, Inc.; Canouan United Social Organization, Inc.; Friends of the St. Vincent Grammar School; Girls High School Alumnae; Hairoun Sports Club; St. Vincent and the Grenadines Humanitarian Organization; Mas Productions Unlimited; Striders Social and Cultural Organization; St. Vincent and the Grenadines Ex-Police Association; St. Vincent and the Grenadines Ex-Teachers Association; St. Vincent and the Grenadines Nurses Association; United Vincie Cultural Group of Brooklyn; Concerned Americans for Racial Equality, NY; Benevolent Missions of Atlanta, Inc. (BMA); Barbados Association of Greater Houston; Bahamian Junkanoo Association of Metropolitan DC.

H. CON. RES. 71 COSPONSORS (81) DURING THE 109TH CONGRESS

Reps. Becerra, Berkley, Berman, S. Bishop, C. Brown, S. Brown, Bordallo, *Burton**, Butterfield, Capuano, Carson, Christensen, W.L. Clay, Clyburn, Conyers, Crowley, Cummings, D. Davis, J. Davis, Delahunt, Engel, Faleomavaega, Farr, Fattah, *Feeney*, Ford, *Fortũno*. B. Frank, A. Green, Grijalva, Gutierrez, A. Hastings, Honda, Jackson-Lee, Jefferson, E. B. Johnson, Tubbs Jones, Kaptur, Kilpatrick, Kucinich, *Kuhl*, Lantos, Lewis, Lofgren, Maloney, McCarthy, McDermott, McGovern, McKinney, McCollum, Meek, Meeks, Menendez, Millender-McDonald, G. Moore, Nadler, Napolitano, Norton, Owens, Pallone, Payne, Rangel, Rush, T. Ryan, Serrano, D. Scott, Schakowsky, *Shimkus*, Slaughter, Solis, B. Thompson, Towns, Van Hollen, Velázquez, Waters, Watt, Weiner, Wexler, Woolsey, Wynn

H. RES. 570 CO-SPONSORS DURING THE 108TH CONGRESS (65)

Reps. Payne, *Ney*, Christensen, *Ballenger*, Owens, Rangel, Serrano, Hastings (FL), Tubbs Jones, McDermott, Meek (FL), Clyburn, Capuano, Watt, Lewis, A. Davis, B. Scott, S. Bishop, B. Thompson, Norton, Eddie Bernice Johnson, Waters, Cummings, Kilpatrick, Rush, Lofgren, Towns, Grijalva, D. Scott, Majette, Weiner, Meeks (NY), Acevedo-Vilá, Conyers, Kucinich, Wynn, Jackson-Lee, *Sweeney*, Berman, Delahunt, Woolsey, *Feeney*, *Shimkus*, Van Hollen, Engel, Deutsch, Watson, Ballance, Menendez, Berkley, Jefferson, Ruppersberger, Lantos, Maloney, Israel, Maloney, Gonzalez, Lacy Clay, Wexler, *Ros-Lehtinen*, Ford, Jackson, Millender-McDonald, C. Brown, D. Moore.

*Republicans are italicized.

CARIBBEAN-AMERICAN HERITAGE MONTH, 2006—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

During Caribbean-American Heritage Month, we celebrate the great contributions of Caribbean Americans to the fabric of our Nation, and we pay tribute to the common culture and bonds of friendship that unite the United States and the Caribbean countries.

Our Nation has thrived as a country of immigrants, and we are more vibrant and hopeful because of the talent, faith, and values of Caribbean Americans. For centuries, Caribbean Americans have enriched our society and added to the strength of America. They have been leaders in government, sports, entertainment, the arts, and many other fields.

During the month of June, we also honor the friendship between the United States and the Caribbean countries. We are united by our common values and shared history, and I join all Americans in celebrating the rich Caribbean heritage and the many ways in which Caribbean Americans have helped shape this Nation.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2006 as Caribbean-American Heritage Month. I encourage all Americans to learn more about the history of Caribbean Americans and their contributions to our Nation.

In Witness Whereof, I have hereunto set my hand this fifth day of June, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

GEORGE W. BUSH.

□ 1600

HONORING BRUCE MICHAEL ABRAMS

Mr. FILNER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. FILNER. Mr. Speaker, today I rise to acknowledge a great friend of mine, but more importantly, a great friend of the San Diego community, Bruce Michael Abrams. On Sunday, June 25, Bruce is being honored at the ninth GLBT Community Tribute Banquet. Upon learning of this award, Bruce stated that receiving the community tribute this year is humbling and a wonderful honor, and at the banquet Bruce will urge people to get engaged and give back to the community.

No stranger to being honored, Bruce Abrams has received numerous awards in the past, such as the Douglas Scott Political Action Award and the Liberty Award presented by the Lambda Legal Defense Fund.

Throughout his 20 years of activism, Bruce has used his education and influence to promote positive change and garner needed funds for the whole community. He has emphasized the importance of all people being involved in their neighborhoods and communities.

The Bruce M. Abrams Lending Library at the center is a direct result of what I call progressive philanthropy. Bruce not only helped to start this community resource, he ensured that the library would have a group of supporters who would be able to keep it going throughout the years. Today the library houses more than 2,000 volumes.

His resume of volunteer service includes a long list of current and past board memberships, including the San Diego Democratic Club, San Diego Foundation for Change, Equality California, and the National Gay and Lesbian Task Force. Since last year, Bruce has served as a city commissioner on San Diego's Human Relations Commission.

No novice to the political arena, Bruce first cut his teeth working on the gubernatorial campaign of Mayor Tom Bradley. Frequently, Bruce holds political receptions, charity benefits and galas at his beautifully decorated home. As I personally know, these events are not mere fund-raisers, but elegant gatherings which bring people together for real communication. Everybody loves the evenings at Bruce Abrams' home.

When not raising the moral consciousness of the world, Bruce works as a probate and planning attorney. He has a B.A. from the University of Oregon and a J.D. from the Thomas Jefferson School of Law. He truly is the "attorney for the community." Bruce, we love you.

AMERICAN PEOPLE DESERVE FULL ACCOUNTING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I know from time to time all of us have to balance our bank books. Now if the discrepancy is $9, we might ignore it figuring we made a small error.

If it were $90, most of us would recalculate and discover the error and call the bank.

If the statement is off $900, we will probably be down at the bank visiting the manager.

If our account is missing $9,000, we would be on the phone to our lawyer.

At $90,000, it would probably mean that we were working at Enron.

If $900,000 were missing from an account, there would probably be a call to the accountant, the IRS and our creditors. Or else we might be a CEO working at a large corporation who lost their bonus.

When $9 million shows up missing, usually that means contract overruns or fraud and a government audit is inevitable.

A congressional committee might look into unaccounted expenditures of $90 million, and we might read about it in the New York Times.

When $900 million goes missing, corporations collapse, mergers are cancelled, contracts are terminated, inspectors general are appointed, contracts are sometimes banned or fined, and charges are brought to court and people usually begin to take notice.

I point all of this out to ask what should happen when we find out that $9 billion is discovered by an official investigation to be missing in our contracting accounts for the reconstruction of Iraq relating to one corporation, Halliburton, and oil revenues. Apparently, this administration thinks very little should happen because there has been no further investigation, appointment of a special inspector, a charge against a person responsible, or even any penalty or ban on that corporation which continues to make massive profits from contracts with the U.S. military despite evidence of overcharging, minimal accountability for funds, incompetence, and abuses of international and civil rights.

And if that doesn't concern us enough to act, shouldn't we pause over recent revelations of an additional $12 billion in unaccounted funding shipped as currency in $100 bills directly to Iraq from the Federal Reserve? Worse yet is the story we are learning from the funds we can account for and how they have been spent or misspent, stolen or wasted, and how little they have improved the lives of the Iraqi people they are supposed to help.

The expenditures for the Iraq war continue to grow at a rate that is putting our country into levels of spending and debt never seen before. Don't the American people deserve a full accounting of where their tax dollars are going at a time when more money is being spent to allegedly improve the infrastructure and life-style of the people of Iraq than here at home.

CARIBBEAN-AMERICAN HERITAGE MONTH

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent to take my time out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from the Virgin Islands is recognized for 5 minutes.

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to honor the contributions of my fellow Caribbean-Americans as we celebrate the first Caribbean Heritage Month. I want to begin by commending the gentlewoman from California (Ms. LEE) who I was privileged to join in introducing H. Res. 71, which expressed the sense of Congress that there should be established a Caribbean-American Heritage Month, and also to commend and applaud Dr. Claire Nelson and the staff and members of the Institute for Caribbean Studies, and to thank President Bush for making it official by signing the proclamation proclaiming June 2006 as Caribbean-American Heritage Month.

Mr. Speaker, I am a Caribbean-American, with family ties to Cuba, Antigua, the Virgin Islands and the U.S., and consider this achievement an important one. The contributions of the people of the Caribbean, which go back even before the birth of this Nation, span every field from sports to entertainment, politics, art and culture to labor organizing, and all are significant and need to be made known to all Americans.

One of the most important persons of Caribbean descent in the founding of this country was Alexander Hamilton, a general in the American Revolution and our first Secretary of State. He was born on the island of Nevis and raised in St. Croix.

In the struggle to end our enslavement, which I am sure was greatly inspired by the successful Haitian revolution, it is noteworthy that Denmark Vessey also came here from St. Thomas in the now U.S. Virgin Islands by way of the Guadeloupe to lead an unsuccessful, but the largest slave rebellion that was ever planned in this country.

The ongoing fight for emancipation and liberation, my fellow Virgin Islander Edward Blyden, along with George Padmore, Marcus Garvey and Claude McKay, were among the first West Indian Americans to become well known and well respected leaders in the African American struggle for racial equality.

Others from the Virgin Islands who also had their roots in other Caribbean islands, like Ashley Totten and Frank Crosswaith, who were born on St. Croix, helped to found some of the major labor unions still operating today. J. Raymond Jones from St. Thomas, also known as the Silver Fox, ran New York City politics in the 1900s, and those are only a few.

Other famous West Indian Americans include former U.S. representative and first female presidential candidate Shirley Chisholm; Franklin Thomas, former head of the Ford Foundation; Federal Judge Constance Baker Motley, the first black woman appointed to the Federal judiciary; activists such as Stokely Carmichael, Kwame Toure, Roy Innis, Malcolm X and Louis Farrakhan; as well as world renowned actor Sidney Poitier; civil rights activist and singer Harry Belafonte; Earl Greaves, philanthropist, businessman and publisher of Black Enterprise; and now Colin Powell, the first black U.S. Secretary of State, all have made impressive contributions to this country.

Mr. Speaker, the small islands of the Caribbean also wield a cultural influence that have spread to the remote corners of the world. Our culture, notably the music, calypso, reggae, Afro-Cuban and their derivatives, which were created by and large by a people who were long considered marginalized, has spread far and wide and enjoys extensive popularity today.

But more than just our musical influence, Nobel prizes for literature have gone to poets St. Jean Perse of Guadeloupe and Derek Walcott of St. Lucia from among a number of highly regarded Caribbean writers.

Moreover, internationally admired painters Winfred Lam of Cuba and Leroy Clarke of Trinidad and Tobago and Haiti's "naive" artists took inspiration from a complex cosmology born from West African religions and Christianity. And Trinidad and Tobago's carnival was the basis for the breathtaking costumed parades designed by Peter Minshall of Guyana and Trinidad for the Barcelona, the Atlanta and the St. Lake City Olympics.

The most important contribution of all, however, remains the close ties between this country and the nations of the Caribbean. Those ties are not only ties of geography, but of history, and most important of the common ideals of freedom, justice and democracy which guides our nations.

Mr. Speaker, it is indeed fitting and proper that we honor the contributions of the people of the Caribbean to our history and culture.

Indeed, if providence had not made it possible for our Founding Father, Alexander Hamilton, to New York from my home island of St. Croix to further his education and work in New York City, we might not be celebrating the founding of this Nation next week, and instead, have remained a colony of the United Kingdom even today.

Mr. Speaker, I am pleased to join my colleague who was here earlier, Ms. LEE, to pay tribute to the Caribbean-Americans who have given so much to this country, and to once again thank her and thank the members and the leaders of Institute for Caribbean Studies and to thank the President for the proclamation which named this month, June 2006, Caribbean-American Heritage Month.

FORD PLAN IN MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, everyone knows that America is losing its independence as goods that used to be made here are displaced by foreign imports. In fact, America is in unchartered waters today. We have an accumulated trade deficit of nearly $1 trillion a year.

Today, I want to talk a little bit about super NAFTA and what the Bush administration is planning to lock NAFTA in even tighter in this country and across the continent.

There is something called the Agreement on Security and Prosperity that is being negotiated by the Bush administration very quietly. No hearings are being held in this Congress. Most Americans have never even heard the term, but it really is the successor to NAFTA.

In addition to what it anticipates in terms of a new transportation corridor that will come up through Mexico and the American highway into the United States, it also includes the incentives to major corporations, such as Ford Corporation of our country that is laying off people in our country, now an additional 30,000 jobs to be lost here in the United States, and Ford is planning to employed over 150,000 more workers in Mexico, announcing it will be investing over $9.2 billion in Mexico.

It is hard to explain to the American people how big that investment really is, but truly it will employ 15 percent or 1 of 7 of all unemployed people in Mexico, so many of them having been uprooted from their farmsteads, because NAFTA included no transition provisions to allow people to have a life and to survive inside of Mexico's rural areas, and over 2 million families have been uprooted from Mexico's farm communities and are doing what, they are moving north to eat.

At the heart of our illegal immigration problem is NAFTA's disruption of the Mexican countryside.

But in any case, this Security and Prosperity Agreement, as it is being called, has no democratic underpinning to it. It is being negotiated by the very same elites that negotiated NAFTA.

And let's look at some of the signs of what is happening. It is suddenly clearer why a company from Spain called Cintra wants to be the gatekeeper on this new highway structure to manage the flow of goods from Mexico, including the hundreds of thousands of vehicles that Ford Motor intends to manufacture in Mexico after making its $9.2 billion investment there.

Cintra is a subsidiary of Ferrovial, the Spanish transportation company founded by multi-billionaire Rafael del Pino, who is one of the richest people in the world.

Cintra already operates the Chicago Skyway, one of the nodes along the way here under a 99-year concession, and is planning development of the Trans-Texas Corridor, which is another part of this plan.

☐ 1615

Cintra is a 50/50 partner with Macquarie Infrastructure Group an Australian investment bank in another place in America called Indiana, where the Indiana Turnpike, can you believe this, has been leased to a foreign interest. And we are told that Ohio, the State that I represent, might be the next State to unwisely rent one of its major assets to a foreign nation.

Human Events magazine recently had this description. It said, "The North American Super Corridor Coalition is a not-for-profit organization dedicated to developing this international, integrated multimodal transportation system along the international midcontinent trade and transportation corridor."

Where does that sentence say anything about the United States?

Still, this group has received $2.5 million in earmarks from the U.S. Department of Transportation to plan this NAFTA superhighway as a 10-lane, limited-access road, plus passenger and freight rail lines running alongside pipelines originally laid for oil and natural gas.

One glance at the map of the NAFTA superhighway on the front page of NASCO's Website will make clear that the design is to connect Mexico, Canada and the United States into one transportation system. But guess what is going to happen? If you look at what is going on in Mexico, guess where Mexico is getting most of the parts to put into their production? Not from the United States. They are getting them from China. In fact, a lot of production in Mexico has been moved to China.

So imagine this: Huge container ships continuing to come in from China and Asia, hitting up against ports like Lazaro Cardenas in Mexico, where the workforce earns almost nothing, and the major ports in our country of Los Angeles, of Oakland, all along the west coast, I just wish we were shipping goods out. But right now our longshoremen and our dock workers are loading and unloading containers in the United States.

But you can go around the United States. You can bring in that massive set of shipments from Asia through Mexico and up into the United States.

And imagine if this corridor is then leased, leased to foreign interests who then charge tolls and become familiar with the transportation systems of the United States.

This is the heart of America. This can displace every other major transportation system that we have if this is locked in piece by piece, and we have plenty of evidence that that is exactly what is going on already as an underpinning to this agreement that is being called security and prosperity.

My question is, how much democracy will that agreement actually have in it? Will it be prosperity for all, or just for people who are rich enough to own global companies, like Cintra, that will invest anywhere, don't know the people in our communities, frankly don't care, and are willing to move production anywhere?

The people of the United States had better wake up. We'd better ask ourselves why are Americans having to work so hard for less? Why is it more expensive for them to send their children to college, and then those kids graduate with huge debts? Why isn't your pension plan secure? Why are you having to pay so much more for health care? Why is not your retirement benefit there forever?

Because these kinds of interests don't want you to have it because they are so filthy rich off the investments they are making globally. They don't care about you, they don't care about this country, they don't care about where you come from, and, my friends, they don't care about democracy.

EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, there is a present and growing interest in our country in the potential for the materials created from stem cells to produce quite miraculous cures. Indeed, we have been working with adult stem cells for more than 30 years, and there are a large number of applications in medicine.

We have been working with embryonic stem cells for far less than that, but because of their primordial nature, the experts in the research field and the medical field believe that there ought to be more potential from embryonic stem cells than there are from adult stem cells.

But the way we now create embryonic stem cell lines presents ethical problems for a large number of American citizens, indeed, I believe, more than half of them, because all embryonic stem cells lines now are produced by destroying embryos. But because of the potentially vast potential for application of embryonic stem cells to medical cures, there is an increasing interest in the possibility of ethically creating embryonic stem cell lines or embryonic cell-like lines of tissues. And that is what we are going to spend a few moments talking about this evening.

I am joined on the floor this evening by Representative OSBORNE, who has a longstanding interest in this subject. And I would like to recognize him now and to commend him for his knowledge and interest in this subject. Congressman OSBORNE.

Mr. OSBORNE. Thank you, Mr. BARTLETT. I appreciate your expertise, your knowledge in this area. And my remarks will be relatively brief because you are the one that truly understands your bill and understands the research much better than I.

But I would say, Mr. Speaker, that nearly all of us have been impacted, either directly or indirectly, by diseases like juvenile diabetes, Parkinson's, Alzheimer's, Lou Gehrig's disease and spinal injuries. And there has been a great clamor over the last 7 years, since embryonic stem cells have been recognized as a possible source of cures for these diseases, that there should be public funding of embryonic stem cell research.

The ethical dilemma, obviously, for those of us who are prolife, who believe in the sanctity of life, is that we would like to see research occur that is helpful, but we don't really want to see human embryos destroyed in the process. And I think that is what brings Mr. BARTLETT and I to the floor together this afternoon, our common interest in some research of this type, but an aversion to the destruction of human embryos. And so I really applaud him for what he has done and for his bill and just make a few comments.

I think the ethical dilemma really revolves around when does life begin. And for some people it is at 9 months. For some it is at birth. For some it is at 3 months, 6 months. But for a great many of us, it is at conception. And if that is your belief, then an embryo constitutes a human life, so what happens to that embryo is of great concern.

And so the research that we are going to talk about this afternoon has to do with allowing research with human embryos that does not harm or destroy the embryo. And therein lies, I think, the interest that I have in this particular process.

There have been a few studies done just recently that I would like to refer to. This came from the National Institute of Neurological Disorders. It is published by the National Institutes of Health. And this is the quote. I believe that this was posted June 21, just a day or two ago. "For the first time, researchers have enticed transplants of embryonic stem cell-derived motor neurons in the spinal cord to connect with muscles and partially restore function in paralyzed animals. The study suggests that similar techniques may be useful in treating such disorders as spinal cord injury" in humans. And, of course, this was done primarily with mice. But that is just recently, in the last couple of days, where paralyzed mice have actually had some of their motor functions and some of their paralysis reversed through a process that has not resulted from the destruction of human embryos.

The second study I would like to mention was published on Monday, October 17, 2005, in the Washington Post. It said, "Two teams of scientists provided the first definitive evidence yesterday that embryonic stem cells can be grown in laboratory dishes without harming healthy embryos, an advance that some scientists and philosophers believe could make the medically promising field more politically and ethically acceptable."

And I think this was pretty much the genesis of the gentleman's bill and his research. So, rather than taking further time from the expert, I am just going to offer my words of support, my appreciation for his knowledge in this area.

He is, to my understanding, the only geneticist in the House of Representatives, the only one with the adequate scientific understanding to truly bring this forward. And so I applaud you for your research and your stance and for the promise that your bill holds for many of us.

And as many of us know, the President has talked about vetoing any bill that would result in future destruction of human embryos. We believe this is an answer to that concern and a way around that veto.

And so with that, Mr. BARTLETT, I yield to you and thank you for your work.

Mr. BARTLETT of Maryland. Thank you. I appreciate you mentioning that recent article on the application of stem cell therapy to these paralyzed mice and the quite miraculous response.

It is kind of ironic and teleologically difficult to explain, to understand why the nerve tissue outside the central nervous system can heal itself. If you cut your hand or your leg, and you lose feeling in your finger or your foot, by and by that feeling will return as the nerves grow. If you cut a nerve in the central nervous system, it doesn't regrow, which is why there are so many paralyzed people from spinal cord injuries and from diseases like multiple sclerosis and so forth.

Stem cell applications provide the hope that we might be able to grow nerve cells and implant them in these patients so that they could recover some activity. And this paper that Congressman OSBORNE referred to in mice gives us hope that that is a real possibility.

Mr. Speaker, I have here in this chart a very abbreviated sequence in the fertilization and the development of the embryo. It begins here with what is called a zygote. A zygote is made up of the two germ cells which have united up here before this one is shown. And then it goes through several developments, through the morula stage and the blastula stage. The blastula is shown here. And finally, the gastrula. And these are sequence. And you will see more of this in the next chart.

But when we get to the gastrula stage, we now have the production of what is called three germ layers. This cell that began up here as a single cell produced by the chromosomes that came from the ovum, the female sex cell, and the sperm, the male sex cell, have now divided again and again and again, and finally these cells begin a process which we call differentiation. They are now differentiating into what will ultimately become all the organ systems of the body.

In this early differentiation, we have what we call the three stem cell lines. We have the ectoderm, which is the external layer; the mesoderm, meaning middle; and we have the endoderm. These we refer to as the three germ layers. And then, of course, we have also the quite unique germ cells themselves. In the female that will, of course, be the ovum from the ovary. In the male it will be the sperm from the testicle.

□ 1630

Now, in each of these three basic germ cell lines, we have a stem cell, which in the ectoderm, it will differentiate into your skin, it will differentiate into your nervous system, the central nervous system, the spinal cord and all the nerves in your body. The mesoderm, the stem cells there will differentiate into the major part of your body. All the muscle, the cardiac muscle, the skeletal muscle, all of the bones, and all of the blood develops from the mesoderm.

The blood is particularly interesting because persisting even in the adult are stem cells for producing blood cells because we keep producing blood cells. They keep breaking down and are removed from the circulation by the liver and the kidney; so we keep producing new ones. So even in the adult, you can see these stem cells, which produce a great variety of blood cells. In the bone marrow, it produces the erythrocytes and the thrombocytes and what we call the polymorphonuclear leukocytes, which are part of the white cells. And then we have the entoderm. There is not much mass of entoderm in our body. That doesn't mean it is not important. The pancreas, the thyroid gland, and the lining of our intestinal system and the lungs and so forth all originate from entoderm.

It is very interesting that these cells retain their original inheritance kind of even in the adult. When you are 50, 60 years old, if you get a cancer and that cancer metastasizes, if it is a cancer on mesodermal tissue, it will metastasize only to other tissues that develop from mesoderm. That is really quite interesting that they have retained that much of their original characteristics, of their original selectivity.

The next chart shows in a little more detail the fertilization process and the development of the embryo. And I am spending a couple of minutes on this.

Mr. Speaker, because I think it is important to understand what is being done in the scientific world and what the ethical problems are for those who believe that the embryo is a person in miniature with all of the genetic capabilities to produce a complete human person and therefore it ought not be destroyed.

This is a reproductive tract of the female here, and it shows the vagina and the uterus, and then it shows the two fallopian tubes. And the little square here indicates what is shown in this big chart here. It is just one half of the reproductive system. Here the uterus is split in half. There would be another mirror image of this on the other side. And it shows here that the ovary, they mature roughly one a month in a female, once every 28 days. And then the ovum erupts from the ovary, and it is almost always, not always but almost always, picked up by a kind of a funnel end of the fallopian tube, which is called the infundibulum.

Once in a while it is not picked up and the ovum will go on out here in the body cavity, and the sperm, which are released, of course, down in the vagina. They go up into the uterus, and then they swim against the current, by the way, because there is some little cilia in here. This ovum has no motility on its own, and it slowly moves down the fallopian tube by cilia in the walls not shown here, which are beating and moving it down, and the sperm swim against that. And some of them will make it out the end of the fallopian tube clear out into body cavity, and if there is an ovum out there, they may fertilize it. And then the fertilized ovum will implant on some adjacent body tissue, and we call this an ectopic pregnancy. Of course, the body is not meant to develop a baby out there; so that needs to be interrupted by surgery or the mother may die.

But as the little diagram here shows, here are the sperm coming up and they fertilize the egg way up into the fallopian tube several days before it will implant down in the uterus. There is quite a miracle that happens here. There are millions of those sperm, and as soon as one of them makes it through the wall of the ovum to fertilize it, there is immediate chemical change in the wall of the ovum and no other sperm can get through because it would be absolutely disastrous if another sperm got through. That would produce when we call polyploidy, and that would result in the death of the embryo. Now, polyploidy reacts very differently in the plant world because that is how we make giant flowers and super fruits and vegetables and so forth.

We simply produce polyploidy, and that makes everything brighter and better and sweeter smelling. But in animals, humans and all other animals, this polyploidy would produce death.

So now the egg is fertilized, and we call it a zygote. So now here is the zygote. It begins its trek down the fallopian tube, and it takes several days. Here we have day 4 and day 5 and day 6 and 7, and you see it is going up around day 7, 8, or 9 before it finally implants in the wall of the uterus. But as it goes down the fallopian tube here, it divides to produce two cells.

Then it divides again to produce four cells and then eight cells, and we will come back to talk about this eight-cell stage because it has a special significance in one of the techniques that may be exploited to produce some ethically generated embryonic stem cell lines, and then it goes on to divide. Again, it goes through the morula stage and then it goes to the blastula stage and then the gastrula stage, and we saw that on the previous chart.

I would like to note that it is about here at the inner-cell mass stage, about at this stage, that the embryo is generally taken, not, of course, from the reproductive tract because all of this can also be done in a petri dish in the laboratory. You simply superovulate the mother and she may produce a dozen or so eggs, and you wash those eggs out, and then you put them in a petri dish and expose them to the sperm, and they fertilize.

And then they begin to develop, and they grow and develop into all of the different stages that we see here. And so in the petri dish when they have developed to the inner-cell mass stage, which, remember, is the stage where we saw that they were going to develop into the three germ lines, this is the stage at which they take the cells. They simply kill the embryo, and they take the cells from the embryo to produce an embryonic stem cell line.

Several years ago the President issued an executive order that said that we could not use Federal money if we were getting our stem cell lines from destroying these embryos but we could use Federal money in continuing with research on stem cell lines that were then in existence. The President said, and some may have indicated that that was the case, that there were probably 60 or so stem cell lines in existence then. If there were, they have now dwindled to about 20, more or less, stem cell lines, all of which are contaminated with mouse feeder cells.

I might spend just a moment to indicate what these feeder cells are. When we take these cells out of the inner-cell mass, these cells really do not like being alone or even nearly alone. They like company. And so they frequently put them in the company of other cells so that they can reproduce because, if separated, it is more difficult to get them to reproduce. So taking them from the fellowship they find in the embryo and putting them in a petri dish to tissue culture them, many of them will refuse to divide. But if you put them in the company of other cells, in this case the mouse feeder cells, then they divide. Well, this has now contaminated these present stem cell lines so that none of them can be used for therapy. It does not disqualify them for research; so some meaningful research is still going on.

There are four different potential approaches to producing embryonic stem cells without harming embryos or embryonic stem cell-like cells that could produce tissue cultures. And we have a bill, H.R. 5526. This is a companion bill to the Santorum-Specter bill in the Senate. Mr. Speaker, as you know, the politics of this is that we have a bill that has been in the Senate for quite a while known as the Castle bill, Mike Castle from Delaware.

What this bill does is to permit the use of Federal money to take some of those surplus embryos which are in our reproduction clinics. When a mother goes in to have in vitro fertilization, as I indicated, they will superovulate the mother with hormones. They get a number of eggs, they will fertilize them in a petri dish, and then they get a dozen, more or less, embryos. They then look at these embryos under a microscope, and they choose the best two or three and implant them in the mother's uterus because they do not all take. My daughter-in-law has just gone through a procedure, and at first, we thought that she had twins, and now it is just a single baby, for which we are very thankful.

The fertilized eggs which are left which have now become embryos are frequently refrozen. The parents pay to refreeze them to keep them, because something may happen to this baby and maybe they will want a second child or a third child, and they will stay frozen for quite a while; so they put them in the freezer. But by and by, they will decide that they do not want more children; so they will no longer pay for keeping the eggs frozen in which case, the fertilized eggs, they are simply discarded. And what the Castle bill says is that parents donate these embryos that are going to discarded anyhow to medical research and to the development of stem cell lines that, hopefully, will provide miraculous cures of many diseases that Congressman OSBORNE mentioned, for which we now hold out high hopes.

The problem that pro-life people have with this is if you are looking generically at 400,000 surplus embryos, and that is about what is out there, about 400,000, you may make the argument that if they are going to be discarded anyhow, why not get some medical good from them? But there are two problems that pro-life people have ethically with this. One is that before you decide to destroy the embryo, you are going to look at it under the microscope to make sure it is healthy because you are going to want to get cells from a healthy embryo.

So it is not 400,000 embryos that you are concerned with now. It is one embryo under the microscope. And when you are looking at that embryo under the microscope, it could be the next Albert Einstein, it could be the next Beethoven. And, again, we are not dealing with the 400,000 out there. We are dealing with the one under the microscope. That is the one for which we have responsibility, and how could you kill the next Einstein or Beethoven?

And another concern that the pro-life community has is that if we permit the destruction of these surplus embryos, who knows, but what we may be producing more surplus embryos so we will have more embryos to use for establishing stem cell lines? So there is a real need, Mr. Speaker, to develop techniques to ethically get embryonic stem cell lines or embryonic stem cell-like lines that will have the potential of embryonic stem cells.

Just a moment to talk about how embryonic stem cells are different from adult stem cells. Adult stem cells have already gone through a lot of differentiation. They are either of ectodermal, mesodermal, or entodermal origin. They are already destined to become nerve tissue or muscle or blood or the lining of the gut or something like that. And it is true that we can sometimes kind of reverse that differentiation, and we will talk about that in a few moments. And it is also true that even without doing that, you can make some applications to the development of tissues for that specific part of the body. But because of their primordial nature, because of their ability, we call it pluripotency. They can produce any tissue in the body. Totipotency means that they cannot only produce every tissue in the body, but they can produce every tissue that the embryo needs so that it can develop into a full baby. See, the embryo is not just an embryo because about half of the tissues of the early embryo end up with what we call trophoblast or the amnion and corion which attaches the baby to the mother's wall, protects the baby in an enclosed, warm fluid environment while it develops during its 9 months.

□ 1645

These ethical concerns have resulted in a lot of study by a lot of people to see if there is a way of doing it, where we can get the potential from these embryonic stem cell lines, which any one line can produce any and every tissue in the body theoretically.

I will tell you, Mr. Speaker, we are not there yet, because these embryonic stem cells, much like an energetic teenager, just want to divide. They want to do things. They want to grow.

There are some who feel that their tendency to just grow and divide is going to be very hard to control and you are going to end up producing tumors and cancers and that sort of thing when you put them in the body. But there are a lot of knowledgeable, professional people out there who believe that we can control that, that there is incredible potential from these embryonic stem cell lines, so we are trying to get embryonic stem cell lines or embryonic-like stem cell lines that avoid these ethical confrontations.

The next chart shows us three of the four that were looked at by a special commission that the President set up on bioethics. Several years ago they looked at the various possibilities out there and they looked at the pros and cons, and they have a little white paper on this subject which is worth the hour or so that it takes to read it because it goes through all of these techniques and it looks at the pros and the cons of these techniques.

First, we have here kind of a recapitulation of some things that we have been talking about. This shows the development of the gammies. They go through a process of division, and they divide again and again. Most of those divisions are what we call mitotic divisions, where the chromosomes split and the daughter cells have as many chromosomes as the original cell.

But once in that process there is a division which we call a meiotic division, called meiosis, and in that division the chromosomes split and half of them go to one cell and half to another cell, and that produces a gamete or a sex cell which has only half the requisite number of chromosomes, which we call the haploid number of chromosomes.

Of course, the design now is that these two cells will come together in a process which we call fertilization, when the sperm will fertilize the egg, and then we have the single cell embryo, and then it divides and here we have the 3-day and the 5- to 7-day embryo, which we saw in more detail in previous charts.

Mr. Speaker, we have heard a lot these days about cloning. Dolly the Sheep was the first cloned mammal, and this little sequence here shows how they do cloning.

What they do in cloning is to take an egg cell, and this egg cell has a big cytoplasm, this is what is outside the nucleus, and it has the nucleus. The nucleus contains a lot of genetic material. It contains most of the genetic material that determines whether you are going to be a person or a frog, or whether you are going to be a male or a female.

But out in the cytoplasm are other proteins, protein-like substances, that have a lot of genetic capability too. What they do is pretty much control what goes on in the nucleus. So we have these RNA, ribonucleic acid out there, and these factors now control what goes on in the nucleus.

So if you take an egg and you take the nucleus out of the egg and then you take a donor cell, this is a somatic, which means body, take a cell from the body, and you now combine, you fuse these two cells, you take the cytoplasm from the egg nucleus from the donor cell, and you now have the nucleus from the donor cell in the environment of a cytoplasm from the egg and the factors in that cytoplasm now which control what happens inside the nucleus, with—everything is not detailed here. We kind of shocked this a little bit so the nucleus from the donor cell forgets it is the nucleus from a donor cell, so it now can be controlled by these control factors out in the cytoplasm.

This is now called cloning. So now we have an organism produced that looks nothing like the egg from which you took the nucleus. It now looks like the adult from which you took the somatic cell. So this is what cloning is.

By the way, we will have a chart a little later which shows this. Nature has been cloning for a very long time in a way, because every time we have a set of identical twins, one of them is a clone. I guess you could choose which one of the two you wanted to say was the clone. We will have a chart on that in a few minutes.

The next chart here shows three of the four techniques that are outlined in this report put out by the President's Bioethics Council.

Altered nuclear transfer. I showed the cloning one, because this is very much like cloning. As a matter of fact, the techniques you go through are the same laboratory techniques you go through with cloning.

But what you do here is to knock out a gene for normal development, and you do that before you put the nucleus in the sex cell from which you have removed the nucleus. So you now have deactivated a gene which is necessary for the complete development of the embryo. That gene happens to control the development of what we call decidua, which is the amnion and the chorian.

This cannot develop into a baby because it can't produce an amnion and a chorian, and so it is just a growth of tissues, all the kinds of tissues that are in a baby but not a baby, because you deactivated the gene necessary for the normal development.

What you do later, then, is turn that gene back on. It can never begin a baby. You turn that gene back on so the cells are normal cells, and then you can take cells from that to establish an embryonic stem cell line.

One can imagine, Mr. Speaker, the ethical objections which may be raised to this. But this is simply kind of a crippled child that you have produced here. We don't kill crippled children after they are out of the womb. Why should we kill crippled children produced in the laboratory?

Mr. Speaker, there is almost no technique against which some ethical objection could not be levied. In life, we are always making choices. When you look at the potential good from embryonic stem cell research, there is a level of risk that one is willing to take.

Every time I get in my car and drive down here to the Hill there is a risk involved. Not everybody who drives from Frederick down here makes it down. Every once in awhile there is a fatal accident on the way down here. But the value of what I am doing here I believe exceeds the risk that is involved in coming here, and so I come. It is that way with this nuclear transfer.

The second one of these is embryo biopsy, and I will come back to that in a little more detail later, because this is one I have been personally involved with for a number of years now. I spoke to the President about this before he came out with his executive order and have been working with people at NIH. So I will reserve more discussion of this until we come to a couple of charts a little later.

But let me just indicate that what one does here is to envision removing cells from an embryo without harming the embryo and then using the cell which you have removed to produce a tissue culture of embryonic stem cells. Then if you implant the cells remaining in a mother, they go on to produce what appears to be a perfectly normal baby.

When I first suggested this several years ago, I did not know in the meantime there were going to be laboratories which were doing precisely this. It started in England, and now there are more than 2,000 babies born worldwide where a cell is taken, generally from the eight cell stage. Generally they get two cells, and they have taken that cell to do a pre-implantation genetic diagnosis.

This is to make sure the baby is not going to be mongoloid or have a genetic defect. If they find no defect from that single cell they have taken out, they implant the remaining cells in the mother, and more than 2,000 times now we have a perfectly normal baby, what appears to be a perfectly normal baby born.

Mr. Speaker, I would be surprised if there was any effect. In a former life, I was privileged to get a doctorate in human physiology. I taught in medical school. I had a course in advanced embryology, and I knew that whenever we had identical twins, that half of the cells were taken away from the original embryo and each half became a perfectly normal baby.

So I argued and asked the researchers at NIH 4 or 5 years ago, was this a rational argument? I argued that if you could take half the cells away from the embryo and each half produced a perfectly normal baby, certainly you could take one or two cells away from the embryo and the embryo wouldn't even know it.

Now we have the potential for something which really is quite exciting, which we will come to a slide a little later and discuss that in more detail.

The last one here of these three, this altered nuclear transfer here and the embryo biopsy and cells from dead embryos, I have several slides in a few moments that we will go over cells from a dead embryo.

Many of these embryos are just not going to make it, which is why the clinician looks at them under the microscope before he implants them in the mother. They now have done a lot of observation and research to determine how early you can identify an embryo which is in effect dead. But like the person who is dead, you can still take organs from the person that are perfectly good for implanting in another person, and we do that all the time.

So it occurred to the researchers in this area that maybe when the embryo was dead, and by that we mean it did not have the ability to further divide, it was not going to become a baby and you could clearly identify that state, that maybe the cells in the embryo, at least some of them, were still quite normal and quite viable. So this whole procedure now presumes that we can identify dead embryos that are not going to make it, but they still have life, good cells in them.

So this procedure would be very analogous to taking organs from that young fellow who rides the motorcycle, my wife calls them "donorcycles," and he has an accident and he is brain dead, but his tissues are still quite good, so they take the tissues from this dead person and implant them. We do that all the time. So there was a thought, and research, observations, seem to verify that indeed there is the possibility of doing that.

The next chart shows us a fourth technique, which is a very exciting one. If, in fact, we can do this, this holds enormous potential, because now we can avoid all of the rejection phenomena.

You see, if you develop a tissue from a embryonic stem cell line or an adult stem cell line and you now put that tissue in a person, it is foreign to them and it will be rejected. So we have a lot of medicines we give which makes them very susceptible to infections and so forth. We have medicines we give them now so they won't reject this tissue.

But in this reprogramming, you now could potentially take a cell from the patient and you could reprogram that cell. What they are doing here to reprogram is exploiting these very fascinating and powerful control factors which are out in the cytoplasm.

Here we have an embryonic cell and it has a cytoplasm, and you can crush the cell and you can now put the nucleus of the donor cell in, or infuse it with this stuff from the embryonic stem cell, and it will now control the nucleus and de-differentiate it and take it back to its primordial state so it now behaves as if it were a embryonic stem cell.

☐ 1700

The only possible ethical criticism of this is that where do you get these sex cells to begin with? Well, if you get them by superovulation of the mother, there is some medical risk in superovulation. There is also the possibility, though, that we could dedifferentiate by subjecting them to some sort of a chemical, which would have the same effect on them as these control factors in the cytoplasm here; it is referred to as cell soup, and there are these little polypeptides in there that, like polypeptides that are in a ribonucleic acid which can control what happens in the nucleus. But you may also be able to affect what they do by subjecting them to some sort of a chemical which would kind of reprogram them.

And then the last thing here at the bottom simply looks at stem cells from mature organs. And the one that I mentioned, which is one frequently used, is from the bone marrow, because even in the adult, even today I still have stem cells in my bone marrow because my bone marrow is always making white blood cells and red blood cells and thrombocytes. They are the little cells that are responsible for the clotting of your blood.

Next, I have a chart, and I think there are several of these that look in more detail at Dr. Landry. And Dr. Landry is the one who first made the suggestion. He has proceeded with some vigor to explore the potential here for getting cells, good cells, from a clinically dead embryo. And, of course, the first thing you had to do was to develop a criteria for embryonic death. You need a dead embryo that still has good cells. And, again, let me use the analogy of the dead person from the auto accident who still has good organs. So this is a dead embryo who still has good cells. And it says here that we need a diagnostic test for embryonic death, because if one researcher is going to use cells from an embryo that he says was dead, there has to be some verifiable basis for declaring that the embryo was dead so other people would understand. So obviously it would be dead if he kills it, but it needs to be dead before he takes the cells from it.

Death is a question of medical fact, not law. We can't write a law that says what death is. And, indeed, clinical death now is not defined by law, it is defined by medical fact.

And these embryo do die, and they watch them. They are not dividing. They watch them for several days. They do not divide, and ultimately they just deteriorate, and they are gone. So the argument is that if you can identify when, in fact, they will never go on to develop an embryo, that at that point they are dead as far as any ability to produce a baby is concerned, and if you now do not wait for the several extra days to which deterioration would occur, the point of death, like the point of death from an auto accident where you can get good organs, at the point of death of the embryo, and when it will no longer develop into a baby, you now can take cells from which you can just have the stem cell lines.

The next chart shows a little more detail of this, and what it shows is that embryo 2 is dead. It shows that you can look at the embryo, and they look different, and it can be documented that, in fact, the embryos that are not going to go on to divide at a certain stage in their development look different. You can identify, you can say of a certainty this embryo will go on to divide, this embryo will not go on to divide. And so you can now make that determination. And when we have developed the techniques for this, and when we have determined that, in fact, we can develop stem cell lines from these, then we will have potentially a technique for getting embryonic stem cells without the destruction of an embryo because the embryo is already dead.

The next chart just is more detail of this. We can look at that quickly.

New criteria for embryonic death and natural history study of arrested embryos. They are arrested; that is, that the development stops at a certain stage. It won't continue beyond that. They observed 444 nonviable in vitro fertilized embryos; 142 were arrested at the stage of an immature morula, about day 5, and we saw it in one of the previous charts. And they determined that these embryos were not going to divide because they just kept looking at them, and they ultimately deteriorated.

So if they, in fact, have good cells, and they have taken cells from these embryos, and then cells, in fact, are viable, and they can be cultured, and so with more research on this, this is a possibility for getting embryonic stem cell lines.

The next chart shows what happens in twinning. And it was this knowledge about I guess it was 5 years ago now when before the President gave his Executive Order, there was an open house at NIH, and staff and members were invited out to talk with the researchers at NIH about the potential for embryonic stem cell research. And there were a lot of staff members there; I think I was the only Member there. And I remember thinking as we were talking about embryonic stem cell research that this is what happened. And it doesn't always happen at this stage, by the way, but this shows the development of twins splitting at the inner cell mass stage. The inner cell mass splits; now the embryo splits in half, and now you have two babies. This also could occur at the two-cell stage. It splits in half at the two-cell stage. And you know roughly when it split by how the babies present. In this case, the babies present in two separate amnions. If it is split here at the two-cell stage, they present in a single amnion.

But what this told me was that obviously you could take cells from an embryo and not hurt the embryo, because in this case half the cells are taken from the embryo. This half went on to produce a baby, and this half went on to produce a baby. So if you could take half the cells from the embryo, and each half produced a normal baby, then why couldn't you take a cell or two from the embryo without hurting the embryo? And I asked the researchers at NIH shouldn't that be a possibility? And they told me, yes, that should be a possibility.

And I was in an event with the President and mentioned this conversation to him, and a couple of days later Karl Rove called and said that he had followed up on this at the President's request, and they couldn't do that. I said, "Karl, either they didn't understand your question, or they are funning you, because these are the same people that can go inside of a cell and take out the nucleus and put another nucleus in the cell. And they are telling you they can't take a cell or two out of these big embryos? Of course they can." And a female sex cell is big. That ovum is a giant cell compared to the somatic cells that they are taking a nucleus out of.

So he said, "I will go ask them again." And so he went back and asked them again. He came back and said, "ROSCOE, they tell me they can't do that." So the President came down with his Executive Order which says that the only stem cell lines we can use Federal money to do research on are those that are now already in existence.

It was a couple of years after that when NIH researchers were sitting in my office that I learned what had happened. Mr. Speaker, this is illustrative of what happens so many times in our society. When we think we are carrying on a dialogue, we are really carrying on simultaneous monologues, and there was just a misunderstanding.

What they told him was that they weren't sure that they could develop a stem cell line from a single cell taken from an early embryo. And that was true. He interpreted it as saying that they couldn't take the cell from the early embryo. Well, what we wanted to do with our research was animal experimentation, which would determine whether or not you could develop a stem cell line from a single embryo. And, as luck would have it, Mr. Speaker, the medical community has kind of almost passed us by now, because in the 5 years since I first started exploring this with NIH and then the White House and then a number of meetings with NIH since then, as I mentioned, in England they have developed techniques for taking a cell from an early embryo, the H cell stage, in the laboratory, doing a preimplantation genetic diagnosis, making sure there was no genetic defect, and then implanting the remaining cells, the embryo, in the mother, and more than 2,000 times worldwide now we have what appears to be a perfectly normal baby born.

I keep saying what appears to be because we haven't watched these babies for 60, 80, 90 years, however long they will live, to make sure there is no defect. But I would be enormously surprised, and so would the professional community, enormously surprised, if there are any defects. Because if there were, then every twin ought to have a big defect because they represent only half the cells from the original embryo.

In our conversations with a number of people, we were talking with Richard Doerflinger, who represents the Council of Catholic Bishops. And I really want to credit him with making an incredible contribution to this dialogue, because what he said was, "ROSCOE, what you do with that first cell you take is not a preimplantation genetic diagnosis. What you do with that cell is to establish a repair kit." So that now any time during the life of this baby, 1 year, 10 years, 50 years, 80 years old, when they have a medical problem that could benefit from the development of tissues from embryonic stem cell line, it can be developed from their embryonic stem cell line because you have got this repair kit available for them.

What this did, Mr. Speaker, is to open up the possibility when we are using Federal funds of avoiding, I think, any ethical concern, because the parents will have already made two decisions: one, to do in vitro fertilization; and, secondly, to take a cell to establish a repair kit and maybe to do a preimplantation genetic diagnosis if they want to take a second cell. And frequently they get two cells rather than one from this early embryo, and it doesn't matter if you take one or two, the other cells go on to produce a perfectly normal baby.

So if this is a potential for the future, the stem cell lines could be achieved by simply asking the parents to donate a few cells from their repair kit. So now the decisions made to get to the repair kit have been decisions that parents make in what they think is the best interest of their child. They want to have one, they can't have one naturally, so they do in vitro fertilization, and they want to make sure that the child has the protection of a repair kit.

And, by the way, we kind of do that now when we freeze cord blood. Cord blood has nowhere near the potential of a cell taken from this early embryo, but it is that person, and for whatever you can get from it, at least there are going to be no rejection phenomena.

The next chart shows a bit of one of the pages of the white paper on the President's Council on Bioethics, and I have highlighted here. It may be some time before stem cell lines can be reliably derived from single cells. Again, this was written now in about late 2001 or 2002, but since that time we have had two researchers, Verlinsky and Landry, both of whom claim that they have developed a stem cell line from a single cell. That was what NIH thought might be difficult to do, but there are now two researchers who say they have done that.

They say it may be some time that stem cell lines can be reliably derived from single cells, extracted from early embryos, and in ways that do no harm to the embryo. Well, they have more than 2,000 babies born by extracting these cells. But, again, if we simply use surplus cells from a repair kit, we have avoided, I think, any meaningful ethical objection.

But the initial success of the Verlinsky group's efforts, I mentioned Verlinsky and now Landry more recently, and note here an asterisk. And they say, "A similar idea was proposed by Representative ROSCOE BARTLETT as far back as 2001." And you can see it has been for 5 years since I have been pursuing this possibility.

The next chart and our last chart kind of is a summary, Mr. Speaker, of what we have been talking about. And what this does is to look at the classical development when you go to the eight-cell stage, and then it develops into a blastula, and you can now either implant that in the uterus, or you can kill it to get stem cell lines.

□ 1715

You can now either implant that in the uterus or you can kill it to get stem cell lines. Ethically, that is not something that I am comfortable with. It is not something I think a majority of our people are comfortable with, or you can go through what we have just gone through, take a single cell from this blastom here and implant the remaining cells, let them develop, implant them and then develop a stem cell line from this single cell, then the altered nuclear transfer that we talked about.

This kind of summarizes the potential from those two techniques, and again, what we have done to make this ethical is altered nuclear transfer. We have shut off one of the genes in the cytoplasm so that the nucleus now cannot be induced to make all of the tissue necessary to produce a baby. It produces all of the tissues necessary for baby, but not the tissue necessary for growth of the baby in the womb, the amnion and the chorion.

The important thing, Mr. Speaker, is, and I want to be politically correct for just a moment here. It is not just that we want to do things that are politically popular. We certainly do not want to do things that are politically unpopular because we all like to get reelected and return here, but we want to do things which have medical meaning.

The Senate, I believe, very shortly is going to vote on the Castle bill. The President has said that he will veto that. Many people, and they come to our offices, these children with diabetes and so forth, people who have relatives who have Parkinson's disease or any one of the wasting diseases of the nervous system that might be treated with this, and they are incensed we are not doing something about this and using their money to develop what they think is enormous potential from these stem cell lines.

The President will veto because he is devoutly pro-life for which I respect him. He will veto the Castle bill. We need to have on the President's desk not just for political purposes, although I think that is important, but because of the enormous potential from embryonic stem cell lifelines, we need to have a bill on his desk that will permit the use, the ethical use, of Federal funds to produce these stem cell lines from which we might get enormous good.

The miracles of medicine have increased lifelines. I just passed my 80th birthday. I am wondering when I am going to enter mid-life. My grandfather would have never thought of entering mid-life after his 80th year, but we have really miracles of medicine today, and this provides miracles greater than we have seen.

Now we have enormous potential here, and I hope, Mr. Speaker, we have the political courage to do the right thing for the American people and get this bill, along with the Castle bill on the President's desk so that the President has a bill which promises the miracles, potential miracles of embryonic stem cell research ethically.

PAYING TRIBUTE TO THE LATE MANNY CORTEZ

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today to pay tribute to the late Manny Cortez.

I am profoundly heartbroken by the untimely loss of my dear friend who passed away last Sunday. I adored Manny Cortez and will be forever grateful for his help, his support, his love and his friendship. He was a wonderful human being and a true gentleman.

Manny was more than just family man and a dedicated public servant. He was a visionary who helped shape southern Nevada as we know it today and who worked tirelessly to turn Las Vegas into the world's most famous travel destination.

Manny earned worldwide respect as a leader for Nevada's tourism and hospitality industry. Under his leadership, the Las Vegas Convention and Visitors Authority became the gold standard against which all others in the business are judged. His lasting legacy will shape southern Nevada as it continues to grow in the 21st century.

Whether as a public servant or as a private citizen, Manny was dedicated to making southern Nevada a better place to raise a family, run a business, or just to visit. Las Vegas would not be the city it is today without the hard work, vision and dedication of Manny Cortez.

My deepest sympathies go out today to the Cortez family. I know I speak for countless others when I say our community has lost not only a remarkable man, but a true leader who left his unique mark on southern Nevada and its top industry.

I am truly blessed to have been able to call Manny Cortez my friend.

More than any of his truly remarkable accomplishments that Manny could claim over the course of his political and professional career, I know that his family meant more to him than all the accolades or money in the world.

Come this November, I know he will be smiling, knowing that the same call to serve and the same desire to give back to the community that motivated him to seek and serve on the Clark County Commission was at the very heart of his daughter's campaign, Catherine's campaign for Attorney General of Nevada.

Manny Cortez was born on April 29, 1939, in Las Cruces, New Mexico, the oldest of two children of Edward Cortez, a baker, and the former Mary Tapia.

The Cortez family moved to Las Vegas in 1944. As a youngster, Manny attended St. Joseph's grade school and graduated from Las Vegas High.

Manny Cortez attended Nevada Southern University, which later became my alma mater, UNLV, and received an honorary degree from Community College of Southern Nevada.

Elected in 1976 to the Clark County Commission, he served four remarkable terms. During his tenure, he served as chairman of that body, as well as chairman of the Clark County Sanitation District and the Clark County Liquor and Gaming License board.

Manny was also on the governing boards of the University Medical Center, Las Vegas Valley Water District and on the Fiscal Affairs Board of the Las Vegas Metropolitan Police Department.

Prior to his election as a county commissioner, Manny served as administrator of the State of Nevada Taxicab Authority. His background included employment with the Clark County District Attorney's office and the Clark County public defender's office.

Manny began his service on the Las Vegas Convention and Visitors Authority board of directors in 1983 and would go on to lead that agency at a time of the most rapid growth for southern Nevada, the Las Vegas strip and for our tourism industry.

By 1991, Manny had earned the title of president of the Las Vegas Convention and Visitors Authority, the largest convention and visitors organization in the United States. That year, southern Nevada welcomed more than 21 million visitors. By the time of his retirement, that number had grown to 37 million visitors annually.

Travel Agent Magazine named Manny the United States Person of the Year for 1999, calling him "one of the most astute marketers in the tourism industry."

During his tenure as president of the convention authority, the organization came to be regarded as the travel industry's leading destination marketing organization.

Manny was a participant in the White House Conference on Travel and Tourism, and in 2003, the United States Department of Commerce appointed him to the then-newly created U.S. Travel and Tourism Promotion Advisory Board. His role on the board included representing Las Vegas and the United States travel and tourism industry.

Manny, and perhaps this is the most important thing, he is survived by a wife, Joanna, who was his beloved helpmate and friend for 45 years; daughter Cynthia Cortez Musgrove; and Catherine Cortez Masto; a sister, Patricia Snider; and two grandchildren, Andrew and Christina, all of Las Vegas.

There will never be a another Manny Cortez, but every time I return home to Las Vegas, his legacy will be on display for the entire world to see and admire.

On a very, very personal note, there is not anybody that was more important to the travel and tourism industry in Las Vegas Nevada than Manny Cortez. He was a dear friend and a mentor to many, many of us who are now serving in public office and have made a contribution to Las Vegas. His untimely death was a surprise to all of us. We will mourn him, we miss him and we love him.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again and the 30-Something Working Group, as you know and the Members know, we come to the floor day after day to share with the Members what we are doing right and what we are doing wrong.

So many times we focus on this side of the aisle on the plans that we have here on the Democratic side of the aisle in helping Americans to continue to prosper, need it be they are in small business or they wake up and go to work every day, educating our children, making sure that we have a healthy and prosperous and safe America.

Before I get started, I know Mr. RYAN will be joining me momentarily, Mr. Speaker. I just want to share with the Members a few plans that we have on this side of the aisle that we would like to implement. The only thing that is stopping us from bringing these plans to the floor and implementing action, well, we are moving in the right direction with great force, is the fact that we are not the majority here, Mr. Speaker, to be able to bring these issues to the floor.

As you know, in the past, I have talked about energy. I encourage Members to go to housedemocrats.gov to pick up a copy of our energy agenda, talking about alternative fuel, talking about bringing about flex vehicles in the industry to be able to allow more Americans to purchase vehicles that are flex vehicles that they can use E-85 and gasoline.

Real security plan, it is there dealing with homeland security. We have already said on this side of the aisle if we are in the majority that we would implement all of the 9/11 recommendations to make America safer. This is a bipartisan commission, as the Members know, that was appointed, and this House was part of it, and they did outstanding work. Those recommendations have still not been fully implemented to protect America.

We have our initiative that we have been trying to promote for the last 3 to 4 months in a very forceful way, which is allowing working Americans to be able to earn more money. It has been 9 years, Mr. Speaker, since the American people have received an increase as it relates to the minimum wage. It is very, very unfortunate that we have Americans that are working for $5.15 an hour. The minimum wage has been the same since 1997, which is now approaching 10 years.

As you know, many Americans have suffered under the low minimum wage that we have now, that is throughout for individuals that are working every day, and I have a few facts here.

Of the last 50-years, I mean, this is the lowest it has been in the last 50 years. Also, 6.6 million Americans will benefit from an increase in the minimum wage, and something that I must add, the Republican leadership has said that they vow not to raise the minimum wage again this year or next year. So I think that is something that the American people need to pay very close attention to.

Three-quarters of the minimum wage workers are adults that are over the age of 20, many of whom are responsible for over half of the family's income. One day of work, it takes an entire day's wage for an earner to buy a tank of gas.

Also, studies have shown, Mr. Speaker, that zero jobs have been lost when the minimum wage has been increased.

Eighty-six percent of Americans do support an increase in the minimum wage. Twenty-one States have moved in the direction of increasing the minimum wage. I do not know what is going on here with the Republican majority in not moving in that direction to allow more American people to have money in their pocket to be able to provide for their families.

We have talked many times on this floor in the 30-Something Working Group about the new weight that has been placed on the heads of the American people as they start to send their young people to college.

□ 1730

Just yesterday we had a town hall meeting downstairs in this building, in HC5 here in the Capitol Building, with some young people who are third-party validators with the student loans they have out now, Mr. Speaker. And this is very serious, because now people are starting to prepare their young people to go off to college in the month of August and late July, many of whom are now having to take out these student loans at a very high interest rate. They are going to end up paying almost $100 more a month in interest to pay for their college, and I think that is something we need to pay very close attention to.

It is very unfortunate that on the majority side, Mr. Speaker, on the Republican side, all due respect to all the innovation that one tries to come up with on the other side of the aisle, it is costing the American people more, and it is putting our young people in debt in this country even before they can grab their college degree and earn a living. They are already, on average, somewhere around $25,000 or $30,000 in debt when they step across the stage. That is very, very unfortunate.

We cut student aid here. We increase student loan rates here. The States in turn have to cut, and the cost of college is increased. It increases on these individuals. It is an increase on these individuals.

I think it is also important, Mr. Speaker, for us to talk about the fact that we have the will and the desire on this side of the aisle to move America in the right direction. I talked about this last week, Mr. Speaker, and I think it is very, very important to bring this up here again today; that we are willing to move this country in the right direction, in a new direction, making sure that Americans have more opportunities.

I think it is important for us to point out the fact that on this side of the aisle we have committed again to raising the minimum wage. We have committed to helping this country become energy independent, investing in the Midwest versus the Middle East within 10 years. We have also committed on this side of the aisle, I mentioned it earlier, to implementing all of the 9/11 recommendations.

But one of our major commitments on this side, Mr. Speaker, and also to the American people, is that we have said that we are willing to bring this budget back into balance within a reasonable time; not that we are going to cut the deficit in half, or we are going to balance the budget, but we are going to be able to bring us out of this deficit spending that the Republican majority has led us into with record deficits as far as the eye can see.

We have the resume. On our resume we have the accomplishment of being able to do that. We have accomplished that before in the past, Mr. Speaker, and I think it is something that one needs to pay very close attention to.

When we say a commitment to making sure our fiscal house is in order, it is not a slogan. It is not something that someone says, well, the polls say you need to say you are going to bring spending under control. We have actually attempted to do that.

You have seen this chart before. We can't talk about it enough, because the facts are in. Regardless of the floor speeches that may go on on the Republican side of the aisle, I think it is important for us to outline the fact that we have put our legislation where our mouths are.

We have said that we want to see this House say that if you are going to spend, then spend in a way that almost every American family has to spend. If you are going to buy something, you have to know how you are going to pay for it. You can't put everything on a credit card. And what is unfortunate is that we have allowed other countries to be a part of our country financially not because the American people have made a bad decision, but it is because the majority and the White House have made some bad decisions.

Here I have, Mr. Speaker, a PAYGO rule that on this side we have adopted; that we are willing to pay as we go. If you are going to buy it, you have to show how you are going to pay for it. It is not that you spend or you buy and then you borrow. JOHN SPRATT, who is the ranking member on the Budget Committee, on the 2006 budget resolution, and this is the CONGRESSIONAL RECORD, this is not something the 30-something Working Group put together, this is rollcall vote 87, March 17 of 2005. Republicans voted 228 against this pay-as-you-go amendment that we put forward.

Again, Mr. SPRATT and the ranking member's substitute amendment to House Concurrent Resolution 393, this is also rollcall vote number 91, March 25, 2004. 224 Republicans voting against pay-as-you-go on a rule we tried to put in place.

When I say try, Mr. Speaker, that is all we can do at this particular point because until Democrats are in the majority, we are not going to be able to put this country into the fiscal position it should be in.

Once again, Mr. Speaker, and I do say once again, I pull my chart out. This is almost my exhibit A here. Third-party validator. And the source that has given us this information happens to be the U.S. Department of the Treasury. Here we show that 42 Presidents over 224 years were only able to borrow from foreign nations, and this is money that the United States has borrowed from foreign nations in 224 years and 42 Presidents. $1.01 trillion. Through World War I, World War II, the Great Depression, a number of other conflicts, slowdowns in the economy, and other issues that have faced this country. 42 Presidents have only borrowed $1.01 trillion.

In 4 years, 4 years with President Bush, $1.05 trillion with the Republican Congress. Just in 4 years, Mr. Speaker. If someone came to me and said, KENDRICK, you have to throw all the charts out but one, if you just wanted one chart, this would be the one that I would pick, Mr. Speaker, because I think it reveals what has happened here in this House, how it has been so easy for the Republican majority to put runaway spending on a credit card and allowed foreign countries to be able to own a part of the American apple pie.

What is so very, very unfortunate here, as all of this borrowing has taken place, you would think that student loans would have a lower interest rate, you would think that alternative fuels would have an opportunity to be a part of the marketplace, and that we would be moving towards more cleaner-burning fuel. You would think that we would have a world-class health care system, and that companies as big as General Motors and as small as a mom-and-pop store that has five or six employees in it would be able to provide health care for their employees, and you would also think, Mr. Speaker, that a number of States would not be suing the Federal Government because of the underfunding of the Leave No Child Behind with all of the money that has been borrowed from foreign nations.

But what has happened is that the superwealthy in this country have gotten the biggest tax cut in the history of the Republic. What has also happened is that Republicans have been allowed to spend in record-breaking, I mean, just off the charts. For Republicans to come down here and blame Democrats for spending—I mean, really, I know it is kind of hard for them to keep eye contact with someone like me and those of us in the 30-Something Group who knows better, who know what the facts show, that $1.05 trillion has been borrowed from foreign countries. They are weakening our country as they start to move and allow these other countries to be able to own so much of the American apple pie.

And I will close with this before I yield to Ms. WASSERMAN SCHULTZ, who came in before Mr. RYAN. I think it is important, Mr. Speaker, for us to look at it from this standpoint; that if you borrow money from someone, the relationship has changed. I heard someone from the White House say this morning on the Today Show we are the last standing superpower. Okay, well, you must be talking about militarily, because financially we are getting weaker every day under this administration's policy and the rubber-stamping of this Republican Congress.

I think it is important that everyone understands that we have borrowed money from countries that we have never borrowed money from before in a record-breaking way. The Republican majority has done so without our help, but because they are in the majority, that has happened, and now they are looking at us under a different light.

We still have budgets that are being passed here on this floor that is going to even make the American people more indebted to foreign nations, some that we have questions of their links to possible terrorism and other questionable measures.

With that, Mr. Speaker, I would like to yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

My good friend Mr. MEEK really illustrates the point that we have been trying to drive home for all the time that I have been here now, and for several years before my arrival with the beginnings of the 30-Something Working Group, and that is that with the illustration that you just had up there, that literally we have racked up as much debt under this President than all the Presidents combined, all 42 before this President.

That really is illustrative of the point we have been making; that America is truly going in the wrong direction, and that in order to right the ship, to start us on the path that

Americans want us to be going down, we need to make sure that we elect Democrats in the fall that will no longer support the rubber-stamping that goes on in this institution on the other side of the aisle.

Mr. MEEK, I think what we try to do during our 30-Something hour is show people what some of these more macroconcepts mean in terms of their daily lives. The economy, which the Republicans talk about so often, and actually, I guess, what it is, Mr. RYAN, is that they think that if they say it enough times, it will become true.

I have heard so many of our colleagues on the other side of the aisle say, oh, the economy is great, the President said it, it is gangbusters, we are in the best shape we could possibly be in. Well, how is that possible if you have health care, gas, housing, and college costs that are all skyrocketing through the roof? I mean, the median family income has dropped every year of the Bush administration. The typical family is paying $1,200 more a year for health insurance, college tuition has gone up about 40 percent in real terms, gas prices have doubled to nearly $3 a gallon, housing is the least affordable it has been in 14 years, and real wages have been flat since 2001. And we have a chart that illustrates that graphically, but that is the economy that our constituents are living in.

Now, maybe our Republican colleagues are living in some kind of alternative bizarro world. Is there an alternative universe that I am not aware of that perhaps some of them are living? Because this is what reality is: College tuition, up 40 percent under the Bush administration; gas prices up 47 percent; health care costs up 55 percent; and median household income down by 4 percent.

That is good? I don't know. I bet if we looked up "good" in the dictionary it wouldn't reflect any of this reality. Just have a hunch that Webster wouldn't define "good" this way. It wouldn't look like that.

So I want, and I know we all want, to move this country in a new direction, and we have an agenda that would do that; that would deal with the health care crisis that we are in with 46 million Americans without health insurance, people who have to go to the emergency room for their primary health care. We would make sure that we increase the minimum wage, which hasn't been done since 1997. I mean, that is just unbelievable.

Mr. RYAN of Ohio. I just read today in a paper from American Progress, Scott Lilly, former staff member here, who wrote on the minimum wage, and I think he said in there that the minimum wage has the lowest value since the Eisenhower administration.

Mr. MEEK of Florida. Fifty years.

Mr. RYAN of Ohio. So it is unbelievable to think exactly where we are and the lack of leadership that we have here.

On that one poster you just had up, President Bush said the economy is benefiting all Americans. I find that interesting. I had some steelworkers in my office just today from all over Ohio, and they certainly don't think that the current economy is benefiting all Americans, that is for sure.

Ms. WASSERMAN SCHULTZ. We are going to take up the estate tax tomorrow, and as much of a deal as our Republican colleagues have made out of this, it benefits about 5,000 people in the country. I mean, 5,000 people. And they are making this such a high priority. It is going to cost over $200 billion, and this is what they think is a priority, as opposed to dealing with health care, gas prices, college costs, and housing costs.

□ 1745

Yet another example is when they passed their tax reconciliation bill, their tax cut bill earlier this year. Just to give people an idea of what kind of benefit we truly doled out to most folks, if you made between $10,000 and $20,000, you would get enough back from the tax cut bill we passed earlier this year, enough back to buy a Slurpee.

There are a whole lot of things that are a priority in my life and the lives of my constituents that I want to make sure that I can buy, my constituents want to be able to buy, and a Slurpee is not really mentioned in the letters written to me in my office.

Now let's go down to the people making between $40,000 to $50,000 a year. That is a working family. They would get back enough to buy a gallon of gas. I think that probably most people would think if we are going to pass a tax cut measure, if we are going to really provide revenue and give folks back their hard earned tax dollars, it should be more than the value of a gallon of gas.

But if you are fortunate enough to make more than $1 million, you get back the equivalent of a Hummer. Now that is something that most people could probably write home about. But how many people in America make more than $1 million.

Mr. RYAN of Ohio. And in the context of this, where do we get the money to give the millionaire to get the Hummer, we don't have it.

Ms. WASSERMAN SCHULTZ. And tomorrow we are going to do more.

Mr. RYAN of Ohio. We are borrowing this money. That is the kicker. As Mr. MEEK pointed out earlier in the hour, where we are getting the money from to borrow to give to the people who make more than a million a year, and now we have to pay interest on that money. This is what we pay in interest on the debt, just the red, $230-some billion compared to what we spend on education, homeland security and veterans.

So a disproportionate amount of our budget dollars go just to pay interest on the debt. We get no value from that. We are just giving the Chinese, the Japanese, the OPEC countries, our money that they will continue to try to invest and take jobs away from us. We do need to go in another direction.

I think this goes right to the heart. There are two belief systems here. There is the Republican belief system that says cut taxes for millionaires, give corporate welfare to the oil and health care industries, okay. That is their belief system. Let's make sure that the pharmaceutical industry has no ability or we don't have any ability to negotiate down the prices with them. That is their belief system.

But the Democratic belief system is that everybody needs to pay their fair share and make some sacrifice. Why is it just the middle class, the poor and the small business owner making all the sacrifice while the wealthiest people get their tax break.

Our belief system is that they need to pay their fair share, those making more than a million a year because they are benefiting from the largess of the United States of America, and we need to take that money and invest it into research and development, stem cell research, 21st century technologies, broadband for every household, making sure that our schools are functioning, No Child Left Behind is funded, and that we reduce the amount of interest that you have to pay on a college loan.

Mr. Speaker, what the Republicans are doing with college loans is ridiculous.

Now the Democrats want to cut student loan interest rates in half for both parents and students. The Republicans want to increase it and give tax breaks to millionaires. The Democrats are for raising the minimum wage. The Republicans will not bring a bill to the floor that actually passed out of committee that raises minimum wage.

The Republicans are for giving corporate welfare to the oil industry. The Republican Congress put that money in, $16 billion went to energy companies, corporate welfare at this time of great profits.

All of these things, it is about beliefs and we have our share of beliefs, they have theirs, and the American people are going to choose.

Ms. WASSERMAN SCHULTZ. I would just like to go back to energy prices and gas prices. Just to zero in on one of the things that is the most galling about the direction that the Republican Congress has taken us in, gas prices are up.

I am one of those minivan moms. I have little kids and when I go home, I am going to dance class and soccer games and shuttling them all over my district. It is a lot of driving. With three kids, you have to have a large enough vehicle to fit the car seats and the stuff and the athletic equipment and the dance bags, and so minivans are an essential piece of life when you are a mom or dad with little kids. It costs like $55 to fill up the gas tank of a minivan.

I have reached the conclusion that the only explanation for the continued direction that our Republican colleagues have taken us in when it comes to gas prices and refusing to deal with the energy crisis and refusing to adequately fund, if fund at all, alternative energy sources is because they obviously haven't filled their own tanks of gas since gas pumps looked like this.

This is a replica of a gas pump from the 1950s or thereabouts. I truly believe they must not pump their own gas, or the last time they did, pumps looked like this or they would be feeling the pain. You cannot stand there for as long as you stand there for squeezing the pump and watching the tally click by, $10, $20, $30, $40, $50. You can't do that, even if you can afford it, without it being somewhat painful.

Think about it, think about the mom or dad who is just barely making ends meet. They are barely making ends meet before gas went over $3 a gallon. When is enough enough? Where is the outrage? Where is the legislation? Where is the oversight? Why aren't they calling the CEOs of the oil companies and asking is it possible that they are not in collusion, that they are not conspiring to set prices the same. It is mind boggling. I don't understand why they don't care. That is clearly the message that is sent here.

What we would do, we would make sure that we could, within 10 years, be independent of foreign oil by pursuing alternative energy research like ethanol. Brazil has done it. This is our innovation agenda. For anyone on the other side of the aisle who wants to continue to perpetuate the myth that Democrats have no agenda, here is a big piece of it in several colors, not just black and white.

This innovation agenda includes a number of things, not the least of which is our ability to truly end our addiction to foreign oil which the President talked about in his State of the Union, and only talked about and did nothing to change it. Our innovation agenda would help us get there. It would also make sure that we give people universal access to broadband in 5 years. It also does a number of other things to take us in a new direction.

I know I have focused specifically in on one part of the problem, but because that is something that people deal with every single day or every couple of days when their gas light goes on and their tank runs empty, and I know you both agree with me that it is something that we need to put the magnifying glass on.

Mr. RYAN of Ohio. Knowing a lot of members on the other side of the aisle, I am not sure that they don't care, but clearly it is weak, passive leadership. We need strong leadership. We need not only a new direction, but strong, bold ideas that are going to take us forward. This whole idea, the whole political realm is about ideas.

Our friends on the other side of the aisle are dinosaurs. They are still working in the old oil days and those countries that are going to be on the cutting edge are going to be into these alternative energy sources. But you can't have weak, passive leadership that fails to step up to bat when the country needs them.

One gentleman who was in my office said we need leadership. We need you to help us. We are losing control. We feel less and less like we are in control. And the things that the Democrats want to implement are to make sure that people have control of their own lives to the extent that they can, and that is education, that is being healthy, that is making sure that there is opportunity through these investments and research and development that we want to do. We want to make sure that these ideas are getting out there through strong, bold leadership that is going to move the country forward. I know Mr. MEEK supports that. I have had conversations with him about that.

Mr. MEEK of Florida. Mr. Speaker, I am trying to be as calm as possible.

Ms. WASSERMAN SCHULTZ. You are calm today.

Mr. MEEK of Florida. Well, I am pleased because the Miami Heat has taken care of business in four games straight. There is going to be a great parade in Miami celebrating the Miami Heat's achievement of achieving the NBA championship, and that team consists of a lot of young guys and older guys that have really worked hard.

I would just like to say this is the first time I have given the Dallas Mavericks any charitable words since I have been here on the floor and in this building, that they played hard. It was a great series and I appreciate the folks that are in Dallas, Texas, for their sportsmanship and the fans. But in Miami, we are very, very excited about it.

Mr. RYAN of Ohio. And that is not what he was saying last night about Dallas when we were watching the game.

Mr. MEEK of Florida. Let me just say this, I am saying that this whole thing is about sportsmanship and be able to enjoy and have a good time. It is a great lesson for young people about mental mistakes that people can make.

Life is like basketball, things happen and you have to adjust to those things. Folks were thinking I was going to talk for 30 minutes about the Miami Heat, but I don't want to waste the House time dealing with that, and they will be recognized later on. So we will move on.

Ms. WASSERMAN SCHULTZ. I just wore the colors.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ wore the colors. I am not wearing the beads that I was wearing. We were down 0–2. I put the beads on and the Heat just went four games all the way.

Mr. RYAN of Ohio. I thought we were going to move on.

Mr. MEEK of Florida. Let me say, Mr. RYAN, you were talking about leadership and Ms. WASSERMAN SCHULTZ was talking about leadership. I think it is important when we look at leadership, that is not just in the White House. That is here in the U.S. House of Representatives, and it is very, very important that we have a body of Members here that have the will and the desire to lead.

As you all were talking, I was pulling out a couple of examples to show you a lack of leadership. Remember the Wizard of Oz when they said let it be green and let it be red and let it be blue, and that is fine for a movie; but that is not fine for the United States of America as it relates to policy in any area.

Let's start off at the top of the week when the White House said let's talk about the great things that are happening in Iraq or not happening in Iraq. It seems to be just the opposite at the end of the week of what is not happening in Iraq and what is happening in Iraq.

But the bigger question is what is happening here in this House. We spent all kind of time running back and forth into last week, Members coming down to the floor making speeches, getting all puffy in the chest and talking and carrying on about who loves the troops and who doesn't love the troops.

□ 1800

No, I love them more than you do. I have a tattoo, you know, that said I love the troops.

It is not all about how you say it. It's what you do. And the bottom line is, Mr. Speaker, nothing came out of the resolution that was passed. I mean, it is not like the resolution was passed and all of a sudden some great policy measure, some sort of major dollars going into veteran affairs or some direction to the Iraqi Government of how we really, where we really stand as it relates to it and relates to the war in Iraq. And I think it is important that, some of the things that I wrote down, Mr. Speaker is, following the Bush administration, and its rubber-stamp Congress has allowed the Bush administration to continue to carry out poor planning as it relates to the war in Iraq. Also, no plan for success. It is okay not to have a plan. Because we are in the majority, we are going to write a resolution that we are not going to even allow a Democrat to even put a period or a comma in, and because we are in the majority, we are going to endorse it, no oversight whatsoever from the U.S. House of Representatives. No oversight, Mr. Speaker. No accountability, no investigations of what is going on with the taxpayers' money that has been stolen in record numbers, no-bid contracts, $17 billion for Halliburton alone.

The Democrats, what do we want? We want accountability. We want to make sure that 2006 is a significant year as it relates to transition and plan for Iraq. We want to make sure that the Iraqi people know that they are going to have to take responsibility for their government more sooner than later. And as long as we start saying we are going to stay as long as we are going to stay, they are going to keep saying it is going to take us as long as it is going to take us. It is in the U.S. taxpayers' pocket, and the American troops that are there will continue to pay the price with life, limb and blood and time away from their families as long as the Republican rubber-stamp Congress continues to rubber-stamp whatever the White House has said.

Another point I wanted to make here. Some troops are on their fourth deployment. What does that mean if you are a soldier? That means you are going back for the fourth time. And it may be 12, 15 months. If you are a marine, many of the marines are definitely on their fourth deployment. A little shorter time, tougher duty, and it goes on and on and on.

Recruiting standards have been loosened. The National Guard units have just 34 percent of the required equipment that they need once they go back into the theater. And that is something that we have to pay very close attention to.

And the last point here as it relates to the no plan and the continue to throw the rock and hide your hand philosophy that this Republican Congress has is the fact that veterans' copayments are going up as it relates to prescription drug care. No plan for veterans when they come back with all of the issues that they are going to come back with to their families. We deserve to give them the attention that they need, and there is no plan for that.

So to come and do the John Wayne, if I could use his name as a tough guy, and to say that, oh, we are going to do this, and using slogans about how we need to, people, anyone that talks about anything about Iraq outside of I am with the President, they are not really with the American people.

Well, let me tell you something. I want a news flash to the members of the Republican side of the aisle. The American people are not feeling your rhetoric. And I think we will know in November about where we are because the American people are looking, Mr. RYAN and Ms. WASSERMAN SCHULTZ, for some leadership.

I think on the Republican side of the aisle, some folks need to go see the wizard, get some courage and some leadership, and to be able to say we are willing to work in a bipartisan way. I say this with great confidence because a lot of my Republican colleagues know it, and a lot of them tell me. You know, they say, KENDRICK, you know, you 30-Somethings, you come kind of hard sometimes, but you know something. I can't get upset with you because it is true. Third-party validators know that it is true.

I am sick and tired of seeing these parents get on the Today Show in the morning, Mr. Speaker, and trying to bring some sort of understanding in their own mind of why we are there without a plan, and why are we sacrificing our troops on the front line when it is now taking, going on 3, 4 years to train Iraqi troops, when we have had individuals that were in sophomores in high school that have been trained and sent into theater and now on their second deployment. It is just kind of hard to explain that for Mr. RYAN and I that are on the Armed Services Committee. It is just hard to understand that, Ms. WASSERMAN SCHULTZ.

So this game of saying that we are going to stay as long as we have to stay, don't ask any questions, I think those days are over. I think the American discourse is going to take over what this House has not done, and I know that they are going to speak in a very positive way towards the party that has the plan.

Now, we have plans and ideas on the table here in the House and in the Senate. But guess what? We are at least talking about a plan, Ms. WASSERMAN SCHULTZ. We are just not saying, oh, excuse me. What did they say at the White House? Oh, they want to continue a war without a plan? Okay. That is fine. We will just rubber-stamp that. And what else can we do for the President? So shall it be written, so shall it be done, at the price of the American taxpayer and the price of some families as it relates to never seeing their father or mother again.

So I think it is something that is very serious. I am making fun of the fact that there is a rubber-stamp Congress here, but I have to say, ladies and gentlemen, that it is a reality. It is a reality. No questions asked. Rubber stamp. And I hope that the American people pay very close attention to it.

So I am glad that the Democratic Caucus has put their foot down and have said that enough is enough. You won't hear me talk about why can't we work in a bipartisan way, because we have been saying it since I have been here going on now 4 years, Mr. Speaker. So the will and the desire is not on the Republican side to even work with the Democrats. So now you have to move in the campaign that we have now and moving this country in a new direction, and that new direction is going to be inclusion. We are going to include Republicans in a bipartisan way, and moving this country and all the things that we talked about, Ms. WASSERMAN SCHULTZ talked about, Mr. RYAN is talking about, and when folks can go on housedemocrats.gov and find our plan in moving this country in a new direction. We have the will and the desire, and we will definitely do it.

With that I would like to yield to Mr. RYAN.

Mr. RYAN of Ohio. You brought up the Republican lack of plan or planning or any agenda really. But I think we are living, as we said the last time we were here, we are living in the midst of an implemented neoconservative Republican agenda. Here it is. We are living in it right now.

You want to know what the Republicans will do? Go to the gas pump. Look at your health care bills. Look at your college tuition. Just look. Look at Iraq. Look at Afghanistan. This is the neoconservative agenda as ordered. This is exactly what they wanted to do. They have the House, they have the Senate, they have the White House, and here it is. Look no more.

Ms. WASSERMAN SCHULTZ. You know, you are just absolutely right, because what we are talking about is the direction that we would take this country in if we were given an opportunity, that we would expand access to health care and make sure the 46 million people who don't have it now, that far more, if not all of them, would have it; that we would truly invest in exploring alternative energy resources so that oil was not our only option; that we would make sure, and we committed.

We had a town hall meeting with 30-Somethings with Leader PELOSI and Ranking Member MILLER, had a town hall meeting just the other day where we talked about that on the first day that we take the majority back in this House of Representatives and Leader PELOSI becomes Speaker PELOSI, we would halve the interest rate on federally subsidized loans, literally saving potential college kids thousands and thousands of dollars.

But you know what? The attitude of the administration and the Republican leadership, Mr. MEEK, you said you are sick and tired. I think people are sick and tired of being sick and tired. And I think that Americans have reached that point.

And it never ceases to amaze me what their leaders, what the Republican leaders actually say. I mean, that they say out loud; never mind the thoughts they harbor, because you know we will obviously never, we can only guess what those are. But what they say is unbelievable.

A few days ago we sadly marked the death, we were talking about the war in Iraq and how they have no plan; that this is an interminable war that has no end in sight, no plan, no ability to phase ourselves out. The other day we marked the death of the 2,500th soldier, American soldier. And White House spokesman Tony Snow said this about that milestone. He said, "It is a number, and every time there is one of these 500 benchmarks, people want something."

Yeah. They want no more kids to die. They want no more of our American men and women to die needlessly without any possibility in the near future of knowing that they are coming home.

A number? Sure. There are plenty of numbers that we could throw out there, the numbers that people care about beyond just 2,500 of our soldiers being lost. For example, 18,490 American troops were wounded in Iraq. And we have third-party validation for all of these. About 40,000 Iraqis have been killed, beyond the American troops. $8.8 billion. Here are some more numbers: $8.8 billion is the amount of Iraqi reconstruction funds the military has failed to account for, according to the Department of Defense's inspector general; 68 journalists killed in Iraq; 2.2 million Active Duty soldiers and veterans at risk of identity theft. Actually that is more. Now with the theft of the computer it is 26.5 million; 382 days since Vice President CHENEY claimed the insurgency was in its last throes. Ask the parents of the two American soldiers that were kidnapped and killed by insurgents the other day if they think that the insurgency is in its last throes; 1,140 days since President Bush declared mission accomplished in Iraq; 37 million people living in poverty in the United States; 13 million children living in poverty in the United States; $8,375,365,051,008.48. That is the amount of the deficit, yet tomorrow we are going to consider an estate tax that benefits 5,000 people; 45.8 million Americans without health insurance, just to be exact; $16,000, which is the median debt of graduates of public colleges; $20,000 is the median debt of graduates of private colleges, yet after July 1, the interest rates for a college loan will be hiked up significantly, thanks to the Republicans' leadership here; $36 billion Exxon Mobil's profits last year, more than any other corporation in history. Those are the numbers that the Republicans should find important.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, we spend so much time talking about the budget, and those are great numbers that you have shared here. And I see Ranking Member SPRATT here on the floor, JOHN SPRATT, who has done such an outstanding job on the budget. And as you know, I always hold this chart up about the foreign-owned debt and where we are going and what is being spent.

Mr. RYAN spoke to how we are paying more on the debt than we are paying on education, veteran affairs and a couple of other areas, too, homeland security. And I saw Mr. SPRATT, and I just couldn't resist, sir. I know that you were here to put in a RECORD statement, but can you just share, just kind of bring into focus what has happened here and what will continue to happen, if the Republican Congress continue to have their way?

Mr. SPRATT. There are lots of ways to present it, and you have got some ingenious devices there on the table. I found this back-of-the-envelope summary of how much we have increased the debt ceiling of the United States, the legal limit to which this government can borrow, which is set by statute, over the years that George Bush has been President of the United States.

When the Bush administration first came to the Congress back in 2001, with their proposal to do 1 trillion, 800 billion in tax cuts over a 10-year period of time, they told us we could do these tax cuts and still we won't be back here to ask for an increase in the debt ceiling, the legal lending borrowing limit, until 2008.

The next year, June 2002, hat in hand, they were back here at the Congress saying we missed it. We overestimated the surplus. The tax cuts have taken effect. We need a $450 billion increase in the debt ceiling of the United States.

☐ 1815

That was June of 2002. Within a year, May, 2003, they were back, and they were asking this time for a phenomenal sum of money, a $984 billion increase in the debt ceiling of the United States.

If you go back to 1981, just before I first came to Congress, when Mr. Reagan became President of the United States, the entire debt of the United States was less than $984 billion. In 1 year, they needed to raise the debt ceiling by that amount to accommodate the budgets of the Bush administration. Well, that was May of 2003.

Fourteen months later, November 2004, there was another $800 billion increase. And when we passed the supplemental for the budget this year, the supplemental spending bill, there was slipped into it a provision increasing the debt ceiling by $781 billion. And still pending there is another increase. It is hard to believe. Back of the envelope sums it up better than any possible way I could. When they passed the budget resolution in the House this year, it included an additional increase of $653 billion. If you add all of those debt ceiling increases together, you will find that the total amount of debt ceiling increase in the Bush administration comes to $3.7 trillion; $3.7 trillion, that is how much we have had to raise the debt ceiling, the legal borrowing rate of this government, in order to make room for the deficits caused by the Bush administration's budget.

Mr. MEEK of Florida. Mr. SPRATT, I am so glad that you are here because here I hold a letter that former Secretary Snow wrote you about the emergency situation we are in of raising the debt ceiling.

Again, Mr. Speaker, third-party validators. U.S. Secretary Snow, who is like the accountant, or used to be the accountant, of the United States of America, literally begging you, wrote you a letter and said, We have to raise this thing or I am going to have to shut down normal government operations.

Mr. SPRATT. That letter was in February.

Mr. MEEK of Florida. That letter was in February. And then there is another one, Mr. Speaker, on March 6 that he wrote, again saying that we have to raise the debt ceiling.

So we have the Bush administration appointees. I use these rubber stamps here, Mr. SPRATT, as the rubber stamp Congress that we put here. So this wasn't a part of the letter, but we highlight here the begging, saying that they will not be able to pay into the G fund and other investments that they have to pay into to be able to assist. It is saying they are going to have to suspend investing in the Federal employees retirement fund.

So, Mr. SPRATT, I just wanted to bring that out, a third-party validator's saying that they have to raise the debt ceiling. But we spend a lot of time here, sir, as you know, in the 30-Something Working Group because we are working with the fact that young Americans and the future generations, what this is going to mean and what it is meaning right now to American families. And we also highlight the two amendments. This is almost like having the man that has made it happen here on our side of the aisle trying to move into a pay-as-you-go to stop exactly what you are pointing out there, sir.

Mr. SPRATT. Exactly. That simple rule worked better than any budget resolution, any budget rule we enacted during the 1980s and during the 1990s. I was here, involved in the process. I can stand witness to it. PAYGO worked.

But don't take my word for it. Last year, while he was still chairman of the Fed, Alan Greenspan testified before our committee three times, and on each occasion we asked him, What is your assessment of the budget process rules we adopted in the 1990s and let expire in 2002? He said, I was a cynic then. I thought it was a diversionary tactic. But I have to acknowledge that those budget process rules had an enormous impact on the success we achieved, moving the budget from $290 billion in deficits when George Bush left office in 1992 to $236 billion in surplus in the year 2000. PAYGO, he said, works. And he recommended that it be renewed. extended in its old form, affecting both tax cuts and entitlement increases. That was Alan Greenspan saying it accounted for a lot of the success of the budget discipline we displayed in the 1990s.

Mr. MEEK of Florida. Thank you, Mr. SPRATT.

I yield now to Ms. CORRINE BROWN of Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, my question is for the congressman. I have a question. I was in my office and I got a notice across my desk that perhaps tomorrow we may be debating the estate tax for millionaires.

And my question is that we can't get the minimum wage up that affects close to 7 million Americans that are working every day that can't make ends meet, but yet we are talking about an estate tax that is going to only affect about 6,700, the top 1 percent in the entire country. But my question is how are we going to pay for it? We are in a war that we are paying $450 billion for, and we are spending about $600 billion a month. So how are we going to pay for this?

Mr. SPRATT. The bottom line is we charge the tab to our children. We have a deficit today. This fiscal year the deficit will probably be somewhere between 300 and $350 billion. If we adopt additional tax cuts, they will go straight to the bottom line and only make the deficit larger.

Now, the tax cuts envisioned by this estate tax extension will come in the outer years because we are still increasing the exemptions and lowering the rate applicable to decedents' estates right now under old law. This will mean that in the first 10 years that this estate tax provision is fully implemented, the first 10 years when it is fully effective, the cost will be somewhere between $700 and $800 billion in revenues lost or foregone; $700 to $800 billion during that period of time. And that will be a period of time when the baby boomers will be beginning to retire in big numbers and starting to draw Social Security and Medicare, and we all know both of those programs are going to be strained under the load of the baby boomers' retirement.

Ms. CORRINE BROWN of Florida. Congressman, how long have you been here in Congress? Over what, 30 years? How long have you been a Member of Congress?

Mr. SPRATT. I have been here for 23 years

Ms. CORRINE BROWN of Florida. Twenty-three years. And in that time period I know you have seen always checks and balances, whether it is the House, the Senate, or the administration. The problem that we are experiencing now is that we have every branch of government controlled by Republicans, whether it is the House, the Senate, or the administration. And so therefore there is no restraint. That is why 77 percent of the American people say that Congress is out of step with them.

Mr. SPRATT. No question about it. That is one of the problems you have with the line item veto. It says we need to let the President get involved even more. I voted for an expedited rescission, a line item veto before, here on this House floor. But really I think that Congress itself should turn to its own problems and start addressing those as opposed to going outside the Congress for solutions. We know what the problem is. We do not have a budget resolution this year adopted by both Houses. One of the things we learned in the 1980s and again in the 1990s was that you need a multi-year plan. Typically a 5-year plan. Not just a 1-year budget but a 5-year budget so you can see the implications on the tax side and on the spending side of what everything you are doing does to the bottom line. And we do not have a 5-year budget at this point in time. And the budget process rules like the PAYGO rule and the discretionary spending caps that we adopted in the 1990s no longer apply. The law elapsed. The Republicans allowed it to elapse and did not renew it. And consequently we do not have those disciplines that we had in the 1980s and 1990s that finally brought the deficit to heal and, furthermore, in the year 2000, put it in surplus to the tune of $236 billion. The last full fiscal year of the Clinton administration, that is where it was, $236 billion in the black.

Ms. CORRINE BROWN of Florida. I want to thank the leadership that we have here that come and discuss these issues. And it seems that the major problem that we have in this country is that we do not have any checks or balances. The House, the Senate, and the administration are all controlled by Republicans. So if you don't have any checks and balances, we will have zero balance in the bank account.

Mr. SPRATT. As a matter of fact, our Republican colleagues control the House. They have a majority in the Senate, and, of course, they control the White House. So they cannot escape responsibility for these fiscal results.

Ms. CORRINE BROWN of Florida. Thank you for giving me an opportunity to join you all this evening.

Rubber Stamp Republicans: There is a very good reason why 77 percent of the American public does not believe that the United States Congress represents their interests. Instead of debating a fair minimum wage bill, tomorrow we will be debating the Repeal of the Estate Tax for millionaires!

Instead of dealing with high gas prices, Republicans want to talk about gay marriage. Instead of providing the services that the veterans need when they return from Iraq, the Republicans want to talk about flag burning.

Just last week, seven House Republicans joined Democrats in supporting an increase in the minimum wage, but yesterday, when the measure came up in the CJS appropriations bill, they suddenly changed their minds, joining the rest of the Republicans in ignoring the needs of seven million hard working minimum wage workers.

So while ignoring the needs of hardworking low-income workers, House Republicans once again will vote to reward those who least need help!

Just as they rewarded Halliburton, they continue to award big oil companies huge tax breaks at the expense of hard working Americans paying over $3 per gallon.

The White House is collecting our phone records and tapping our phones, yet has no interest in investigating the abuse and fraud by Halliburton in Iraq.

It is high time our country needs a change in direction. We need new energy policies, Iraq policy, higher education policy, health care policy, transportation, national security, and the list goes on and on and on! And this needs to be done in a fiscally sound way, not in a way that puts our children into more debt than they're piled in already.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. SPRATT and Ms. BROWN. We are so glad to have you here with the 30-Something Working Group.

Mr. SPRATT. Does that mean I get to join the 30-Something Working Group?

Ms. WASSERMAN SCHULTZ. We will adopt you as a member.

And we would like to remind the Members, Mr. Speaker, that all of the charts and documents that we have talked about tonight are on our Web site, housedemocrats.gov/30something.

THE STRENGTH OF THE AMERICAN ECONOMY

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I certainly appreciate the responsibility and the privilege to speak to you in this House and to represent my constituents here.

I came over here to raise the issue on a number of bits of subject matter. And as I sat and listened, of course, the subject changed a little bit as I listened to the group here on the other side. And I think that it is important to edify Americans as to the difference between Republicans and Democrats. And I am just really grateful that when I was born and I was reared in a family, I began to build a certain attitude about life. And as that attitude unfolded, I was taught from the beginning to fend for yourself. You are going to have to get out there and make something out of yourself in this lifetime because nobody is going to do it for you. Your ship will never come in. Take control of your life. So at an early age, I realized that when I was born, my glass was half full and it was my job to get out of bed, go to work every day, and go ahead and fill that glass up.

I was not raised with an attitude and neither did I gather an attitude that my glass was half empty. I was always grateful that I was born here in America. And when I would ask my parents, what is the best country in the world to come from? They would always answer, The United States of America is the best country in the world. Eat your cold mashed potatoes. There are people starving in China.

That is kind of the composite of the upbringing that I had. But grateful for this Nation, and I would always ask why, what is the difference? And probe into these other countries. And, of course, the people starving in China part was what we talked about then. But country after country in the aftermath of World War II, we were the only surviving industrial nation, and this Nation that had preserved freedom for the world, for the entire globe, and had we not done that, we would not be standing here today speaking in English, for example, Mr. Speaker, but speaking in a free way with free ideas and having this free exchange.

I stand at the same spot on which Tom DeLay gave his last speech here in this Congress. And he made a point that I think is an important one. And that is that, yes, there is partisanship and, yes, we have sharp disagreements. We have those disagreements because we have a Constitution that protects our right to do so. But he made a point that was, you show me a Nation that does not have partisanship and I will show you a tyranny. So when we disagree, we need to be grateful that we can disagree, and we should base that on fundamental philosophical differences and highlight those.

But there is a difference in human nature. Part of human nature is like me that sees our glass half full. Part of human nature is like the people on the other side of the aisle that see their glass and the glass of their constituents as half empty. And that is all right if you look at it from that perspective. But then you have to take it to the next level. And the next level is those that see their glass half full set about going to work to fill it, and we pull each other up the ladder because we know that as we all go out and work and produce and market and save and invest that that helps everyone, that this economy grows. This is not a zero sum game. It is not a goose that has so many golden eggs in it where we can just simply slaughter the goose and harvest the eggs. It is an economy that needs to have inputs. It needs to have capital investment, both intellectual capital and real dollars in a real way. We need to have entrepreneurs. We need to keep generating new ideas. This organism of our economy, has a lot of components in it, and it needs to be working and churning. And when we go in there and we tap into this organism of our economy and we start to take from it and not put into it, then it slows down the growth of our economy and it grows slowly.

But this was an economy that when Ronald Reagan was sworn in outside this building in 1980, the Dow Jones was below 1,000. I do not remember the exact number, but I know it was below 1,000. Today it is at 11,000. That is a good measure of what has happened with our economy, and that should be something that should tell, Mr. Speaker, the American people that when your glass is half full and you go to work to fill that glass up the rest of the way and you help your brethren up the ladder along the way that the sum total of the size of the pie, which is divided up amongst now 300 million Americans, gets greater and greater and greater, and that means when the pie is bigger, the size of the pieces can be bigger for each individual that is involved. This is not a matter of taking from the rich and giving to the poor. This is a matter which the argument that I am hearing really slows down this economy and that when you tax someone for the labor they do, you punish them for that labor.

Ronald Reagan also said what you tax, you get less of.

□ 1830

So we have a first lien on all productivity in America. The Federal Government has the first lien on all productivity in America. So we tax production. We tax earnings, savings and investment. We tax Social Security, we tax your pension, we tax your capital gains, your income tax, your corporate income tax, your partnership income tax. Also we tax your earnings on investments and your Alternative Minimum Tax. All those things are taxed.

Well, when there is a tax applied to anything, it is a disincentive to produce. So the first lien on all productivity in America slows down the productivity in America, but it does gather dollars from those wages to run the Federal Government.

Now, if you think your glass is half empty and it is not a growing economy, but simply something, a same size pie every year that gets divided up differently depending on who has the political power, not depending on who produces into this economy, eventually what you are doing is you are killing the goose that lays the golden eggs, harvesting the eggs and thinking somehow there is going to be another goose come along.

Mr. Speaker, it will not. There will not be another goose come along. This is the one we are going to have to nurture. This economy that is growing, the one producing the golden eggs that are popping out here, it is because people have invested capital and taken risks and put in sweat equity and had a vision and made a sacrifice with their time and their dollars, and sometimes from their families, to make their businesses run or to go to their jobs to help their companies operate, or sit in the basement or up in the attic working sometimes working on inventions that become creative inventions that increase and contribute to this dynamic economy that we have.

So much was said about the national debt. My glass is half full and I am going to work to fill it up. Most Americans are doing that. That is why Republicans have control of the House, the Senate and the White House.

Some folks believe their glass is half empty, and if they sit around with their tin cup, then let me tell you, that cup will never be full. You have to take charge of your life.

Now, that doesn't mean that we don't have compassion. In fact, everybody in America has access to high quality health care. We have the highest percentage of personal ownership of their homes ever in the history of the United States, and, I would submit, in the history of the world. That home ownership was at 68 percent the last time I checked. If you go into the poverty regions, you have a higher home ownership there than ever before. This administration has been great for people who are on the lower income side of this, and I have got a proposal I will talk about that will make it even better yet.

But I want to give everybody hope, Mr. Speaker. I want to give them all hope that there is a reason to get out of bed to go to work and make your life better.

In fact, to solve the pathologies in the United States, it is a pretty simple equation, and that is simply this: For people who are going to have children, to get married and stay married, get a job and keep a job. Statistically that solves almost all of society's pathologies.

It is not a complicated equation. We need to encourage people to go to work. Most do. Out of 300 million people in America, there are 7.5 million on the unemployment rolls. Those numbers have been actually inching down as new jobs have been created.

There is about another 4.3 million that are on welfare, and another 5.3 million that have exhausted their unemployment benefits that are still looking for a job but are not technically listed on the unemployment list.

That as a percentage of America isn't particularly large, but altogether, between the ages of 16 and on up through retirement, there are 77.5 million nonworking Americans in this society. We have a large labor force there that we can go to when we need that labor force. But we have made good progress with the unemployment lists also there.

We haven't reached the lowest unemployment. I would point out that when people say we are at full employment at 5 percent unemployment, or 4.7 percent unemployment, I don't accept that number. The lowest unemployment that I can find statistically throughout, at least the last 100 years or so that we have kept records, is 1.2 percent unemployment, and that was during World War II. So I qualify that statement.

But that was when we had all hands on deck. If we really get in trouble, we can be all hands on deck again. We haven't needed to do that. So, we do have a large labor force that is here and we can draw from that.

But as I listened to the Members on the other side of the aisle, the group that has consistently been down here using the word "Republican" as if it were a four letter word. I don't know how to spell it with only four letters, but I know how they say it when it sounds like a four letter word. They talk about the national debt, they talk about a balanced budget and they talk about the balanced budget under Bill Clinton.

I can tell you, Mr. Speaker, there was a balanced budget under Bill Clinton, but there were budgets that were sent to President Clinton that were vetoed because he sent them back and demanded more spending, over and over again.

This government was shut down by a veto of Bill Clinton, not because he was insisting that we should balance the budget. He was insisting that he wanted more money. That was the issue here back during the Clinton years. I will admit that there was a partisan divide going on during that time, and I will say that the Republicans in this Congress presented those first balanced budgets that we had seen in decades, and they insisted that the budgets be balanced, and that is what happened. It wasn't because Bill Clinton was ponding on his podium asking for balanced budgets. He was demanding more spending.

Now, a decade later, I hear Members of his party come here on the floor it take credit for the balanced budget during the Clinton years, when, yes, he signed them all right, he did not have a lot of choice, but this Congress, this Republican Congress, made him balance the budget. In fact, they balanced the budget and they required him to sign it.

Then, in the aftermath or in the latter months of the Clinton administration, we had this thing going on called the dot.com bubble. I don't know if we realized it was a dot.com bubble until it burst. But when you think about it, it had to happen. In fact, my instincts were telling me that it was this: that we had technologically, because of great inventions by Americans and the stimulation that we have here and the structure that rewards productivity, invented the technology that allowed us to store and transfer information more effectively, more efficiently and cheaper than ever before.

It was an amazing ride to see that dot.com bubble go up in our stock markets, because the people were investing in these dot.com companies on the anticipation that there would be a financial reward on the other end that would be in proportion to our ability to store and transfer that information more cheaply than ever before.

Well, it didn't work out quite that way, Mr. Speaker, because information has value, but it isn't measured just by the amount of information. It is measured by its commercial value, and information as a commercial value has to allow you to produce a good or service and that deliver that good or service more efficiently than before, otherwise as a business you don't have an interest for paying for that information.

In the case of the Internet would be a good example, it is also marketable that you can get people to pay for their Internet service so that they can have recreational information on the Internet service. So you can use that Internet for business purposes and you will pay for that, and people also pay for it for recreational purposes. That is the only two ways that information has a value in the marketplace. So we overspeculated on our ability to store and transfer information more cheaply and more efficiently than ever before, and that was the dot.com bubble.

Well, the lawsuit on Microsoft I believe was the lance that pierced the dot.com bubble. It would have burst anyway, because it was a growing bubble that was speculation. But when that lawsuit came and the lance of the lawsuit against Microsoft pierced the dot.com bubble, then we saw the stock market begin to contract. In fact, a lot of us will say we were moving into a recession, and I will say we were, and that was at the end of the Clinton administration.

On top of that, we inaugurated President Bush out here on the West Portico. When that happened, he was in the middle of this bursting of the dot.com bubble and the decline in our stock market and our economy.

We hardly got a handle on what was happening there, and along came September 11, the terrible damage to our financial institutions in the heart of New York City at ground zero, the Twin Towers, and, of course, the attacks on the Pentagon and the crash of the plane in Pennsylvania. That was an attack on our financial centers that sent it into a further downward spiral.

So we had two things working against this economy: The formerly balanced budget, running into the dot.com bubble that shut down the revenues here and dramatically reduced our revenues here in the Federal Government, and on the heels of that came the September 11 attack and the impact on our financials in the United States of America was dramatic.

Then on the heels of that we had to create a Homeland Security Department, that spent billions of dollars to protect 300 million Americans, and has done so very effectively. We have not been attacked on our own soil since that time in any effective way. And additionally, we had to appropriate money because we went to war in the global war on terror.

All of those things stacked against this economy, and, do you know, we are growing back out of this thing, because there was vision on the part of President Bush, there was vision on the part of his financial advisers and vision on the part of the leadership in this Congress, Mr. Speaker, that had the fortitude to come to this floor and propose tax cuts that stimulated this economy.

If President Bush had not had the vision and the courage to do that, if this Congress hadn't had the vision and courage to step forward and propose and initiate these tax cuts, the Bush tax cuts, as we know them now, we would have seen a depression, not just a recession, but a depression in this economy, Mr. Speaker, and that would have been the price we would have paid if we would have stuck with, I will say the philosophy that we have heard over here on how we ought to be running a balanced budget.

The people on the other side of the aisle, if they had been in the majority in this Congress, Mr. Speaker, would have proposed tax increases. They would have said, well, first of all, let's not take on these global terrorists. Let's figure out a way that we can curl up into a national fetal position, and perhaps we could have just put enough guards at every school and every bus stop and every theater and every church and maybe even every home and turned America into one great big, huge Israel, and somehow or another cowered away and apologized to the terrorists, and maybe they wouldn't have attacked us again. But they would have. They attacked us in the first place, didn't they?

So under the leadership of the other side of the aisle, there would not have been a proactive tip-of-the-spear effort in Afghanistan, there would not have been a proactive tip-of-the-spear effort in Iraq. They would have turned the United States into one huge Israel, and that would be a defensive posture with enemies all around, wondering where they are going to come from next.

That is not the way I want to live, Mr. Speaker. I refuse to live that way. I insist that we exercise our rights to live in freedom, and freedom requires risk, it requires sacrifice, and there is danger involved. But it is worth it. It is worth it from the time Patrick Henry articulated it so well, it is worth it from the time that it has been articulated so well by my colleagues on this floor on this side of the aisle, Mr. Speaker, and I am honored just to be a part of that.

But we took on the war on terror. And it is interesting to me that before our troops went into Afghanistan, there was much objection to the foolhardy nature of mounting a military operation in a country that had never been invaded successfully and occupied before in all of history. And yet that took place successfully on the part of our United States military, working with our coalition forces, many of our coalition forces.

They said it couldn't be done. They said it was another Vietnam. They said the passes in the mountains would be impassable, and no one could sustain a military operation through there because they would be ambushed over and over again, and that the people in Afghanistan couldn't handle freedom. They had never had that freedom before. They had never voted there before. This wasn't the kind of people that could handle freedom.

Well, they were right about one thing, Mr. Speaker. They had never voted there before. But there were American soldiers and American Marines that were on the ground guarding the travel routes to the polling places, guarding the polling places, and I am very proud of the Iowa National Guardsmen that were there at that time on that soil that provided an opportunity for the Afghani people for the first time in the history of the world since Adam and Eve to go to the polls and choose their leaders and direct their national destiny of 25 million people, a huge accomplishment when that liberty bell rang across the globe. And the inspiration that comes from that carries over to the issue of Iraq, Mr. Speaker.

Now, this issue with Iraq, it is the same size country; 25 million people in Afghanistan, 25 million people until Iraq. The complaint I hear on the other side of the aisle is that Secretary Rumsfeld and President Bush didn't listen to the military advisers because the people on the other side of the aisle found a general that disagreed. I don't know if it was a Sunday afternoon or Monday morning quarterback, but they found a general that disagreed.

Well, I understand there are about 9,000 generals in our military, and if you can find one that disagrees, in fact, I saw six that disagreed, and it takes a long time to gather those kind of people.

I will bet that some of those people will show up in the campaigns for the Presidency working for candidates by the year 2008. I expect I will see some of those generals that claim that they counseled for the opposite, working with and for Presidential candidates, for Democrats on the other side of the aisle. I am not suggesting that they have a motive, I am just suggesting that they have a different philosophy about the future of America, even though they are generals and even though they are literally a handful out of the 9,000 generals that we have.

□ 1845

But the advice that the President followed and the advice that Secretary Rumsfeld followed was the same people advising in Afghanistan for the most part as advised in Iraq. The same number of people, Mr. Speaker, 25 million people in Afghanistan, 25 million people in Iraq.

We heard the same arguments:

It's another Vietnam.

It's a quagmire.

You never can do that.

No one could go into Iraq and invade and occupy that country.

We didn't, really. We liberated them. We had an armored column go across Iraq to Baghdad in less time than ever in the history of the world. Baghdad, itself, was the largest city ever in the history of the world to be invaded and occupied by a foreign power. Absolutely a true statement. Berlin was the next largest that I could find, and that was far smaller than Baghdad.

But they only occupied it for a split second as they erroneously put up the American flag and then realized, This is the wrong message to send to the Iraqi people. We're here to liberate you. And they ran the Iraqi flag back up the flagpole. You haven't seen an American flag fly around there since then because the Iraqi people are liberated. They give me smiles, and they give me thumbs up when I go to that country because they are still grateful.

The gentleman from Pennsylvania that has been on the floor so many hours here in the last couple of weeks, he finds a different view. You can find whatever it is that you want to support your argument, Mr. Speaker. But in this case, I stand with our soldiers. I stand with our marines. I stand with the judgment that said, go to Iraq. And, in fact, there have been some announcements today that I could take up in a little bit.

I am very happy at this time to yield so much time as he may consume to my friend Mr. EHLERS for any remarks he may choose to make.

Mr. EHLERS. I thank the gentleman from Iowa for yielding.

I didn't want to interrupt your beautiful soliloquy, it was fascinating, but I came to the floor because I heard those who were speaking before you, and I couldn't believe what I was hearing. They were members of the other party describing in great detail how horrible Republicans are.

Now, I don't know who they were talking about. They weren't talking about you. They weren't talking about me. They are not talking about any of my other Republican colleagues here. But you would literally think the world was ending.

I have to tell you, Mr. KING, how refreshing it is to come to the floor and hear you give this beautiful speech without condemning the other party, but simply outlining where you are coming from in a very careful, thoughtful way. I really, truly appreciate your expression of your beliefs about where the country should go and what is happening, without throwing rocks or mud or condemning anyone else, but simply outlining very beautifully what you believe.

Now, if I may, I would just like to add a few comments. You live in northwest Iowa. I was born in southwest Minnesota, just a few miles from there. I think we have come from the same framework. Maybe that is another reason why I appreciate so much what you have been saying.

You said when you were born, your glass was half full. Mine actually was about one-eighth full, simply because I grew up in a family with considerable poverty, poverty of money, but great richness of persons, of my parents and my siblings, great richness of faith. Frankly, that has always meant more to me than money. I am not a rich man. I never had very high incomes. The highest income I ever received is from the Congress of the United States.

My point is that there is more than money to this life. That is what you were illustrating as well. My cup was one-eighth full, also, because I had serious illness, and I wasn't ever able to go to school. I was home-schooled before there was such a thing as home schooling. Through the love of my family, the encouragement of my family and friends, I survived that situation, and I did well in college, I did well in graduate school, and I ended up getting a Ph.D. in nuclear physics and teaching physics until I ended up in the political arena.

So even though the glass was one-eighth full, it is overflowing and has been overflowing most of my life because of these circumstances.

If I may add one final thought in response to the comments you made about the dot.com bubble. There is no question about it. That dot.com bubble really was a tremendous economic boom to this country. If you look back over the past 50 years, most of the economic growth has come from our investment in science and in scientific research. The dot.com bubble is a good example of that. Development of the Internet. It is amusing because I was using the Internet before the rest of the world knew it existed. It was a wonderful thing. But we were using it as scientists to transmit voluminous amounts of data back and forth around the world. And then someone gets the bright idea, hey, I bet the public would like to use this, too, and that was the start of the dot.com boom.

As a scientist, I believe it is absolutely essential for our Nation to continue supporting research, the basic research. In the old days of monopolies, AT&T had Bell Labs. They could do the research. IBM had their labs. They did research. In today's globally competitive world, that is not possible. The government has to do the basic research, and from that industry develops the products that become very, very useful to us.

And so I appreciate the point you made about that. I just want to emphasize, let's support the research that will continue having this country be the leader throughout the world in developing these products. I often find people saying, what do you need that research for? I remember when I was a graduate student, one of my colleagues at Berkeley developed nuclear magnetic resonance. It was a wonderful thing to investigate matter with. That is what he was doing. But, lo and behold, that is the basis of the MRI machine which has been the most powerful diagnostic tool that medicine has ever seen. Similarly with the CAT scan, developed out of some work we were doing at Berkeley. X-rays, discovered by a physicist. All basic research with very direct, practical implications for the world today.

I know this is a sidetrack from the point you were making, but this is what makes America great: the creative ability that we have. We worry about losing jobs to other countries, but our creative instinct is what is going to help us win that battle. We don't have the low wages they do. I am glad we don't. But the point is because of our creative juices in this country, we come up with these great ideas. The greatest country that this planet has ever seen, the greatest ideas of freedom for everyone, and the creative ability to meet the challenges and meet the needs of the people of this world today.

I thank you for yielding some time. I just wanted to add those few thoughts to your beautiful comments. Thank you very much.

Mr. KING of Iowa. Thank you, my friend, Mr. EHLERS. I appreciate your input on that. I would say with regard to that, that I believe that there is a unique American character, a unique American culture; there is a vibrancy within this overarching American culture that causes us to sometimes challenge the rules, sometimes look into the science, sometimes wonder why cannot that be, why can't we accomplish that. There is a creativity that comes within this culture, this vibrancy that we have, and it is based and rooted in our freedom and in our property rights and in the reward that comes from that, when, say, a Bill Gates comes up in our lifetime and in a matter of a couple of decades turns himself into the richest man in the world. And what a thing he has done for the standard of living and the quality of life for everybody on this planet.

Mr. EHLERS. If I may, if the gentleman will yield.

Mr. KING of Iowa. I would yield.

Mr. EHLERS. I would just like to add a little comment to that because I speak to a lot of high school students. Of course, as you know, they look down on nerds. And so I start out by asking them, What type of person is the richest man in the world? That comes out. I say, He's a nerd. I say, And I'm a nerd.

Isn't there a message here? Nerds can succeed in this world. And then I tell these high school kids, look, it is very important to think about the courses that you are taking in high school, because that is going to determine your life. And then the coup de grace, and, of course, I am partial to this. I used to always tell them, If you aren't a nerd, you're going to end up working for a nerd. So I tell them to get busy, study their math and their science, and they will be successful in this life, too, in many ways.

Thank you very much.

Mr. KING of Iowa. Reclaiming my time, you and Mr. Gates both are giving nerds a good name.

Taking up from there, the issue of the balanced budget by the people on the other side of the aisle. I spoke to what happened here in the nineties to balance the budget and what happened to the economy when the dot.com bubble burst and the 9/11 attacks came, and we had to invest billions and billions into homeland security and invest billions and billions into the overall global war on terror. Things will go fast on you in a hurry when you have got to do quick reaction, but the tax cuts have brought a lot of that back. We are moving in the right direction.

I am willing to balance this budget. The people on the other side of the aisle are willing to balance the budget if they can raise somebody else's taxes, not their constituents' taxes, but perhaps my constituents' taxes. But I would balance this budget. It is a simple equation. And we always should know what it takes to balance the budget and know whether we are willing to do so or not and have a debate here on this floor, Mr. Speaker. That really hasn't happened a lot of times.

But I would submit that if we were to balance this budget, this one that we are in the process now with doing our appropriations bills for the 2007 fiscal year, what it would take is, we have the entitlement spending for Social Security, for Medicare and Medicaid. That goes on. Unless we change the policy there, those expenses are already locked in, and they grow year by year. Interest is something that as long as there is debt, there will be interest. That is also locked in, and it will grow. Those are the entitlements, the automatic spending, if you will. We also have defense spending, which is necessary.

I would take that defense spending off the table as far as something that I am willing to cut. I want to make sure that our military have all the best equipment, the best training, the best protective devices, and that they are properly taken care of and well fed and well housed. I believe we are doing that better than any military ever in the history of the world.

So what is left is called discretionary spending, these items where we could actually go in and cut some of this spending, this spending that is not on autopilot, and what it would take to balance the fiscal year 2007 budget, when you take nondefense discretionary spending, and that is that smaller piece of the pie, and I have forgotten exactly the percentage that is, but take what we spent in 2006 and cut it 5 percent. If we simply spent 95 percent of the money that we spent on nondefense discretionary spending, that part that we can actually control, if we cut that 5 percent and spent 95 percent of what we spent in 2006 for 2007, we would have a balanced budget, Mr. Speaker. In fact, we might have a balanced budget with a little bit less than that because our revenue has been coming in more than we anticipated, significantly more, because the economy is doing better than we anticipated. That is part, also, of the climate that we are working in. And part of it is also because the dynamics of the Bush tax cuts. The two rounds of Bush tax cuts are the reasons why the economy is going better than we anticipated.

So we will get there over time. I think we should be more aggressive in cutting our spending. I have been working to do that. Many of us have. We don't have the votes in this Congress to do that. But the people on the other side of the aisle are not willing to cut a dollar anywhere. They are only willing to raise taxes on somebody else's constituents. And then they say, Give me a balanced budget. That equation doesn't work, Mr. Speaker.

The equation that will work is cut the spending. It is the spending, not the taxes. If you raise the taxes, you lower the overall revenue because people will stop doing business. What you tax, you get less of. That is the equation.

And the concern about the national debt, let's get to this balanced budget. In fact, let's get to a surplus budget, and let's start paying down the national debt. We did some of that in the middle nineties. If we can do that, we can work this national debt down. It is not a matter of the difference so much of which country that might be holding that United States paper. You see that on the map that Japan holds a lot, China holds a lot, but that is not the issue so much as it is the size of that debt and the willingness to pare down our spending, and the willingness to stop creating new programs and eliminate the programs that are no longer necessary and get rid of this unnecessary funding for the programs that would embarrass a person to have to vote for them and rolling them up into an omnibus spending bill or into a conference report without having a chance to strike them out by line item.

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Those are the things we need to do, Mr. Speaker, and so we can get to a reduction of our national debt. We are going to have do that with a dynamic economy and reducing the growth in our spending.

I would submit also that we need to do some overhaul in Medicare and Medicaid and in Social Security, and this is another way that we get a handle on this budget. Otherwise, Social Security grows and becomes out of control. It was not the people on this side of the aisle, Mr. Speaker, that pulled down the effort to overhaul and reform Social Security and give people control of some of their own retirement funds. It was the people on that side of the aisle, and that is another reason why we do not have control over this budget. But it is not imminent, and if it is not in imminent threat, that means that politics and this democracy as some call it, I call it a constitutional republic, will not operate unless there happens to be an imminent need and urgency to get that accomplished.

Let me also, Mr. Speaker, speak about the balance of trade, and we have a negative balance of trade. A year ago it was a minus $617.7 billion. We got the report out near the end of February this year, and I do not have the exact number in front of me, but it was in the neighborhood of minus $725 million, growing at the rate of about 20 percent a year increase in the negative balance of trade, meaning that we are buying more goods from other countries, goods and services from other countries, than we are selling to them.

We are to the point even where agriculture, which always used to be a big surplus for us, is narrowing down to where there is hardly a margin at all for agriculture, and the way it is going it is probably going to be a trade imbalance. It could be in the red just for agriculture in a few years at the rate that it is going.

But if we are down to minus $725 billion a year in this balance of trade, that means that we are buying $725 billion more of goods and services from foreign countries than we are selling to them, and that has got to be turned around. That is a sign that we are not manufacturing as much as we should, we are not marketing as much as we should, and it should tell us that we need to do some things with our tax structure so that we can adjust our taxes and provide those incentives to be able to produce and market in foreign countries in a more competitive fashion.

Perhaps, Mr. Speaker, I will come back to that in a little bit, but before I had the colloquy with Mr. EHLERS, I was talking about Iraq and about Afghanistan and Iraq and the global war on terror. I would like to take us back to that, that global war on terror, and specifically the battlefield, the theater of Iraq, which is a major component of that. We know that that is the central battle in the war on terror.

We know that Zarqawi wrote a letter a couple of years ago that was about 17 pages long, as I read it, and he said in there that they were having a great trouble, that Iraq was essentially their last need out; that they did not have mountains or forests to hide in; that they had to find a way that they could hide in the homes of the Iraqi people; and that the Iraqis that were willing to take them in, the terrorists, the al Qaeda that had been operating in Iraq now since liberation of Iraq, the Iraqis that were willing to take them into their homes, which is the only place to hide, you do not hide so well out there in the desert, were as rare as red sulfur. Mr. Speaker, as rare as red sulfur. Now, I am going to have to do some research sometime to determine how rare red sulfur is, but I expect that is quite a rare commodity and the Iraqis who would take them are rare.

Well, they are even more rare today than they were then when Zarqawi not too long ago, a couple of weeks ago, was sent to meet his Maker by two bombs from two different F-16s. When he was sent to meet his Maker in the rubble of the so-called safehouse, now there is an oxymoron is it not, Mr. Speaker, a safehouse that Zarqawi was hiding in turned out to not be so safe because intelligence had gotten information to our military and our military had targeted the house and dropped a couple of bombs in on him, killed Zarqawi. In the rubble were computer hard drives and paperwork and a lot of intelligence, and a lot of intelligence has led us to other intelligence, and a lot of other intelligence that we had were dots out there that got connected by the intel that was within this so-called safehouse that was turned into rubble.

From all of that intelligence, the body of that intelligence as it has been released to the public and our intelligence people have pored down through it, the body of that intelligence says that al Qaeda and the terrorists in Iraq are in a very difficult situation. They are having trouble recruiting fighters. They are having trouble getting military supplies and munitions. They are having trouble with their communications. Their operations are being disrupted, and that the effectiveness of the coalition forces, and I will say in particular American forces, and especially the effectiveness of the Iraqi troops that are now in uniform defending Iraqis and taking on these terrorists in the midst have al Qaeda in disarray.

All of the information that came, all of the data came, all of the intelligence that came, all pointed to the same thing. This is a desperate enemy and a desperate condition with a very limited amount of supplies to work with, a limited amount of recruitment ability to be able to recruit troops and a limited ability to affect life in Iraq.

We are winning, Mr. Speaker, and it has become very clear as the intelligence unfolded.

I would point out also that Saddam's trial is nearing its end, and we are going to see a verdict in Saddam Hussein pretty soon, and it has been drug on now for about 8 months. That is plenty long, but in the meantime, Mr. Speaker, I would submit that we are going to get a verdict. I happen to know that if he is found guilty of crimes against humanity that in that section of the Criminal Code of the Iraqi law, and I have actually sat there with the judges in Baghdad and discussed this with them, and they spoke English to me so I could understand it directly and not be dependent upon an interpreter, but in that section of Iraqi law, crimes against humanity only provide for one penalty. If you are guilty, there is only one penalty, and that penalty is death.

Now, there have been three of Saddam's attorneys that have been murdered throughout the process of this, and some of the other people involved in this have been as well, but the punishment that may come if Saddam is found guilty is only one punishment. He has been, of course, an active person there, I will say, since there is a case before the court in Iraq. We know the evidence, Mr. Speaker, and I am going to let the evidence speak for itself at this point.

But I would say that Iraq is coming along. They are making good progress. They now have a sovereign government. They now have a full cabinet. They now have a prime minister. When you get a sovereign government, they can make decisions. They can make decisions about like what to do if Saddam is found guilty, whether they will bring another trial for other crimes against humanity, whether they will mete the punishment should he be found guilty, what they should be doing for their citizens.

I hope they do this: open a bidding process globally so they can bring in oil companies that have the capital and the technical ability to sink more wells into the vast oil fields in Iraq and build some pipelines and some refineries and get more oil coming out of that country so they can get cash coming in.

It is a shame to have $70 oil in a country that is starved for cash and that has oil sitting underneath its sandy desert and not having that turning into cash at $70 a barrel for them. I want to see that happen. This was not American blood for oil, but this was American blood, coalition blood and Iraqi blood for freedom, for freedom, Mr. Speaker, and they will have the freedom to do with their oil as they choose and to cash the checks for that oil, and they need to get it flowing out of there. That would be the first order of business besides the security issues that come before this government, if I were the prime minister or in the parliament of Iraq.

So this military security situation is making good progress, and the intelligence that we have gathered and after the death of Zarqawi, their leader, and they have taken on a number of their leaders in the first and second tier who were very close to Zarqawi, but after that, all the intelligence says they are in desperate condition.

Now, why would we do what has been proposed here on the other side of the aisle, why would we pull out? Why would we cut and run? Why would we want to redeploy to the horizon, Mr. Speaker, when this war is making progress and we have people who have this opportunity to be free?

I sat down with Benazir Bhutto shortly after the September 11 attacks, and she happened to be giving a speech in my district at the Buena Vista University in Clear Lake, my hometown. Benazir Bhutto is the former prime minister of Pakistan. She served at two separate segments of time there in Pakistan and is a very respected leader of the Pakistani people and has a sound judgment, which is the reason that she has been able to be in power in Pakistan.

I asked her a question and I was trying to understand at the time our enemy, how do we conduct a war that we could finally get to the point where we can declare victory, what would victory look like and how do we get to that point so we could declare victory. We need to define it and we need to get there.

We were talking about radical Islamists, that perhaps 10 percent of the Muslim world are lined up against Muslims, as well as Christians and Jews and an attack on Western civilization to some degree, and how do we finally defeat them. Her answer was, this hatred comes out of having no hope. It comes out of not having an opportunity to build a better life for their families, for their homes and their communities. She said, you have got to give them freedom; you have got to give them a chance at, she used the word, democracy.

If they have that freedom, like we have here, then they turn their focus to hatred and murder and barbaric slaughtering like they did of our two soldiers a couple of days ago in Iraq. They turn that hatred over, and they put their efforts towards their families, their community, their churches, their mosques, their countries. When that happens, that energy that is within all of us is used for a constructive good. There is a culture change. That culture of hatred that breeds terror that is in the heart of poverty and hopelessness that is in many of the cities, especially in the Arab world, can be replaced by freedom and hope and prosperity.

That is the definition for victory, Mr. Speaker. That is the definition that was given to me in a very private conversation, without any reservations I would add, by Benazir Bhutto. I appreciate that from her. I respect that from her, and I think she laid that out in a way that indexes in, links in very well with the Bush doctrine.

President Bush understands this. He came out with this philosophy within weeks of September 11, and he stuck by this philosophy all along. He has defined victory. He is leading us to victory. We need to stand with him on that issue, and I do, and standing with the President also stands with our soldiers and marines, and it stands with them and it stands with their mission. Those two things, Mr. Speaker, are linked together.

If you are going to support your marines, you also have to support the mission that they are on because some of them have given their lives. Some more of them will give their lives for global freedom and for the freedom and safety of the American people. They have to believe in their mission. I believe in their mission. The President believes in their mission. The American people believe in their mission, and some of the people on the other side of the aisle do not, and they claim that they can support the troops and oppose the mission.

I would think that there is not a soldier in this country that would say send me off on a mission that you do not support but tell me you support me. No one could be asked, and you cannot ask anyone to put their life on the line for a mission that you do not believe in. That is the crux of this debate: Do you support the troops and the mission. And that is not negotiable.

Then, as I talked about balancing this Federal budget, there is also this imbalance in trade that I was talking about, $725 billion imbalance in trade. What we need to do with that, Mr. Speaker, is fix that. We need to fix that by changing the tax policy. The tax policy that we have now taxes all productivity in America. I spoke about that a little bit earlier, and in fact, we can change that around totally and utterly.

I came to this conclusion in 1980 after the IRS had audited me one too many times in a row. When they did that, I went back to work after 4 days of pulling papers out of my files and handing them over to the IRS and sitting there throughout this audit. When it was finally done, it cost me some money, and I believe to this day I did everything exactly legally and technically correct. It was my intent to do so, but they I believe had to justify their 4 days in my office. So they made a Monday morning quarterback decision, and I had to accept the result of that if I were going to stay in business because I could not take anymore capital out of my business or anymore time away from our productivity to go fight the behemoth system of the Federal Government.

So I went back to work, and as I went back to work I began to start with this conclusion: I would like to eliminate the Internal Revenue Service. I would like to eliminate the IRS code. I would like to see to it that no one has to go through what I went through ever again.

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I would like to have people have a voluntary tax system so that they can decide when they pay their taxes. And as I worked this system out, Mr. Speaker, and I really put together a fairly complete proposal on my own as I was sitting in the seat of a bulldozer meditating for 10 or 12 hours a day, and there is plenty of time to think there. I thought about this policy, and this policy today is called H.R. 25, The Fair Tax.

Now, I couldn't find anybody that knew anything about this issue in 1980, but as I worked my way through that, throughout that decade, I found a little more information and a little more information, and by about 1991, I found a book written by Daniel Pilla, a former IRS agent, called Fire the IRS. He had worked for the IRS for years, and in that book he had done the data, had pulled the data together and done the research that supported the conclusions that I had drawn just simply from working my way through this policy. I didn't do the math, but he did. He did the analysis, and his analysis fit my philosophy.

We linked together at that point. I don't know if Daniel Pilla ever recognized that, but I want to thank him for the work he did on that book. It was inspiring to me and confirmed my conclusion and helped move me into public life.

I believe that we should take all tax off of productivity. I think as a fundamental change, if we do that and put it on consumption, then people can volunteer to pay taxes. They will do that when they make a decision to purchase. We take all the Federal tax off of all productivity. That means you get to keep all the money you earn, with the exception of whatever State taxes might be there.

People in America would get another 56 percent more into their paycheck. If they got a $1,000 check for that week, they would have $1,560 more they would get to take home. If it was a $100 check that week, it would be $156 more they would take home. That extra money, that 56 percent more, is money that would be saved and some would be spent, but people would make a decision on paying their taxes themselves without having the IRS stand there, or more figuratively Uncle Sam standing at the time clock on Monday morning.

You know, America gets up, takes a shower, shaves, goes to work, and walks through to punch the time clock, and as soon as they punch that time clock, Uncle Sam's hand goes out. He's going to take every dollar that you make that day until he is satisfied. When he is satisfied, he puts that money in his pocket, Mr. Speaker, and then you can go to work for the State for a little while. They put that in their pocket, and then you are on your own for the rest of the day.

But we can change that entire dynamic where Uncle Sam is no longer standing there. The image won't be of Uncle Sam by the time clock any longer, it will be the image of your being able to get all the money you earn and then be able to decide when to pay taxes with it.

Alexander Tyler said, when a majority of the people figure out that they can vote themselves benefits from the public Treasury, on that day democracy ceases to exist. Well, we are very close to that because 44 percent of Americans don't pay any income tax right now.

I heard a number the other day, and I have to qualify it because I haven't verified it yet, but it was that 3 percent of the people pay 97 percent of the taxes. I don't know if that is true, but the philosophy is there. A small percentage of people at the top of the income bracket are paying a large percentage of the income tax on the other side. And many, many people, millions of people are absolved from tax liability whatsoever.

They are not paying taxes, but they are voting, and they are writing letters to their Congressmen and putting demands on government to provide them services. So their incentive is to push people to grow government and to lay back and use more government services, rather than have the incentive be to go out and go to work and grow the size of their own pie, fill their cup, so to speak, feed the goose that lays the golden eggs.

That is what we need to do, Mr. Speaker. We are underproducing in this country. What kind of a Nation would be having a debate about an immigration policy that would take in, they are saying with a straight face, 10- to 12 million people?

I remember when under the Clinton administration, prior to the 1996 elections, they accelerated the naturalization process for a million people, a lot of them in California. Some of them made their way to Iowa, and some of them made it clear what they thought their agreement was, and I will speak about that another time perhaps, Mr. Speaker, but a million people came in prior to the 1996 Presidential elections.

I was appalled that a million people could come into the United States like that, without having a real policy established here in this Congress, but just simply let across the border, naturalized, legalized, and given an opportunity to vote. But we are, and as appalled as I was by a million people in 1996, the United States Senate now is speaking openly about 10- to 12 million people, and I think they know what I believe and what my senior Senator believes, and that is that the number is not 10- or 12 million, it is more like 20- or 22 million, or a number greater than that. And we are talking seriously, Mr. Speaker, about legalizing all of those people that are here in the United States, or all but a relative handful of the people here in the United States illegally.

Now, the justification for it would be because we don't have enough Americans that are willing to do the work that needs to be done. Mr. Speaker, I object to that kind of thinking and that kind of talk. It is an insult to the hard-working Americans that are out there, those that took pride, like Mr. EHLERS, who grew up with his cup one-eighth full. I said mine was half full, and not because of wealth, because we weren't well off, but because of family, and because of our work ethic, and the culture that I grew up in was a tremendous head start to be anchored in that way.

But here we sit now with the argument that Americans won't do this work. Well, they may not do it for 4 bucks an hour. No, Mr. Speaker, in fact, they may not do it for $5.15 an hour. But there is supply and demand in the labor force, and the labor in this country has been altered and distorted by 10- or 12- or 20 million people in this country. And all of them are not working, it is a percentage of them. That number is somewhere over 50 percent, or about seven-twelfths would be one way of looking at that.

All of them are not working, but perhaps 6.3 to 7 million, according to a CIS study, are working. And so let's say it is 7 million people. I referenced earlier in my remarks, Mr. Speaker, that there are 7.5 million unemployed in America. There are another 5.3 million that have exhausted their unemployment benefits that are still looking for a job. So you get up there to 12.8 million. That is already more people on unemployment, at least by the statistics the Senate is dealing with, who are here illegally. It is almost two to one for those working that are here illegally.

And then, if we look at those who are on welfare, there are about 4.3 million of those. If we take a look at teenagers, and teenagers need to be busy. One of the good things about raising kids is if you can keep them busy, if they have energy and you keep them busy, they will be all right, but you have to work them a little to do that. And so of those between the ages of 16 and 19, there are 9.3 million of them who are not in the workforce in any way, not even part time, not even flipping burgers down at the hamburger stand or picking up a check whatsoever. 9.3 million. Some of them presumably could be hired to do some of the work they claim Americans aren't doing.

Then if you look at the, I will say the young senior citizens, between the ages of 65 and 69, there are about 4½ million of those. Some of those would like to be working, but we have a few disincentives in place so that they do not. That is a universe to go and hire from; 7.5 million and 5.3 million and 9.3 million, and then the 4.5 or so million that are the young seniors.

But in between the ages of 20 and 64, that real working age, none of those people have been addressed yet, except for the welfare folks that I am talking about. There are 51 million not working Americans there.

But even if I pare this down and take those that are over 70, actually I haven't spoken to those at all, but those over 70 out of it, those over 65 out of it, and if we go down and take those under the age of 16 out of this equation, and we roll this all back together and think what is the universe, what is the size that we hire from for our workforce, that force, Mr. Speaker, that workforce is about 61 million.

That is a reasonable number to look at. And we are trying to hire perhaps 7 million people to replace? If we did that, we would hire maybe one out of nine of the nonworking people that are of primary working age in the United States. We surely should be able to do that.

In fact, Mr. Speaker, we could also replace some of these jobs with technology, but we will not do that as long as there is a very cheap labor supply to go to. Cheap labor causes employers to de-adopt technology, and that is a retrogression of our economy when that happens. We need to be driving technology not de-adopting technology. That technology would reduce some of the demand for that labor.

No one, no one I know of, has addressed the subject of how much of this 7 million people that are doing this work, which is only 2.2 percent of the gross domestic product, in other words the illegals are about 4.6 or 7 percent of the workforce, and they are about 2.2 percent of the productivity, that workforce is not all necessary work, Mr. Speaker.

I will conclude this statement on another evening, but I appreciate the privilege to address the House, Mr. Speaker.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. PUTNAM (during Special Order of Mr. KING of Iowa), from the Committee on Rules, submitted a privileged report (Rept. No. 109–517) on the resolution (H. Res. 885) providing for consideration of the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO ACT OF 2006

Mr. PUTNAM (during Special Order of Mr. KING of Iowa), from the Committee on Rules, submitted a privileged report (Rept. No. 109–518) on the resolution (H. Res. 886) providing for consideration of the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. CLYBURN, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. CARTER) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 28.

Ms. HARRIS, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p.m.), the House adjourned until Thursday, June 22, 2006, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2005 and the first and second quarter of 2006, pursuant to Public Law 95–384 are as follows:

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. MIKE THOMPSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 26 AND JAN. 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mike Thompson	1/26	1/28	Kuwait		812.00		(3)				812.00
	1/28	1/29	Iraq				(3)				
	1/29	1/30	Germany		304.00		(3)				304.00
Committee total					1,116.00						1,116.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended
[3] Military air transportation.

MIKE THOMPSON, Chairman, May 23, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. MIKE THOMPSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 26 AND JAN. 30, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mike Thompson	1/26	1/28	Kuwait		812.00		(3)				812.00
	1/28	1/29	Iraq				(3)				
	1/29	1/30	Germany		304.00		(3)				304.00
Committee total					1,116.00						1,116.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MIKE THOMPSON, Chairman, May 3, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DENNIS KING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 21 AND JAN. 28, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Dennis King	1/22	1/28	Republic of Korea	2,111,480	2,148.00		4,310.62				6,458.62
Committee total					2,148.00		4,310.62				6,458.62

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LANE EVANS, Chairman, Feb. 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. WILLIAM VAN HORNE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 21 AND FEB. 25, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
William Van Horne	2/21	2/25	Austria		528.00		5,704.72		404.53		6,637.25
Committee total					528.00		5,704.72		404.53		6,637.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM VAN HORNE, Mar. 13, 2006.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. SUSAN OLSEN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 4 AND MAR. 9, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Susan Olson	3/05	3/09	Belgium		1,528.00		6,408.31				7,936.31
Committee total					1,528.00		6,408.31				7,936.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Mar. 22, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. TIMOTHY SCOTT BERGREEN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 8 AND APR. 15, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Timothy S. Bergreen	4/8	4/15	China		1,492.00		7,228.70				8,720.70
Committee total					1,492.00		7,228.70				8,720.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

——Apr. 24, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. CHRISTOPHER McCANNELL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 8 AND APR. 15, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Christopher McCannell	4/8	4/15	China		492.00		7,228.70				8,720.70
Committee total					492.00		7,228.70				8,720.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

——May 22, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MICHAEL W. SHEEHY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 9 AND APR. 14, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael W. Sheehy	4/09	4/11	United Kingdom	503	1,574.00					503	1,574.00
	4/11	4/13	Qatar	1,390			9,405.74			1,390	9,405.74
Committee total					1,574.00		9,405.74				10,979.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL W. SHEEHY, May 9, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. CHRIS CONNELLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 18 AND APR. 22, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Chris Connelly	4/18	4/21	Austria		528.00						528.00
	4/21	4/22	Czech Republic		370.00						370.00
Committee total					898.00						898.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

—— May 4, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, REV. DANIEL P. COUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 18 AND APR. 24, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel P. Coughlin	4/18	4/22	Italy		738.00						738.00
	4/22	4/24	Germany		368.00						368.00
Committee total					1,106.00						1,106.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL P. COUGHLIN, May 4, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, SUDAN, SOUTH AFRICA, GHANA, LIBERIA AND CAPE VERDE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 24, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Nancy Pelosi	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Joe Wilson	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Jim Clyburn	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Mel Watt	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Maxine Waters	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Carolyn Kilpatrick	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. George Miller	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/23	Liberia				(3)				
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Barbara Lee	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/23	Liberia				(3)				
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Jan Schakowsky	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/23	Liberia				(3)				
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Michael Capuano	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/18	2/20	Sudan		288.00		(3)				288.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/23	Liberia				(3)				
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Donald Payne	2/17	2/18	Italy	183.56	218.00		(3)			183.56	218.00
	2/20	2/22	South Africa	4,660	766.38		(3)			4,660	766.38
	2/22	2/23	Ghana		119.00		(3)				119.00
	2/23	2/23	Liberia				(3)				
	2/23	2/24	Cape Verde	11,700	130.00		(3)			11,700	130.00
Hon. Nancy Pelosi	2/23	2/23	Liberia								
Hon. Joe Wilson	2/23	2/23	Liberia								
Hon. Jim Clyburn	2/23	2/23	Liberia								
Hon. Mel Watt	2/23	2/23	Liberia								
Hon. Maxine Waters	2/23	2/23	Liberia								
Hon. Carolyn Kilpatrick	2/23	2/23	Liberia								
John Lawrence	2/17	2/18	Italy	183.56	218.00					183.56	218.00
	2/18	2/20	Sudan		288.00						288.00
	2/20	2/22	South Africa	4,660	766.38					4,660	766.38
	2/22	2/23	Ghana		119.00						119.00
	2/23	2/23	Liberia								
	2/23	2/24	Cape Verde	11,700	130.00					11,700	130.00
Gregory Simpkins	2/17	2/18	Italy	183.56	218.00					183.56	218.00
	2/18	2/20	Sudan		288.00						288.00
	2/20	2/22	South Africa	4,660	766.38					4,660	766.38
	2/22	2/23	Ghana		119.00						119.00
	2/23	2/23	Liberia								
	2/23	2/24	Cape Verde	11,700	130.00					11,700	130.00
Deborah Spriggs	2/17	2/18	Italy	183.56	218.00					183.56	218.00
	2/18	2/20	Sudan		288.00						288.00
	2/20	2/22	South Africa	4,660	766.38					4,660	766.38
	2/22	2/23	Ghana		119.00						119.00
	2/23	2/23	Liberia								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, SUDAN, SOUTH AFRICA, GHANA, LIBERIA AND CAPE VERDE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 24, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/23	2/24	Cape Verde	11,700	130.00					11,700	130.00
Jennifer Crider	2/17	2/18	Italy	183.56	218.00					183.56	218.00
	2/18	2/20	Sudan		288.00						288.00
	2/20	2/22	South Africa	4,660	766.38					4,660	766.38
	2/22	2/23	Ghana		119.00						119.00
	2/23	2/23	Liberia								
	2/23	2/24	Cape Verde	11,700	130.00					11,700	130.00
Michael Sheehy	2/18	2/18	Italy	183.56	218.00					183.56	218.00
	2/18	2/20	Sudan		288.00						288.00
	2/20	2/22	South Africa	4,660	766.38					4,660	766.38
	2/22	2/23	Ghana		119.00						119.00
	2/23	2/23	Liberia								
	2/23	2/24	Cape Verde	11,700	130.00					11,700	130.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

NANCY PELOSI, Chairman, Mar. 22, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY MEETING IN BRUSSELS, BELGIUM AND NATO P.A. MEETING WITH ORGANIZATION FOR ECONOMIC AND CULTURAL DEVELOPMENT IN PARIS, FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 17 AND FEB. 23, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joel Hefley	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Hon. John Boozman	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Hon. Ben Chandler	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Hon. Jo Ann Emerson	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/22	France		469.00		3,381.41				5,930.41
Hon. Randy Forbes	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Hon. Paul Gillmor	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Hon. Dennis Moore	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Hon. Mike Ross	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Hon. John Tanner	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Hon. Ellen Tauscher	2/17	2/22	Belgium		2,600.00		(3)				
	2/21	2/23	France		938.00		3,242.05				5,842.05
Hon. Tom Udall	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Susan Olson	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Melissa Adamson	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Andrew Beck	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Kathy Becker	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Paul Gallis	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Debbie Gebhardt	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Kay King	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Fran Marcucci	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Patrick Prisco	2/17	2/20	Belgium		2,080.00		(3)				
	2/21	2/23	France		938.00		(3)				3,018.00
Delegation Expenses:											
Representational Functions									4,071.96		4,071.96
Miscellaneous									1,279.50		1,279.50
Committee total					59,473.00		6,623.46		5,351.46		71,447.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOEL HEFLEY, Chairman, Mar. 28, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EAST TIMOR AND INDONESIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 19 AND FEB. 24, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	2/19	2/22	Indonesia		1,093.00		(3)				1,093.00
Hon. Lois Capps	2/19	2/22	Indonesia		1,093.00		(3)				1,093.00
Hon. Adam Schiff	2/19	2/22	Indonesia		1,093.00		(3)				1,093.00
Hon. Allyson Schwartz	2/19	2/22	Indonesia		1,093.00		(3)				1,093.00
Hon. Robert Lawrence	2/19	2/22	Indonesia		1,093.00		(3)				1,093.00
Hon. Jim Kolbe	2/22	2/23	East Timor		193.40		(3)				193.40

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EAST TIMOR AND INDONESIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 19 AND FEB. 24, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Lois Capps	2/22	2/23	East Timor		193.40		(3)				193.40
Hon. Adam Schiff	2/22	2/23	East Timor		193.40		(3)				193.40
Hon. Allyson Schwartz	2/22	2/23	East Timor		193.40		(3)				193.40
Hon. Robert Lawrence	2/22	2/23	East Timor		265.40		(3)				265.40
Committee total											6,504.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
[3] Military air tran portation.

J. DENNIS HASTERT, Chairman, Mar. 15, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM (BRUSSELS) AND AUSTRIA (VIENNA), HOUSE REPRESENTATIVES, EXPANDED BETWEEN FEB. 19 AND FEB 25, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Alcee L. Hastings	2/19	2/22	Belgium	964.93	1,146.00					964.93	1,146.00
	2/22	2/25	Austria	442.46	528.00					442.46	528.00
Fred L. Turner	2/19	2/22	Belgium	964.93	1,146.00					964.93	1,146.00
	2/22	2/25	Austria	442.46	528.00					442.36	528.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Mar. 2, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH AMERICAN PARLIAMENTARY GROUP MEETINGS IN LONDON, ENGLAND, UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 23 AND FEB. 27, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Thomas E. Petri	2/23	2/27	United Kingdom		2,112.00		3,586.50				5,698.50
Hon. Todd Akin	2/23	2/26	United Kingdom		1,653.80		559.58				2,213.38
Hon. John Boozman	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Hon. Ben Chandler	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Hon. Randy Forbes	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Hon. Paul Gillmor	2/23	2/26	United Kingdom		1,374.60		3,666.93				5,041.53
Hon. Joel Hefley	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Hon. Dennis Moore	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Hon. Mike Ross	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Hon. John Tanner	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Hon. Tom Udall	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Hon. Edward Whitfield	2/23	2/27	United Kingdom		2,112.00		$7,253.43				9,365.43
Debra Gebhardt	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Melissa Adamson	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Kathy Becker	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Dr. Paul Gallis	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Dr. Kay King	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Fran Marcucci	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Susan Olson	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Patrick Prisco	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Andrew Beck	2/23	2/27	United Kingdom		1,832.80		(3)				1,832.80
Representational									1,370.75		1,370.75
Committee total					38,410.00		15,066.44		1,370.75		54,847.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

THOMAS E. PETRI, Chairman, Mar. 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UNITED ARAB EMIRATES AND AFGHANISTAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 24 AND MAR. 1, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert Lawrence	2/25	2/25	UAE		424.21		2,238.06				2,662.27
Thomas Ross	2/24	2/25	UAE		424.21		3,397.00				3,821.21
Robert Lawrence	2/26	3/01	Afghanistan		360.00		3,080.19				3,440.19
Thomas Ross	2/26	3/01	Afghanistan		360.00		3,640.44				4,000.44
Committee total											13,924.11

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Chairman, Mar. 15, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO VALLE DE BRAVO, MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 2 AND MAR. 4, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Kolbe	3/2	3/4	Mexico		600.71						600.71
Hon. Michael McCauil	3/2	3/4	Mexico		643.62						643.62
Hon. David Drier	3/2	3/4	Mexico		643.62						643.62
Hon. Donald A. Manzullo	3/2	3/4	Mexico		643.62						643.62
Hon. William D. Delahunt	3/2	3/4	Mexico		643.62						643.62
Hon. Eni F.H. Faleomavaega	3/2	3/4	Mexico		600.71						600.71
Hon. Phil English	3/2	3/4	Mexico		643.62						643.62
Hon. Jerry Weller	3/2	3/4	Mexico		643.62				200.00		843.62
Hon. Susan Davis	3/2	3/4	Mexico		643.62						643.62
Hon. Luis Fortuno	3/2	3/4	Mexico		643.62						643.62
Patrick Baugh	3/2	3/4	Mexico		643.62						643.62
Eric Jacobstein	3/2	3/4	Mexico		643.62						643.62
Bar Forsyth	3/2	3/4	Mexico		643.62						643.62
Jim Farr	3/2	3/4	Mexico		600.70						600.70
Ted Brennan	3/2	3/4	Mexico		643.62						643.62
Linda Solomon	3/2	3/4	Mexico		643.62						643.62
Jean Carroll	3/2	3/4	Mexico		643.62						643.62
Brad Smith	3/2	3/4	Mexico		643.62						643.62
Jonathan Day	3/2	3/4	Mexico		643.62						643.62
Delegation expenses									3,879.38		3,879.38
Interpreters									3,552.00		3,552.00
Committee total				12,100.24					7,631.38		19,731.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM KOLBE, Chairman, Mar. 30, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MOROCCO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 20 AND MAR. 25, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Lawrence	3/20	3/25	Morocco		1,490.00		6,024.32				7,514.32
Thomas Ross	3/20	3/25	Morocco		1,490.00		6,024.32				7,514.32
Committee total											15,028.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Chairman, Mar. 31, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GREECE, INDIA AND VIETNAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 8 AND APR. 15, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	4/08	4/09	Greece		296.00		(3)				296.00
Hon. Michael G. Oxley	4/08	4/09	Greece		296.00		(3)				296.00
Hon. Sherwood Boehlert	4/08	4/09	Greece		296.00		(3)				296.00
Hon. Frank D. Lucas	4/08	4/09	Greece		296.00		(3)				296.00
Hon. Ray LaHood	4/08	4/09	Greece		296.00		(3)				296.00
Hon. Paul Ryan	4/08	4/09	Greece		296.00		(3)				296.00
Hon. Randy Neugebauer	4/08	4/09	Greece		296.00		(3)				296.00
Hon. Dan Boren	4/08	4/09	Greece		296.00		(3)				296.00
Hon. Bill Livingood	4/08	4/09	Greece		296.00		(3)				296.00
Scott Palmer	4/08	4/09	Greece		296.00		(3)				296.00
Ted Van Der Meid	4/08	4/09	Greece		296.00		(3)				296.00
Margaret Peterlin	4/08	4/09	Greece		296.00		(3)				296.00
Seth Webb	4/08	4/09	Greece		296.00		(3)				296.00
Rachel Perry	4/08	4/09	Greece		296.00		(3)				296.00
John Russell	4/08	4/09	Greece		296.00		(3)				296.00
Steve Stombres	4/08	4/09	Greece		296.00		(3)				296.00
Martha Morrison	4/08	4/09	Greece		296.00		(3)				296.00
Steve Rusnak	4/08	4/09	Greece		296.00		(3)				296.00
Hon. J. Dennis Hastert	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon Michael G. Oxley	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon. Sherwood Boehlert	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon Frank D. Lucas	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon. Ray LaHood	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon. Paul Ryan	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon. Randy Neugebauer	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon. Dan Boren	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon. Bill Livingood	4/09	4/12	India		1,293.20		(3)				1,293.20
Scott Palmer	4/09	4/12	India		1,293.20		(3)				1,293.20
Ted Van Der Meid	4/09	4/12	India		1,293.20		(3)				1,293.20
Margaret Peterlin	4/09	4/12	India		1,293.20		(3)				1,293.20
Seth Webb	4/09	4/12	India		1,293.20		(3)				1,293.20
Rachel Perry	4/09	4/12	India		1,293.20		(3)				1,293.20
John Russell	4/09	4/12	India		1,293.20		(3)				1,293.20
Steve Stombres	4/09	4/12	India		1,293.20		(3)				1,293.20
Martha Morrison	4/09	4/12	India		1,293.20		(3)				1,293.20
Steve Rusnak	4/09	4/12	India		1,293.20		(3)				1,293.20
Hon. J. Dennis Hastert	4/12	4/15	Vietnam		821.00		(3)				821.00
Hon. Michael G. Oxley	4/12	4/15	Vietnam		821.00		(3)				821.00
Hon. Sherwood Boehlert	4/12	4/15	Vietnam		821.00		(3)				821.00
Hon. Frank D. Lucas	4/12	4/15	Vietnam		821.00		(3)				821.00
Hon. Ray LaHood	4/12	4/15	Vietnam		821.00		(3)				821.00
Hon. Paul Ryan	4/12	4/15	Vietnam		821.00		(3)				821.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GREECE, INDIA AND VIETNAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 8 AND APR. 15, 2006—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Randy Neugebauer	4/12.	4/15	Vietnam		821.00		(3)				821.00
Hon. Dan Boren	4/12	4/15	Vietnam		821.00		(3)				821.00
Hon. Bill Livingood	4/12	4/15	Vietnam		821.00		(3)				821.00
Scott Palmer	4/12	4/15	Vietnam		821.00		(3)				821.00
Ted Van Der Meid	4/12	4/15	Vietnam		821.00		(3)				821.00
Margeret Peterlin	4/12	4/15	Vietnam		821.00		(3)				821.00
Seth Webb	4/12	4/15	Vietnam		821.00		(3)				821.00
Rachel Perry	4/12	4/15	Vietnam		821.00		(3)				821.00
John Russell	4/12	4/15	Vietnam		821.00		(3)				821.00
Steve Stombres	4/12	4/15	Vietnam		821.00		(3)				821.00
Martha Morrison	4/12	4/15	Vietnam		821.00		(3)				821.00
Steven Rusnak	4/12	4/15	Vietnam		821.00		(3)				821.00
Committee total											43,383.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, Apr. 28, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig		1/10	United States				5,000.54				5,000.54
	1/11	3/31	Austria		20,556.00						20,556.00
	1/31	2/03	Albania		792.00		1,138.87				1,930.87
Committee total					21,348.00		6,139.41				27,487.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

CHRISTOPHER H. SMITH, Chairman, Apr. 28, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Goodlatte	1/9	1/11	Bulgaria		542.00		(3)				542.00
	1/11	1/12	Pakistan		313.00		(3)				313.00
	1/12	1/12	Afghanistan				(3)				
	1/12	1/15	Kuwait		1,218.00		(3)				1,218.00
	1/13	1/13	Iraq				(3)				
	1/15	1/16	Spain		417.00		(3)				417.00
Hon. Jean Schmidt	1/9	1/11	Bulgaria		542.00		(3)				542.00
	1/11	1/12	Pakistan		313.00		(3)				313.00
	1/12	1/12	Afghanistan				(3)				
	1/12	1/15	Kuwait		1,218.00		(3)				1,218.00
	1/13	1/13	Iraq				(3)				
	1/15	1/16	Spain		417.00		(3)				417.00
Hon. Stephanie Herseth	1/9	1/11	Bulgaria		542.00		(3)				542.00
	1/11	1/12	Pakistan		313.00		(3)				313.00
	1/12	1/12	Afghanistan				(3)				
	1/12	1/15	Kuwait		1,218.00		(3)				1,218.00
	1/13	1/13	Iraq				(3)				
	1/15	1/16	Spain		417.00		(3)				417.00
Hon. David Scott	1/9	1/11	Bulgaria		542.00		(3)				542.00
	1/11	1/12	Pakistan		313.00		(3)				313.00
	1/12	1/12	Afghanistan				(3)				
	1/12	1/15	Kuwait		1,218.00		(3)				1,218.00
	1/13	1/13	Iraq				(3)				
	1/15	1/16	Spain		417.00		(3)				417.00
Hon. Frank Lucas	1/9	1/11	Bulgaria		542.00		(3)				542.00
	1/11	1/12	Pakistan		313.00		(3)				313.00
	1/12	1/12	Afghanistan				(3)				
	1/12	1/15	Kuwait		1,218.00		(3)				1,218.00
	1/13	1/13	Iraq				(3)				
	1/15	1/16	Spain		417.00		(3)				417.00
Hon. Jerry Moran	1/9	1/11	Bulgaria		542.00		(3)				542.00
	1/11	1/12	Pakistan		313.00		(3)				313.00
	1/12	1/12	Afghanistan		—		(3)				—
	1/12	1/15	Kuwait		1,218.00		(3)				1,218.00
	1/13	1/13	Iraq		—		(3)				—
	1/15	1/16	Spain		417.00		(3)				417.00
Josh Maxwell	1/9	1/11	Bulgaria		542.00		(3)				542.00
	1/11	1/12	Pakistan		313.00		(3)				313.00
	1/12	1/12	Afghanistan		—		(3)				—
	1/12	1/15	Kuwait		1,218.00		(3)				1,218.00
	1/13	1/13	Iraq		—		(3)				—
	1/15	1/16	Spain		417.00		(3)				417.00
John Haugen	1/9	1/11	Bulgaria		542.00		(3)				542.00
	1/11	1/12	Pakistan		313.00		(3)				313.00
	1/12	1/12	Afghanistan		—		(3)				—
	1/12	1/15	Kuwait		1,218.00		(3)				1,218.00
	1/13	1/13	Iraq		—		(3)				—
	1/15	1/16	Spain		417.00		(3)				417.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Goodlatte	2/17	2/21	France		1,812.00		(3)				1,812.00
	2/21	2/21	Belgium		—		(3)				—
	2/21	2/22	Estonia		242.00		(3)				242.00
	2/22	2/24	Latvia		534.00		(3)				534.00
	2/24	2/26	Poland		544.00		(3)				544.00
Hon. Collin Peterson	2/17	2/19	France		906.00		(3)				906.00
	2/19	2/21	Belgium		—		764.00				764.00
	2/21	2/22	Estonia		242.00		(3)				242.00
	2/22	2/24	Latvia		534.00		(3)				534.00
	2/24	2/26	Poland		544.00		(3)				544.00
Hon. Mike McIntyre	2/17	2/21	France		1,812.00		(3)				1,812.00
	2/21	2/21	Belgium		—		(3)				(3)
	2/21	2/22	Estonia		242.00		(3)				242.00
	2/22	2/24	Latvia		534.00		(3)				534.00
	2/24	2/26	Poland		544.00		(3)				544.00
Josh Maxwell	2/17	2/21	France		1,812.00		(3)				1,812.00
	2/21	2/21	Belgium				(3)				
	2/21	2/22	Estonia		242.00		(3)				242.00
	2/22	2/24	Latvia		534.00		(3)				534.00
	2/24	2/26	Poland		544.00		(3)				544.00
Shelley Husband	2/17	2/21	France		1,812.00		(3)				1,812.00
	2/21	2/21	Belgium				(3)				
	2/21	2/22	Estonia		242.00		(3)				242.00
	2/22	2/24	Latvia		534.00		(3)				534.00
	2/24	2/26	Poland		544.00		(3)				544.00
Hon. Steve King	2/19	2/23	Brazil		506.00		(3)				506.00
	2/23	2/26	Argentina		517.00		(3)				517.00
Hon. Collin Peterson	2/19	2/23	Brazil		506.00		(3)				506.00
	2/23	2/26	Argentina		517.00		(3)				517.00
Committee total					36,720		764.00				37,484.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB GOODLATTE, Chairman, Apr. 26, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mike Ringler	1/9	1/13	New Zealand		1,100.15						1,100.15
	1/13	1/17	Antarctica								
	1/17	1/22	New Zealand		1,474.69						1,474.69
Commercial airfare							7,598.26				7,598.26
Misc. transportation costs							20.00				20.00
John Scofield	1/09	1/13	New Zealand		1,100.15						1,100.15
	1/13	1/17	Antarctica								
	1/17	1/22	New Zealand		1,474.69						1,474.69
Commercial airfare							7,626.26				7,626.26
Ann Marie Goldsmith	1/09	1/13	New Zealand		1,100.15						1,100.15
	1/13	1/17	Antarctica								
	1/17	1/22	New Zealand		1,474.69						1,474.69
Commercial airfare							7,626.26				7,626.26
Michelle Burkett	1/09	1/13	New Zealand		1,100.15						1,100.15
	1/13	1/17	Antarctica								
	1/17	1/22	New Zealand		1,474.69						1,474.69
Commerical airfare							7,626.26				7,626.26
Hon. Jim Kolbe	1/02	1/04	Senegal		647.00						647.00
	1/04	1/06	Benin		455.97						455.97
	1/06	1/09	Sudan		358.00						358.00
	1/09	1/11	Uganda		900.00						900.00
	1/11	1/13	Ireland		893.72						893.72
Commerical airfare							5,458.73				5,458.73
Misc. embassy costs									4,159.47		4,159.47
Hon. Denny Rehberg	1/02	1/04	Senegal		647.00						647.00
	1/04	1/06	Benin		455.97						455.97
	1/06	1/09	Sudan		358.00						358.00
	1/09	1/11	Uganda		900.00						900.00
	1/11	1/13	Ireland		893.72						893.72
Commerical airfare							5,458.73				5,458.73
Misc. embassy costs									4,159.47		4,159.47
Rob Blair	1/02	1/04	Senegal		647.00						647.00
	1/04	1/06	Benin		455.97						455.37
	1/06	1/09	Sudan		358.00						358.00
	1/09	1/11	Uganda		900.00						900.00
	1/11	1/13	Ireland		893.72						893.72
Commerical airfare							5,458.73				5,458.73
Misc. embassy costs									4,159.47		4,159.47
Loretta Beaumont	1/10	1/20	Congo (Brazzaville)		1,240.00						1,240.00
							13,740.63				13,740.63
Hon. Dave Weldon	12/27	12/28	Germany		304.00						304.00
	12/28	12/29	Kuwait		788.00						788.00
	12/29	12/29	Iraq								
	12/30	12/30	Kuwait								
	12/30	12/31	Pakistan		804.00						804.00
	12/31	1/02	Afghanistan		90.00						90.00
	1/02	1/03	Pakistan		178.00						178.00
	1/03	1/04	Ireland		315.81						315.81
									79.85		79.85
Chris Topik	1/19	1/23	Samoa		512.33						512.33
	1/23	1/26	Fiji		738.00						738.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank Wolf	1/14	1/17	Egypt		867.00						867.00
	1/17	1/19	Lebanon								
	1/19	1/20	France		375.54						375.54
Return of unused per diem					−257.00						−257.00
Paul Terry	1/10	1/12	Kuwait		812.00						812.00
	1/12	1/17	Qatar		1,169.00						1,169.00
							9,856.95				9,856.95
Hon. Harold Rogers	1/18	1/21	Colombia		702.00						702.00
Hon. Martin Sabo	1/18	1/21	Colombia		702.00						702.00
Hon. Tom Latham	1/18	1/21	Colombia		702.00						702.00
Hon. David Price	1/18	1/21	Colombia		702.00						702.00
Ben Nicholson	1/18	1/21	Colombia		702.00						702.00
							1,663.00				1,663.00
Beverly Pheto	1/18	1/21	Colombia		702.00						702.00
							1,663.00				1,663.00
Hon. Bud Cramer	1/4	1/12	New Zealand		834.00						834.40
	1/12	1/15	Australia		268.00						268.00
John Shank	1/16	1/16	United States		78.00						78.00
	1/17	1/19	Korea		716.00						716.00
	1/19	1/22	Japan		1,224.00						1,224.00
Commerical airfare							2,868.86				2,868.86
David Morrison	1/16	1/16	United States		78.00						78.00
	1/17	1/17	Korea		716.00						716.00
	1/19	1/22	Japan		1,224.00						1,224.00
Commerical airfare							2,819.26				2,819.26
Hon. Jim Kolbe	1/24	1/29	Switzerland		1,860.00						1,860.00
Commerical airfare							3,008.16				3,008.16
Gregory Lankler	1/30	2/1	Qatar		669.14						669.14
	2/1	2/2	Iraq		156.00						156.00
	2/2	2/3	Qatar		312.00						312.00
Commerical airfare							7,417.08				7,417.08
Hon. John T. Doolittle	2/3	2/3	United Kingdom		440.00						440.00
	2/4	2/5	Iraq								
	2/5	2/6	Israel		362.00						362.00
	2/6	2/7	Italy		363.00						363.00
Commercial airfare							3,328.00				3,328.00
Hon. Nita Lowey	2/18	2/21	Colombia		702.00						702.00
	2/21	2/22	Ecuador		256.00						256.00
	2/21	2/25	Bolivia		494.99						494.99
Misc. embassy costs									2,007.47		1,532.47
Commercial airfare							4,982.50				4,982.50
Nisha Desai	2/18	2/21	Colombia		702.00						702.00
	2/21	2/22	Ecuador		256.00						256.00
	2/21	2/25	Bolivia		494.99						494.99
Misc. embassy costs									2,007.47		1,532.46
Commercial airfare							3,672.00				3,672.00
Hon. Jim Kolbe	3/12	3/13	France		921.00						921.00
							6,680.00				6,680.00
Craig Higgins	3/12	3/13	France		921.00						921.00
										26.00	26.00
							6,680.00				6,680.00
Carol Murphy	3/20	3/21	Greece		178.00						178.00
	3/21	3/22	Tunisia		215.00						215.00
	3/22	3/24	Italy		1,269.00						1,269.00
							6,115.08				6,115.08
Tim Peterson	3/20	3/21	Greece		178.00						178.00
	3/21	3/22	Tunisia		215.00						215.00
	3/22	3/24	Italy		1,269.00						1,269.00
							6,058.08				6,058.08
Walter Hearne	3/20	3/21	Greece		178.00						178.00
	3/21	3/22	Tunisia		215.00						215.00
	3/22	3/24	Italy		1,269.00						1,269.00
							6,058.08				6,058.08
Hon. Mark Steven Kirk	3/24	3/25	Kuwait		406.00						406.00
	3/25	3/26	Iraq								
	3/26	3/27	Jordan		273.00						273.00
Committee total					51,925.63		133,483.91		16,599.19		202,008.73

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY LEWIS, Chairman, Apr. 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS (SURVEYS AND INVESTIGATION STAFF), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 2006.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Marilyn J. Harris	2/22	2/24	Germany		737.50		7,987.32		88.12		8,812.94
	2/25	2/26	Sierra Leone		434.00				319.00		753.00
	2/27	3/1	Senegal		561.00				12.14		753.00
Scott J. Kish	2/22	2/24	Germany		737.50		7,987.32		104.22		8,829.04
	2/25	2/26	Sierra Leone		434.00				319.00		753.00
	2/27	3/1	Senegal		561.00				28.24		589.24
Robert H. Pearre	2/22	2/24	Germany		737.50		8,027.32		85.26		8,850.08
	2/25	2/26	Sierra Leone		434.00				319.00		753.00
	2/27	3/1	Senegal		561.00				100.16		661.16
Jennifer L. Rinaca	2/22	2/25	Italy		429.50		9,453.53		30.01		9,912.54
	2/25	3/1	Ethiopia		990.25				23.63		1,013.88
George Salvatierra	2/22	2/25	Italy		429.00		9,453.53		786.61		10,669.14
	2/25	3/1	Ethiopia		990.25				90.79		1,081.04
H.C. Young	2/22	2/25	Italy		429.00		9,903.53		17.29		10,349.82
	2/25	3/1	Ethiopia		990.25				89.90		1,081.15

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS (SURVEYS AND INVESTIGATION STAFF), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 2006.—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					9,455.25		52,812.55		2,413.37		64,681.17

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY LEWIS, Chairman, Apr. 5, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Iraq, Kuwait, Afghanistan, Pakistan, Germany, Ireland With CODEL Porter, December 26, 2005–January 2, 2006:											
Hon. Madeleine Bordallo	12/27	12/28	Germany		304.00						304.00
	12/28	12/28	Kuwait		788.00						788.00
	12/28	12/29	Iraq								
	12/30	1/2	Pakistan		982.00						982.00
	12/31	1/1	Afghanistan		90.00						90.00
	1/2	1/3	Ireland		320.00						320.00
Josh Holly	12/27	12/28	Germany		304.00						304.00
	12/28	12/30	Kuwait		788.00						788.00
	12/28	12/29	Iraq								
	12/30	1/1	Pakistan		982.00						982.00
	12/31	1/1	Afghanistan		90.00						90.00
	1/2	1/3	Ireland		320.00						320.00
Visit to Iraq, Kuwait, Germany, January 8–13, 2006:											
Hon. Rob Simmons	1/9	1/12	Kuwait		1,218.00						1,218.00
	1/10	1/11	Iraq								
	1/12	1/13	Germany		137.00						137.00
Hon. Jeb Bradley	1/9	1/12	Kuwait		1,218.00						1,218.00
	1/10	1/11	Iraq								
	1/12	1/13	Germany		137.00						137.00
Hon. Neil Abercrombie	1/9	1/12	Kuwait		1,218.00						1,218.00
	1/10	1/11	Iraq								
	1/12	1/13	Germany		304.00						304.00
Hon. John Spratt	1/9	1/12	Kuwait		861.00						861.00
	1/10	1/11	Iraq								
	1/12	1/13	Germany		57.00						57.00
Steven DeTeresa	1/9	1/12	Kuwait		1,218.00						1,218.00
	1/10	1/11	Iraq								
	1/12	1/13	Germany		137.00						137.00
Mark Lewis	1/9	1/12	Kuwait		1,218.00						1,218.00
	1/10	1/11	Iraq								
	1/12	1/13	Germany		137.00						137.00
Delegation expenses	1/9	1/12	Kuwait				496.50		3,860.61		4,357.11
Visit to Switzerland, Poland, Romania, Kosovo, Morocco With CODEL Duncan, January 16–26, 2006:											
Hon. Jeff Miller	1/17	1/19	Switzerland		455.70						455.70
	1/19	1/21	Poland		320.00						320.00
	1/21	1/24	Romania		834.00						834.00
	1/22	1/22	Kosovo								
	1/24	1/26	Morocco		296.00						296.00
Hon. Solomon Ortiz	1/17	1/19	Switzerland		455.70						455.70
	1/19	1/21	Poland		320.00						320.00
	1/22	1/22	Kosovo								
	1/21	1/24	Romania		834.00						834.00
	1/24	1/26	Morocco		296.00						296.00
Visit to the Republic of Korea, January 21–28, 2006:											
Hon. Lane Evans	1/22	1/28	Republic of Korea		2,148.00						2,148.00
Commercial airfare							4,914.00				4,914.49
Visit to Iraq, Kuwait, Germany, January 26–30, 2006:											
Hon. Duncan Hunter	1/27	1/28	Kuwait		406.00						406.00
	1/28	1/29	Iraq								
	1/29	1/30	Germany		137.00						137.00
Heath Bope	1/27	1/28	Kuwait		406.00						406.00
	1/28	1/29	Iraq								
	1/29	1/30	Germany		137.00						137.00
Andrew Hunter	1/27	1/28	Kuwait		406.00						406.00
	1/28	1/29	Iraq								
	1/29	1/30	Germany		137.00						137.00
Delegation Expenses	1/27	1/28	Kuwait				134.94		1,329.38		1,464.32
Visit to Germany With CODEL McCain, February 2–5, 2006:											
Hon. Joe Schwarz	2/3	2/5	Germany		127.00						127.00
Hon. Ellen Tauscher	2/3	2/5	Germany		348.00						348.00
Hon. Mark Udall	2/3	2/5	Germany		348.00						348.00
Visit to Iraq, Kuwait, February 14–20, 2006:											
Alexis Lasselle	2/15	2/16	Kuwait		356.00						356.00
	2/16	2/17	Iraq								
	2/17	2/20	Kuwait		1,068.00						1,068.00
Commercial airfare							7,495.17				7,495.17
Paul Arcangeli	2/15	2/16	Kuwait		356.00						356.00
	2/16	2/17	Iraq								
	2/17	2/20	Kuwait		1,068.00						1,068.00
Commercial airfare							7,495.17				7,495.17
Jesse Tolleson	2/15	2/16	Kuwait		356.00						356.00
	2/16	2/17	Iraq								
	2/17	2/20	Kuwait		1,068.00						1,068.00
Commercial airfare							7,475.17				7,475.17

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation Expenses	2/14	2/20	Kuwait				11.96		38.01		49.97
Visit to Taiwan, February 18–23, 2006:											
Hon. Rob Simmons	2/20	2/22	Taiwan		690.00						690.00
Commercial airfare							5,063.86				5,063.86
Delegation Expenses	2/20	2/22	Taiwan						516.28		516.28
Visit to South Korea, Japan, China, March 21–27, 2006:											
Hon. Roscoe Bartlett	3/23	3/24	Japan		319.00						319.00
	3/24	3/25	South Korea		295.00						295.00
	3/25	3/25	China								
Hon. Gene Taylor	3/23	3/24	Japan		319.00						319.00
	3/24	3/25	South Korea		295.00						295.00
	3/25	3/25	China								
Hon. Madeleine Bordallo	3/23	3/24	Japan		319.00						319.00
	3/24	3/25	South Korea		295.00						295.00
	3/25	3/25	China								
Douglas Lane	3/23	3/24	Japan		319.00						319.00
	3/24	3/25	South Korea		295.00						295.00
	3/25	3/25	China								
Andrew Hunter	3/23	3/24	Japan		319.00						319.00
	3/24	3/25	South Korea		295.00						295.00
	3/25	3/25	China								
Visit to Bosnia, Italy, March 18–26, 2006:											
Hon. Loretta Sanchez	3/19	3/20	Bosnia		220.00						220.00
	3/21	3/25	Italy		1,160.00						1,160.00
Commercial airfare							8,072.92				8,072.92
Visit to Kuwait, Iraq, Jordan, With CODEL McCain, March 23–27, 2006:											
Hon. Joe Schwarz	3/23	3/25	Kuwait		146.00						146.00
	3/25	3/26	Iraq								
	3/26	3/27	Jordan		269.00						269.00
Committee total					31,066.40		41,160.18		5,744.28		77,970.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Apr. 29, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Harold Ford	1/6	1/8	Jordan, Iraq, Kuwait		758.00		3,638.48				4,396.48
	1/9	1/11	Pakistan, Afghanistan		716.00		2,275.74				2,991.74
Hon. Chris Chocola	1/9	1/12	Kuwait, Iraq		1,218.00		(3)				1,218.00
	1/12	1/13	Germany		137.00		(3)				137.00
Committee total					2,829.00		5,914.22				8,743.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM NUSSLE, Chairman, Apr. 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Shimkus	3/17	3/20	Belarus		968.58		6576.57		397.78		7942.93
Committee total					968.58		6576.57		397.78		7942.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

———Apr. 11, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Cliff Stearns	1/17	1/19	Switzerland		356.00						356.00
	1/19	1/21	Poland		320.00						320.00
	1/21	1/24	Romania		834.00						834.00
	1/24	1/26	Morocco		296.00						296.00
Hon. John Shadegg	3/17	3/18	Middle East		273.00		9,407.41				9,680.41
	3/19	3/20	Middle Last		156.00						156.00
	3/20	3/21	Middle East		309.00						309.00
	3/22	3/24	Middle East		852.00						852.00
Hon. Marsha Blackburn	1/1	1/3	Iraq		838.00		7,026.07				7,864.07
Hon. Tim Murphy	1/16	1/17	Ireland		692.00						692.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/17	1/18	Northern Ireland		361.00						361.00
	1/18	1/19	England		542.00						542.00
Hon. Edward J. Markey	1/15	1/27	Switzerland		570.00		7,332.57		(190.00)		7,712.57
Hon. John Shimkus	3/17	3/20	Belarus		968.58		6,576.57		397.78		7,942.93
Committee total					7,367.58		30,342.62		207.78		37,917.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, May 5, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Michael G. Fitzpatrick	12/27	12/28	Germany		304.00	(3)					304.00
	12/28	12/30	Kuwait		788.00	(3)					788.00
	12/30	1/2	Pakistan		982.00	(3)					982.00
	1/2	1/3	Afghanistan		90.00	(3)					90.00
	1/3	1/4	Ireland		320.00	(3)					320.00
Hon. Jim Gerlach	1/20	1/21	Kuwait		406.00						406.00
	1/22	1/23	Qatar		347.00	(3)					347.00
	1/24	1/25	United Arab Emirates		313.76		7,240.33				7,554.09
Hon. Barney Frank	1/25	1/30	Switzerland		1,681.00		6,368.64				8,049.64
Hon. Maxine Waters	3/20	3/20	Haiti				1,507.00				1,507.00
Committee total					5,231.76		15,115.97				20,347.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Apr. 28, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Stephen Lynch	1/20	1/21	Kuwait		406.00		6,895.43				7,301.43
	1/22	1/23	Qatar		347.00						347.00
	1/24	1/25	United Arab Emirates		313.76						313.76
Hon. Todd Platts	1/20	1/21	Kuwait		406.00		7,240.33				7,646.33
	1/22	1/23	Qatar		347.00						347.00
	1/24	1/25	United Arab Emirates		313.76						313.76
Hon. Christopher Shays	2/3	2/3	United Kingdom		440.00		3,328.00				3,768.00
	2/5	2/6	Israel		362.00						362.00
	2/6	2/7	Italy		363.00						363.00
Nick Palarino	2/3	2/3	United Kingdom		440.00		3,328.00				3,768.00
	2/5	2/6	Israel		362.00						362.00
	2/6	2/7	Italy		363.00						363.00
Jeff Baran	2/3	2/3	United Kingdom		440.00		3,328.00				3,768.00
	2/5	2/6	Israel		362.00						362.00
	2/6	2/7	Italy		363.00						363.00
James Kaiser	2/22	2/26	Columbia		650.00		1,067.00				1,717.00
Dennis Kilcoyne	2/22	2/26	Columbia		566.00		1,067.00				1,633.00
Hon. Darrell Issa	3/19	3/23	Brazil		506.00						506.00
	3/23	3/26	Argentina		318.00						318.00
Laurent Crenshaw	3/19	3/23	Brazil		506.00						506.00
	3/23	3/26	Argentina		318.00						318.00
Hon. Mark Souder	2/22	2/26	Colombia		936.00		2,761.00				3,697.00
Hon. William Lacy Clay	3/30	3/31	Jamaica		234.00						234.00
Marc Wheat	2/22	2/26	Colombia		936.00		1,067				2,003.00
Hon. Mark Souder	3/16	3/17	Jordan		186.00		7,400.49				7,586.49
	3/19	3/20	Qatar		347.00		1,067				347.00
	3/20	3/22	Pakistan		309.00						309.00
	3/22	3/24	Dubai		426.00						426.00
Committee total					11,866.52		37,482.25				49,348.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Apr. 25, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Peter T. King	1/9	1/11	United Kingdom		1,141.00		(3)				2,249.00
	1/11	1/12	Italy		517.00		(3)				
	1/12	1/14	Spain		591.00		(3)				
Hon. Mike Rogers	1/9	1/11	United Kingdom		1,141.00		(3)				2,249.00
	1/11	1/12	Italy		517.00		(3)				
	1/12	1/14	Spain		591.00		(3)				
Hon. William Pascrel	1/9	1/11	United Kingdom		1,141.00		(3)				2,249.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/11	1/12	Italy		517.00		(3)				
	1/12	1/14	Spain		591.00		(3)				
Hon. Michael McCaul	1/9	1/11	United Kingdom		1,141.00		(3)				2,249.00
	1/11	1/12	Italy		517.00		(3)				
	1/12	1/14	Spain		591.00		(3)				
Hon. Donna Christensen	1/9	1/11	United Kingdom		1,141.00		(3)				2,249.00
	1/11	1/12	Italy		517.00		(3)				
	1/12	1/14	Spain		591.00		(3)				
Robert O'Connor	1/9	1/11	United Kingdom		1,320.00		(4) 7,307.57				9,735.57
	1/11	1/12	Italy		517.00						
	1/12	1/14	Spain		591.00						
Thomas Finan	1/9	1/11	United Kingdom		1,320.00		(4) 7,352.64				9,780.64
	1/11	1/12	Italy		517.00						
	1/12	1/14	Spain		591.00						
Margaret Peterlin	1/9	1/11	United Kingdom		1,320.00		(4) 6,996.14				9,350.14
	1/11	1/13	Italy		1,034.00						
Hon. Sheila Jackson-Lee	3/30	3/31	Jamaica		273.00		(3)				273.00
Committee total					18,728.00		21,656.35				40,384.35

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial air transportation.

PETER T. KING, Chairman, Apr. 18, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 31 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary Ackerman	1/4	1/11	Israel		2,490.00		7,450.85				9,940.85
David Adams	1/4	1/11	Israel		2,490.00		6,358.20				8,848.20
Douglas Anderson	1/5	1/6	Singapore		210.00						210.00
	1/6	1/12	Indonesia		1,271.00						1,271.00
Round trip airfare	1/5	1/12					7,610.00				7,610.00
	3/18	3/20	South Korea		650.00						650.00
	3/20	3/24	Mongolia		474.00						474.00
	3/24	3/25	China		241.00						241.00
Round trip airfare	3/18	3/25					6,538.90				6,538.90
Hon. Gresham Barrett	1/9	1/12	Kuwait		1,218.00						1,218.00
	1/12	1/13	Germany		304.00		(3)				304.00
Mike Beard	1/2	1/5	Morocco		1,280.00						1,280.00
	1/5	1/7	Libya		788.00						788.00
	1/7	1/8	Jordan		254.00						254.00
	1/8	1/12	Israel		1,448.00						1,448.00
	1/12	1/19	Hungary		1,876.00						1,876.00
Round trip airfare	1/1	1/20					9,519.06				9,519.06
Hon. Howard Berman	2/16	2/18	Greece		688.00						688.00
	2/18	2/23	Egypt		867.00						867.00
	2/23	2/28	Israel		1,834.00						1,834.00
Round trip airfare	2/16	2/28					6,284.17				6,284.17
Ted Brennan	1/22	1/24	Ecuador		327.00						327.00
	1/24	1/27	Bolivia		345.00						345.00
Round trip airfare	1/22	1/27					3,316.00				3,316.00
	2/5	2/8	Haiti		256.00		1,027.00				1,283.00
	3/20	3/22	El Salvador		382.00		1,349.00				1,731.00
	3/30	3/31	Jamaica		43.00		(3)				43.00
Edward Burrier	1/8	1/11	Austria		804.00						804.00
	1/11	1/14	France		1,209.00						1,209.00
Round trip airfare	1/8	1/14					7,243.23				7,243.23
Hon. Dan Burton	1/8	1/10	Guatemala		502.00				(4) 1,227.66		1,729.66
	1/10	1/12	Costa Rica		442.00				(4) 3,944.13		4,386.13
	1/12	1/13	Panama		236.00						236.00
Round trip airfare	1/8	1/13					1,842.54				1,842.54
Hon. Russ Carnahan	3/19	3/23	Brazil		392.00						392.00
	3/23	3/26	Argentina		337.00		(3)				337.00
Vladimir Cerga	1/9	1/14	Georgia		1,260.00						1,260.00
	1/14	1/20	Macedonia		1,315.00						1,315.00
Round trip airfare	1/9	1/20					7,956.66				7,956.66
Hon. Steve Chabot	1/16	1/19	Colombia		2,148.15		1,551.99				3,700.14
Hon. Ben Chandler	1/4	1/12	New Zealand		834.40						834.40
	1/12	1/15	Australia		268.00		(3)				268.00
Hon. Joseph Crowley	2/18	2/21	India		1,332.00						1,332.00
	2/21	2/23	Bangladesh		482.00		1,386.00				1,868.00
Round trip airfare	2/18	2/23					7,789.28				7,789.28
Hon. Eliot Engel	1/7	1/13	Israel		2,172.00		3,401.84				5,573.84
	1/25	1/27	Kosovo		459.00		6,175.97		1,217.33		7,852.30
Barbara Fleck	1/8	1/10	Guatemala		502.00						502.00
	1/10	1/12	Costa Rica		442.00						442.00
	1/12	1/13	Panama		36.00						36.00
Round trip airfare	1/8	1/13					2,018.84				2,018.84
Bart Forsyth	1/16	1/19	Colombia		786.00		1,522.99				2,308.99
Kirsti Garlock	3/20	3/23	China		825.00		8,968.18				9,793.18
Dan Getz	1/22	1/24	Ecuador		327.00						327.00
	1/24	1/27	Bolivia		338.10						338.10
Round trip airfare	1/22	1/27					3,408.00				3,408.00
	2/19	2/23	Indonesia		522.00						522.00
	2/23	2/24	East Timor		115.00		(3)				115.00
Kristen Gilley	1/22	1/24	Ecuador		327.00						327.00
	1/24	1/27	Bolivia		345.00						345.00
Round trip airfare	1/22	1/27					3,408.00				3,408.00
	3/20	3/23	China		873.00		9,281.18				10,154.18
Dennis Halpin	2/18	2/21	Taiwan		885.00						885.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 31 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/21	2/24	China		629.00						629.00
	2/24	2/26	Hong Kong		784.00						784.00
Round trip airfare	2/18	2/26					7,517.24				7,517.24
Hon. Katherine Harris	2/3	2/4	United Kingdom		440.00						440.00
	2/4	2/5	Iraq								
	2/5	2/6	Israel		362.00						362.00
	2/6	2/7	Italy		363.00		(3)				363.00
Hon. Darrell Issa	3/30	3/31	Jamaica		143.00		(3)				143.00
Nurjadi Jasin	2/20	2/21	Indonesia		283.62						283.62
	2/21	2/25	East Timor		484.64						484.64
Round trip airfare	2/20	2/25					730.00				730.00
Jonathan Katz	1/9	1/11	Romania		1,668.00		7,308.59				8,976.59
	2/22	2/23	Austria		318.00						318.00
	2/23	2/24	Belgium		382.00						382.00
Round trip airfare	2/22	2/24					5,710.15				5,710.15
	3/22	3/24	Netherlands		294.28		6,245.12				6,539.40
Kenneth Katzman	2/24	2/26	United Arab Emirates		426.00						426.00
	2/26	3/2	Afghanistan		360.00						360.00
Round trip airfare	2/24	3/2					7,037.00				7,037.00
David Killion	1/3	1/4	United Arab Emirates		382.37						382.37
	1/4	1/7	Afghanistan		120.00						120.00
	1/7	1/8	Qatar		283.59						283.59
	1/8	1/11	Belgium		664.00						664.00
Round trip airfare	1/3	1/11					8,625.31				8,625.31
Robert King	1/2	1/5	Morocco		1,280.00						1,280.00
	1/5	1/8	Libya		1,182.00						1,182.00
Round trip airfare	1/2	1/8					6,165.93				6,165.93
Hon. Tom Lantos	1/1	1/2	United Kingdom		440.00						440.00
	1/2	1/5	Morocco		444.00						444.00
	1/5	1/7	Libya		788.00						788.00
	1/7	1/8	Jordan		254.00						254.00
	1/8	1/12	Israel		362.00				[4] 3,030.32		3,392.32
	1/12	1/18	Hungary		854.00				[4] 1,000.00		1,854.00
Round trip airfare	1/1	1/22					9,519.060				9,519.06
Hon. Barbara Lee	1/2	1/8	Grenada		561.00		1,488.31		[4] 979.00		3,028.31
John Lis	1/23	1/27	Lebanon		468.00						468.00
	1/27	1/28	France		453.00						453.00
Round trip airfare	1/23	1/28					6,839.69				6,839.69
	2/19	2/23	Indonesia		1,100.00						1,100.00
	2/23	2/25	East Timor		230.00		(3)				230.00
	2/25	2/26	United Arab Emirates		426.00						426.00
	2/26	3/2	Afghanistan		360.00				[4] 244.00		604.00
Round trip airfare	2/25	3/2					5,470.50				5,470.50
	3/20	3/25	Morocco		1,490.00		6,024.32				7,514.32
Don MacDonald	1/8	1/11	Austria		684.00						684.00
	1/11	1/14	France		1,169.00						1,169.00
Round trip airfare	1/8	1/14					7,263.23				7,263.23
Greg McCarthy	1/3	1/4	United Arab Emirates		382.37						382.37
	1/4	1/7	Afghanistan		120.00						120.00
	1/7	1/8	Qatar		283.59						283.59
	1/8	1/11	Belgium		664.00						664.00
Round trip airfare	1/3	1/11					8,625.31				8,625.31
James McCormick	3/19	3/23	China		873.00		9,281.18				10,154.18
Hon. Betty McCollum	1/2	1/4	Senegal		647.00						647.00
	1/4	1/6	Benin		130.00						130.00
	1/6	1/8	Sudan		41.00						41.00
	1/8	1/11	Uganda		1,092.00						1,092.00
	1/11	1/12	Ireland		729.00		(3)				729.00
Hon. Thaddeus McCotter	12/27	12/28	Germany		304.00						304.00
	12/28	12/29	Kuwait		788.00						788.00
	12/29	12/30	Iraq								
	12/30	12/31	Pakistan		804.00						804.00
	12/31	1/2	Afghanistan		90.00						90.00
	1/2	1/3	Pakistan		178.00		(3)				178.00
Mary McDermott Noonan	2/20	2/21	Ireland		332.00						332.00
	2/21	2/23	United Kingdom		582.00						582.00
Round trip airfare	2/20	2/23					5,377.30				5,377.30
John Mackey	1/9	1/13	Argentina		912.00		4,150.50				5,062.50
	1/16	1/21	Colombia		1,220.00						1,220.00
	1/21	1/24	Ecuador		618.00						618.00
Round trip airfare	1/16	1/24					1,848.15				1,848.15
	3/20	3/22	El Salvador		382.00		1,329.00				1,711.00
	3/26	3/28	Colombia		500.00		1,587.81				2,087.81
Alan Makovsky	1/1	1/2	United Kingdom		440.00						440.00
	1/2	1/5	Morocco		444.00						444.00
	1/5	1/9	Libya		1,576.00						1,576.00
	1/9	1/10	Germany		308.00						308.00
	1/9	1/13	Israel		1,448.00						1,448.00
Round trip airfare	1/1	1/13					8,055.00				8,055.00
Pearl-Alice Marsh	3/19	3/23	Belgium		1,117.00		3,165.00				4,282.00
Hon. Gregory Meeks	3/30	3/31	Jamaica		143.00		(3)				143.00
Richard Mereu	2/20	2/21	Ireland		397.00						397.00
	2/21	2/23	United Kingdom		595.50						595.50
Round trip airfare	2/20	2/23					5,445.35				5,445.35
Carol Migdalovitz	3/20	3/25	Morocco		1,490.00		6,024.32				7,514.32
Francis Miko	1/23	1/27	Lebanon		468.00						468.00
	1/27	1/28	France		453.00						453.00
Round trip airfare	1/23	1/28					6,913.69				6,913.69
	2/24	2/26	United Arab Emirates		426.00						426.00
	2/26	3/2	Afghanistan		360.00						360.00
Round trip airfare	2/24	3/2					7,917.44				7,917.44
	3/20	3/25	Morocco		1,490.00		6,024.32				7,514.32
Paul Oostburg Sanz	1/10	1/13	Argentina		520.00		8,947.50				9,467.50
	1/25	1/27	Bolivia		218.00		2,360.00				2,578.00
	2/5	2/8	Haiti		236.00		1,027.00				1,263.00
Hon. Donald Payne	2/19	2/20	Kenya		280.00		4,114.25				4,394.25
Alfred Prados	1/23	1/27	Lebanon		468.00						468.00
	1/27	1/28	France		453.00						453.00
Round trip airfare	1/23	1/28					6,839.39				6,839.39
Beverly Razon	1/22	1/26	Belgium		1,274.00		6,512.90				7,786.90

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 31 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Sheri Rickert	1/4	1/8	Uganda				1,416.00		8,821.00		9,237.00
	2/20	2/22	Ethiopia		109.00						109.00
	2/22	2/25	Ghana		435.00						435.00
Round trip airfare	2/20	2/25					8,592.00				8,592.00
Gregg Rickman	1/3	1/4	United Arab Emirates		382.37						382.37
	1/4	1/7	Afghanistan		120.00				[4]162.00		282.00
	1/7	1/8	Qatar		283.59				[4]162.00		282.00
	1/8	1/11	Belgium		664.00						664.00
Round trip airfare	1/3	1/11					8,625.31				8,625.31
William Robinson	3/19	3/25	Georgia		1,560.00		7,937.18				9,497.18
Robin Roizman	2/18	2/21	India		878.00						878.00
	2/21	2/23	Bangladesh		393.50						393.50
Round trip airfare	2/18	2/21					8,934.28				8,934.28
Hon. Illeana Ros-Lehtinen	1/20	1/21	Kuwait		406.00				[4]1,964.28		2,370.28
	1/21	1/23	Qatar		347.00						347.00
	1/23	1/25	United Arab Emirates		313.76		(3)				313.76
Hon. Adam Schiff	2/19	2/23	Indonesia		532.61		(3)				532.61
Thomas Sheehy	1/8	1/11	Austria		804.00						804.00
	1/11	1/14	France		1,209.00						1,209.00
Round trip airfare	1/8	1/14					7,243.23				7,243.23
Gregory Simpkins	1/4	1/8	Uganda		1,416.00		7,821.00				9,237.00
Hon. Christopher Smith	1/4	1/8	Uganda		1,416.00		7,821.00				9,237.00
Cliff Stammerman	1/3	1/4	United Arab Emirates		382.37						382.37
	1/4	1/7	Afghanistan		120.00						120.00
Round trip airfare	1/3	1/8					8,319.22				8,319.22
Sam Stratman	1/20	1/21	Kuwait		406.00						406.00
	1/21	1/23	Qatar		347.00						347.00
	1/23	1/25	United Arab Emirates		313.76		(3)				313.76
William Tucherello	2/20	2/21	Indonesia		157.93						157.93
	2/21	1/25	East Timor		273.43		(3)				273.43
Mark Walker	1/8	1/10	Guatemala		502.00						502.00
	1/10	1/12	Costa Rica		442.00						442.00
	1/12	1/13	Panama		236.00						236.00
Round trip airfare	1/8	1/13					2,072.84				2,072.84
	1/25	1/27	Bolivia		236.00		3,089.00				3,325.00
Hon. Diane Watson	3/30	3/31	Jamaica		143.00		(3)				143.00
Hon. Robert Wexler	1/9	1/11	Romania		1,668.00		7,308.59				8,976.59
	2/22	2/23	Austria		318.00						318.00
	2/23	2/24	Belgium		382.00						382.00
Round trip airfare	2/22	2/24					5,710.15				5,710.15
	3/22	3/23	Netherlands		147.14		6,245.28				6,392.42
Hillel Weinberg	1/22	1/26	Belgium		1,460.00						1,460.00
	1/26	1/28	Finland		530.00						530.00
	1/28	1/31	Mali		525.00						525.00
Round trip airfare	1/22	1/31					12,467.06				12,467.06
	2/25	2/28	Japan		1,074.00						1,074.00
Peter Yeo	1/5	1/6	Singapore		210.00						210.00
	1/6	1/8	Indonesia		1,091.00						1,091.00
Round trip airfare	1/5	1/8					7,274.00				7,274.00
Matthew Zweig	1/20	1/21	Kuwait		406.00						406.00
	1/21	1/23	Qatar		347.00						347.00
	1/23	1/25	United Arab Emirates		313.76		(3)				313.76
Committee total					112,177.83		422,793.29		15,154.72		550,125.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Delegation costs.

HENRY J. HYDE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. F. James Sensenbrenner, Jr	1/7	1/10	Poland		1,008.00		2,875.00				3,883.00
			Lithuania				385.16				385.16
	1/10	1/12	Lithuania		510.00		514.00				1,024.00
	1/12	1/13	Amsterdam		378.00		4,217.27				4,595.27
Philip Kiko	1/7	1/10	Poland		1,008.00		2,875.00		1,049.00		4,932.00
			Lithuania				385.16				385.16
	1/10	1/12	Lithuania		510.00		514.01		447.54		1,471.55
	1/12	1/13	Amsterdam		378.00		4,217.27				4,595.27
Committee total					3,792.00		15,982.87		1,496.54		21,271.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, Apr. 26, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
No 1st quarter travel											
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD POMBO, Chairman, Apr. 27, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MARCH 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Phil Gingrey	3/9	3/11	Kuwait		406.00		(3)				406.00
	3/11	3/12	UAE		519.00		(3)				519.00
	3/12	3/13	Germany		304.00		(3)				304.00
Committee total					1,229.00						1,229.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

DAVID DRIER, Chairman, May 1, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Wu	11/26	12/3	China						8,434.44		8,434.44
Committee total									8,434.44		8,434.44

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

———Mar. 20, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sherwood Boehlert	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Roscoe Bartlett	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Ben Chandler	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Bud Cramer	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Jim Costa	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Lincoln Davis	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Phil Gingrey	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Darlene Hooley	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Bob Inglis	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Hon. Brad Miller	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Chuck Atkins	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Amy Carroll	1/4	1/12	New Zealand		1,668.80		(3)				1,668.80
	1/12	1/15	Australia		268.80		(3)				268.80
Tim Clancy	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
Elizabeth Grossman	1/4	1/12	New Zealand		834.40		(3)				834.40
	1/12	1/15	Australia		268.80		(3)				268.80
John Konkus	1/4	1/12	New Zealand		1,668.80		(3)				1,668.80
	1/12	1/15	Australia		268.80		(3)				268.80
Committee total					18,216.80						18,216.80

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

———, Apr. 5, 2006.

(ADDENDUM) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Johannes Loschn	3/28	4/2	Russia		563.00		5,288.40		1,225.59		7,076.99
Kaitlyn O'Hara	3/28	4/2	Russia		563.00		5,308.40		1,272.87		7,144.27
Committee total					1,126.00		10,576.80		2,498.46		14,221.26

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD BOEHLERT, Chairman, Apr. 26, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Nathan Berkeley	1/4	1/12	Japan				9,210.75	522.00	2,248.00		11,458.75
Bradley Knox	1/1	1/12	Japan				9,210.75	522.00	2,248.00		11,458.75
Hon. Donald Manzullo	1/1	1/12	Japan				9,210.75	522.00	2,248.00		11,458.75
Rich Beutel	2/19	2/22	China				6,798.19		873.00		7,671.19
Committee total							34,430.44		7,617.00		42,047.44

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONALD A. MANZULLO, Chairman, Apr. 24, 2006

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jerrold Nadler	1/16	1/16	Guantanamo Bay				(3)				
Hon. John Duncan	1/16	1/19	Switzerland		708.00		(3)				708.00
Hon. Jim Oberstar	1/16	1/19	Switzerland		708.00		(3)				708.00
Hon. E. B. Johnson	1/16	1/19	Switzerland		708.00		(3)				708.00
Hon. Corrine Brown	1/16	1/19	Switzerland		708.00		(3)				708.00
Hon. Henry Brown	1/16	1/19	Switzerland		708.00		(3)				708.00
Hon. John Boozmam	1/16	1/19	Switzerland		708.00		(3)				708.00
Fraser Verrusio	1/16	1/19	Switzerland		708.00		(3)				708.00
John Cullather	1/16	1/19	Switzerland		708.00		(3)				708.00
Jim Coon	1/16	1/19	Switzerland		708.00		(3)				708.00
Jim Tymon	1/16	1/19	Switzerland		708.00		(3)				708.00
Stephanie Manning	1/16	1/19	Switzerland		708.00		(3)				708.00
Geoff Bowman	1/16	1/19	Switzerland		708.00		(3)				708.00
Hon. John Duncan	1/19	1/21	Poland		672.00		(3)				672.00
Hon. Jim Oberstar	1/19	1/21	Poland		672.00		(3)				672.00
Hon. E. B. Johnson	1/19	1/21	Poland		672.00		(3)				672.00
Hon. Corrine Brown	1/19	1/21	Poland		672.00		(3)				672.00
Hon. Henry Brown	1/19	1/21	Poland		672.00		(3)				672.00
Hon. John Boozmam	1/19	1/21	Poland		672.00		(3)				672.00
Fraser Verrusio	1/19	1/21	Poland		672.00		(3)				672.00
John Cullather	1/19	1/21	Poland		672.00		(3)				672.00
Jim Coon	1/19	1/21	Poland		672.00		(3)				672.00
Jim Tymon	1/19	1/21	Poland		672.00		(3)				672.00
Stephanie Manning	1/19	1/21	Poland		672.00		(3)				672.00
Geoff Bowman	1/19	1/21	Poland		672.00		(3)				672.00
Committee total					16,560.00		(3)				16,560.00
Hon. John Duncan	1/21	1/24	Romania		834.00		(3)				834.00
Hon. Jim Oberstar	1/21	1/24	Romania		834.00		(3)				834.00
Hon. E.B Johnson	1/21	1/24	Romania		834.00		(3)				834.00
Hon. Corrine Brown	1/21	1/24	Romania		834.00		(3)				834.00
Hon. Henry Brown	1/21	1/24	Romania		834.00		(3)				834.00
Hon. John Boozmam	1/21	1/24	Romania		834.00		(3)				834.00
Fraser Verrusio	1/21	1/24	Romania		834.00		(3)				834.00
John Cullather	1/21	1/24	Romania		834.00		(3)				834.00
Jim Coon	1/21	1/24	Romania		834.00		(3)				834.00
Jim Tymon	1/21	1/24	Romania		834.00		(3)				834.00
Stephanie Manning	1/21	1/24	Romania		834.00		(3)				834.00
Geoff Bowman	1/21	1/24	Romania		834.00		(3)				834.00
Hon. John Duncan	1/24	1/26	Morocco		596.00		(3)				596.00
Hon. Jim Oberstar	1/24	1/26	Morocco		596.00		(3)				596.00
Hon. F.B. Johnson	1/24	1/26	Morocco		596.00		(3)				596.00
Hon. Corrine Brown	1/24	1/26	Morocco		596.00		(3)				596.00
Hon. Henry Brown	1/24	1/26	Morocco		596.00		(3)				596.00
Hon. John Boozmam	1/24	1/26	Morocco		596.00		(3)				596.00
Fraser Verrusio	1/24	1/26	Morocco		596.00		(3)				596.00
John Cullather	1/24	1/26	Morocco		596.00		(3)				596.00
Jim Coon	1/24	1/26	Morocco		596.00		(3)				596.00
Jim Tymon	1/24	1/26	Morocco		596.00		(3)				596.00
Stephanie Manning	1/24	1/26	Morocco		596.00		(3)				596.00
Geoff Bowman	1/24	1/26	Morocco		596.00		(3)				596.00
Hon. Kenny Marchant	2/17	2/21	France		1,812.00		(3)				1,812.00
	2/21	2/21	Belgium				(3)				
	2/21	2/22	Estonia		242.00		(3)				242.00
	2/22	2/24	Latvia		534.00		(3)				534.00
	2/24	2/26	Poland		544.00		(3)				544.00
Committee total					20,292.00						20,292.00
Lloyd Jones	3/19	3/21	Italy		1,173.00		7,768.32				8,941.32
Elizabeth Megginson	3/19	3/21	Italy		1,173.00		7,768.32				8,941.32
Fraser Verrusio	3/19	3/21	Italy		1,173.00		7,768.32				8,941.32
John Anderson	3/19	3/21	Italy		1,173.00		7,768.32				8,941.32
Ken Kopocis	3/19	3/21	Italy		1,173.00		7,768.32				8,941.32

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Geoff Bowman	3/19	3/21	Italy		1,173.00		7,768.32				8,941.32
Ryan Seiger	3/19	3/21	Italy		1,173.00		7,768.32				8,941.32
Lloyd Jones	3/21	3/23	United Kingdom		880.00						880.00
Elizabeth Megginson	3/21	3/23	United Kingdom		880.00						880.00
Fraser Verrusio	3/21	3/26	United Kingdom		1,760.00						1,760.00
John Anderson	3/21	3/23	United Kingdom	880.00							880.00
Ken Kopocis	3/21	3/23	United Kingdom	880.00							880.00
Geoff Bowman	3/21	3/23	United Kingdom	880.00							880.00
Ryan Seiger	3/21	3/23	United Kingdom	880.00							880.00
Lloyd Jones	3/23	3/26	Netherlands	1,621.00							1,621.00
Elizabeth Megginson	3/23	3/26	Netherlands	1,044.00							1,044.00
John Anderson	3/23	3/26	Netherlands	1,621.00							1,621.00
Ken Kopocis	3/23	3/26	Netherlands	1,621.00							1,621.00
Geoff Bowman	3/23	3/26	Netherlands	1,621.00							1,621.00
Ryan Seiger	3/23	3/26	Netherlands	1,621.00							1,621.00
Committee total					24,400.00		54,338.24				78,738.24
Grand committee total					61,252.00		54,338.24				115,590.24

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

(3) Military air transportation.

DON YOUNG, Chairman, Apr. 26, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STEVE BUYER, Chairman, April 7, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Phil English	3/19	3/23	Brazil		840.00		(3)				840.00
Hon. Phil English	3/23	3/26	Argentina		684.00		(3)				683.00
Hon. Mark Foley	3/20	3/20	Haiti		840.00		701.00				701.00
Committee total					1.524.00		701.00				2,225.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BILL THOMAS, Chairman, May 4, 2006.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2006.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Elizabeth Larson	10/02	10/05	Europe	1,380.00							
Commercial airfare							7,254.48				8,634.48
Michael Delaney	10/02	10/07	Europe	2,188.00							
Commercial airfare							8,354.20				10,542.20
Kelly Gaffney	10/02	10/07	Europe	2,188.00							
Commercial airfare							8,354.20				10,542.20
Michele Lang	10/02	10/07	Europe	2,188.00							
Commercial airfare							8,354.20				10,542.20
Michael Ennis	10/10	10/13	Europe	676.00							
	10/14	10/16	Europe	938.00							
Commercial airfare							5,332.91				6,946.91
Kim Knur	10/10	10/13	Europe	676.00							
	10/14	10/16		938.00							
Commercial airfare							5,332.91				6,946.91
Jacob Abel	10/10	10/13		676.00							
	10/14	10/16		938.00							
Commercial airfare							5,332.91				6,946.91
Hon. John Tierney	11/26	11/28	Europe	880.00							
	11/28	11/30	Europe	756.00							
Commercial airfare							7,823.90				9,459.90
Larry Hanauer	11/26	11/28	Europe	880.00							
	11/28	11/30	Europe	756.00							
Commercial airfare							7,823.90				9,459.90
Wyndee Parker	10/29	10/31	Middle East	633.00							
	10/31	11/01	Middle East	536.00							
Commercial airfare							9,019.15				10,188.15

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2006.—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	10/03	10/04		176.00							
	10/05	10/07		417.00							
Commercial airfare							5,555.70				6,148.70
Hon. Michael Rogers	11/27	11/29	Middle East	234.00							
	11/30	12/01	Middle East	280.00							
	12/02	12/03	Middle East	762.00							
Military airfare											1,276.00
Hon. Rick Renzi	11/27	11/29	Middle East	234.00							
	11/30	12/01	Middle East	280.00							
	12/02	12/03	Middle East	762.00							
Military airfare											1,276.00
Kathleen Reilly	11/27	11/29	Middle East	234.00							
	11/30	12/01	Middle East	280.00							
	12/02	12/03	Middle East	762.00							
Military airfare											1,276.00
Robert Myhill	11/27	11/29	Middle East	234.00							
	11/30	12/01	Middle East	280.00							
	12/02	12/03	Middle East	762.00							
Military airfare											1,276.00
Hon. Peter Hoekstra	10/09	10/10	Haiti	284.00							
Military airfare											284.00
David Abruzzino	10/09	10/10	Haiti	284.00							
Military airfare											284.00
Committee total											102,030.46

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John Stopher	1/17	1/19	Asia		464.00						
	1/19	1/22	Asia		636.00						
	1/22	1/25	Asia		842.00						
	1/26	1/27	Asia		125.00						
Commercial airfare							7,688.00				9,755.00
Michael Ennis	1/17	1/19	Asia		464.00						
	1/19	1/22	Asia		636.00						
	1/22	1/25	Asia		842.00						
	1/26	1/27	Asia		125.00						
Commercial airfare							7,688.00				9,755.00
Wyndee Parker	1/17	1/19	Asia		464.00						
	1/19	1/22	Asia		636.00						
	1/22	1/25	Asia		746.85						
	1/26	1/27	Asia		125.00						
Commercial airfare							7,565.00				9,632.00
Hon. Peter Hoekstra	1/10	1/11	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/18	Europe		142.00						
	1/18	1/19	Europe		358.00						
Commercial airfare							9,432.65				11,367.68
Hon. John McHugh	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/19	Europe		358.00						
Commercial airfare							9,432.65				11,367.68
Hon. Rush Holt	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
Commercial airfare							7,998.00				9,433.03
Hon. Jane Harman	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
Commercial airfare							7,138.50				8,573.53
Michael Meermans	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/18	Europe		242.00						
	1/18	1/19	Europe		358.00						
Commercial airfare							6,001.93				8,036.96
Jamal Ware	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/18	Europe		242.00						
Commercial airfare	1/18	1/19	Europe		358.00		6,001.93				8,036.96
Michele Lang	1/10	1/12	Europe		358.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/18	Europe		242.00						
	1/18	1/19	Europe		358.00						
Commercial airfare							6,021.93				8,036.96
Committee total											93,994.80
Kelly Gaffney	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/18	Europe		242.00						
Commercial airfare	1/18	1/19	Europe		358.00		7,545.93				9,580.96
Jacob Abel	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/18	Europe		242.00						
	1/18	1/19	Europe		358.00						
Commercial airfare							6,021.93				8,056.96
Katrina Gammon	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/18	Europe		242.00						
Commercial airfare	1/18	1/19	Europe		358.00		6,021.93				8,056.96
David Buckley	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
	1/17	1/18	Europe		242.00						
	1/18	1/19	Europe		358.00						
Commercial airfare							7,138.50				9,173.53
Jeremy Bash	1/10	1/12	Europe		358.00						
	1/12	1/13	Africa		297.03						
	1/13	1/14	Africa		200.00						
	1/14	1/15	Africa		300.00						
	1/15	1/17	Africa		280.00						
Commercial airfare							8,095.50				9,530.53
Hon. William Thornberry	1/9	1/13	Europe		537.00						
Commercial airfare							7,763.15				8,300.15
Riley Perdue,	1/9	1/13	Europe		537.00						
Commercial airfare							7,763.15				8,300.15
Kerry Taylor	1/9	1/13	Europe		537.00						
Commercial airfare							7,763.15				8,300.15
Hon. Jane Harman	2/2	2/5	Europe		966.00		(3)				966.00
Hon. Peter Hoekstra	2/18	2/20	Asia		750.00						
	2/21	2/24	Australia		910.00						
Commercial airfare							10,644.36				12,304.36
Michael Ennis	2/18	2/20	Asia		750.00						
	2/21	2/24	Australia		910.00						
Commercial airfare							9,038.36				10,648.36
Jamal Ware	2/18	2/20	Asia		750.00						
	2/21	2/24	Australia		910.00						
Commercial airfare							12,508.36				14,168.36
Christopher Donesa	2/18	2/20	Asia		750.00						
	2/21	2/24	Australia		910.00						
Commercial airfare							9,038.36				10,698.35
Riley Perdue	2/19	2/23	Europe		1,760.00						
Commercial airfare							7,233.43				8,993.43
Donald Stone	2/19	2/23	Europe		1,760.00						
Commercial airfare							7,233.43				8,993.43
James Lewis	2/07	2/09	Middle East		547.00						
Commercial airfare							6,090.39				6,637.39
Hon. Robert Crammer	3/15	3/22	Europe		2,220.00						
Commercial airfare							8,441.93				10,661.93
Michael Delaney	3/15	3/22	Europe		2,220.00						
Commercial airfare							8,386.93				10,606.93
Hon. Peter Hoekstra	3/17	3/18	Middle East		273.00						
	3/19	3/20	Middle East		156.00						
	3/20	3/21	Middle East		309.00						
	3/22	3/24	Middle East		852.00						
Commercial airfare							7,752.11				9,342.11
Hon. Todd Tiahrt	3/17	3/18	Middle East		273.00						
	3/19	3/20	Middle East		156.00						
	3/20	3/21	Middle East		309.00						
	3/22	3/24	Middle East		852.00						
Commercial airfare							7,764.84				9,354.84
Hon. Dutch Ruppersberger	3/17	3/18	Middle East		273.00						
	3/19	3/20	Middle East		156.00						
	3/20	3/21	Middle East		309.00						
	3/22	3/24	Middle East		852.00						
Commercial airfare							7,622.41				9,212.41
James Lewis	3/17	3/18	Middle East		273.00						
	3/19	3/20	Middle East		156.00						
	3/20	3/21	Middle East		309.00						
	3/22	3/24	Middle East		852.00						
Commercial airfare							7,602.41				9,192.41
David Buckley	3/17	3/18	Middle East		273.00						
	3/19	3/20	Middle East		156.00						
	3/20	3/21	Middle East		309.00						
	3/22	3/24	Middle East		852.00						
Commercial airfare							8,367.24				9,957.24
Wyndee Parker	3/22	3/23	Europe		403.00						
	3/23	3/25	Europe		408.00						
Commercial airfare							6,768.37				7,579.37

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total											393,561.11

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PETER HOEKSTRA, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2006

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES E. GRASSLEY, Chairman, Apr. 3, 2006.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8191. A letter from the Directors, Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) fiscal year 2006 outlay rates and prior year outlays, pursuant to 10 U.S.C. 226(a); to the Committee on Armed Services.

8192. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8193. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8194. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8195. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report presenting the specific amounts of staff-years of technical effort to be allocated for each Federally Funded Research and Development Center (FFRDC) during Fiscal Year 2007, pursuant to Public Law 109-148, section 8026(e); to the Committee on Armed Services.

8196. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of March 31, 2006, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

8197. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report required by Section 812 of the National Defense Authorization Act for Fiscal Year 2004, Pub. L. 108-136, entitled, "Foreign Sources of Supply: Assessment of the United States Defense Industrial Base for Fiscal Year 2005"; to the Committee on Armed Services.

8198. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's STARBASE Program 2005 Annual Report, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

8199. A letter from the Under Secretary for Acquisitions, Technology and Logisitics, Department of Defense, transmitting the Department's report on the amount of acquisitions made by the Department from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2005, pursuant to Public Law 108-447, section 641; to the Committee on Armed Services.

8200. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification of the Department's intention to close the Defense commissary store at Bad Kissingen (Daley Village Army housing area) by July 14, 2006; to the Committee on Armed Services.

8201. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule— Class Exemption for Services Provided in Connection With the Termination of Abandoned Individual Account Plans [ZRIN 1210-ZA05; Prohibited Transaction Exemption 2006-06; Application No. D-11201] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8202. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendement of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Coupeville and Sequim, Washington) [MB Docket No. 04-280; RM-11037; RM-11117] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8203. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8204. A letter from the Deputy Solicitor for National Operations, Department of Labor, transmitting the Department's final rule—Revision of the Department of Labor Freedom of Information Act Regulations and Implementation of Electronic Freedom of Information Act Amendments of 1996; Final Rule (RIN: 1290-AA17) received May 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8205. A letter from the Secretary for Regulatory Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Individuals and Groups Considered to Have Performed Active Military, Naval, or Air Service (RIN: 2900-AM39) received May 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8206. A letter from the Office of Regulatory Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Remarriage of a Surviving Spouse (RIN: 2900-AM24) received May 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8207. A letter from the Office of Regulatory Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Amended Delegation of Authority—Property Management Contractor (RIN: 2900-AM38) received May 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8208. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Extension of the Expiration Date for the Digestive Listings (RIN: 0960-AG39) received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8209. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Requirements for Providers and Suppliers to Establish and Maintain Medicare Enrollment [CMS 6002-F] (RIN: 0938-AH73) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 885. Resolution providing for consideration of the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes (Rept. 109–517). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 886. Resolution providing for consideration of the bill (H.R. 4890) to amend the Congressional Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority (Rept. 109–518). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE:

H.R. 5655. A bill to eliminate the annual numerical limitation on the number of aliens who may be provided status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mrs. BIGGERT (for herself, Mr. Boehlert, Mr. Hall, Mr. Smith of Texas, Mr. Calvert, Mr. Ehlers, Mr. Inglis of South Carolina, and Mr. Wamp):

H.R. 5656. A bill to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes; to the Committee on Science.

By Mr. KNOLLENBERG:

H.R. 5657. A bill to promote preventive health care for Americans; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 5658. A bill to facilitate the development of markets for alternative fuels and Ultra Low Sulfur Diesel fuel through research, development, and demonstration and data collection; to the Committee on Science.

By Mr. GORDON:

H.R. 5659. A bill to provide for the demonstration and commercial application of innovative energy technologies derived from federally-sponsored research and development programs, by incorporating those technologies into Federal buildings, and for other purposes; to the Committee on Science.

By Mr. ALEXANDER (for himself, Mr. McCrery, Mr. Istook, Mr. Walsh, Mr. Rahall, Mr. Boustany, Mr. Melancon, and Mr. Jindal):

H.R. 5660. A bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 5661. A bill to amend title 18, United States Code, to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal Government; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. Blumenauer):

H.R. 5662. A bill to amend the Internal Revenue Code of 1986 to provide individuals a deduction for certain mass public transportation expenses; to the Committee on Ways and Means.

By Mr. GOHMERT:

H.R. 5663. A bill to penalize States that prohibit oil and gas exploration within their borders by denying them the use of any oil or natural gas produced domestically elsewhere; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. Israel, Mr. Higgins, Mrs. Maloney, Mr. Boehlert, Mr. Kuhl of New York, Mr. Hinchey, Mrs. McCarthy, Mr. Sweeney, Mr. Weiner, Mr. McNulty, Mr. Towns, Mr. Ackerman, Mr. McHugh, Mr. Engel, Mrs. Lowey, Mr. Walsh, Mrs. Kelly, Mr. Fossella, Mr. Crowley, Mr. Nadler, Mr. Meeks of New York, Ms. Slaughter, Mr. Serrano, Mr. Bishop of New York, Ms. Velázquez, Mr. Owens, Mr. Reynolds, and Mr. Rangel):

H.R. 5664. A bill to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the "Jacob Fletcher Post Office Building"; to the Committee on Government Reform.

By Mr. SIMPSON:

H.R. 5665. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Resources.

By Mr. SIMPSON:

H.R. 5666. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Resources.

By Mr. SPRATT:

H.R. 5667. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of discretionary budget authority, promote fiscal responsibility, reinstate Pay-As-You-Go rules, require responsible use of reconciliation procedures, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE (for herself and Mr. Rush):

H. Con. Res. 431. Concurrent resolution calling on the President to proclaim 2007 as the "National Year of the Bible"; to the Committee on Government Reform.

By Ms. WATERS:

H. Res. 882. A resolution honoring Dr. Carolyn R. Wilder, Professor of Child Development at West Los Angeles College in Los Angeles, California, in recognition of her retirement after 32 years of service to the College; to the Committee on Education and the Workforce.

By Mr. CONAWAY:

H. Res. 883. A resolution urging every Representative Member, officer, and employee of the House of Representatives to read, ponder, and reflect upon the principles of the United States Constitution on Constitution Day; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself, Mr. Lewis of Georgia, Mr. Bishop of Georgia, Mr. Brown of Ohio, Mr. Payne, Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Mr. Moore of Kansas, Mr. English of Pennsylvania, Mr. Tiahrt, Mr. McIntyre, Mr. Sessions, Mr. Costa, Mr. Souder, Mr. Rehberg, Mr. Osborne, Mrs. Jo Ann Davis of Virginia, Mr. Jones of North Carolina, Mr. Blumenauer, Mr. Forbes, Mr. Etheridge, Mr. Pickering, Mr. Lincoln Diaz-Balart of Florida, Mr. Lucas, Mr. Hulshof, Mr. Filner, Mr. Hoekstra, Mr. Udall of Colorado, Mr. Gonzalez, Mr. Boozman, Mr. Walden of Oregon, Mr. Delahunt, Mr. Goodlatte, Mr. Shimkus, Mr. Simpson, Mr. Cole of Oklahoma, Mr. Gutierrez, Mr. Gilchrest, Mr. Berry, Mr. Clay, Mr. Rangel, Mr. Miller of Florida, Mr. Crenshaw, Mr. Shadegg, Mr. Neugebauer, Mr. Butterfield, Mr. Ryun of Kansas, Mr. Brady of Texas, Mrs. Emerson, Mr. Terry, Mrs. Musgrave, and Mr. Wexler):

H. Res. 884. A resolution honoring the town of Nicodemus, Kansas, for its contribution to American history; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 5668) for the relief of Amadou Heinz Ly; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 550: Mr. Marshall.

H.R. 653: Mr. Marshall.

H.R. 910: Mr. Edwards and Mr. Weldon of Pennsylvania.

H.R. 952: Mr. Cardin.

H.R. 1182: Mrs. Napolitano.

H.R. 1298: Mr. Burgess.

H.R. 1384: Mr. Forbes, Mr. Ross, Mrs. Jo Ann Davis of Virginia, and Mrs. Myrick.

H.R. 1413: Mr. Gutierrez.

H.R. 1449: Mr. Herger.

H.R. 1589: Mrs. Lowey.

H.R. 1603: Mr. Udall of Colorado.

H.R. 1689: Mr. Barrow.

H.R. 2103: Mr. Payne.

H.R. 2134: Mr. LaHood.

H.R. 2429: Mr. Moore of Kansas.

H.R. 2512: Mr. Weldon of Pennsylvania.

H.R. 3413: Mrs. Johnson of Connecticut, Mr. Schwarz of Michigan, and Mr. Ramstad.

H.R. 3427: Mr. Inslee and Ms. Hart.

H.R. 3628: Mr. Cardin.

H.R. 3762: Mr. Ramstad.

H.R. 4023: Mr. Frank of Massachusetts, Mrs. Myrick, Mr. Pomeroy, and Ms. Hooley.

H.R. 4188: Mr. Gutierrez.

H.R. 4416: Mr. Cummings.

H.R. 4465: Mr. Thompson of California.

H.R. 4494: Mr. Goode.

H.R. 4597: Mr. Boren and Mr. Moran of Kansas.

H.R. 4710: Mr. Cramer.

H.R. 4725: Mr. Deal of Georgia, Mr. Brown of South Carolina, Mr. Norwood, Mr. Westmoreland, Mr. Kingston, Mr. Franks of Arizona, Mr. Duncan, Mr. Baker, Mr. Brady of

Texas, Mr. Reynolds, Mr. Flake, Mr. Hensarling, Mr. Bonilla, Mr. Carter, Mr. Keller, Mr. Sullivan, Mr. Garrett of New Jersey, Mr. Bachus, and Mr. Bilirakis.

H.R. 4761: Mr. Culberson.

H.R. 4843: Mr. Salazar.

H.R. 4927: Mr. McNulty and Mr. McGovern.

H.R. 4960: Ms. Ginny Brown-Waite of Florida.

H.R. 4962: Mr. Reynolds and Ms. Velázquez.

H.R. 5013: Mr. Pombo, Mr. Paul, Mr. Ross, Mr. Duncan, and Mr. Lucas.

H.R. 5022: Mr. Meehan and Ms. Eshoo.

H.R. 5092: Mr. Forbes, Mr. Sweeney, Mr. Price of Georgia, and Mr. Duncan.

H.R. 5146: Mr. Upton.

H.R. 5150: Ms. Schwartz of Pennsylvania, Mr. Capuano, Mr. Blumenauer, Ms. Hooley, and Mr. Doyle.

H.R. 5159: Mr. Udall of Colorado.

H.R. 5225: Mr. Ney, Mr. Gene Green of Texas, and Mr. Forbes.

H.R. 5230: Mr. Hostettler.

H.R. 5250: Mr. Smith of New Jersey.

H.R. 5262: Mr. Boustany.

H.R. 5290: Mr. Stark.

H.R. 5322: Mr. Feeney and Mr. Sensenbrenner.

H.R. 5337: Mr. Towns.

H.R. 5344: Ms. Herseth.

H.R. 5356: Mr. Gutknecht.

H.R. 5358: Mr. Gutknecht.

H.R. 5372: Ms. Schakowsky, Mr. Cummings, Mr. Olver, Mr. Carnahan, Ms. Kilpatrick of Michigan, and Mr. McNulty.

H.R. 5424: Mr. Leach, Mr. Moran of Virginia, and Mr. Goodlatte.

H.R. 5453: Mr. Rogers of Michigan.

H.R. 5455: Mr. Grijalva and Ms. Roybal-Allard.

H.R. 5467: Mr. Hefley.

H.R. 5474: Mr. McCrery.

H.R. 5478: Mr. Upton and Mr. Boozman.

H.R. 5507: Ms. Ginny Brown-Waite of Florida.

H.R. 5513: Mrs. Jo Ann Davis of Virginia, Mr. Higgins, Mr. Sanders, Mr. Goode, and Mr. Case.

H.R. 5520: Mr. Strickland, Mr. Young of Florida, and Mr. Gene Green of Texas.

H.R. 5538: Ms. McCollum of Minnesota.

H.R. 5551: Mr. McCotter.

H.R. 5560: Mr. Thompson of Mississippi.

H.R. 5578: Mr. Clyburn and Mr. Wexler.

H.R. 5588: Mr. Filner, Ms. McCollum of Minnesota, Mr. Grijalva, Mr. Gene Green of Texas, and Mr. Weiner.

H.R. 5604: Mr. Meek of Florida.

H.R. 5615: Mrs. Capps.

H.R. 5624: Ms. Baldwin, Mr. Burton of Indiana, Mrs. Christensen, Mr. Foley, Mr. Garrett of New Jersey, Mr. Hinchey, Mr. Kildee, Mr. Marshall, Mr. McCotter, Mr. Meeks of New York, Mr. Moore of Kansas, Mr. Ortiz, Mr. Pallone, Mr. Price of North Carolina, Mr. Saxton, Mr. Smith of New Jersey, Mr. Udall of Colorado, Mr. Wexler, and Mr. Wolf.

H.R. 5633: Mr. Gilchrest.

H.R. 5637: Mr. Gillmor.

H.R. 5638: Mr. Foley, Mr. Nunes, Mr. Hayworth, Mr. McCrery, Mr. Lewis of Kentucky, Ms. Hart, Mrs. Schmidt, Mr. Davis of Kentucky, Mr. Porter, Mr. Gohmert, Mr. Sherwood, Mr. Ramstad, Mr. Linder, Mr. Sensenbrenner, Mr. Herger, Mr. Peterson of Pennsylvania, Mrs. Wilson of New Mexico, and Mr. Shaw.

H.R. 5640: Mr. English of Pennsylvania and Ms. Hart.

H.R. 5644: Mr. Boehlert.

H.R. 5652: Mr. Smith of New Jersey, Mr. Payne, Ms. McCollum of Minnesota, Mr. Meeks of New York, and Mr. Boozman.

H.J. Res. 55: Mr. Wexler and Mr. Rothman.

H. Con. Res. 416: Mr. Hayes, Mr. Clyburn, Mr. McDermott, and Mr. Hefley.

H. Res. 790: Mr. Payne, Mr. Cummings, Ms. McCollum of Minnesota, Mr. Price of North Carolina, Mr. Stark, and Mr. Boyd.

H. Res. 820: Mr. Schiff.

H. Res. 846: Mr. Serrano.

H. Res. 852: Mr. Abercrombie.

H. Res. 854: Mr. Skelton, Mr. Marshall, and Mr. Shays.

H. Res. 860: Mr. Chabot, Mr. Faleomavaega, Mr. Pence, Mr. Radanovich, Mr. Ryun of Kansas, Mr. Souder, Mr. Sullivan, Mr. Leach, Mr. Wolf, Mr. Lincoln Diaz-Balart of Florida, Mr. Fitzpatrick of Pennsylvania, Mr. Franks of Arizona, Mr. Hunter, and Mr. Boozman.

H. Res. 881: Mr. Tom Davis of Virginia, Mr. Wolf, Mr. Moran of Virginia, Mr. Cooper, Mr. Berry, Mr. Snyder, Mr. Olver, Mr. Davis of Florida, Mr. Wexler, Mr. Boren, Mrs. Capps, Mr. Schiff, Mr. Barrow, Ms. DeLauro, Mr. Hoyer, Mr. Visclosky, Mr. Towns, Mr. Wu, Mr. Taylor of Mississippi, Mr. Rahall, Ms. Linda T. Sánchez of California, Mr. Cramer, Mr. Chandler, Mr. Oberstar, Mr. Serrano, Mr. Davis of Illinois, Mr. Rush, Ms. Matsui, Ms. Loretta Sanchez of California, Mr. Larson of Connecticut, Mr. Frank of Massachusetts, Mrs. Tauscher, Mr. Cleaver, Mr. Emanuel, Mr. Dingell, Mr. Pomeroy, Mr. Salazar, Mr. McNulty, Mr. Ackerman, Mr. Case, Mr. Boucher, Mr. Udall of Colorado, Mr. Carnahan, Mr. Clay, Mr. Wynn, Mr. Stark, Mr. Rangel, Ms. Eddie Bernice Johnson of Texas, Mr. Lewis of Georgia, Mr. Bishop of New York, Ms. Wasserman Schultz, Mr. Melancon, Mr. Pallone, Mr. Ruppersberger, and Mr. Spratt.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4755: Mr. McKeon.

SENATE—*Wednesday, June 21, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of mercies, teach us to be patient and kind. Bid us to understand one another before we idealize or condemn. Keep us aware of the cries of humanity, and use us as forces for good.

Continue to sustain the Members of this legislative body. Use them to enable others to realize their best. Empower them to seize opportunities to bring cheer to the despairing, companionship to the lonely, understanding to the perplexed, and hope to the downtrodden.

Renew a right spirit in us all as we seek to do Your will. And, Lord, continue to protect our military men and women in harm's way. Show Your strength, Lord, so that we may celebrate Your power. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a couple of minutes we will resume work on the Defense authorization bill. This morning we have an order for 90 minutes of debate prior to the two votes related to the minimum wage. Following those votes, Senator LEVIN will offer an amendment related to Iraq on which there will be 5 hours of debate. Many Senators have expressed a desire to speak during that time, and we may be able to set up blocks of controlled time in order to line up speakers. Following debate on the Levin amendment, we will set that amendment aside and begin debate on Senator KERRY's Iraq language. Although there is no limit for debate on that amendment, we anticipate that we will lock in a debate structure for that amendment as well. This is our second week of consideration of the bill, and last night, to ensure that we will finish the bill in a reasonable time, we filed cloture on the Defense authorization bill. Senators will have until 1 o'clock today to file their first-degree amendments.

With respect to the Iraq language, it is my expectation that we will vote on the Iraq amendments prior to the cloture vote which would occur on Thursday. Senator WARNER and Senator LEVIN have cleared a large number of amendments and will continue to work to clear additional amendments as we go forward. In addition, there will likely be germane amendments debated and voted once cloture is invoked.

Having said that, I look forward to constructive debate throughout the day and evening on the two Iraq amendments before us.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

IMMIGRATION REFORM

Mr. REID. Mr. President, the Senate is now in the middle of an important debate on Iraq, but it wasn't so long ago that we found ourselves in an important debate on another issue, immigration reform. It took weeks of negotiations for the Senate to develop the basic framework for legislation that both Democrats and Republicans could support. Then it took several more weeks to work through dozens of amendments and pass a bill, a comprehensive immigration reform bill.

The day we finally passed immigration legislation, I came to the floor to say it was a good day for the Senate but a day not for celebrating. News reports from all over the country this morning show why I was right. For example, from the Washington Post today:

> House Republicans have largely given up on passing a broad rewrite of the nation's immigration laws before the November elections. House GOP leaders said today they would hold hearings even before naming conferees.

The truth is out. For all their tough talk about securing our borders, House Republicans have no intention of actually accomplishing the goal. They want to defeat comprehensive immigration reform of the kind we passed in the Senate, a bipartisan bill, and House leaders are willing to sacrifice the security of the American people to accomplish what I believe are their selfish goals.

Let's be perfectly clear. This idea of field hearings is just a front, an attempt to delay, impede, and obstruct a bipartisan effort to strengthen our borders and fix our immigration system. The House doesn't need hearings to write a bill because they have already passed their bill. They don't need hearings to name conferees. The only reason for hearings is to pander to the rightwing base of their party and avoid the hard work of negotiating a final bill with the Senate for the American people.

It has been clear for weeks now that House Republicans have no interest in passing an immigration bill this year. But even as House leaders speak more and more openly about their opposition to comprehensive reform, we have heard only silence from the White House. The President went on national television and pledged his support for comprehensive reform. Now we will see if his actions match his words. I know the President is overseas, but I am confident there is reliable telephone service in Vienna. I respectfully suggest that President Bush pick up the phone and tell the Speaker and the majority leader of the House to stop stalling. He needs to persuade them that our national security depends on action, a conference, and final legislation.

Meanwhile, here in the Senate, I am waiting for assurances from the majority leader that the conference committee on immigration reform will address only immigration reform, not tax breaks for corporations or billionaires. I am confident the majority leader can provide those assurances. He has told me he wants to; he just hasn't done so.

Democrats are ready to roll up their sleeves and get this bill done. We are determined to move forward. I have a list of Democratic conferees in my pocket. I also happen to know that there are a fair number of Republicans who want to move forward. I spoke yesterday to two of my Republican colleagues who said they are willing to sign a letter saying that if anything comes back from conference with anything other than the tax measures that are in this bill, they will not support the conference report.

Unlike same-sex marriage and flag burning, immigration reform is an issue that affects real people every day.

It is a national security issue. It is an economic issue, an issue that my constituents want us to deal with. It is an issue all Americans want us to deal with. Certainly no one wants to do it the way the House did it, by making felons out of immigrants, by making criminals out of humanitarian workers who operate soup kitchens, or the clergy who offer these immigrants religious counseling or, from a Catholic perspective, have them be given the holy sacraments. It is untoward what their bill does.

The way the Senate did it, by beefing up security on the borders and forcing employer sanctions and giving out undocumented aliens who are here a way to get right with the law and to have strong employer sanctions, is what the American people want and deserve.

The Senate has worked its will. The House has worked its will. It is time to let the conference committee go forward and come up with a product. It is my hope President Bush won't let a few extreme Republicans hold our border security hostage. It is my hope the House leaders will abandon their delaying tactics once and for all.

Some have said that the immigration bill is on life support. Well, we Democrats don't believe that. We want to breathe life into this process. This legislation is imperative. It is important. I hope my Republican colleagues won't put this on life support. If so, they will help us revive this most important issue.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield.

Mr. KENNEDY. I join my leader urging the House to move forward promptly. Would the leader not agree with me that at the current time our borders are effectively broken and that only means a real potential danger to our national security, and that our legislation that passed in the Senate would address that aspect of the immigration issue? Would the Senator agree with me on that?

Mr. REID. I respond to my friend, there is no finer example of how legislation should move forward than what we did in the Senate. The President got involved. We applauded him. We had Democrats and Republicans working together. What we did was extraordinary. I heard an interview on National Public Radio this morning where the acting head of the Immigration and Naturalization Service was saying that he doesn't want a fence on the entire border with Mexico. Well, the Senate worked its will. We agreed. We have a fence in certain places, but we have security. Security was our No. 1 issue. We took care of security. We took care of a guest worker program that is badly needed, a pathway to legalization. We took care of enforcing employer sanctions. We have a piece of legislation that every American should be proud of. It should not be demagogued, and that is what is happening in the House.

We need to work together. It is so important that we do something. I hold up the Senate legislation as a model for how we should move legislation. We should have a conference with the House and have a final product. I am calling on the President today to continue his partnership with us on this legislation, not concede that we can't get this done.

Mr. KENNEDY. If the Senator will yield for another brief question, the Senator would agree with me that effectively our borders are broken. The employer enforcement program that exists today is in tatters, as we have seen from the GAO report. There is continuously this Third World underground economy that is operating effectively out of control. All those issues were addressed effectively and in a bipartisan way in the Senate.

Would the Senator not agree with me that if the House continues to avoid a conference and the hopeful aspect of a reasonable compromise, we fail the American people in dealing with these extremely important public policy issues in a bipartisan way?

Mr. REID. Mr. President, as an example on employer sanctions—they are in such desperate shape—last year there were three enforcement measures taken. In our bill, we provide for 7,000 new hires that will deal only with employer sanctions. That is one example. The other example is that with border security, which is in desperate shape as we speak, I have been there. I have seen what happens. There are 24 lanes of traffic coming in at the San Ysidro border security point, 24 lanes of traffic every day, 24 hours a day. They don't have enough help there. We have given them help so they can do their job. That is another example.

I feel so desperate, desperate for the American people. I feel desperate for my State. We have problems. This bill would address our problems in Nevada.

Mr. KENNEDY. The Senator realizes, we have $25 billion for border security and other immigration enforcement. Evidently, the House doesn't believe that is something that ought to get passed if we are not going to have a resolution of that issue, $25 billion in terms of enforcement spending that is authorized. If we don't get that passed, we don't have that $25 billion; am I correct?

Mr. REID. The Senator is absolutely right. I want to say to my friend, people are calling for bipartisanship in the Congress.

Here we had it in the Senate. We have the Senator from Massachusetts who has a certain political philosophy and the Senator from Arizona with a certain political philosophy; they have locked arms with Democrats and Republicans of all political philosophies, and we came up with a tremendous piece of legislation.

If there is something wrong with our legislation, let's go to conference on it. We would be happy to visit with them. Let's not say we are not going to work with you. We want to have a conference and work out legislation that will protect our borders and give the American people what they need. We have to do this.

Mr. KENNEDY. I have a final question. Would the Senator agree with me that the time for talking has ended and the time for action ought to be now?

Mr. REID. Yes. I have in my pocket the names of our conferees. We are ready to roll; we are ready to go to work.

Mr. NELSON of Florida. Will the Senator yield for a question?

The PRESIDENT pro tempore. The Senator's leadership time has expired.

Mr. REID. Mr. President, I ask unanimous consent to be able to respond to a question from my friend from Florida.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Would the Senator agree, given the fact that the Senate position is often described as amnesty, that indeed amnesty is the current situation of the law—a law that passed in the 1980s that is not enforced by the Government, that is not obeyed by the people nor the employers of this country and which, in effect, grants amnesty to 12 million people who are illegally in this country and that the whole point of the Senate bill is to remove this amnesty under the present condition and return those who are going to be here working in a legal status? Would the Senator think that is a fair characterization?

Mr. REID. Mr. President, it is very clear we worked very hard to make sure there was no amnesty and that there was a path to legalization. The people had to have a job, pay their taxes and stay out of trouble, learn English and pay penalties and fines and then move to the back of the line. What we did legislatively was nothing short of miraculous to get it passed in this body. It would be a disaster for this country not to move forward on this with the tremendous amount of work we have done. As I have said, on a bipartisan basis we did that. Here is a Senate action that was not in a partisan vein but in a bipartisan vein.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of S. 2766, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2766) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the act after John Warner, a Senator from Virginia.

Kennedy amendment No. 4322, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Enzi amendment No. 4376, to promote job creation and small business preservation in the adjustment of the Federal minimum wage.

The PRESIDENT pro tempore. Under the previous order, there will be 1½ hours equally divided for debate between the Senator from Wyoming, Mr. ENZI, and the Senator from Massachusetts, Mr. KENNEDY or their designees.

Who yields time? The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, in a short while, we will have an opportunity in the Senate to vote on whether we are going to provide an increase in the minimum wage that will affect approximately 15 million Americans. We have not, as has been pointed out in our discussions yesterday and the day before, increased the minimum wage in the last 9 years. Even the $5.15 an hour, the current minimum wage, has lost, since 9 years ago, about 20 percent of its purchasing power.

The men and women who earn the minimum wage are men and women of dignity. They take pride in doing the jobs they do, although they do very menial work at the bottom rung of the economic ladder. They work as teachers assistants in our schools. They work in the nursing homes looking after the men and women who have made this country the great country it is. They provide the essential services in many of the buildings of our Nation, where American commerce is taking place. They work and they play by the rules and still they fall further and further behind.

I think there is a broad agreement in this body—there should be—that if you are going to work in the United States and you are going to work 40 hours a week, 52 weeks a year, you should not have to live in poverty. But these individuals do. We have seen what has happened to the minimum wage over recent years. The minimum wage jobs are not jobs that get you out of poverty. Minimum wage jobs are jobs that keep you in poverty. That is a rather dramatic difference from what we have had historically when we had Democratic and Republican administrations all voting for an increase in the minimum wage and an expansion of minimum wage coverage.

So that is the issue that is going to be before us, whether we are going to go over a 2-year period and raise the minimum wage to $7.25 an hour. There are those who are strongly opposed to it. We heard some of those voices yesterday. They say let's let the market decide on these issues. Let's let the market make the judgment and decide whether $5.15 is fair or whether we should see even a reduction. We have a number of States that have no minimum wage whatsoever, none. It is amazing. Six States have no minimum wage. One State has minimum wage of $2.65 an hour.

I think Americans have made the judgment that a minimum wage ought to be a minimum wage and people who work ought to be able to at least get the essentials in life. Of course, that is impossible today with the explosion in costs. We have seen the explosion of costs taking place, whether it is gasoline, education funds, health care or whether it is food, but we have not seen an increase in the minimum wage. We have seen an increase in salaries of the Members of the Senate. That has gone through. We have seen that over the last 9 years.

We have increased our salaries with the cost of living by some $30,000, but we refuse to provide an increase in the minimum wage for primarily women because 59 percent of these individuals who would benefit are women. They work hard. Many of those women have children. So it is a women's issue and a children's issue. It is also a family issue. We hear a great deal in the public discourse about family values, about our value system in the United States. Is X, Y, and Z public policy issue consistent with our values? Certainly, if you are talking about having someone who is going to work 40 hours a week, a women who works hard and is trying to raise a child, whether they are going to be able to have any family time together effectively or whether that woman is going to have to work two or three jobs and have little or no time with that child is a family issue and is a values issue.

Americans understand that. So this is a values issue. The leaders of our great religions understand it.

That is why the members of the churches in our country have been in strong support—and I will come back to that in a minute—of an increase in the minimum wage. It is also a civil rights issue because so many of those men and women entering the job market at this level are men and women of color. It is a children's issue, a women's issue and, mostly I as I have said many times and continue to say, it is a fairness issue. Americans understand fairness. Work hard and play by the rules in the richest country in the world and you should not have to live in poverty. Yet we find that at the end of the year, these families are $6,000 below the poverty line and they are falling further behind.

This is it. We'are not going to get another chance. Arguments will be made that, well, you should not offer it on this particular legislation. This is the Defense authorization bill. We say: Look, Mr. Republican leader, give us a chance to have a direct up-or-down vote on the increase in the minimum wage. You have your alternative on it. Give us a freestanding bill and I have indicated that we would withdraw this amendment, but we have been unable to get that.

All of us understand legislatively that we are moving more and more rapidly into the appropriations, and there is going to be a point of order made against legislating on appropriations. This legislation is appropriate for a very basic and fundamental reason. That is why our men and women who wear the American uniform are fighting in Iraq and fighting in Afghanistan—to defend American values and ideals. One of the American values is fairness here at home. It is treating people fairly for a day's work. That is an American value. That is one of the values these Americans are fighting for. That is why it is appropriate here. I don't know offhand, though, if we had more time—and I will find out next time we debate this issue because even if we get $7.25 an hour, we are still failing to meet the needs of working poor. I don't know how many servicemen are in the military serving overseas whose parents are earning the minimum wage, but there are scores of them.

So this is about the values we hold in this country and the values worth protecting by the military of this country. That is what it is talking about. We understand there are important debates going on through noontime, and as far as I am concerned, they can go on through the evening. The idea that we are taking a few moments this morning to talk about an issue that affects some 15 million of our fellow citizens—this Senate could find plenty of time to debate the estate taxes, plenty of time to debate flag burning. I don't know when the last flag was burned in my State of Massachusetts, but we have plenty of time to deal with that. We have had plenty of time on the Federal marriage amendment. But we don't want to deal with an increase in the minimum wage that affects 15 million people.

There you are. There are the priorities. It could not be clearer. So we know where we stand. We are always asked how we stand on different issues: What do you believe in?

We will have a very good opportunity this morning to indicate what we believe in. That is basically the framework of this issue.

Mr. President, how much time have I used?

The PRESIDING OFFICER (Mr. ISAKSON). Thirty-four minutes.

Mr. KENNEDY. I yield myself 4 more minutes.

Mr. President, this letter is from the heads of 33 major religious groups calling on Congress to do its moral duty to raise the minimum wage. This is the Let Justice Roll, which is an organization of faith and community leaders:

> As leaders of our respective faith communities, we call on Congress to raise the Federal minimum wage in the 109th session. For too long, the ranks of the working poor have grown in this country. For too long, low-wage workers have been unable to support themselves and their families, even though they work several jobs, trying to make ends meet. Poverty has become a disease, striking at the very heart of the United States, attacking the most vulnerable, even as the wealthy few continue to accumulate far more than their reasonable share. It is unacceptable that such a state of affairs be allowed to continue, as year after year, Congress fails to pass an increase in the Federal minimum wage.
>
> Prophetic voices through the ages have called upon their nations to show justice to the poorest and most vulnerable in society. The Prophet Amos exhorts the people of Israel, "Hate evil and love good, and establish justice. Let justice roll down like waters and righteousness like an ever-flowing stream." Then, and now, the assembled people of God are called upon to establish justice for low-wage workers, whose cries are so often heard across our land.

Mr. President, I ask unanimous consent that the letter and the signers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIVING WAGE CAMPAIGN,
November 7, 2005.

DEAR MEMBERS OF CONGRESS: As leaders of our respective faith communities, we call on Congress to raise the Federal minimum wage in the 109th session. For too long, the ranks of the working poor have grown in this country. For too long, low-wage workers have been unable to support themselves and their families, even though they work several jobs, trying to make ends meet. Poverty has become a disease, striking at the very heart of the United States, attacking the most vulnerable, even as the wealthy few continue to accumulate far more than their reasonable share. It is unacceptable that such a state of affairs be allowed to continue, as year after year, Congress fails to pass an increase in the Federal minimum wage.

Prophetic voices throughout the ages have called upon their nations to show justice to the poorest and most vulnerable in society. The Prophet Amos exhorts the people of Israel, "Hate evil and love good, and establish justice. Let justice roll down like waters, and righteousness like an ever-flowing stream." Then, and now, the assembled people of God are called upon to establish justice for low-wage workers, whose cries are so often heard across our land.

The situation among America's minimum wage workers is particularly dire. A minimum wage employee—making $5.15 an hour, working 40 hours a week, 52 weeks a year, earns $10,700 a year—$5,000 below the Federal poverty line for a family of three. The real value of the minimum wage today is nearly $4.00 less than it was in 1968. Indeed, in order for the minimum wage to have the same purchasing power as it did in 1968, the Federal minimum would have to be raised to more than $9.00. This situation is unconscionable, as the wealth of our Nation continues to be built on the backs of the working poor.

In his Where Do We Go from Here: Chaos or Community?, our modern-day prophet, the Rev. Dr. Martin Luther King, Jr., says, "There is nothing new about poverty. What is new, however, is that we now have the resources to get rid of it." It is time to heed the call of the prophets, both ancient and modern. It is time to recognize that a minimum wage should be a fair, just, and living wage.

Signed,

Kim Bobo, Executive Director of Interfaith Worker Justice; The Reverend Dr. Robert W. Edgar, General Secretary of the National Council of Churches of Christ; The Reverend C. Welton Gaddy, President of The Interfaith Alliance and the Interfaith Alliance Foundation; The Most Reverend Frank T. Griswold, Presiding Bishop and Primate of the Episcopal Church; The Reverend Dr. Stan Hastey, Executive Director of the Alliance of Baptists; James E. Hug, S.J., President of Center of Concern; The Reverend Dr. Clifton Kirkpatrick, Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.); The Reverend Timothy McDonald III and the Reverend Dr. Robert P. Shine, Sr., Chair and Vice-Chair of African American Ministers in Action.

Mary Ellen McNish, General Secretary of the American Friends Service Committee; Bishop William B. Oden, Head of Communion and Ecumenical Officer of the United Methodist Church; Bishop Roy Riley, Chair of the Evangelical Lutheran Church Conference of Bishops; Rabbi David Saperstein, Director and Counsel of the Religious Action Center of Reform Judaism; Alexander Sharp, Executive Director of Protestants for the Common Good; The Reverend William G. Sinkford, President of the Unitarian Universalist Association; The Reverend John H. Thomas, General Minister and President of the United Church of Christ; The Reverend Romal J. Tune, CEO of Clergy Strategic Alliances, LLC.

The Reverend Dr. Sharon Watkins, General Minister and President of the Christian Church (Disciples of Christ); Rabbi Eric Yoffie, President of the Union for Reform Judaism; Scott D. Anderson, Executive Director of the Wisconsin Council of Churches; The Reverend John Boonstra, Executive Minister of the Washington State Association of Churches; The Reverend Albert G. Cohen, Executive Director of the Southern California Ecumenical Council; The Reverend Stephen Copley, President of the Arkansas Interfaith Conference; The Reverend Dr. Barbara Dua, Executive Director of the New Mexico Conference of Churches' The Reverend Nancy Jo Kemper, Executive Director of the Kentucky Council of Churches.

David Lamarre-Vincent, Executive Director of the New Hampshire Council of Churches; David A. Leslie, Executive Director of Ecumenical Ministries of Oregon; Marilyn P. Mecham, Exeutive of Interchurch Ministries of Nebraska; The Reverend J. George Reed, Executive Director of the North Carolina Council of Churches; The Reverend Dr. Stephen J. Sidorak, Jr., Executive Director of the Christian Conference of Connecticut; The Reverend C. Douglas Smith, Executive Director of the Virginia Interfaith Center for Public Policy; The Reverend Dennis Sparks, Executive Director of the West Virginia Council of Churches; The Reverend Sandra L. Strauss Director of Public Advocacy of the Pennsylvania Council of Churches; The Reverend Rebecca Tollefson, Executive Director of the Ohio Council of Churches.

Mr. KENNEDY. Mr. President, when we asked people to sign on as citizen cosponsors of the Fair Minimum Wage Act, 1,000 religious leaders answered the call. They took a stand to say that minimum wage is a moral issue that must be addressed. They have come together from all denominations, all walks of life to send this important message.

I will take a couple more moments.

First, I remind my colleagues in the Senate that support for an increase in the minimum wage is going like a wildfire across the country. This chart indicates in red those States which have increased the minimum wage above the Federal Government minimum wage. Look at this: Arkansas and Illinois.

The States in yellow are those States where the minimum wage will likely be on the ballot this fall.

Illinois, Florida, North Carolina—red States—passed an increase in the minimum wage in both houses, but they have not been reconciled. North Carolina, Arkansas, the home of Wal-Mart, increased the minimum wage.

This is happening in the countryside. I remind the Senate again, with the failure to increase the minimum wage, what the impact has been on families and on the poor.

From 2000 to 2004, we failed to increase the minimum wage and 1.4 million more children have fallen into poverty. If we look at what has been happening to families, 5.4 million more Americans are in poverty over the last 4 years. This does not bring it up to 2006. This would continue to grow. It is 5.4 million now. The best estimate is we have 1.4 million more children who are now in poverty.

In terms of the industrialized nations of the world, this is what has happened: We have the highest child poverty rate in the industrialized world, and we haven't increased our minimum wage.

I remind my colleagues what has been happening in other countries. Tony Blair said 7 years ago that he was going to end poverty in Britain by 2020. There were 4 million children living in poverty, and he said, as a matter of national direction and vision, that he was going to eliminate poverty for children by 2020. This is what they have done. They will have a minimum wage of $9.80—$9.80—an hour this October. They have moved 1.8 million children out of poverty over the last 4 years. The United States has refused to increase the minimum wage, and we have put 1.4 million children into poverty. That is completely unacceptable.

This is the time.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 28 minutes 48 seconds remaining.

Mr. KENNEDY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 15 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask that I be notified when I have consumed 12 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Mr. President, I didn't expect to hear the Democratic leader talk about the immigration bill this morning and his and Senator KENNEDY's desire to rush it through the House of Representatives, calling for action now. It is a very bad bill, and it impacts directly the issues we are talking about today—wages for working Americans. I am going to talk about that issue and ask our colleagues to give serious thought to the matters I will raise.

With regard to our colleagues who claim they are concerned about poverty among American workers, I ask those Members—Senator REID and Senator KENNEDY—who proposed the immigration bill and tried to rush it through this Senate without any amendments to consider some of the concerns of their own allies, economists and professors, who believe that if passed, it would damage the wages of American workers.

I agree that we have a troubling condition in our country. People have referred to it often as the wage gap, that higher income people seem to be doing well, but there has been a lag in performance among lower income workers. That has caused quite a bit of concern. I am not sure exactly what the economic numbers show on that, but repeatedly, we have been told often from our Democratic colleagues—but not so much lately—that there is a growing gap in income. Why is this occurring? I wish to share some thoughts about it because I believe it is important.

Let me mention this: I don't want the American worker to have a $7.25-an-hour job; I want them to have a $15-an-hour job, a $30-an-hour job. That is what we want in an economy that is growing and prosperous. We want a full-employment economy where people can choose jobs that fulfill their highest aspirations and pay them a good wage, with good retirement and good health care, and we are creating a growing economy that nurtures that. But for some reason, the wages in some job markets have not kept up as well as they should.

I will read from a number of experts on this matter and ask my colleagues to think about it, not what I say but what the experts say. I am looking at a Washington Post article from Jonathan Weisman, March 31, dealing with this precise issue of minimum wage and immigration. It is titled "Immigration Divides Allies, Guest Worker Plan Sets Democratic Supports Against Organized Labor." It starts off saying this:

> A growing body of economic research contends that the recent surge of foreign workers has depressed wages for low-skilled workers, especially for high school dropouts, and has even begun displacing native-born workers.

Then the article quotes Professor George Borjas, an economist at Harvard University's John F. Kennedy School of Government. He has written a definitive book on immigration, "Heaven's Door." He says:

> What immigration really does is redistribute wealth away from workers toward employers.

I did mention my good friend Senator KENNEDY. Senator KENNEDY has been a champion for civil rights, and a champion for helping us fight poverty, and he cares about this issue very deeply. He sincerely does. But I suggest he is not always perfectly correct on how to fix it. We can have a legitimate debate about how to improve the wages of working Americans, and that is what we need to be talking about.

The article says:

> Kennedy, the Senate's liberal lion and an unflagging ally of organized labor, says the [immigration] legislation he co-wrote would help all low-wage workers by applying minimum-wage laws and other . . . protections.

The AFL–CIO disagrees. According to John Sweeney, the AFL–CIO President:

> Guest-worker programs cast [American] workers into a perennial second-class status and unfairly put their fates into their employers' hands, creating a situation ripe for exploitation. . . .

He goes on:

> "They encourage employers to turn good jobs into temporary jobs at reduced wages and diminished working conditions and contribute to the growing class of workers laboring in poverty."

That was Mr. Sweeney. Mr. Weisman, the staff writer for the Washington Post, then quotes Professor Borjas:

> But some of those macroeconomic gains have come at the expense of low-wage workers, especially the 10 percent of the labor force that dropped out of high school. In recent years, competition from low-skilled immigrant workers has reduced the wages of high school dropouts by as much as 8 percent, Borjas said.

How about another professor, Andrew Sum, director of Northeastern University's Center for Labor Market Studies. The article says quotes him:

> Looking at annual earnings, the percentage losses are in the double digits, said Andrew Sum, director of Northeastern University's Center for Labor Market Studies, because jobs that once provided year-round employment are increasingly becoming temporary.
>
> A Northeastern University study found that nearly 86 percent——

Listen to this, I say to my colleagues, this is important for us.

> A Northeastern study found that nearly 86 percent of all newly employed workers hired from 2000 to 2005 were immigrants. For men, the statistics were more stark. In that time, the labor market for men rose by 2.66 million while 2.77 million foreign-born men found work.

Listen to that: The Northeastern study found that foreign-born workers filled all of the new jobs created for men between 2000 and 2005, plus some other jobs.

> In other words, Sum said, immigrants have begun replacing native-born male workers.

In the immigration bill floor debate, if we not forced the Democratic side to allow us to have some amendments and reduce some of the incredible increases in immigration under the bill as presented, it would have been shocking what the immigration bill would have done to the jobs and wages of American workers. Even after successful amendments that cut the numbers of low-skilled workers allowed to come in the future, the Senate bill will still, over 20 years, virtually triple the number of people coming into our country legally, not counting those who will continue to come illegally. That will undoubtedly impact our economy. That is why the House of Representatives needs to examine this bill very carefully before we go to conference.

How about this one? Professor Sum is quoted again in the Post article: "Young guys are being displaced by immigrants," he said. "Some of my good liberal friends take issue, but if you're a young worker under 25, poorly educated, probably African American, the higher the share of new immigrants in your community, the worse your employment prospects are becoming."

How about Carol Swain, a law professor and political scientist at Vanderbilt University? She is also quoted in the Post article:

> "What they're doing is increasing the pool of people eligible to compete for the very limited resources that are available for the people at the bottom. . . .The obligation of the nation should be for the people who have been here for decades."

How about the famous economics professor Robert Samuelson? He wrote an article in May in the Washington Post titled "Still Dodging Immigration's Truths." He quotes approvingly from the testimony before our Judiciary Committee of Barry Chiswick, University of Illinois, an immigration scholar, most respected, who said the presence of immigrants in the labor market:

> Increases competition for low-skilled jobs, reducing the earnings of low-skilled native-

> born workers. Because of their low earnings, low-skilled immigrants also tend to pay less in taxes than they receive in public benefits. . . . Hardly anyone is discussing these issues candidly. We can be a lawful society and a welcoming society simultaneously [as President Bush has said] but we cannot be a welcoming society for limitless numbers . . . without seriously compromising our own future.

Part of the future he is talking about, is the future of the American worker. Samuelson goes on to say, and I quote the line from Professor Samuelson's article: "Competition among them [low-skilled workers] depresses wages." He is talking about the additional flow of illegal immigrants into our country, or legal immigrants, for that matter. Increasing competition for the American worker by increasing the number of immigrant workers available in the labor market will depress the wages for the American worker.

In another article, Professor Samuelson, says this. He notes that illegal immigrants already here represent only about 4.9 percent of the labor force, and in no major occupation are immigrants a majority. They are 36 percent of insulation workers, 28 percent of drywall installers, and 20 percent of cooks who are drawn here by wage differences, not labor shortages. He writes about how most new illegal immigrants get work by accepting wages below the prevailing rates. What would happen, he asks, if new, illegal immigration stopped and wasn't replaced by guest workers? Well, some employers would raise wages to attract U.S. workers.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. SESSIONS. I thank the Chair. He goes on to say: Facing greater labor costs, some would find ways to minimize costs. But he goes on to ask this question, and let me quote Professor Samuelson:

> What is wrong with higher wages for the poorest workers? From 1994 to 2004, the wages of high school dropouts rose only 2.3 percent after inflation, compared with 11.9 percent for college graduates. The number of native high school dropouts with jobs declined by 1.3 million from 2000 to 2005. Some lost jobs to immigrants. Unemployment remains high for some groups; 9.3 percent for African Americans.

I know that is true in my State. Although we have a great unemployment rate in Alabama—under 4 percent—we still have a far too high rate among the African-American community. And 12.7 percent for white teenagers, he notes. He says this: Poor immigrant workers hurt the wages of unskilled Americans; the only question is how much. One estimate, he said, was 10 percent.

We discussed these issues in the Judiciary Committee. We had one hearing on it. We had a number of professors, including Professor Freeman, the Ascherman Professor of Economics at Harvard. He said these things about the jobs and wages of American workers:

> One of the concerns when immigrants come in is they may take jobs from some Americans and drive down the wages of some Americans and obviously, if there are a large number of immigrants coming in, if they are coming in at a bad economic time, that is very likely to happen.

Professor Chiswick, University of Illinois at Chicago said the following:

> The large increase in low-skilled immigration has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently resident in the United States.

He said this:

> Over the past two decades, the real earnings of high-skilled workers has risen substantially. The real earnings of low-skilled workers have either stagnated or decreased.

These economists are telling us what other people will not. We are being told by the business community that there is this incredible shortage out there—they can't find workers so they have to have foreign workers—but now we know the earnings of low-skilled workers have stagnated and decreased. Why? If a business wants to find more workers, they will usually increase wages, not decrease them.

He goes on to say—my time is about up, but I have quite a number of others.

Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. ENZI. Mr. President, may I ask unanimous consent that the Senator's additional comments be printed in the RECORD.

Mr. SESSIONS. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take 2 minutes to respond to my friend from Alabama, and then I see the Senator from Connecticut on the floor.

The Senator from Alabama has made the best case for comprehensive immigration reform because if you are not going to have the comprehensive reform, you are going to have the continuation of the pressure of driving wages down, as we find our employers hiring the undocumented workers. It has been his administration—according to the General Accounting Office, the Republican administration—that has refused to enforce employer sanctions against the employers who are currently doing it. There have been three cases in the last 4 years, $220,000 in fines. If he is so worried about this, I would say, Why aren't we after the Labor Department to try to do something about it?

Second point: For those who are going to come into the United States—and they ought to be able to come into the United States as workers, if there is a job an American does not take—there is going to be the labor protections, which do not exist today. There is going to be prevailing wage protections, there are Davis-Bacon protections, if they work in contract, if they work in construction, and service contract employees. None of that has been mentioned by the Senator from Alabama. That is an entirely different current situation. And we are going to have 7,000 inspectors to make sure that it is enforced, which does not exist now and is a principal reason why we have the kinds of results the Senator from Alabama refers to.

Mr. President, he has made the best case possible for passing a comprehensive program so that those conditions would not exist.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 26 minutes 45 seconds.

Mr. DODD. If I could have 10 or 12 minutes, if that is appropriate.

Mr. KENNEDY. Why don't we start with 10.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, does the Senator from Alabama want 30 seconds? I will be glad to take this at another time when we have the time. I yield 30 seconds to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator. I would note we wrestled before Y2K as to how many high-skilled foreign workers the U.S. needed to let in for that period—you and I both discussed that in the Judiciary Committee and whether it would adversely impact the wages of high-skilled American workers. I would say that the current rate of immigration, legal and illegal—and I believe there is a growing consensus that supports this view—has depressed the wages of low-skilled American workers. I would ask the Senator if he would dispute the fact that the immigration bill he introduced would have greatly increased the number of immigrants into the country and wouldn't that have further adversely impacted the wages of low-skilled American workers?

Mr. KENNEDY. Mr. President, 15 seconds in response. The legislation we have introduced would require that there be a job that an American worker has not been interested in and refused to accept. Those are the jobs individuals would be eligible for under the guest worker program. I look forward to continuing this debate with my friend from Alabama.

I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, let me begin by thanking, again, my colleague from Massachusetts and others who have fought so long and hard over the last decade to have an increase in the minimum wage in our country, from the $5.15 that was adopted about a decade ago, to the suggestion today that we raise it by $2.10. To many, $2.10 is nothing more than a cup of coffee at a high-priced coffee shop today or a few sodas or a sandwich along the way, but it makes a difference, Mr. President.

An increase in the minimum wage of $2.10, after nearly a decade, will add some $4,400 to the incomes of people who are depending upon the minimum wage to provide for themselves and their families. Remember whom we are talking about. The overwhelming majority of minimum wage workers are not teenagers, but are adults—working people trying to raise families, 60 percent of whom are women, many of whom are raising children on their own. So this $2.10 increase after nearly a decade, an additional $4,400 per year, means a great deal.

We are told by those who do the math on all of this that the increase could buy as much as 15 months of groceries for that families, 8 months of rent, 20 months of childcare—an issue that I worked with our colleague on many years ago—the importance of having a decent childcare program. As you are saying to these people, you have to stay at work and you have young children, where do the children go? The average cost of childcare rises all the time for people in this country. How do you expect someone making a minimum wage of $5.15 per hour who has two or three young children to keep them in a safe place with that kind of an income level? That $4,400 would be a tremendous help at that income level. That is the kind of difference we are talking about.

A group called America's Second Harvest has recently reported that they provide emergency hunger relief services to more than 25.3 million low-income people in the United States each year. That is an 18-percent increase since 1997. No other organization in our country does as much on a national level as Second Harvest does.

The numbers are quite clear. Over the last 4 or 5 years, we have watched an increase in children living in poverty in the United States climb by 1.4 million. What we are talking about is some 13 million children today who are living in poverty. Of the 37 million in our country, 13 million children who, through no fault of their own, through the accident of birth, are born into difficult circumstances. Those poverty numbers are going up. They are not going down.

What do we do about these children? How do we guarantee this child will get a good education? How do you learn anything in a school today if you are going to that school hungry? Talk to any grade school teacher in America in any community you wish and ask them the simple question: What is the difference between a child who has a decent meal in the morning and one who doesn't, in terms of their ability to learn, and they will tell you categorically that a child who is hungry doesn't learn.

We talk all the time about making sure America is going to be strong and vital and economically competitive in the global marketplace of the 21st century. If we continue increasing child poverty at the rate it is increasing now, this country will have a very difficult time, in my view, of meeting the competitive challenges it will face in this century.

So this proposal does make a difference—a huge difference—in the lives of people who struggle every day, good Americans out there who are trying to keep their families together. How does anyone expect a family today, particularly a family with two or three children, to live on a full-time salary of $10,700 a year? That is what you get with $5.15—$10,700 per year. I don't know of anyone who believes that you can meet your obligations of housing and food, of medical care you may need. You have to make terrible choices at that level.

I am not suggesting that $7.25 is going to solve all of those problems. But the cost of living has gone up. Everyone knows that. What has happened to gasoline prices and energy prices over the last number of months?

We have increased our salaries as Members of Congress by over $31,000 since 1997. Again, I have supported a number of those increases. How do we look in the mirror and say: A $31,000 increase for a Senator, a Congressman. Yet we can't provide a $2.10 per hour increase for someone making the minimum wage? How do we answer that question? We know the cost of living has gone up. We see it every single day. Minimum wage workers see it in a more painful way.

So I hope my colleagues, in the next 45 minutes when we have a chance to vote on this issue, vote for the Kennedy amendment. Raise the minimum wage that $2.10 and give these people a chance. Let's bring these poverty numbers down. All of us, regardless of party, ideology or anything else, ought to be committed to see to it in the United States of America that child poverty doesn't go up, it goes down. These are innocents. They didn't do anything except be born into a circumstance not of their choosing. We owe them and we owe the future of this country a lot better than they are getting. After one long decade of increasing prices, $2.10 is very little to ask. Democrats and Republicans ought to be able to come together around that request.

I hope that we can make that kind of difference. My colleague from Massachusetts and others want to be heard on this issue. I have great respect for my colleague from Wyoming who chairs our committee and does a terrific job, and we work together on many issues. But my hope is we accept the Kennedy amendment.

I didn't go into the problems of the alternative proposal, but it would mean that millions of children will get a lot less than they will if you adopt the Kennedy proposal of $2.10. This is a time when we ought to be doing what we can to strengthen those in our country who need some help now. That is all we are asking.

I have some 350,000 people in my State who show up at food shelters to get some assistance. That is in the most affluent State of the country on a per-capita basis, and even the State of Connecticut faces difficulties on this issue.

I know my colleagues from less affluent States see the problem in a far more dramatic way. It is not lost on me that States that have the lowest minimum wage at the State level have the highest levels of child poverty. With all the money we spend here, this is little to ask.

Small business is interested. A poll conducted among small businesses found that 86 percent of small businesses responded that an increase like this in the minimum wage is acceptable to them. In fact, studies in other countries have pointed out that their economies have not been adversely affected by this.

If small businesses said an increase is warranted, we as Members of the Congress ought not be holding back. If people who pay this wage believe it is the right thing to do, Members of Congress ought to join with them.

I urge my colleagues to support the Kennedy amendment—$2.10 to make life a little easier for people out there struggling every day to make ends meet. This is the United States of America. These children deserve better. Their families deserve at least an opportunity to get out from under the tremendous burdens they are facing every day. I urge adoption of the amendment when the vote occurs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. GREGG. I thank the Senator for his proposal which I think is a very thoughtful and effective way of addressing many issues, which especially single women in the workplace, especially single moms in the workplace have today. These are issues which are not addressed by the Kennedy amendment.

Whether it is $1.10 or $2.05, that is an important debate because it will have an important effect on how many jobs are created, and the impact on job creation and jobs is what we are talking about here. If you start losing jobs because you raise the minimum wage too quickly, so fast that small employers can't afford it, that is going to have an effect on people's opportunity to work.

I think the Senator from Wyoming has put forth a much more balanced approach as to what number the minimum wage should be raised by, but that is not what is going to make the workplace a more tolerable event and a more acceptable event for the single mother who has kids at home. What would help a lot in this area is additional language in the Enzi proposal which is called "family time." It is resisted aggressively by the other side of the aisle, and I don't understand it.

We just heard an impassioned plea from the Senator from Connecticut about working moms, single mothers—especially single mothers in low-paying jobs who have a very difficult time maintaining the quality of their household and taking care of their kids. Yet they resist a proposal which all Federal employees have had the right to since 1978, which is called "family time." They stiff-arm the working mother in this country.

This may have been acceptable because the unions demanded that they do this back in the 1950s and 1960s, when there were not that many single mothers working in the workplace. But today there is a huge participation in the workplace from single mothers. Back in 1940, only 28 percent of the workplace were women. Today, 60 percent of the workplace are women. You have almost 7.3 million single mothers in the workplace, raising a family and trying to take care of their kids' needs at home. The Enzi proposal says to those mothers, if you want to, you can work out an agreement with an employer—the employer can't demand that you do it, it is entirely up to you to sign on to that agreement; it is at your discretion; you can't be compelled to participate in this—where 1 week you can work up to 10 extra hours and the next week you work 10 less hours.

Why is that important, especially to a single mother? Because they may have a child who is going to have to have some sort of operation, they may have a child who has some sporting event that goes on for a period of days, or has a rehearsal, or just a period in their life where that child needs their mother at home for a greater period of time. This doesn't just apply to single mothers, it applies to working families, husbands and wives, but it is a really important right a single mother should have in the workplace. It is so important, in fact, that we gave it to Federal employees back in 1978. Yet year in and year out the concept of family time has been resisted by the other side of the aisle.

They come forward with these statements of compassion, which are very compelling and which are well delivered—especially by the Senator from Connecticut for whom I have great regard—but if they truly believed in that they would have incorporated in their bill the flextime proposal which Senator ENZI has put in his proposal. That is where real compassion is. That is going to affect a lot of people. Literally millions of working parents will be positively impacted if the Enzi bill passes.

Sure, the minimum wage is important. But there are a lot more people who are going to be affected by the family time language in this bill and improve their quality of life and their ability to raise their children well than by the increase in the minimum wage. The family time will apply to everybody who works in the workplace, especially—well, everybody who works on a fixed, 40-hour week.

If you want to look at the essence of what will really help an American family, and especially an American family with a single breadwinner in it—not a single breadwinner but a single person working, single mother specifically—if you want to look at what will really help that family, you have to look at the Enzi bill and the family time language.

Let me again explain what it does. It says, over a 2-week period, at the discretion of the working mother or the working father—or if they are both working, if they are together and they are both working—they can reach an agreement with their employer which says, 1 week I can work an extra 10 hours and, in exchange, the next week—or up to an extra 10 hours—I can work less 10 hours.

The impact of that is just huge on a family. It is not necessary they do it. They can continue their 40-hour week if they wish. But there are a lot of events that occur in the raising of children where you do need those extra hours to be at home, where you do need those extra hours to take your child on something that is really important to them—a trip or an event that maybe involves a number of days, a 3-day basketball tournament or a 3-day recital event, or maybe just a situation where you need that extra day to be at home and make sure your children have you there.

This opportunity, this benefit which we make available to all Federal employees, should clearly be available to people who are not in the Federal Government. Senator ENZI has, in a very reasonable way, put this language in his bill. I actually think this is much more important than the issue of this fight between the $1.10 and the $2 or $2.05 or whatever, because it is going to impact so many more people. Just on this issue alone you should vote for the Enzi bill because if you really want to improve the quality of the workplace, especially for the single mother, this bill will do it through the family time language he has put in here.

I congratulate the Senator from Wyoming for bringing this package forward. I think this package, just because this language is in there, is dramatically better, dramatically more compassionate. We hear a lot of language about compassion. It is dramatically more attentive to the needs of children in this country and proper parenting of children in this country than the package that has been brought forward from the other side. Why don't we include this on the other side? We know why they don't: Because labor unions are against it. It is a knee-jerk reaction on the part of organized big labor to this language. But we should not allow that sort of knee-jerk reaction to control our ability to give working mothers and families the opportunity to have this sort of benefit, which will clearly improve the ability of those people to take care of their children and to raise their children and to be good parents and do what they want to do, in order to make sure they are available when their kids need them.

I congratulate the Senator from Wyoming. I think he has put together an excellent package. I hope everyone will support it.

I yield the remainder of my time to the Senator from Wyoming.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has 16 minutes and 14 seconds.

Mr. KENNEDY. I yield myself 4 minutes.

I listened very carefully to the Senator from New Hampshire talk about flextime. Flextime is something that those of us on this side of the aisle support. But that is not what is in the bill. That is not what is in the bill. The Federal Government has what they call core time—core agency hours. That means that they have to work from 11 to 2 or 11 to 3, and then the other hours they can make the judgment whether they want to use that, in terms of flextime. That is the kind of proposal that makes some sense. That is what we would support. But that is not in this legislation.

The person who decides whether Mrs. Smith is going to get the time off to go to see her child's play or to see the ballgame is going to be the employer—period. Make no mistake about it. That is the way it is written here on page 4 of their legislation. If we are talking about providing a degree of flextime—we have been through this; we understand what it is—flextime is not the time that is allocated just by the employer when the employer makes the sole judgment and decision, as they do under the Enzi proposal—No. 1.

No. 2, the Senator from New Hampshire says, let's let that person work 50 hours a week this week and maybe 30 hours a week the next week. Here it is on page 4, which says:

> in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

That means you can work 50 hours 1 week and 30 hours at the present time. What is the current law? The current law is, if you work 50 hours 1 week and then 30 hours the second week, you get the overtime for the 10 hours here. Do you think that is in the Enzi proposal? No. It is not there. They have eliminated it. You work the extra hours and you don't get the extra pay. Some deal—some deal for someone. That is called flextime. If you can sell that, you can sell the Brooklyn Bridge.

This is what you are doing. Instead of giving the person the overtime, as has gone on under the Federal Labor Standards Act, that has been eliminated.

There is something else that the women of the country who are concerned about equal pay for equal work ought to understand. In the legislation under the Enzi amendment, because of the fact that you raise the exemption for companies that will be covered from $500,000 to $1 million, and because you eliminate the Federal Labor Standards Act protection for those who are involved in interstate commerce—that is all spelled out on page 13—that means 10 million workers will not have the protections of the minimum wage or the Federal Labor Standards Act, which means that the equal pay for equal work protections that are there for 4 to 5 million women will not be there.

Does America understand the difficulty we have had in this Chamber trying to get equal pay for equal work, let alone equal pay for comparable work? We have been able to get it under the Fair Labor Standards Act, and that is being eliminated for 4 to 5 million women.

Mr. DODD. Mr. President, will my colleague yield on that point?

Mr. KENNEDY. Yes.

Mr. DODD. The Senator has spent a lot of time on this issue over the years. We have modified the Fair Labor Standards Act several times over the last 40 years. In each of those cases, as I recall, we modified the law to expand the number of people who would be covered by the minimum wage and the overtime pay and equal pay for equal work. This would be the first time, as I understand it, that we would be taking the opposite direction; the very first time that we are going to shrink the number of people who would have the right to overtime pay, thus, excluding some 10 million people who would otherwise be covered by the minimum wage.

Am I correct?

Mr. KENNEDY. The Senator is absolutely correct.

For those who are even thinking about voting for the Enzi proposal, you are eliminating the protections, and you are getting the serious cutbacks. That is why the $1.10 increase would impact 1.8 million. Ours would be 6.6 million directly and 8 million on top of that.

The Senator makes a very good point.

This is not a base increase for the minimum wage.

This would be gutting the minimum wage protections for millions of Americans.

That is a fine "how do you do."

Mr. DODD. Every time we have modified the Fair Labor Standards Act, we were expanding the opportunity for workers. I believe this would be the first time in the history of our country that we actually go in the opposite direction. Those in poverty would be excluded from getting the overtime pay and protections for equal pay for equal work.

Mr. KENNEDY. The Senator stated it correctly. We are having a discussion and debate about the fact that we haven't increased the minimum wage in 9 years.

As the Senator pointed out and as I have pointed out, we have had this explosion of poverty with children, an explosion of poverty with minimum wage workers, and an explosion of hunger. What we do have as an alternative is an increase in reduction of protection, unlike the historical debate for an increase in the minimum wage.

Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. There is 9 minutes 15 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank the distinguished Senator from Massachusetts and my colleague, the able Senator from Connecticut.

Mr. President, this is an extremely important issue before us. The last time the minimum wage was raised was in September of 1997. If we fail to increase the minimum wage before the end of the year, we will have gone the longest time without adjusting it since it was first enacted in 1938. That is a dismal performance on the part of the Congress.

Since 1997, inflation has drastically reduced the purchasing power of the minimum wage. It is now the lowest it has been in more than 40 years. To match the last increase, in terms of purchasing power, the minimum wage would have to be increased 25 percent above what it is now. And as we fail to act, the purchasing power of the current minimum wage continues to be eroded by the steady march of inflation—contributing to two serious problems in our society, rising poverty and increased inequality.

Thirty years ago, a worker paid the minimum wage who worked 40 hours a week for 52 weeks made enough to keep a family of three out of poverty. Now that worker is 35 percent below the poverty level.

People at the bottom of the wage scale have been falling further and further behind the rest of the workforce. In the 1950s and 1960s, the minimum wage averaged about 50 percent of the average wage. Today, at $5.15 an hour, the current minimum wage is only 31 percent of the average hourly wage. If we fail to act, minimum wage earners will continue to fall further behind.

Nearly 15 million Americans would benefit from raising the minimum wage to $7.25 an hour. 6.6 million would benefit directly because they make less than $7.25 an hour. Based on past experience with minimum wage hikes, another 8 million who make a little more than $7.25 an hour should enjoy a wage increase as well.

There are those who say only teenagers benefit from an increase in the minimum wage. However, eighty percent of the workers who would benefit from raising the minimum wage—12 million of those 15 million workers—are adults.

As Congress fails to act, States are raising the minimum wage themselves. My own State did that last January. And various studies indicate that job growth has been faster in the States that have raised the minimum wage than in those that have not raised the minimum wage. Economic studies by leading economists found that increases such as the proposed minimum wage hike would not reduce employment, which is an argument that is made against this amendment.

A hike in the minimum wage, in fact, has been found to reduce turnover of employees which has several advantages. You get a more experienced and productive workforce, lower costs for recruiting new workers, and lower costs for training new workers.

In fact, a letter in support of raising the minimum wage was signed by over 500 economists, including four Nobel laureate winners.

Last week, the House Appropriations Committee accepted an amendment offered in the committee by my able colleague, Congressman HOYER, to raise the minimum wage to $7.25. It was accepted by the committee on a bipartisan basis. The bill had been scheduled to come to the House floor this week, but it has been pulled from consideration. News reports suggest—I hope wrongly—that the House leadership wants to avoid a debate on the minimum wage until after the November elections.

Mr. President, we should pass the Kennedy amendment to raise the minimum wage. It will lower poverty, reduce inequality, and provide vital income gains to 15 million workers and their families.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the Senator from Wyoming. I appreciate the opportunity to participate in the debate one more time. I want to make a couple of points as clearly as I can.

First of all, the debate we have heard this morning is a classic debate about two very different philosophies—one that believes in the marketplace, the competitive system we have in the United States of America of competition and entrepreneurship, and the second is the argument that says Government knows better in the top-down mandates work.

In 1970, Republicans tried wage and price controls to control inflation. They worked miserably. Democrats have tried, time and again, for wage controls, and they failed to have the intended consequences. They have because you are interjecting yourself into the marketplace but only in one segment.

Second, the Senator from Massachusetts yesterday held up Europe as an example of how higher minimum wages work.

I have just returned from two of those European countries—Germany and France.

I would like to make the clear point as to why the Senator from Wyoming is right and, with all due respect, the Senator from Massachusetts is wrong.

High minimum wage laws in the countries of France and Germany have caused the following:

France's unemployment is 10 percent more, or two times that of the United States of America. Unemployment for youth in France is over 20 percent.

We have seen on the nightly news—and I saw firsthand when I was there—the tremendous economic problems the Government of France is having in driving its own economy. And it has declared itself its own worst enemy but could not get concessions to pull back some of these mandates. Therefore, the French economy is growing at 1.6 percent a year this year, a rate less than half that of the United States, with a minimum wage rate that is compounded over that of the United States.

Our great trading partner and great friend, Germany, has an unemployment rate of 11 percent.

Those are the two countries that were cited yesterday as the example as to why the higher minimum wage works.

In fact, they are an example of it not working.

Second, with regard to State minimum wages going up, that is precisely where our Constitution, our country, and our Founding Fathers believed these decisions should be made: that is, at the State level.

In fact, the Senator from Connecticut talked about raising the Federal minimum wage to a level less than the minimum wage in the State of Connecticut today and much less than what it goes to next year. It is right for the States to control those minimum wages.

Lastly, I have heard three times about the survey of small businesses where 86 percent say this is not an issue that is being quoted as a reason why we shouldn't even be debating this.

I ran a small business. I understand small business. The reason it wasn't an issue for 86 percent of them is mostly because people pay more than the Federal minimum wage anyway.

That is the name of the game in this country—for the marketplace to dictate.

But go find out who those 14 percent are. I will tell you. They are the people affected by the unintended consequence of a raise in the minimum wage. The 68 percent are either independent contractors or higher skilled workers, where the Federal minimum wage rate is not in effect in the first place. But those 14 percent are in the tourism industry, in the construction industry, in the maintenance industry, in the short-order cook industry or in the fast food industry. They are the ones who are getting their foot on the ladder.

Go interview those 14 percent, and you will find that the economic study I quoted yesterday is, in fact, correct. Every increase in the minimum wage will cost some of them their jobs.

In our free enterprise system, there are three components to the price of a product. One is the cost of goods, the second one is the cost to sell the goods, and third is the profit. If you raise the cost of goods sold, which you do by raising the wage rate, you either have to lower the marketing, lower your profits or increase your productivity.

What will every business do? First, they will increase their productivity. They will try to ask more of their workers so the mandated increase in their wages is neutralized by employing less people.

I commend the Senator from Wyoming on his legislation. It is a 21st century approach to the American workforce and the free enterprise system. And I respectfully oppose the proposal of the Senator from Massachusetts.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield myself 10 minutes.

I have listened patiently through 4 hours yesterday and quite a bit of time this morning. There are some things that need to be said.

I appreciate the comments from our side of the aisle and from everybody who has gone before me. I particularly appreciate the comments of the Senator from Georgia because some of those things have been grating on us a little bit as we have listened to what has been said. We have seen the charts which show that small businesses in this country are in favor of that kind of a tax increase.

I spoke to the Federation of Independent Businesses yesterday morning. They do the most complete job of surveying their members than any association that I know of. They do not back anything unless there is a strong consensus by their members.

They are opposed, by their vote, to the minimum wage increase that Senator KENNEDY is suggesting.

I do not know where they find that 86 percent. But I have seen surveys before that are able to manufacture the kinds of numbers that people want to have.

From the manufacturing members, I suggest that it sounds reasonable to people.

I saw a chart over here last night that showed the average CEO in America is making $11.8 million compared to what a minimum wage person is making.

That is an average CEO. What do you suppose the good ones are making? Eleven million eight hundred thousand dollars a year for the average CEO in this country? I think that must be the average CEO in the top 100 companies in the world. But that is apples and oranges when you are talking about the minimum wage.

We have heard some pretty big numbers about how many people are in poverty and under the minimum wage.

The purpose is to take the 1.9 million people who are at the minimum wage and get them higher wages. We all agree on that. What we don't agree on is how to do that.

The Senator from Massachusetts earlier today said minimum wage jobs don't get you out of poverty; that they keep you in poverty.

That was his quote this morning. I absolutely agree with that. What we need to do is get higher skills in this country. We need to reduce the number of dropouts in this country. It is dropouts who are working at the minimum wage. It is people who have made some choices that put them in a position where they have to take the lower paying jobs. We need to change that.

When I first came to Washington, welfare reform was going into effect. The newspapers were full of stories that on the day that went into effect, people were going to drop through the cracks. It was going to be this tragedy for American people. After it happened, there were not many stories on that. That is because the tragedies did not happen. People improved their lot in life with jobs.

I happened to be in an ice cream shop where they shared the tables fairly closely. This was fine, but it made it impossible for me not to hear the conversation at the table abutted up to my table. It was a woman and her husband talking to a sister who had a child with her. She was talking about the change that welfare reform had made in her life because she had gotten some additional training, she had gotten a good job, and she was so pleased with her job she was going to shift some hours so she could be at work when her sister was in training. She would take care of that child who was sitting there so her sister could have the same kind of benefit she had.

That is the way we change America. We get people better jobs. We take care of things so people can get better training.

Better training reminds me of the Workforce Investment Act. I have been trying to get the Workforce Investment Act through this process for 3 years now. That is a bill that would train 900,000 people a year to higher paying jobs. That is what we want, higher paying jobs. Do you think we have been able to get it through the process? No. For 2 years we were not able to get a conference committee. Now we are being blocked from having it brought to the Senate for debate. That would solve a lot of the problems.

We talk about the difference in wages between men and women. We had a great hearing in our Committee on Health, Education, Labor, and Pensions. I liked one of the people whom Senator KENNEDY selected to give testimony, a lady from New York City. She was talking about the value of taking nontraditional jobs. She happened to be a stone mason, a person who works with bricks, rock, and marble. She makes things beautiful. She started with basic construction, and she worked her way up to where she was hanging marble on skyscrapers. She shared with us the progression in pay she had gotten. She is making more than I am. She made that progression rather rapidly, but she had to take a job that was nontraditional for women. She wears a hard hat and safety toes and goes up skyscrapers. You do not necessarily have to do that to make more money.

I always point out in Wyoming we have a shortage of people to work. That shortage is providing power for this country. Over a third of the coal that is mined in this country is mined in Campbell County, WY, which is where Gillette is. That is where I am from. Their problem now is getting people to drive haul trucks. They are big trucks. Two of them would not fit in this Chamber. They would be as high as the ceiling. They are big equipment. They have power steering, power brakes, enclosed cabs with air conditioning. They drive almost like a car. If a person can drive and pass a drug test, they can start at $60,000 a year and get the training to work on that truck. That is way above minimum wage, folks. That is $60,000 a year. If they want to put in some overtime—they would not be allowed flextime at the present time—they can make more than that.

We need to have people look at some of the nontraditional jobs and look at some of the other areas of the country. If they are in an area with a lot of people and not many jobs, they will have lower paying jobs. We need to get more job training. We need to have the people be where the good-paying jobs are. They would find pretty good quality of life, too.

I need to correct a couple of other things. First of all, we make some of these charts sound as if everyone working at minimum wage is a single mom with lots of kids. That does not fit with the statistics. There are 1.9 million people at the minimum wage. Fully 85 percent of the minimum wage earners live with their parents—I would think most of the parents hope that means they are teenagers—or they have a working spouse or are living alone without children. So 41 percent live with a parent or relative, 23 percent are single or are the sole breadwinner in a household with no children, and 21 percent live with another wage earner. A lot of those are teenagers. Yes, they are in poverty if that is all they are making.

I have had some minimum wage jobs. I don't know how many in this Chamber have had minimum wage jobs. I worked in the summers and while I was going to college, even when I was considerably younger than that. One of the things I discovered was if I was interested in what I was doing and I learned as much as I could about it, I was not at the minimum wage very long. I got a promotion. I got more pay. But of course the reason I got more pay is because I was able to do more things. I was more skilled. Minimum wage equals minimum skills.

McDonald's takes a real rap for starting people at minimum wage, and I have a friend named Jack Preiss who owns several McDonald's. He pointed out to me he has three of his employees who started at minimum wage who now own 20 McDonald's.

That is the way we want America to work. We do not want minimum wage jobs that don't get you out of poverty. They keep you in poverty. Yes, we want higher skills, better jobs, and the opportunity for people to have higher wages. If people are locked into the fact they are going to have a minimum wage job their whole life, they are going to have a minimum wage job their whole life. But there are options. There are opportunities out there. And there could be more if we could do the Workforce Investment Act.

Flextime is one of six provisions in this bill that make a difference to small business.

I reserve the remainder of my time.

Mrs. MURRAY. Mr. President, I rise today in strong support of Senator KENNEDY's amendment to increase the minimum wage. Not only is it the right thing to do for working families, but my State has shown that a living wage is compatible with a growing economy.

The facts speak for themselves, and they speak loudly. Let's just take three numbers: 9, 37, and 50.

Nine is the number of years since the minimum wage was last increased. This is the longest time the Nation has gone without raising the minimum wage since it was implemented in 1938. The real value of the current minimum wage is already $4 below what it was in 1968.

Thirty-seven is the millions of Americans—37 million—who are currently living in poverty, including 13 million children.

Fifty is the percent by which poverty has increased in the past generation—freezing out an ever larger portion of our working citizens from the advantages of a higher standard of living that most of us enjoy.

I believe these numbers are a very strong signal that we are long past the time for the Nation, as a whole, to raise the level of the Federal minimum wage. I am proud that my home State of Washington has the highest minimum wage in the country, and it is indexed yearly to ensure that our workers are properly compensated for their hard work.

We in Washington State offer direct proof that a living minimum wage is compatible with a growing economy. May marked our 34th consecutive month of job growth. Our unemployment rate, even with the highest minimum wage in the country, is essentially at the national average. Our poverty rate stands at 11 percent, which is significantly below the national average of 12.5 percent. Our median household income stands at $48,000, much higher than the national average of $43,000. Good labor policies make for good labor productivity and a healthy state economy.

Ever since the Fair Minimum Wage Act was passed in 1938, opponents have kept raising the same baseless arguments. Even 68 years ago, opponents tried to paint a bleak picture of disastrous effects, like "factories closed," "industries forced into bankruptcy," and "people who will be thrown out of employment." It wasn't true then. It is not true today. The fact is that this wage provides more economic opportunities for people to support their families and contribute to their communities.

Opponents often cite a negative impact on jobs as their prime argument to oppose an increase in the minimum wage. This tired argument is simply not true. In fact, the 4 years following our last minimum wage increase marked the strongest economic growth in three decades, creating almost 12 million new jobs. In contrast, during the past 4 years we have only seen the creation of about 4.7 million new jobs.

As elected representatives, it is our job not only to represent the people in our States, but also to stand up for the millions of Americans whose voices cannot be heard. Just since 2000, the number of Americans living in poverty has increased by a stunning 5.4 million people. A minimum wage employee, working 52 weeks a year for 40 hours a week, makes almost $6,000 below the Federal poverty guidelines for a family of three. At this rate, it will be a long time before we see significant progress against the scourge of poverty for America's families.

By raising the minimum wage to $7.25, we can put an extra $4,400 a year into the pockets of these workers, enabling them to better support their families. This meager amount can make a world of difference to the poor among us. It could mean 19 months of utilities, 15 months of groceries, 8 months of rent or tuition for a community college degree. These are the basics, not the luxuries, of life today.

It is important to continually remind ourselves who is going to benefit from an increase. Here are some numbers to help set the record straight. This amendment will benefit nearly 15 million Americans, 80 percent of whom are adults, not teenagers trying to earn some extra spending money. In fact, more than one-third of these adults are the sole source of income for their families. And let's not forget the 7 million children of those minimum wage workers who will benefit from this increase.

This Congress has substantially cut the tax rates for the wealthiest people in this country, saving them millions of dollars over the last 5 years. But so far, this Congress has been unwilling to spend a few cents more to help the poorest of our working citizens.

I have carefully considered all aspects of this amendment and have come to the conclusion that we have no acceptable alternative. I see the growth of the job market and the strong economy in my State. I see how we have worked in Washington State to ensure that low-wage workers share in this success. I know that this is what our Nation needs. We should follow the lead of my State and the other 20 that have already increased their minimum wages and allow all Americans to share in these benefits.

Overall, this slight increase in the minimum wage would allow a significant portion of our Nation, people who are working hard and playing by the rules, to have an increased opportunity to share in the American dream. They will be able to better support their families and will not have to make unacceptable decisions like whether to buy groceries or pay the rent.

If any of my colleagues oppose this amendment, I would like them to consider living on $10,700 a year—and not just living on it, but rather, trying to raise a family of 4 on that low income. That would mean having about $7 a day per person, not adding in all the bills. Now just think about how much you spent on your last meal. If we think of the debate that we are having in these terms, it is clear that raising the minimum wage is the right thing to do.

I urge all of my colleagues to vote in favor of this amendment to increase the minimum wage. Let's show them that we have got our priorities straight, and let's finally give low-income workers the raise that they are long overdue. It is the right thing to do for workers and the right thing to do for our economy.

Mr. KERRY. Mr. President, this is a very important week in the Senate. For much of the week our focus has been on the war in Iraq—a necessary debate that is long overdue. But, today our focus is on a different kind of war: the war on poverty.

Since President Bush took office, the number of Americans living in poverty has increased by 5.4 million, and today 37 million Americans live in poverty, 13 million of whom are children. What is even more disturbing is that over 70 percent of children in poverty live in a home where at least one parent works. So we have a situation in which today in America, millions of children are living in poverty despite the fact that they are in homes with a working adult. In fact the reality is that among full-time, year-round workers, poverty has increased by 50 percent since the late 1970s.

This may be surprising, but if you take a minute to look at what is going on, it is not hard to understand. Consider a single mother of two working a minimum wage job 40 hours a week for 52 weeks a year. Without taking any time off for illness or vacation—she earns just $10,700 a year—nearly $6,000 below the Federal poverty line for a family of three.

This is an outrage. And it is not how things should be in America. No American working a full time job should live below the poverty line. If you work hard and play by the rules, you should be able to make a good life for yourself and be able to get ahead. That is the American dream.

Unfortunately, instead of helping people achieve the American dream, our leadership in Washington has repeatedly turned its back on them. Congress has failed to give minimum wage earners a raise in almost a decade. In fact, the real value of the minimum wage—taking into account the impact of inflation—has dropped. Since 1997 when we last raised the minimum wage, the real value of the minimum wage has fallen by 20 percent—effectively reversing all the gains made by the last increase. Never before in the history of the minimum wage have we let so much time lapse before adjusting the minimum wage.

Members of Congress understand the concept of real value. After all, even though Congress has failed to increase the minimum wage since 1997, it has given itself eight annual pay raises. This is indefensible. No Member of the House or Senate should have the gumption to argue in support of a pay raise for themselves and against a pay raise for hardworking Americans.

The Congress should follow the lead of the 12 States that have raised their minimum wages since January 2004. In fact, 17 States and the District of Columbia—representing 45 percent of the U.S. population—have set minimums above the Federal rate of $5.15. The State of Washington has the highest minimum wage in the country at $7.63 as of January 1, 2006. Oregon's is $7.50. My own State of Massachusetts is considering a minimum wage of $8.25. And the city of Santa Fe, NM has a minimum wage of $9.50.

Of course, not all States have taken the minimum wage so seriously. Thirty-three States have a minimum wage at or even below the Federal level. That is why we need a Federal minimum wage. The value of an hour of the same work should not vary State to State. We have a national poverty crisis, and we need a national solution.

It is time for Congress to get its priorities straight.

America's minimum wage isn't rising, but other basic costs for families are. Since President Bush took office, the cost of family health insurance has risen more than 70 percent, or an average of $4,500 per family. Six million more Americans are uninsured because they cannot afford coverage.

Since President Bush took office, gas prices have more than doubled. In many places the price of gas exceeds $3.00 per gallon—something many working Americans have to buy just to get to work. In my home State of Massachusetts working families have faced gas price increases of $1.41 a gallon—a 94 percent increase. Yet rather than rewarding work, the Republican leadership would rather reward oil and gas companies with sweetheart deals.

Since President Bush took office, the cost of a 4-year college education has increased by nearly $8,000, or 57 percent, at public universities and nearly $21,000, 32 percent, at private universities. Yet instead of working to ensure that American families can afford to send their kids to college, our Republican leadership is more interested in working to cut $12 billion from college student aid, increasing the costs of loans; and freezing Pell grants for higher education.

These are the wrong priorities. Raising the minimum wage is not just an economic issue: it is a moral issue. It is a question of values. And this is a values debate I think we need to have. The question is whether we value those who work hard and play by the rules and whether we will fight to ensure they receive a livable wage.

Don't be fooled by the side-by-side amendment that my colleague from Wyoming has introduced. It does not value those who work hard and play by the rules. Yes, it increases the minimum wage by $1.10, but it is loaded with poison pills that actually decrease the number of people who are eligible for the minimum wage. It cuts overtime pay, and would deny more than 10 million workers the minimum wage, overtime pay, and equal pay rights they currently receive. Rather than giving hard-working Americans a step up, it would force many more further into poverty. That is hardly the American way.

Before I end, I would like to take a moment to dispel a common myth about the minimum wage. Some argue that increasing the minimum wage will hurt small businesses. That is simply not the case. A new study from the Center for American Progress and Policy Matters in Ohio found that the "11 States with a minimum wage above the Federal minimum wage . . . had higher rates of small business growth between 1997 and 2003." That is right—more growth. Small business employment in those States grew by 9.4 percent while small business employment in States with the Federal minimum wage grew by only 6.6 percent. What this report reveals is that having a higher minimum wage does not impair the growth of small businesses.

This is not new news. In 1999, a Levy Institute survey of small businesses revealed that more than three-quarters of the firms surveyed said their employment practices would not be affected by an increase in the minimum wage. In fact, jobless rates fell after the last minimum-wage increase.

Mr. President, it is time for us to give the working people of America the respect they deserve. It is time for Congress to give working Americans a pay raise. It is time for us to get our priorities straight. I am proud to cosponsor my colleague, Senator KENNEDY's, amendment to increase the minimum wage. I urge my colleagues to join me in voting in its favor.

Mr. REID. Mr. President, I rise today in support of giving 56,000 Nevandans a raise by increasing the Federal minimum wage to $7.25 an hour.

My colleagues have done an excellent job of making the case for this raise. My side has pointed out it has been nearly 10 years since the minimum wage was last increased. We have communicated that the current wage is woefully inadequate, that someone who works full-time and makes the minimum wage lives below the poverty line. We have also talked about how minimum wage workers don't make enough to provide their families adequate housing, food, and essentials like clothing. We have talked about all the facts. So what I wish to do now is appeal to the Senate's sense of fairness.

All of us in the Senate, don't we believe that someone working full time should be able to live a life out of poverty? I believe the answer is yes, and I believe that is reason enough for us all to vote yes to increasing this wage. Three times in the last Congress the Republican leadership brought down a minimum wage bill rather than have an up-or-down vote. We can't wait any longer. There are only a few weeks left in this Congress, and those 56,000 Nevadans deserve a raise.

I know the majority has a proposal to raise the minimum wage by about a dollar an hour but it is not enough. It doesn't impact nearly enough Americans and won't make a big enough difference. Whereas an increase to $7.25 will help over 5 million Americans, the majority amendment will help only 2. Moreover, our amendment will mean an additional $4,370 a year to help minimum wage earners support their families. An increase of this size can help offset the cost of high gas prices, not to mention the costs of health care, food, and other needs.

Mr. President, I urge my colleagues to pass a graduated increase of the minimum wage to $7.25 per hour.

Mr. FEINGOLD. Mr. President, I speak today in support of efforts to increase the Federal minimum wage and urge my colleagues to vote in support of Senator KENNEDY's amendment to increase the Federal minimum wage to $7.25 an hour over the next 2 years. This much-needed increase would benefit over 7 million Americans directly and approximately 8 million Americans indirectly. The Federal minimum wage has not been increased in almost 9 years and action by Congress is long overdue. The Center on Budget and Policy Priorities notes that after adjusting for inflation, the value of the minimum wage is at its lowest level since 1955. As the costs of housing, health care, energy, and education continue to skyrocket, we must raise the minimum wage to provide millions of hard-working Americans the respect and dignity their work demands.

I think it is unconscionable that in the almost 9 years that we have not raised the minimum wage, Congress has voted to increase its own pay by $31,600. Most recently, last November we allowed the $3,100 pay raise to go through for Members of Congress. People will find it hard to understand why Members of Congress received substantial pay raises at a time when the real value of the minimum wage has eroded by 20 percent since 1997. As my colleagues know, I have long fought against automatic congressional pay increases and will continue to do so. I have introduced legislation that would put an end to automatic cost-of-living adjustments for congressional pay. We have Americans who are working full time, 52 weeks a year and they cannot afford health care, housing, and child care. They don't have the power to automatically raise their pay—they are dependent on Congress to raise the Federal minimum wage. But instead of working to raise the minimum wage, we in Congress have worked to protect our automatic pay raises.

Over 20 States and the District of Columbia have responded to congressional inaction and have passed or are in the process of passing State minimum wage increases above the Federal level. I am proud to report that my State of Wisconsin is one of these States that have passed a minimum wage increase. Last June, Wisconsin raised its minimum wage to $5.70 an hour and earlier this month, raised its minimum wage again to $6.50 an hour. The State Department of Workforce Development estimates that this modest two-step increase will benefit an estimated 200,000 low wage workers in Wisconsin.

While this increase is a step in the right direction, it is still not enough to even ensure that minimum wage employees can pay for affordable housing in Wisconsin. The National Low Income Housing Coalition estimates that the fair market rent for a two-bedroom apartment in Wisconsin is $647 a month and calculates that a full-time minimum wage employee needs to work 77 hours a week, 52 weeks a year to afford a two-bedroom apartment. Mr. President, 77 hours a week is almost the equivalent of two full-time minimum wage workers and the number of hours of work required to cover the costs of an apartment are even higher in States with higher housing costs. It is a disgrace that in many cases, minimum wage workers cannot afford adequate housing or are forced to pay a huge share of their income to cover housing costs.

Housing costs are not the only necessity of life that minimum wage workers have to provide for themselves and their families. They also have to purchase groceries, provide health care, pay for higher education, pay for increasingly expensive gas and electric costs, and provide child care for their children. Some Americans may think that the majority of minimum wage workers are teenagers in the first job; that perception is incorrect. The Economic Policy Institute notes that over 70 percent of minimum wage workers are adults and in Wisconsin, over 80 percent of minimum wage workers are adults. Moreover, of these adult minimum wage workers, over 30 percent are the sole breadwinners of their families.

More and more of these working Americans find themselves mired in poverty or living on the cusp of poverty. Currently, there are 37 million Americans living in poverty, including 13 million children. Among full-time, year-round workers, poverty has increased by 50 percent in the late 1970s. Minimum wage workers who work full time earn $10,700 a year, which is almost $6,000 below the Federal poverty guidelines for a family of three. No American should work full-time, year-round and still live in poverty. This modest increase in the Federal minimum wage will not eliminate poverty, but it will provide hard-working Americans with a much-needed increase in their wages. This increase would provide more money for workers to purchase prescription drugs, to pay utilities and rent, to provide child care for their children, and to invest in higher education opportunities. This increase is needed because the majority of the poor people in our country are working and are holding down low-paying jobs with stagnant wages that do not allow them to finally break free from poverty.

Opponents of this amendment argue that it hurts the economy and job growth. In the 4 years after the last minimum wage increase, nearly 12 million new jobs were created. In the last 4 years, only 4.7 million jobs have been created and the real value minimum wage continues to erode. A 1998 Economic Policy Institute study did not find significant job loss associated with the 1997 minimum wage increase. Additionally, the Center on Wisconsin Strategy examined job growth after the June 2005 increase in Wisconsin's minimum wage and found that Wisconsin had an average growth of 30,000 more jobs, not a job loss. History shows that minimum wage increases have not had a negative impact on unemployment.

I was proud to vote for the 1996–1997 increase bringing the minimum wage to its current level of $5.15 an hour and I am pleased to be a cosponsor of this amendment by Senator KENNEDY to increase the minimum wage to $7.25 an hour. When the minimum wage was established in 1938, its purpose was to ensure that American workers were fairly compensated for a day's work. But today, the minimum wage isn't living up to that promise. Far more work needs to be done to support hard-working American families, and Congress can start by increasing the minimum wage.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes 38 seconds.

Mr. KENNEDY. I yield 2 minutes to the Senator from California.

Mrs. BOXER. Mr. President, Senator ENZI says this debate is grating on the Republican side of the aisle. Sorry, that is how it is when you are on the wrong side of the truth. It is grating to have to hear the truth as Senator KENNEDY and others have spoken of.

It has been 9 long years since there has been an increase in the minimum wage. It is a disgrace. While we see our friends on the other side fight for the CEOs of oil companies, in the Committee on Commerce, they would not even swear them in. They are all on that side. When it comes to working families, forget about it.

Then Senator ENZI implies this does not have anything to do with women. Women make up 59 percent of the workers who would be affected as a result of raising the minimum wage; 1.4 million working mothers would benefit directly, 760,000 single moms would get an immediate raise, and over 3 million kids have parents who would get an immediate raise.

What has happened to family values on the other side of the aisle? It seems to me it is just so many empty words.

Then they scare you and say the economy will suffer. All you have to do, again, is look at the facts and look at the truth. In the 4 years after the last minimum wage increase passed, the economy experienced its strongest growth in over three decades. All the talk about how bad a minimum wage increase is for the economy is not true.

I say to my Republican friends, support the Kennedy increase in the minimum wage. The truth shall set you free.

I reserve the remainder of my time.

Mr. ENZI. Mr. President, I yield myself 4 additional minutes.

The Senator from Massachusetts has said: Let's have an up-or-down vote. There are a lot of things around here that we talk about having an up-or-down vote on. We have not been able to have up-or-down votes, and it is always because there are some other amendments that might make the bill better. Sometimes they are even germane to the bill we are talking about.

The one we are talking about, the amendment we are putting this on now is Department of Defense. Yes, you can make some arguments about how this is defense related, I guess, but what we would normally do, if we were serious on an issue such as this, is bring it up as a separate issue and allow amendments to it. But that is not going to happen because there are a few things in my bill that the other side of the aisle would not like to have.

One of those is flextime. They show that chart where the person could make 50 hours this one week and get overtime and then make 30 hours in the next week. That is not how the real world works either. They would earn 40 hours in one week, which would not be overtime, and 40 hours in the next week, which would not be overtime. That is still the same 80 hours. With the agreement of the person asking for the flextime, they could put the 50 hours in one week, the 30 hours in the other week, have the extra day to do whatever they want with their kids.

If flextime is a bad idea, why did we let the Federal employees do it? The problem in my State is with the person who works for a private industry in Wyoming who is married to someone who works for the Federal Government because the Federal Government lets them do the flextime that the Senator from Massachusetts says steals overtime. If it stole overtime, does anyone think our Federal employees would be interested in it? No; they have other values.

When we did flextime for the Federal Government, Senator KENNEDY voted to ensure that the Federal employees would have access to flextime, to have the scheduling options necessary to balance work and family life. Senator KENNEDY, along with 11 other Democrats, cosponsored the Nickles bill that extended flextime and comp time to State and local employees. If it is a bad idea, why would they do it for Federal employees and State and local employees? And why don't we do it for the private employees? The argument is, nasty employers would never let them have the time.

That is a terrible rap for business. Small business understands the needs of their people better than big business because they work with them every day, they go to church with them every weekend, they are in civic organizations with them, their kids go to the same schools, and they are the ones who have to deliver the bad news that they are not going to be allowed to do that flextime, and they cannot afford to do it a different way.

Sometimes the employees in small business make more than the employers in small business. Those are some of the CEOs whom I am worried about, the ones who have to wake up in the middle of the night and say, How am I going to make payroll this week? I would like to be paying my people more, but I don't know how I am going to pay them at all.

That is a reality in small business. I know small businessmen across the country who are hearing me say that are saying: He's got it. He understands our problem. What can you do to help us?

So we put together some provisions that in a normal situation we would be able to debate one of those at a time and decide on some of them and reject some of them. That is how it ought to work. But it is not just as simple as saying we can get everybody and all the kids out of poverty if we were just to raise the minimum wage.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, I have 2 minutes 50 seconds left.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, there are going to be two votes, and the first vote will be on my increase in the minimum wage; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, in just about 5 minutes from now the Senate will have an opportunity to make a judgment as to whether we are going to offer a helping hand to some 15 million Americans who are at the lower end of the economic ladder who are earning the minimum wage and just above.

These workers are men and women of dignity. They take pride in their work. They are overwhelmingly women. If you care, this is a women's issue, having an increase in the minimum wage. It is a children's issue because a great majority of the women have children.

So many of these mothers look in the eyes of their child, and they wonder if they are going to be able to feed that child. They are worried whether that child is $80 sick, when they hear that child cry in the night because they know they have to pay $80 to go to an emergency room.

They know they cannot afford a birthday present for their child, to be able to go to a neighbor's house, to be able to enjoy the things every child who is a son or a daughter of a Member of Congress can enjoy.

That is what is happening out across America. It is a women's issue, a children's issue; it is a civil rights issue because so many of those workers are men and women of color. It is a family issue. It is a values issue. Don't talk to us on the other side of the aisle about family values. This is it.

This is an issue of decency and fairness. Americans understand decency. Americans understand fairness. Americans understand that if you work hard, 40 hours a week, 52 weeks of the year, you should not live in poverty. And that is what is happening. Nine years they have waited. Nine years they have waited—but not the Members of the U.S. Senate.

Mr. President, $30,000 we have increased our salary, and in 9 years we have refused to provide an increase for the men and women who are working on the lowest rung of the economic ladder. That is obscene.

We have a right to alter that and change that now when the roll is called. Let's say that we stand for those workers who are working hard, trying to make a difference for their families, playing by the rules. I hear from my friend from Wyoming they should not be on the Defense authorization bill. How many soldiers who are over there fighting in Iraq, mothers or fathers, might have been earning the minimum wage? What are they fighting for? They are fighting for American values. American values are to treat people fairly and with respect. Increase the minimum wage, and we will have taken a very important step down that road.

Mr. President, I understand my time has expired.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I would quote the Senator from Massachusetts again who said: Minimum wage jobs don't get you out of poverty, they keep you in poverty. Until we get a Workforce Investment Act passed around here that increases job training for 900,000 people a year so they can get higher-skilled jobs so they can get the jobs of the future, not the jobs of the past, we are going to have problems with the minimum wage and poverty.

We need to be able to give people more choices, not less choices. There is a definite difference in philosophy. We think that free enterprise can work and that it is working and that it does work, and also that States rights work. States are changing the minimum wage to match the economy of their State. Although, if they have really good jobs, they will attract people, I hope. We are having a little problem attracting people to Wyoming, and those are not for the minimum wage jobs, those are for outstanding jobs.

So people need to think a little bit about more training or moving a little bit to get better jobs and get out of the minimum wage rut that will cause a spiral. As we increase the minimum wage, we also cause an upward spiral that eliminates the value of that minimum wage.

I ask you to vote against the Kennedy amendment and to vote for my amendment.

Something that has been overlooked is my amendment includes a $1.10 increase in the minimum wage over 18 months.

Mr. President, I ask to have printed in the RECORD a letter dated June 13, 2006, to Senator KENNEDY.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES COMMONWEALTH OF
THE NORTHERN MARIANA ISLANDS,
OFFICE OF THE RESIDENT REPRESENTATIVE TO THE UNITED STATES,
Washington, DC, June 13, 2006.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I understand that you have offered an amendment to the Department of Defense bill that would raise the minimum wage in the Commonwealth of the Northern Mariana Islands (CNMI). While I am a proponent for an increase in our minimum wage as a step in creating opportunities for our young indigenous people to find jobs in the CNMI, I want this done in a rational and democratic manner. I object to the manner in which your amendment was offered, and find it rather arbitrary and capricious.

The Northern Marianas joined this great country because of the principles of democracy that are at the heart of almost everything that is done. I will assume that your effort was prompted out of the same frustration that has fueled your colleague Congressman George Miller's desire for a quick fix to a complex problem. I had hoped those days were behind us. It is my desire that we enter into a new era of CNMI/Federal relations, an era which includes open discussion, dialogue, and a shared commitment to reform and to promote sustainable development in the CNMI.

You may not be aware that the CNMI's economy is on the verge of collapse. Unemployment is at 14%, the economy is down 23%, and this downward trend is showing no sign of reversing in the near future. An increase in our minimum wage implemented without economic considerations will surely destroy what is left of our fragile economy. I strongly believe that an appropriate increase must be a component in our economic recovery, but done in isolation will insure that recovery is impossible. Please don't take out your frustration with former CNMI and Congressional leaders on the CNMI as a whole. Your amendment may help a few, but will surely further increase unemployment and the number of business failures. Where is the American commitment to compassion and fairness?

I invite you to come to the CNMI and hold discussions with employers, employees, and the CNMI Enterprise Group, an NGO formed to promote sane and sustainable economic relief. I ask that you support my request for a sound and responsible study of the CNMI economy, and help us, not punish us.

The CNMI is without a Delegate in the House of Representatives. This fact alone prevents us from experiencing the democracy that our people have chosen. The rights of the people of the CNMI are unrepresented in the halls of Congress, and we must rely on members like yourself to see that they are treated with the same respect and integrity that the citizens of your state enjoy. I hope that we have the opportunity to discuss this matter further.

Sincerely,

PEDRO A. TENORIO,
Resident Representative.

Mr. ENZI. I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Kennedy amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Warner
Wyden

NAYS—46

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NOT VOTING—2

Rockefeller
Shelby

The PRESIDING OFFICER. Under the previous order, the amendment is automatically withdrawn.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4376

The PRESIDING OFFICER. The question is now on the Enzi amendment.

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—45

Alexander
Allen
Bennett
Brownback
Bunning
Burns
Coburn
Cochran
Coleman
Collins
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner

NAYS—53

Akaka
Allard
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Conrad
Cornyn
Dayton
DeMint
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Vitter
Wyden

NOT VOTING—2

Rockefeller
Shelby

The PRESIDING OFFICER. Under the previous order, the amendment is automatically withdrawn.

Mr. LEVIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I ask unanimous consent that Senator SCHUMER be granted 5 minutes to speak as in morning business, and the 5 minutes would come off our time on this side from the Iraq amendment.

Mr. WARNER. Madam President, reserving the right to object, and I will not object, I simply wish to acquaint Senators with the fact that we are beginning a 5-hour debate on the Levin amendment; is that correct?

Mr. LEVIN. That is correct.

Mr. WARNER. And within that period of time, speaking for my time, I will manage the time, but I would be anxious to have those colleagues who wish to participate to indicate to me the periods which would be most convenient for them, and I will do my very best to accommodate all of the speakers.

Mr. LEVIN. Madam President, I would make the same statement on behalf of our side, that Senators who do wish to speak in support of my amendment let us know, and we will try to work in as many as possible. There is a great demand for time, but it would help us a great deal to know who it is who seeks to speak, and we will try to sequence people to the best of our ability for the convenience of everyone.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New York is recognized.

HOMELAND SECURITY FUNDING SHORTAGES FOR NEW YORK

Mr. SCHUMER. Madam President, I want to thank my colleagues from Michigan and Virginia for their graciousness. I am about to speak at a hearing that is occurring across the hall in the House on homeland security funds.

As you know, Madam President, homeland security funds were struck a cruel blow against the city and State of New York. Despite the fact that we are the epicenter of terrorism, despite the fact that every day the New York Police and Fire Departments have to go all out to protect us, our funding was cut by 40 percent in the city funding and 36 percent in New York State funding. It came as a total shock and surprise to all of us, particularly since Secretary Chertoff had promised that he was going to rectify the funding inadequacies and restore New York to full funding. He did that for 1 year, but then we went right back to receiving an inadequate amount.

Just recently we learned from Mr. Suskind's book that New York subways were targeted with cyanide by al-Qaida. The bottom line is very simple. There are threats against New York regularly, and every week and every day the brave police officers and firefighters and others in New York are on vigilance to make sure we are not struck by terror. All of a sudden the funding is cut—a slap in the face to this Nation's promise for New York.

At today's hearing, there is a gentleman who is missing: Secretary Chertoff. He should be testifying and answering questions, not sending a subaltern to answer those questions, but he should be there himself because he made commitments to New York, commitments that have not been lived up to by the Department of Homeland Security.

There are so many questions about why funding was cut. Just take the rationale that they want to fund systems more than they want to fund personnel. First, against cyanide, there are no systems to be funded. Cyanide can be made easily. We don't have any kind of detector. The only way to guard against the threat that occurred in 2003 is better training and more personnel on the subways. That is what New York City did.

Second, New York did apply for funding in terms of equipment. The so-called ring of steel, which would have protected downtown, was part of New York's grant. Yet the funding was cut. Secretary Chertoff bounces from rationale to rationale to rationale as to why our funding was cut, but none of them are satisfactory.

Unfortunately, there is terrorism in the world. Unfortunately, New York City has always been, is today, and will continue to be the No. 1 target of terrorists. And for this Department of Homeland Security and this Government to abdicate its responsibility and not provide New York with the funding that it needs is an absolute disgrace.

The funding cut, the percentage that we went down is just unpardonable.

I am urging Secretary Chertoff to come clean and to testify before the House and the Senate and to answer the questions that New Yorkers and all Americans of goodwill have. He is not there today. He should be. But make no mistake about it. As a united delegation, Democrats and Republicans together, we will press the issue to both try and get the kind of funding we deserve this year out of other pots of money and change the formula for next year so that this kind of poor treatment of the No. 1 target of terrorists in America—New York—will not continue.

Again, I thank my colleagues for their graciousness, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 4320

Mr. LEVIN. Madam President, I call up amendment No. 4320 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Mrs. FEINSTEIN, Mr. SALAZAR, Mrs. CLINTON, and Mr. BIDEN, proposes an amendment numbered 4320.

Mr. LEVIN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 4320

(Purpose: To state the sense of Congress on United States policy on Iraq)

At the end of subtitle A of title XII, add the following:

SEC. 1209. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the "United States Policy on Iraq Act of 2006".

(b) FINDINGS.—Congress makes the following findings:

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 116,000 Iraqi soldiers, sailors, and airmen, and more than 148,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 102 operational Iraqi Army combat battalions, 69 are either in the lead or operating independently, according to the May 2006 report of the Administration to Congress entitled "Measuring Stability and Security in Iraq";

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that "calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq".

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

Mr. LEVIN. Madam President, the current open-ended commitment of U.S. forces in Iraq is unsustainable and counterproductive, contributing as much to Iraqi instability as it does to Iraqi security.

Our troops have performed magnificently in Iraq. We are all deeply grateful for their professionalism and their sacrifices. But, ultimately, as our military commanders have repeatedly said, stability in Iraq can only come through a political settlement by the Iraqis, and the best way to bring about that political settlement is to make it clear, in words not yet spoken by the administration, that our commitment is not open-ended, and that a phased redeployment of our forces from Iraq will begin by the end of this year.

The administration's refrain that we are in Iraq as long as the Iraqis need us is creating a dependency of unlimited duration and gives the Iraqis the impression that their security is more in our hands than in theirs.

The hallmarks of the administration's open-ended policy are the President's extraordinarily broad and vague description of our mission—nothing less than "complete victory," as he put it, along with the President's explicit commitment to stay until the Iraqis can "govern themselves, sustain themselves, and defend themselves." The President's statement that American force levels in Iraq "will be decided by future Presidents" reinforced that unlimited commitment, as did Secretary Rice's statement that we will stay in Iraq "as long as we are needed."

The President of Iraq, Mr. Talabani, reflected the Iraqi perception of the administration's policy when he said that U.S. forces are "ready to stay as long as we ask them no matter what the period is." That is what the President of Iraq says he understands our policy to be, that U.S. forces are "ready to stay as long as we," the Iraqis, "ask them, no matter what the period is." We must change that Iraqi perception and the open-ended commitment which led to it, and that is what our amendment would do.

Our amendment urges the President to begin the phased redeployment of U.S. troops from Iraq by the end of 2006—to begin the phased redeployment of U.S. troops by the end of 2006. Our amendment also calls for a number of actions to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war.

It calls for adoption by the Iraqis of a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi Nation. That can be done by amendment to the Iraq Constitution or by legislation or other means, but it needs to be done within the timeframe provided for in the Iraqi Constitution; namely, 4 months from the beginning of the functioning of their parliament.

An international conference needs to be convened so as to more actively involve the international community and Iraq's neighbors in promoting a durable political settlement among Iraqis and by reducing regional interference in Iraq's internal affairs. It is also important to encourage more countries to contribute to Iraq's extensive needs and to ensure that pledged funds are forthcoming.

Our amendment also points out that it is critically important for the Government of Iraq to promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraqi Government is in doubt.

Now, what does our amendment urge the President to do relative to our troops in Iraq?

First, after consultation with the Government of Iraq, begin a phased redeployment of U.S. forces from Iraq by the end of this year.

Second, submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of U.S. forces from Iraq, with the understanding that unexpected contingencies may arise.

Third, expedite the transition of U.S. forces in Iraq to a limited presence and mission of training, providing logistical support, protecting U.S. infrastructure and personnel, and participating in targeted counterterrorism activities.

Our amendment does not establish a fixed ending date for redeployment. It doesn't set out fixed milestones once the phased redeployment has begun. So while it does not establish a timetable, it does establish a fixed, but not precipitous, time for the beginning of a phased redeployment—by the end of this year.

Beginning the phased redeployment of American troops in 2006 would send a very clear message to the Iraqis: We have been in Iraq over 3 years. We have lost 2,500 brave Americans and suffered more than seven times that number of casualties to make it possible for Iraq to become a free Nation. You, the Iraqis, must now decide whether you want a civil war or a nation.

Madam President, sending that message to the Iraqis and ending the open-ended U.S. policy towards Iraq will prod the Iraqis to take the necessary steps to end the dominance of the militias; will reduce the Iraqi dependence on the U.S. security blanket which deters tough choices by the Iraqis; will change the perception that we are permanently occupying Iraq, a perception which plays into the hands of terrorists; will reduce the number of U.S. targets for terrorists and insurgents; and will reduce the strain on U.S. forces.

Supporters of our amendment are just as determined to maximize prospects for success in Iraq as are the opponents of our amendment. We do not accuse opponents of our amendment of wanting failure or of advocating surrender to chaos and terror. We do believe that maintaining the status quo and the open-ended commitment, which is the hallmark of that status quo and that open-ended commitment, and adhering to a bumper sticker slogan of "stay the course" is a recipe for continuing instability and failure.

Success isn't assured in any event, but letting the Iraqis know that we are not there for as long as they want us is key to avoiding a culture of dependency. The bottom line is that our open-ended policy and presence has become a deterrent to the very success that we want to bring about. Although the administration policy is aimed at providing security, it is a major contributor to instability.

The Iraqi leaders themselves have set a 6-month goal for making major progress in assuming their security responsibility. Iraqi Prime Minister al-Maliki said on May 22 that his government could take over security for 16 of Iraq's 18 provinces by the end of this year.

On June 11, the Iraqi National Security Adviser, Mr. Rubaie said:

> I believe by the end of this year the number of the multinational forces will be probably less than 100,000 in this country.

That amounts to a reduction of at least 30,000 U.S. forces by the end of this year. Mr. Rubaie repeated that position in an op-ed in yesterday's Washington Post. He, again, is the National Security Adviser to the Prime Minister. Our amendment's call for the beginning of a phased redeployment by the end of this year fits the very goals Iraq's leaders have set for themselves.

Listen to what Mr. Rubaie wrote about the many benefits of Iraq reducing the number of coalition forces. This is benefits to Iraq of our reducing the number of coalition forces in Iraq:

> It will remove psychological barriers and the reason that many Iraqis joined the so-called resistance in the first place. The removal of troops will also allow the Iraqi government to engage with some of our neighbors that have to date been at the very least sympathetic to the resistance because of what they call the coalition occupation.

"Moreover," Mr. Rubaie said:

> the removal of foreign troops will legitimize Iraq's government in the eyes of its people . . . the drawdown of foreign troops will strengthen our fledgling government to last the full four years it is supposed to.

Mr. Rubaie's words are similar to those of General George Casey, the commander of the U.S. and coalition forces in Iraq, who told Congress last fall:

> Increased coalition presence feeds the notion of occupation, contributes to the dependency of Iraqi forces on the coalition, extends the time it will take Iraqi security forces to become self-reliant, and exposes more coalition forces to attack at a time when Iraqi security forces are increasingly available and capable.

That is our commander talking about the disadvantages of having a large number of troops remain in Iraq.

Regardless of one's views on whether it was wise to attack Iraq—and I for one thought it was unwise, and so voted—and regardless of one's views on whether the war has been well managed—and I have been critical of the administration's management—all of us want to maximize the chances for success in Iraq. To maximize the chances for success in Iraq, the Iraqis must take control of their country. Our approach, our amendment, maximizes the chance for success.

Last year, by a bipartisan vote of 79 to 16, the Senate adopted an amendment stating that:

> [C]alendar year 2006 should be a period of significant transition to full Iraqi sovereignty.

The Senate language remained in the bill and was signed into law. Our amendment implements that policy direction. The Iraqis are standing up. U.S. and coalition forces have trained and equipped more than 250,000 Iraq security forces. More than two-thirds of Iraq's Army combat battalions are either in the lead or operating independently, according to the administration's May 2006 report to Congress. It is now time for the United States to set a date for the beginning—the beginning of a standdown.

Last fall, General Casey said that our presence in Iraq "fuels the insurgency" and that "beginning to reduce our presence in Iraq" as conditions warrant would result in "taking away one of the elements that fuels the insurgency." That is our commander speaking. Conditions not only warrant the beginning of a reduction of our presence, conditions are such that only a phased, orderly redeployment beginning by the end of this year will maximize the chances of succeeding in Iraq.

By making clear that a phased redeployment of our forces from Iraq needs to begin this year, we will send a clear message to the Iraqis that our presence is not an open-ended security blanket and that they need to assume responsibility for their own future.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). Who yields time?

The Senator from Virginia.

Mr. WARNER. I see the principal cosponsor, the Senator from Rhode Island, a member of our committee, is waiting to speak. I would just like to inquire the following of my colleague.

I have found in our many years in this body that the most effective means to convey a message, the most effective way for the persons beyond this Chamber to follow proceedings on the floor, is often through a colloquy where we not just read speeches but we begin to exchange interpretations of what is before this body by virtue of your amendment and get the responses.

Might I inquire of my colleague of his willingness to permit the Senator from Virginia, at such time as the Senator from Rhode Island has completed, to get up and propound questions chargeable to my side and responses that you wish to make, to the extent you wish to make them, chargeable to your side? Is that a procedure about which I can be persuasive to my colleague, which I find to be a very effective way to deal with this?

Mr. LEVIN. Mr. President, am I responding on the time of the Senator from Virginia?

The PRESIDING OFFICER. Yes, you are.

Mr. LEVIN. I am perfectly happy to engage in a colloquy at the instigation of the Senator from Virginia. Indeed, I will probably have some questions which I would want to propound to the Senator from Virginia.

On the other hand, I cannot agree that a colloquy which he instigates would be divided in terms of the time consumption. The usual policy around here is the persons who begin a colloquy have that colloquy charged to their time. I have more speakers than I have the time to allocate. It would be unfair to them for me to say that the time consumed in my answering the questions of the Senator from Virginia would come off the time for their remarks.

I am not only happy to engage in a colloquy, I look forward to it, but I would want to follow the usual procedure, which is that those persons who wish to ask questions of somebody have that colloquy taken from their time rather than from the time of the person of whom they are asking the questions.

Mr. WARNER. Mr. President, I would have to respectfully disagree with what is usual. Time and time again, Senators get up and allocate between themselves the question and answer. I have to take it we are confined primarily, I imagine, to the reading of speeches by individuals and limiting the ability to have a colloquy.

Mr. LEVIN. If the Senator will allow a comment on that, we are not confined to that at all. I expect, when I ask questions of the Senator from Virginia or others who oppose this amendment, that their answers would come from my time and not from their time. I would apply the same rule to me as I suggest would be applied to the questions of the Senator.

Mr. WARNER. The Senator has made clear his statement. I yield the floor as a courtesy to the Senator from Rhode Island.

Mr. LEVIN. Mr. President, I yield 15 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 15 minutes.

Mr. REED. Mr. President, I join with my colleague, Senator LEVIN, and Senators FEINSTEIN and SALAZAR, to offer this amendment. Too often, the Bush administration deals simply in slogans. We have heard them so often, so many times: mission accomplished; stay the course; don't cut and run; we will stand down when they stand up; complete victory. But a military operation such as this requires much more than slogans. It requires sufficient personnel and adequate equipment. It requires coherent strategic policy, and it requires detailed plans.

At critical junctures in this effort in Iraq, this administration has been extraordinarily insufficient in all of this. We had insufficient personnel on the ground with the collapse of the government of Saddam Hussein. We opened up regions of Iraq so that insurgents could begin to form and begin to conduct this attack against their own people and against our people. Too often we went out to Iraq, visited the country, and were confronted by our own soldiers who complained that they didn't have armored humvees and body armor.

I believe there has never been a really coherent strategic policy here. We heard the initial defenses of the approach to Iraq as we were going after weapons of mass destruction. They were not there. We are going to go after the heart of terrorism, when in fact the terrorists' connection to Saddam Hussein was tangential at most. Then, we are going to build an oasis of freedom and transform the Middle East. It is not an oasis today in Iraq.

Certainly there were not detailed plans. We entered into this occupation without sufficient planning, without sufficient resources in so many different ways. The faults continue to plague us today. Insufficient resources to run detention facilities contributed in a significant way to Abu Ghraib, and that, as even the President admits, has been an extraordinary blot on our record and inhibits us today in our ability to achieve a stable Iraq.

There is something else that you need to conduct military operations, and that is public support. Today, a majority of Americans would like to see a deadline to withdraw our forces from Iraq. They are not unpatriotic. They are not without grit and determination. They are terribly concerned, and they are looking for leadership.

But I believe this leadership comes in not adopting some type of arbitrary timetable or deadline; it comes from adopting what is the most coherent and realistic policy we can today to stabilize the country of Iraq, to assist them in this stability, and to begin the phased redeployment of our forces from Iraq to begin this year. To begin, not with an arbitrary timetable or deadline, but to begin with the notion that these decisions will be based upon the advice of military commanders and based upon the conditions on the ground. But we must begin. We must begin because we have to send a strong signal to the Government of Iraq that they must take their future in their own hands, that they must make difficult choices about their constitution, about sharing political power, about eliminating sectarian elements from their security forces, and a host of other difficult problems. This rests upon the fundamental reality of the situation. Ultimately, it will be the Iraqis who stabilize their country and reform their country. We can help. We have helped. But it is up to them, and it must begin now.

Also, this approach which we are proposing recognizes another reality. Our military forces, our Army and our Marine Corps, have been under tremendous pressure. They have done a magnificent job. The young men and women who wear the uniform of the United States have performed in an extraordinary fashion. But for some of them, it will be their third deployment to Iraq. Others have gone to both Iraq and Afghanistan. The wear and tear on these young Americans and their families is significant. The wear and tear on our equipment is significant. There is a $50 billion pricetag just to repair the equipment that has accumulated over the last several years in Iraq. So we have to recognize also that our forces need a signal that their mission will be coming to a conclusion, not in the next Presidency but, based upon a careful deliberation by the commanders, we hope in the near future.

We also have to recognize that our threats are not confined to Iraq alone. Today we are all waiting anxiously to see what the North Koreans might do with respect to a scheduled—or at least a tentative launch of an intercontinental missile. We are today engaged in serious negotiations with our European colleagues with respect to the situation in Iran. We have seen in the last few weeks an Islamic government takeover on the streets of Mogadishu and

Somalia. We have seen other areas of concern and conflict. Our commitment in Iraq, frankly, constrains our flexibility to deal with all these issues.

Senator LEVIN and I have come forward today with a proposal that we believe will be an approach that begins a policy that we can achieve, that it is necessary for us to achieve, so we can move forward to begin to transition the burden from American military shoulders to those of the Iraqis. It begins with a phased redeployment which we believe should commence this year. Let me hasten to add again: There is no specific timetable. There is no deadline. This is based upon the advice of our military officers in the field. This is not cut and run or cut and jog or cut and anything else. It is an attempt to articulate a policy based upon the reality of Iraq, the reality of our present military forces, and the reality of a world which is engaged in conflicts in many different places.

In the past weeks, we have seen some progress in Iraq—the installation of a government, the naming of a Prime Minister of Interior, and the naming of a Prime Minister of Defense. We have seen the death of Zarqawi. But still we recognize how turbulent and uncertain and how hostile the environment remains for our soldiers and the Iraqi security forces.

We have about 127,000 forces there in the last 3 years, or more. We have seen more than 2,500 of these young Americans killed and more than 18,000 wounded. Their sacrifices have to be respected and honored—not simply with force but with wisdom and with a policy that will work, a policy that is attuned with what is happening in Iraq and around the globe and not a policy based upon bumper stickers that have been trotted out at a moment's notice.

We recognize that we have an interest certainly in Iraq in terms of succeeding. And this plan we hope and we believe will be a success. We are putting together a plan—more of a policy than a plan—because the planning is the province of the President, as it should be, as Commander in Chief. But a policy of redeployment beginning now is the right direction. It will require the President to begin to outline those steps. It will also require the Government of Iraq to begin to take responsibility for their own situation. It will require them to begin deliberations for constitutional changes. These changes are necessary to ensure that this is an inclusive Government in Iraq, that the Sunni community feels that they can have a future in the new Iraq.

It also recognizes that we have to have a sharing of political power in Iraq so that Iraq will succeed.

In addition, the Iraqis must address the issue of sectarian militias, and the infiltration of security forces by sectarian elements have to be dealt with and dealt with decisively.

We also have to recognize that ultimately these decisions will be made and must be made by the Iraqis.

In this proposal there is a clear signal to the Iraqis that they must make these decisions beginning now for their future and, we hope, for a stable region and a much more stable world.

We also understand that we have to bring together the international community.

Since October of 2002, I have argued that this unilateral approach to Iraq is not destined for success; that we have to have a multinational approach to be successful. We have carried the burden both militarily and in many other ways. It is time that the administration engage and energize the regional neighbors and the broader international community to help address the issues that are presented to us all throughout the world by Iraq.

We understand, on a financial basis, that this is an expensive undertaking.

Originally, the administration suggested that this would be $50 billion or $60 billion. We understand now that we have already spent $320 billion, and the end is not in sight.

In a recent study by Joseph Stiglitz, the Nobel prize economist, if you added all the costs, all the costs of rehabilitating our equipment when comes home, all of the cost of veterans' benefits and caring for those who have served so well, the price will reach perhaps $1 trillion, if our commitment extends until 2010.

Also, the international community has to do much more. The international community has pledged $8 billion, and only $3.5 billion of that money has been forthcoming. They need to do more, and we need to make them do more.

This approach of going it alone has to end. And part of our amendment is to request that we engage in a much more multilateral approach to Iraq.

We have trained 116,000 Iraqi soldiers, sailors, 148,000 Iraqi police and highway patrol and other Ministry of Interior forces. There are 102 operational Iraqi combat battalions in their Army, and 69 are either in the lead or operating independently.

We have made progress. We hope that they are ready, but we think that we have made enough progress to begin our redeployment. Again, the pace of that redeployment will be set by our military commanders.

As General Casey pointed out:

> As we are able to draw down our forces, we will receive additional benefits. A reduction in American forces will essentially push more Iraqi troops to the front lines. This is about the dependency.

Those are General Casey's words.

As long as we are there to do the heavy lifting, we will do the heavy lifting. That is an important point to be made and emphasized again and again.

The Government of Iraq was formed. Their National Security Adviser, Mr. Rubaie, stated this week in an editorial that Iraq's position is that it have full control of the country by the end of 2008, and this will mean a significant foreign troop reduction. We envision U.S. troop presence by the year's end to be under 100,000 with the most of remaining troops to return home by 2007. The eventual removal of coalition troops will help the Iraqis who now see foreign troops occupying rather than as liberators. Moreover, the removal of foreign troops will legitimize the Iraqi Government in the eyes of its people.

I do not know if my colleagues will come and accuse the Iraqi National Security Adviser of cutting and running on its own country. Perhaps they will, but they will be wrong.

That is what a leading figure in the Government of Iraq is suggesting. A phased redeployment beginning this year, hopefully concluding by the end of 2007—but again we will leave that up to our military commanders. The benefits will be that the Iraqis will step forward, and also this notion of occupiers will be diminished substantially.

From many different perspectives, this is the right policy at the right time. I hope that our colleagues, on a bipartisan basis, will embrace this policy.

I retain the remainder of any time I have and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield myself such time as I may require.

Mr. President, I remember so well last year when we debated an amendment of great importance, and our colleague from Michigan laid down an amendment. Then I took that amendment and rewrote certain portions of it. A great majority of the Senate—I can't remember exactly how many but a vast majority of the Senate—supported that.

I have waited patiently for this amendment. It was given to me yesterday. I have studied it ever so carefully. I didn't denounce the amendment. I said it was a serious amendment. It is a serious amendment. It deserves serious thought.

But, regrettably, there is no way in which I can truthfully say to my side of the aisle and others that this amendment can be revised or modified such that we could hope to get what we achieved last year—a large majority of the Senate supporting the amendment.

That is unfortunate because we start out on a basis of where we could well end up today along strong partisan lines. That comes at a time when our Nation—indeed, the world and, most importantly, the men and women of the Armed Forces—would like to see the Senate and, indeed, hopefully, the Congress standing behind them with strong bipartisanship. But I fear that it is going to be lost with this amendment.

First, I carefully point out to those who are following this debate that this amendment in effect is nonbinding. It is the sense of the Senate, or Congress, as the case may be. But nevertheless it sends signals. It sort of states what this body feels should be done by the President of the United States as he continues to exercise his constitutional powers—I underline "constitutional powers." He is the Commander in Chief, not Members of the Senate—constitutional powers in carrying forward the actions of our Armed Forces, and the actions of our Government as we try to support the newly elected unified Government of Iraq.

As the nature of this free advice may be, my burden—and those of us on this side—is to point out how this can be misconstrued as the message crosses the ocean and as the Congress is trying to order the President to do certain things. That is not going to be the case.

I have had recently the opportunity to have some private conversations with the President of the United States. My gray hair indicates that I have been privileged to serve in this institution now in my 28th year and before that for a number of years in the Department of Defense. I have worked with, I say with a sense of humility, many Presidents through many chapters of American history. But I must say I have yet to find any President with a stronger resolve, a stronger conviction to do what he believes is in the best interests of the American people, employing the forces of our men and women of the Armed Forces, employing every means this Government has to bring about solutions which he has outlined time and time again in Iraq and, indeed, Afghanistan. It is remarkable, unwavering, listening to advice, taking into consideration the views of others but clearly looking into the future, a future that generations long after we are gone will look back on this chapter of American history and I believe will decide that we pursued the correct course. Hopefully, those generations will be enjoying the measure of freedom that we have today. But that will only come to pass if the Congress of the United States provides this President the support that he needs.

Therefore, it may be in the nature of free advice, but I want to clearly indicate to all following that there is much to be done to try and explain where I see there is fault in this amendment.

Last week, the Senate overwhelmingly rejected a proposal to establish an arbitrary deadline of a timetable for withdrawal of United States forces from Iraq. An arbitrary deadline of a timetable would have been a serious strategic error, and a historic mistake of withdrawing our forces prior to the Iraqis being able to defend themselves. It would encourage terrorism, embolden al-Qaida, and threaten American security.

Regrettably, the various courses of action that spring forth from the Democratic side of this aisle concern me greatly. They may not say it is a timetable.

It is interesting that in the course of the presentation of this amendment in the media, I have watched my colleagues from that side of the aisle explain what it is they are going to put before the Senate today. Time and time again, they keep saying it is not a timetable; it is not a timetable.

Why must they keep saying that the language is clear, that it is not a timetable?

But let us start with the key paragraph in the amendment of my good friend and long-time colleague.

I repeat it. It is on page 6.

> Submit to the Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq.

Folks, I don't mean to demean this, but that is the English language. It reads very clearly. It is a timetable, no matter how many times people protest it is not a timetable. It is the English language written with clarity.

We cannot accept that.

Our colleagues today on this side of the aisle will vigorously give their views as to why we cannot accept that.

Foremost in my mind is the loss of our men and women of the Armed Forces, now 2,500 in number, that have given the ultimate that any human being, any soldier, any sailor, any marine, any airman can give and that of their families.

I wonder how these individuals would look at this clause and find any other conclusion to draw but that this is a timetable—a timetable that could well cripple the ability of this new government created by the courageous actions of the Iraqi people time and time again in elections, after a hard fought political situation, in which emerges, hopefully, a strong Prime Minister.

They are just beginning to take full seizure of the reins of sovereignty, something this Nation has not had for a very long time. As they are seizing those reins, we are asked to stand in the Senate and to lay out in writing for all those who want to destabilize this new government the timetable on which we will remove our Armed Forces.

Of course, there is a collateral question that is not addressed in this amendment. Maybe my colleague will address it. The United States, albeit, is the principal force of military. Great Britain, commensurate with the size of their armed forces and their nation and their population, has made a very significant contribution, as has Poland, and I could enumerate the other nations: modest though they may be, they are there. How are they to respond to this amendment? Are they to go on and pursue the missions they have laid out or are they to devise a timetable? That is one of the many unanswered questions I find in this amendment. Perhaps my colleagues will be forthcoming.

The major events certainly of the last 10 days—the elimination of al-Zarqawi, a terrorist without parallel in the contemporary times of all mankind, his elimination, the formation of this new government—has given a momentum forward. It has spawned a measure of hope among the Iraqi people. It has spawned a measure of hope within our Armed Forces that there is clear proof our many sacrifices to date are beginning to produce concrete, visible results that cannot be challenged.

We are moving toward establishing a secure and prosperous nation that will be an inspiration for the entire region of that world, and it is hard to think at this time we would take any action in this Senate to set back that momentum. The only way we are going to see our troops come home is if they seize that sovereignty, exercise that sovereignty, produce their own security and begin to reestablish their infrastructure.

I do not see this amendment in any way helping. I see this amendment as impeding the progress.

Give this new government a timetable. I ask my colleague, give them a timetable if you have to give a timetable to establish their goals, seize the reins of sovereignty. Do not broadcast through this amendment a timetable with regard to our forces.

We all know there have been some very difficult days, tragic hours, the most recent of which is the loss of our two brave soldiers seized, and although not fully confirmed, certainly the probability is they were badly abused, not treated as prisoners of war but badly abused by someone in Iraq. Who knows who they may have been? Obviously, the insurgents, presumably al-Qaida.

Our President, Secretaries of State and Defense, and our military commanders have all stood and said forthrightly, these are painful losses. Each one of these individuals I know and have worked with personally. They feel the loss of life. They feel for the injured. They feel for their families. But to attain the freedom, not just for the Iraqis but for this country, from terrorism, that pain has to be endured, those losses are likely to continue. I commend all for being forthright that the days ahead pose challenges and further losses.

Any amendment requiring phased redeployment as our policy on a timetable to begin in 2006 sends that signal that begins to set back the progress we have achieved to date. That phrase about the timetable of redeployment will be examined with utmost care by those who are trying to destabilize this government—be they al-Qaida, insurgents, or, unfortunately, the sectarian violence. They are likely to say, we will wait out the timetable and then we will resume the violence and with every means we can to destabilize this government. That will be the result of this amendment.

This is an inopportune time because in the last 10 days we witnessed the death of the most prominent terrorist in Iraq, the complete formation of the Iraqi Government, a historic meeting in Baghdad between President Bush and Prime Minister Maliki, more raids against al-Qaida cells in Iraq, and a plan for the way ahead for this new democratically elected government in Iraq. We have the momentum. We must take advantage of this moment and this opportunity and move forward.

I know other colleagues are anxious to speak. I want to share this time.

I pose a question to my distinguished colleague from Michigan about another paragraph in his amendment. This one I find particularly puzzling. It is written, again, in very clear language, so I feel the meaning of it is written explicitly on page 5.

It says that the President of the United States should do the following:

> (i) expedite the transition of United States forces in Iraq to a limited presence . . .

What do you mean by "limited presence"?

> . . . limited presence and mission of training Iraqi security forces . . .

That we are doing with every bit of vigor we can possibly muster.

> . . . providing logistic support of Iraqi security forces . . .

We are doing that as best we can.

> . . . protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

Does that mean we limit our force structure to the special ops forces? What is it that the balance of our forces do? Do they begin to rotate back under this timetable?

I hope at some point in this debate those questions can be fully answered because the President is the Commander in Chief. He makes the decisions with regard to how our Armed Forces are employed utilizing the advice of the professional military commanders to direct specifically the actions to carry out the missions to achieve our goals.

I say to my good friend, this paragraph D, the President should expedite the transition, what is the nature of the transition of United States forces in Iraq to a limited presence?

I see no contingency phrase in this as there is elsewhere in this amendment. If they were to have a tremendous insurrection, what do we do if we have transitioned our forces? Does that mean they are moved somewhere? Does that mean they stay in their bases?

This paragraph, in effect, is usurping the rights under the Constitution of the Commander in Chief to direct the day-by-day operations and deployment and disposition of our Armed Forces. I hope in the course of this debate they will find time to explain with greater clarity what is meant by that paragraph.

After consultation, No. 2, "with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year," to me, again, lays down a marker that something is in the hip pocket regarding a timetable.

Yes, we start with the government, and the Senator from Michigan cited some of the current government officials and some of the statements they have made. I freely say some of those statements do raise questions in my mind, but this government has only been in business a bare month. We have to give them time. We have to give the new Congress of the Iraqi Government an opportunity to voice its views in conjunction with those of the government officials.

This word "after consultation . . . begin the phased redeployment," how about if the government said we did not want a phased redeployment at this time? What would be the purpose of the consultation if they said, We do not want it at this time?

That statement, in effect, has been stated time and time again while there have been remarks that, yes, we hope you will lure your forces away, the bottom line is, they know they cannot survive with this new government if we begin any major withdrawal of forces in the coming 2 or 3 months while this government is taking root.

That is clear. No one disputes that.

But you say "consultation," then "begin the phased redeployment . . . from Iraq." That is not my idea of consultation. My idea of consultation is to take into consideration the viewpoints of both sides.

So we come back to submit to Congress a plan by the end of the year 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq with the understanding that unexpected contingencies may arise.

That is fortunate to have that in there, but that is sort of lost because of the prominence of the first sentence. That is what is going to be read and interpreted by the insurgents, all those who want to bring down this new government. That signal must not be sent by the Congress.

Mr. President, I yield the floor at this time and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, let me inquire of colleagues on this side who wish to speak. We started this morning by according the Senator from Michigan and the Senator from Rhode Island their opportunities. I have spoken on this side. I know Senator McCAIN has just arrived, and Senator CORNYN.

So I say to Senator McCAIN, I think you were the first on the floor.

Mr. McCAIN. I think Senator CORNYN was.

Mr. CORNYN. Mr. President, I yield to Senator McCAIN and ask to be recognized following him.

Mr. WARNER. Mr. President, I ask that Senator McCAIN follow me, and then we will rotate to this side and back to Senator CORNYN.

So at this time, I yield the floor and ask unanimous consent that recognition be given to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am wondering if we could sequence speakers.

Mr. WARNER. Why don't you designate someone?

Mr. LEVIN. After Senator McCAIN is done, we would then seek to sequence the Senator from New York immediately after the Senator from Arizona.

Mr. WARNER. Following that, Senator CORNYN will speak.

Mr. LEVIN. And then Senator SALAZAR is here.

Mr. WARNER. He would follow Senator McCAIN and the distinguished Senator from New York and the Senator from Texas.

Mr. LEVIN. Let's leave it at that—

Mr. WARNER. Then the Senator from Colorado.

Mr. LEVIN. Because Senator FEINSTEIN is now on the floor.

Mr. WARNER. You designate that Senator.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank you. And I express my appreciation for the courtesy of the Senator from Texas who was on the floor before I was, and I appreciate his courtesy very much. I intend to take about 12 minutes, if that is agreeable to the Senator.

Mr. WARNER. Mr. President, we grant 12 minutes to the Senator from Arizona.

Mr. McCAIN. Mr. President, I strongly oppose the amendment offered by the Senators from Michigan and Rhode Island and the amendment offered by the Senator from Massachusetts. These amendments share the same problem: calling for a withdrawal of American troops tied to arbitrary timetables rather than conditions in-country.

The amendment we are debating now states the sense of Congress that the President should begin the phased redeployment of U.S. forces from Iraq this year and that he should submit to Congress a plan with dates for this redeployment. I believe such a move would be a significant step on the road to disaster.

There is an understandable desire, 3 years after our invasion, to seek a quick and easy end to our intervention in Iraq. We face real difficulties there, we have made serious mistakes, and the costs have been very high. But these would pale in comparison to what is likely to unfold should we follow the course advocated by this resolution.

The violence we see on Iraqi streets today illustrates one fundamental fact: Iraqi forces are not yet capable of securing the country on their own. On the contrary, even with current troop levels, a level of violence in Iraq remains unacceptably high. To withdraw our forces would have one, all-too-predictable outcome—the violence currently constrained by our security operations around the country would rise commensurately. If the main enforcer of Government authority—coalition troops—draws down prematurely, the only questions will be the degree to which the increased violence engulfs the country and whether full-scale civil war erupts.

Much has been said about the effect of an American withdrawal on the Iraqi Government, and the sponsors of this amendment argue that a withdrawal would somehow force the Government to take on responsibilities it currently evades. But consider for a moment the effect of a withdrawal timetable on individual Iraqis outside the Government. An Iraqi Shi'a living in Baghdad or perhaps a Sunni living in Kirkuk learns that the Congress has called on our President to begin withdrawing troops this year and to present a timetable by which they will all return home. This knowledge changes the calculation made by individuals like these, decisions critical to the eventual security of Iraq. It makes joining the police forces or the Iraqi Government look like an increasingly bad bet. Participation in a militia appears better by comparison. And by changing these calculations across the country, we have made the goal of stability in Iraq more difficult to achieve. By signaling that an end to the American intervention is near, we will alienate our friends, who fear an insurgent victory, and tempt undecideds to join the antigovernment ranks.

Not every Member of this body agreed with the decision to topple Saddam Hussein, but when our country went to war, we incurred a moral duty to not abandon the people of Iraq to terrorists and killers. If we withdraw prematurely, risking all-out civil war, we will have done precisely that. I can hardly imagine that any U.S. Senator would want our Nation to suffer that moral stain.

But the implications of premature withdrawal from Iraq are not moral alone; they directly involve our national security. Greater instability in Iraq would invite further Syrian and Iranian interference, bolstering the influence of two terror-sponsoring states firmly opposed to America's policy. Iraq's neighbors—from Saudi Arabia to Israel to Turkey—would feel their own security eroding and might be induced to act. This uncertain swirl of events would have a damaging impact on our ability to promote positive change in the Middle East, to say the least.

Withdrawing before Iraqis can bring stability to the country on their own would turn that land into a failed state in the heart of the Middle East. We have seen once before a failed state emerge after U.S. disengagement, and it cost us terribly. In pre-9/11 Afghanistan, terrorists found sanctuary to train and plan attacks with impunity. We know that there are today in Iraq terrorists who are planning attacks against Americans. We cannot make this fatal mistake twice.

Whether or not Members of this body believe that Iraq was part of the war on terror in 2003, it is simply incontrovertible that the war on terror is being fought there today. Al-Qaida is present in Iraq. Jihadists continue to cross the borders. Suicide bombers target American troops, Government personnel, and civilians. If we leave Iraq prematurely, the jihadists will interpret the withdrawal as a triumph of their brutal tactics against our power. And I do not believe they will stop with Iraq.

The letter released last year from Ayman al-Zawahiri, bin Laden's lieutenant, to Abu Mus'ab al-Zarqawi draws out the implications. The Zawahiri letter is predicated on the assumption that the United States will leave Iraq and that al-Qaida's real game begins as soon as we abandon the country. In his missive, Zawahiri lays out a four-stage plan—establish a caliphate in Iraq, extend the "jihad wave" to the secular countries neighboring Iraq, clash with Israel—none of which shall commence until the completion of stage one: expel the Americans from Iraq. Zawahiri observes that the collapse of American power in Vietnam, "and how they ran and left their agents," suggests that "we must be ready starting now." We cannot let them start, now or ever. We must stay in Iraq until the Government there has fully functioning security forces that can keep the insurgents at bay and ultimately defeat them.

Some argue that it is our very presence in Iraq that has created the insurgency and that if we end the occupation, we end the insurgency. But, in fact, by ending military operations, we are likely to empower the insurgency. The fighting is not simply against coalition forces; rather, the insurgents target the Iraqi Government, opposing militias, and various sects and ethnicities. There is no reason to think that an American drawdown would discourage these fights.

Those who support a withdrawal might wish to examine the assumptions that lie behind their suggestion. What if we withdraw and the violence actually worsens, full-scale civil war ensues, or terrorists enjoy safe-haven to plan attacks against America and our friends? Do we then face the options only of tolerating this situation in perpetuity or reinvading the country?

A few observers have argued that the United States has an option of somehow pulling our troops from Iraq but still managing things from afar. This is nonsense. The United States will have no leverage to manage things once we have left the country. The battle in Iraq, which is likely to remain counterinsurgency in character, is ill-suited to the extensive use of air power, which would be the foremost instrument available to us from outside. We could no more prevail in Iraq from outside than we could win the war in Vietnam by continuing to bomb the North. As tempting as it is to seek a solution that would let us both draw down our troops and preserve our military options in Iraq, that solution does not exist. The options on the table have been there from the beginning: withdraw and fail or commit and succeed.

Don't take my word for it. Ask those whose security is at stake every day. The Iraqi Government does not want us to set an arbitrary timeline for withdrawal. As the Iraqi Minister for National Security wrote in yesterday's Washington Post, more important than some series of dates is the achievement of set objectives for restoring security. Similarly, our friends in the neighborhood fear a precipitous American withdrawal. Allies in Europe and Asia encourage us to see this war through to its end.

Because we cannot pull out and hope for the best, because we cannot withdraw and manage things from afar, because morality and our security compel it, we have to see this mission through to completion. Drawdowns must be based on conditions in-country, not an arbitrary deadline rooted in our domestic politics.

Our domestic politics do have an effect on the war in Iraq, and again I fear that this amendment would have a deleterious effect. Anyone reading it gets the sense that the Senate's foremost objective is the drawdown of American troops. The sense they should get is that America's first goal in Iraq is to win the war—that is what they should get—and that all other policy decisions support and are subordinate to the successful completion of our mission. Like the sponsors of this legislation, I hope we bring home American troops as soon as possible. But suggesting to the American people that withdrawal is at hand, we risk once again raising unrealistic expectations that can only cost domestic support for America's role in this conflict, a war we must win.

None of this is to say that success in Iraq will be quick or easy. On the contrary, this war is long and it is hard and it is tough. We will see significant achievements, like the killing of Zarqawi and the completion of the Iraqi Cabinet, but we will see steps backward as well, like the continuing violence in Baghdad and the insurgency in Ramadi. No one should have any illusions about the costs of this conflict as it has been waged thus far or as it will be waged as we move ahead, but neither should anyone have illusions about the role of Iraq in the war on terror today. It has become a central battleground in our fight against those who wish us grave harm, and we cannot wish away this fundamental truth. We cannot fall prey to wishful thinking that we can put the costs and the difficulties and the frustrations aside by ignoring our challenges and responsibilities.

I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

Mr. LEVIN. Mr. President, if the Senator will yield for a unanimous consent request?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator ROCKEFELLER be added as a cosponsor of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, for the information of Senators—if I could get Senator WARNER's attention—the order on our side will be Senators CLINTON, FEINSTEIN, and SALAZAR.

Mr. WARNER. Mr. President, the same order with the addition of SALAZAR.

The PRESIDING OFFICER (Mr. THUNE). The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise in support of the Levin amendment of which I am proud to be an original cosponsor. At a moment when 130,000 soldiers, sailors, Marines, airmen, active duty, Guard and Reserve are serving bravely in Iraq and when the debate in Congress over our Nation's Iraq policy has grown particularly divisive and heated, I believe it is time for the Members of this body to put politics aside and choose between success and the status quo.

By playing politics and blindly following the President, too many are deaf to the hue and cry about the failures of this administration in the execution of its policies. And too often, our colleagues on the other side of the aisle in both Chambers are asking politically motivated questions, not engaging in the kinds of fruitful discussion that asks the tough national security questions we need to address and answer.

I think it is time to choose whether we believe we have the right roadmap for success in Iraq. While our troops are serving bravely and with our national security in the balance, it is time to choose what is more important—a strategy to win in Iraq or a strategy for Republicans to win elections here at home.

There are no easy answers as to how we solve the problems created by this administration. There are no easy answers as to how we work to enable the Iraqis to hold their country together and to keep it from becoming a terrorist refuge and launching pad.

I simply do not believe it is a strategy or a solution for the President to continue declaring an open-ended and unconditional commitment, nor do I believe it is a solution or a strategy to set a date certain for withdrawal without regard to the consequences. Instead, I support this responsible way forward, a roadmap for success that will more quickly and effectively take advantage of Iraqi oil revenues, build up Iraqi infrastructure, foster Iraqi civil society, challenge Iraq's neighbors to do more to ensure stability in Iraq, and allow our troops to begin coming home.

We all know that our troops are in harm's way right now in a volatile region of the world for which America has significant interests at stake. We are at a profound turning point for our Nation. We are entrusted by our constituents, both those who serve and those who do not, to do what we think is right for them, for our States, and our country.

Let's be clear about what this debate is about. My friends on the other side of the aisle believe that the status quo is working in Iraq. They do not believe we need a fundamental change in policy. They choose to continue blindly following the President.

We Democrats disagree. We believe we need a new direction in Iraq that will increase the chances for success on the ground. I may disagree with those who call for a date certain for withdrawal, but I do not doubt their patriotism. I may disagree with those who believe in an unconditional commitment without end, but I do not doubt their patriotism either.

Sadly, however, there are those who do doubt the patriotism of many who raise serious questions about this war. They choose to tar all who disagree with an open-ended, unconditional commitment as unpatriotic, as waving the white flag of surrender.

They may not have a war strategy, but they do have an election strategy. This is the road they took America down in 2002. It was a dead end for our country then; it is a dead end now.

The politically motivated resolutions put forth by leading Republicans to gain tactical partisan advantage are a disgrace. In so doing, they have broken faith with those who serve and those of us who support our troops and who work for the success of this mission.

It is wrong, plain and simple, to turn this serious debate about our policies and national security into a partisan squabble designed to mislead voters. This is politics at its worst, played over war. And that is no way to honor the service and sacrifices of our troops and their families or to find a better way forward in Iraq.

Like many in this Chamber, I have traveled to Iraq and to Afghanistan. I have met there and here with tough, smart, patriotic men and women who fill me with tremendous pride. They have been performing magnificently under difficult conditions. They have paid a heavy price since the war began in 2003.

Last week we had a moment of silence to mark the day that the number of American servicemembers killed in Iraq reached 2,500. And more than 18,000 others have been wounded. As of June 17, New York has lost 116 soldiers. The combined number of New York soldiers killed and wounded is 1,038.

I have spent time with wounded soldiers and Marines. I spent time on Saturday with grieving families, mourning lost loved ones. I have tried to answer the questions they ask. I have shared the grief they feel. Those who have not lost a loved one or seen him or her return injured still are anxious every day while a parent or a child or a spouse serves far from home. Not a day goes by that I do not pray for the safe return of every man and woman now stationed in dangerous places around the world—not a single day.

This is not a time for partisanship. It is past time for this administration to level with the American people, for this Congress to find its voice and fulfill its constitutional duties to check and balance the executive branch, and for the Iraqis to chart a clear and responsible path to stability and peace.

I call on our colleagues on the other side of the aisle to fairly and honestly consider the Levin amendment as an alternative to the status quo, when we know that the status quo has not, is not, and will not create the conditions needed for the Iraqis to achieve the stability and security they seek and for us to bring home our troops.

The conflict in Iraq has now gone on longer than U.S. fighting in the Korean war before the armistice. We ought not to attack one another for asking the tough questions and presenting alternatives about how to achieve success, limit the loss and sacrifice of our young men and women.

As we debate our next steps in Iraq, it is critical that we recognize and fix, as best we can, the mistakes that have already been made and not repeat them. The Bush administration misused the authority granted to it, choosing to act without allowing the inspectors to finish the job in order to rush to war, without a plan for securing the country, without an understanding of the insurgency or the true human, financial, and strategic cost of this war, all the while viewing the dangerous and unstable conditions in Iraq through rose-colored glasses and the prism of electoral politics here at home.

It is time to put policy ahead of politics and success ahead of the status quo. It is time for a new strategy to produce what we need, a stable Iraq Government that takes over for its own people so our troops can finish their job.

That is what the Levin amendment does. It calls for a comprehensive roadmap to achieve peace and stability. It also sets into motion the steps that should be taken for Iraq to move itself forward and become more capable of defending its territory, ending the sectarian violence, and purging the insurgency.

The Levin amendment does put us on a responsible path by calling for stronger nonmilitary actions, such as a conference of neighboring nations, greater rebuilding efforts, and better internal political reconciliation, by requiring the Iraqis to disarm road militias and take over more of their own security.

The only way the new Iraqi Government can gain credibility is by proving they can handle an increasing share of the security of the country with fewer, not more, U.S. troops.

It is clear in the Levin amendment that we recognize the President's role as Commander in Chief. It is the President who will make these decisions. What the amendment attempts to do is to provide a different roadmap, to set some conditions in contrast to the unconditional, open-ended commitment that we have had for the last 3 years and 3 months.

In yesterday's Washington Post, one expert laid out such a roadmap which described the importance of reducing our military presence in Iraq so as to enhance the legitimacy of the Iraqi Government in the eyes of both Iraqis and Iraq's neighbors. That expert was Iraq's own national security adviser.

I commend the entire article to be read because as the national security adviser sets forth a roadmap for the way out of Iraq, he makes very clear that the removal of foreign troops will legitimize Iraq's government in the eyes of its people. That is not an American. That is not a Democrat. That is an Iraqi in this new government who recognizes what some, apparently, in this Chamber refuse to, which is, yes, we need conditions. The current policy has no conditions. It is unconditional.

The Levin amendment sets forth conditions, sets forth the kind of steps and benchmarks that we as Americans in positions of responsibility have every right to expect that the Iraqis will step up and meet. Clearly, that is also the position of the new Iraqi Government. In fact, one can read this statement and find much in the Levin amendment that supports the position put forth by the Iraqi national security adviser.

No war since Vietnam has stirred the emotion to the extent of our people as this one. I hear it all the time as I travel from one end of New York to the other. People stop and ask if there will be an end to the loss of American lives. They wonder what the goal is; how do we define success? The rhetoric on the other side is all about symbols and slogans, but how do we define success?

They believe that we in Congress should not be wasting this country's time with partisan political slogans while we have troops in the field. They grieve over the mistakes that have been committed by an administration that failed at every turn to see the difficulties ahead of it or the benefits of using all the nonmilitary means available to it.

Of course, there are always unexpected events in war that can change the best plan or put some detours into the roadmap. The Levin amendment takes that into account. But I believe we must end the current open-ended, unconditional policy and focus on clear goals on all fronts and to make that absolutely clear to the Iraqi Government.

If we do that, we can begin to bring our troops home this year. That is why I fervently believe members of both parties should support this resolution.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has used 15½ minutes.

Mrs. CLINTON. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to start my remarks this afternoon by recognizing the ultimate sacrifice paid by one of our soldiers, one of my fellow Texans, who gave his life this week in Iraq.

PFC Kristian Menchaca, age 23, of Houston, joined the military last year and was soon deployed to Iraq as part of the 1st Battalion, 502nd Infantry, 2nd Brigade, of the 101st Airborne based in Fort Campbell, KY.

According to military reports, Menchaca and his fellow soldier, PFC Thomas Tucker of Oregon, were part of a unit checking vehicles near the Euphrates River south of Baghdad. They were taken when their checkpoint was attacked and, as we now know, they died in service to their Nation, and their bodies have since been recovered.

Private First Class Menchaca is described by his family in various reports as a man who loved basketball and Mexican food. His cousin, Sylvia Grice, is quoted as saying:

> He talked about how happy he was that he was serving his country. Everyone he met liked him. He had that kind of personality. He liked to help people. He was just the kind of person that you enjoyed being with.

Private First Class Menchaca was married in September of last year, and he often talked of joining the Border Patrol when he finished his military service.

Mr. President, I know I speak for a grateful Nation when I say I am thankful for the service of good men and women like Private First Class Menchaca who serve our country day in and day out and who place themselves in harm's way in the service of freedom. I am glad there are people like Private First Class Menchaca, who was happy to serve his country, not knowing perhaps that that service to his country would end in the ultimate sacrifice for the cause of freedom.

Mr. President, I have been listening to the debate so far on the amendments on the floor. I cannot help but be struck by those who would cast the only options available to America, when it comes to what is now the central front in the global war on terror in Iraq, as open-ended, unconditional commitment versus arbitrary deadlines. We have more choices than that, and it is indeed the policy of our Government at the present time not to offer open-ended, unconditional commitments, or to set arbitrary deadlines that serve as an encouragement to the enemy, knowing that if they hunker down long enough and wait us out long enough, the American people will lose their resolve and simply give up.

Mr. President, our policy is one based on conditions on the ground, and based on the sound advice of our professional military experts, people such as GEN John Abizaid, head of Central Command, and General Casey, head of the coalition forces in Iraq. These are the professional generals—those with knowledge of the facts on the ground—who are making the judgments and recommendations to the President and the Secretary of Defense and to this Congress about what our policy should be, and that policy is based on conditions on the ground.

Those who suggest that our only choice is between open-ended, unconditional commitments and arbitrary deadlines are presenting us with a false choice, one that, in the end, simply looks a lot like giving up. I speak in opposition to any proposal to impose an arbitrary deadline for the removal of our troops from Iraq and to speak about what I believe and know others of my colleagues believe is our need to win the war on terror and, while doing so, to stand beside the Iraqi people as they work to build their fledgling democracy and work to expand their growing ability to secure themselves.

The fundamental question we have before us today is: Are we going to base our military strategy in Iraq on an arbitrary timetable for withdrawal based upon defeatism, a policy of retreat, a policy of appeasement, a policy of surrender, or are we going to rely upon the military judgment of those who are currently leading us to victory in Iraq?

It is clear, as in all wars, that our Nation is being tested. This is not so much a test for our professional military, which is the preeminent fighting force in the world today and no doubt the premier fighting force that the world has ever known—there is no military force that can defeat the United States of America—the only thing that can defeat the United States of America, when it comes to the global war on terror, is America itself, if we lose the courage of our convictions, if we simply give up.

On October 11, 2002, 77 Members of this body voted to authorize the use of force to remove Saddam Hussein in Iraq. I will be interested to see, when we vote on these various amendments, how many of our colleagues have simply lost the courage or conviction they displayed then, in saying it was important to remove a terrible, bloodthirsty tyrant from Iraq. I have stood on the mass burial grave sites in Iraq where at least 400,000 Iraqis lie who were victims of that bloodthirsty dictator.

We know that Abu Musab al-Zarqawi was in Iraq more than a year before American forces went in. We all know that Saddam Hussein, with his fantasies of developing weapons of mass destruction, teamed up with terrorists and presented a clear and imminent threat to the safety and security of the United States.

We have much unfinished work to do. But we must not forget to honor the sacrifices of those 2,500 people, like Private First Class Menchaca of Texas, who have made the ultimate sacrifice for their country. Are we going to tell those brave patriots and their families that they have sacrificed in vain, that we were not really serious about our commitments both to the American people, to preserve their safety and security, as well as to our allies, the Iraqi people? I hope not.

There is no victory in arbitrary withdrawal from Iraq, and victory must remain our sole resolve. Any suggestion that a withdrawal from Iraq would somehow accelerate or pressure the Iraqi Government, and Iraqis themselves, into supporting democracy more fervently is simply inconsistent with the facts. The people who are probably most anxious for the American and coalition forces to leave Iraq—second only to the American people's desire to have their sons and daughters come home—the people most eager to see them come home, beyond their family members, are probably the Iraqi people themselves. But they understand that they are not yet prepared to defend themselves against the terrorists, against the insurgents, against the sectarian strife that is currently racking that country. Yet we find that the armchair generals in Washington, DC, are hardly in a position to determine the best military strategy. How could it be any other way? Who is in a better position to determine what that strategy should be, based on conditions on the ground, than those professional military men and women who study this issue daily, who live with it daily, and who have tremendous experience? Surely, they have a better idea about how we can win the war in Iraq than the armchair generals in Washington who are resigned to defeat and simply giving up.

The Senator from New York quoted from a Washington Post article of yesterday and suggested that the National Security Adviser in Iraq had somehow endorsed the provisions of the Levin amendment. But I want to quote one sentence that clearly refutes that suggestion. The National Security Adviser said:

> This roadmap on foreign troop withdrawals is based not just on a series of dates but, most important, on achievement of set objectives for restoring security in Iraq.

In other words, Iraq's National Security Adviser understands the foolishness of setting arbitrary deadlines that have no relationship to achievement of set objectives for restoring security in Iraq. Do we all wish that our troops could come home sooner rather than later? Of course we do. But it is simply foolishness and folly to impose an arbitrary timetable on our forces, requiring them to withdraw from Iraq before the job is done and while the going gets tough.

I have in my hands a report from the U.S. Department of State that is 19 pages long. Anybody with access to the Internet could copy this or view it online. It is called "Significant Terrorist Incidents, 1961 to 2003: A Brief Chronology." It is 19 pages long. I ask our colleagues who counsel retreat, who counsel self-defeatism, what do they think is going to happen if we leave Iraq prematurely, before the Iraqi security forces can defend themselves in that new democracy? What do they expect will happen? I think what we know will happen is that power void would be filled by those who are currently fighting and killing innocent people in Iraq and who, given the opportunity, would use that failed state, if we were to retreat prematurely, as a platform to plot, plan, finance, and export terrorist acts to the United States and elsewhere around the world.

It is pure folly to think that the terrorists somehow would simply give up if we decided to come home prematurely, or that Iraq could stand on its own to fight and defend itself and have any chance of nursing this fledgling democracy into full maturity.

Just yesterday I heard some of the Members on the other side of the aisle say that they, too, thought that troop withdrawal should be based upon the judgment of military commanders. But they added: As long as the generals agree with them, that withdrawal will take place within 6 months.

Another one of our colleagues who has a resolution that has been much discussed announced he would extend his initial proposal of a 6-month deadline to a 1-year deadline. I wonder what sort of wisdom he acquired over the course of a weekend that told him, no, the arbitrary deadline should not be 6 months but should now be a year. What sort of new information did he acquire that led him to the conclusion that a withdrawal in 1 year was better than a withdrawal 6 months from now?

It is clear that such arbitrary decisions have no basis in military strategy. According to one news story last week, there were colleagues of ours on the other side of the aisle who were up all hours searching for a troop withdrawal position on the war on terror that would unite their political party.

My question is: Can they really be serious? Can they really be serious that they are still searching for some unifying position? It appears that they have no unifying position, and they have no plan to lead the victory in Iraq, or to lead the American people during one of the toughest fights that our Nation has ever endured.

It is indeed a time of testing for our Nation, and we must pass the test, not just for the safety and security of the Iraqi people, but for our own safety and security, and for the safety and security of our children and our children's children.

So far, it appears that the only thing the critics can agree on is their willingness to criticize the efforts in the global war on terror, to harp on those things in a way that is not productive and certainly not helpful. And it has the consequence, unintended or not, of undermining public support and confidence for our efforts in Iraq and in the global war on terror.

So it makes me wonder—and I am sure the American people must be wondering—are they more interested in the upcoming elections not in Iraq, but in America in November, or are they more interested in winning the global war on terror without regard to politics or elections?

It is important that we put the situation in Iraq in perspective. We are moving forward. Every single day we are making progress. The Iraqi people and their military forces are reaching out and taking responsibility in their own country and the hope we are extending to them for democracy and freedom.

Just over 3 years ago, Saddam Hussein ruled that country. We all know he killed hundreds of thousands of his own people whose only crime was to oppose his tyranny. Our military performed flawlessly in their march to Baghdad and overthrew Saddam Hussein. Then, in January 2005, the Iraqis held elections for a transitional national assembly to begin the drafting of the Iraqi Constitution. They overwhelmingly approved that Constitution in October of 2005. And then in December of 2005, they held elections for a permanent national assembly.

The Iraqi Parliament then approved the Cabinet, including the most controversial post of Defense and Interior Ministers. I remind my colleagues that the Iraqi voter turnout during last year's elections for their national assembly and referendum on their Constitution was respectively 58 percent, 77 percent, and 63 percent. It is clear that the Iraqi people are participating in their political process and building their own institutions that will eventually allow them to govern themselves and determine their own future.

On the security side, we have trained more than 260,000 Iraqi security forces and these forces are daily becoming more and more competent. They are now leading daily operations against insurgents and al-Qaida and the sectarian strife in Iraq.

We know there is a price to be paid, and I guess in the end, the difference between those who would retreat prematurely and simply give up and those of us who believe the fight is worth fighting for and the sacrifices that this Nation has made in the cause of freedom are unfortunate but worth it, the differences between those who believe war is bad and must never be fought and those who believe that war is bad but sometimes must be fought for the right reasons.

It is dispiriting that some politicians reading the polls in Iraq want us to set an arbitrary timetable for withdrawal, and this despite they have no plan for success for winning the war or what to do in the vacuum that will be created once we give up.

We know that terrorists remain on the attack and, given our willingness to retreat, will simply take advantage of that vulnerability and attack America and other innocent people again.

In conclusion, I think the policy of retreat and defeatism and simply giving up is not one that serves our Nation well. It does not serve the interests of the Iraqi people, and it would simply be the wrong decision for this Senate to make at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank our colleague from Texas for his powerful message and also for his work on the Senate Armed Services Committee where he has labored long and hard and well into the future, I hope. I thank the Senator.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from California.

Mrs. FEINSTEIN. Mr. President, as has been said, more than 2,500 brave men and women of America's fighting forces have now been killed in Iraq. Another 18,500 have been wounded. The victims of this violence include two American soldiers captured in an ambush at a checkpoint south of Baghdad who were brutally tortured, killed, and left surrounded by roadside bombs. I join with all of my colleagues in offering our deepest sympathies.

Yet with American troops now caught in the middle of raging sectarian violence, it is all too likely that such heinous acts will go on and on. This war, originally projected to last but a few months, has gone on for 39 months with no end in sight.

Our Nation is spending $2.5 billion a week on the conflict, and the violence has worsened.

Iraqis have suffered greatly. More than 30,000 civilians have been killed, including 4,000 in the past 3 months alone. And another 90,000 Iraqis have had to flee their homes and their country to avoid the bloodshed.

In the past 5 days alone, according to news reports, nearly 100 civilians have been murdered in car bombings, shootings and other attacks, despite a new security crackdown by Iraqi and American forces.

For example, on Friday, 16 people were killed and 28 wounded when a shoe bomber blew himself up inside the Buratha mosque during religious services.

Saturday, one of the bloodiest days yet in recent months, over 40 civilians died in a series of car bombs and mortar attacks around Baghdad.

Day after day and month after month, we see that an open-ended commitment of United States forces neither controls nor abates the insurgency but, rather, it appears to inflame it.

What is becoming very apparent is that the murderous conflicts that bloody Baghdad and other cities daily can only be reduced by Iraqis—Iraqis who are willing and able to come together and stop this brutal and ruthless violence.

So I rise today to say that the time has come for the United States to recognize that United States troops cannot abate this kind of sectarian violence; only Iraqis can.

Late last year, Congress approved and President Bush signed into law an amendment that was in this very Defense authorization bill. That amendment pointed out that:

> Calendar year 2006—
>
> That this year—
>
> should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq.

Mr. President, 79 Senators from both sides of the aisle voted for this amendment, and I believe the amendment presented today that we are debating right now is the right way to follow up on this earlier Senate initiative. It is not cut-and-run by any stretch of the imagination.

When President Bush staged his brief visit to Baghdad last week, he told Iraqi Prime Minister Nouri al-Maliki that he came to look him "in the eye." Now it is time for the President of the United States to look the American people in the eye.

As a nation, we have had enough repetition of slogans and reassurances that have become increasingly hollow in the continuing blast of roadside bombs and the rattle of automatic gunfire. No longer will "we stand down when they stand up" suffice for policy. No, Mr. President, we want you to recognize this.

Three years ago, the United States may have been misguided into war in Iraq, but now most certainly the country must not be misguided about the realities in Iraq today and the need to change our mission.

What is victory in a land torn by its own warring factions? Is it quite possibly allowing Iraqis to solve Iraqi problems and to remove the shibboleth of an ongoing occupying army making decisions that should be left to Iraqis?

Despite what may have been said these past few days, our amendment is not about cutting and running. Rather, our amendment acknowledges that staying the course is a strategy that shows no promise of success, and it is time to change that strategy.

There remains a thunderstorm of conflicting forces over much of Iraq. Questing for dominance are al-Qaida, nationalistic Baathists left over from the days of Saddam's tyranny, and an array of rival religious armies.

The battle lines are as uncertain and diverse as are the competing objectives of the various combatants. True, there have been some other positive developments. Iraq finally put a constitutional government in place last month, 5 months after the December 15 election.

After extensive deliberation and debate, the Iraqi Government is finally functioning, but much work remains to be done by the Iraqi people and their elected leaders, for only they can ultimately defeat the forces that have left the Iraqi nation on the brink of civil war. There are now over 260,000 Iraqi military and police personnel who have been trained and equipped, well over three-quarters of the way to reaching the Pentagon's stated goal of establishing an Iraqi force of 325,000 troops. Of the 102 operational Iraqi Army combat battalions, 69 are either in the lead or operating independently. That is over 60,000 soldiers.

Now that Iraqis have assumed the reins of control, it is critical that the United States not be caught in the middle of the ongoing carnage, sectarian violence, and civil strife.

I believe strongly that our mission in Iraq needs to change—train police and military, provide necessary infrastructure assistance, advise when asked—

but now that the entire Iraqi leadership is in place, it is time for the phased redeployment promised last year in this bill to begin.

Our amendment calls on the administration to prepare and present to Congress and the American people by the end of this year a plan outlining the steps needed to proceed with the redeployment of our troops, either back to the United States or to other critical areas of potential terrorist conflict around the globe.

This amendment would place the Senate on record asking that the President expedite the transition of U.S. forces in Iraq to a limited presence and confine the mission to training and providing logistical support to Iraqi security forces.

We request the President to begin the phased redeployment of forces this year. It would ask that the President submit a plan to the Congress by the end of 2006 with estimated—estimated—days for the continued phased redeployment of U.S. forces from Iraq. Is this too much to ask 3 years and 3 months into the most costly conflict the United States has yet entered into?

It would also ask the President to convene an international conference to bring together the international community to discuss and implement a strategy to assisting Iraq's development and infrastructure.

This amendment also calls on the Iraqi Government to, one, achieve a broad-based and sustainable political settlement within its own groups of people; two, share political power and economic resources among all Iraqi groups; three, develop a unifying constitution; and, four, disarm the militias and remove members of the Iraqi security forces whose loyalty to the new government is in doubt.

Moreover, and most importantly, it is increasingly clear that the Iraqis themselves wish to see a structured downsizing of American troops in their country. Why don't we listen?

Senator CLINTON eloquently pointed this out, and it bears repeating. The new Iraqi National Security Adviser first said a week ago, and then more recently in a Washington Post op-ed just yesterday, that the Iraqi Government hopes that by year's end, United States troop levels will be under 100,000, and that most of the remaining troops will return home by the end of 2007.

We don't make accusations of the Iraqi National Security Adviser. I have a hard time understanding why the opposite side makes accusations of us when we simply say we agree with the Iraqis, whose business it is to know this, chart this, advise this, and carry this out.

He states unequivocally that Iraq's ambition is to have full control of his country by the end of 2008. He says: The removal of coalition troops from Iraqi streets will help the Iraqis, who now see our troops as occupiers rather than the liberators they were meant to be.

Members, this is the Iraqi National Security Adviser saying that the Iraqi people now see our troops as occupiers rather than the liberators they were once meant to be. This is a point worthy of serious consideration by this body.

Al-Rubaie goes on to suggest that such a drawdown: "Will legitimize Iraq's government in the eyes of its people" and "strengthen it to last the full 4 years it is supposed to." A drawdown, he says, will legitimize Iraq's Government in the eyes of its people and strengthen it to last the 4 years it is supposed to. Why don't we listen?

And he concludes yesterday's op-ed by stating—and I find this eloquent:

> Iraq has to grow out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its own mistakes, and find Iraqi solutions to Iraqi problems, with the knowledge that our friends and allies are standing by with support and help should we need it.

This is exactly what this legislation would do. If the Iraqi National Security Adviser is willing to put forward goals and timetables for the downsizing of the American troop presence in Iraq, why shouldn't the President of the United States?

I hope this body will join together in a bipartisan fashion, as we did last year, and call for the redeployment and transition of the United States mission in Iraq beginning this year. Three years and 3 months. This hasn't been 30 days, it hasn't been 60 days or 90 days. It has been 3 years and 3 months with "stay the course," and things get worse and worse. Now we have the National Security Adviser in Iraq saying essentially exactly what the amendment before us today says. Are we going to listen to him or do we think we know better?

I believe this is the right thing to do for our troops who have sacrificed so much. It is the right thing to do for their families who wait anxiously for them to return home. It is the right thing to do for the overwhelming majority of the American people who have stated clearly their desire for a change of course in Iraq.

I believe it is the right thing to do for the Iraqi people. They are prepared to stand up. They are prepared to handle their own destiny. I believe Iraq should be for Iraqis.

Thank you, and I yield the floor.

Mr. WARNER. Mr. President, I yield myself just a minute or two. I listened carefully, as I do to all the comments made by my colleagues, and I believe I heard my distinguished colleague from California say that the most costly war ever is the one we are engaged in.

I would like to remind my colleague and all those listening and all in America—we deeply grieve the 2,500 lives we have lost thus far and the 18,000 wounded—but I remember so well when I was but 17 or just turned 18. I was in the Navy during the last battle of World War II; just one of those battles in World War II. I was in the training command at that time awaiting my orders to go to the Pacific. It began on Easter Sunday morning, and it ended 81 days later. One battle, 81 days, in 1945. Let me tell my colleague what America suffered. Twelve thousand men, and I expect some women, were killed or missing and never accounted for; 38,000 were wounded, 763 aircraft were lost, 368 U.S. naval ships either sunk or were severely damaged.

We have to be cautious and put this conflict in context with the sacrifices that Americans have made. That was just one battle in World War II. The casualties eventually went over a half a million. That was only one battle.

As we look at this conflict, yes, we grieve the losses, but we have to maintain this steadfast commitment, as we did in World War II, to put an end to this tyranny of terrorism. If not, we will not see casualties like Okinawa in any military conflict in the years to come between soldiers, sailors, airmen, and their counterparts, but we could see those casualties here at home if these terrorists acquire weapons of mass destruction or are given places in the world to have their training camps, and if they perceive that this Nation is in any way wavering its commitment to fight terrorism in every aspect we can.

So I would say to my dear colleague, I don't think this is the most costly war ever, as I believe the record will reflect.

Mrs. FEINSTEIN. Mr. President, may I respond to that?

Mr. WARNER. I yield the floor.

Mrs. FEINSTEIN. I would respond just for a brief moment. I believe the total cost of World War II was $210 billion in real dollars. The cost thus far of just Iraq has been $320 billion; and if we include Afghanistan, my understanding is it is about $370 billion. So I did not mean it in terms of lives lost; I meant it in terms of dollars spent.

Mr. WARNER. Well, that was not clear in the statement that you made. You used the word "cost." I did not put down the cost of all the military equipment of the wars. But I think when we look at cost, we should think of lives expended. And we are here today exercising that freedom from that generation of World War II, the generation that fought in Korea, the generation that fought in Vietnam, and the generation that is fighting today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to start my remarks in opposition to this resolution by sharing the story of Marine First Lieutenant David

Lewis from Spring, TX. Following participation in the Corps of Cadets at Texas A&M University, he was commissioned on August 10, 2001. He wanted to serve his country, and he found very quickly after he graduated that he would have that opportunity.

Lieutenant Lewis has served two terms in Iraq, two tours in Operation Iraqi Freedom I and II. During his second tour, on August 5, 2004, Lieutenant Lewis was badly wounded in Najaf, while leading his platoon of 35 Marines into conflict against a group of insurgents. A rocket-propelled grenade grazed off his helmet and exploded, leaving him blinded and severely wounded. He survived the blast, and following numerous surgeries after returning home, he has regained partial vision in one eye. He was awarded the Purple Heart, and the Navy and Marine Corps Commendation Medal with V for his service.

But he still wanted to serve his country. He was frustrated by the negative image of the war portrayed by the media. So Lieutenant Lewis came to Washington and applied for a job on my staff. And I am very pleased to report that he is sitting with me on the floor today, a valuable member of my staff.

Lieutenant Lewis, like so many of his brothers and sisters in the Armed Forces, has sacrificed for our country, none more than the three who were ambushed just last week and have given the ultimate sacrifice for our country. Private First Class Menchaca from Houston, TX, Private First Class Tucker from Madras, OR, and Specialist David Babineau from Springfield, MA. We are horrified by what we have heard of the deaths of Private First Class Menchaca and Private First Class Tucker. My thoughts and prayers go out to them and their families. But I cannot imagine anything worse than what has already happened to those two people and their families, along with Specialist Babineau and Lieutenant Lewis. I cannot imagine anything worse than for us to pass a resolution that says we are going to stop our commitment because we just can't take it anymore. It is like saying, the cause for which they have paid such a price really wasn't worth sticking with it.

This war on terror must be won at all costs. If we step back and say we are willing to walk away because times are too tough, we have jeopardized the 2,502 who have given the ultimate sacrifice in this war on terror. Furthermore, we are giving away the security of future generations. We are saying that we are not going to protect freedom because it might be too tough.

If we did this, the terrorists would surely be emboldened. They attacked us, according to Osama bin Laden, on 9/11 because of our reaction to previous attacks: The USS *Cole*, the bombings of our embassies in East Africa, Somalia, the bombing of Khobar Towers, and the first attacks on the World Trade Center. We treated it like this was going to be a criminal case, and we had to have justice in court. The terrorists got the message that America's attention span wouldn't last very long, not long enough certainly to see through an entire war on these people who would take away the freedom of our children.

I cannot imagine telling the terrorists that if times get too tough, if you are too horrible, if you do things that we cannot even imagine because we are a civilized society, we are going to turn around and run away. I cannot imagine saying that America will not have the stamina to stand up and fight and win a war at all costs for the freedom of future generations.

That is the message we would send to our enemies. What about the message we would send to our allies? You know, this resolution and previous resolutions have called on President Bush to get more international involvement in the war on terror. I know President Bush has tried to get international involvement, and we have international involvement. But what country would ever step up to the plate and be by the side of the United States of America in the future if we say: We are going to set a timetable, and if it gets too tough we are going to leave, but we sure appreciate your coming and being with us, until it gets too hard? That cannot be the role of the greatest country on Earth. If we show that kind of weakness, we will no longer have allies, and we will certainly have plenty of enemies.

If we establish a timetable for redeploying our troops from Iraq by the end of the year or by July of next year, we are handing the enemy our playbook. We would be saying that in 194 days our commitment is going to end. Why they picked 194 days to say that our attention span would last, I don't know. But it would be 194 days for the Government of Iraq to get up and going, for the security forces to be trained, 194 days to root out the insurgency, and 194 days to stand beside our allies and by the Government that is forming in Iraq. That is not the role of the United States of America.

It has been mentioned on the floor that there is an opinion piece in the Washington Post yesterday from an Iraqi adviser saying Iraq needs to learn from its mistakes and Iraq needs to stand on its own. No one wants Iraq to be able to stand on its own more than the United States of America. We have shown that. But does anyone in this body believe that Iraq is totally in control of Iraqis today? Does anyone believe there are not insurgents and agitators from other parts of the world? Al-Qaida? Iran? Other terrorist organizations that have come into Iraq for the specific purpose of destabilizing that country?

If you do believe it is just Iraqis who are there and if everyone else leaves they will be able to settle their differences, then this resolution would be just fine. But that is just a fantasy. Of course there are insurgents from other parts of the world. Of course there is al-Qaida right in the middle of Iraq. The last thing the terrorists want is a stabilized Iraq. That is why they are fighting so hard. So we would say to this fledgling Government that has just been able to get on its feet but is still struggling, that has trained soldiers but not nearly enough because the insurgents continue to bomb their police headquarters and recruiting headquarters, we would say to them: We are going to leave you on your own and hope for the best.

Can you imagine what would happen in Iraq if America says we are leaving at the end of this year, we are going to start to pull out troops, and then we are going to finish by July of next year or whatever date would be determined by the authors of this amendment? Who would be in control of Iraq? Anybody who believes that it would be Iraqis, with the condition they are in, is just not looking at the reality. So I cannot think of anything worse that I could say to the family of Private Menchaca, from Houston, TX, or his 18-year-old wife who is with her family, than—the very week that this young man paid a terrible price for a cause he believed in—that we are not really committed to the cause. I cannot imagine anything more disheartening to Lieutenant Lewis, who has already served twice in Iraq and wanted to come and do more for his country, than to say: I am glad you are committed, but the Senate just isn't there with you.

No. No. The United States of America and the Senate representing the 50 States of this Nation must not pass a resolution that would walk away from our commitment to the cause of freedom for the citizens of the United States, because that is what is at stake here. It is not the Iraqi people alone in this fight. We are fighting terrorists on their turf. We have not had an attack in the United States of America because we have been vigilant in keeping them on their turf, containing them on their turf, and building up our homeland security at the same time. We must keep the word and the commitment of the greatest Nation on Earth, and we must keep the trust of the people that we are going to keep the will to fight for freedom for their children and their children's children. That is what is at stake in this resolution.

I urge my colleagues to think of the consequences of cutting and running from a fight that is much bigger than the stabilization of Iraq. It is for the freedom and the way of life of Americans and our allies throughout the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, would you advise the managers as to the allocation of time still remaining under the control of each?

The PRESIDING OFFICER. The majority has 1 hour 14 minutes; the minority has 1 hour 26 minutes.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. I yield 10 minutes to Senator SALAZAR.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I am proud to be an original cosponsor of the Levin-Reed amendment on our Iraq policy.

The United States of America has already invested mightily in helping the Iraqi people. It is now time for the United States to make a clear and specific statement that the Iraqi people must assume the responsibility for finding Iraqi solutions to the challenges they face.

Indeed, that is exactly what the Iraqi government has said it wants. Just a few days ago, the new Iraqi National Security Advisor, Mowaffak al-Rubaie, stated that the Iraqi government anticipates some drawdown in U.S. troop numbers by the end of this year and continuing in 2007. He also said:

> The removal of troops will also allow the Iraqi government to engage with some of our neighbors that have to date been at the very least sympathetic to the resistance because of what they call the "coalition occupation."

Finally, he made the statement:

> The removal of foreign troops will legitimize Iraq's government in the eyes of its people.

The security adviser continued and essentially said that there would be a gradual transition from the American troop presence there in Iraq. So our amendment builds on what the Iraqi Government is telling us that they want.

America has invested life, blood, and treasure in Iraq over the past 3½ years. Mr. President, 2,506 U.S. servicemen and women have been killed; Over 18,500 servicemen and women have been wounded: and some $320 billion taxpayer dollars have been appropriated.

We all recognize that U.S. forces cannot and should not remain in Iraq indefinitely. Yesterday the House of Representatives voted overwhelmingly to retain language indicating that the U.S. will not construct permanent bases in Iraq precisely because they wanted to send a signal to Americans and to Iraqis—we don't plan on staying forever.

Last year the Senate joined together in calling for 2006 to be the year of transition in Iraq. That was a positive step, one that helped bring unity and cohesion to a debate too often marked by partisan rancor. Now we can take another constructive step together by supporting this well-thought-out amendment.

The Levin-Reed amendment affirms the statement that the Senate made last year: 2006 should be a year of transition in Iraq. It asks the President to present a flexible plan for that ongoing transition—one that can give some shape and direction to the oft-repeated mantra that "as the Iraqis stand up, we will stand down."

Let me just outline what this amendment does.

It states that an open-ended commitment in Iraq is unsustainable, and urges the following actions be undertaken to help the American people and the Iraqi people achieve success.

The Iraqis should take steps to promote more power sharing in Iraq, including through Constitutional changes, to avert civil conflict.

The President of the United States should convene an international summit on Iraq to increase burden-sharing in efforts to stabilize the country.

The government of Iraq should disarm militias and insist on integrity in the Iraqi armed forces and police.

The U.S. President should begin the transition of U.S. forces to a limited, three-fold mission. That mission would involve continued training of Iraqi forces, protecting U.S. assets and personnel, and targeted counter-terrorism activities, and by the end of 2006, the President should submit a plan to Congress for continuing the phased redeployment.

The U.S. should continue heavy diplomatic engagement in Iraq for the foreseeable future.

The President should assess the impact that our operations in Iraq are having on the overall US campaign against terrorism worldwide.

One thing that has become apparent in recent months is that many Americans are losing confidence in our Iraq policy—not in our servicemen and women, but in our policy. I know that history tells us that the U.S. is most successful in undertakings of this magnitude and difficulty when the American people are wholeheartedly behind the effort. It is my sincere hope that this amendment, and the plan for phased redeployment appropriate to conditions on the ground that it calls for, will help contribute to success in Iraq by giving the American people new confidence that we are moving toward a clear destination, along a distinct path.

It is precisely because I recognize that stability in Iraq is important, and because I want this mission to succeed, that I am pleased to cosponsor this amendment. The only path to sustainable stability in Iraq requires Iraqis assuming responsibility for their own security and making the political accommodations necessary to avert civil war. The U.S. cannot do this for them. An open-ended policy in Iraq is not helping matters—it is letting extremist and divisive elements hide behind the cloak of nationalism, and it is providing a rationale for postponing tough choices which must be made by the Iraqi people.

And so those who would rather engage in mudslinging, those who would rather politicize this vital national security issue than deal with the reality that the only choices before us are tough choices, need to think again. We all in this Chamber, I believe, want success in Iraq. We need to work with the democratically-elected Iraqi government to get there. This amendment is in step with their vision.

I want to succeed in Iraq, and I also want our broader foreign policy goal to succeed—the goal of defeating the terrorist networks that wish to do us harm. It is precisely because I am concerned about the consequences for our national security of an open-ended commitment to keep large numbers of American troops deployed in Iraq that I support the Levin-Reed amendment. The fight against terrorism is a global endeavor, and for years Iraq has been sucking up most the resources, the troops, and the political will and capital in this room. This amendment calls on the administration to responsibly assess and adjust our policies so that we don't strain our military to the breaking point even as a global struggle rages on for years and perhaps decades to come.

The very fact that this amendment is likely to be criticized from both sides in the Iraq debate is, in my view, an endorsement of its language. This amendment rejects any call for an immediate withdrawal, because that would be irresponsible and would not serve our national interests. A failed Iraqi state would further destabilize an already volatile region, creating a lasting haven for terrorists. Our national security imperatives mandate our commitment to Iraq's success. There is no cutting, there is no running in this language. There is no deadline. There is no arbitrary timeframe.

But it also rejects the fingers-crossed, stay the meandering-course approach favored by those whose strategy seems to involve little more than hoping for the best. Optimism is a terrific attitude, but it's not a policy.

Success in Iraq is dependent on several factors: controlling violence, creating a stable government of national unity, delivering basic services and the promise of economic development to the Iraqi people, and establishing strong and supportive relations between Iraq and its neighbors in the region. If any of these pillars are missing, Iraq's future becomes uncertain and unstable. America can help, but ultimately the Iraqis must achieve these goals on their own.

This amendment calls for us to begin shifting that responsibility, even as we work to shore up international cooperation and support and reaffirm our commitment to intense ongoing engagement.

Since I became a United States Senator, I have twice traveled to Iraq to get a better sense of the status of our mission. Each time, I have been overwhelmed with admiration for our servicemen and women who are serving so honorably, and who, along with their families, are sacrificing so much.

I am so proud of our troops and we must do right by them. Sitting on our hands while policy drifts from one goal and mission to another with no end in sight just isn't good enough. By the end of this year, we will have been in Iraq nearly as long as we were engaged in World War II, but as sectarian violence is on the rise, the picture is getting murkier and murkier. Congress needs to get into the mix—but to get in responsibly. I hope that my colleagues, both those who support this amendment and those who find fault with it, will engage in this debate in that spirit. Our men and women in uniform, and the American people, deserve nothing less.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

Mr. WARNER. Mr. President, I yield to the Senator from Oregon up to 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. SMITH. Mr. President, since the conflict in Afghanistan and Iraq, 2,808 American men and women have paid the ultimate sacrifice. Of that number, 63 are Oregonians, or those who have Oregon ties. There are 63 patriots among that total.

I rise today to honor them, but I also feel compelled to come here this afternoon to pay particular honor to Tom Tucker who recently lost his life and to do what I can through my words to assuage in some possible way, if possible, the grief of his parents, Wes and Meg Tucker of Madras, OR. Army PVT Thomas Tucker was born in Pineville, OR, in central Oregon, in the beautiful rimrock country of that part of our State. He grew up in Madras and graduated from Madras High School in 1999. He worked in a variety of jobs before feeling the call to serve his country and enlisted in the U.S. Army in July of 2005. He was attached to the First Battalion of the 502nd Infantry Regiment of the Second Brigade, 101st Airborne Division. He has been in Iraq since February of 2006.

When word came through that he had been taken hostage by al-Qaida fighters in Iraq, I called his father Wes. I wasn't very far into the conversation when it was clear to me that I was talking to a dad who was also a patriot, was proud of his son and fearful for the consequences that may befall him.

The worst-of-all news came out when the whole country, and particularly my State, learned not only that Thomas had given his life but that he had been tortured, that his body had been defiled and had been booby-trapped to take the lives of other American soldiers.

I have no words sufficient to tell the Tucker family how truly sorry I am for the extent of their loss. Yet I stand in awe and amazement that this morning on the NBC "Today" program there came Wes Tucker's face. And he said: "Our son, as far as we are concerned, has died for the freedom of everyone in the United States."

I could not agree with him more.

Wes and Meg Tucker are made of sterner stuff. They did not blame the President. They did not blame the military. They simply acknowledged that their son was in the service of his country knowing the risk and willing to sacrifice it all.

I salute them, and I will never forget them or their son.

I am told by news accounts that Madras, OR, a town of 6,000 people, has now become a family of 6,000 people, gathering around the Tucker family, to offer whatever consolation they can and the support that is required, to let the Tucker family know that their son is an American hero now and forever.

Many wonder, what did Tom die for? I believe, as his father said, that he died for his country, that he died for freedom's sake, and the cause of freedom is one that comes with a very high price. It has hit home hard in Oregon today.

Al-Qaida is a serpent with many heads. It found Tom, and in finding him revealed the ugliness, the barbarity, the brutality of the enemy that we face.

Understand, al-Qaida's words in this war, their purposes, their intentions, their objectives are to create—these are not George Bush's words, these are their words—a new caliphate in the Middle East such as existed for several centuries, ranging from Spain as far as Pakistan, to establish sharia law.

If you want to know what sharia law is, look at the governments of the Taliban and the brutality that attended their government. It is for the extermination of the state of Israel, and it is for the holding hostage of western civilization. I believe Tom Tucker died in opposition to these hideous aims of our enemies on Earth today.

Anyone who believes that America does not have a stake in this is deeply mistaking themselves.

During my first term in the U.S. Senate I served on the Foreign Relations Committee. I wasn't on that committee long until I was simply amazed and overwhelmed in terms of my schedule by the number of foreign leaders who sought out an audience in my office seeking trade, aid, and military alliance with the United States.

I used to wonder, why do they come to us? Why must we solve their problems? It was evident because they knew America had values for which it was willing to pay a high price.

So I have to ask, why us? And history's answer is, why not us?

In the 20th century, the United States of America and a number of our stalwart friends—the British come quickly to mind—have filled the void to stop tyranny when our defense, first, our interests, our values and our allies required our help. It is no different now in 21st century.

We all want our kids to come home. I pray for that daily. And I am thankful that their numbers are declining and that they are coming home.

What this debate is about and the difference we share with our friends on the other side of the aisle is simply the wisdom of announcing a date for withdrawal.

As I have studied history, I have never found an instance whereby victory is won by announcing retreat. Wisdom counsels, I believe, that we hold our cards closer to our vest.

Al-Qaida is counting on us to go home just as they cite in their Web sites our retreat from Beirut, our inaction in the face of innumerable, outrageous terrorist attacks during the 1990s—and they took it all for weakness.

I want our kids to come home. But I want us to see the ugly face of al-Qaida and understand the deadliness and earnestness of their purposes and how antithetical they are to the future of this Nation and to the future of our children and to the civilization that we enjoy in such abundance in this blessed land.

Al-Qaida is counting on us to set a date. It is for that reason that I will vote against any amendment that sets a date.

I want to express to my colleagues on the other side that the rhetoric is too heated. When I hear things like "Bush lied, kids died," or even on our side, "retreat"—and whatever the mantra is—my soul cries out for something more dignified.

I don't believe their dissent is unpatriotic. I simply believe it to be unwise. It is a tactical mistake of monumental proportions.

I do not know how long the war on terror will go. But I do know that we have an interest in it. We learned that interest on 9/11. We learn that interest with the death of every soldier.

I yield the floor with a plea that we keep our tactics to ourselves and that we understand that America will not be defeated but that we can defeat ourselves.

I urge opposition to the Levin amendment.

I yield the floor.

Mr. WARNER. Mr. President, I yield myself such time as I may consume to say to my colleague, what a truly heartfelt, remarkable set of comments. I thank the Senator for contributing to this important debate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 15 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, as I begin my remarks, by coincidence, I am following my good friend from Oregon, GORDON SMITH. It is purely by coincidence that we are lined up to address our thoughts on this important and most critical issue facing our country. I say to my colleague from Oregon, my opening comments are exactly the Senator's closing comments.

I plead with my colleagues during the remaining hours of this debate to try to stay away from the personal attacks and the mindless use of labels that we are tempted to gravitate to in order to impassion our constituencies. Such approaches do little to contribute to an understanding of the important subject before the Senate.

The Senator from Oregon eloquently described the loss of Thomas Tucker and of Kristian Menchaca from Houston, TX, the insane and hideous loss of life, and how it occurred. These young men and the 2,500 others who have lost their lives, along with the 18,000 who have been permanently injured, deserve better than some of the rhetoric and some of the discussion I have heard over the last number of days in talking about this issue.

I believe all 100 Senators in this Chamber care deeply about what happens to our men and women in uniform. I don't question for a single minute the patriotism of a single colleague. While we may disagree about how to successfully conduct our policies with respect to Iraq, we all deserve to give to our constituencies an intelligent discussion of these matters rather than resort to language of "cut and run" or "lie and die" or other such talk. It is that kind of rhetoric which causes most of our constituents to become disgusted with Congress.

I may disagree with my colleague from Oregon over the Levin amendment. In fact, I am a cosponsor of this amendment, and I believe CARL LEVIN and JACK REED have put us on the right track, which I am going to explain. I can fully respect those with a different point of view in all of this, while disagreeing with them. I do not question for a minute any Senator's goals or patriotism. I hope the rest of my colleagues over the remaining hours will conduct themselves accordingly. Before giving your speech, read the speech of GORDON SMITH and then decide whether you are going to engage in the kind of talk you may have prepared in your remarks in this Senate.

I thank CARL LEVIN, JACK REED, and others who put this amendment together, which I have asked to be a supporter of. It is a major step in getting our Iraq policy headed in the right direction. I also thank our colleagues who met on numerous occasions over the last several weeks, to have discussions about how best to frame this amendment. They were thoughtful discussions which I was pleased to participate in with Senators CARL LEVIN, JOE BIDEN, HARRY REID, JACK REED, DIANNE FEINSTEIN, DICK DURBIN, JOHN KERRY, and RUSS FEINGOLD. The Levin amendment is a consensus product of those conversations. Any one of us developing an amendment on this subject might have done it somewhat differently, emphasized some ideas more than others, included more specificity in the information we are seeking from the President with respect to benchmarks and a timeframe for the significant redeployment of U.S. forces from Iraq. But I believe that the amendment that emerged from that process is useful for a serious and important debate on the need to begin the process of redeploying our forces this year from Iraq and turning over full responsibility for governing that country to Iraq's democratically elected leaders.

I believe very strongly that it is very appropriate we begin any discussion about Iraq by first commending our men and women in uniform who have served so nobly there. Whatever else your views may be, it is critically important that they know this great Senate respects and honors their service. Our men and women in uniform have performed with honor, bravery, and skill in attempting to bring order and stability into the post-Saddam Iraq. They have put themselves in harm's way, as I said a moment ago. More than 2,500 of our sons and daughters have given their lives serving our Nation. Thousands more have suffered life-altering injuries. The American people and the Iraqi people owe them, more than any other group, in my view, a great debt of gratitude for their service.

We in Congress must continue to provide them with every resource to ensure they return home safely and as expeditiously as possible. Whatever disagreements may arise during the course of our debate about the administration's Iraq policy, those disagreements should in no way be interpreted as criticisms of our troops. Every one of my colleagues, as I said a moment ago, cares deeply and respects deeply the service of these men and women in uniform.

Our disagreement with the President and his administration is that we believed we were misled in 2002 about the rationale for going to war in Iraq. There was hyped intelligence, cherry-picking of intelligence data to paint a picture of a threat, in my view, that did not exist at the time. That is and was unconscionable.

After the war began, the President continued to mislead America about the course of the war, the adequacy of planning, the postwar reconstruction, and the bill the American people would be asked to pay for the cost of U.S. involvement. Key members of the administration played critical roles in disseminating information that was inaccurate.

I have said on a number of occasions that if I had known then what I know now—namely, that Saddam Hussein possessed no weapons of mass destruction—I would not have given the President my vote for a resolution to use force in Iraq. I doubt there would have been a vote had all Members been aware of the information we now know exists.

Having said all of that, it is not possible to turn back the clock. We are where we are with respect to our involvement in Iraq. Sectarian violence has now outpaced that of foreign jihadists and ex-Baathists and insurgents as the greatest threat confronting American and Iraqi forces and Iraqi civilians. Ethnic mistrust, according to a recent cable from our Ambassador in Iraq to Secretary of State Rice, is increasingly ripping that country apart at the seams. That is from our Ambassador in Baghdad.

According to that same cable from our Ambassador—and I am not quoting, but this is the substance—the Iraqi people largely blame, unfortunately, the United States for the current situation, seeing their own Government as a puppet of the United States and believing that much of the violence in Iraq is being allowed by the United States as a type of retribution for the problems we faced in our mission to Iraq. Those are not my views but the views expressed by the American Ambassador in Baghdad writing to the Secretary of State saying this is how we are perceived. I strongly object to that kind of conclusion, but that is the conclusion of our Ambassador.

Iraq's economy is also in a shambles. Three years after major combat operations ended, the Iraqi infrastructure remains inadequate by every measure. Oil production, electricity generation, and the availability of clean water are all below prewar levels. Schools and hospitals lack adequate supplies and personnel. No matter how the administration tries to paint the picture, the reality which we all accept and know is that the chaos in Iraq is transparent and it is growing.

Most importantly, Iraq's elected Government is now poised to function, but only after 5 months of political haggling over key Cabinet and sub-Cabinet posts. That is the reality, colleagues, that the U.S. policy must now address in Iraq.

To be fair, there has been some good news. Over the last 10 days, particularly with the announcement that U.S. forces were able to detect and eliminate the Jordanian terrorist Abu Mus'ab Al-Zarqawi, al-Qaida's henchman in Iraq and the architect of the brutal attacks against U.S. military personnel and Iraqi civilians alike. We can be justifiably proud, and should be, of how the United States and Iraqi forces, together, carried out this extremely dangerous and important mission. It is also a positive development that the Iraqi Government is now as its full capacity, with all Cabinet positions filled, particularly the critical national security posts. That is the good news. It is important to cite that as well.

Now that this Government of Iraq is a reality, it is also an important and appropriate moment for U.S. policymakers to take stock of our policy in Iraq and consider the next steps to turning over full responsibility to Iraq's democratically elected government.

Let me remind our colleagues, last year, President Bush signed into law as part of the fiscal year 2006 Defense Authorization Act a provision that states:

> Calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq.

I commend, as I should have at the outset, the chairman of the committee, my good friend from Virginia, JOHN WARNER. He has done a wonderful job allowing debate in the committee, bringing witnesses forward, allowing dissent to occur where appropriate, and authoring this language last year in that Defense authorization bill which the President signed into law calling for this year to be a year of transition. Those words were important. They were not crafted in a cavalier fashion; they were put together carefully in a bipartisan fashion as a message to the American people and to the Iraqi people and their Government. This year—2006—would be a year of transition for Iraq's leaders to assume greater responsibility over security matters and other challenges facing their country.

There have now been national elections in Iraq. A permanent broad-based government has been formed. It is important that the Iraqis now take on a significant role in establishing domestic security. Ultimately, a solution in Iraq will not be achieved through U.S. military action alone but, rather, through the political will and substantive action on the part of the new Iraqi Government to bring various factions in their country together.

In short, the future of Iraq ultimately rests with the Iraqi people, not with U.S. military might, not with the size of our treasury, but on the resolve of the Iraqi people and their leaders. That is where their future rests. Let's be clear however about our role in that process.

We should continue to assist this nascent Government in Iraq during these difficult times. But at the same time, we must also refocus the nature of that assistance if we are going to succeed and if Iraq is going to succeed. Iraq's problems are essentially political problems that call out for political solutions. It is becoming increasingly evident, I think to all of us, that a continuing substantial U.S. troop presence in and around Iraqi cities is not the answer at all. In fact, the road to any success in Iraq will be contingent on a lessening of U.S. military presence, if, in fact, the U.S. Ambassador is right in his message to our Secretary of State. And having visited Iraq on two occasions I believe he is right.

We have won the larger war against Iraq's dictator but at no small cost. It has been a successful effort in that regard. Saddam has been toppled and is on trial. A new democratically elected Iraqi Government is now in place. Al-Zarqawi has been killed. Those are successes.

The remaining mission, however, of stabilizing Iraq and bringing factions together is something that can only be done by Iraq's new Government and its citizens. An indefinite and prolonged U.S. troop presence in that country is quickly reaching a point of diminishing returns.

I am a realist and an optimist. I recognize American involvement in Iraq and the gulf region will be required for years to come. It is a very important neighborhood in which we have very important interests. It is a dangerous neighborhood, as well. And we have vital national interests at stake there. But we have other important global interests, as well; among these combating the threat of global terrorism and terrorist organizations. Global terrorism is and remains our greatest threat.

In that context, I don't think it is unpatriotic or otherwise inappropriate for the supporters of the pending amendment to ask President Bush to tell the American people, tell the U.S. Congress, when and how he plans to successfully conclude the U.S. military presence in Iraq so that U.S. forces can be redeployed to more effectively combat global terrorism and protect our vital national interests.

Why was it reasonable and appropriate for the administration to set deadlines for Iraqis and unreasonable to set deadlines for itself? The Bush administration set a deadline for the establishment of an interim government, a deadline for writing a Constitution and for holding a referendum to approve it, and a deadline for holding elections for a permanent Iraqi government. Guess what. It worked. The Iraqi political leadership met the challenges. It wasn't always easy and the process wasn't perfect, but it produced results because we insisted upon those deadlines. In fact, I would argue had we not set deadlines, I believe we would be facing a very different picture in Iraq today.

I believe U.S. interests in Iraq can be advanced by developing benchmarks and a timeframe for getting done what needs to be done to produce the success we all need and want in Iraq. I don't mean to suggest that U.S. forces should in any way be precipitously redeployed from Iraq next week or next month—that would be a mistake, in my view—but I do believe it is imperative for planning purposes to think about benchmarks and a realistic timeframe within which U.S. force levels can be significantly reduced below the current level of 130,000.

The benchmarks are fairly obvious: a unity government that equitably represents the interests of and distributes resources to all sectors of Iraq; professionalism of Iraq's security and police forces; disbanding of sectarian militias; the creation of a gulf regional security umbrella to enhance stability and deter unwanted interference by Iraqi's neighbors; and greater international participation and resources in Iraq's reconstruction agenda.

These are all obvious and necessary benchmarks. The more quickly the benchmarks are realized, the more hopeful we can be for Iraq's future.

It is both realistic and, in my view, possible to achieve these benchmarks within the next 12 to 18 months. Whether we achieve them depends on the determination of the Iraqi Government and the Iraqi people to assume responsibility for their shared future—not on the military might of the United States.

And in conjunction with such progress, I think it is also realistic and possible to undertake the phased strategic redeployment of our forces from Iraq to other nations in the gulf and to other regions posing significant terrorist threats to our country. The details of any redeployment should appropriately be left to our military commanders on the ground to work out, in consultation with Iraqi leaders. This is a very critical and central point. Let me repeat it. The details of any redeployment should be appropriately left to our military commanders on the ground to work out, in consultation with Iraqi leaders. But we must no longer remain in an open-ended commitment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. LEVIN. Mr. President, I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. The Iraqis are going to have to take responsibility for their future. This, in my view, is a strategy for success in Iraq. This is a reasoned and responsible approach. It is realistic. This is not cut-and-run. The alternative is for more of the same, in my view—endless occupation, violence, instability, and the erosion of America's global leadership and national security.

I do not underestimate the challenges facing the Iraqi people. They will need to make an extraordinary effort in the coming months and years to secure their future. But we have been giving them the necessary tools to do so. Let's not forget when the President signed the Defense authorization bill into law last year, again, those words: This should be the year of transition.

We have given the Iraqis the necessary tools. Now it is up to them. The sage words of Benjamin Franklin, following the success of the 1787 Constitutional Convention come to mind in thinking about Iraq at this moment in history. When Franklin was approached by a Mrs. Powell of Philadelphia on the streets of Philadelphia and said to him: What have you given us?—Ben Franklin said to that woman: Mrs. Powell, we have given you "a republic, if you can keep it." The Iraqi people are asking a similar question of us: What have we given them? We have given them a republic, if they can keep it. But it is up to them to keep it.

I urge the adoption of the Levin amendment. It puts us on the right road for success.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the terrorists have had a very difficult almost 5 years since 9/11. That was clearly the high-water mark, their attack on America, the killing of over 3,000 people.

Ever since that day, they have been on defense because the President, with widespread support in the Congress, decided to go on offense. And for the last 4½ years, we have been killing terrorists, capturing terrorists. Many are hiding in their caves. We have liberated 50 million people in Afghanistan and Iraq. The number of rogue regimes, which numbered four when President Bush took office—at that time there was Libya, Iraq, Iran, and North Korea—is now down to two. Libya and Iraq no longer threaten their neighbors. The terrorists have had a very difficult 5 years.

Now, the President made it clear at the beginning of this war—and we all agreed—that there was not going to be a sort of clear end date. I have heard this conflict compared, by many of our colleagues, to the length of time in Korea or the length of time in World War II. It seems to me those comparisons are not apt. They do not apply to the current war in which we are engaged.

No one predicts a kind of ticker-tape parade at the end of this conflict. We are dealing with international gangsters who move across borders, who are adept at using the Internet and other modern means of communication.

The best way, then, to measure success in the war on terrorism is this: Have we been attacked again here at home since 9/11? While none of us would confidently predict that will never happen again, it is truly remarkable that we have not been attacked again since 9/11. I wonder why that is. Just good luck? A quirk of fate? Or good policy? It is no accident we have not been attacked again since 9/11. We have been on offense going after the terrorists where they are so they have to confine their mischief to their territory and not here.

So it is a statement of the obvious that they want us out of Iraq. They saw what happened in Beirut in the 1980s. They saw what happened in Somalia in the 1990s. In fact, they are anticipating it, and we have their own words. We have their own words. Ayman al-Zawahiri, No. 2 to Osama bin Laden, in a message to the late Abu Musab al-Zarqawi killed 2 weeks ago in Iraq—last year intercepted by us—this is what al-Zawahiri had said to say: The Jihad in Iraq requires several incremental goals . . . The first stage: Expel the Americans from Iraq. . . . The second stage: Establish an Islamic authority . . . in order to fill the void stemming from the departure of the Americans, immediately upon their exit and before un-Islamic forces attempt to fill this void. . . . The third stage: Extend the Jihad wave to the secular countries neighboring Iraq . . . the mujahedin must not have their mission end with the expulsion of the Americans from Iraq . . . their ongoing mission is to establish an Islamic state, and defend it, and for every generation to hand over the banner to the one after it until the Hour of Resurrection. . . . The Americans will exit soon, God willing.

We do not have to guess about what their goals are. They have been quite clear about it—quite clear about it.

So here we are debating which kind of exit date, which kind of announcement of imminent departure we are going to send in a message to them.

Our good friend from Massachusetts, the junior Senator from Massachusetts, has had no less than four different plans over the last 12 months or so. The first plan of the Senator from Massachusetts was to withdraw 20,000 troops by the end of 2005 and the bulk of troops out by the end of 2006. That was Senator KERRY's first plan.

Senator KERRY's second plan: to withdraw if the Iraq Government was not finalized by May 15 of this year. The third plan of the Senator from Massachusetts, which we had an opportunity to vote on last week, was to have all the troops out by the end of this year. Fortunately, only six Senators—six—voted to have all the troops out by the end of this year.

And tomorrow we will have Senator KERRY's fourth plan, which is to have the withdrawal consummated by July 1 of next year—about a year from now.

So four different plans—a kind of floating withdrawal date. But the one thing all the plans have in common is they send a message to the other side that if you can hang on until a date certain, we are on the way out.

We heard the distinguished Senator from Oregon mention earlier he had not been able to find a single time in history in which setting a specific time for withdrawal produced a positive result.

One thing we know for sure, if they drive us out of Iraq, they will soon be back here. If they drive us out of Iraq, they will soon be back here. And they have already demonstrated they had the capacity, the intelligence, to carry out catastrophic attacks on us here at home.

We all regret and have great anguish over the death of every single American soldier. And it is a fact that we have lost 2,500 of our finest in this war. We revere human life, unlike the gangsters in Baghdad who mutilated two of our soldiers in the last couple of days.

But it is noteworthy that in liberating 50 million people in Afghanistan and Iraq, we have lost fewer soldiers than we had Americans killed in one day on 9/11, 2001, and fewer soldiers than we lost in Normandy on one day in World War II.

We hurt with every loss, but the losses have been quite minimal given the enormity of the task. And the job, of course, has not been completed. We have to keep on offense, keep after the terrorists, or they will be back here.

So I think this is an extremely important debate. I am glad the Senate is having it. We have sort of different versions of what kind of notice we are going to give to the enemy—that we are either on the way out by a certain day or beginning to pack up to go next door or pack up to go somewhere else by a certain time.

All of those are not good messages for our own troops, who are involved in trying to win the conflict, not a good message to the new Iraqi Government, which is trying to establish itself and get control of Baghdad, and the worst possible news to every terrorist anywhere in the world, just aching for an American defeat, after almost 5 years of a tough situation for them, because they know a lot of their colleagues are dead, they know some of their colleagues are at Guantanamo, they know a bunch of their colleagues are hiding in caves, and they know all the rest of their colleagues are occupied on their turf and not on ours.

They would love to get back on offense. They would love to come back over here and kill Americans right here at home. But as long as we are forward deployed, as long as we are taking out the terrorists where they are, we are winning the war on terror. But we need to keep reminding ourselves what the war was about. It was about protecting us here at home. And so far, I would have to say the policy has been extraordinarily successful.

This is a great debate. We are going to hear from a number of our colleagues over the next day or so. When we finally have votes on both the Levin amendment and the Kerry amendment, I hope they will be defeated, and it will be made clear to the terrorists, once again, that we do not intend to send them a notice, do not intend to send them a notice that we are on the way out by a certain date.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I intend to support the Levin-Reed amendment, and I also intend to support the Kerry amendment.

Both amendments make clear that Democrats are united in our belief that it is time to shift to the Iraqis the responsibility for their own future and to begin to withdraw our troops from Iraq. It is wrong for the Republican-controlled Congress to be a rubberstamp for the President's failed policy. We cannot ignore our responsibility to our men and women in uniform.

America was wrong to go to war in Iraq in the way we did, when we did, and for the false reasons we were given. There was no immediate threat. There was no persuasive link to al-Qaida. Saddam Hussein was not close to acquiring a nuclear weapon.

But as my brother Robert Kennedy said in 1968:

> Past error is no excuse for its own perpetuation.

Mindless determination and foolish consistency don't make a better outcome likely. With each passing day, the American people are growing more and more impatient with the war in Iraq.

They want a policy worthy of the sacrifice of our men and women in uniform, not sloganeering and accusations of "cut and run." The American people don't want our troops deployed in Iraq indefinitely, defending the same flawed strategy. Staying the course is not an acceptable strategy when the course is a failed course.

Our military forces have now been deployed in Iraq for 39 months, more than 3 years. That's longer than the 37 months of combat in the Korean war. By the end of this year, it will be longer than it took to fight and win World War II.

The American people want a realistic strategy for our troops to be redeployed out of Iraq, and this amendment provides it. It sends clear message: now that a democratic government has been elected by the Iraqi people, it is time for American troops to begin to come home.

We need to view disengagement as part of the solution in Iraq. Our overwhelming military presence and our open-ended military commitment have only fueled the insurgency, made America a crutch for the Iraqi Government, made our country more hated in the world, and made the war on terrorism harder to win.

The best hope for the success of the new Iraqi Government to succeed is for us to begin disengaging from Iraq, and they from us. The Iraqi Government must begin to make its own decisions, make necessary compromises to avoid full-scale civil war, and take responsibility for its own future.

As Iraq's National Security Adviser wrote in the Washington Post yesterday: "Iraq has to grow out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its own mistakes, and find Iraqi solutions to Iraqi problems."

Iraq has had elections, a permanent government has been established, more than 200,000 members of Iraqi security forces have been trained, and it is time to begin bringing Americans home. The Levin amendment and the Kerry amendment can help us achieve that goal and prevent our troops from being caught in an endless quagmire.

The cost of this war in blood and treasure has been far too great. More than $320 billion has already been spent, with no end in sight. A recent estimate by Nobel Prize winning economist Joseph Stiglitz suggests the total cost will exceed $1 trillion.

Our military is stretched to the breaking point. Many soldiers have been deployed more than three times to Iraq.

More than 2,500 American lives have been lost, including more than 50 sons of Massachusetts. More than 18,000 of our troops have been wounded. Clearly, despite the death of Zarqawi, al-Qaida terrorists and insurgents remain determined to kill American soldiers.

Despite what Vice President CHENEY says about the insurgency being in its last throes, the insurgency rages on. Last month, 68 American soldiers were killed in Iraq. Insurgents attacked American soldiers 90 times a day.

We always knew that deposing Saddam Hussein would be easy, but the administration should have foreseen that winning the peace would be difficult. Unfortunately, for our men and women in uniform, the arrogance of the administration blinded it to the cold, hard realities that our troops would face every day in Iraq.

Alarm bells had been ringing, but the Bush administration ignored them.

As General Hoar, former head of the Central Command, warned before the war, in September 2002, winning the peace would be bloody. He said: "In urban warfare . . . It looks like the last 15 minutes of Saving Private Ryan."

General John M. Shalikashvili, former Chairman of the Joint Chiefs of Staff, warned, before the war, in September of 2002: "I think if it gets to urban warfare, and the likelihood is certainly great that it could . . . it could get very messy. The collateral damage could be very great, and our own casualties could increase significantly."

In fact, in their 1997 book, A World Transformed the first President Bush and his National Security Adviser Brent Scowcroft explained why they didn't go on to Baghdad in the first gulf war. They wrote that it: "would have incurred incalculable human and political costs . . . We would have been forced to occupy Baghdad and, in effect, rule Iraq. The coalition would instantly have collapsed, the Arabs deserting it in anger and other allies pulling out as well. Under those circumstances, there was no viable exit strategy we could see. . . . Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land."

Those words eerily describe what happened when the current President Bush ignored that wise advice and invaded Iraq.

We must not forget that ultimately this is a debate about real people who are risking their lives every day. With this amendment and the Kerry amendment, we provide a realistic way out of the quagmire in Iraq, and I urge my colleagues to support both.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, this is a very important debate. There is a lot of interest in this debate throughout the world. I am sure everybody at home is probably not sitting on the edge of their seats listening to what I am saying, but in many ways this debate will define the U.S. relationship with the Middle East and the world at large for a long time.

The authors of this amendment are as patriotic as anyone I have ever met.

They are fine Senators. They are smart. They are trying to do what they believe is in the best interest of the country and the world at large. The problem I have with the amendment and the reason I rise in opposition to it is that there is an underlying premise about this amendment that we need to set timetables to send a signal to the Iraqi people to do their part and to get on with the transition and to stand up faster and to get political solutions to hard problems faster so that we can come home, and without this amendment, the Iraqi people may just draw this thing out and rely on us too much.

I understand your concern, but I take a different view of the Iraqi people. I am here today publicly to say that I could not be more proud of standing with the Iraqi people and their Government than I am now. What we have asked of them, they have delivered. Senator DODD was right. Every time we tried to set deadlines, they delivered. They delivered on some of the most difficult circumstances imaginable. If you want to run for office in Iraq—it is tough in America; they say awful, bad things about us in this body when we run—they try to kill you, and they come after your family. So to those Iraqis who have joined the police force for the right reasons, to those who are serving in the military for the right reasons, to those politicians trying to bring that country together with a unity coalition government, my hat is off to you. I admire you. I am proud to stand by your side. I have no desire to leave you in a lurch. I have every confidence that you want us gone as much as we want to leave, but you understand your capacity is limited right now.

The National Security Adviser said there is a roadmap for us to leave, and the Iraqi people want to have the ability to chart their own destiny sooner rather than later.

To my friends in the Senate, if the U.S. Congress sets a timetable, it is a rebuke of the Government in Iraq. It is a vote of no confidence in the Iraqi people, and it will be seen as such on al-Jazeera and throughout the Middle East.

There will be a timetable for us to leave. It will be performance driven, and it will be authored by the Iraqi people themselves. The day they set the timetable and they set the benchmarks, it will empower their Government and their people and it will diminish the terrorists. If we set those timetables and the benchmarks, it will diminish the Iraqi Government, all of the efforts of the Iraqi people, and empower the terrorists.

I hate to say that I disagree with my good friends, but I do. We are going to come home one day. That day is not so far away. History will judge us by not when we left but by what we left behind. I want to leave behind a regime capable of pulling off something no one else has been able to do in the Middle East, a functioning democracy so the Shias and Sunnis and Kurds can live together under the rule of law and they can take out their differences at the ballot box and the courtroom. It has been 3½ years almost. They have come a long way. We have been at this over 200 years. We still have our problems. Under the best of circumstances it is very difficult to bring people together of different backgrounds, religions, and ethnic groups. We had our own Civil War. It started in my State. When we wrote our Constitution, after 11 years, women couldn't vote. African Americans were not even recognized as people. We have come a long way, and it has taken us a long time to get there.

Our Iraqi friends, the moderates are fighting and dying for their own freedom. They have come a long way in 3½ years. I am begging this body, let us not, as a body, set a timetable that would diminish their sacrifice and not recognize it for what it is. The truth is, the Iraqi Government and the Iraqi people are doing historic things in the Mideast that no one else has been able to accomplish. They are not lazy. They are not indifferent. They are not letting us fight their war. They are fighting it alongside us and dying. They are dying in larger numbers than we are. If they pull this off with our help, the world will be eminently safer. If they fail, moderate forces in the Mideast will be less likely to rear their head and stand up against terrorists, and the terrorists will seize the moment in the decades to come.

Never has so much been at stake for mankind and with so few people sacrificing. Stand with the Iraqi people. They want us out, but don't diminish their sacrifice.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLARD. Mr. President, I rise to discuss the situation in Iraq and to ask several questions about the withdrawal proposals being offered by the other side.

Why would we risk our success by a premature withdrawal? Why would we risk handing over Iraq to the terrorists when they are on the run? Why would we send a message to the families who had loved ones die fighting for freedom that it was all in vain? Why would we pass legislation that calls for the withdrawal of our troops and that undermines everything we have achieved? These same questions are being asked by many of my constituents in Colorado.

According to the Grand Junction Daily Sentinel, a key newspaper in Colorado's western slope:

> President Bush and Congress are right not to set a date certain for moving all the troops out of Iraq. That would signal terrorists they only need to hide out until the Americans leave, then reignite their attacks. . . . And it would tell others that our commitment to freedom in the Middle East is limited.

I ask unanimous consent that the editorial from the Grand Junction Daily Sentinel be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Daily Sentinel, June 18, 2006]

IT WOULD BE FOLLY FOR CONGRESS TO CUT AND RUN

Days after President George W. Bush told the new prime minister of Iraq that the United States would not abandon the fledgling democratic nation to terrorists, both houses of Congress gave the president much-needed overwhelming support for his position.

Late Thursday the Senate voted 93–6 to reject a deadline by the end of this year to withdraw all U.S. troops from Iraq. On Friday, the House voted 256–153 to kill a deadline for withdrawal from Iraq.

No one wants to keep American military personnel in that dangerous country indefinitely and risk more than the 2,500 U.S. military personnel who have already sacrificed their lives there. Fortunately, there are encouraging signs that the United States may be able to start reducing its military presence before long.

The raid on the safehouse of Abu Musab al-Zarqawi proved to be successful far beyond the death of one important leader. It provided a treasure trove of computer documents and other intelligence that led to more than 400 additional raids and the arrests of more than 700 suspected terrorists.

What's more, 140 of the additional raids and many of the arrests were handled entirely by Iraqi forces, without back-up from U.S. troops, a sign that the Iraqi forces are becoming more capable of protecting their country.

Additionally, with an Iraqi Cabinet finally in place, the government has initiated much-needed security efforts in and around Baghdad. Those measures haven't eliminated terrorist attacks, but they may be slowing them.

Even so, Bush and Congress are right not to set a date-certain for moving all of the troops out of Iraq. That would signal terrorists they only need to hide out until the Americans leave, then reignite their attacks. And it would tell others that our commitment to freedom in the Middle East is limited.

There was, to be sure, a good deal of politics involved in the Republicans' push for a vote on Iraq. But it was not entirely the GOP's doing.

It was Democrats such as Sen. John Kerry of Massachusetts and Rep. John Murtha of Pennsylvania who have been loudly calling for an immediate troop withdrawal from Iraq. With congressional elections in November, it makes sense to let voters see how their senators and representatives feel about withdrawing now.

Nobody should read these votes as unqualified support for Bush administration and the mistakes it has made, especially in underestimating the strength of the terrorists. But the votes do recognize it would be wrong to abandon the Iraqis even as they are beginning to take control of their country. And that's good news, not so much for either party's election prospects, but for the ongoing efforts to overcome the savage forces of Islamofascism.

Mr. ALLARD. Relationships between the 3rd Armored Cavalry and the local community were so strong that the Iraqi mayor of the city of Tall Afar actually traveled to Colorado Springs to present these soldiers with a proclamation from the city.

I ask unanimous consent that the full copy of the proclamation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR, CITY OF TALL'AFAR

IN THE NAME OF GOD THE COMPASSIONATE AND MERCIFUL

To the Courageous Men and Women of the 3d Armored Cavalry Regiment, who have changed the city of Tall'Afar from a ghost town, in which terrorists spread death and destruction, to a secure city flourishing with life.

To the lion-hearts who liberated our city from the grasp of terrorists who were beheading men, women and children in the streets for many months.

To those who spread smiles on the faces of our children, and gave us restored hope, through their personal sacrifice and brave fighting, and gave new life to the city after hopelessness darkened our days, and stole our confidence in our ability to reestablish our city.

Our city was the main base of operations for Abu Mousab Al Zarqawi. The city was completely held hostage in the hands of his henchmen. Our schools, governmental services, businesses and offices were closed. Our streets were silent, and no one dared to walk them. Our people were barricaded in their homes out of fear; death awaited them around every corner. Terrorists occupied and controlled the only hospital in the city. Their savagery reached such a level that they stuffed the corpses of children with explosives and tossed them into the streets in order to kill grieving parents attempting to retrieve the bodies of their young. This was the situation of our city until God prepared and delivered unto them the courageous soldiers of the 3d Armored Cavalry Regiment, who liberated this city, ridding it of Zarqawi's followers after harsh fighting, killing many terrorists, and forcing the remaining butchers to flee the city like rats to the surrounding areas, where the bravery of other 3d ACR soldiers in Sinjar, Rabiah, Zumar and Avgani finally destroyed them.

I have met many soldiers of the 3d Armored Cavalry Regiment; they are not only courageous men and women, but avenging angels sent by The God Himself to fight the evil of terrorism.

The leaders of this Regiment; COL McMaster, COL Armstrong, LTC Hickey, LTC Gibson, and LTC Reilly embody courage, strength, vision and wisdom. Officers and soldiers alike bristle with the confidence and character of knights in a bygone era. The mission they have accomplished, by means of a unique military operation, stands among the finest military feats to date in Operation Iraqi Freedom, and truly deserves to be studied in military science. This military operation was clean, with little collateral damage, despite the ferocity of the enemy. With the skill and precision of surgeons they dealt with the terrorist cancers in the city without causing unnecessary damage.

God bless this brave Regiment; God bless the families who dedicated these brave men and women. From the bottom of our hearts we thank the families. They have given us something we will never forget. To the families of those who have given their holy blood for our land, we all bow to you in reverence and to the souls of your loved ones. Their sacrifice was not in vain. They are not dead, but alive, and their souls hovering around us every second of every minute. They will never be forgotten for giving their precious lives. They have sacrificed that which is most valuable. We see them in the smile of every child, and in every flower growing in this land. Let America, their families, and the world be proud of their sacrifice for humanity and life.

Finally, no matter how much I write or speak about this brave Regiment, I haven't the words to describe the courage of its officers and soldiers. I pray to God to grant happiness and health to these legendary heroes and their brave families.

NAJIM ABDULLAH ABID AL-JIBOURI,
Mayor of Tall'Afar, Ninewa, Iraq.

Mr. ALLARD. Let me read a portion of the proclamation as written by the Najim Abdullah Al-Jibouri, Iraqi mayor of Tall Afar:

> To the Courageous Men and Women of the 3rd Armored Cavalry Regiment, who have changed the city of Tall' Afar from a ghost town, in which terrorists spread death and destruction, to a secure city flourishing with life. . . . Our city was the main base of operations for Abu Mousab Zarqawi. The city was completely held hostage in the hands of his henchmen. . . . Their savagery reached such a level that they stuffed the corpses of children with explosives and tossed them into the streets in order to kill grieving parents . . . this was the situation of our city until God prepared and delivered unto them the courageous soldiers of the 3rd Armored Cavalry Regiment, who liberated this city, ridding it of Zarqawi's followers after harsh fighting.

The commander of Iraq's 3rd Army Infantry Division, MG Khorsheed Al-Dosekey, wrote the following in a letter to our soldiers:

> Your ability to plan, the excellent coordination, the overall supervising and the right decisive decisions along with your great leadership have helped us build up the individual soldier and increase his abilities. Your leadership and devotion to duty have helped form an army from the gathered people. Your behavior and your actions have built strong friendships that will last a lifetime.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

3RD IRAQI ARMY INFANTRY DIVISION,
Headquarters in AKMTB.

3rd Armored Calvary,
Regiment Headquarters.

Bravery, strength, determination, correct thought, flexibility, knowledge, and impartiality. These are the features of your regiment's leadership that are displayed through participation with our division headquarters, our troops, and their units in all the daily occasions. Your wise daily, operational, and successful leadership was the decisive factor in achieving victory. We noticed clearly the main features for victory in your leadership. They are the same for each people or army who are looking for victory, and it is the common purpose of your troopers and faith in their goal along with their principles, high morals and focus on their mission, coupled with perfect logistics support and impartiality and sincere leadership that makes you the right people for this mission.

Your abilities to plan, the excellent coordination, the overall supervising and the right decisive decisions along with your great leadership have helped us to build up the individual soldier and increase his abilities as well as those for the platoons, companies, battalions, brigades and division. It is said that heaps of construction materials cannot build a house and the gathered people cannot be considered an army. Your leadership and devotion to duty have helped us form an army from the gathered people.

Your behavior and your actions have built strong friendships that will last a lifetime. Your behavior is a feature of the wise leadership, which is the tree and the reputation you leave behind is the shadow of the tree.

So we present our heartfelt thanks, appreciation and respect to you as we touched during this past period of cooperation and coordination and fighting side by side. We also offer the thanks of the division's staff, NCOS, and enlisted. You will disappear from our eyes, but you will stay in our hearts.

We send our greetings to the 3rd ACR fighters and to their families and we wish all of you to get back home safely under victory's flag.

With God's Care,
MAJOR GENERAL KHORSHEED SALEEM AL-DOSEKEY,
3rd IA Infantry Division Commander.

Mr. ALLARD. That is the message from the Iraqi people for the heroic efforts fighting for freedom. I know most if not all the Members of this body share in their appreciation for the valiant service of our men and women in uniform. I was pleased last night when we passed my sense-of-the-Senate amendment which commends the members of our Armed Forces for their outstanding service to our Nation in Iraq and for their commitment to the highest ideals and values of our Nation. It also honors the families of our servicemembers who have given so much in the fight against terror. Our soldiers deserve our support and our trust.

In conclusion, I ask, why would we risk all this by a premature withdrawal and set a specific date for withdrawal?

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I understand that Senator CARPER is on his way over. He is next on our side. I wonder if I may inquire how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Michigan has 50 minutes 40 seconds. The Senator from Virginia has 41 minutes 29 seconds.

Mr. LEVIN. Mr. President, is the other side ready?

Mr. WARNER. Mr. President, I suggest that the Senator from Virginia is next, to be followed then by the Senator from Nebraska, Mr. HAGEL.

Mr. LEVIN. I wonder if I may list the sequence on our side so it would be understood that after Senator CARPER, we would expect Senator LAUTENBERG and then Senator MURRAY, Senator OBAMA, Senator BIDEN, and Senator DURBIN.

Mr. WARNER. Mr. President, we will go from one side to the other. I have waiting the Senator from Virginia, Senator HAGEL, Senator ROBERTS, Senator BOND, and Senator THUNE. I will try to get them all in order of appearance. The Senator from Virginia is next on our side. I will sort out the sequence of the others.

The PRESIDING OFFICER. The Senator from Virginia, Mr. ALLEN, is recognized.

Mr. ALLEN. Mr. President, before I speak on these amendments, I will share with my colleagues three amendments I have introduced.

The first amendment will double the current referral bonus from $1,000 to $2,000, which will encourage more men and women to enter the U.S. Armed Forces.

The second amendment will provide statutory authority to the Army to pay $8,000 dollar enlistment bonuses to individuals who enlist in Officer Candidate School. The Army has made this promise—and this amendment provides statutory authority to fulfill that promise.

And finally, I have offered—with Senators CRAIG, HUTCHISON, BURNS and SNOWE as cosponsors—an amendment that will provide financial protection to the 25.6 million military personnel and veterans whose personal data and Social Security information were stolen from the home of a Veterans Affairs employee in May of this year.

Under the terms of my amendment, the VA would be required to provide credit monitoring and data theft protection to these veterans at no cost to our veterans. My amendment is supported by the VFW.

I spoke to Secretary of Veterans Affairs Jim Nicholson earlier today, and he informed me that he had announced that the VA will provide credit monitoring and data theft protection, and at no cost to the servicemembers and veterans. I thank Secretary Nicholson for making this sound and responsible decision.

I also rise in strong opposition to the amendments brought forth by Senators KERRY and LEVIN which, in my view, is a vacillating strategic plan of retreat. We don't need a plan of retreat. We need to have a steady, strategic plan for success in the war on terror and, in particular, in the theater of Iraq. We need to honor our troops and honor their families, whether they are serving now, or those who have fallen in the midst of this battlefront in Iraq.

We need to move forward in Iraq, and we need to unite all Americans behind our mission, unite Americans behind a strategic plan for success, bringing Americans together, and also our NATO partners and other allies, and get the neighbors of Iraq together, whether they be Jordan, Turkey, Kuwait or Saudi Arabia—they are all important—rather than Senator KERRY's plan, which is a plan for retreat, a tuck-tail-and-run approach. That is not what is need.

We want to see this new unity, diverse Government elected by the people of Iraq, have a chance to stand on its own feet and defend its own interests. We want to see measured, tangible success as quickly as possible, and we want to bring home our troops as soon as possible. But I believe some on the other side of the aisle are too anxious, and that would be retreating. This is not the sort of steady leadership that I believe would unite the American people.

Moreover, I think this approach can embolden our enemies. It would show a weakened resolve in the midst of this war on terror. The terrorists always talk about the United States and Mogadishu or the Beirut bombing and how Americans will retreat. We don't need to be emboldening our enemies. Moreover, it can cause discouragement and dismay to the Iraqi leaders who are bravely trying to stand up for a free and just society. It also can be a discredit to the United States in the eyes of some of our allies. Our European allies came out strongly in support of us today, for example, in our negotiations with Iran and telling the Iranian leaders: You ought to take the carrot, take the right approach. It is important as we deal with the Iranians that the United States shows there is a resolve and a commitment to sticking to a path of security and peace.

Just a few weeks ago, I was on a bipartisan delegation to Iraq. Everyone we spoke with, whether they were Kurds, Sunnis, or Shiites, was grateful to the United States for liberating them from that repressive regime. We asked what would happen if we left in 6 months. They all said it would be a "disaster." That was the word we heard more than anything else. Even the Sunni speaker of the new assembly, who was once imprisoned by the United States, said that if the U.S. military left—as a Sunni who was once imprisoned and was against the United States being there in the first place—he said to us, as he said subsequently to the President, that: We are grateful, and the U.S. military presence in Iraq is helpful to them. If we left, then those who would come in would be the Iranians, the Syrians, or potentially, of course, in the north, the Turks.

We are making progress. We are fighting vile terrorists. We need to understand who we are fighting. These terrorists are beheading men and women in Iraq. Meanwhile, the United States and our coalition partners are trying to give the Iraqis the chance to vote, to have a say on their public servants in that country.

We are also making progress on the security fronts. General Casey relayed to us that, right now, maybe a quarter of military operations are led by Iraqis. He said that by the end of the year, as much as three-quarters of the military operations will be led by the Iraqis, with the United States being in a supportive role for medical, intelligence, and military efforts.

Mr. President, I know Iraq has been tough. It is a tough battlefront for Americans. But it is a war and a theater in this war on terror that we can win and must win. The next few months will be vitally important. This is not the time to get weak in the knees. The future of Iraq is ultimately the responsibility of the Iraqi people. It is going to be the Iraqis' hands, backs, and minds that will be needed to build a secure and free Iraq. We don't want to stay a day longer than absolutely necessary. We are supporting Iraq in this because we are a generous people, but it is also good for our national security.

So I think we need to make sure that Senator KERRY's strategic plan for retreat—a tuck-tail-and-fail approach—must be rejected. We must unite as Americans for a renewed commitment for a strategic plan for success. It is important for Iraq, important for the Middle East, and it is vitally important for the security of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I thank the sponsors of this amendment, Senators LEVIN and REED, for offering a thoughtful amendment. They are making a responsible contribution to this debate. All Americans want a successful outcome in Iraq. Congress has an obligation to help craft a responsible policy to help achieve a successful outcome in Iraq. Congress fails in its duty when we do not probe, when we do not ask tough questions, and we fail when we don't debate the great issues of our day.

There is no issue more important than war. The war in Iraq is the defining issue on which this Congress and the administration will be judged. The American people want to see serious debate about serious issues from serious leaders. They deserve more than a political debate. This debate should transcend cynical attempts to turn public frustration with the war in Iraq into an electoral advantage. It should be taken more seriously than to simply use the focus group-tested buzzwords like "cut and run" and political slogans and debase the seriousness of war. War is not a partisan issue. It should not be held hostage to political agendas. War should not be dragged into the political muck. America deserves better. Our men and women fighting and dying deserve better.

As mentioned earlier by Senator FEINSTEIN and others, there was a very important piece in yesterday's Washington Post, written by Iraq's National Security Adviser. It was titled "The Way Out of Iraq; A Roadmap." The National Security Adviser's op-ed mentions three very important things we need to clearly understand. The first thing this op-ed provides is measurable goals for the progress of the Iraqi Government with regard to U.S. troop presence. The Iraqi National Security Adviser says this:

> Iraq's ambition is to have full control of their country by the end of 2008. In practice, this will mean a significant foreign troop reduction. We envision the U.S. troop presence by year's ends to be under 100,000, with most of the remaining troops to return home by the year 2007.

The second point the op-ed makes clear is the unavoidable reality that an endless U.S. troop presence is not in the interest of the new Iraqi Government. The Iraqi National Security Adviser says this:

> The eventual removal of coalition troops from Iraqi streets will help Iraqis who now see foreign troops as occupiers rather than the liberators they were meant to be. The removal of troops will also allow the Iraqi government to engage with some of our neighbors that have, to date, been at the very least sympathetic to the resistance because of what they call the "coalition occupation." The removal of foreign troops will legitimize Iraq's government in the eyes of the people.

He makes clear that it will be the Iraqis who determine the success of the Iraqi Government. He says:

> The government in Iraq is trying to gain its independence from the United States and the coalition, in terms of taking greater responsibility for its actions, particularly in terms of security. There are still some influential foreign figures trying to spoon feed our government and take a very proactive role in many key decisions. Though this may provide benefits in the short-term, in the long term it will only serve to make the Iraqi government weaker and will lead to a culture of dependency.

I believe the Iraqi national security adviser has it exactly right. After all, he is the Iraqi national security adviser. Americans listening to this debate on Iraq are too often being given false choices between, one, supporting the Iraqis with no end of troop deployments in sight or staying the course, or, two, laying down arbitrary deadlines for troop withdrawals. The reality is more complicated than this.

We should not limit the Commander in Chief's options in Iraq. That is why I will vote against the Levin amendment. However, anyone who believes we will be in Iraq indefinitely ignores the forces of reality, as the Iraqi Security Adviser's op-ed makes very clear. It is not in Iraq's interest for the United States to remain in Iraq. Our influence is limited and becoming more limited every day.

I note another story in yesterday's Washington Post that detailed the reaction of Vietnam veterans to the war in Iraq. I know a little something about this. My generation worries about Iraq becoming not the failure of our sons and daughters fighting in Iraq, but our failure as policymakers—policymakers—because I believe our policymakers failed us in Vietnam.

Our troops today are doing what we did a generation ago in Vietnam. They are fighting bravely. They are doing their very best. They believe in their country, they have faith in their leaders, and we cannot let them down.

I would say that there may be two Members of Congress today—Congressman MURTHA in the House and myself—who served in Vietnam and were both here working in the Congress in the spring of 1975. Many might recall that time because that was the time the House of Representatives essentially voted to cut off funding for American presence in Vietnam. That was a disastrous decision for disastrous reasons, but it was the result of having a Congress absent and not involved in the policy formation, not involved in asking the tough questions, not involved in doing its job.

This debate today is critical. It is important for our country, agree or disagree with it. Amendments such as the Levin amendment are relevant, and they are an important contribution. When we debate these issues, Congress is doing its job. We do not want our legacy as a Congress to be no congressional oversight. We do not want it to be said we were irrelevant when it becomes too late. We do not want to repeat the history of Vietnam. We must not allow what happened in the Congress in April of 1975 to happen with Iraq, and it happened because we didn't debate the issues. It happened because the Congress was absent; it forfeited its responsibilities. It debased the very responsibility of elected officials. And that is why to debate these issues in a legitimate, honest, open manner is so important to our country, and to keep it out of politics, the "gotcha" kind of amendments, the "gotcha" kind of phraseology of which America is sick.

This is a serious issue. We have lost over 2,500 men and women in Iraq. We have been in Iraq longer than the Korean war. We have over 18,000 wounded. We are spending around $10 billion a month. The Congress must be present.

The PRESIDING OFFICER. The Senator from Nebraska is advised he has now consumed 8 minutes.

Mr. HAGEL. I ask for 15 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, take a minute or so.

Mr. HAGEL. I thank the chairman.

I conclude, Mr. President, with this: What would be the real disaster for America, the real disaster for Iraq, the disaster for the Middle East, the disaster for the world is if this Congress is not present and accounted for and is not part of a policy formation for not just Iraq but the Middle East and the future of our country and the world. That would be the disaster. That is why it is so important today that we debate this issue; it is so important that we have amendments, such as the Levin-Reed amendment, that are offered in an important way that make a contribution to the understanding of America's presence and commitment and our responsibilities as a free nation and the beacon of freedom in the world.

Mr. President, I appreciate the time. I yield the floor.

Mr. WARNER. Mr. President, I thank our colleague for his remarks. He speaks from a body of personal experience and considerable courage as a member of the Armed Forces of the United States, which he has exhibited in these years.

Mr. LEVIN. Mr. President, may I have 10 seconds? I wish to add my thanks to the Senator from Nebraska for his very constructive, positive remarks.

Mr. WARNER. Mr. President, we have on our side Senators THUNE and ROBERTS who are waiting. I know Senator BOND has indicated he wishes to speak, and Senator INHOFE. I wish to advise those Senators I have to recognize those on the floor; otherwise, we lose time to a quorum call or otherwise. So we are going to alternate at this time. We are going to shift to the other side.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. CARPER. Mr. President, 6 months ago, I was in Iraq with Senator HAGEL. We met with a number of people. Among the people with whom we met in one of the beautiful palaces of Saddam Hussein not far from Baghdad Airport, were the leaders of our American military forces in that country.

During the course of that conversation, we heard these words from our top military leader: It is time for America to move toward the door. He didn't say it is time for us to walk out of the door, leave, close the door. He said: It is time for us to move toward the door.

Subsequent to that, we met with Iraqi military and political leaders and our own diplomatic leaders, and the message I heard in almost all of those meetings was: it is time for America to begin moving toward the door.

We have had a policy in Iraq, at least in the last couple of years, of stay the course. "Stay the course" is a good slogan, and there have been times in our history as a nation when staying the course was actually a pretty good strategy. This is not one of those times.

What is needed is a different—not a different slogan, but a different strategy, and the strategy we need would be not stay the course but change the course.

The American people would like for us to begin to bring our men and women home and, as it turns out, so would the Iraqi people. In talking with the President upon our return, I said: You know, Mr. President, sometimes less is more. In this instance, having a smaller presence, a less visible presence would actually be more supportive of our efforts in Iraq than not.

The Iraqi people don't want us to cut and run. They don't want us to leave. They want us to be close by. They want us to be not far away and to be helpful if we can be, if needed. But they don't want us to leave this year. They don't want us to leave entirely next year.

Senator HAGEL just quoted the words of the Iraqi National Security Council. That is what we heard in Iraq last December. Their message has been pretty consistent, and it has been pretty much the same.

Last year in the Senate we voted by an overwhelming majority that 2006 needs to be a year of significant transition in Iraq. In other words, the Senate, on a bipartisan basis, called on the Bush administration to take action this year in 2006 to change course in Iraq to make clear to the Iraqis and the rest of the world that the United States does not intend to stay in Iraq forever.

The amendment before us today, the Levin-Reed amendment, builds on that resolution we passed barely a year ago. It rejects the extremes on both sides of the Iraqi debate—the one side of the extreme that would say either we should stay in Iraq on an open-ended basis, and the other extreme to say we ought to withdraw all of our troops by an arbitrary deadline. This amendment rejects both of those, and it says instead: Why don't we find a way to change the course going forward?

The policy of "stay the course" isn't working for our troops. They have served bravely, they have served honorably despite very difficult circumstances in extended tours of duty. More than 2,500 of our finest have been killed in action. Almost 18,000 have been injured, including a former member of my staff, Marine Corps LCpl Sean Barney, who was shot in the neck last month in Fallujah. Fortunately, he is alive. He is going to live.

The President's "stay the course" plan also is not working for the Iraqis. Insurgent violence is on the upswing, and our efforts to help rebuild Iraq are at a standstill. Electricity output has been pretty much flat-lined in the last couple of years, and we haven't been able to finish building the schools and hospitals they want and need and that we would like to help them build.

"Stay the course," I say to my friends, is not working. This amendment is about a new direction in Iraq. It is about accountability. It is about being tough. It is about being smart. It is about changing the course, not staying the course. It is about laying out a plan for victory in Iraq.

I urge my colleagues to support the amendment and the advice I heard not 6 months ago that it is time for America to move toward the door—not to leave, not to leave precipitously but to move toward the door and to allow the Iraqi people themselves to carry more of the burden in an effort to relieve from us some of that burden, an effort to make sure they have, in the end, a democracy and a country of their own to govern.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 5 minutes to the Senator from South Dakota.

Mr. President, I advise colleagues on my side, there is one Republican waiting, and others who have indicated a desire to speak. I urge them to come to the floor because I have under my control roughly 20 minutes.

The PRESIDING OFFICER (Mr. COBURN). The Senator from South Dakota is recognized for 5 minutes.

Mr. THUNE. Mr. President, we face a difficult choice in Iraq and the war on terror at large. Iraqis are desperately trying to form a fragile government in the face of overwhelming odds. They are, as John Dickinson once said of American independence, "braving the storm in a skiff made of paper."

Despite that, the odds they face, look at the progress that has been made just of late. Prime Minister Maliki just completed the formation of a new Iraqi Government, including filling three national security positions. In the past few weeks, U.S. forces have taken out terrorist leader al-Zarqawi, the head of the snake, and many of his henchmen. This was a huge blow to al-Qaida and a major victory in the war on terror.

Iraqi security forces are growing in number every day. Only a year and a half ago, Iraqi security forces had just begun to form. Today there are 264,400 trained and equipped Iraqi security forces, more than double the number of U.S. troops in the region.

At the beginning of this year, the Iraqi forces had 10 brigades and 43 battalions. They controlled areas of responsibility. Only a few months later and those numbers have nearly doubled to 18 brigades and 71 battalions.

Large- and small-scale water treatment facilities have been rehabilitated or constructed for an estimated 3 million people at a standard level of service, with plans underway to deliver clean, safe drinking water to 5 million more.

May oil production was over 2.1 million barrels of oil per day, and the Treasury Department, from the United States, is sending additional professionals to Iraq to provide technical support for the creation of a public finance system that is accountable and transparent. And our State Department is coordinating a broad effort to support an economic policy framework that enhances investment, job creation, and growth.

As Americans, we know, as Thomas Jefferson once said, "the price of freedom is eternal vigilance." In America, we like things to happen in a 24-hour news cycle, but it doesn't always happen that way. If we look throughout the pages of history, we have countless examples of those who have come before who have understood the stakes and the risks that were at work in the conflicts they faced. A great figure from history of the last century, Winston Churchill, said wars are not won by evacuations. Churchill and those of his generation knew they were in a pitched battle for future generations, a titanic struggle between good and evil.

A more recent example is, as I was growing up in the State of South Dakota and going through what at that time we knew was the Cold War. I remember a great leader at the end of the last century, Ronald Reagan, when asked his strategy for winning the Cold War, who said: It is very simple, Mr. President, we win; they lose.

I believe that is the same strategy and same objective we need to apply to the war on terror because the evil we face today—it has a different name—is equally deadly. Failure to confront and prevail in this war on terror and we will be creating huge problems for the next generations of Americans.

When we hear this debate on the floor of the Senate and, I believe people have sincere motivations—I don't doubt the motivations of anyone who comes to the floor to debate this issue, and I think it is appropriate to have this debate, but this is not and should not ever be about partisanship. It is not about politics. It is about the future and the security of future generations of Americans.

We have heard lots of people come here and say, Well, staying the course is not a strategy, it is not a solution. Yet at the same time, we know full well that as we look at the threat that we face from the war on terror, failure is not an option either. We cannot afford a strategy that includes running away from our responsibility not only to the people of Iraq but to the people of this country who are counting on us to protect them and to provide security and safety for generations of Americans to come.

I think some simple questions we have to ask are these: Is Iraq a frontline in the war on terror? I believe it is. We have demonstrated that in the last few weeks as we have eliminated many of the leading terrorist figures. We have to ask the question: Are the people we are fighting in Iraq terrorists who want the kill Americans? The answer clearly is yes. We also have to ask the question: If we don't have them pinned down there, will they not be planning and launching attacks against the United States? I believe the answer to that question also is yes.

The good men and women of the United States military are doing good work in Iraq. They are doing the job that we asked them to do. We need to make sure they understand we are there to win.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. THUNE. Mr. President, I would ask simply that as we vote on this amendment and the one that will follow, that we vote them down and give our generals and our troops the ability to complete the work that we have asked them to do, and that is to win, to prevail, and to make this country safer for future generations.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 8 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 8 minutes.

Mr. WARNER. Mr. President, and then following the Senator from New Jersey, the Senator from Kansas, Mr. ROBERTS, will be recognized, and then following Senator ROBERTS, the Senator from Missouri, Mr. BOND.

Mr. LAUTENBERG. Mr. President, may I claim my full 8 minutes?

The PRESIDING OFFICER. The Senator can claim his full 8 minutes.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of the resolution put forward by the senior Senator from Michigan. I appreciate the fact that he has framed the debate on the war in Iraq both for the Senate and for the American people.

Last week the American death toll in Iraq passed 2,500. It is a tragic milestone and the American people are not happy about it, because our President has yet to articulate exactly what we are trying to accomplish in Iraq.

I maintain a gallery of pictures of U.S. servicepeople who have died in Iraq and Afghanistan outside the front door of my office. It reminds me and all who visit my office about the loss of young lives and the terrible cost of this war.

As a war veteran, I know what these troops and their families are going through. I heard the Bush administration say that some Iraqis are worried about us leaving. But I say this: The American people are worried about us staying.

What more can we do for the Iraqi people? We have spent over $300 billion of U.S. taxpayer funds there. We have helped them hold three elections. We have trained and armed their police and their military.

I say it is time for them to take control of their country.

I have heard my colleagues on the other side of the aisle say that we would bring dishonor to those who lost their lives if we begin to leave Iraq. But ask the families with loved ones over there how they feel. I met with a group in my Newark office with loved ones in Iraq, including a mother who lost her son there. As far as they were concerned, it would bring dishonor to other families if we just stay there with no plans for the future.

So why are we having so much trouble securing Iraq? The answer is clear: The administration has no plan in place to do it. When they tried, we saw misstep after misstep by the civilian leaders in the Pentagon. And the leadership problems at the Pentagon start at the top.

This administration went to war on the cheap: Not enough troops, not enough body armor, not enough help from our allies. I think we are down to a coalition that has very little coalescence attached to it. No help. And our troops have paid the price for these mistakes.

There were so many mistakes and miscalculations by the Bush administration that it is hard to believe it at all.

Secretary Rumsfeld said the Iraqis would welcome U.S. troops and that the Iraqi resistance would be limited. He was obviously wrong.

He also failed to build coalitions with our allies. One of the few major allies that did join the coalition was Poland, which sent about 1,600 troops. But they began withdrawing early this year. Half are already gone, and by the end of the year, Poland will have all of its troops out of Iraq. Just this week, the Japanese announced they will withdraw their troops.

We ask, when are we going to start withdrawing our troops?

So far, 16 nations who have provided some assistance in Iraq have withdrawn their troops. The administration's failure to build a real coalition has caused our troops to bear the vast majority of the risk and suffer the casualties.

Mr. INHOFE. Will the Senator yield?

Mr. LAUTENBERG. No, I will not yield. I don't have enough time, I am sorry to say. Perhaps afterwards, the Senator from Oklahoma can use his own time to have an exchange.

Secretary Rumsfeld said the war would be short. He said, "I doubt 6 months." More than 3 years later, we know how tragically wrong that assessment was.

Additionally, Secretary Rumsfeld was also way off on the cost of the war. He said it would cost no more than $100 billion. But the staggering reality is that it has cost $320 billion thus far, and we expect it will get close to half a trillion dollars before this year is over.

Now we are experiencing a crisis in military recruiting. But about that, Secretary Rumsfeld is in denial. Whether in public or in private, he claims that recruiting is fine. Well, it is not. Here is the reality: The Army National Guard and Reserve are falling well short of their goals, and the only reason other branches are meeting goals is because the Pentagon has reduced the target numbers.

Eight retired generals have come forward to say what many in the military have been thinking for years, and that is: It is time for a change at the top as well as the recovery of our people back home. One of the generals, General Eaton, who served in Iraq, said the following about Secretary Rumsfeld:

> In sum, he has shown himself incompetent strategically, operationally, and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down.

But instead of taking a stand like the generals, we have heard our colleagues on the other side of the aisle simply repeating talking points that were handed to them by the Bush administration: "Cut and run"—disgusting words when you look at the reflection of what is intended there.

We know this because the Secretary of Defense sent a Republican briefing booklet to Democrats by mistake last week. This briefing book is a three-ring binder of spin. It contains the same spin that we hear today from the other side of the Chamber.

Instead of developing talking points and spin for Republican Senators, we should concentrate on putting together a plan for our troops in Iraq: For our troops to come home.

I think my Republican colleagues should have stamped that briefing book "Return to Sender" and told the administration that they will think for themselves. That is what I would hope my colleagues across the aisle would do.

I know that they want to protect our troops and I know that they care as much about loss of life. But we have a different approach on it. We need a fresh start, honest leadership, and we are not going to get either one as long as those in charge maintain their positions.

In sum, I think it is time for Secretary Rumsfeld to go, and it is time for our troops to start to go home.

I yield the floor.

Mr. WARNER. Mr. President, how much time remains for the Senator from Virginia?

The PRESIDING OFFICER. Nineteen minutes and 22 seconds.

Mr. WARNER. Mr. President, I recognize on the floor Senator ROBERTS, Senator BOND, and Senator INHOFE, and Senator KYL intends to come. So with the balance of that time, I will try to allocate it as equally as we can. I think Senator ROBERTS is next in line, so I yield to Senator ROBERTS 4 to 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 to 5 minutes.

Mr. ROBERTS. I thank the President and I thank the chairman. I rise in opposition to the amendment offered by Senator LEVIN. I would just tell the Senator from New Jersey that nobody gave me my billet points; I wrote this myself out of conviction, and I know he speaks from conviction as well.

There is nobody in the U.S. Congress, nobody in America that does not want stability in Iraq and to get our troops home as soon as possible. But there is a right way and a wrong way. Last week the Senate voted overwhelmingly against adopting a strategy focused on an arbitrary date for the withdrawal of U.S. forces. We are back again. Despite that lopsided vote of last week, we are again debating yet another withdrawal amendment. By the time we are done, no less than three withdrawal amendments, three messages to our troops, three messages to our adversaries, and three very damaging blows for I think the resolve of this country.

Senator HAGEL brought this up. As a careful reading of the amendment clearly shows, I think we are setting a disturbing and counterproductive precedent. We, the U.S. Senate, are now getting into micromanaging the military and the military's plans and the military's strategy—not the President, not the commanders in the field, but the Senate. This is the same body, by the way, that has a little difficulty trying to decide when to adjourn.

While we may wish otherwise, the blunt truth of it is there is no exit from either Iraq or the global war on terrorism but through success. So in that regard, we did not ask for this war, but in fighting worldwide terrorism, a war that must be successful, we must be willing to use force if necessary and to protect our security and that of our allies or we invite more insurgency, more terrorist acts for the next President, the President after that, and on down the line. So regardless of future policy, current or future Presidents, our ultimate success against terrorism will only be won through resolve.

Let's talk about one thing that has been missing in this debate, and that is consequences. Calling for withdrawal is one thing; facing the consequences of that action and the responsibility for it is another. I fully understand the need and the value of full debate on this issue, but we should do so with the understanding that words do have consequences, and their effect not only influences the intended audience, the partisan base or otherwise, but they also affect the morale of our troops in the midst of war and the terrorists who question our resolve.

Make no mistake: if America leaves—all at once or in stages—our adversaries will rejoice—all at once or in stages.

Last year we received an intercepted letter that Osama bin Laden's deputy sent to Abu Musab al-Zarqawi which urged Zarqawi to prepare for what the terrorists clearly believe will be a U.S. retreat from Iraq. Ironically, while the terrorists are preparing for what they hope will be a premature U.S. retreat, we are making real, tough, step-by-step progress, highlighted with the recent killing of Abu Musab al-Zarqawi.

But of all things, in a paradox of enormous consequence and irony, we stand here today debating this withdrawal commensurate with the predicted retreat by al-Zarqawi and his terrorist associates.

Now is not the time to abandon our momentum and retreat. Such a retreat would do more than encourage the bin Ladens of the world. Jihadist terrorist cells throughout the world, and in our own country, would be rethinking their attack plans with ominous repercussions.

Let us not ignore the very nature of our adversaries. Senator ALLEN spoke to that. They think of us as dust. We have no human value. And they are not giving up. They are planning attacks as we speak—everybody knows that—within the U.S. Capitol. Imagine how such a withdrawal would be viewed in places like Iran, in the midst of aggressively building up its nuclear capacity; North Korea, with its existing capacity; China, with its continued military expansion, the greatest since World War II; and Russia, where we are now witnessing a return to totalitarianism round II, especially with Ukrainian democracy; and Venezuela, where Hugo Chavez has become the next Castro.

Imagine what doubts the lack of resolve would really create in the minds of our allies now working with us with unprecedented intelligence cooperation, and the impact on the progress we have made in Pakistan and Afghanistan, leading to a radical Islamic takeover of the Mushariff and Karzi governments and further leading to increased threats within the next terrorist nerve centers in Indonesia and Africa.

The PRESIDING OFFICER. The Senator has consumed 4 minutes.

Mr. ROBERTS. I ask unanimous consent for 2 additional minutes.

Mr. WARNER. Mr. President, what is the time remaining?

The PRESIDING OFFICER. Fourteen minutes and 40 seconds.

Mr. WARNER. I will yield the 2 minutes, and then the two other colleagues can divide equally the time that is remaining.

Mr. ROBERTS. Mr. President, this amendment has consequences to our allies, including Libya, Tunisia, Jordan, Egypt, even Saudi Arabia, and Israel. Basically, this amendment has consequences, introducing it on the floor of the Senate has consequences, debating it has consequences, and voting for it has consequences.

I am going to close by calling to mind a lesson of historical precedent. Upon learning of the attack on Pearl Harbor, Sir Winston Churchill said this:

> Silly people; that was the description many gave in discounting the force of the United States. Some said they were soft, others that they would never be united, that they would never come to grips. They would never stand for bloodletting, that their system of government and democracy would paralyze their effort.
>
> Now we will see the weakness of this numerous but remote, wealthy and talkative people. But, American blood flows in my veins. I thought of a remark made to me years before—the United States is like a gigantic boiler. Once the fire of freedom is lighted under it, there is no limit to the power it can generate. It is a matter of resolve.

I say to my colleagues that, if approved, this amendment could, in a matter of minutes, undo that resolve now, and for the next generation who will face new threats to our way of life. Setting an artificial timetable will send the wrong message to the Iraqi's, who need to know that America will not leave before the job is done, and our troops, who must know that we are serious about the mission that they are risking their lives to achieve.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mrs. MURRAY. Mr. President, I want the same thing all Americans do, for our troops to complete their mission in Iraq and return home safely and quickly. To accomplish that, the President must define what our current mission is and how that mission serves our Nation's security interests.

The men and women of our military have done everything we have asked them to do. They looked for weapons of mass destruction and found none. We got rid of Saddam Hussein. We helped the Iraqis hold elections and set up their government and security forces. So what is our mission today?

Right now, our Nation's policy on Iraq is adrift. Instead of addressing this head on, the administration and this Congress continue to build on the miscalculation and incompetence of the past and are dismissing any serious discussion of the challenge the American people now face.

Instead of working to unite this Nation behind a common purpose in defense of our security and freedom, the President and his aides are using the war as political fodder for the next election cycle. Instead of being honest with the American people about the costs of our effort and the sacrifice necessary to support them, the Congress continues to hand a blank check to the administration to continue the status quo. That approach has left us with heated rhetoric and a long series of bad choices.

True security for the American people depends on an honest assessment of the threats we face, a very clear mission, and an honest discussion about the costs of confronting those threats.

On Iraq we do not have any of those components. Continuing the status quo is unacceptable. We need the President to tell us what the mission in Iraq is so we, as Congress and as a country, can decide if it is worth the continued price we are paying.

Like all of us, I want the troops home as soon as possible. In fact, I think they should start coming home this year. It is absolutely time for a new strategy in Iraq. An arbitrary, specific date for full withdrawal, however, could force us to ignore facts on the ground, facts that have a direct impact on the security of our troops or the interests of our Nation. I appreciate those who ask for a date certain. I, too, am frustrated with where we find ourselves today. But what we do need is change. What we do need is leadership. What we do need is a defined mission. And what we do need is a plan for success.

The troops on the ground, as well as the American people, deserve an honest discussion and a plan for victory and a goal to achieve that. That is why I support the Levin amendment.

This administration, this Congress, and this Nation should be focused like a laser on how we can be successful and bring our troops home safely. Our troops and the American people deserve a plan that brings us all together to accomplish that goal.

I yield my remaining time.

Mr. WARNER. What is the time remaining on this side?

The PRESIDING OFFICER. There remains 13 minutes 2 seconds.

Mr. WARNER. I am going to relinquish the time I hoped to use to do wrapup remarks and divide it equally between the Senator from Missouri and the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 6 minutes 30 seconds.

Mr. BOND. Mr. President, I thank the floor manager of the bill. As we have heard, the end of al-Zarqawi is a significant blow to al-Qaida operations in Iraq. It is another clear indication of the progress we are making. In addition, the documents we captured at that time indicate that the al-Qaida terrorists themselves know that we are making progress. They are worried that time is now on our side. They know they cannot withstand our military forces.

But even before our troops eliminated one of America's fiercest enemies, some at home had described the current situation in Iraq as bleak. Now they are introducing measures for a timetable for withdrawal from the region.

The insurgents will no doubt consider the debating of this measure one of the best pieces of news they have had this year. That is because the terrorists know that time is on our side unless we give them a timetable for withdrawal. We know that a timetable for withdrawal will undercut the momentum that the insurgents themselves say we have gained in Iraq.

As I have talked to our troops who have been in the field, they say, doesn't anybody understand that the terrorists watch our media? They have calendars. If they know we are going to get out on a certain date they will declare victory, lay back and wait to take over the country after we have departed.

I would imagine that the terrorists are dumbfounded, yet ecstatic with this self-destructive proposal. I am dumbfounded and aghast. If insurgents had any representation in the Senate, I am sure they would support it. I am not saying my Democratic colleagues are in any way intentionally aiding the insurgents or undermining our troops, but regrettably that is what it would do. I implore my colleagues on both sides to consider the facts and the words of the insurgents themselves, who view this as a time when they are losing.

Last Monday night, when our President was addressing a group outlining in detail the program of progress and how we are going to build up the security forces in Iraq so they can take over, and committing to finishing the job we in Congress overwhelmingly endorsed, Mr. Howard Dean was on national television claiming that Republicans were sitting in air-conditioned offices asking others to do the work in Iraq. He stated:

> Republicans are great about sending other people's children to war.

I take issue with the words of Mr. Dean, the voice of the Democratic National Party. First, our brave young men and women volunteered to serve, to go to war to keep America safe from the terrorists who struck on 9/11 and who would strike again if they had the chance.

Second, 77 of us on this floor, Democrats and Republicans, voted to support the President to carry out the mission that President Clinton first outlined about regime change in Iraq.

Finally, I say to Mr. Dean personally, my only son returned from Iraq over a year ago and is preparing to go back. When I told him we were going to have this debate, I asked him: What is your view on it? I got this e-mail back. He said:

> In case anyone is paying attention, there is progress being made. AMZ himself indicated as much in the confiscated letters around the time of his death. If al-Qaida, No. 1, confesses the U.S. is having good success, who here in conus has the standing to contradict us?
>
> I don't get it. I am not wild about going back to Iraq but I'd sure as heck would rather do that than essentially invalidate everything we have done to date by leaving too early and inviting chaos.
>
> Happy Father's Day.

That was a message from one of the people who are serving us in Iraq, and he speaks for all the other young people he knows.

I implore my colleagues, let our troops finish what we started, what most of us voted for. Let's leave Iraq self-sufficient, free, and stable, an Iraq no longer a safe haven for terrorists, threatening to bring WMD and terrorist attacks to our shore. Let's leave when the job is done, not before. Let's not defeat our mission with political attacks on the President and the Secretary of Defense as we have heard today, and on those of us in Congress, giving the terrorists a victory politically by laying out for them a "get out of jail free" card, giving them a timetable for withdrawal whether or not Iraqi security forces are fully capable of controlling their country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 10 minutes to Senator BIDEN.

Mr. WARNER. Mr. President, if the Senator will yield, I will just yield a minute to myself. I compliment the Senator from Missouri. That was a heartfelt message. I hope Mr. Dean gets it verbatim because your son, whom I have watched grow up through these many years, is proud to be a United States Marine and to take on his duty.

Mr. President, I wish to advise colleagues at the hour of 5 o'clock this debate on the Levin amendment is concluded. My understanding is we proceed to an amendment by the Senator from Massachusetts, Mr. KERRY, and Mr. FEINGOLD, Mrs. BOXER, and Mr. LEAHY. In examining that amendment, I say to my colleagues who are anxious to continue addressing the issues of the amendment of Senator LEVIN, I think the basic format in this amendment lays a clear predicate for all those who are desiring to speak to have their word tonight sometime because we are to conclude this debate tonight. I yield the floor.

Mr. LEVIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. You have 34 minutes.

Mr. WARNER. How much?

Mr. LEVIN. We started at 12:15. I would then yield for 10 minutes to Senator BIDEN. I then yield 8 minutes to Senator OBAMA, and then Senator DURBIN will be next. Depending on how much time is left we can determine the time allocation.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. INHOFE. Was this a unanimous consent request made by the Senator from Michigan? We are still going back and forth?

Mr. LEVIN. No. We understand that.

Mr. INHOFE. I thank the Senator.

Mr. BIDEN. Mr. President, I thank the Senator from Michigan. I, too, compliment the Senator from Missouri for the service of his son. My son is not—he is in the military, in the National Guard. He is not in Iraq, although he did spend some time in Kosovo. I admire the patriotism of his son and respect the point of view his son expressed. But I think it confuses things.

Mr. President, last Thursday, we passed by a 99—1 vote an emergency spending bill to support our troops in Iraq and Afghanistan and provide relief to the victims of Hurricane Katrina.

Unfortunately, behind closed conference doors, a key provision of both the House and Senate versions was stripped out—an amendment, introduced by Representative BARBARA LEE and myself that would bar any funds from being used to establish permanent U.S. military bases in Iraq or to control Iraq's oil.

I voted to support our troops, though I was surprised that my amendment was stripped after not a single Senator publicly spoke against it during the floor debate.

But what bothers me is that by removing the "no permanent bases" amendment, we make life more difficult for our men and women in uniform and undercut our Nation's broader effort against terrorism.

So I will reintroduce my amendment as part of the Defense authorization bill.

It is straightforward, clear, and simple. It affirms that the United States will not seek to establish permanent military bases in Iraq and has no intention of controlling Iraqi oil.

I will repeat what I said 6 weeks ago: While it may be obvious to Americans that we don't intend to stay in Iraq indefinitely, such conspiracy theories are accepted as fact by most Iraqis.

In an opinion poll conducted by the University of Maryland in January, 80 percent of Iraqis—and 92 percent of the Sunni Arabs—believe we have plans to establish permanent military bases.

The same poll found that an astounding 88 percent of Sunni Arabs approve of attacks on American forces in part.

Why do Iraqis believe we want permanent bases? Why do they think we would subject ourselves to the enormous ongoing costs in Iraq in blood and treasure? Do they think we want their sand? No, they think we want their oil.

To my mind, the connection between these two public opinion findings is incontrovertible.

Before you dismiss these as simple conspiracy theories, remember what Iraqis have been through in the past 3 decades:

Three wars and a tyrannical regime that turned brother against brother and made paranoia a way of life.

And there is a longer history, too: 400 years of British and Ottoman occupation have led to a deeply ingrained suspicion of a foreign military presence.

These views extend well beyond Iraq. In a 2004 Pew Charitable Trust survey, majorities in all four Muslim states surveyed—Turkey, Pakistan, Jordan, and Morocco—believed that control of Mideast oil was an important factor in our invasion of Iraq.

Our enemies understand the boon these misconceptions provide to their recruiting efforts and use them as a rallying cry in their calls-to-arms.

Last year in a letter intercepted by the United States military, Ayman al-Zawahiri, the deputy leader of al-Qaeda, wrote to the recently killed Jordanian terrorist Abu Musab al-Zarqawi:

> The Muslim masses . . . do not rally except against an outside occupying enemy.

Our military and diplomatic leaders understand that countering this vicious propaganda requires clear signals about our intentions in Iraq. And they have done just this.

General George Casey, the ground force commander in Iraq, told the Committee on Armed Services last September:

> Increased coalition presence feeds the notion of occupation.

At the same hearing, General John Abizaid, the commander of all U.S. troops in the Middle East, told Congress:

> We must make clear to the people of the region we have no designs on their territory or resources.

In March, the American ambassador to Iraq, Zalmay Khalilzad, told an Iraqi television station that the United States has "no goal in establishing permanent bases in Iraq."

Unfortunately, this clarity has been clouded by mixed messages from the senior-most decision-makers in the Bush administration.

To my knowledge, President Bush has never explicitly stated that we will not establish permanent bases in Iraq, and both the Secretary of Defense and the Secretary of State have left the door open to do just that.

On February 17, 2005, Secretary Rumsfeld told the Committee on Armed Services:

> We have no intention, at the present time, of putting permanent bases in Iraq.

"At the present time" is not exactly an unequivocal statement.

On February 15, 2006, at the Senate Foreign Relations Committee hearing, my friend, the Senator from Massachusetts, asked Secretary Rice:

> Is it, in fact, the policy of the administration not to have permanent bases in Iraq?

Rather than answering the simple one word, "Yes," Secretary Rice said during a 400 word exchange on the question:

> I don't want to in this forum try to prejudice everything that might happen way into the future.

Just last Thursday, columnist Helen Thomas asked the White House press secretary to unambiguously declare that the United States will not seek permanent bases in Iraq. Again, the press secretary could not unequivocally declare this to be the case.

These mixed messages are confusing to the American people and the Iraqi people alike. They feed conspiracy theories and cede rhetorical space to our enemies. They make it that much more difficult to win the battle for the hearts and minds of 1.2 billion Muslims in the world. Our success in that battle will determine our success in the struggle between freedom and radical fundamentalism.

Against this backdrop, I believe that it is incumbent upon us to speak where the administration has not.

My amendment will have no detrimental effect on the military operations of our Armed Forces in Iraq or their ability to provide security for Iraqi oil infrastructure.

United Nations Council Resolution 1546 recognizes that the American and coalition forces are present in Iraq at the invitation of the Iraqi Government and that their operations are essential to Iraq's political, economic, and social well-being.

In his first speech to the Iraqi parliament last month, Prime Minister Nouri al-Maliki endorsed that resolution. We are anxious for the day when Iraqis can take control of their own destiny, but the Iraqis are suspicious of our intentions and growing increasingly impatient.

This amendment may not in itself change a lot of minds on the ground or in the region.

But it can mark the beginning of a sustained effort to demonstrate through words and deeds that we have no intention of controlling Iraq's oil or staying there forever.

I believe it is our duty to do so.

I want to point out a couple of things. I have listened to some of this debate. Sometimes I wonder whether we are debating the Levin amendment or not. The Levin-Reed amendment says two things. It lays out a plan. The front part of it is the part that is being ignored by most people. The amendment lays out a specific plan to avoid trading a dictatorship for chaos in Iraq. Right now, I respectfully suggest the President has a plan how not to lose but no plan how to win. In my view, a plan to arbitrarily set a date to leave is not a plan. It is an expression of overwhelming frustration and maybe on the part of some a conclusion reached that it is not winnable because it has been so badly handled the last 2 years. I respect that position. I don't agree with it, but I respect it.

The fact is, what is before us in the Levin amendment is it first calls for a political settlement and the sharing of economic resources. That is another way of saying the Iraqis need a deal on oil that gives the Sunnis a fair share of the revenues; and, secondly, it calls for the President to convene what not just JOE BIDEN and this amendment but BIDEN before, and before that Henry Kissinger, and Secretary Shultz and others called for, and that is convening of an international conference to promote a durable political settlement and reduce the interference by Iraq's neighbors in Iraq. And it calls for the things that everyone agrees have to be done, purging the sectarian militia which has infiltrated the security forces.

My friend from Missouri stood up and talked about the Iraqi security forces. The Iraqi security forces are riddled with sectarian infiltration. There is overwhelming evidence that Sadr suggests his Mahdi militia join the military. There is overwhelming evidence that the SCIRI and Dawa Parties have moved their people into the military as have the Sadr militia. There is evidence of the fact that the Peshmerja are in the north. So let me ask a question: How is it remotely possible that this government, assuming it is really good government, has a lot of personal courage and wisdom?

How can it run a country when it does not have a military that—at least at any one time—one-third of the country doesn't trust?

Did you all notice what happened today? Saddam's defense lawyer, for whom I have no particular empathy or sympathy—guess what. Five cops or four cops—Iraqi police—show up with identification, take him away, and shoot him.

What has been going on? Pick up the paper. Every day—almost every day for the past months—a bus gets stopped, a group of Iraqi policemen take people off the bus identified as Sunnis and blow their brains out; or the next morning—every morning—you read the paper. What do you find? You find 9, 12, or 30 Sunnis handcuffed with bullets in their heads.

So I ask you the question, imagine the United States of America trying to unite the North and the South, and if you had hit squads in the South after the Civil War going after anybody who fought in the Confederacy—this is a big deal.

There is no possibility of avoiding a civil war, in my humble opinion, if you don't purge the police and then purge the military of the sectarian thugs.

Second, we have a very first-rate Ambassador there. The best thing that has happened to our effort is our present Ambassador. What did he do? Remember when he said the first unity government wasn't legitimate because the Sunnis didn't participate? It was a legitimate point. How do we get the Sunnis to participate in the election? You had the acting Parliament pass a law defining what could kill the Constitution—changing the law. That is a disaster.

So what did our Ambassador do? He said: Change it—quietly; a brilliant diplomatic move. They changed the law going back to what it had been under the law that was written in the first instance. Second, what did he do? He said: This isn't the final document. They amended the Constitution at the last minute it was being voted on to say you can amend it later. Why? For a specific purpose. Everybody knows that unless you get the Sunnis to buy in, there is no possibility of success. So everyone has anticipated from the beginning, beginning with our Ambassador, that you have to amend the Constitution to give the Sunnis a piece of the action.

Up to now, our administration has been saying quietly that would be divisive absent the Parliament doing what is called for under the law, convening, as they should be now, and now with about 3 months left, reporting to the entire Parliament amendments to the Constitution that will then be sent out to the people to vote on. Absent that, I do not know how this works.

The Sunnis need a piece of the action, to stay in the action.

My friend, the chairman, understands that there are three things going on. One, they are so-called insurgents. They are basically the old Saddamists. They are the Baathist Party, they are former military, and they are the Republican Guard.

As I said to the President, who asked the question after my first trip from Iraq—he said: We have taken care of—I don't want to put words in his mouth—he said it was a great victory. And it was a great victory. I said: But Mr. President, 400,000 people went home with their guns. I said: Count the bodybags. We had such a blitzkrieg success; what happened? They didn't resist. They took off their uniforms, kept their guns, and raided the 800,000 tons of ammunition dumps we didn't guard. That is the insurgency—not bunch of dead-enders, as the Secretary of Defense said some time ago, and they are getting increasingly organized.

There is a second group. The second group is the Zarqawi guys. They are the guys who are the jihadists—mostly from out of the country. As my friends, the chairman and ranking member, know, the military has never estimated them to make up more than 5 percent to 8 percent of the entire insurgency. They do bad things, but they are a separate group, coordinating with but separate, with separate agendas, from the insurgents.

There is a third group. The real problem is civil war. Insurgency is not the big problem. It is a problem. The problem is sectarian violence with Sunnis killing Kurds, Kurds executing Shiites, and Shiites mostly eliminating Sunnis. Unless you stop that, what is the deal? I hope I am wrong, but as I say, take a look at my record on this for the last 3 years and tell me. Am I wrong a lot of times? I haven't guessed this one very wrong very many times.

Ask the following question: By December of 2007, we are going to have a drastic withdrawal of American forces for one of two reasons: either because we actually have things going in Iraq, the Iraqis have not only stood but stood together, dealt with the Sunnis, dealt with the militia and kept the neighbors out, which means we will be able to draw forces home, or we are going to be in a full-blown civil war.

I will make a prediction. This is a dangerous thing to do on the floor, and I pray to God I am wrong about it. I think there is at least an even chance that you will hear the following debate among the foreign policy intellectuals on the left and on the right a year from now. You have to let them fight it out in a civil war. It has to be decided in a civil war; nothing we can do about it. Let the chips fall where they may, and we come back in and try to pick up the pieces. That may be the ultimate strategy we have to deal with.

But to my friends who say get out at a time certain, I say I understand your frustration, but what do you do afterward? What do you do if things go to hell in a hand basket quickly and there is civil war that turns into a regional war? What is your plan?

The Levin amendment lays out a plan. It says take care of the insurgency by giving the Sunnis a piece of the action so they turn on the insurgents. They have a reason to want to be a part of the deal.

I thank the Chair.

I have a more detailed plan as to how we should proceed. But don't confuse the Levin plan by ruling it out. The Levin plan lays out what must be done, how to do it, and it is done on the path by which we can leave and leave our interests intact.

I thank the Chair. I thank my colleagues for allowing me a few minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say that I did want to get in there when the Senator from New Jersey was speaking.

They keep talking about 8 generals out there—8 generals out of 4,000 generals who are retired right now. Three of the eight generals who had their own political plans were using that. I have listened to that over and over again.

I have just returned from my 11th trip, I say that to my friend from Delaware, to the Iraqi AOR. The reason I have done this is so I can watch the progress that is being made—and I see the progress.

When the Senator from New Jersey stood up saying nothing has happened, consider the fact that we now have three successful elections behind us. Before each election, the Democrats on this floor said it is not going to work, they will not have a free election, it isn't going to be successful. We now have had three. I was over there. I went over the day the Ministers were ratified, and they are in there.

There are 164,000 trained and equipped troops. I think it is really bad, particularly when it is in error, for us to stand here on the floor of this Senate and say that those troops are really not trained and equipped, that they are really not serviceable for war. I have heard all kinds of things which are a great disservice to these people. I was up there in Fallujah during the last election when these Iraqi security forces were risking their lives going into town to vote.

Anyway, I went over there the other day, the day Zarqawi was killed, and I thank God that happened. It happened to be the same day that the 4 Ministers out of some 30 Ministers were confirmed. I can remember talking to them on a one-to-one basis.

Dr. al-Rubaie, the National Security Adviser for the Iraqis, is really a quality guy. I spent several hours talking to him. He projects that the number of troops in Iraq will drop below 100,000 by the end of this year. This is kind of interesting. Here we are trying to dictate terms as to when we are going to pull out when they already know when they are going to request and make a recommendation to us to pull out. The other side has it completely backward. He is saying that right now; he projects, the way we are going, that they are going to make a request by the end of this year to drop the U.S. forces and the coalition down to 100,000. That would be a reduction of 30,000. Then he says that by the end of the following year, they should be all the way out.

Dr. al-Rubaie has made it clear that a timetable has to be on Iraq's terms and that there is already a roadmap. For people who say we don't know, there is no roadmap, there is no criteria out there, there is.

Let me tell you. This is a quote from Dr. al-Rubaie. This isn't me talking, this is a quote from him. He said that Iraqi governorates must meet "stringent minimum requirements as a condition of being granted control. Threat assessment of terrorist activities must be low or on a downward trend. Local police and the Iraqi army must be deemed capable of dealing with criminal gangs, armed groups and militia, and border control. There must be a clear and functioning command-and-control center overseen by the governor." He said, and this is his quote, that "13 of the 18 provinces"—18 in Iraq, and 13—"have met" or are close to meeting this criteria already.

One thing which has bothered me most recently is the inconsistency I have observed over time in the Democrats' position. They claim to disagree with the war in Iraq for the very same reasons that they used for supporting going into Bosnia and Kosovo. I remember them standing on this Senate floor saying that we have no reason to be going to Bosnia and Kosovo because we don't have any security interests at stake.

In 1995, President Clinton urged Congress to support involvement in Bosnia, and they agreed with his philosophy to "stand up for peace and freedom because it's in our interest to do so." That sounded real good at the time. Now, when President Bush is doing exactly the same thing, they are saying: No. We have changed our position. We don't want to do that anymore.

Opponents of the war in Iraq contradict themselves.

Senator KERRY stated, on April 6 of this year, that "the [Iraq] insurgency grew day by day to be an insurgency that is now a low-grade civil war . . . and our troops can't resolve a civil war."

The Senator from Delaware characterized this as a civil war. This isn't a civil war. This is a war where others are going after the Iraqis. The insurgents aren't Iraqis. I don't know why people can't understand that.

Zarqawi was Jordanian, and Osama bin Laden is Saudi. There are outsiders who caused them to coalesce into getting along better with each other. There were factions in Iraqi that you do not see today.

But Kerry endorsed involvement of U.S. troops in Bosnia and Kosovo, both of which were civil wars. Those were civil wars. This is not a civil war.

In 1995, President Clinton said that "we must not turn our backs on Bosnia," which was echoed by Senator KERRY when he stated that, "History has taught us that we can't sit idly by while people commit these incredible evil acts against humanity." He was talking about Bosnia and Kosovo. I would like to ask him: What evil acts are you talking about when compared to Saddam Hussein, who murdered and tortured to death hundreds of thousands of his own people; where they dropped people into vats of acid; where people were begging, before they were put into the shredders, to put their heads in first so they could die quickly; women being raped and buried alive? We have not seen atrocities such as this since Hitler in World War II. And here he was talking about things that were taking place in Kosovo and Bosnia. It wasn't happening.

Let me tell you what Dr. al-Rubaie said. He said:

> There is . . . an unofficial "roadmap" to foreign troop reductions that will eventually lead to total withdrawal of U.S. troops.

The roadmap is there. It is there, and it is one which they have put down in writing.

I am going to deliver to you what Minister of Defense Jasim asked me to deliver to you—to us—in this Chamber today. He said:

> Tell them their sacrifice is for a very noble cause, they have given freedom to 26 million people. I believe they are waging a just war for humanity. The terrorism must be stopped or it will spread all over the world, like a carbon copy of fascism and communism. . . . The American victims have borne the price of a freer world. . . . We are very grateful. . . . The war in Iraq is a just war and we have no option but victory. It is not a war that affects Iraq alone, but is truly a world war.
>
> The terrorists are a sickness that must be eliminated . . . There is great transformation taking place in Iraq but, the international media does not focus on positive things happening.

Here he talks about the only focus being on the negative things.

I will talk against the next amendment later.

I can tell you, after 11 trips to Iraq and the AOR, that every time I come back to this Chamber and talk about the quality of the Iraqi security forces and the successes they have had. I am very proud of them, and they are very proud of us.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator from Oklahoma for wrapping up close to 20 Senators on this side who have spoken to this issue. I remind my colleague there will be further debate tonight. I am anxious to have as many as possible come over and join me. I commend the Senator on his statement and thank the Senator for his long, hard work on our bill throughout this year.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield to the Senator from Illinois 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. OBAMA. Mr. President, I thank the Senator from Michigan for managing this fine amendment.

In October of 2002, I delivered a speech opposing the war in Iraq.

I said that Saddam Hussein was a ruthless man, but that he posed no imminent and direct threat to the United States.

I said that a war in Iraq would take our focus away from our efforts to defeat al-Qaida.

And, with a volatile mix of ethnic groups and a complicated history, I said that the invasion and occupation of Iraq would require a U.S. occupation of undetermined length, at undetermined cost, with undetermined consequences.

In short, I felt the decision unfolding then to invade Iraq was being made without a clear rationale, based more on ideology and politics than fact and reason.

It is with no great pleasure that I recall this now. Too many young men and women have died. Too many have been maimed. Too many hearts have been broken. I fervently wish I had been wrong about this war; that my concerns had been unfounded.

America and the American people have paid a high price for the decision to invade Iraq and myriad mistakes that followed. I believe that history will not judge the authors of this war kindly.

For all these reasons, I would like nothing more than to support the Kerry amendment; to bring our brave troops home on a date certain, and spare the American people more pain, suffering and sorrow.

But having visited Iraq, I am also acutely aware that a precipitous withdrawal of our troops, driven by congressional edict rather than the realities on the ground, will not undo the mistakes made by this administration. It could compound them.

It could compound them by plunging Iraq into an even deeper and, perhaps, irreparable crisis.

We must exit Iraq, but not in a way that leaves behind a security vacuum filled with terrorism, chaos, ethnic cleansing and genocide that could engulf large swaths of the Middle East and endanger America. We have both moral and national security reasons to manage our exit in a responsible way.

I share many of the goals set forth in the Kerry amendment. We should send a clear message to the Iraqis that we won't be there forever, and that by next year our primary role should be to conduct counterinsurgency actions, train Iraqi security forces, and provide needed logistical support.

Moreover, I share the frustration with an administration whose policies with respect to Iraq seem to simply repeat the simple-minded refrains of "we know best" and "stay the course." It's not acceptable to conduct a war where our goals and strategies drift aimlessly regardless of the cost in lives or dollars spent, and where we end up with arbitrary, poll-driven troop reductions by the administration—the worst of all possible outcomes.

As one who strongly opposed the decision to go to war and who has met with servicemen and women injured in this conflict and seen the pain of the parents and loved ones of those who have died in Iraq, I would like nothing more than for our military involvement to end.

But I do not believe that setting a date certain for the total withdrawal of U.S. troops is the best approach to achieving, in a methodical and responsible way, the three basic goals that should drive our Iraq policy: that is, (1) stabilizing Iraq and giving the factions within Iraq the space they need to forge a political settlement; (2) containing and ultimately defeating the insurgency in Iraq; and (3) bringing our troops safely home.

What is needed is a blueprint for an expeditious yet responsible exit from Iraq. A hard and fast, arbitrary deadline for withdrawal offers our commanders in the field, and our diplomats in the region, insufficient flexibility to implement that strategy.

For example, let's say that a phased withdrawal results in 50,000 troops in Iraq by July 19, 2007. If, at that point, our generals and the Iraqi Government tell us that having those troops in Iraq for an additional 3 or 6 months would enhance stability and security in the region, this amendment would potentially prevent us from pursuing the optimal policy.

It is for this reason that I cannot support the Kerry amendment. Instead, I am a cosponsor of the Levin amendment, which gives us the best opportunity to find this balance between our need to begin a phase-down and our need to help stabilize Iraq. It tells the Iraqis that we won't be there forever so that they need to move forward on uniting and securing their country. I agree with Senator WARNER that the message should be "we really mean business, Iraqis, get on with it." At the same time, the amendment also provides the Iraqis the time and the opportunity to accomplish this critical goal.

Essential to a successful policy is the administration listening to its generals and diplomats and members of Congress especially those who disagree with their policies and believe it is time to start bringing our troops home.

The overwhelming majority of the Senate is already on record voting for an amendment stating that calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security, creating the conditions for the phased redeployment of United States forces from Iraq. The Levin amendment builds on this approach.

The White House should follow this principle as well. Visiting Iraq for a few hours cannot resuscitate or justify a failed policy. No amount of spin or photo opportunities can change the bottom line: this war has been poorly conceived and poorly managed by the White House, and that is why it has been so poorly received by the American people..

And it is troubling to already see Karl Rove in New Hampshire, treating this as a political attack opportunity instead of a major national challenge around which to rally the country.

There are no easy answers to this war. I understand that many Americans want to see our troops come home. The chaos, violence, and horrors in Iraq are gut-wrenching reminders of what our men and women in uniform, some just months out of high school, must confront on a daily basis. They are doing this heroically, they are doing this selflessly, and more than 2,500 of them have now made the ultimate sacrifice for our country.

Not one of us wants to see our servicemen and women in harm's way a day longer than they have to be. And that's why we must find the most responsible way to bring them home as quickly as possible, while still leaving the foundation of a secure Iraq that will not endanger the free world.

The PRESIDING OFFICER. The Senator from Michigan is recognized. The Senator has 14 minutes 47 seconds remaining.

Mr. LEVIN. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. Mr. President, it is time for American troops to come home. That was the judgment of the Senate last year. Last year, by a vote of 79 to 19, we adopted on a bipartisan basis an amendment written largely by the Senator from Michigan but amended and then cosponsored by the Senator from Virginia. It was a bipartisan amendment.

By 79 to 19, we said last year that this year would be different. This just would not be another year, it would be a year of significant transition, and we were specific about what that transition meant. It meant that the Iraqis would be moving toward control of their own nation. It meant that their forces would take the lead. Those were our words—"take the lead"—in defending their country. It meant that we would create the condition for phased redeployment—that is, withdrawal of U.S. forces. That is how we voted last year, 79 to 19.

Today, we are now debating again whether American forces can start to come home. I thought we already decided that last year, that this would be the year when they start to come home.

Senator LEVIN brings an amendment to the Senate and says again, as we did last year, we will start redeploying or withdrawing American forces this year. What do we hear from the other side of the aisle? The same Republicans, many of whom voted to start bringing troops home this year, now resist the idea.

Is that because Iraq is stronger today? Unfortunately, the statistics do not suggest it. The news reports from the New York Times tells us in May 2003, there were five recorded incidents of sectarian violence. In May of 2004, 10; in May of 2005, 20; in May of 2006, 250.

To suggest that Iraq is stronger this year, a year later, is at least subject to debate. But this much we do know: We know we are paying a price every single day. The heartbreaking newscasts we listen to are of our men and women, our brothers and sisters, our sons and daughters who continue to die in Iraq, as they simply drive their vehicles down the road or stand and guard a security installation. 2,508 of our best and bravest who have died.

The obvious question is, When will this end? The Bush administration, what plan do they have? No end in sight for the way they view it. I listened to my colleagues on the other side of the aisle say the Iraqis will take control in the future. This is the fourth year we have been told that the Iraqis will stand up and defend their own country. We are told they have 260,000 soldiers and police prepared to defend their own country, ready to fight.

You know when I will believe that? When the first American soldier comes home, replaced by an Iraqi soldier. That has not happened yet. We are about to send 21,000 more American soldiers over to fight in rotation to keep 130,000 on the ground. If these Iraqi forces are so well trained and so well prepared, why are we sending another 21,000? I don't think we can explain that.

I think we know what this is about. We are facing a situation in Iraq today where the Iraqis have the wrong message from America. The Iraqis believe that they can wait, patiently wait, until the day comes when they defend their own country.

And why not? They have the best military in the world, the American military, in place defending their country. They have the American taxpayers paying for that defense. They understand we are prepared to invest those resources, and they think it will be indefinite. Nothing we are going to do on the floor of this U.S. Senate will change that point of view, unless we adopt the Levin amendment which says we will begin to withdraw the forces, redeploy the forces, this year.

There has been a lot of criticism on the floor that the party on the other side of the aisle, the Republicans, is all unified and the Democrats cannot seem to all agree on anything. I do not know what the vote will be on the Levin amendment. I think it will be a substantial vote within the Democratic caucus. But our critics are wrong.

Mr. President, 100 percent of the Democratic caucus believes it is time for change. And 100 percent of the Republican caucus believes it is time to stay the course, not change. They stand unified for the premise that we will not demand accountability. They stand unified for the premise that we will not have any change.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I think the American people understand, as we do, that it is time for us to say to the Iraqis: Stand and defend your own nation. Let American soldiers start coming home.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask, how many minutes remain?

The PRESIDING OFFICER. Nine minutes 14 seconds.

Mr. LEVIN. I thank the Presiding Officer.

Mr. President, I yield 4 minutes to the Senator from Rhode Island, my cosponsor, Mr. REED.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 4 minutes.

Mr. REED. Thank you, Mr. President.

There are two key elements in the Levin-Reed amendment. The first is to begin redeployment, this year, of American combat forces in Iraq. So many of my colleagues have mentioned Mr. Rubaie, who is the National Security Adviser for the Iraqi Government. On two occasions he has said it is not only feasible but desirable. He said it first on television, and then he said it just this week in a carefully crafted editorial. So this is something that I think can be done, and, according to a key leader in the Iraq Government, should be done.

The second element is that the President should submit to Congress a plan by the end of 2006, with estimated dates for the continued phased redeployments of U.S. forces from Iraq, with the understanding that unexpected contingencies may arise. The President should do this with the understanding that unexpected contingencies may arise.

This has been referred to as an arbitrary timetable. It is not arbitrary, and it is not a timetable. It is not a timetable of our creation, but it would be of the President. So do, I assume, those who object to this feel that the President could not produce such a timetable? Or if he did produce such a timetable, it would be arbitrary, that it would be made without consultation with our military leaders, that it would be made without reference to conditions on the ground? I do not think so. In fact, I think such a timetable would be appropriate and necessary.

Also, I should point out that our amendment recognizes the residual presence of U.S. forces in Iraq, those that will be training Iraqi forces, those that will provide logistical support, and those that would conduct counterterrorism operations, our special operations troops.

But, essentially, what we would also like to do, which is so critical, is to begin this transition from a predominantly military response to a nonmilitary one. During and after the phased redeployment of U.S. forces from Iraq, the United States will need a sustained nonmilitary effort to actively support reconstruction, governments, and a durable political solution.

One significant reason why our military is stuck in Iraq today is because we have not made an appropriate nonmilitary effort. The administration has bungled reconstruction. They have yet to deploy more than 4 provisional reconstruction teams in the almost 18 provinces in Iraq. They continue to lag behind in terms of political mentoring, in terms of reconstruction, in terms of economic activity. They have done nothing.

As a result, the only real viable tool we have is military forces. And the commanders will tell you on the ground that they are just buying time, that without this nonmilitary effort, all of our plans for Iraq will not succeed.

Any effort like this requires popular support. Popular support rests upon candor with the people. This administration has not been candid with the people. They have not been candid with respect to the costs of this war. And those costs will go up.

Indeed, to stay the course, we can predict billions and billions and billions of more dollars. They have not been candid with respect to the length of our operations. They have not been candid with respect to the impact of these operations on our troops. They have substituted slogans for candor.

This amendment gives the President an opportunity to present a plan not only to the Congress but to the American people, a plan that will be candid, a plan that will strive for victory, a plan of his making. Without such a plan, we will continue to drift, and the chances of success will continue to diminish.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself the remaining time.

The PRESIDING OFFICER. Five minutes 11 seconds.

Mr. LEVIN. I thank the Presiding Officer.

Mr. President, there is much we all agree upon in this body. We have an interest in the stability of Iraq. And we want to improve the chances of success in Iraq. The disagreement is over whether the present course, with its open-ended commitment to maintain our military presence in Iraq, as we now have it, contributes to that stability or whether or not we must prod the Iraqis to do what only they can do—come together to end the insurgency and to avoid an all-out civil war.

The President of Iraq, Mr. Talabani, a few months ago, said the following about what Iraqis believe. He said that Iraqis believe that U.S. forces are ready "to stay as long as we ask them, no matter what the period is."

That perception on the part of the President of Iraq, reflecting the view, presumably, of many Iraqis, that the United States is "ready to stay" as long as the Iraqis ask us, no matter what the period is, is a perception which must end. It is a perception that was based on our administration's commitment, which was open-ended, unlimited, unconditional.

Iraqis must make a choice. It is a choice that our blood and our treasure has given them. The Iraqis, and the Iraqis alone, can unite to avoid all-out civil war, by making the political power sharing that needs to be done. Only the Iraqis can decide that they are going to divide the resources equitably so that they can bring in all the groups and the insurgency and avoid an all-out civil war. Only the Iraqis can unite to remove the militia control of the police.

Their unity can do that. We cannot do that for them. We have given them an opportunity. Mr. President, 2,500 American lives, 7 times as many American wounded, have given them an opportunity. They must make a choice: Do they want a nation or do they want civil war?

To maintain this open-ended commitment, which we now have, is contributing to a dependency of the Iraqis on us rather than forcing them, prodding them, to do what only they can do to build a nation.

The Levin-Reed sense-of-the-Congress amendment proposes that a phased redeployment of U.S. troops be begun by the end of this year. Our amendment does not establish a fixed ending date for redeployment. It does not propose a fixed timetable once the phased redeployment has begun. But while it does not establish a timetable, it does establish a fixed time for the beginning of a phased redeployment by the end of this year. It is not precipitous. It is by the end of this year begin a phased redeployment of American troops.

Mr. President, the National Security Adviser of Iraq has been quoted a number of times on the floor.

Do I have a minute?

The PRESIDING OFFICER. One minute 5 seconds.

Mr. LEVIN. I thank the Presiding Officer.

The National Security Adviser of Iraq said the following in yesterday's Washington Post: We envisage the United States troop presence by year's end to be under 100,000. That is a reduction of 30,000. That is totally in keeping with what the Levin-Reed amendment proposes. That is the Iraqi envisioned timetable. We want to hold them to that vision for their sake and for ours.

Then Mr. Rubaie, the Iraqi National Security Adviser, said the following—and these are words which every one of us should soak in—that the removal of foreign troops will legitimize Iraq's Government in the eyes of its people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. Let us do that in a way which is thoughtful, orderly, and planned. And that is what the Levin-Reed amendment proposes.

I thank the Chair. And I thank my good friend from Virginia, our chairman, for the way in which this debate has been handled on both sides.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, with regard to the pending amendment, I would only say, in response to the extra 10 seconds you had, I would hope that security adviser was in consultation with our Government at the time he made those remarks to determine the authenticity of those remarks.

Now, my understanding is we now turn to an amendment by the Senator from Massachusetts and the Senator from Wisconsin, I believe. Is that correct?

The PRESIDING OFFICER. Under the previous agreement——

Mr. WARNER. Cosponsors of that amendment: the Senator from California, Mrs. BOXER, and the Senator from Vermont, Mr. LEAHY.

I inquire of the manager, in consultation with the proponents of this amendment, first, if we could get some estimate of the time for the introduction of the amendment. And then I would hope we would continue the practice that we have had today by which Senators go back and forth on each side.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would propose that the Senator from Massachusetts and the Senator from Wisconsin control the time which has been allocated to them. And as to when they bring up their amendment, it would be up to them because, as I envision this, they and you or your designee would manage that time.

Mr. WARNER. Mr. President, I intend to remain. I do not know that there is a time agreement on this amendment.

The PRESIDING OFFICER. The Chair is unaware of a time agreement at this time.

Mr. WARNER. In other words, we are in an unusual situation. Now, maybe the distinguished colleague from Massachusetts can help advise his leadership and me as to the time. It would be helpful because, like colleagues on this side, there are commitments on our side with regard to what Members wish to do this evening.

So I am just trying to strike a note of comity so that we can accommodate those Senators on both sides of the aisle who are anxious to participate in this debate.

Mr. LEVIN. If the Senator would yield. I totally concur that this next amendment should be brought up and debated in an orderly way, but that being agreed upon, I would hope, between the sponsors of that amendment and the chairman, the Republican manager.

So I do not think there is any need for me, frankly, to intervene in that process. Perhaps you could hear from the Senator from Massachusetts as to what his plans are and how he plans to proceed. I think that would be helpful.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the managers of the bill. I see no reason why we cannot proceed as we normally do in the Senate. I am happy to live by the tradition, with the distinguished manager, of going back and forth. We do have a little bit of an issue with a couple of Senators who need to attend other events. They are not going to speak very long.

So what I would like to do is be able to have both of them speak. Then if I could open up, and then Senator FEINGOLD speak. And then we would go back and forth. We have a number of speakers. I can't tell you exactly how long it is going to take now. But we are not trying to prolong it. We, obviously, have waited a significant amount of time. We were going to bring this up last week, and then we ran into this little parliamentary game that was played, wanting to go through the caucus. And now we are finally here.

So I want to make sure we have an opportunity to adequately lay out and counter what has been about 6 days of both misinterpretation and misstatement about what this is and what it is not. So I am happy to manage it. I respect the willingness of the Senator from Michigan to let me do that. We will try to be as expeditious as we can.

Mr. WARNER. Mr. President, I thank my colleague. I don't wish to misinterpret his comments, but there was an amendment brought up by his senior colleague from Massachusetts that took an inordinate amount of time, which we had not anticipated. If there was some disjuncture of the process over here, I believe it was initiated on that side.

Let's return to the matter at hand. Would 30 minutes allow you to begin this debate and then we could have, say, 15 or so on this side and then—

Mr. KERRY. Mr. President, we would need a little bit longer than that to sort of open it up if we can. Simply because I am trying to accommodate these two Senators, if we could let them speak, I think the Senator from Illinois would like 10 minutes and the Senator from Vermont would like about 10 minutes. Then I could open up. Senator FEINGOLD, I know, wants to speak. I think he wanted to speak for about 45 minutes or more.

Mr. WARNER. Do you think we could have some response from this side before Senator FEINGOLD begins?

Mr. LEAHY. Will the Senator yield for an observation?

Mr. WARNER. Yes.

Mr. LEAHY. The distinguished senior Senator from Virginia, like the Senator from Vermont, has been here a long time. He knows that sometimes on these things, we can spend more time working out the agreement before time than it would actually take. Since I am one of the ones who has to leave, I would ask at least on the original consent that right after Senator DURBIN, I be allowed to speak for 10 minutes. I suspect this is going to work itself out.

Mr. WARNER. I am not objecting to that. I recognize you Senators have commitments. There are colleagues on this side who have commitments. We are trying to balance that and recognize that the proponents of the amendment should have an opportunity to lay it down. It so happens that there are four cosponsors.

Mr. KERRY. So that we don't chew up all the time trying to figure out how to chew up the time, let me suggest that we agree that we have 20 minutes quickly divided between the Senator from Illinois and the Senator from Vermont. Then if Senator FEINGOLD and I could open for the time that we need, and then it would be up to the Senator from Virginia. He obviously would want to have an appropriate amount of time to respond.

Mr. WARNER. Mr. President, I thank my colleague, but can he give us some definition of the time desired by yourself and Senator FEINGOLD? Let's assume it is a half hour now between the Senator from Illinois and the Senator from Vermont; that is, 30 minutes.

Mr. LEAHY. Twenty minutes, 10 and 10.

Mr. KERRY. Just to make certain that we are covering the time—and I am not sure we will use it—I certainly would want to reserve an hour for each.

Mr. WARNER. That would be an hour and 20 minutes before anyone on this side—

Mr. KERRY. Two hours and 20 minutes.

Mr. WARNER. Two hours and 20 minutes before anyone on this side gets an opportunity to seek recognition other than the manager for purposes of a parliamentary inquiry.

Mr. KERRY. Mr. President, the Senator asked me how much time we needed. Whether it is before someone answers or not is something that can be worked out. That is the time we need.

Mr. WARNER. That is a substantial departure from the manner in which we have managed this bill thus far. I really think that this is most unusual. We have no time agreement. We have an open-ended amendment. We have four sponsors. We have colleagues that have commitments tonight. I really believe at some point——

Mr. KERRY. Mr. President, how about if we let the two Senators I mentioned proceed. Senator FEINGOLD and I could each take 30 minutes at this point. Then they have a response. Then we can come back and respond afterwards.

Mr. WARNER. Fine. That is quite agreeable to me, take 30 minutes to present the amendment. Then we will on this side have an equal amount of time.

Mr. KERRY. Instead of taking an hour each—I need to protect Senator FEINGOLD's request. He is not here, and I am already compromising myself on his behalf—we would both give up a half hour to begin with, so we would take an hour and 20 minutes, and then the Senator from Virginia would have an hour or whatever he wants to respond.

Mr. WARNER. So an hour and 20 minutes on this side to initiate the amendment. I will concede that we will do that. But it seems to me somewhat a departure from the way we normally manage things. Then it comes to this side for, let's say, an hour's debate.

Mr. REID. Mr. President, if the Senator will yield.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. I thank the Chair. Senator LIEBERMAN has been here off and on during the day wanting to speak.

Mr. WARNER. Yes.

Mr. REID. If there is going to be any time agreement, Senator LIEBERMAN ought to be worked into this. We have Senator BYRD here who has been calling all day.

Mr. WARNER. Mr. President, I would be happy to say, when the time comes to this side, he can initiate on our time his remarks.

Mr. REID. Senators BYRD and LIEBERMAN or both.

Mr. WARNER. Senator LIEBERMAN. I didn't hear Senator BYRD mentioned. Let's hear from our senior colleague as to what his desires are.

Mr. REID. We will take you up on that, if you will give Senator LIEBERMAN 10 minutes.

Mr. WARNER. I would be happy to do that at the conclusion of 1 hour and 20 minutes, that our side be recognized for a period of, let's say, 30 minutes, of which the first 10 will be given to Senator LIEBERMAN.

Mr. REID. As usual, the Senator from Virginia is very kind.

Mr. WARNER. I do believe we ought to hear from our senior colleague as to what his desires might be.

Mr. LEAHY. Before the Senator speaks, does that mean that the original request that Senator DURBIN and I would each be heard first——

The PRESIDING OFFICER. The Chair has not heard a unanimous consent request from the floor.

Mr. KERRY. Mr. President, we agreed that since these two Senators are under a timeline difficulty, we would try to accommodate them. Could we have the Senator from Vermont and the Senator from Illinois each speak for 10 minutes?

Mr. WARNER. I have no objection, if you wish to initiate with those two Senators beginning with 10 minutes each. Then what is to follow thereafter?

Mr. KERRY. At that point I would hope that Senator FEINGOLD and I would have an opportunity to introduce the amendment itself.

Mr. WARNER. Therefore using what amount of time?

Mr. KERRY. As I said, we would like 30 minutes each, and then we will come back afterwards.

Mr. WARNER. So we are back to the hour and 20 minutes on that side before we receive any time on this side?

Mr. KERRY. We won't even introduce the amendment, if we don't do that.

Mr. WARNER. The amendment has been here for some time. I have had an opportunity to examine it.

I suggest the absence of a quorum.

Mr. BYRD. Before the Senator does that, may I inject—

The PRESIDING OFFICER. Does the Senator withhold his request?

Mr. WARNER. Yes, out of respect for our distinguished colleague.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair, and I thank my distinguished friend from Virginia, Senator WARNER.

I have an amendment. I would at least like to debate it or have some time to speak on it. I was hoping that I might be able to speak for not to exceed 30 minutes on my amendment. I would like to throw that in the mix.

Mr. WARNER. Mr. President, parliamentary inquiry: To inform both the senior Senator from West Virginia, myself, and others, what is the order before the Senate at this time? My understanding is the Kerry-Feingold amendment with an unlimited amount of time on it and there is no provision for other amendments at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator from Massachusetts, under the previous agreement, was to be recognized for his amendment at this time.

Mr. WARNER. I say to my good friend, the order has been in for some 24 hours by which this is the amendment. The time allocation is under the control of the two managers. We will work that out momentarily, hopefully on an equitable basis. I do not at this point in time see the opportunity for the introduction of your amendment, I say with due respect, until such time as the debate on the Kerry-Feingold amendment is concluded.

Mr. BYRD. Mr. President, I have not heard all of the debate, but from what I have heard, I don't think that another Senator, this Senator, would be precluded from asking for time to explain his amendment. Now if the agreement may preclude other amendments—I don't know whether it does or not. If it does, then that is one thing. But I have an amendment, and I would like to speak on it. I wonder if Senators wouldn't allow me to speak. I have four to six pages. I can do those in 40 minutes or less.

Mr. WARNER. Mr. President, I would be more than happy to accommodate my distinguished friend and leader. I simply say that unless we amend the order at this point, I do not see that opportunity. I will be glad to put in a quorum in hopes that we can resolve not only the time allocation on this side but how we could accommodate our distinguished colleague from West Virginia.

Mr. LEVIN. I suggest that the two Senators who need 10 minutes each be recognized now and that we try to negotiate these various time needs during their presentation.

Mr. WARNER. That is a very reasonable request. I now ask unanimous consent that the Senator from Vermont and the Senator from Illinois be——

Mr. KERRY. Reserving the right to object, Mr. President, could I please have the unanimous consent request stated.

The PRESIDING OFFICER. The unanimous consent request is the following——

Mr. WARNER. That the Senator from Vermont and the Senator from Illinois be recognized at this time seriatim for 10 minutes each, during which time we are going to try to negotiate the time allowance. Then at the end of that 20 minutes, we resume under the standing order of the Senate and the Kerry amendment goes back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized for 10 minutes.

Mr. LEAHY. Mr. President, I intend to vote for the Levin-Reed amendment on Iraq, and I will also vote for the Kerry amendment, of which I am a cosponsor.

Both amendments are a step in the right direction, as they finally begin the process of winding down what has been the most poorly conceived, costly, and tragic misuse of United States military power since Vietnam.

We got into this war for reasons that bear little if any resemblance to the reasons the White House gives for keeping our troops there today at a cost of more than a billion dollars every week.

First it was weapons of mass destruction. There were none. Anyone who urged continued monitoring by United Nations inspectors was ridiculed by the White House as being naive.

Then it was Saddam Hussein's supposed ties to al-Qaida, which was a blatant, calculated distortion. There was none, yet the Vice President continues to say there was. Today, thanks to the policy of the President and the rubber stamping by the Congress, Iraq and Guantanamo are the rallying cry for terrorists around the world.

Then it was because Saddam Hussein—who posed no threat to the United States—was a brutal dictator, which he was. He was also supported by the Reagan administration.

That, however, is not a justification for a war that has cost the lives and limbs of thousands of young Americans and tens of thousands of Iraqi civilians.

Winning against terrorism, like stopping the proliferation of dangerous weapons, promoting peace between Arabs and Israelis, or solving any other regional or global problem, requires the trust, the respect, the cooperation and the support of our allies.

Unfortunately, these, too, are casualties of this war. Squandered away.

The damage that this reckless adventure has caused to our reputation, particularly among the world's Muslims in countries like Turkey, Jordan, Indonesia, Egypt and other traditional allies, is incalculable.

We have heard a lot of partisan rhetoric about cutting and running. How easy it is to ask others to fight and die from the safety and comfort of an office in Washington.

How easy it is to vote for tax cuts and to self-righteously wave the flag, while our troops are scavenging for scraps of metal to protect themselves from IEDs. They were sent to fight and die without armor, by top Pentagon officials back home who proudly, dismissively and resolutely insisted they were ready, when they were not.

How easy it is to mislead the country, with patriotic pronouncements by the President like "mission accomplished," or that we are seeing the "last throes" of the insurgency.

Contrary to the blatantly partisan and false attacks of the President's political advisors, no one questions the threat that al-Qaida and other terrorist networks pose to the security of Americans and to the people of other nations.

No one questions that we need an effective strategy to combat it. The issue is how best to combat it.

This administration has shown the world how not to do it, creating a lengthening catalogue of squander.

You don't do it by starting a war with selective, faulty intelligence, by dismissing thoughtful criticism as unpatriotic, without enough troops, with no plan to win the peace, by cavalierly discounting the risks.

You don't do it by repeatedly misleading the American people.

You don't do it by creating and fueling a terrorism problem where there was none.

And you don't do it by shamelessly denigrating the Geneva Conventions and the rights and values that distinguish us from the terrorists.

Unlike the war to defeat the Taliban, which continues to this day and shows no signs of abating, the invasion of Iraq had nothing to do with Osama bin Laden or the attacks on the World Trade Center and the Pentagon.

It has degraded our military in ways that will cost us trillions—not billions—trillions of dollars to rebuild.

It has left a legacy of thousands of maimed and crippled young veterans with medical and other needs that they, their families, and their communities will cope with for the rest of their lives.

Our troops have fought bravely in the harshest of conditions. They are our constituents. They are the sons and daughters of our friends and neighbors. They have carried out extraordinarily difficult missions, including tracking down and capturing Saddam Hussein and killing Abu Musab al-Zarqawi.

They have sacrificed so much. We support them unequivocally, Democrats and Republicans. The question is how we can best support them.

This was to be the year of transition. That was what the Congress voted last year, and what the President signed into law. Yet, the Administration continues to simply stay the course. This course is not in America's best interest.

Iraq has a new constitution. It has had elections. It has a democratically elected government.

We have trained and equipped more than 100,000 Iraqi soldiers.

It has been more than three years since the overthrow of Saddam Hussein. More than 2,500 Americans have died. We have been there as long as we were in World War II.

The Iraqi people need to take responsibility for their own country. It will not happen immediately, but both the Levin amendment and the Kerry amendment move us toward that goal.

I have cast over 12,000 votes in this Senate. I am as proud of my vote against the open ended resolution that gave the President the authority to invade Iraq as any I have cast in 32 years. It is time for the Congress to change the course of a policy that has cost us hundreds of billions of dollars that would have been far better spent here at home, that has weakened our leadership, that is dividing our country, and that has not made us safer.

I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is to be recognized for 10 minutes.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, in the course of a congressional career, you are asked to make many votes. Most of them are fairly routine and not long remembered. In the course of my career on Capitol Hill, those votes that have kept me up at night, those I remember years after they are cast relate to one issue—the issue of war. When you have cast that vote, if the decision to go forward has been made, people will die—not just the enemy but brave Americans and usually innocent civilians.

So I remember very well that night in October 2002, when we were called to this floor of the Senate to vote on the issue of authorizing the President to go to war in Iraq. I say to the Senator from West Virginia, I will never forget that moment. There were 23 of us—22 on this side of the aisle and 1 on the other side—who stood up and voted no. If the Senator recalls, that vote ended late at night, near midnight. I stayed on the floor because I knew I would not be able to sleep when I got home. There were two Senators who were here waiting with the same feelings of emotion. One of them was our late colleague, Senator Paul Wellstone. Senator Wellstone was going back home to Minnesota to face reelection. I remember saying to him, "Paul, I hope this doesn't cost you the election." Do you know what he said to me? He said, "It doesn't matter, this is what I believe. This is who I am." That was the last conversation I ever had with Paul Wellstone. He died in a plane crash a few days later. I have thought about him a lot ever since and I miss him. I miss his voice. I wish he were here today. If he were here, I know what he would be doing. He would be joining me in supporting the Kerry amendment. I believe that in the meantime he probably would have voted, as I have, to support the troops. I voted to give the President every penny he has asked for in this war. Once that decision to go forward was made, my yardstick was very basic. If it were your son or daughter in uniform in Iraq, would you not give them everything they needed to wage this war and to come home safely? It was an easy question to ask and answer, particularly if you lived through the debacle of Vietnam, when our poor soldiers became the victims of public contempt because of our displeasure with the decisions of politicians. That must never happen again.

So now in the fourth year of the struggle, I have given the President every resource he has asked for. I have stood behind him and this administration even when I disagreed with their policy because I felt it was best that we stay uniform.

Today, I join in a decision being made by several of my colleagues to say that we must make it clear to the Iraqi people that our commitment is not forever. What have we given the Iraqis? We have given them 2,508 American lives. We have given them 18,000 soldiers who have returned home with injuries of body and spirit—2,000 with head injuries that may be life-changing. We have given them $300 billion of our treasury. We have given them the focus of our attention and the focus of our resources at the expense of our own country. What have they received in return? Their dictator has been deposed. We dug him out of a hole in the ground, put him on trial in front of his own people. We have given the Iraqi people three elections and two governments. We said control your future and your fate; this is your country. We helped them train about 264,000 soldiers and policemen. We invested billions in their infrastructure for oil and water.

We have given that nation virtually more than any other nation has ever given. But now we must tell the Iraqis something very straight and simple: It is time for them to stand and defend their own country. If they truly believe in the future of Iraq, it is time for them to stand and risk their own lives and their own blood for their own nation. This amendment by Senators KERRY, FEINGOLD, and others, says to them that at the end of the year we will consider the withdrawal of all of our troops.

Now, I say that with some equivocation because if you read the amendment, Senators KERRY and FEINGOLD have been careful. They understand that we are not going to pull every troop out as of the last day regardless of the circumstances. They have carefully crafted the language, which says that if we face a threat of terrorism, if we are still needed to continue training troops, or if there is danger to Americans at our facilities, we can stay and defend, as we should. It is not an immediate withdrawal on the last day. But it says to the Iraqis: You must stand and fight on your own.

I have been told over and over again how well trained these Iraqi soldiers are. The proof of their fitness for battle is when the first Iraqi soldier replaces an American soldier, so that soldier can come home with his mission truly accomplished.

If we leave this open-ended, as those on the other side would suggest, I am afraid the Iraqis will understand that they have the best military in the world that will stay there indefinitely. How can we do that to our soldiers who have performed so well, who have been the model of bravery, the model of patriotism?

We have been misled into this war. We were given information by the administration that was not true. This war has not been well managed by this administration in terms of the number of troops sent into the field or the equipment being given to them. We know that. For years, we have been promised that these Iraqis would stand and fight and we could come home. That has not happened. Now I have reached that point that other colleagues have reached as well, where I believe the Iraqis must be told that now it is your nation, now it is your turn.

For those who say that one year is not enough time—one year is not enough time? What happened in the last 12 months in Iraq, in the last 12-month period of time? We have lost 762 American soldiers in the last 12 months. We have spent $90 billion in the last 12 months. We have seen thousands of soldiers return home with injuries. It is not just the passage of time, it is the passage of life and life's journey for so many of our soldiers. Twelve months is a reasonable time—12 months, and all that it means for us and all that we would give, is a reasonable time.

I say to the Senators from Massachusetts and Wisconsin, I thank you for bringing this measure before us. I think it is now time for the American people to stand up and say to this administration: You misled us into this war. You have no plan for it to end. Our brave soldiers deserve the leadership that brings us to the right conclusion. I think we can do that. I think this amendment is a step in the right direction. I will support it.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank all for their cooperation. I think we have reached a reconciliation of the needs and requirements of all for a period of time. Therefore, I ask unanimous consent that Senator KERRY be recognized now to offer his amendment and, provided further, that he then be allocated 30 minutes to speak; further, that there be debate only as follows; provided further, that that be followed by up to 30 minutes under the control of the chairman, Senator WARNER, to be followed by up to 30 minutes under the control of Senator BOXER, to be followed by 20 minutes under the control of Senator BYRD; provided further, that there now be a period of 10 minutes under the control of Senator LIEBERMAN; thereafter, provided further, that there be 30 minutes under the control of Chairman WARNER, to be followed by Senator FEINGOLD, to be followed by Senator WARNER.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. FEINGOLD. Mr. President, I am one of the main cosponsors of the amendment. I request to be the next Democratic speaker for 30 minutes after Senator KERRY.

Mr. WARNER. Mr. President, I say to my good friend, we have now spent 30 minutes working out this time arrangement.

Mr. KERRY. Mr. President, I will cede my time to Senator FEINGOLD now, Senator BOXER can go, and I will go afterwards. I will just flip with Senator FEINGOLD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. As amended.

The PRESIDING OFFICER. As amended.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Has the Chair announced the acceptance of the unanimous consent request?

The PRESIDING OFFICER. Yes, there is no objection to the request.

AMENDMENT NO. 4442

Mr. KERRY. Mr. President, I call up amendment No. 4442, and I yield 30 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. FEINGOLD, Mrs. BOXER, and Mr. LEAHY, proposes an amendment numbered 4442.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the redeployment of United States Armed Forces from Iraq in order to further a political solution in Iraq, encourage the people of Iraq to provide for their own security, and achieve victory in the war on terror)

On page 437, between lines 2 and 3, insert the following:

SEC. 1084. UNITED STATES POLICY ON IRAQ.

(a) REDEPLOYMENT OF TROOPS FROM IRAQ.—

(1) SCHEDULE FOR REDEPLOYMENT.—For purposes of strengthening the national security of the United States, the President shall redeploy, commencing in 2006, United States forces from Iraq by July 1, 2007, in accordance with a schedule coordinated with the Government of Iraq, leaving only the minimal number of forces that are critical to completing the mission of standing up Iraqi security forces, conducting targeted and specialized counterterrorism operations, and protecting United States facilities and personnel.

(2) CONSULTATION WITH CONGRESS REQUIRED.—The President shall consult with Congress regarding the schedule for redeployment and shall submit such schedule to Congress as part of the report required under subsection (c).

(3) MAINTENANCE OF OVER-THE-HORIZON TROOP PRESENCE.—The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

(b) IRAQ SUMMIT.—The President should work with the leaders of the Government of Iraq to convene a summit as soon as possible that includes those leaders, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that engenders the support of Sunnis, Shias, and Kurds by ensuring the equitable distribution of oil revenues, disbanding the militias, strengthening internal security, reviving reconstruction efforts and fulfilling related international economic aid commitments, securing Iraq's borders, and providing for a sustainable federalist structure in Iraq.

(c) REPORT ON REDEPLOYMENT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to Congress a report that sets forth the strategy for the redeployment of United States forces from Iraq by July 1, 2007.

(2) STRATEGY ELEMENTS.—The strategy required in the report under paragraph (1) shall include the following:

(A) The schedule for redeploying United States forces from Iraq by July 1, 2007, developed pursuant to subsection (a)(1).

(B) A schedule for returning the majority of such redeployed forces home to the United States.

(C) The number, size, and character of United States military units needed in Iraq after July 1, 2007, for purposes of counterterrorism activities, training Iraqi security forces, and protecting United States infrastructure and personnel.

(D) A strategy for addressing the regional implications for diplomacy, politics, and development of redeploying United States forces from Iraq by July 1, 2007.

(E) A strategy for ensuring the safety and security of United States forces in Iraq during and after the July 1, 2007, redeployment, and a contingency plan for addressing dramatic changes in security conditions that may require a limited number of United States forces to remain in Iraq after that date.

(F) A strategy for redeploying United States forces to effectively engage and defeat global terrorist networks that threaten the United States.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, first, I thank my colleague from Massachusetts. I am going to abbreviate my remarks so he and I can hopefully split this time and yield it back. It is regrettable that we are not able to present this amendment in the manner we normally would expect, which is the two lead sponsors would each offer their thoughts without that type of limitation.

Nonetheless, this amendment is something that I think represents not only the views of the Senator from Massachusetts and myself but the views of the majority of the American people which they have come to in a very painful way after this war has proceeded in the way it has.

In fact, I find it jarring that we spend so much time on the floor of the Senate and throughout the Congress talking almost incessantly about the situation in Iraq as if on 9/11 the situation involved Iraq, as if the attack had come from Iraq. Of course, it didn't. We were attacked by al-Qaida operating out of Afghanistan on 9/11. And yet here we are discussing day after day, week after week every tiny aspect of the situation in Iraq.

Of course, it is a terribly important situation, but I submit—and I think the Senator from Massachusetts agrees with me—that the overriding issue is what is in the best interest of the national security of the United States of America, what is in the best interest of protecting the American people when they are at home and when they are abroad.

All of us in this Chamber, every single one of us, supported the appropriate action to invade Afghanistan. It was a necessary war, a war that had to be fought in order to go after the Taliban and al-Qaida. None of us stood back and said, as the Senator from Texas wants to say, that somehow some of us who don't believe in war will never support a war and the rest support wars. That is absurd. We understand when it is absolutely essential, and it was essential in the case of Afghanistan.

I voted against the Iraq war because it appeared obvious to me that was not the wise next strategic move in the fight against al-Qaida, those who attacked us. It was pretty clear to me, but it was even clear apparently to this administration when, on their own State Department Web site, where President Bush had his name, they listed the 45 countries where they believed al-Qaida was operating. This came out in November of 2001. It included, obviously, Afghanistan, Uzbekistan, Kyrgyzstan, Ireland, the United States. Guess what country wasn't even on their list. Iraq. And this has been confirmed publicly by the recognition now, despite the gross misrepresentations that al-Zarqawi was not even in the part of Iraq controlled by Saddam Hussein when we invaded Iraq.

It is pretty obvious on the face of this that this was not the place to go if we wanted to deal with al-Qaida. They were not there then, but because of the errors we have made, we created a beachhead for them to do far more in Iraq than they ever could in the past.

I understand former Secretary of State James Baker, Secretary of State under the first George Bush, said he used to go around the country and people would ask him every day: Why didn't you go on into Iraq at the time of the first gulf war? He says with a smile: I don't get asked that question anymore because it didn't make sense. It didn't make sense then, and it doesn't make sense now.

One of the theories we hear is that somehow staying in Iraq is necessary because what we are going to do is have all the terrorists come into Iraq, and we are going to get them all, and then they wouldn't be able to attack us anywhere else. Some call this the roach-motel theory, the idea that all these terrorists all over the world are simply focused on Iraq and by staying we are going to get them. This is what I would like to call an Iraq centrist policy, a policy that somehow believes Iraq is the be all and end all of our foreign policy when, of course, it is nothing of the kind.

The fact is, those against al-Qaida is a much broader fight. I have seen estimates of somewhere between 60 to 80 countries where al-Qaida is operating. Yet our focus, our troops, and our resources are only heavily focused on this Iraq situation. This is just plain tragic 5 years after 9/11.

One might say we are fighting the terrorists in other countries, too; we are doing whatever we can. But we are not. We have taken our eye off the ball. We are not dealing with the al-Qaida threat in other countries because we are so focused on Iraq.

One good example is Somalia. Remember Somalia? This is a place where we know there were al-Qaida operatives and affiliated groups. It is one of those failed states where it is almost an invitation to terrorist organizations to come in and organize and be away from any kind of control. Because we haven't been paying attention to Somalia, because we don't have a policy in Somalia, guess what just happened. A radical Islamist group has taken over Mogadishu and now threatens to take over the rest of the country.

I can't say for sure what they will do, but there are indications they may be very much like the type of Taliban government or organization that fostered al-Qaida in Afghanistan.

So we have taken our eye off the ball. In fact, I asked Ambassador Crumpton last week in a public hearing: How many people do we have in the Government devoted to Somalia full time? Mr. President, do you know what his answer was? One person. One person in a country that is clearly a threat in terms of al-Qaida.

It is not just there. What about Indonesia? Indonesia is the largest Islamic country in the entire world. It is the fourth largest country in the world. I heard Senators debating who had been to Iraq the most. One said he had been there 12 times. One said he had been there 11 times. Guess how many Senators have even been to Indonesia once in the last 2½ years. Just two of us, Senator BOND and myself, to a country that is being terrorized by a group called JI, Jemaah Islamiah, that is clearly affiliated with al-Qaida.

We are not paying attention to Indonesia. We are not putting our political and other resources there. We are only focused on Iraq where al-Qaida wasn't even operating as of the time of the invasion.

If that isn't enough, what about Afghanistan? I think we can all agree that Afghanistan is a place where we ought to win, where we shouldn't deplete our resources—well, we shouldn't, in the words of my colleagues on the other side, cut and run. But we are now feeling the consequences of what some have called the Iraq tax in Afghanistan, and that is the resurgence of Taliban fighters.

The recent death of more U.S. and Afghan soldiers there and the continued presence of terrorist networks in the region show how shortsighted this administration was by taking its eye off the ball.

We have not finished the job in Afghanistan, and we are now at risk of backsliding into instability. This is where the attack on the Twin Towers and the Pentagon was planned. This is where it was done. And because of this overemphasis and obsession with only staying in Iraq, we are allowing the Taliban and perhaps al-Qaida to get back in.

Let me give an example of what some said about this. A recent expert indicated with regard to the Afghanistan situation:

> It is now 5 years since George W. Bush declared victory in Afghanistan and said that the terrorists were smashed.

Since the Bonn meeting in late 2001, a smorgasbord of international military and development forces has been increasing in size. How is it then that Afghanistan is near collapse once again? To put it briefly, what has gone wrong has been the invasion of Iraq. What has gone wrong is the invasion of Iraq, Washington's refusal to take State-building in Afghanistan seriously, and instead waging a fruitless war in Iraq. That view is shared by many others. I assure you I could give you many other examples.

But the point is, despite the fact that we all know who attacked us on 9/11, we are not focused on them. It is the most absurd situation I have ever seen in my 25 years as a legislator. Everybody knows we went into Iraq on a mistaken basis. Everybody knows that al-Qaida is the one who attacked us. Yet somehow our colleagues on the other side are trying to pretend they are one and the same thing, when everybody knows it is nothing of the kind.

So we have to change course. We have to refocus our energies on those who attacked us. I have heard a number of statements on the floor today, and I have been out here on and off since noon listening to the debate. I heard the Senator from Kentucky make the assertion that if we don't, they will soon be back here—meaning in the United States—if we don't stop them in Iraq. Well, the fact is, they are being effective in attacking us and our colleagues and our allies in many other places: In Indonesia, in London, in Madrid, in Turkey, in Morocco. It is not as if there haven't been any attacks. It is not as if this al-Qaida organization isn't functioning. I mean, under their argument, apparently we should invade all those other countries on false pretenses as a way to somehow root out the terrorists. But we know that approach doesn't work.

If we continue to be stuck in Iraq, we are facilitating al-Qaida's future. We are facilitating their recruitment. We are facilitating the growth of their operations in places such as the Philippines, Malaysia, and Indonesia. We are facilitating al-Qaida if we continue to make this mistake in Iraq over and over again. That is what I care the most about.

One of my colleagues, the Senator from Texas, Senator HUTCHISON said: If we were to withdraw the troops or redeploy the troops in the coming year, we would be giving the enemy the playbook. Well, my point is, we need a new playbook. The playbook has nothing to do with 9/11. The playbook has nothing to do with al-Qaida. We need a new playbook that has something to do with what really threatens the American people. That is what the Kerry-Feingold amendment is all about. It is not about just taking off. What it is about is refocusing.

Of course, we have been faced all day with all of the horrible things that might happen if we bring the troops out of Iraq, and that is a fair debate. What happens if the other side is wrong? What happens if a reasonable redeployment over the next year would work, and the Iraqi Government would be able to handle it? Think about the "what if" there.

We had a moment of silence on the floor, I believe on October 31, for the two thousandth American troop killed in the Iraq war. I believe last week we had a moment of silence for No. 2,500. What if they are wrong? What if we can get out of there now in a reasonable way and refocus on the fight against terrorism so we don't have to stand here and have that moment for No. 3,000, for No. 3,500, for No. 10,000. That is the direction we are heading, and the American people know it. Do we think it makes sense for our national security to have some 135,000 American troops on the ground in harm's way without any clear idea of how that is going to change the situation in Iraq?

Mr. President, it was bad strategy to go into Iraq in the first place, and it is a bad strategy to stay there because we are there and we don't want to admit that it was a bad idea in the first place. Some will say: Well, what you are saying then is those who have died have died in vain in Iraq. I disagree. I think anytime an American gives his or her life pursuant to a decision of our democracy, it is impossible for that person to die in vain. That is how our system works. I voted against this war. I didn't think it was a good idea. But we voted on it. That is how it works. As long as those troops fight in that spirit in support of a democratic decision, they do not die in vain, and we honor them for their sacrifice.

If the policy is wrong, if we made a mistake, we owe it to their families, we owe it to those who are injured, we owe it to those who are still there and who will still go and who will die in the future to correct that mistake, to change course. We owe it to them to do what makes the most sense.

What makes the most sense? We have, in my view, two choices—not this absurd notion that somebody wants all the troops to leave tomorrow. Choice No. 1 is a completely open-ended commitment, with no guarantee that this will end anytime in the near future or a commitment to finish the mission by a reasonable date and redeploy the troops where they can be better used to help us in the fight against those who attacked us on 9/11.

Mr. President, I heard the junior Senator from Virginia say: We don't need to embolden our enemy. It is his view that the idea of having a reasonable timetable to bring the troops out emboldens the enemy. Well, I will tell you what emboldens the enemy: Thinking they have us in a trap and we don't know how to get out. That emboldens and exhilarates them. They wanted us in Iraq. They are glad we are in Iraq. And they are using it as a way to fuel the hatred that generated 9/11. That is the bottom line.

To me, this is about national security. To me, this is about those who attacked us on 9/11. This administration and this Congress made a mistake by thinking that Iraq was the logical next step in this fight. It is time to reverse course. It is time to redeploy. It is time to focus on the real security of the American people.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Fourteen minutes.

Mr. FEINGOLD. I yield back the time to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I am going to speak, obviously, a little bit in an abbreviated fashion at this point, and then I will reserve time and speak again later because of the way things have worked out.

I want to thank the Senator from Wisconsin. I want to thank him for his foresight and his leadership with respect to this issue, and I also want to thank him for his cooperation and efforts in the last days to put together what I think is a reasonable and sensible approach to how we deal with an obviously complicated situation.

Let me say that I have heard this debate over the course of the last days and I have listened carefully and I am saddened, in a sense—but I guess I have grown to expect it in the course of our politics—that there is an awful lot of characterization going around, an awful lot of stereotype sloganeering which tries to characterize something as other than what it is. It is what we have come to.

The fact is that this amendment is not what it is being characterized as. I have heard a number of people say it is a precipitous withdrawal. I have heard obviously the words "cut and run" and other words used many times.

Let me first point out the differences between this and the other amendment that has already been debated. First of all, this is binding. The other amendment is a sense of the Senate, and our troops and our country deserve more than a sense of the Senate. They deserve a policy.

Secondly, we have a date; the other is open-ended. It is almost like what President Bush is doing. We are going to stay the course and be open-ended.

Thirdly, this has an over-the-horizon force specifically to protect the security interests of the United States of America in the region and with respect to Iraq. But in addition to that, this amendment specifically strengthens the national security of the United States. It is not an abandonment of Iraq; it is, in fact, a way of empowering Iraq to stand up on its two feet and for the Iraqis to be able to do what they have expressed their desire to do, which is have their sovereignty.

It is interesting. In the last day we had a huge debate about the sovereignty of Iraq, and colleague after colleague came down and said how important it is to respect the sovereignty of Iraq. Well, this amendment respects the sovereignty of Iraq. In fact, it increases the sovereignty of Iraq. It provides specifically for three provisos under which the President has the ability to be able to lead troops. There is no abandonment of Iraq. It sets a date by which, over the course of the next year, the Iraqis themselves have said they have the ability to be able to take over their own security. Prime Minister Maliki said a few days ago that by the end of this year—December—in 16 out of 18 provinces, they will be able to take care of their own security. This amendment holds them accountable.

In addition to that, it provides for the ability of the President to maintain a minimal number of forces who are critical to the job of standing up Iraqi security forces, of conducting targeted and specialized counterterrorism operations like the kind that got Zarqawi and also protecting United States facilities and personnel.

So even when you reach the date of next year—ample enough time for the Iraqis to complete the task of standing up—it will be 4 years, Mr. President, next year, and I think the American people have a right to expect that after 4 years, soldiers who have been trained over the course of those years are prepared to stand up for their country. In the United States of America, when we send a marine recruit to Pendleton or to Quantico, we can tell you in a matter of months when that recruit is ready for deployment. When we send a pilot to Corpus Christi or Pensacola, we can tell you exactly when they are ready to deploy. Is this administration telling us that after 4 years, we don't have Iraqis who are trained enough to drive trucks and perhaps be blown up by an IED, rather than an American soldier? Are they telling us they are not going to be prepared enough to be able to stand up for the security of Iraq?

This amendment demands the same kind of accountability that the President was prepared to demand each step of the way of the Iraqis up until this point. We set a date for the transfer of the provisional Government. They said: Oh, we can't do it that fast. We said: You have to do it that fast, and we did it. We then set a date for the Constitution and the referendum. Some Senators, some of whom have spoken against this amendment, came out and said: Oh, I think it is too early. I don't think we ought to have that date. Many of us stood up and said: No, we have to hold the date and hold them to the date. Guess what. We did it. We held them to the date and we got the Constitution.

The same thing happened for both elections. A lot of people came up and said: Oh, we can't get this all together on time; we have to delay the election. We said: No, we are going to stick with the election date, and we did. General Casey himself has said that the large presence of American troops is lending to the occupation, the sense of occupation, and it is delaying the willingness of Iraqis to stand up. It is human nature. Anybody who has to go out and take the risk of loss of life, if somebody else is there to do it for you, you stand back. The fact is, countless numbers of conservative voices, including people like Bill Buckley, have suggested that the time has come for American forces to leave. He happens to believe, as others do, that it is lost. I think there is nothing in this amendment at all that, as some colleagues have said, that some people have decided it is all lost. I do not believe that.

I believe this is the way you empower the Iraqi Government, with its own people. This is the way you have accountability for what they need to achieve in the next year. This is the way you require their forces to take on responsibilities they may be reluctant to do today. And it allows for the President to make a determination that the job is not quite done and we can address the troops that may be necessary to complete that task.

That is anything but abandonment. I have heard some people say there is no plan. There is more plan here than there is in any other approach to what is happening in Iraq. Why do I say that?

Again, listen to our own generals. General Casey and others have all said that the reality is that this war cannot be won militarily. Our own commanding general is saying to us: You can't win it militarily. Secretary Condoleezza Rice has said it can't be won militarily, it must be won politically.

Our soldiers have done their job. Our soldiers have won the part of the war they need to win. They have given the Iraqi people a government. They have given the Iraqi people several elections. They have given them a constitution. Now it is time for Iraqis to stand up and want democracy for themselves as much as we want it for them. The best way to guarantee that is going to happen is to set a date with a proviso that the three things that we still need to do can still be done: make sure they are trained, continue to fight al-Qaida, and protect American forces and American facilities. All of that is provided for in this amendment.

This has been quoted a couple of times out here today, but let me remind my colleagues what the National Security Adviser to the Prime Minister has said, himself, in "The Way Out of Iraq, A Roadmap."

> The eventual removal of coalition troops from Iraqi streets will help the Iraqis who now see foreign troops as occupiers rather than the liberators they were meant to be. It will remove psychological barriers and the reason that many Iraqis joined the so-called resistance in the first place. The removal of troops will also allow the Iraqi government to engage with some of our neighbors who have, to date, been at the very least sympathetic to the resistance to what they call the coalition occupation.

That is the National Security Adviser to the Prime Minister of Iraq, telling us that withdrawing American troops will, in fact, help them provide order in the streets of Iraq.

The Senator from Virginia and I were in Iraq together. Nobody works harder in the Senate at protecting our security than he does. I respect him, and he knows he is my friend. He knows as well as others know here that what General Casey said is true. There is no military solution to what is happening in Iraq. You either resolve the differences between Shia and Sunni and provide for an adequacy of the differences that are fueling the insurgency or the insurgency will continue.

There are five different components of that insurgency. There are outright criminals, and there is organized crime. There is al-Qaida. You have the Baathists, who have one attitude about regaining power. And, of course, you have the insurgents who are different from the Baathists, who are hardcore.

Those are different elements that are going to have to be resolved in different ways. I ask any of my colleagues, where is the diplomacy necessary to deal with this? What we do in this is require the kind of diplomatic effort that, in fact, is a plan to resolve all of the problems that are outstanding in Iraq: the problems with respect to governments bordering the country, the problems with respect to Shia and Sunni, the problems with the divisions of royalties of oil, how do you protect the rights of Sunnis in the minority, what is the degree of federalism that will exist in the government. These are the reasons for the insurgency.

At this moment, I don't see the kind of effort I have seen historically, whether it was from Henry Kissinger in the Middle East with shuttle diplomacy, in Vietnam, or Jim Baker in his efforts to put together a major coalition with respect to Desert Storm—that doesn't exist today. So a policy to say "stay the course" is a policy to say you are not going to resolve those issues. It is a policy to hope that somehow the Iraqis will pull their act together. It is a policy that is based on more wishful thinking than on real policy changes that address the question of shifting responsibility.

When the Prime Minister of Iraq can tell us that they can manage 16 out of 18 provinces within a year, when 87 percent of the Iraqis are polled and say they think we ought to set a date for withdrawal of American troops, when 94 percent of the Sunnis say we ought to withdraw, when 90 percent of the Shias say we ought to withdraw, we ought to listen to the Iraqis. After all the talk in the last days about sovereignty, where is that respect for sovereignty?

I have more to say about why it is important for us to take this effort here. The long list of mistakes that have been made do not inspire confidence in the judgments made by this administration. Congress helped to get us into this war. Congress needs to take on responsibility for helping to get us out of it.

I had a lot more to say, and I have a lot more to say, but because of the way this is working, this will be truncated. I know I only have about a minute left so I reserve the remainder of the time, and we will go through the process and come back.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Virginia is recognized.

Mr. WARNER. I thank my colleague from Massachusetts. We all try to work within the framework of the unanimous consent.

At this point in time, the Senator from Virginia, myself, has the time between 6:35 and 7:05, a period of 30 minutes. I would like to now offer the first 15 minutes to the Senator from Connecticut and retrieve a period of time he had from 7:55 to 8:05 to be added to my time which commences at 8:05.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Then, following the Senator from Connecticut, the Senator from Pennsylvania would be recognized for the remainder of my time in this time slot, Mr. SANTORUM.

That would be followed, I inform other Senators, by Senator BOXER, from roughly 7:05 to 7:35, and then the distinguished senior Senator from West Virginia, 7:35 to 7:55.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, first let me thank the Senator from Virginia for previously responding graciously to the request from the Democratic leader, Senator REID, that I be granted time to speak on both of these amendments, and an extra thank-you for his allowing me to do so a bit earlier than the initial order.

Mr. President, I rise to oppose the amendments introduced by the Senator from Michigan and others, and the other amendment introduced by the Senators from Massachusetts and Wisconsin and others because they both would direct, in different ways, the withdrawal of American forces from Iraq without regard to the real conditions on the ground.

Let me begin with a harsh and familiar lesson history has taught us and that we are experiencing again in Iraq: War is hell. Precious lives are lost, blood is spilled, treasure is spent. Countries, communities, and families are deeply pained and disrupted. But history also teaches us that there are times when wars must be waged and won to prevent even more awful hell: to overthrow an evil leader or protect the noble causes of human freedom, opportunity, and peace.

At the outset of the war in Iraq, coalition forces, led by our own American men and women in uniform, brave and brilliant, succeeded with remarkable speed to achieve a most worthy goal, the overthrow of an evil leader, Saddam Hussein, and the opening of the opportunity for freedom, the opportunity for the people of Iraq and broader peace in the region.

After that, I would say, and I think all who support that war must admit, that mistakes were made on our side—some of them big—and the difficulties in Iraq increased. As others have said before me, the war in Iraq to overthrow Saddam Hussein may have been a war of choice. It is now a war of necessity. We must win it.

Why? Because the consequences of an American retreat and defeat there would be terrible for the safety and security of the American people at home whom we have a constitutional responsibility to protect.

I must say I also approach these two amendments with a sense of legislative history. They evoke debates that have occurred many times in the Senate. We had one just a decade ago on this floor, about how long our Armed Forces should stay in Bosnia. Some wanted to set a deadline for withdrawal, a date. Others, including myself, argued successfully that setting a day for automatic withdrawal was dangerous and wrong because it would discourage our allies and encourage our enemies. Our withdrawal should be consistent with the achievement of the goals we have set for the mission.

I remember in that debate quoting Biblical wisdom and warning, "If the sound of the trumpet is uncertain, who will follow into battle?"

I suppose in our time we might amend that to say, "If the sound of the trumpet is uncertain, who will stay in battle?"

I also remember arguing in that debate that a nation, I thought, should only set an unconditional date, a deadline for withdrawing troops from battle, if all hope of victory was lost, which it was not then in Bosnia and is not now in Iraq, unless the consequences of a too early American withdrawal by calendar instead of condition were acceptable to our country, which it was not. They were not then in Bosnia and are not now in Iraq.

The Kerry-Feingold amendment directs that all American troops be withdrawn from Iraq by the middle of next year, regardless of the intervening events. The Levin amendment is more complicated. I have spent some time studying it since it was made public on Monday. The Levin amendment directs that a withdrawal of American troops from Iraq begin by the end of this year, 2006, without regard to the conditions on the ground.

So, for that reason, consistent with what I have just said about legislative history and my own previously stated strong position, I cannot support either of these amendments.

I personally hope, as I am sure all Members of the Senate do, and I believe, that we will be able to withdraw a significant number of Americans in uniform from Iraq by the end of this year and even more by next year. I express that optimism based on the election and formulation of the new Iraqi unity Government, the increasing capacity of the Iraqi security forces to protect their own people, and the commitment of the new Government to disarm the sectarian militias.

General Abizaid and General Casey have said that it is their hope to begin withdrawing more troops by the end of 2006 and even more next year. But I want them to decide based on the realities on the ground in Iraq, not on their hopes or my hopes or the shared hopes of the American people that we will soon be able to bring our Armed Forces home from Iraq. I do not want those distinguished American generals and the brave and steadfast American men and women serving under them to be directed by this Congress to exit before they conclude and recommend to us and the President that withdrawal is justified.

My own opinion is that the sooner the Iraqis take control of their own defense and destiny, the better it will be for them and for us. But if we leave too soon, it will be disastrous for them and for us.

Sponsors of the Kerry-Feingold amendment have stated a very clear and direct purpose. I disagree with it. The sponsors of the Levin amendment have argued on behalf of their amendment that they believe we must direct the beginning of a withdrawal of American troops without condition by December 31 of this year to make clear to the Iraqis that our commitment to them is not open-ended. I believe the Iraqis know very well that our commitment is not open-ended and is not a blank check. I will tell you that I personally have said that to their leaders directly, every time I have met them here or there. I know many of my Senate colleagues of both parties and leaders of the administration have said the same, openly and directly to the Iraqi leaders and the Iraqi people. And the Iraqis themselves have said over and over again that they know our commitment is not unconditional.

Just yesterday, in an op-ed piece in the Washington Post by the National Security Adviser of Iraq, he made clear that his Government wants the American military out of Iraq as much as we want our men and women to come home to America.

He and the rest of the Iraqi leadership doesn't need a congressional directive to convince them of the desirability of American forces leaving Iraq.

What will be lost by it? I will answer that in a moment.

I will say that in the interest of Iraq's security and ours, it should only happen—that is, our withdrawal—as the Iraqis step by step are more and more ready to stand on their own.

The amendment introduced by Senator LEVIN itself states that the Iraqis are making good progress in exactly that direction. The amendment itself reports more than two-thirds of the operational Iraqi Army combat battalions "are now either in the lead or operating independently."

That is significant progress.

A national unity government has been formed. It took too long, but that also is an enormous achievement. But, of course, there is much more work yet to be done—as the Levin amendment itself states, to amend the Iraqi constitution to get more help from international donors and to "promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq government is in doubt."

But then the amendment goes on to direct the beginning of withdrawal of American forces by the end of this year regardless of whether that work is done or those militias are disarmed.

That is where I respectfully believe it errs.

In doing so, I feel that this amendment would just underline the message the Iraqi leadership has clearly already received, accepted, and shares; that America's military commitment to Iraq is not open-ended and unconditional. I fear that it would also send another message to our terrorist enemies and to the sectarian militias in Iraq that America is not prepared to see this fight through until the Iraqis themselves can take over. That will actually encourage the terrorists to accelerate their cruel and inhumane attacks, and it will unsettle the sectarian groups to hunker down and rearm their militias to strengthen themselves for the civil war that they feel will follow a premature American retreat. And that might well create conditions that none of us want, which is to say chaos and civil war in Iraq, regional war in the Middle East, and the terrorists who attacked us on 9/11 being able to claim victory in Iraq and going on, emboldened, to attack us again here at home and to bring their terrorism to more Arab countries in the Middle East.

That is why I said the war in Iraq, however one thinks we got there, is now a war of necessity, a war we must help the people of Iraq to win or the security of we, the people of America, our children and grandchildren will be gravely endangered.

Section 2 on page 4 of the amendment which the Senator from Michigan introduced says:

> The current open-ended commitment of United States forces in Iraq is unsustainable.

As I have said, our commitment is not and should not be open-ended. It is conditional on the Iraqis working hard to move themselves forward together on the path to self-government and self-defense and, in fact, as the amendment states, they are doing. And this conditional commitment of ours to them is surely militarily sustainable and must be honored.

The failure to do so I believe would have terrible consequences for our credibility in the world and our success in the long conflict ahead against the radical Islamist terrorists who declared war against us and much of the rest of the world during the 1990s and carried out a brutal act of war against our people on September 11, 2001.

We cannot and must not concede any battlefield to our enemies in this most unconventional but deadly serious war.

I do not think it is an overstatement to say that our freedom and security and that of most of the rest of the world, Muslim and non-Muslim, depends now, as it has at critical moments in the past, on American persistence and fortitude in this painful, awful, essential worldwide war.

For these reasons, I will respectfully oppose the Levin amendment and the amendment introduced by Senators KERRY and FEINGOLD.

I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, I will say to my good friend and colleague—and my remarks are not predicated on the fact in all likelihood that he will cast a vote which will be supportive of the views that this Senator and others on this side of the aisle have stated, but I say out of the long time that we have worked together to those Senators who may not remember it that I was tasked to draw up the first resolution in the Gulf War when George Bush, Sr., was President. The Senator from Connecticut stepped up and joined me. It was known as the Warner-Lieberman amendment at that time.

Subsequently, when the second resolution was to be drawn up, I again was joined by Senator LIEBERMAN, Senator MCCAIN, and Senator BAYH. The four of us drew that one up.

He has been on the Senate Armed Services Committee these many years that he has served in the Senate, and he has shown tremendous leadership. And each day he grows in stature as a statesman and his stature as a knowledgeable person regarding the security interests of this country.

As they exist today and in the future—when I say "in the future," for our children and grandchildren—they acknowledge their appreciation to the Senator from Connecticut for his wisdom.

The remainder of time under my control I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, first, I would like to associate myself with the remarks made by the Senator from Virginia. If I could, I would like to also associate myself with the remarks made by the Senator from Connecticut. I agree with him wholeheartedly. They were incredibly articulately made and hits on all of the relevant points as to why these two amendments should be defeated.

I actually want to talk about a different debate which has been brewing on the floor of the Senate for over 3 years. That is the debate as to the reasons why we entered into a war in Iraq in the first place. There was some information released today that I think sheds some light as to the facts relating to what the conditions were in Iraq prior to our commencing the Iraq war.

The essential nature of the decision that we made at the time when we had to decide whether to go to war with Iraq was based on many factors. Colin Powell laid them out at the United Nations. One was that Saddam had possessed and had used biological and chemical weapons on his people and that he had biological. That is indisputable.

The second was that he had an active WMD program. And we have the Iraqi Survey Group which published the Delta Report. It was very clear in the Delta Report that, in fact, there was ongoing research at the time of the Iraq war, and if that research of those sanctions were lifted it could have quickly turned into a full-fledged biological and chemical warfare capability.

In fact, the Delta Report mentioned that they could, postsanctions, reconstitute anthrax and an anthrax program in 4 weeks.

So he already used chemical weapons and had chemical weapons research that could quickly be transitioned into programs.

The one aspect that has been in question or which most Americans find—and certainly many have spoken on the floor of the Senate—was whether at the time of the Iraq war back in 2003 Saddam Hussein had weapons of mass destruction. That was always the claim—that he had not gotten rid of his weapons of mass destruction and potentially produced additional weapons of mass destruction.

Up until today, the general perception of the American public—and certainly Members in this Chamber—was that there were no such weapons of mass destruction.

In fact, today on the floor of the Senate, the Senator from Rhode Island said, "We have heard the initial defense of the approach to Iraq as we are going after weapons of mass destruction. They were not there."

The senior Senator from Connecticut said, "If I had known then what I now know, namely that Saddam Hussein possessed no weapons of mass destruction, I would not have given the President my vote."

The senior Senator from Washington said, "We have looked for weapons of mass destruction and found none."

Let me follow up these quotes with quotes from an unclassified version of a document released 3 hours ago coming from the National Ground Intelligence Center, a part of the Department of Defense. It is a summary of a classified document which I have had the opportunity to take a look at.

The document's key points in the unclassified version are as follows:

> Since 2003, coalition forces have recovered approximately 500 weapons, munitions which contain degraded mustard or sarin nerve agents. Despite many efforts to locate and destroy Iraq's pregulf war chemical munitions, filled and unfilled pregulf war chemical munitions are assessed and still exist.

That means that in addition to the 500 that we have recovered, there are additional munitions.

The report goes into great detail as to what those munitions are. There are additional munitions that we have not categorized and identified specifically in number or in character.

Back to the document:

> Pre-gulf war Iraq chemical weapons could be sold on the black market. Use of these weapons by terrorists or insurgent groups would have implications for coalition forces in Iraq. The possibility of use outside of Iraq cannot be ruled out. The most likely munitions remaining are sarin- and mustard-filled projectiles. The purity of the agents inside the munitions depend on many factors, including the manufacturing process, potential additives, and environmental storage conditions. While agents degrade over time, chemical warfare agents remain hazardous and potentially lethal. It has been reported in the open press that insurgents in Iraqi groups desire to acquire and use chemical weapons.

This is an incredibly significant document.

We now have a lot from our intelligence agencies that said we have recovered 500 chemical weapons and that there are a number of others.

It is hopeful that we can, in fact, get that number and that information out.

But the bottom line is, irrespective of whether there were any others, the fact that we recovered 500 and the fact that there are a likelihood of others to recover, maybe from Iraq, maybe from other places around the Middle East, suggests that Saddam Hussein did have weapons of mass destruction.

One of the principal concerns that we had in going into this war against terror, or terrorists as it has been defined, was that Saddam would not necessarily use chemical weapons or biological weapons against his neighbors again or against us, but, more importantly, that he would have these stockpiles of weapons to give to terrorists to use against us or to use against others. Now we have information that confirms that some 500, and likely more, weapons were, in fact, in Iraq at the time of the Iraq war.

The quotes that there were no chemical weapons, that the President lied, that all of this was a fabrication of neocons who wanted to go to war, is now—if it was not, in my mind, discredited from the other information we have gotten—is now, in my mind, completely discredited. He had chemical weapons before the gulf war. He used them after the gulf war. He used them during the Iran-Iraq war. They had weapons programmed in place at the time of the second gulf war, the Iraq conflict. And we now have found stockpiles.

The Duelfer report said there were no stockpiles. We have now found 500. You want to call that a stockpile? Five hundred is a lot of chemical weapons. We handed out a video upstairs, Congressman HOEKSTRA and I—who has been tremendously helpful in gathering this information and having this report, first finding the report and declassifying portions of it—he handed out information that showed an attack of the Iraqis using 15 sarin chemical weapon shells like the ones recovered here that killed 5,000 people.

This is a serious and important document. This is a serious and important step in understanding what Iraq was all about when we, in fact, commenced military activities against them. It is an important finding to determine what our actions need to be going forward in making sure we rid this country of the chemical weapons that still may be available, as was mentioned, potentially on the black market.

I thank Congressman HOEKSTRA. I asked for this document from the National Ground Intelligence Center 2½ months ago. It took 2 months of going nowhere before I contacted Congressman HOEKSTRA. He, by the way, was not aware of this document, either. He was able to get this document and we were able to look at it. Several Members in the Senate and the House have reviewed the document. It is up in the Intelligence rooms. I encourage Members of the Senate on both sides of the aisle to go up and view the document. It is a classification that all Members can review the entire document. Please go up, take a look at it. If you do not believe the statements or you do not think the statements are compelling enough, I encourage you to go up and read the entire classified report. It is very compelling. It is a very serious situation.

The bottom line is, the statements that Saddam Hussein at the time of the second gulf war, the Iraq war, had no weapons of mass destruction is now categorically untrue. This report puts that to rest.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from California.

The Senator from Virginia has 2 minutes remaining.

Mr. WARNER. I yield back the remaining 2 minutes I have under my control. The order provides for 30 minutes for the distinguished Senator from California, to be followed by 20 minutes from the Senator from West Virginia, Mr. BYRD.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Virginia.

I come to the Senate tonight with a tremendous sense of loss for the victims of the tragic war in Iraq. Yesterday, the military informed two California families that their sons were murdered in cold blood by the very same Iraqi troops they had been training.

Let me repeat that: The military informed two California families whose sons were in the National Guard that their sons were murdered in cold blood by the very same Iraqi troops they were training.

Sgt. Patrick McCaffrey and 1LT Andre Tyson were killed near Balad 2 years ago. After 2 long years, the Army is now telling the families that Iraqi troops who their sons had been training turned on them and intentionally killed them.

This morning, the mother of Sergeant McCaffrey appeared on CNN and said:

> Patrick was never at ease and he constantly said, "Mom, we're risking our life every day, all the time, permanently."

She told the press that Patrick told his commanding officer twice that he was fired upon by Iraqi troops. He told his dad the same thing and his dad told the press that his commanding officer said, and I quote his dad: "That he should keep his mouth shut."

Mrs. McCaffrey said she wants the story to come out because she believes there are other instances of Iraqi troops turning on our soldiers. This is a story that is all over the news. It is emblematic of what this war is turning into.

This week, we all were devastated to hear of the cruel and savage killing of two United States soldiers who were reportedly tortured in a barbaric fashion. These soldiers were manning a traffic check point when they were captured by insurgents. A third soldier also died in the attack.

Every day we hear of a new tragedy from Iraq. Why? Because more than 3 years ago, our President launched a war that was based on false premises. The administration told the American people that Saddam posed an imminent threat to the United States because of his close ties to al-Qaida and because he had an active nuclear weapons program. The administration's case has unraveled in light of the facts. We have a chance tomorrow to stand up and say no to the status quo. We can do it with two Democratic amendments. We know there was no working relationship between al-Qaida and Saddam, and Iraq's weapons of mass destruction program was dormant.

Just look at the State Department's own document which Senator FEINGOLD talked about. It says clearly when we were attacked by al-Qaida on that fateful day of September 11, there was not one al-Qaida cell in Iraq. Yet those who asked questions about these false premises were dismissed, ridiculed, called unpatriotic, and, in one case, the case of Ambassador Joe Wilson, he actually faced retaliation. The wife of Ambassador Wilson had her identity as a CIA agent exposed. Why? Because Joe Wilson blew the whistle on President Bush's claim that Iraq had sought significant quantities of uranium from Africa.

Why do I recount Valerie Plame's story? Because it shows just how far the Bush administration and their Republican friends in Congress will go to tarnish and hurt those who see the war differently from them. That is frightening no matter what side of the fence you are on. Imagine going after someone's family because you felt you did not like what the man said. In fact, he told the truth, that there was no truth to the claim that Saddam was seeking yellow cake uranium.

In this debate right now, those same voices are saying that anyone who disagrees with the status quo in Iraq and speaks about an exit strategy for the war is advocating a policy of cut-and-run. Let me be clear, calling for redeployment of our troops out of Iraq is not cut-and-run. It is smart and strategic.

Why is it smart? Because it will give the signal to the Iraqis that they have to stand up and protect their own country.

Why is it strategic? Because it will allow us to use our resources to go after al-Qaida, Osama bin Laden.

Let's take a look at the status quo. The status quo in Iraq is an endless venture with ever-changing missions that has resulted in more than 2,500 United States deaths and 18,000 wounded. It is a blank check and a blind eye.

I have a chart that shows the costs. This is showing what this President calls "progress" and his Republican friends in Congress call progress. Let's look at the facts. The monthly cost of the Iraq war in 2003 was $4.4 billion a month. It is now $8 billion a month. It is causing our debt to soar. It is not being paid for in the usual way: It is put right on Uncle Sam's credit card and our grandchildren will pay the bill, maybe even their children.

The estimated number of insurgents in 2003, 3,000; estimated in 2006, 20,000. Is that progress in Iraq? I don't think so.

Insurgent attacks in 2003, 5 a day; now, 90 a day. Is that progress? I don't think so.

Incidents of sectarian violence, 5 per month; now it is 250 per month.

If that is progress, then we are in serious, serious trouble—more trouble than I think we are in.

How about Iraqis. Are they optimistic about the future? In 2003, 75 percent were optimistic. Do you know what the number is today? Thirty percent. These figures come from the Brookings Institution.

There are claims that the status quo is "progress," when actually the status quo is a disaster. The war is taking a heavy toll on our fighting men and women, many of whom are serving their third tour of duty. Suicides are up.

In 2005, 83 United States Army soldiers committed suicide, an increase of 16 suicides over the 67 reported the year before, and the highest number since 90 were recorded in 1993. Of those

83 soldiers. 25 had been deployed to either Afghanistan or Iraq.

Divorces are up. Where are the family values around this place? Between 2001 and 2004, divorces among Active-Duty Army personnel have doubled. Divorces have doubled. That is the weight of this war. And post-traumatic stress disorder is rampant. A study published in the July 2004 New England Journal of Medicine revealed that 15 percent of marines and 17 percent of soldiers surveyed after deployment in Iraq "met the screening criteria for major depression, generalized anxiety, or post traumatic stress disorder."

Our military men and women have done every single thing we have asked of them—even without a plan to anticipate the insurgency. Even without adequate body armor, even without enough up-armored humvees, here is what this administration has asked our fighting men and women to do: find the weapons of mass destruction, find Saddam Hussein and bring him to justice, find Saddam's family and bring them to justice, secure Iraq for elections—there have been three elections, successful, there—train Iraqi troops—there are now 260,000 of those Iraqi troops trained.

In light of all that our military has done—and they have paid the price in blood, in lost limbs, in pain and suffering and death—what are the Iraqi leaders saying? They have proposed amnesty for those who have killed American soldiers. The amnesty plan would include insurgents who have staged attacks against Americans—even as those attacks continue.

Mr. President, I ask unanimous consent to have printed in the RECORD a front-page story from the L.A. Times that ran this past weekend.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, June 18, 2006]

AMNESTY FOR IRAQ REBELS IS PLANNED

(By Borzou Daragahi)

The Iraqi government has crafted a far-reaching amnesty plan for insurgents, officials close to Prime Minister Nouri Maliki said Saturday, even as guerrillas killed at least 34 Iraqis in a barrage of bombs and rockets in the capital and the U.S. military hunted for two missing soldiers.

The Americans may have been captured after an attack Friday evening on a checkpoint south of Baghdad that left at least one soldier dead, the military said.

U.S. forces dispatched helicopters and surveillance planes over the area as well as teams of divers to scour the river and nearby canals for the missing soldiers.

The amnesty plan, which apparently would include insurgents alleged to have staged attacks against Americans and Iraqis, calls for the creation of a national committee and local subcommittees to woo rebels and begin a "truthful national dialogue in dealing with contradicting visions and stances," according to a version of the plan published Saturday in an Iraqi newspaper.

The reconciliation plan, which is expected to be formally announced soon, would be among the Iraqi government's most comprehensive attempts to engage with insurgent groups.

"The main thing," said Haidar Abadi, a leader of Maliki's Islamic Dawa Party, is that the plan doesn't rule out participation of "the bloody-handed people in the political process."

The plan, mysteriously released and rescinded by the prime minister's office last week, calls for the pardon and release of prisoners "not proven guilty in crimes and clear terrorist activities" and a review of the process by which former members of Saddam Hussein's Baath Party are excluded from public life.

U.S. and some Iraqi officials have long urged Sunni insurgent groups that don't have strong ties to the former regime's security apparatus or to foreign militants—and without the blood of innocent Iraqis on their hands—to lay down their weapons and join the political process.

The new proposal, said an official close to Maliki, merely recognizes the difficulty of verifying insurgents' past actions.

"Theoretically, we can say we cannot give any amnesty to those in the [former] security agencies and those in Saddam's regime and those who have killed and bombed Iraqis after the invasion," said Salah Abdul Razzaq, a spokesman for several prominent Shiite religious organizations.

"In practice, anyone who comes to negotiations and says, 'I have no problem with Iraqis or Iraqi government, just with U.S. forces,' how can we check that?"

Some Kurdish and Shiite members of parliament, which is scheduled to convene today, voiced doubts about Maliki's reconciliation proposal.

"We think that any reconciliation talks should take place within parliament," said Baha Araji, a Shiite lawmaker close to radical cleric Muqtada Sadr's movement. "We don't need groups from outside—I mean the Saddamists, Baathists and killers."

But officials close to Maliki said the plan was days away from being formally announced.

A version of the amnesty plan—titled the "Reconciliation and National Dialogue Project"—was published in Saturday's edition of Al Mada newspaper. Copies were distributed to journalists and then quickly taken back at an abruptly canceled news conference Thursday at Maliki's office.

Abadi said the incident was a minor mix-up caused by inexperienced members of the prime minister's media office.

"It doesn't mean that the project of reconciliation was withdrawn, but that it was given more time for a consensus to be reached," said Abbas Bayati, a leading Shiite lawmaker. "We are ready to sit around a table with all the Iraqis, even those who participated in the resistance and now repent that."

It was unclear whether any amnesty plan would require legislative approval or be adopted by executive decision.

Sunni Arabs lead the Iraqi insurgency, which is fueled by the minority sect's perception that it was unjustly robbed of political power and prestige by the 2003 U.S.-led invasion and the Shiite-dominated governments that followed. Incessant insurgent attacks have sparked reprisals by Shiites and brought the country to the precipice of civil war.

Sunni Arabs said they were far more encouraged by the Maliki government's olive branches than those of his predecessor, fellow Islamic Dawa Party member Ibrahim Jafari, viewed by many as too sectarian in his outlook.

The death this month of terrorist leader Abu Musab Zarqawi opened a new opportunity to draw in Iraqi insurgent groups, Sunni officials said.

"The general direction and general understanding among politicians is that now is the time to differentiate between the extremists and foreign fighters on one side and the native Iraqi people in the resistance," said Alaa Makki, a leading member of the Iraqi Islamic Party, the main Sunni Arab political group.

"We think now there might be a reevaluation from A to Z among the Iraqi population," he said. "I think Maliki is going along with these ideas."

But the violence showed no signs of abating Saturday. Dozens of Iraqis were killed in a series of insurgent attacks targeting Iraqi security forces in Baghdad despite a highly publicized crackdown meant to bolster public confidence in the government.

At least seven large explosions rocked the capital. In the day's most deadly incident, a car bomb explosion at 8 p.m. in a busy market in southwest Baghdad killed 12 people and injured 381 police said.

An earlier car bomb targeting a police patrol killed seven people and injured 11, hospital officials said.

A roadside bombing in downtown Baghdad killed six people and wounded 15.

In central Baghdad a car bomb targeting an Iraqi army patrol killed three civilians and a soldier and injured eight soldiers and four police officers.

A bomb placed inside a passenger bus killed at least two civilians and injured 151 police said.

In the northern suburb of Kadhimiya mortar rounds landed on a busy market, killing at least two people and injuring 14.

An explosion killed a man in west Baghdad hospital officials said.

The search for the missing U.S. soldiers was underway near the Euphrates River town of Yousifiya south of Baghdad. U.S. forces launched raids on four sites, questioned local leaders and set up roadblocks around the area, presumably to prevent assailants from taking the soldiers elsewhere.

"We are using all available assets, coalition and Iraqi, ground, air and water, to locate and determine the duty status of our soldiers, Maj. Gen. William B. Caldwell IV said in a news release.

The attack Friday evening took place in a religiously mixed area south of the capital known as a stronghold of militants loyal to extremist religious groups, including Zarqawi's Al Qaeda in Iraq.

U.S.-led forces at a nearby checkpoint began radioing their colleagues after they heard an explosion and small-arms fire but could not make contact.

Backup forces sent to the checkpoint discovered the dead U.S. soldier and learned that two were missing, the military said.

Mrs. BOXER. It says: The premier is crafting a reconciliation program that "doesn't rule out participation of 'the bloody-handed people in the political process.'"

What happened when we brought up a resolution on this side of the aisle to say, no, no, we will not allow that to happen? What happened? The Republicans stalled us for 2, 3 days, figuring out a way they could get us to back down. But we did not back down.

I cannot believe it. They are still killing our soldiers, and the Republicans in the Senate are saying: Oh, give the Iraqi Government a chance. In their wisdom, they will do the right thing. Well, they are not doing the right thing when they are considering giving amnesty to those who are hurting, killing, brutalizing our troops. I cannot believe it.

And in light of all that I have laid out, what does our President say? He says: I will not allow us to leave until everything is absolutely perfect in Iraq. He does not know when that is. He is not even willing to talk about conditions that would be enough to bring our troops home. It is kind of like: Well, we will know it when we see it. Well, that is not enough for the American people. When the President said, "mission accomplished," it was not true. And when he says now, we can make this work, we can have a country at peace, we can do all this, and we just have to stay there as long as it takes—blank check. Open checkbook, America. Open checkbook for you. Debts on your children, debts on your grandchildren, and a blind eye to what is happening and what the Iraqi people want.

What kind of leadership is that? You think I like standing up here and getting into this kind of debate? No, I do not. But I have never seen anything like this since the Vietnam war, folks. I lived through those years. That was the reason I got into politics, so we would not make this mistake again.

Senate Democrats are providing real leadership. Do we all agree every inch of the way? No. But I predict to you, at the end of this vote, tomorrow, Republicans will be firm for the status quo, and Democrats will be for changing the mission, changing the dynamic. And that is going to be important for the American people to know.

As I said, redeploying our troops is smart and strategic, and here is why. Again, it is smart and strategic because the Iraqis must stand up to the job of providing security for their own people. My goodness, that is what countries do, folks. That is what countries do. We did it. Yes, we had people help us in the Revolution. By the way, France was one of those countries. But when the fighting was over, we had the boots on the ground. The Iraqi people have to stand up. They have to want democracy as much as we want it for them.

And I will tell you, we should start concentrating on the war against terror. My friends on the other side blend it all together. They blend it all together. But I have already proven to you there was not one al-Qaida cell in Iraq on 9/11. The State Department's own documents show it. There were more al-Qaida cells in America than there were in Iraq. But our presence there is fueling the insurgency completely.

Let me tell you what Peter Bergen has stated. He is an expert. He is an expert on terrorism. He has written books about it. He says this:

> What we have done in Iraq is what bin Laden could not have hoped for in his wildest dreams: We invaded an oil rich Muslim nation in the heart of the Middle East, the very type of imperial adventure that bin Laden has long predicted was the United States' long term goal in the region. We deposed the secular socialist Saddam, whom bin Laden has long despised, ignited Sunni and Shia fundamentalist fervor in Iraq, and have now provoked a defensive jihad that has galvanized jihad minded Muslims around the world. It's hard to imagine a set of policies better designed to sabotage the war on terrorism.

Now, I have spoken with many generals and military experts who agree that our long-term presence in Iraq is counterproductive. They tell us that our continued presence will continue to breed terrorists not only in Iraq but throughout the world.

Now, I want to show you, as I wind down this speech, how the Iraqi people now feel about our presence. The Brookings Institution revealed this poll. It was just printed in the press a few days ago. If this does not tell the story, nothing does.

Eighty-seven percent of the Iraqis support a timeline for U.S. redeployment. Eighty-seven percent of the Iraqi people want us out of there and want a timeline specifically. By the way, this is one thing that unites all the groups there. Sixty-four percent of the Kurds want a timeline for U.S. redeployment. Ninety percent of the Shias want a timeline for U.S. redeployment. Ninety-four percent of the Sunnis want a timeline for U.S. redeployment.

So you tell me how it makes sense, at a time when we are learning that the Iraqis, whom we are training, have, in at least two cases we know about, turned against our soldiers, who are risking their lives—shot them in cold blood. For what? They are there to help the Iraqi people, and they are being killed.

I have to say that the status quo is leading us deeper and deeper into a place we don't want to be as a country. The American people want an exit strategy. An exit strategy is not cut-and-run; it is smart and strategic. The status quo is more of the same. How many more times will we come down here and talk about beheadings? How many more times will we come down? How many more deaths will it take until finally we say enough is enough?

That time, I hope, is coming. I think we are going to see votes on these two Democratic amendments that, when taken together, will indicate a real difference here between the parties.

Listen to what the Iraqi people are saying. Listen to what the American people are saying. Listen to what the world is saying. The views of the United States by people all over the world are going down. In the last year alone, favorable views of the United States dropped in Spain, from 41 percent to 23 percent approval; in Indonesia, from 38 percent down to 30 percent; in Turkey, from 23 percent to 12 percent; and in India—India is considered one of our best friends—it has gone from 71 percent down to 56 percent. This does not make us stronger in the world; it makes us weaker. This does not make us safer in the world; it makes us more vulnerable.

I believe in democracy. So let us look at what the Iraqi people are telling us they want. They want a timeline and want us out. Let's listen to the generals who have told us that our long-term presence is fueling the insurgency and we need to get out. Let's listen to the American people who are wise and love our troops and say it is time for an exit strategy.

Folks, we are paralyzed. We are paralyzed here. It is like we are in a hole and we can't get out. Well, I say today is the day to start climbing out of that hole. Senate Democrats have proposed two ways to change the dynamics here in this war.

I plan to vote aye for the Kerry-Feingold-Boxer amendment. It speaks to me as something that will work for us. It is strategic. It is wise. It is smart. I will also vote for the Levin amendment because it moves us in the right direction. It shakes up the mission into something that makes sense. It changes the mission. It starts bringing our troops home and starts to redeploy them.

So my feeling is, the status quo is a disaster. It is a disaster. Let us open our eyes to the truth. Can you imagine how I felt when I got a call in my office by a woman who couldn't find out the truth about who killed her son? And the military had completed its investigation, and they knew her son was killed by the very same Iraqi soldiers whom he was training. And they kept it a secret? They kept it a secret until today from that woman. I have to say, why? Is it because they are fearful that when the American people learn of this, the support for this war will plummet even further? I don't know the answer to that question. But so far, I have no good answers. It worried me with Mr. Tillman, Patrick Tillman, in Afghanistan, when they said he was killed by the enemy, and the parents pressed on and pressed on, and it turned out to be friendly fire.

I am telling you, my colleagues, this is a turning point for us as individual Senators. I hope we have the courage to say no to the status quo, support the Kerry-Feingold-Boxer alternative, and also support the Levin alternative because they both shake it up and say, once and for all, we need to talk about an exit strategy. In the end, that is going to be the road for success.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, today the Senate is debating two amendments on Iraq. The first amendment has been offered by Senator LEVIN. It is a nonbinding sense of the Congress that clearly illustrates that there must be a change in our policy toward Iraq. It states that it is neither in the American nor the Iraqi interest to maintain an open-ended commitment of large numbers of our troops.

Some may challenge this idea and stubbornly maintain that we must stay the course, no matter the cost or the consequences. I would point these critics to the op-ed which appeared in the Washington Post on Tuesday, June 20, 2006, written by Iraq's National Security Adviser. Here is what he said: "The eventual removal of coalition troops from Iraqi streets will help the Iraqis, who now see foreign troops as occupiers rather than the liberators they were meant to be" and that "the removal of foreign troops will legitimize Iraq's government in the eyes of its people."

The distinguished Senator from Michigan, Mr. LEVIN, has crafted a good amendment which I will support. We need a change in our Iraq policy. Senator LEVIN has put his finger directly on the key issues facing our continued military occupation of Iraq.

The second amendment which is being debated is an amendment by the distinguished Senator from Massachusetts, Mr. KERRY. His amendment proposes that American troops be redeployed from Iraq no later than July 1, 2007. Senator KERRY should be commended for offering his amendment. It is an important amendment, and it deserves a full debate. It directly addresses the most pressing issue facing the American people today.

Last week the very distinguished Senator from Kentucky, Mr. McCONNELL, offered an amendment similar to that of Senator KERRY's. It was offered up as a sacrificial lamb, and a procedural motion was made to either kill the amendment or to continue debating it. I was one of six Senators who voted to continue debate on that amendment.

Some may seek to ascribe my vote as a vote for the substance of Senator McCONNELL's amendment. But I shall speak for myself. As I have told Senator KERRY, my vote was not for the substance of Senator McCONNELL's amendment. My vote was to continue debate on the most important issue in our country today. My vote was in favor of the institution of the U.S. Senate, a temple of debate and free speech.

Some may seek to hide from the controversial issue of Iraq, but I will not seek to hide from it. We Senators are sent by the people of our States to debate the critical issues facing our country, not to hide from them. My vote was in the minority on that procedural motion, but I stand by my vote which was in favor of debate on the momentous subject of Iraq.

The amendment the distinguished Senator from Massachusetts, Mr. KERRY, offers will likely be voted on tomorrow, and I have spoken to Senator KERRY about the substance of his amendment. I know he is seeking a change in the administration's policy toward Iraq, which is acknowledged by most Americans to be a disaster. And he should be saluted for his courage in insisting on offering his amendment, even though he will be criticized—and perhaps even called unpatriotic by some—for speaking his mind. However, I cannot support the substance of his amendment.

I do not support setting a drop-dead withdrawal date for our troops from Iraq. I do not believe that this is a wise policy. I have called time and time again for the President to begin bringing our troops home. Our troops cannot be brought home overnight.

I also have concerns that this amendment is not strongly tied to the constitutional powers of Congress relating to the conduct of war.

So for these reasons, for as much as I support his efforts to make a change in an ill-defined, open-ended, stay-the-course policy in Iraq, I will not support the amendment by the distinguished Senator from Massachusetts, Mr. KERRY.

But there are other ways to effect a change in direction. So I rise today to ask that I may be given time to offer another amendment on Iraq.

There is an urgent need for the U.S. Senate to consider as many options as we can to find an exit strategy with honor for our troops. Our country is polarized. The Senate is polarized. And I fear that we have let the usual partisan warfare put blinders, such as we put on horses, on ourselves and on our purpose.

Every Member in this body, I am sure, would like to see a successful end to the war in Iraq. Every Member of this body on both sides of the aisle would like to do something that would speed the return of our troops home to the loving arms of their families.

All of us, regardless of party affiliation, want to do the best thing for our country. And we would all do well to remember that both the President, the Chief Executive, and the Congress have important roles to play when it comes to the most critical decisions that can be made by any government; namely, the decision to go to war and the decision to come home from war.

The American people are dismayed, as they should be, by this conflict in Iraq. I voted against our entry into that war. I voted against the invasion of that country without any provocation toward our country.

Most assuredly, dozens of mistakes have been made and billions of dollars have been spent. Without a doubt, our international reputation has been damaged, and we are losing the support of our own people for a drawn-out commitment in Iraq and more and more loss of precious blood, precious life.

Can we not try one more approach? Can we not? Can we not spend just a little more time on the consideration of a way out of Iraq? Can we not? Can we not? Can we not attempt to speak with one voice on the matter? Is that asking too much?

I have a third way. This is a fresh approach, I believe. It returns Congress's rightful voice to the warmaking power, yet it avoids the pitfalls of usurping the executive branch's role in an ongoing war. It is respectful of the separation of powers, but it does outline a viable exit strategy for Iraq.

The amendment I would like to offer, the amendment I would like to see debated on the Senate floor, is an effort to move the debate over the war in Iraq away from the realm of political mudslinging to the realm of constitutional responsibility.

My amendment is a simple, straightforward approach to laying out a roadmap to bring our troops home from Iraq with honor and dignity, the honor and the dignity which they deserve.

My amendment establishes the policy that the democratically elected Government of Iraq should assume responsibility for its own security. My amendment sets forth the conditions under which the congressional authority to maintain U.S. troops in Iraq would expire.

This amendment is a genuinely fresh approach to unraveling the conundrum of how to disengage the U.S. military from Iraq. My approach does not attempt to micromanage the war. It is not an attempt to set artificial deadlines. It is not based on politically motivated rhetoric. It does not preempt the authority of either the President or the Congress. What it does do is it returns the focus of the debate to the role of Congress in the authorization of war. What my amendment does do is to reassert—yes, reassert—the role of Congress to authorize—or to terminate the authorization of—the use of force.

The conditions under which the Iraq use of force authorization would expire are based on circumstances, not on timetables, and they include the following: When the Government of Iraq assumes responsibility for its own security; or if a multinational peacekeeping force were to assume responsibility for security in Iraq; or if the President certifies that the United States has achieved its objectives in Iraq; or if Congress were to enact a joint resolution to terminate the use of force authority.

Mr. President, the situation in Iraq has undergone seismic changes since the original use-of-force authorization was granted by Congress in October of

2002. Since that time, our troops have completed the mission of removing Saddam Hussein from power and paving the way for the establishment of a democratically elected government in Iraq. The authorization under which the United States sent its military forces into Iraq—which I voted against—is now painfully outdated. So it is time to update that authorization to provide a statutory framework for returning our troops home, and to acknowledge that the war in Iraq does have an end point and is not an open-ended commitment.

Mr. President, it is most important to understand that the amendment I am proposing speaks only to the intent and authority of Congress. So it does not—hear me now—it does not infringe upon, or in any way usurp, the authority of the President. No Senator has to set aside his or her support or opposition to the war in order to support my approach.

But this amendment would send a powerful message to the people of the United States and to the people of Iraq, and especially to the democratically elected Government of Iraq. It would send the powerful message that the United States supports the security of Iraq but does not intend to become a permanent occupying force in Iraq. This is a message that the people of Iraq need to hear. It is a message that the people of the United States need to hear. It is a message that the people of the United States are clamoring to hear. My amendment is a realistic roadmap for the United States to remove its forces from Iraq in an orderly manner—a manner consistent with our national security interests. It is a legally enforceable formulation that should be embraced by all who are truly concerned with finding a solution to the problems in Iraq, not just using the debate over the war in Iraq as a political football.

Surely, we owe the over 2,500 patriotic souls who have died fighting for our country in Iraq a little more time on this debate. Surely, we can consider the matter of the conflict in Iraq for a few more hours for the sake of the over 18,000 U.S. troops who have been wounded in that country, and the unknown numbers of Iraqi innocents who have been killed or maimed. Surely, we can discuss this matter on a level that is deeper than sloganeering like "cut and run" or "stay the course."

Mr. President, I hope our two leaders will work together to find a way for the Senate to debate my amendment and allow a vote on its merits.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, what is the time agreement this evening?

The PRESIDING OFFICER. The Senator from Virginia is allocated 40 minutes.

Mr. THUNE. Mr. President, on behalf of the Senator from Virginia, I yield myself as much time as I might consume. We have speakers coming down here and, as they arrive, we will recognize them.

I do want to express my appreciation to Members on both sides who have participated in this debate. We have already had a very spirited debate. There will be others speaking throughout the course of the evening and again tomorrow before we ultimately vote on both of these amendments.

As you know, we have in front of us two amendments. One is a sense of the Senate, a nonbinding resolution, the Levin amendment, and we also have the Kerry amendment, which has a force of law and which would require a withdrawal from Iraq by next summer.

As we consider and contemplate both of those amendments, I know there are strong emotions that Members on both sides feel with respect to this issue, and clearly for good reason. I know in my own particular circumstance, as I travel South Dakota, I hear from people all across my State. I have participated, as many Senators have, in way too many funerals and have heard the playing of taps way too many times in the last year. It is that sentiment I think that makes people in this country very weary regarding the conflict in Iraq and the cost it has brought this country in terms of both blood and treasure. So as we see Members get up and express their thoughts on the Senate floor during the course of this debate, I think they are in many cases reflecting the sentiments of their constituents in their States, as well.

Generally speaking, I think a sense that people have across the country is one of weariness with this conflict in Iraq. At the same time, I think we have to recognize what the stakes are in this debate and what the risks are as well. Clearly, as we have, I think, articulated—Members on our side—throughout the course of this debate, the stakes are high and the consequences of failure are disastrous for our country if we fail in this campaign in Iraq.

I have to say that, like many Members here, I have traveled to Iraq on a couple of different occasions. I was there as recently as a couple of months ago with Senator McCAIN, as well as with the Senator from Wisconsin, Mr. FEINGOLD, and a number of our Governors and House Members, representing different regions of the country. I had been there a year earlier and, of course, in the course of that year much had changed. In fact, I would have to say there had been, at that time, some mixed results. We had seen the outbreak of sectarian violence after the bombing of the shrine at Samara. But at the same time, we had seen vast improvements in the ability of the Iraqi security forces to provide for their own security. That, in my mind, was very encouraging because at that time about 75 percent of the battle areas were being policed either by Iraqi armed services or the police force, which was a marked improvement from the time I had been there a year before.

Mr. President, I think it is fair to say that, by any measure, if you look at any significant metric in the past year or so, we have seen some improvements and progress made in Iraq and I think, in a substantial way, in the broader war on terror. If you look particularly at Iraq, Prime Minister al-Mailiki, just in the last couple of weeks, completed the formation of a new Iraqi Government, filling many Cabinet positions. If you look at the success our troops have had in taking out the terrorist leader, Musab al-Zarqawi and many of his allies in just the last few weeks, that is a huge blow to al-Qaida and a huge victory for our side in the war on terror.

As I said earlier, the Iraqi security forces are growing in number every single day. Only a year and a half ago, Iraqi security forces had just begun to form. Today, there are 264,400 trained and equipped Iraqi security forces, which is more than double the number of U.S. troops who are serving in the region.

The beginning of this year, 2006, the Iraqi security forces had 10 brigades and 43 battalions that controlled areas of responsibility. Here, only a few months later, those numbers are nearly doubled to 18 brigades and 71 battalions. Large- and small-scale water treatment facilities have been rehabilitated or constructed for an estimated 3 million people at a standard level of service, with plans underway to deliver clean, safe drinking water to 5 million more. May oil production was over 2.1 million barrels per day.

The U.S. Treasury Department is sending professionals to Iraq to provide technical support for the creation of a public finance system that is accountable and transparent. The State Department is coordinating a broad effort to support an economic policy framework that enhances investments, job creation, and growth.

I have to say that that progress has occurred—and many of my colleagues have spoken in favor of these amendments in spite of the presence of Americans and our troops' efforts—due to and because of the efforts of our troops and their presence there. Contrary to what I have heard some of my colleagues on the other side say throughout the course of this debate, when I was in Iraq, which was as recently as a couple months ago, as I said, the Iraqi political leaders I talked to made it very clear that they thought it was important that we have a presence in Iraq.

I have heard Members get up on the floor and say they have talked to people there and they say they want us out, and they don't want the door to hit us on the way out. But that is certainly not the message that was delivered to me and the delegation I was with when we were there. I also have to say that part of our mission in going there was to impress upon the Iraqi leadership, the political leaders in that country, the importance of forming a national unity government, and to end the sectarianism and the sectarian violence that ravaged that area during the time that we were there. They have made that progress in the last couple of months since our departure from Iraq. They have formed this national unity government, and they continue to make progress toward what I believe is a democracy inclusive of the Shiites, the Sunnis, the Kurds, and the various groups over there that are all struggling to come together behind a government and to be able to assume responsibility for their own governance and also for their own security.

It seems to me at least that right now it would not be a good signal to send either to them or to our men and women who are fighting the good fight in Iraq that we intend to pull out at any particular time certain. It seems, just as a matter of policy, what we are simply doing when we do that is telegraphing to the terrorists our intentions, and they will just wait us out, that we are going to leave at some point and they will be able to assume control in that region. If there is a vacuum at some point, they will be able to step in and fill it.

I think we are at a strategic turning point, and I think we are at that point due to the good work of the men and women wearing the uniform. We have to listen to what they are saying and what our commanders on the ground are saying. I don't think it is in the best interest of our troops or the overall campaign in Iraq for us to be here in Washington, DC, in a political body such as the Senate—although clearly we have responsibilities with respect to funding the troops and supporting them, giving them direction, but I don't think we ought to be passing judgment about when is the best time to pull our troops back.

We are moving in a direction that will enable us to do that, and I believe that our commanders have made it clear that as they see the Iraqi military stand up, as the government stands up, it is only a matter of time before our troops will be able to stand down, and we will begin to draw down some of our troop strengths in the region.

I make that point because, as I mentioned earlier, popular support is waning for the conflict and people are weary and they are frustrated as they see lives lost and they see the cost of the war, but at the same time I think they realize we have a mission to complete there. We listen to the people across the country, but it is also important to listen to what the troops are saying.

Whenever I travel, when I go to Iraq, when I listen to troops who have returned from Iraq, when I talk with National Guard units in South Dakota that have been deployed there, and, frankly, even when I discuss with families who have lost loved ones in Iraq their thoughts about the work we are doing there and whether we are making a difference, I consistently ask the questions: Do you believe we are making a difference? Do you believe progress is being made? Do you believe we are doing the right thing?

I try to ask those questions separate from—and especially when I am traveling into Iraq—the structured settings in which I would get a response—I wouldn't say a canned response but a response that might be less than completely forthright. I ask troops in different situations.

I remember when I was in Iraq in Baghdad the last time, I got up early in the morning and went to the fitness center and worked out in the weight room with a lot of our troops and visited, interacted with them, and asked their opinions on issues. Clearly, there is a belief, I think, that the work there is hard, that the work there has been costly, that people would like to be back home with their families but at the same time who understand the stakes of what they are doing and believe profoundly in the mission and the work we are doing at winning the war on terror.

As I said before, I think we have to, as we listen to this debate, keep in mind that the stakes are very high because it is not just about freedom and democracy in Iraq, as good as that objective may be, it is also about, in a broader sense, the national security of future generations of Americans.

I happen to believe that the war on terror is sort of our, as they used to say, rendezvous with destiny, that many generations that have come before have had to battle evil. We had World War II and Nazism and all the characters of that time who wanted to kill and destroy and maim people. And since that time we have fought the Cold War. It has taken a certain amount of resolve in every one of those circumstances to prevail. But in either of those circumstances had we not had that resolve, had there not been freedom-loving people and leadership committed to finishing that mission, we could be living in a very different world.

They met, in their generation's time, the challenge that was put before them to make the world a safer and more secure place for future generations. That was true in World War II, that was true in the Cold War, and that is true today in the war on terror. I believe it is our time and our generation's, if you want to call it struggle between good and evil, and we have a responsibility to the people of this country and to freedom-loving people everywhere to make sure we do not fail in succeeding, in winning the war against terror, to ensure that future generations do not have to live in constant fear, in constant threat, and perhaps dealing with thugs such as al-Zarqawi and others who want to do evil and want to kill, want to destroy, and have nothing but the worst of intentions for the people of this country and people elsewhere around the world.

Mr. President, this amendment will be voted on tomorrow. I know the Senator from Massachusetts has time to talk about his amendment later. And the Levin amendment will also be voted on. I appreciate and believe it is appropriate for us to have this debate, especially in the context of the Defense authorization bill, where we are debating national security. This is a debate we have every year. I think it is very appropriate to have this discussion.

I don't question the motivations or intentions of people who bring these amendments; I think just in terms of their judgment, it is wrong. I don't think we can telegraph to our enemies what our strategies are. I believe it is important we complete the mission, that we listen to those commanders, those generals, those troops on the ground day in and day out, fighting the good fight, trying to protect our citizens in this country and around the world and future generations from what I believe is a very real, very serious threat to our security as we go forward.

Mr. President, I see that the Senator from Kansas is on the floor. I will be happy, if he is prepared at this time to make his remarks, to yield such time to him as he may consume. We have others who will be joining us in the Chamber. I, at this time, yield to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from South Dakota for yielding time to me on this very important topic that we are dealing with today, and I also thank my colleagues from Massachusetts and from Michigan for raising these issues.

As Senator THUNE was stating, this is an important debate. It is time we had this debate. It is the right vehicle for us to have this debate, and I think it is helpful for us to have this debate for the United States as we move forward.

Mr. KERRY. Mr. President, can I inquire how much time remains?

The PRESIDING OFFICER. The majority has 25½ minutes remaining.

Mr. KERRY. I thank the Chair.

Mr. BROWNBACK. Mr. President, it is time we had this debate and time we had this debate in front of the people of the United States and in front of the world. Rest assured that the terrorists are watching this debate. Those who seek harm for us in Iraq and in many regions of the world are watching this debate, and they are testing and sensing our sense of resolve or lack of resolve in this war on terrorism.

They are very much playing off us and saying the weakness of the United States is its willingness to stay the course or its lack of resolve or the shifting of public opinion, and that is what they drive at more than anything else, seeing that the weakest part of the U.S. military is public opinion, U.S. public opinion, so that our forces are not defeated on the battlefield. We have lost valiant soldiers, but we win the battles. What they are targeting is weakening U.S. public opinion and U.S. resolve. That is what they are targeting with the attacks, with the IEDs, with the roadside bombs. It is not going force on force and saying: OK, we are going to drive Americans out of this portion of Iraq; we are going to keep them out of this particular area. Much of it is saying: Look, we know the United States. We know they are a democracy. They respond to public opinion. What we have to do is have this be costly enough to the United States in American blood that public opinion shifts and they pull away. And once they leave, we take over. So their actual target is U.S. public opinion.

We need to disappoint the terrorists on that particular issue, that U.S. public opinion and U.S. resolve remains in place to see this through.

We are in a decades-long struggle with terrorism. It had been going on since before we had the attack on 9/11. It had been going on for a decade prior to that. We had the attack on Khobar Towers. We had the USS *Cole* attack. We had two embassies in Africa attacked. Hit, hit, hit, and ineffective, feckless responses on our part I think further emboldened the terrorists to take this even further. Hit, no response; hit, ineffective response; hit, ineffective response; and then 9/11, and after that, there was no way you were going to stop the United States from responding. We said: Look, that is it, we are going and we are going to deal with this. We went into Afghanistan, the headquarters. And after that we said: Where else are terrorists working out of? And the war effort moved to Iraq.

Let's look at it from the point of view of the terrorists. I think they misjudged us in thinking we wouldn't respond. We did respond, and we responded aggressively and we responded effectively. We sent a very strong message. But now if we pull out or if we set a timeframe for pulling out that says just wait a definite period of time, 1 year, wait that period of time and the United States starts pulling back, how do the terrorist groups read that?

My colleague from Massachusetts would have a certain point of view on that; maybe others would, my colleague from Michigan. I respect the motivation. I am delighted we are having this debate. It is important we have this debate with our Nation and with the world now.

The conclusions I draw from this are different. If we set timeframes, it says to them that they have us where they want, and they can start declaring victory in their own words saying: Look, we have them down; in a year's period of time, they are gone; all we have to do is wait that period of time.

We have to see this through to a successful conclusion. That does not mean, in any respect whatsoever, that I oppose us repositioning troops, pulling down the number of troops in Iraq or taking our troops away from the Sunni Triangle and handing more of that over to the Iraqis. It seems to me that our timeframes, as set by our military leaders—as set by the military leaders—that they would be the ones to recommend saying it is time we can pull troop levels down.

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. BROWNBACK. Not now. I have limited time, and I want to make this statement, if I may. That we can, at the appointment of our military leaders, start pulling our troops away from the Sunni Triangle so we can have the Iraqis taking over more and more of the security in more dangerous areas. I think that is an important thing for us to say here in this debate as well, that in opposing setting a timeframe for pulling out, we are not opposing changing tactics, or if our military leaders say it is time, we can start pulling troops down, let's do it. I want that to take place. But it should be the military leaders doing this, without the dictates of us saying here that we are just going to set an arbitrary timeframe for us to pull on out of this region. I think it sends the exact wrong signal, particularly at this point in time when we have momentum that we have gained and we have an Iraqi government in place.

Frankly, through the help of this debate, we are sending a message to the Iraqi people and their government that the United States is not in this for an unlimited period of time. We do expect the Iraqis to step up. You have to step up in taking more of this on and moving more of this forward. I think this should be done on our working with and listening to the military leaders of what they would say would be the right route for us to go on this and not us setting an arbitrary date.

This has been, in my estimation, a very good debate to have. But I think it is important at the end of the debate that we have a very strong and clear vote on this that we are staying, and we are going to see this through to the end. We are not dictating to the military leadership an arbitrary time period, and we are going to win this war on terrorism, period, and that we have the resolve to win this war on terrorism. I think that is important for us to do.

I want to thank my colleague from South Dakota for chairing this debate at this point in time. I do hope that my colleagues join me again tomorrow in voting against this resolution with this timeframe.

Mr. KERRY. Would the Senator yield for a question?

Mr. BROWNBACK. If we have time on our side, but I don't know if we have other colleagues wishing to speak.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. The Senator from Kansas, if he wants to yield for a question, I guess that is your prerogative. We have other speakers coming. I am hesitant to allow too much time to burn off the clock.

Mr. BROWNBACK. I would rather reserve the balance of our time for other speakers.

Mr. THUNE. Mr. President, I appreciate very much the comments of my colleague from Kansas, because I think he too has laid out very clearly what the stakes are in this debate.

As I said earlier, we will have an opportunity to vote tomorrow on both of these amendments, the Levin amendment, the sense of Congress amendment, and then the Kerry amendment, both of which are directed at some sort of a timeline with respect to the conflict in Iraq. As I mentioned earlier, I think as we have undertaken to allow a very open debate on this, which, as I said before, I think is a good thing to do, particularly in the context of debating the Defense authorization bill, we are hearing from both sides some of the emotion that is felt on this and also some very strong opinions and views but, oftentimes, a different interpretation of the facts.

I think what we need to do in this debate is try and focus on the facts as they exist on the ground and not sometimes as we understand them here from what we read in the press, but we need to rely, in my judgment, on those people who are day in and day out fighting the good fight in the theater. Our commanders, our generals, our troops who are conducting this operation over there are doing the Lord's work, in my opinion, in protecting us from terrorist threats that exist. I dare say, as we look at the type of threat we will face in the future, it seems to me, at least, that the success or failure of the operation in Iraq is going to bear heavily on whether we are ultimately going to succeed in the war on terror.

People have argued about whether we ought to be in Iraq in the first place, and that is a debate where Members on the other side have said we shouldn't have been there, we shouldn't have gone in the first place. Most who are making that argument are people who supported the resolution to go there, and I think many of those people also realize as well—and I think the vote will reflect this tomorrow—that they have strong misgivings about us pulling out prematurely and putting in jeopardy the good work that has been done by the troops in that region already.

So I expect tomorrow when we have this vote we will see a very strong vote against the Kerry amendment. I think it will reflect, hopefully, the will of this body at this point in time as we are making good progress, I think, at a very important turning point in the war in Iraq, the progress that has been made on the ground both with respect to the Iraqi security forces as well as with the Government of Iraq as it stands up. We want to make sure we are not telegraphing to our enemies that at this very point where we literally have them on their backs, that we are going to let them up and begin to assume many of the things that they were doing in the past: the killings, the planning, the launching of attacks against people not only in that region but elsewhere around the world and, in many cases, people from freedom-loving countries and American citizens. We want to make sure that never happens again.

My colleague from Alabama is here on the floor. Would the Senator from Alabama like to speak on this subject? We are waiting for the Senator from Georgia to arrive. He is not here yet, so if the Senator from Alabama would like to claim some time, I am certainly willing to yield to him. I think we have about 10 minutes left on our side if the Senator from Alabama would like to make some remarks.

Mr. SESSIONS. Mr. President, I do have some remarks, and I would deliver those after the others have finished their time tonight if it is not too late, and I would just share a few thoughts at this time.

We have been given a great heritage in our country. We have been given a Nation that is the greatest Nation in the world at this time. We have the finest military the world has ever known. We have a great democracy where we have full and vigorous debate.

I was here when we debated the question of whether or not to issue that ultimatum to Saddam Hussein, and we knew then if he didn't accept it, if he didn't allow the inspectors in and if he didn't renounce weapons of mass destruction, we would be going to war, and that was the vote and we knew it and everybody discussed it. It went on for months. People say it was quick. It went on for months.

I will tell you what I said about why we went. I looked back at my remarks. It was not based on primarily weapons of mass destruction. We were dealing with Iraq for years. We had a war with them in 1991, and we defeated them and sent their Army going back to Baghdad. In effect, Saddam Hussein sued for peace and he made a series of promises to keep us from following and destroying his Army completely and invading his country and removing him from power, and he made those commitments, and he did not follow them.

There were a number of U.N. resolutions that he was in violation of. He rejected the international community, and an embargo had been placed on Iraq. The United States was attempting to enforce that embargo. Saddam Hussein was consistently working to get around that embargo. We were flying in no-fly zones and enforcing no-fly zones over Iraq. He was shooting at our airplanes on a daily basis, almost. We were dropping bombs on Saddam Hussein on a regular basis, dropping bombs from our aircraft.

So the question was, as The Economist magazine said, are we going to quit our efforts, are we going to issue an ultimatum and be prepared to go to war if they do not? Their editorial said, the London-based Economist magazine said, our vote is for war. That was that London journal's opinion.

That is the way I felt about it. Iraq was a rogue nation that had tremendous amounts of oil, it had a dictator prepared to use weapons of mass destruction, use weapons of mass destruction against his own people, and he was determined to break the embargo, determined to be able to sell his oil on the world market, not for his own people's good but to build up his military power, just like he did when he invaded Kuwait, and be the preeminent Nebakanezer of the Middle East. That was his goal. It remained his goal. It probably still is as long as he takes a breath.

So we gave him that ultimatum, and with the support of large numbers of nations in the world—I believe some 60 supported us, including nations like the United Kingdom and Australia and others—he refused to comply and we commenced our military action. This Nation made a decision to remove him from power and we voted on it as a Senate, and we sent our soldiers in harm's way. We did not do that lightly. No great Nation which expects to be respected will send its soldiers into harm's way with a half-hearted commitment to them.

When I talk to those soldiers, as I did recently at the 231st birthday of the United States Army over at the Jefferson Memorial, and I talked to those soldiers and we were discussing these kinds of deadlines and policies and directives to set forth plans as to how the war should be conducted, one of them said to me, Senator, let me tell you what we want. We want to win. And I have talked to families who lost loved ones in Iraq, and they tell me every time—it is amazing—my son was doing what he believed in, what he wanted to do.

I submit we owe them the responsibility to be faithful to them and not to dishonor their sacrifice by cutting and running when it is not time to do so. I believe that very, very sincerely.

So I would just say to my colleagues, I can see how we have differences of opinion, and I understand that. I remember the debate and I remember the vote I cast and I knew it was very serious. No Nation that desires its own self-respect or the respect of other nations can be flippant about those kinds of matters. When you make a commitment, you stay the course.

Iraq has formed a new government completely now. They have a parliament. They have elected all their ministers. They have their interior and defense ministers in place. They are determined to continue to grow and strengthen their Army and their security forces.

I believe they still need American help to get over that hump and be successful. We should not disregard the advice of our military leaders and set an artificial date, not connected to military and political reality in Iraq, for leaving Iraq. I think that would be the very wrong thing to do. And nothing could be more corrosive to our self-confidence as a Nation or to our own military than to prematurely give up on the opportunity we have to create a good and stable government in Iraq.

Mr. President, I yield the floor.

Mr. CHAMBLISS. Mr. President, could I inquire how much time is remaining?

The PRESIDING OFFICER. Six minutes.

Mr. CHAMBLISS. Mr. President, I rise tonight in opposition to this amendment. As I have thought about this over the last several days, I believe it is critically important that we bring this issue up for debate. The Senator from Massachusetts, frankly, is to be commended for doing so. We could have eased through this bill without having this debate and the American people would not have had the opportunity to hear where we are, what is going on, and in particular why those of us who think it is important that we move ahead continue to do so.

First of all, when the President spoke to a joint session of Congress following September 11, he said we were going to be engaging in an entirely different form of military conflict than we had ever been engaged in before, and it was going to be a war on terror which was going to be a long and enduring war. He has been exactly right. We ultimately moved into Afghanistan, and liberated the people of Afghanistan. We took out hundreds if not thousands of terrorists in that country, and ultimately the decision was made to liberate the people of Iraq, and we have done that. It is about this conflict that, in the minds of a lot of Americans, the question is still being asked, How much longer is this going to go on?

I remind the folks of America that the President did say it is going to be a long and enduring war. That is the case. The reason it is going to be a long and enduring war is because this is an unconventional war in every sense of the word. It would be nice if we had tanks on the battlefield or artillery being fired at an enemy over the hill. But we are never going to see that in this war on terrorism. It is being fought in the back alleys of Baghdad and Mosul and Tikrit, in towns that were foreign to anybody in America before we moved into Iraq and made the march to Baghdad. That is the kind of war which is going to continue to be fought.

The people of Iraq know that well. They have suffered as much if not more than any country in that region that has had a conflict like this. I say that because we all remember Desert Storm and what happened in Kuwait. We all remember what has been happening daily in that part of the world, whether it is Jordan or whether it is Israel or Egypt or some other part of that region of the world. The people of Iraq have truly suffered. They understand that America has made a sacrifice, and they understand that, were it not for the American soldier coming in to liberate them, they would not be in the condition they are today, which frankly is a pretty positive condition—both economically as well as otherwise.

Are there bad things happening? Sure. There are going to continue to be bad things happening. The one thing about war is there is nothing pleasant about it. There is nothing good about war. But at the end of the day, America has always stood tall in military conflicts. America has carried the day. America has always achieved victory, and victory means a democratic form of government in Iraq being formed. It means a unified government, which we have seen taking place in Iraq recently. It means taking out the bad guys, from a leadership standpoint all the way down. That is happening in Iraq every single day.

Recently, we saw the takeout of their leader, Zarqawi. That happened in a short period of time. But were it not for the first American soldier to set foot in Iraq and start the motion in process, that would not have happened the way it did 2 weeks ago. It will happen again. Whoever is next in line will ultimately be brought to justice or have justice physically brought to them at the hands of the American soldier.

We are in a situation today where we are discussing whether we ought to pull our troops out of there—whether we talk about next week, next month, or next year. In my opinion, that sends the wrong message to the Iraqi people. It sends the wrong message to the terrorists. And it sends the wrong message to the world. It is a different message from what the American military and America itself has ever sent to any enemy with which we have been engaged in combat.

We are having successes today, successes that are brought about because of sacrifices—in a lot of cases the ultimate sacrifice. That has always been the American way. While we grieve for those families who have made that ultimate sacrifice, they are going to be satisfied only when their ultimate sacrifice is rewarded with full and complete victory in the war on terror.

I believe it is important that we have this debate. It is important that the American people understand we truly are winning this war and that the wins are not measured by victories on the battlefield every day, but the victory is being measured by winning the hearts and minds of the Iraqi people. The victory is being measured by the folks who are achieving success inside Iraq, from a military standpoint, from a governmental standpoint, and from an economic standpoint.

I urge my colleagues to look at these motions very carefully, both of them, and that we defeat both motions.

I yield the floor.

The PRESIDING OFFICER. The time of the majority has expired. The Senator from Virginia.

Mr. WARNER. Mr. President, I express my appreciation to the Senator from Georgia. He is a very valued member of the Armed Services Committee, as is Senator THUNE, who spoke earlier, as was Senator SESSIONS.

I think we have had a good debate. We are prepared to continue that debate as long as it is desired. We are here to stay. We feel very strongly about these issues, you know. I do not want to invade the time of my good friend.

I yield the floor at this time, and I will follow him.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wonder if it will be possible to let the Senator from New Jersey speak for about 15 minutes and then I resume the floor?

Mr. WARNER. Mr. President, if that is with no objection, the next 30 minutes is under the Senator's control.

Mr. KERRY. I understand I have unlimited time at this time, Mr. President? There is no time limit on me?

The PRESIDING OFFICER. There is no time limit.

Mr. WARNER. That is correct.

Mr. KERRY. I just yield him 15 minutes. I don't intend to talk all night, but I hope to have the chance to speak.

Mr. WARNER. I hope we have a rotation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, to decide our future in Iraq, we must first understand our past in Iraq.

Frankly, I never believed this administration's false arguments about why we should go to war in Iraq. And I believe this administration has never had a strategy for success in Iraq.

That's why I voted against the war in Iraq.

The Bush administration led us into this war based on false premises and false promises.

The Bush administration invaded Iraq without the troop numbers needed to complete the job.

The Bush administration failed to provide the troops with the equipment they needed letting them go into Iraq without proper body armor or properly armored vehicles

The Bush administration failed to create a real international coalition so that the United States wouldn't have to bear the highest cost in blood and national treasure.

And President Bush went into the war without a plan to win the peace.

This was a war of choice, not a war of necessity.

The Bush administration's record in Iraq represents a massive failure of leadership—a massive failure of Presidential leadership.

Let me be clear. While I did not support the war, I have always supported the troops on the battlefield. Our troops have succeeded in the tasks they were given. They have fought for freedom and security in the most difficult of situations. They have risked their lives to protect ours. And the Nation is indebted to them for their service.

In New Jersey, over 3,169 New Jerseyans are serving in Iraq or Afghanistan and 71 service members with ties to New Jersey have made the ultimate sacrifice for our country in Iraq or Afghanistan and our thoughts and prayers are with them and their families. Obviously, our troops are committed to this call to duty. They have not questioned the why, or the wherefore, they have simply, honorably, and valiantly answered the call of their country.

But we are all living with the consequences of this failure in Presidential leadership today:

Iraq continues to explode with sectarian violence.

Reconstruction efforts have not restored Iraq to prewar levels of oil production, security concerns continue to impede progress, while accusations of contractor corruption continue.

We have not been able to internationalize the effort of training and security in Iraq because of the administration's closed-minded decision to keep countries from helping with reconstruction unless they supported the administration's decision to go to war.

On top of the other failures, the administration refused to engage in real diplomacy to create regional security with Iraq's neighbors.

The United States has spent nearly $319 billion in Iraq. Our monthly burn rate is over $8 billion. Over 2,500 American lives have been lost, over 18,500 soldiers have been wounded—many of them severely.

And we were all horrified to hear the news just yesterday that two U.S. soldiers, PFC Kristian Menchaca from Houston, TX and PFC Thomas Lowell Tucker, from Madras, OR, were kidnapped and slaughtered by the insurgents.

My heart goes out to the families of these soldiers and to all who have lost loved ones in Iraq.

I believe we have paid a heavy price for the war in Iraq—in blood and in national treasure.

But we must account for not only the literal cost of the war but also what we have not done because of the war—the opportunity cost of the war in Iraq.

We also cannot forget that our fight against terrorism started where it should have in Afghanistan. But because of the President's war in Iraq, this administration then took our eye off the ball in Afghanistan.

The administration never finished the job in Afghanistan, the birthplace of the Taliban, the home to al-Qaida, the land of Osama bin Laden, and the place where the attacks of 9/11 were planned.

This was the right place to pursue the national security of the United States. It was in Afghanistan that the murderers of September 11 were located. We had Osama bin Laden pinned down in the mountains of Tora Bora. But instead of having a large contingent of the best trained, best equipped, most technologically advanced military in the world go after him, we outsourced the job to Afghanistan warlords. The result? Osama bin Laden got away.

Many of us have been horrified as we have watched the resurgence of the Taliban and strong anti-American sentiment in Afghanistan.

During just the past few weeks, over 250 people have been killed in the upsurge in violence and we see techniques borrowed from Iraq, like the use of improvised explosive devices, now being used in Afghanistan.

According to the New York Times, Pentagon officials say that 32 suicide bombs have been exploded in 2006, which is already 6 more than exploded in all of 2005. Roadside bombings are up 30 percent over last year and the Taliban are fighting in groups triple the size of last year. Just this Monday, we heard reports that the Taliban used women and children as human shields during a fierce firefight with British troops. And after a deadly traffic accident involving the U.S. military, an anti-American riot exploded in Kabul last month. Meanwhile, Bin Laden makes his tapes and remains free.

President Bush's war has also hurt us here at home. The fact is that because of the cost of President Bush's war at almost $319 billion, we cannot afford to take care of some of the basic needs of our citizens here at home. This administration is cutting funds for firefighters, for education, for our seniors, for healthcare, and for homeland security funding in New Jersey and New York to protect our ports and our transit systems. They are underfunding the very veterans who are securing our country and who come back from war wounded or traumatized. The Bush administration is cutting funding to all of these people—our nurses, teachers, and seniors—while spending billions in Iraq every month.

As we start a new hurricane season, I look back on Hurricane Katrina and I see the terrible price the people of the Gulf Coast paid when their National Guard troops were away in Iraq and unable to protect them here at home. Our homeland is simply less secure when our National Guard and Reserves are being kept in permanent rotation away in Iraq.

Clearly, it is time to change the course; we need a new direction in Iraq.

That's why I am supporting the Levin and Kerry amendments today.

The Senate has already spoken saying that 2006 must be a year of transition. That is why the Levin amendment says that we must begin transitioning out troops now while still protecting our people and helping with security. With the Levin amendment, we make it clear that the time has come to change the course, rather than stay the course.

I am also supporting Senator KERRY's amendment which takes the first and most important step by setting a date of July 1, 2007 to have all U.S. troops transition except those critical to training Iraqi security forces, working on specialized counterterrorism operations, and protecting our U.S. personnel and facilities, like our embassy.

Let us be clear. This amendment does not say we should remove all of our troops from Iraq right now.

With this amendment, we are saying that it is time for Iraqis to take responsibility for their own destiny.

With this amendment, we are sending a message that over the course of the next year, the Iraqis must take full control of their own country, their own security, and their own future.

With this amendment, we are saying that we respect the message of the Iraqis' own elected, sovereign government. At a time when the Iraqis have put in place the entire cabinet of the elected government of Prime Minister Maliki; at a time when the United States and coalition forces have trained and equipped more than 116,000 Iraqi soldiers and more than 148,000 Iraqi police and other security forces; at a time when sectarian violence has taken over terrorism as the most serious security threat in Iraq; at a time when 69 out of the 102 army combat battalions, are either soon able to take the lead or able to operate independently, isn't it time for the Iraqis to start taking responsibility for their own destiny?

In fact, the Iraqis have made this point themselves. The Iraqi National Security Adviser Mowaffak al-Rubaie said in a Washington Post article this week:

> Iraq has to grow out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its own mistakes, and find Iraqi solutions to Iraqi problems, with the knowledge that our friends and allies are standing by with support and help should we need it.

He also said that the eventual removal of coalition troops "will help the Iraqis, who now see foreign troops as occupiers rather than the liberators they were meant to be" and that "the removal of foreign troops will legitimize Iraq's government in the eyes of its people." Iraqi Prime Minister Maliki supports a transfer of responsibility for 16 out of 18 provinces by the end of 2006 and his security adviser believes that we can reduce coalition forces to less than 100,000 by the end of this year with most of the multinational force gone. The Iraqis are clearly saying that they are ready for this transition to happen.

A few days ago, Republican Senators made a great deal of Iraqi sovereignty when I, and Senator NELSON, proposed a Sense of the Senate amendment that urged the government of Iraq not to grant amnesty for those who had killed U.S. soldiers.

We heard a lot about sovereignty.

If the Iraqis are to be respected as a sovereign government, as many argued on the floor of the Senate a few days ago, shouldn't we respect their knowledge and wishes as it relates to the very issue of troop redeployment and their ability to sustain their own security?

It is only when the Iraqis and the rest of the world know there is a certain timeframe for a real transition that they will make the hard choices, negotiations, and compromises to maintain a stable government of national unity. It is time for the U.S. to cap the open-ended commitment of U.S. forces in Iraq and to "remove the training wheels" on the Iraqi security forces. The sooner the Iraqi security forces believe they are fighting for their country, the sooner they help stop the sectarian violence. Until that happens, the fledgling Iraqi Government will continue to rely on U.S. forces to keep them from making the difficult decisions and taking tough actions. It is time for the Iraqis to step up to the plate.

Clearly, it is essential to set a date certain for transition so that Iraqis will take responsibility for their country.

It is also essential to set this date certain for transition so that the international community will start to take responsibility for reconstruction and security in Iraq, as well.

The United States cannot go it alone; we must internationalize reconstruction, security, and create an international process to end sectarian violence. It is in everyone's interest to create a stable and secure Iraq. That is why I support the proposed Summit in Senator KERRY's amendment which brings together all of the players—the EU, NATO, the UN, and Iraq's neighbors—to come up with a plan to solve the political problems, to deal with the militias, and to revive reconstruction efforts.

And this Summit will also deal with a key issue to Iraq's stability—oil. Ultimately, all parties need to be brought in to the process and share the oil profits whether through a national fund or some form of revenue sharing. We cannot forget that Iraq has the fourth largest oil reserves in the world. The goal is to reduce insurgent attacks, improve security along the pipeline and create strong oversight over current pipeline reconstruction. The Iraqis need a stable income stream to restore economic stability and help pay for reconstruction and security so we must get oil production back above prewar levels.

I also believe that our worldwide troop deployment must reflect our priorities in the fight against terrorism. Senator KERRY's amendment creates an over-the-horizon troop presence in case we need to deal with other terrorist issues or regional security issues. With the reduction of troops in Iraq we will be able to redeploy certain troops to other key areas, such as Afghanistan. And we will also be able to bring our National Guard and Reserves home to prevent another terrorist attack on our soil and to help during natural disasters.

Let me conclude by saying that there are those who want to politicize the war to present the American people with a false choice—either stay the course by keeping our troops in Iraq or empower the terrorists by cutting and running. I would ask all of you not to fall into the trap of this false choice or simplistic solutions.

Let me be clear, this amendment is not a simplistic choice to leave Iraq today and to let it fall into the hands of the terrorists.

With this amendment, we will begin to fulfill the transition the Senate voted for and the Iraqis have said they intend to pursue.

With this amendment, we are voting to leave sufficient troops in Iraq at the end of that year to fight counterterrorism, to finish training Iraqi forces, and to protect our people and our embassy.

With this amendment, we are voting to put troops over-the horizon in case of other terrorist activity or regional conflict.

With this amendment, we are voting to create regional stability and get the international community to the table.

With this amendment, we are voting to get our National Guard home to keep us safe and secure in our cities and towns.

With this amendment, we are voting to finish the job in Afghanistan.

With this amendment, we are changing the course of events in Iraq—a change of course that will still meet our objectives, save American lives, and ensure our ability to both protect our people at home and meet the other challenges we have as a nation.

Let us remember that this was a war of choice, not a war of necessity.

Let us remember what this administration has told us about this war.

Let us remember the unfound weapons of mass destruction; remember the missing mobile weapons labs; remember the yellow-cake uranium in Africa; remember Saddam's nonexistent vast stockpiles of chemical weapons; remember when Secretary Rumsfeld told us that, "We know where the WMDs are;" remember the non-existent link between al-Qaida and Saddam; remember the claims that Iraqi oil and other countries, not the U.S. taxpayer, would pay for the cost of reconstruction; remember when the administration told us that the war would cost somewhere between $50 and $60 billion; remember when Paul Wolfowitz said that "it seems outlandish" to think that we would need several hundred thousand troops in Iraq; and let us remember when President Bush told us on May 1, 2003 that "Major combat operations in Iraq have ended" while he stood in front of a sign that said "mission accomplished."

Let us remember the lies.

So I ask: Are we willing to continue to sacrifice the lives of young Americans so that this same administration can stay the course, a course without direction, for a cause that President Bush has already said that he will abandon to the next president? I hope not.

I will say again, do not fall into the political trap and rhetoric from those who will try to mischaracterize this amendment.

I voted against the Iraq war when many on the other side tried to falsely characterize those of us who didn't believe the evidence that the administration presented, who thought we should work through the international process, who didn't believe the administration had done any postwar planning. For standing up for what we believed in, they tried to mischaracterize us as anti-American and unpatriotic. I was willing to take a difficult stand, and stand up for what I believed was right for the country and for the people of New Jersey. That is why I voted against the war.

Today, with over 2,500 lives lost, almost $320 billion spent in national treasure, with $8 billion used each month, I know I made the right decision.

The Senate has an opportunity to act now, to enact a policy worthy of the sacrifice of our soldiers.

And that is why I am voting for the Kerry and Levin amendments.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey for a really excellent summary and a terrific statement about what this is about and what is at stake. I thank him also for in the short time he has been here he has really proven to be indispensable for a number of different debates we have had and for his work in the last few days on no amnesty for those who have killed Americans. It had a major impact on our policy. We thank him so much for that contribution.

Mr. President, I think one of the important things that the Senator from New Jersey just said is let us remember what this amendment is really about.

I have sat here and listened to this nondebate for a little while. When Senators used to be able to question each other, we used to be able to have a dialog on the floor. It seems to me that is the best way to test each other's thinking.

What is interesting to me is that a number of Senators came to the floor to make these grand pronouncements about our country, about war on terror, about our troops. And none of us in the U.S. Senate would disagree that our troops are the best troops in the world and that they have made an extraordinary sacrifice. None of us would disagree. We are a great country and a great democracy. None of us disagree that we don't need to fight against terrorists to win the war on terror. That is not the issue.

A lot of other people are getting tired of that sort of game, of trying to characterize things as they aren't.

The Senator from South Dakota said that we shouldn't telegraph to the enemy and to the terrorists. Of course, we shouldn't telegraph to the enemy and terrorists. What are we telegraphing? We are there. They know it. They are killing our soldiers to some degree but lesser than the insurgency today.

The point that people need to really focus on is the fact that what has happened in Iraq is not what was originally billed. This is the third war. It is a different war from the war we went into.

The war that the Senator from Alabama, Mr. SESSIONS, described was the war against Saddam Hussein as an enforcement mechanism of weapons of mass destruction. And they weren't there. There is a whole history of that being about a war of choice as opposed to a war of necessity.

That then transitioned because Zarqawi and company and a bunch of foreigners were attracted by the fact that we were there. We made a great target. So they started to use that target. And, indeed, it became a haven for some terrorists.

But every single analyst who I have talked to—and I know the chairman knows this—says that there are about 1,000 or less of the foreign terrorists in Iraq. Ninety-eight percent of what is happening in Iraq today is Iraqi on Iraqi.

When they come to the floor and say to us we are going to telegraph something to the terrorists, who are we telegraphing something to? The Shias who hate Sunnis, the Sunnis who hate Shias who are killing each other?

What are our troops supposed to be about? Drive down the street and find an IED and get blown up? Wait for a suicide bomber to come into an outpost and kill them?

The bottom line is that either the Iraqis are going to resolve the differences between Iraqis or we are going to see people dying for a long, long time.

When we talk about the war on terror, let's talk about the real war on terror which never was in Iraq. Yes, it is now part of the war on terror. It has been made part of the war on terror because foreign terrorists have been attracted there because the American target is there and because they know they can feed into the sectarian violence and use it against us.

What is smart if you are going to try to deal with that? How do you win? Do you think I want to win any less than the Senator from Alabama or the Senator from Georgia? I believe in winning. I believe in winning for America and I believe in winning for our troops, and I don't think this is a winning strategy. It is not a winning strategy in Iraq, and it is not a winning strategy in the war on terror.

All you have to do is look at al-Qaida and what they are doing in 60 to 80 countries around the world. Look at what happened in Somalia the other day? Are we dealing with that? Are we dealing with Darfur? Are we dealing with North Korea? It took us until this year to sit down with our own allies, Great Britain, Germany and France, and actually try to do the diplomatic work of dealing with Iran.

For 3⅕ years we sat on the sidelines and allowed Iran to become more of a problem.

Is that winning the war on terror?

What about the 60 percent of the kids in Saudi Arabia and Egypt and Jordan and other countries that are under the age of 25, 50 percent under the age of 18, 40 percent under the age of 14, and the unemployed and uneducated and unemployable? They are going to go down to madrasas and learn how to hate people while the United States remains a big, fat target in the Middle East.

Ask our foreign policy experts. I don't know whether it was Foreign Affairs or another magazine, but one of them did that just the other day.

Eighty-seven percent of the people, when asked, said we are less safe today in the war on terror than we were; 87 percent of the experts of the United States, including people like General Brent Scowcroft and others who I know the chairman has great respect for.

This is not a question of whether we want to beat terrorists. This is a question of whether we are doing it the right way and whether we know how to do this right.

Show me in this resolution, in this amendment, where it says all troops out in 1 year. It doesn't. A lot of people are upset at that. They think it ought to, but it doesn't. Show me where it says we are finished altogether, and we are walking away from Iraq. It does not say it.

It says we are going to leave sufficient people there to finish the training, to go after al-Qaida, over the horizon to have the capacity to be able to protect our interests in the region, and it says we will protect American facilities.

This is not cut and run. This is a smart way to win the war on terror. Our own generals—and I know the chairman has heard it; I know others have heard it—know that they believe our presence is contributing to the problems. It contributes to the sense of occupation. It contributes to the—whether it is Abu Ghraib or Guantanamo Bay or Haditha, those all contribute to the recruitment of terrorists against the United States.

Our intelligence people will tell every Member of the Senate that currently there are al-Qaida-trained operatives leaving Iraq, trained in munitions, trained in IEDs, going to Europe and elsewhere in order to wreak the havoc of the future.

We are not doing the job. We are not doing the job correctly. Let's have a real debate, not a false debate, about something this resolution is not.

Moreover, in listening to my colleagues, one of them talked about what his vote meant and the vote he casts to hold Saddam Hussein accountable. I remember what my vote was. I remember what I said in the Senate when I voted. I voted reluctantly based on what Colin Powell, Secretary of State, and others said they were going to do: Exhaust the remedies of inspections at the United Nations, not cut them short; go to war as a last resort, not as a rush; do the adequate planning, not ignore the State Department plan for what you do to win the peace.

I hear colleagues come to the Senate and say: We shouldn't tell this administration what to do. Their record demands that we tell them what to do. Congress helped get us into this mess, and Congress ought to help get us out of it. We are partly responsible.

I have heard my colleagues talk about troops they talk to. We all talk to troops. We have all talked to families. I will be honest about it. I hear both things. I hear troops whose families have said to me: Make sure my son or daughter did not die in vain. I agree with what the Senator from Wisconsin said earlier about that. I think anyone who serves their country at the call of the Nation never dies in vain.

I have heard troops who have come back and said to me: We are making progress. We ought to be doing more of this, more of that, more of the PRTs, more of a number of different other projects. But I have also met a lot of troops who are coming back who believe they do not know what the mission is; they think the war is wrong and they think a lot of the troops just want to come home. That is where they are. It is a mixture.

Our question, our judgment, is to try to see through that, try to be intelligent and genuine in trying to work out what is the best policy. I have come to the conclusion that the reason for setting a date—I was not there 2 years ago. Why wasn't I there 2 years ago? Because 2 years ago we didn't have all the elections, we did not have a referendum, we did not have the Constitution, we did not have an elected government, we had not made some of the progress, and we had not transitioned to a civil sectarian struggle. We then still saw things as fundamentally foreign jihadists. Because of all the mistakes that have been made, that transition is now a matter of history.

I believe deeply, based on what I am hearing from military personnel, based on what I see personally, and based on my own experience where I fought with foreigners in another country, where we were trying to stand them up and get them to go out and do the job, that as long as we are there and prepared to do the job for them, they won't do it adequately. You have to push people out into that kind of situation.

The bottom line, can we do it the way we are muddling along? Possibly. I heard a couple of colleagues come to the Senate and say there were some who have decided that this is lost and we just have to go. I haven't. I believe there are ways, hopefully, to pull something together that has a sufficiently stable government that we can go forward to the other issues of the Middle East.

I will tell you this, and this I know for certain: If we make this successful muddling along, as we are doing now, it is going to cost us more lives, more limbs, and more dollars than if we did what is in this plan. That I know to a certainty. I also know to a certainty that unless we are prepared to do the diplomacy necessary, we cannot resolve the fundamental underpinnings of this insurgency.

I talked to General Zinni the other day to ask his advice. He doesn't agree with me setting a date, so I will be upfront about that, but he certainly cited unbelievable dismay at the lack of adequacy of consultation in the region, at the lack of effort to put together a regional security arrangement, at the lack of diplomacy that is trying to resolve the fundamental differences and work bilaterally in an intensive way to pull people to the table to try to deal with this.

One thing I know, when you have a 20-percent minority Sunni population who for 200 years has run the country and now suddenly they are not, but some of them are still committed to doing it, if you do not give them a sufficient stake, you are not going to resolve this problem. And, at the same time, you have the Shias who are 60 percent of the population who for 200 years have been oppressed by this 20 percent minority, and they won at the ballot box because we gave them at the ballot box the opportunity to have power, and they want to hold on to it. That is natural.

But if they want to go the full distance of what they want to do, we have a serious long-term problem. That is what we are supposed to resolve in the next few months.

The Senator from Delaware is absolutely correct in his description of the tensions that have to be resolved. I disagree with the Senator with respect to the question of whether there is a plan. This amendment is a plan. It is a plan for standing up the Iraqis. It is a plan for creating accountability. It is a plan for shifting responsibility to the Iraqi Government to bolster their sovereignty and empower the Government in the eyes of the Iraqi people. It is a plan for how to begin to redeploy troops to protect our interests in the region at the same time as you stand up their military. And, most importantly, it is a plan for what you do with the Arab League, with the Secretary General of the United Nations, with the neighbors and with the factions in Iraq in order to resolve the fundamental differences. It specifically requires reaching a comprehensive political agreement for Iraq that engenders the support of Sunnis, Shias, and Kurds and ensures equitable distribution of oil, strengthens the internal security, disbans militias, revives reconstruction efforts, fulfills related international economic aid commitments, secures Iraq's borders, and provides for a sustainable Federalist structure in Iraq.

That is a plan. And the only way to arrive at any plan, whether it is the Senator from Delaware or anyone else, is to pull the parties together and do the diplomacy necessary. Never in the 21 years I have been here have I seen as significant an issue of war and peace, life and death, as significant an absence of fundamental diplomacy as there is here. Never. It does not come close to the efforts of other generations.

There is 200 years of American history being turned topsy-turvy. It is hurting us on the war on terror. When September 11 happened, the whole world was with us—the whole world. Newspaper headlines said: We are all Americans now. That was the atmosphere after September 11. And the whole world understood why we had to go to Afghanistan. And every single one of us voted for that, understood it, and supported it.

But Iraq is different. Iraq had nothing to do with Afghanistan at the time, nothing to do with September 11, and everyone knows it.

So why are we here talking about requiring this administration to do something? Why don't you think about the history. When they could have demanded and relied on accurate information instead of manipulated intelligence, they made a willful choice not to do that. They were wrong. Instead, they sacrificed American credibility at home and abroad. The result of that is the "We are all Americans now" was squandered. It disappeared.

Ask any American citizen who travels abroad now how comfortable they feel as they travel. Ask any American businessman what happens to them when they travel in other parts of the world.

When this administration could have given the inspectors additional time to discover whether Saddam Hussein actually had weapons of mass destruction, when they could have taken time to exhaust the patience of our own allies and hold them accountable to the U.N. resolutions, instead they just broke off and said, OK, you go your way, we will go ours, and they exposed America to greater cost and greater sacrifice.

When they could have paid attention to Ambassador Wilson's report, they chose not to. And they were wrong. Instead, they attacked him and they attacked his wife to justify attacking Iraq.

But the mistakes were not limited to that decision to invade. They mounted, one upon the other. When they could have listened to General Shinseki and put in enough troops to maintain order, they chose not to. When they could have listened to Larry Lindsey and others who said it is going to cost $200 billion, they not only chose not to listen, they fired him. They were wrong.

When they could have learned from George Herbert Walker Bush, Jim Baker and General Scowcroft and built a genuine world coalition, they chose not to. And they were wrong.

When they could have implemented a detailed State Department plan for reconstructing post-Saddam Iraq, they chose not to. And they were wrong.

When they could have protected American forces by guarding Saddam Hussein's ammo dumps where there were weapons of individual destruction, they exposed our young men and women to the ammo that now maims and kills them because they chose not to act. And they were wrong.

When they could have imposed immediate order and structure in Baghdad after the fall of Saddam Hussein, Secretary Rumsfeld shrugged his shoulders and said, "Baghdad was safer than Washington, DC," and he chose not to act, he was wrong.

When the administration could have kept an Iraqi Army selectively intact, they chose not to. And they were wrong.

When they could have kept an entire civil structure functioning to deliver basic services to Iraqi citizens, guess what. They chose not to. And they were wrong, and we are paying the price today.

They could have accepted the offers of the United Nations and individual countries to provide on-the-ground peacekeepers and reconstruction. Guess what. In their arrogance about doing it alone, they chose not to, and so we are alone. They were wrong.

When they should have leveled with the American people that the insurgency had grown, they chose not to. Vice President CHENEY even absurdly claimed that the insurgency was in its last throes, and he repeated that again just a few days ago. He was wrong.

Now, after all these mistakes, the administration likes to accuse anyone who proposes a better course of wanting to cut and run. Well, Mr. President, we are in trouble today because of the policy of cut-and-run—cutting and running from common sense, cutting and running from history, cutting and running from cultural realities, cutting and running from the truth, cutting and running from the best advice of our military. And we are paying a huge price for that today.

Mr. President, every single one of us is determined to win the war on terror. But we have to ask ourselves some tough questions about where we find ourselves today. I wonder, as we are told by a lot of people that—I think the President, just yesterday or the day before, said it was important to have Members of the U.S. Congress who will not wave the white flag of surrender in the war on terror.

I think the President of the United States ought to stop acting as "Campaigner in Chief" and start being Commander in Chief and start bringing the

Congress together and the Nation together around a real policy.

I don't know anybody waving a white flag. We are debating whether or not there is a better way to win the war on terror.

I respectfully say to my colleagues, if we don't begin to pay attention, instead of over $2 billion every week; 8 billion bucks a month—instead of $8 billion a month going to Iraq, we could be investing and working on a greater Middle Eastern initiative, working on economic development, working on schools, working on children's issues, working on a future with respect to future terrorists.

The fact is, we are not going to succeed at this if all we do is go out there and alienate people. I have heard from soldiers over the last weekend. I was with three medics who have came back, and they are all against the war, those three medics. They are out there in America right now talking to people about why they are against the war. They said: When you go into a house at night, and you are holding guns, and you are scaring people in that house, and you leave that house, they don't like you. You are not winning their hearts and minds.

I cannot tell you how familiar that is to the same experience we saw and went through years ago in hamlets throughout Southeast Asia. It just does not work the way they are doing it.

We could ask the question, legitimately: How many lives have been lost because of the ineptitude of this strategy? How many lives have been lost? And how many people have been maimed and wounded because we did not provide the body armor to our troops? You want to talk about patriotism? How many troops were killed or wounded by the shells and the weapons that came from the ammo dumps that we were not smart enough to protect? How many lives have been lost and how many limbs have been amputated because there were not enough troops in the beginning in order to provide people with the support and safety and the control of the country? How much bigger and more dangerous is al-Qaida today because we outsourced the job of capturing him at Tora Bora to Afghans instead of using the First Marines or the 10th Mountain Division or even the SEALs who were there?

We are where we are today in this war on terror because of misjudgments. And I believe those misjudgments continue.

How many times have we heard that we are turning the corner or that this is a moment of turning the corner, and yet momentum was lost? Momentum was lost after the elections. Momentum was lost after the passage of the Constitution. Momentum was lost in the last months while we waited and waited and waited for Iraqi politicians to stop playing around and form a government.

I do not think our soldiers deserve that interim period, personally. And the question now is, how do you best protect our troops? How do you best secure our objectives? How do you best deal with the problem of an Iraq where Iraqis need to defend their own rights and interests?

Americans cannot do it for them. Yes, we can provide backup. Yes, we can provide insurance against a total implosion. Yes, we can provide security with respect to the efforts to go after al-Qaida. And our amendment contemplates all of that. But it also contemplates a transition based on experience.

The Iraqis needed a deadline for the transfer of authority to the Provisional Government. The Iraqis needed a deadline for the Constitution. They needed a deadline for their elections. They needed a deadline for their own formation of a government. They even have a self-imposed deadline for the transition of the Constitution in these next months.

Why then, when the Iraqis themselves are saying they can take over their security, when the Iraqi Government itself says withdrawing American troops would be helpful, would we not coordinate with the Iraqi Government a drawdown that makes it clear that we are standing them up?

Now, speaking of the stand-up, I thought the policy of our Government—how many times have we heard it from the President: "As they stand up, we will stand down." He announced that in a speech to the American people. He has announced it in press conferences.

Well, here we are. In the trips I made to Iraq, General Petraeus, and his now successor, showed us charts that indicated 272,000 was the goal to train and equip. We are now at 264,600. That is as of June 14, 2006. The goal was 272,000.

Now, I think they moved the goal out to 325,000. But notwithstanding, how many have stood down? If the goal is to stand down as they stand up, and we have stood up 264,000—incidentally, in addition to the 264,000, there are 144,000 facilities protection service personnel working in 27 ministries. So you have a total of almost 400,000 Iraqis trained and equipped. And where is the stand-down?

I believe it is essential to accelerate this transition. That is the only way to reduce the targeting of our troops. It is the only way to invest other countries in the reality that the United States will not always be there, and they need to take a stake in their own region.

Right now, because of the way they feel about this administration, and because we are simply there "staying the course," they have no compulsion whatsoever to come to the table. The only way you are going to bring them to the table, in my judgment, is to change that equation.

So we have a very significant, broad-based plan for an international diplomatic effort, beginning with bilateral, and working up, ultimately, through the bilateral to a summit that we know can be successful. That is the way in which we will invest in a new security arrangement for the region and protect the United States of America's long-term interests more effectively.

Mr. President, I see that another colleague has come and would like to speak now. I just close by saying that——

Mr. WARNER. Mr. President, before the Senator closes, I would like to say a word or two with him.

Mr. KERRY. I would be delighted to do that.

Mr. WARNER. You finish your closing and I will wait.

Mr. KERRY. I would be happy to do so. I thank the distinguished chairman.

Mr. President, I heard the Senator from South Dakota say that there are occasions when a generation faces a struggle between good and evil. I agree with that. There is good and there is evil in this world. And what radical fascist extremists are doing in the name of religion is evil. I know as well as anybody here in the Senate that we have to stand up to that. But we have to stand up to it in the best traditions and values of our country. We have to stand up to it in a way that brings people to our side and does not alienate them.

It is incomprehensible to me that after these several years, where we started with "we are all Americans" post-9/11, and the world was at our side, that we have now seen radical, extreme terrorists isolate the United States of America in that particular part of the world. That is a failure of policy. And it is a failure that makes the United States of America less secure, not more.

Some people have said: Well, if you tell the terrorists that we are leaving in a few days—whatever period of time—I remind them, we are not leaving altogether. We are going to leave our special forces personnel who are capable of taking out the terrorists.

But the bottom line is that they are not waiting for anything today. We just lost two troops in the most brutal, horrible manner. They are not waiting now. And the fact is that unless we get Iraqis to resolve those issues I talked about, this will continue or even get worse.

So ignoring all the warnings of history itself, in a moment of total ideological excess, this administration has managed to make the ancient cradle of civilization look a lot like Vietnam.

I think there is a path forward. I think there is a better way to secure our interests. There is a better way to fight the war on terror. There is a better way to stand up to Iraq. There is a better way to respect their sovereignty. There is a better way to protect our troops.

I hope the U.S. Senate will look carefully at that.

Mr. WARNER. Mr. President, first, I would say this has been a good debate. Say what you want. I listened very carefully to what you said, and there are certain elements with which I agree with you. You and I have known each other a long time. I have great respect for your military career, the accomplishments you have had. I think you often shared that with regard to my modest career.

But I must say, I kind of bit my tongue here a few minutes ago when you said in our old days we used to have a colloquy and talked. I arrived on the floor of this Senate at around 9:30, when I first got here. It is exactly 12 hours now that I have been on this floor. And the first thing I said—and I don't want to personalize this—to the other side of the aisle was: Now, let's try to engage in a colloquy and exchange some views. I did say that since we were under a time constraint my questions would be charged to me, the replies from the other side charged to your side. It seemed to me fair enough. We had 5 hours before us at that time. But I have to tell you, I was flatly turned down.

So now, after 12 hours and your invitation to enter into a colloquy, I say to my good friend, you can ask me any question you wish. And I might start off with a question or two for you.

Mr. KERRY. I would be delighted.

Mr. President, let me just say to the distinguished chairman, I don't have a question for him because he has not said anything outrageous.

Mr. WARNER. Beg your pardon?

Mr. KERRY. I said, the Senator from Virginia has not said anything outrageous that begs a question at this point.

But I will say this: I do understand the difficulties that the manager was under.

Mr. WARNER. Well, that is history. We are here now. Why don't we make the best of it?

Mr. KERRY. I know. But he had wanted more than 5 hours, as you know. We are where we are.

Mr. WARNER. We are here now.

Mr. KERRY. And I think he had more speakers than he was able to fit in.

Mr. WARNER. Well, I must say, I shared that on this side, but I was willing to take the heat.

Mr. KERRY. But I would be delighted to answer any questions.

Mr. WARNER. All right. We have the opportunity, Senator. Is there anything you wish to ask of me? And I will ask a few of you.

Mr. KERRY. Would the Senator not agree with me that the fundamental crisis of Iraq today is not particularly with Zarqawi having been killed and the treasure-trove of information we found—which, incidentally, happened because Iraqis gave Iraqis information and F-16s from outside came in and took him out. So there was an Iraqi component of that, which can still function with the setup that we are setting forward. But wouldn't the Senator agree, Mr. President, that the fundamental problem today is that 98 percent of the insurgency is Shia-Sunni, Sunni-Shia sectarian violence, militias within the military?

Mr. WARNER. Mr. President, I don't know what that fraction is. But in discussions with senior military, clearly, they have said the insurgents, the foreign invaders, the others who have come in have dropped in terms of—somewhat—numbers of incidents. And, indeed, the sectarian violence—Sunni versus Shia, Kurds to some extent—has grown enormously. So I cannot qualify it. But the Senator is correct.

And that leads me to my first question, because——

Mr. KERRY. Can I just finish the question?

Would the Senator then not agree that there are serious limits on what our troops can do to resolve sectarian violence?

Mr. WARNER. Well, that remains to be seen. They are, right now, for example, in Baghdad, fighting side by side. A very significant number of Iraqi troops, together with the components of our troops, are trying to bring about a greater measure of stability and security in the very capital of this country.

I think we should make known to those following the debate and those who listened to the debate with Senator LEVIN, Senator LEVIN's amendment was a sense of the Congress. The amendment of our colleague from Massachusetts very explicitly becomes law, if it were adopted and eventually went into the bill and the bill survived the conference.

The point I wish to make is, you are directing the President. For example, it says: The President shall redeploy, commencing in 2006, this year, United States forces from Iraq by July 1, 2007. So this is law. As we used to say in the old days, we are shooting real bullets with this one, not just a sense of the Congress.

Throughout the debate, not only this one in the past day or two on this bill, but we have always, certainly, on this side, resisted timetables. You talk about putting together a summit. That is on page 2, section (b), Iraq Summit: The President should work with the leaders of the Government of Iraq to convene a summit as soon as possible that includes those leaders, leaders of the governments of each of the countries bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization—I think that is important to have NATO in there—representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that engenders the support of the Sunnis, the Shias, and the Kurds by ensuring the equitable distribution of oil revenues—that is a very important point you make, disbanding the militias—another very important point, strengthening internal security, reviving reconstruction efforts and fulfilling related international economic aid commitments, securing Iraq's borders, and providing for a sustainable federalist structure in Iraq.

Those are all important subjects, commendable goals. But first let's go back. It has taken the Iraqis 18 months since the first election in early 2005, through three elections, through the formation of the first permanent government. And the first permanent government is just, as you and I as old sailors would say, getting its sea legs. You start a conference like this—and I think it is a good idea—but the first question that is going to be asked is, can we proceed to achieve any of these goals if we have overhanging this the redeployment of our forces by July 1, 2007?

Senator, that is a timetable. That is a concept which I and I think the majority in this Chamber have continuously rejected. How could you ask the other nations of the world to come in and begin to put their credit on the line, their dollars on the line, if you have this timetable to pull out the very foundation that is supporting such progress as has been achieved in the 18 months of getting the first government up and testing their sea legs?

Mr. KERRY. Mr. President, that is a wonderful question and a very appropriate one. I really appreciate it. It gives me a chance to talk about the viability of this. First of all, may I remind the distinguished chairman what I just said a moment ago. We are at 264,000. We have 144,000 more. That is 400,000 people prepared to go. They are in the streets now. We have 1 year to continue to work with them. Prime Minister Maliki has said himself that by the end of this year, in 16 out of 18 provinces they will be able to take over security. This is contemplated within the framework that the Prime Minister himself has adopted. This respects their sovereignty. It respects their capacity.

Secondly, in my conversations with leaders in the region, as recently as this year, ranging from the President of Egypt to the King of Jordan and others, what I gleaned from those conversations is, they are waiting for a series of kind of diplomatic and business conference efforts that do get them invested and invest the whole region in an understanding that the United States is going to be leaving, and they need to begin to accept that reality.

The longer we stay, the longer we delay their readiness and their need—

let alone willingness—to come to the table. I respectfully suggest that it is within the framework of a year.

We did the Dayton Accords in less time. Milosevic did not want to come to the table. President Clinton persuaded Yeltsin to create a pressure point that brought people there. In effect, we made things happen against people's will by creating the pressure. This is the same kind of situation.

I say respectfully to the Senator, we have a far better chance of spending less money, losing less lives and being more effective in the war on terror if we pursue this than if we simply do what we are doing today.

Mr. WARNER. Mr. President, it might be the case, but I would be willing to make a modest wager with you that if you got this conference under way, the first thing that they would ask would be to suspend this timetable of July 1, 2007.

Mr. KERRY. And if that were the case, and they were prepared to come to the table to resolve these issues and be part of this process, then the President could come back to us and we would respond accordingly. We are not stupid. We want to act in the best interest of our country. The question is, how do you begin to push people to a place where they realize they have to confront these realities?

Secondly, the Senator's question makes a presumption that I just fundamentally disagree with and don't see in this amendment. That is if we pull out the foundation, I think the Senator said, we specifically say we arrive at a schedule coordinated with the Government of Iraq, leaving only the minimal number of forces that are critical to completing the mission of standing up Iraqi forces.

I have asked the Senator from Virginia, what are we there for? What are we there to do? We are there to fight al-Qaida. We allow for that. We are there to stand up Iraqis for themselves. We allow that. And we are certainly there to protect American facilities. So what is it that is absent from here that would somehow pull out the foundation from anything?

Mr. WARNER. I say to the Senator, I cannot see, for example, the governments of each country bordering Iraq suddenly beginning to rush in if they feel that a civil war could start. The pulling out of the troops, the setting of a timetable will be a signal to all of the various factions. I will concede it is the Shia against the Sunnis that is the major faction. Wait them out. Let's let the troops flow out and then we will topple this government with a civil war.

It seems to me, I say to my colleague, you cannot expect these nations that border Iraq, the Arab League, I can't see that they would step up and say, we are willing to do everything. But wait a minute, coalition forces——

Mr. KERRY. Let me say to the Senator, I know he doesn't want American troops in the middle of a civil war. I know he doesn't think that that is why we sent our troops there.

Mr. WARNER. Mr. President, I share that concern, but——

Mr. KERRY. That is where they are.

Mr. WARNER. It is the presence of our troops today that is probably holding it back from becoming a civil war.

Mr. KERRY. Mr. President, may I say respectfully, we will continue to be able to do that. Over the course of the next year, with over-the-horizon capacity and with our ability to move in an emergency, we are not going away. We have plenty of troops in Kuwait. We could have plenty of troops over the horizon. That is not going to fall apart. The problem is that the tasks that the Senator is referring to, each of them are civilian tasks. They are political tasks. You don't need 138,000 American troops as targets to complete those tasks when you have 400,000 Iraqis allegedly trained and equipped and prepared to defend their country.

Let me ask the Senator: Did Iraq or did it not fight Iran for 10 years within the last 25 years?

Mr. WARNER. Mr. President, I remember well that conflict because I was then on the Intelligence Committee.

Mr. KERRY. And they lost a million people fighting for almost 10 years for their country. These are the same people. Four years later we are still driving trucks down the street and our guys are taking IEDs. Are you telling me that they don't have people who can drive a truck? They don't have people to go out on patrol? Why aren't our people garrisoned and being held in reserve in case there is an implosion? What are we doing with our troops being the ones that have to go out? I don't get it. I believe there is a better way to wage this effort. That is what this amendment contemplates.

Mr. WARNER. Mr. President, we just disagree. I feel this government hasn't been given a chance. It has only been 6 weeks. It took 18 months to get to where they are today. If we were to enact this into law, presumably the authorization bill would be signed by the President—there is a question whether if this is in there, he would sign it—this would go into law in a matter of a few months. And then suddenly to try and call on the rest of the world—and by the way, I certainly did not see the European Union trying to help form the coalition forces. Of each permanent member of the Security Council, the only one, Great Britain, stepped forward. I don't see those countries suddenly coming in and making the types of commitments that this paragraph requires, if we are going to pull out the very stability that is holding together this fragile government and preventing a civil war today.

Mr. KERRY. Mr. President, that is a legitimate question and it deserves, obviously, an answer.

Those countries, many of them, are reluctant to become engaged with the United States as long as they see us on the status quo path, because they see the same series of mistakes that I have just cited. If you talk to them, they will tell you, they don't have confidence that this administration is going to get it right or move in the right direction. That is why I believe you have to come in and lay out a path.

In my judgment, historically, most Presidents would not want the Congress telling them to do this. If I were President, I wouldn't want them telling me to do this. But at the same time, I would hope that I had consulted with Congress and not been as stubborn and not made the series of mistakes they have so that you wind up having alienated the very people you need to solve the problem. If you don't have some kind of regional security arrangement, the situation with Iran will grow more serious.

Iran loves the fact that we are bogged down in Iraq. This just plays perfect for Iran. And Iran has a much stronger lever over us with respect to its current nuclear path because they know they could wreak havoc with what is happening on the ground in Iraq, and that restricts our choices and options.

We will be stronger in counterproliferation efforts, we will be stronger in our efforts against terrorism in the region, and we will be able to create the credibility to bring these other countries to the table, which they are not willing to do today, if we make this kind of transition. If they understand that we are acknowledging that our presence is a problem, they have to step up because they don't want regional chaos. I believe that is exactly what helps us get it done. That is what changes the dynamics.

Mr. WARNER. Mr. President, I think we have covered this point. We will just have to agree to disagree.

I would draw your attention to the clause where you say consultation with the Congress is required. Here we are, basically on the eve of the August recess which starts the first week in August. We come back here as a Congress for maybe 30 days or 5 weeks in September. Then leave again for elections. You say:

> The President shall consult with the Congress regarding the schedule for redeployment and shall submit such schedule to Congress as part of the report required . . .

You know, we know how this institution works. We have been here for two decades apiece. I say, if the President were to devise a redeployment schedule to meet 2007, when do you think the Congress might swing into action and take such responsibility, as implied here, through the consultation process? I presume Congress could take an action to stop it. You are talking about July 1, and I don't see the Congress acting on such a proposal in a timely manner.

Mr. KERRY. Well, if that is all that gets in the way of this, Mr. President, I am confident we can find expediting language or other language that would resolve it.

But I will tell you, Congress is going to be dealing with this issue next year at this time if we don't change this policy. Like it or not, we are going to be here debating it one way or the other.

Mr. WARNER. That may be true, but I will ask another question. Drop down to paragraph 3, "maintenance of over-the-horizon troop presence." "The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests."

Where would those troops, in all likelihood, be put?

Mr. KERRY. Most likely in Kuwait, Qatar, the Gulf States, if you work out a security arrangement.

Mr. WARNER. That would require a substantial amount of installations to be constructed.

Mr. KERRY. Mr. President, we already have—as the Senator knows, we have been there and there are a number of pretty substantial facilities already in Kuwait, and there are others regionally, in my judgment; and that is the purpose of this arrangement, to prepare to work on an accommodation, providing it was in the context of a larger security arrangement. What I have learned—and again, we all talk to people and try to learn as much as we can.

General Zinni was saying to me the other day that he believes the Gulf States are particularly interested in some kind of a regional security arrangement because they are threatened by the instability and by the questions about Iran and the challenge to the oilfields and so forth. That is precisely the kind of issue that has to be arrived at, initially bilaterally and ultimately through this international conference.

I know the Senator was willing to bet something a little while ago. I am not sure we should do that in the Senate, but I would certainly bet my reputation that, one way or the other, we are going to be ultimately having to engage in this kind of multilateral diplomacy to resolve these issues. The sooner we get about it, the better we will be in fighting this war on terror.

Mr. WARNER. I caution my colleague because that is saying to this new Iraqi Government that you are going to fail.

Mr. KERRY. No, sir. About the regional security, I said we will need ultimately to deal with the question of Iran, the oilfields, the instability in the region. I think the greater Middle East is going to require this kind of focus and attention one way or the other.

As I said during the debate a moment ago, I am not somebody who suggests that we cannot make this still work out somehow. I am not in that school. But I do know that on the current path, it is going to cost more lives, more money, and it is going to cost us prolonged loss of relationship and reputation within the region and is going to set us back in terms of other interests we have. This can be done more effectively, and that is what I am here to argue for. How do we protect our security interests more effectively? How do we advance our safety and security in the world? How do we win the war on terror more effectively and stand Iraq up more effectively? I believe setting the date accomplishes all of those things.

Mr. WARNER. You have to admit that July 1, 2007, is a timetable; am I not correct?

Mr. KERRY. Yes, for the beginning of the transition. But as it makes very clear, if you get to 2 months before the end, or 3 months, and you can see the progress being made, and there is another month or so that a certain number of troops need to be stood up, or whatever, we allow that—the ability of the President to make that determination. If it is done in the best traditions of the Congress, it will be done with the consultation of the various committees and the Congress itself. And then you would have the kind of unity in the pursuit of this policy that is absent today or we would not have had this debate for the last several days. I know the chairman believes this——

Mr. WARNER. Mr. President, the Senator is operating on a premise that if this became law and the President issued a timetable, suddenly the level of violence would begin to be lowered considerably.

Mr. KERRY. No, sir, I am not making that presumption, Mr. President. I am saying that unless you resolve the fundamental political tension—the Sunni don't have oil revenues. They want a strong Iraq with a central government. The Shia are well taken care of. The Kurds are happy in the north; they want to be left alone. They have oil revenues. So you have Kirkut as a major issue you have to resolve ultimately. But you have this fundamental tension between whether you are going to have this federal loose-knit structure which the Shia want, with certain individuals with strong designs on future political power in that region, or whether you are going to have a manageable entity. That is why the former counsel for Foreign Relations and Senator BIDEN and others have joined in this idea of partition. The only way you are going to get there—and I don't think it is a particularly viable option—is through this kind of international conference. If you don't ultimately have a resolution by the parties politically, you are going to have a civil war. They have a few months under their own Constitution to try to resolve these things. That is going to be unavoidable.

I am not suggesting that the violence is going to suddenly vanish. The question is, How are you ultimately going to take away the rationale for the folks who are engaging in it? As I said, there are five different groups, and we are not dealing very effectively with it. You have criminal activity, you have Baathists, you have insurgents, Iraqi insurgents, and you have al-Qaida, and you have each of them that requires a different approach. Our military is not the answer to any of them, except al-Qaida. Al-Qaida, we can continue to prosecute with unit 145 operations and other things, and we can make that happen.

Mr. WARNER. Mr. President, if you say the violence is not going to stop if this became law, if this becomes law, we have to make a movement in reduction in 2006. That is in there. There has to be a commencement. You would not wait and send out a platoon on Christmas Eve. You mean a significant drawdown, leaving only 6 months in the following year to get the bulk of the forces out. And if we start moving those troops, I tell you that will engender a higher level of violence and lead possibly to a civil war.

Mr. KERRY. Mr. President, I respectfully disagree. We have a civil war today, to begin with. We have a civil war today. People are being killed in the dead of night, shackled in handcuffs, beheaded, found in basements; kids are being hauled out of buses every day. The number of sectarian incidents is many times what it was just months ago, a year ago, 2 years ago. Now, how are you going to resolve it?

I don't think there is any Member of the Senate who voted to send our troops to be in the middle of a civil war. Our troops are there to bolster the Government. We are there to support that Government's ability to make it on its own. How are they going to do that? By standing up these 400,000 security people. The faster they understand they have to go out and do it, the faster the violence is going to subside. Either they make it or it "ain't" makeable because we cannot make it for them. That is the bottom line that people have to understand.

Mr. WARNER. Mr. President, I say to my colleague that I agree fundamentally with the premise that the Iraqi people, in the final analysis, are the ones who are going to be able to bring about their own measure of democracy and enable this Government to exercise sovereignty.

Other Senators want to participate, so I will soon yield. I know both of us have had the opportunity to serve in the military. There is nothing more painful than the loss of a brother member of the service. I don't know about you, but it has been difficult for me today to contain my absolute outrage about what happened. Mr. President, to these two young soldiers who raised their right arms and volunteered for this service in Iraq, to have been captured and brutally mauled and executed.

You know, I would say a rough calculation is that we probably have had about a million and a quarter Americans—that is, our brave men and women in uniform and many civilians from the departments and agencies of our Government, including a number of American contractors—who have contributed to where we are today in this new Government standing up and beginning to exercise the powers of sovereignty.

I say to my good friend, given that heavy investment, the risks taken by over a million and a quarter of our citizens, to send out a signal now—and it is a timetable, Senator—that July 1, 2007, barely 12 months from now that we would probably have under your formula—I ran a calculation—you are going to leave some behind for training and some for logistics, but basically I would say the fighting forces are out. Some may be pre-positioned in other countries nearby. There is a clause in here requiring a report as to how soon they can come back to the continental limits of the United States. That is going to send a signal, and that worries me, that all these people who made these risks and contributions are going to sit back and say, right at the threshold of really the first rays of hope to get this problem solved, we send this type of signal.

What did you feel when we lost these two individuals? I know you felt it probably as badly as I did. I cannot understand why they could be saying over there that, see what we did, we beheaded two, and what did the Congress do? It passed this law that said our troops would be redeployed by July 1, 12 months from today.

Senator, timing in life is everything. The timing for this concept you have has not arrived, I say to my good friend.

Mr. KERRY. Mr. President, there are few people in the Senate for whom I have more respect and affection than the Senator from Virginia. We have known each other a long time, and we have traveled together. I am grateful to him for the respect and consideration he has shown for this debate this evening.

When I heard those two guys were captured, my heart sank because I immediately envisioned the worst. The worst happened. I thought about them throughout that time period, until they were found. I was not surprised that they were brutalized in the most horrific, disgraceful way, and may I add—and I know the Senator knows this—in ways that contravene every law of warfare. But I believe we have a better chance of honoring what they went there for and what all of our soldiers have died for, given something for, if we adopt a policy of reality.

Mr. President, let me say to the Senator that I went to serve in Vietnam in 1968. There was turmoil in this country. Remember the Chicago convention, remember McCarthy, and Bobby Kennedy had been killed in June. In fact, I arrived back in Long Beach, CA, at the dock after the first deployment in the Gulf of Tonkin the night he was killed. It was the first radio words we heard. I remember that turmoil over the war. I remember Richard Nixon running for President with a secret plan for peace. I remember how people invested in the concept of peace. Years later, we read in Robert McNamara's book how he knew, as Secretary of Defense, while he was sending troops over there, that we weren't going to be successful. Now, from 1968 until 1975, when we left in that dramatic helicopter moment off the embassy, almost half of the people who died were lost in that period of time—for a policy that our leaders knew wasn't working.

I am not going to be a Member of the Senate in good standing and in good conscience and support a policy in Iraq that I believe is going to add people to whatever Iraqi memorial will be created, at a time where I am convinced this isn't going to work for them and it is not going to work for the Iraqis. I believe we have a moral responsibility to those soldiers who died to do our best to get it right, and I just don't believe staying the course, more of the same, is getting it right.

If you don't resolve the differences between Shia and Sunni where 98 percent of this fight is taking place, we are stuck. And I believe it is only by pushing the process, by demanding something of everybody in the region, by demanding something of the Iraqis who are in uniform that we are going to properly defend the honor of those who served. We defend it by getting it right.

And may I add, we also defend it by honoring those who come back. There is a $6 billion shortfall in current services in our VA budget. That is just unacceptable.

We have a big job to do. I look forward to working with the Senator to do it.

Mr. WARNER. Mr. President, I will conclude. The Senator from Massachusetts and I have had this conversation about that period of history before. We will have it again and again. I recall, I went to the Pentagon in February 1969 and was there for 5 years in the Navy Secretariat. As the Secretary of the Navy, the Senator always said I was his boss. He has been very respectful about that.

I remember when his Silver Star came through our Secretariat at that time. I went back and checked for accuracy, and it was accurate, I say to the Senator. He knows that, and I know that.

I thought many times about that period, and I recall that the then-Secretary of Defense, Melvin Laird, came to the conclusion that we had to begin a program of Vietnamization and begin to look toward bringing our troops home. I remember that, and the rest is history.

I share those concerns. I, like the Senator from Massachusetts, every day, particularly in my responsibility as chairman of the Armed Services Committee, worry about these men and women in uniform. Like the Senator, I visit the hospitals, go to the funerals when it is appropriate for me to do so. I share that burden. I think most of our colleagues do. I happen to know that our President shares those burdens.

Mr. President, I say to the Senator, my friend, there is a time for everything, and I feel ever so strongly that we have to give this new government more time to try and exercise that sovereignty before we take the very dramatic steps that the Senator from Massachusetts has set forth in this amendment, which I say not as a buzzword, but there is that timetable.

I do not think the other nations will come in. I do not think we could bring to bear the resources elsewhere in the world in the timetable that is laid down here.

There is one other point that we should consider, and that is we are there with a coalition of forces. I see no mention—maybe I didn't read it carefully—but no mention of what would Great Britain think if we were to take this somewhat unilateral action as the Senator proposes? What would Poland, what would the other nations think? They don't have the measure of the troops of quantity and so forth, but they are there in spirit.

Mr. KERRY. Mr. President, they are drawn down. There is a huge debate in Great Britain. They are prepared to draw down. They are ready.

Mr. WARNER. Mr. President, I admire the courage of the Prime Minister of Great Britain. The Senator from Massachusetts has seen it, and I have seen it. We are political figures, he and I. We understand when we see another leader. He has stood with our President and our President has stood with him, unlike any two leaders of the United States and Great Britain since really Roosevelt and Churchill. It is remarkable what those two men have done.

Mr. KERRY. Mr. President, if I can just say, again, I repeat, this plan is a plan to be successful. It is a plan to strengthen all of our efforts in the war on terror. I have been to Great Britain. I have met with the leaders there. I know there are people there who believe we can do a better job in the war on terror, and I know they know the price they are paying for standing by us at this moment.

I believe this is a better way to actually fight the war on terror than we are doing today. If you accept that premise, you approach this differently. I think a lot of other countries believe it, too. All you have to do is look at the record of what is happening with respect to countries in the region, the number of incidents, the number of terrorists, the increase of al-Qaida. You can run down the list. Al-Qaida is in 60 to 80 countries. Osama bin Laden is still running around the mountains of northwest Pakistan or Afghanistan.

The fact is, one of the reasons we saw happen what happened probably is that it is a quick statement by the folks out there that: You may have got Zarqawi, but we are still around.

The fundamental problem remains the same. The Iraqis will not tolerate foreign jihadists—jihadists, actually I have been told, is not a great way to refer to them because it actually confers more of a God-given effort to them, and they don't deserve it. They are terrorists, they are just foreign terrorists, and we ought to quit giving them jihadists. But the fact is, they are not going to survive in Iraq if these security forces take hold and the Government stands up.

I believe, as the Senator does, that we want that Government to stand up. I think the best way to stand it up is shift the responsibility to it. And from all indications, they believe that, too. National Security Adviser al-Rubaie wrote in the Washington Post that we ought to withdraw the American troops; it will help us in the streets of Iraq. Prime Minister Maliki says they are prepared to take over.

He said: You could probably have well under 100,000 troops by the end of this year, and we are talking about a year from now.

This is reasonable beyond compare, and besides, it allows the President to make the decision of what we need to finish standing them up. A lot of people object to that, but I think it is smart. And it allows us to continue to use special forces against al-Qaida. That is exactly how we got Zarqawi.

I think this is, as I said many times—incidentally, Secretary Melvin Laird broke a 30-year silence and wrote in "Foreign Affairs" that we have to get our forces out of there and reduce the numbers because they are contributing to the occupation and to the insurgency. All you have to do is talk to any leader in the region and they will tell you we are working as our own worst partner by this large presence of American troops which is acting as a poster recruitment for terrorism.

Mr. WARNER. Mr. President, we will conclude. I just say if we had more time, I would want to enter into another chapter of debate with the Senator on what would be the consequences if we saw failure; if this program of his, no matter how well conceived and how conscientious, were to trigger that failure, what would be the consequence.

The fact that this country could revert to a haven for further training of al-Qaida and terrorists from all over the world——

Mr. KERRY. Mr. President, that is why we maintain over-the-horizon capacity. That is why we allow the finishing of the training of the Iraqis to stand up.

Look, whether it is the plan of the President or this plan, both of them are operating on some element of faith that hopefully the Government is going to stand up. If it doesn't, we all got a problem. What we have here is one resolution—I keep hearing people come to the floor and saying they are definitely against an indefinite presence in Iraq, but they are indefinitely against being definite about it. You can't have it both ways. Either you are going to push this process or we are locked in the current paradigm.

Does my colleague think the current paradigm is going to do it? It may, but I am saying this for the last time: If it does, it will be at a greater cost in American life; it will be at a greater cost in dollars; it will be at a greater cost to the war on terror; it will be at a greater cost to our reputation in the region; and I believe there is a better way to get this done.

Mr. WARNER. Mr. President, I say to my colleague, I think this has been a very worthwhile colloquy between us. I must say on this side, there are 55 who are going to stand tall and unify with no dissension on tomorrow at the time of the vote.

At this time, can I inquire as manager of the bill if there are other Senators desiring to speak?

Mr. KERRY. Mr. President, there are. Senator HARKIN wants to speak for a few minutes. I know Senator FEINGOLD wants to speak.

Mr. WARNER. I am prepared to remain here as long as is necessary.

Mr. KERRY. Senator FEINGOLD, I understand, will not, but Senator HARKIN wishes to speak.

Mr. WARNER. On this side, I see my colleague from Alabama, although he has had some opportunity, but very limited opportunity.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. I am trying to accommodate Senators. I ask my friend, if he desires to speak, can he advise the manager of the bill how much time he would like?

Mr. HARKIN. I am not certain how much time I want. Who is next in line? Are we going back and forth?

Mr. WARNER. We are going back and forth, and I am about to relinquish the management of the bill to my good friend from Alabama.

The parliamentary situation is we remain on the bill, and debate can continue on the bill. We are not going to try and have time constraints. We are trying for the benefit of this infrastructure that has to remain in place and such Senators who may be listening to determine who would like to speak and for what period of time. That is all I am trying to ascertain.

Mr. KERRY. Mr. President, I think the only speaker remaining on our side now is the Senator from Iowa.

Mr. WARNER. Can the Senator from Iowa advise the chairman as to how much time?

Mr. HARKIN. Mr. President, I looked over my remarks, and I say to the chairman, probably 20 minutes, I suppose. It depends if I go off.

Mr. WARNER. Mr. President, does the Senator from Alabama desire some time also?

Mr. SESSIONS. Mr. President, I say to the chairman, 20 to 30 minutes.

Mr. WARNER. Good. I relinquish the management of this bill to the Senator from Alabama and such time that Senator SESSIONS and Senator HARKIN may require. I thank all for their participation.

Mr. KERRY. Can we enter into a unanimous consent agreement so we know what is happening?

Mr. WARNER. I think that will be advisable.

Mr. KERRY. Mr. President, I ask unanimous consent that the final, concluding comments this evening be made by the Senator from Alabama, followed by the Senator from Iowa, at which time I believe the Senate will adjourn; is that accurate?

Mr. WARNER. Mr. President, I think that is a reasonable request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, before the chairman leaves, I want to tell him how much I appreciated his analysis and summary of where we are. He noted that we may have had as many as a million or more people at one time or another investing their very lives in a successful operation of this country, and we have just gotten a government up and they have just elected a Defense Minister a few weeks ago and an Interior Minister.

Based on the long chairmanship and leadership of the Senator from Virginia in the Senate and as former Secretary of the Navy, let me ask the Senator again: Does he think that we would be creating grave risks that are not necessary by a precipitous withdrawal at this time?

Mr. WARNER. Mr. President, I think this chairman has resonated with debates for months on this issue of timetables. I say to my good friend from

Massachusetts, as I stated in our colloquy here, clearly by setting forth a terminal date there is a timetable, and that, in my judgment, is a very destabilizing thing. It sends a signal that perhaps the United States has less than the will and the commitment, as clearly expressed by our President many times, most recently upon his return from his trip to Iraq just days ago, that we are there to help the Iraqi people achieve their goals.

Now we expect from them a level of cooperation to move, hopefully, most swiftly to establish a full range of sovereignty and the responsibility that goes along with that. All I have asked repeatedly is give them a chance to do that. We have 18 months in the making of this permanent unified Government. Give them a chance. I think that is the President's desire—I know it is.

Mr. SESSIONS. I remember when we were there just a few months ago.

Mr. WARNER. Yes, that is correct.

Mr. SESSIONS. Before this permanent government was in place, and I remember you and Senator LEVIN, along with Senator SALAZAR and others——

Mr. WARNER. The Senator from Wyoming, and Senator BINGAMAN was with us.

Mr. SESSIONS. Yes. And I remember you telling the leader of Iraq at that time that they were being challenged and they had to step up and assume responsibility.

Mr. WARNER. That is right.

Mr. SESSIONS. It is not as if they haven't been told that. And they assured us at that time that they understood that, and they felt that responsibility deeply. Is that the impression you got?

Mr. WARNER. That is absolutely correct. I will even go a step further. I said: The American people have a strong voice in this, and the elected representatives in Congress listen to those voices. You need only look at the expressions being put forth today.

But leadership requires reassuring our people, reassuring the Iraqis, reassuring the consortium of nations of the coalition, reassuring all others that this fight in Iraq portends the next half century of the history of that region. If it fails, who knows where the end of the strife will come in that region—the possible destabilization of one of the largest concentrations of energy in the world, which suddenly begins to impact in many ways on the quality of life here at home and throughout the world. That whole infrastructure could be challenged if this Nation devolves into a vicious civil war and anarchy follows and a haven for terrorism follows. We cannot let that happen.

I just said to my good friend, timing is everything. The time for this amendment has certainly, in my judgment, not come, and a timetable is not a good signal to send out. I yield the floor, and I thank my colleague.

Mr. SESSIONS. Mr. President, I have one more question I want to ask my colleague. I remember—I personally have a vivid recollection of being in a meeting, our delegation was, just a few months ago in Baghdad, with the Sunni leader. Do you remember the insecurity he felt about whether our Nation would remain in Iraq? He made a commitment to join with this Government, and some of his Sunni people didn't agree with that. He realized that a precipitous withdrawal which he had heard something about in the media could jeopardize the ability of that country to hold together, and maybe even jeopardize his own life because he had stepped up and invested himself in trying to create a good and decent democratic government. Do you remember that discussion?

Mr. WARNER. I remember it very vividly. Senator LEVIN was there. He questioned these individuals quite thoroughly, as did I, and as did you. And it is clear there is an unfortunate dichotomy that the Sunni people are, in large measure, responsible for those areas—al Anbar and Baghdad—where this great instability and insurrection takes place today. At the same time, I think the Sunnis should recognize that it is the participation of the United States and the other coalition partners that gives them the security against the majority of the Shiites who could revolt in such a way and challenge them and their future.

So let us hope that this government, which is a unity government with Sunni representation, can take hold. But it must be given the opportunity to send its roots down, to gain its stability and give it a chance. This amendment, in my judgment, would send the wrong signal and strip them of that chance.

Mr. SESSIONS. Mr. President, I want to thank the Senator for his comments and his leadership. It has been a privilege to be a part of this debate. I listened to this debate that has gone on tonight, this discussion between he and the distinguished Senator from Massachusetts, who is most eloquent. But I would just say to Senator WARNER that your remarks tonight are worthy of the valor and the courage and the fidelity of the troops we have sent forth into harm's way, and I am honored to serve with you on the Armed Services Committee.

Mr. President, looking at the resolution that Senator KERRY has proposed, I would just make a couple of summary comments. No. 1, he has a date in which the vast majority of our troops, virtually all combat forces, under this amendment would be out by next summer, whether or not that is the right thing militarily. At the same time, he proposes that we have some sort of regional conference, and that this regional conference would meet somewhere while we are pulling out troops. And it is going to meet and decide what is going to happen in Iraq. I would just say that is not the way the world works.

Does anybody here think if we get a group of nations in that region to gather somewhere and meet and talk about Iraq, while we pull out troops, and violence escalates, that they are just going to pass a resolution, and somehow these terrorists, these Baathists are going to stop their fighting? Does anybody think that? I wish it were so.

Wouldn't it be wonderful if we could just get the nations in that region to go off somewhere and have a conference in Rome or London or Paris and have a vote about Iraq and the war would all end and there would be peace and we could just take our soldiers out and these other nations who are concerned about it, and if things get bad in that country of Iraq, they are just going to send their troops in and fix it? We really have to be more clear in our thinking about these issues.

That is not going to happen. That is fantasy land, let me say, with all seriousness. I wish we could do that. Wouldn't it be wonderful if we could. Would it were so, they would just step up, the other nations in the region, and take over and fix this problem for us. And wouldn't it be nice if we could just have some sort of conference in Iraq and bring in the hostile parties and sit them down at a table and just reach an agreement? Wouldn't it be nice if we could do that? I wish it were so. I wish the enemy we faced was not the kind of enemy that when their new top leader captures two American soldiers, he personally brags about brutalizing them as he kills them. Wouldn't it be nice if the enemy we faced were more principled than that? Wouldn't it be better?

But I am afraid the reality is different. I am afraid the reality is that we are facing a radical terrorist enemy that knows it can't win a war conventionally, knows it can't win a vote of the people so therefore they have settled upon an asymmetric method of warfare to utilize whatever destructive capacity they can generate, even the suicide of women and children to carry out their diabolical ends, and they are going to continue that. Mr. President, it is the kind of threat that we are just going to have to face, and we are going to have to strengthen this Iraqi Government.

I heard it said that we can never be involved in a civil war. Well, we were there and we talked about whether there was a civil war, and I think those of us who understand in terms of the United States of America what a civil war is, that is not a civil war in Iraq. But there is a high level of violence, a higher level of violence than we cannot accept and the Iraqi people cannot accept. We know that. It is not quite the same thing as a civil war. But that conflict can be brought under control. I believe we are on the verge of bringing it under control, but it will not be easy.

Some say we haven't done anything like this before. Well, how about Bosnia? Wasn't that a brutal sectarian war that we had to send forces into? What about Kosovo? Wasn't that basically a civil war that we sent our troops into? It hasn't been settled perfectly today, but both of those countries are having some stability. They don't have strong governments, frankly. I have been somewhat disappointed in how Kosovo's Government has come together, but at least it is a peaceful country and operating in a fairly decent way. So to say that we can't help make a difference when there is sectarian violence by the utilization of American forces, I think, is wrong. We have done it before, and we can do it again.

I would say to my colleague, the Senator from Massachusetts, he has just had a litany of criticisms of the conduct of this war. I wonder what he would have said were he in the Senate during the Civil War. With all the problems and the years that went by, and General Lee with smaller forces defeated repeatedly the larger forces, what would the Senator from Massachusetts be saying about that? Would he be saying: We need to pull back our troops? And what about World War II and all of the problems we had, and World War I for example? Senator WARNER just gave me on the trip I referred to recently a book about World War I, and I just completed it. We lost 18,000 people killed in 1 day at the Battle of Meuse, Argonne, in World War I—18,000 in 1 day.

I have talked to Alabama families who lost children in Iraq. We have lost 2,500 in Iraq in the time that we have been there, and that is a grim number. Every one of those losses represents the best kind of people this country can produce, and my heart breaks for those families. But the cost of freedom has always been high, and our interests in fighting a war on terrorism is high, and we have to be smart about it. We have to be careful about it. We have to have a debate in this country, and that is all right. But I would say again that I was very proud of this Senate when we voted a few days ago on the original Kerry amendment to have the troops out by the end of this year, and it was voted down 93 to 6. Presumably, he may have accumulated some more votes now for moving the date to 6 months later, but I suspect he will not have a whole lot of votes for that because it is just not good policy.

We have a country that has only really formed on a permanent basis in the last few weeks. The Prime Minister was elected just a couple of months ago. His last Cabinet members were just recently selected. They were voted on by the Parliament, elected by the people. Millions of Iraqis have gone out and voted three times now.

So this Government, the real Government, not a transitional or interim government, but the real Government, fully elected by the people, has only been in office a few weeks. And the enemy knows that if this Government is successful, their message of violence and hatred, extremism, oppression of women, they know those visions, those ideas they have that they want to impose on the people will be lost, and they don't want that to happen. And they are doing everything they possibly can to win the war in Iraq.

The Iraqi Army and the Iraqi police are taking far more casualties now than the Americans are. They are out front in many provinces in Iraq. They are conducting military operations on a regular basis by themselves. Sometimes we go together; sometimes we have embedded Americans with the Iraqi forces. They are stepping up. But they are not ready yet. Their military is not there yet. It is not as fully equipped and it is not as fully trained. They don't have the confidence and the chain of command, their logistics are not where we would like them to be compared to a modern American Army. And they can be vulnerable to these kinds of terrorist attacks by which small groups of the military can be overrun or attacked and it can destabilize that country right now.

So I think the best course is to listen to our military leaders as we decide how and whether to conduct our military operations there.

I remember being with GEN John Abizaid, commander for CENTCOM, the combatant commander for this region of the world. He has been involved in this closely. He speaks Arabic. He grew up for a number of years in the Middle East. He understands this area. He has been a student of it. He is a brilliant general. He told me on an airplane back when people were saying: We need to send in more troops—he said: No, we don't need—in his opinion—he said: We don't need to send in more troops. We need to train up the Iraqi forces so we can reduce our presence.

I say that to you, Mr. President, because I want the American people to know that the combatant commander, the one who is giving the advice to President Bush, does not believe in excessively maintaining forces in Iraq. He understands that it would be better if we could reduce them.

But he also understands the challenges that exist in Iraq today.

That is why his recommendation is that we not have a resolution like this. And General Casey likewise, it is his recommendation that we not have a resolution like this.

I thought about the idea that somehow we can have, as one Senator said, an accelerated redeployment, or really a date for withdrawal, under Senator KERRY's amendment. Will this pullout, cut-and-run mentality, help us and help the Iraqis defeat al-Qaida? Really? If we pull out right now, will that help the Iraqis defeat the al-Qaida forces? Will it help reduce sectarian violence?

I wish it were so. I wish we could pull right out and they would all be nice and we wouldn't have any more fighting.

Would it help reduce the criminality in the country? Would it help strengthen and provide confidence to those members of the new Iraqi Government? Or would it increase their nervousness, would it increase their insecurity, at a time when we need to get that government off to a good start and, as Senator WARNER said, send their roots into the soil for stability?

Would it help establish the police force if we just pulled out? A lot of Iraqis are signing up every day to be policemen. They have become targets of the terrorists on a regular basis. But I think they are provided confidence and comfort to know the American military is there to support them. Right now I do not believe there is enough strength in the Iraqi military, in the context of the Iraqi people, to survive a precipitous withdrawal. I think it could destabilize them. Maybe not, but I think there is a real likelihood of it.

I just would say we ought to think carefully about what our generals have told us.

The amendment submitted by Senator KERRY, I think, goes too far. I do not believe a conference, a meeting in any capital city anywhere in the world is going to settle the conflict in Iraq. I do not believe pulling our troops out is going to reduce the threats in Iraq. I believe what we have to do is do what General Abizaid and General Casey have told us; let's maintain our presence, let's draw it down as rapidly as we can, but let's do it consistent with the raising up of a legitimate military and police force in that country. And let's do what we can to strengthen and create credibility in the Iraqi Government.

You should never tell your enemy what your plan is. You should never give him a guaranteed plan of withdrawal or any other plan that you are going to execute, particularly when you are dealing with an asymmetric enemy like these terrorists.

Clausewitz warned of this type of war planning and making your intentions known. He said this "the essence of the defense"—think what these terrorists are about. They are defending their dream of a terrorist-dominated state.

Clausewitz says:

> The essence of the defense is waiting: waiting until the attacker clarifies his own intentions; waiting until the balance of forces shifts; waiting for any improvement in the defender's situation, whether from the culminating process described above, from outside intervention, from mobilization of his

own resources, or from some chance development. Time is almost always on the side of the defender.

Our Nation is on the offensive in the war against terror and we have been blessed that, since 9/11, we have not had another attack on our homeland. Who would have thought that possible? Certainly people were afraid to get on an airplane for weeks afterwards. They wouldn't go to shopping malls. We have been blessed to have gone this far without another attack.

The terrorists are using every desperate act they can to break the will of the Iraqis and our U.S. forces and our U.S. political system. This would undercut the foundation of our military efforts. So victory must be tied to results and victory is what we must have—not an amendment calling for redeployment measured in days or hours.

President Bush has established a strategy for a victory in Iraq that is condition-based, not based on arbitrarily selected dates.

Why not December 31? Why not April 1? Why not July 4? It is not a way to make a strategy in a military situation. The President's strategy focuses, rather, on the accomplishment of specific objectives.

President Bush has said:

> Victory will come when the terrorists and the Saddamists can no longer threaten Iraq's democracy, when the Iraq security forces can provide for the safety of their own citizens, and when Iraq is not a safe haven for terrorists to plot new attacks on our Nation.

The President knows Iraq must stand up and do its part. In his most recent visit to Iraq the President urged the Iraqis to "seize the moment and we, the United States, will help them succeed. When America gives a commitment, America keeps its word."

He said:

> If the United States of America leaves before this Iraqi government can defend itself and sustain itself and govern itself, it will be a major blow to the war on terror.

I certainly would agree with that, as Senator WARNER has so eloquently stated.

Secretary of Defense Donald Rumsfeld explained why a time-phased plan for redeployment is wrong. He said:

> Once you start doing that, then you are stuck with a number and a date and it just doesn't do any good. The decision to withdraw is based [must be based] on conditions on the ground.

Some supporting this amendment and others who are calling for this exit strategy of time-phased withdrawals stake their claim on past experiences in other conflicts. This global war on terror is different. The enemy here has not surrendered. He does not wear a uniform. He is not sequestered in a country bounded by borders. He has not signed a peace accord and he has not given up his arms.

He, unlike Vietnam, is sworn to attack this country if he is successful and emboldened and gets his hands on the wealth of the Iraqi oil. Will our country be safe? Will they stay in Iraq and not continue to attack us, as they have, if the terrorists take over their country? He fights in an asymmetric fashion unlike any we fought before, and we cannot put our people and our allies at risk by shirking our responsibilities in any way that will undermine the opportunity that we have to have a victory and a stable government in Iraq.

Our generals on the ground understand this and have offered their perspectives on what impact this type of time-phased redeployment would have on the Iraqi situation. I know we have had people here who have served. Senator WARNER has served in World War II and Korea. Senator KERRY served in Vietnam. But what about General Abizaid, Commander of the U.S. Central Command? He has given his life to the service of the military and in that region of the world. He has overall responsibility for Operation Iraqi Freedom, and he recently spoke to Prime Minister Maliki and said:

> The Iraqi people don't want to go back to the 6th century. The Afghanis don't want to live under the rule they experienced under the Taliban. They don't want bin Laden to win. There is clear preference expressed by the people in both Iraq and Afghanistan to vote. The fact that they voted is their way of reaching out to the future.

General Abizaid warns of leaving the region without proper conditions on the ground with respect to the terrorists in that all they, the terrorists. He says:

> All they do is destroy and kill and try to grab headlines. They believe by doing that they can gain time and eventually the coalition will leave. And when we leave there will be states vulnerable to their ideology.

General George Casey—he is the commander of all our forces in Iraq—recently said this:

> I think as long as the Iraqi security forces continue to progress and as long as this national unity government continues to operate that way and move the country forward, I think we are going to be able to see continued gradual reductions of coalition forces over the coming months and into the next year.

That is his prediction. Somehow I have the vision of, out in the country, the dogs we used to have. You would get in the car and drive down the road and the dog would chase after the car, thinking somehow, I guess, that it made the car run off, that the car was afraid of it. I think sometimes some in this body are afraid we are actually going to be able to draw down troops in the next year or so. They think if they can just pass a resolution mandating it, then they can claim credit for it.

General Casey's comments do mention the force reduction, but he ties the reduction to the status of the development of the Iraqi security forces and the national unity government's success.

This amendment, the Kerry amendment, calls on the President to begin a deployment, beginning in 2006, in stark contrast to the best judgment of the most senior United States commanders in Iraq. Who should we listen to? General Abizaid and General Casey, I submit.

U.S. Ambassador Zalmay Khalilzad, whom we met in Iraq a few weeks ago, said the formation of the government, with crucial involvement from Saddam's once dominant fellow Sunnis is a great sign of progress. He states:

> I believe that with the political changes taking place—the emphasis on unity and reconciliation, with effective ministers . . . that conditions are likely to move in the right direction that would allow adjustment in terms of the size, composition and mission of our forces.

In closing, I would like to highlight the recent comments by the man entrusted with advising Prime Minister Maliki on the national security of the new Iraqi democracy and what his items are concerning a time-phased reduction in U.S. forces.

Mowaffak al-Rubaie, the recently approved Iraq minister for national security, expressed his concerns in the Washington Post. I believe it was today or yesterday. He stated:

> There has been much talk about a withdrawal of U.S. and coalition troops from Iraq, but no defined timeline has yet been set. There is, however, an unofficial roadmap to foreign troop reductions that will eventually lead to total withdrawal of U.S. troops. This roadmap is based, not just on a series of dates but, more important, on the achievement of a set of objectives for restoring security in Iraq.

I want to conclude by saying how proud I am of our military. I was pleased that the original Kerry amendment was voted down 93 to 6. I think by moving that date forward 6 months, the vote is not going to change very much.

I know Senator LEVIN has offered an amendment. I will just say this about it. I serve with Senator LEVIN on the Armed Services Committee. I am sure he is trying to reach some sort of compromise, some sort of unifying amendment for the Democratic side. I am really sort of disappointed at it, because I don't think, if adopted, it will serve any purpose and could cause much mischief and be misinterpreted.

I urge my colleagues to vote against both amendments, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized.

Mr. HARKIN. I thank the President. I apologize to the President for having to sit there at this late hour. It wasn't my doing. But I did want to speak on this issue. It is one of major importance, and one about which I have not spoken on the Senate floor previously. So I beg the indulgence of the Chair at this late hour.

Mr. President, on May 3, I introduced a resolution in the Senate that offered a clear break from our current counterproductive course in Iraq allowing our Armed Forces to return to their focus to defeating the terrorists who attacked us on September 11, 2001.

The resolution would do three things.

First, it states that the United States should not maintain a permanent military presence or military bases in Iraq.

Second, it states that the United States should not attempt to control Iraq's oil.

And, third, it states that the United States Armed Forces should be redeployed from Iraq as soon as practicable after the completion of Iraq's constitution-making process, or December 31 of 2006, whichever comes first.

My resolution is identical to the resolution introduced in the House of Representatives by Representative MIKE THOMPSON of California with at least six Republican cosponsors. As far as I know, it is the only Iraqi resolution introduced that has bipartisan support. So I introduced the same measure here in the Senate.

I continue to believe that only this resolution offers a clear, unambiguous, principled stand—a stand that can produce the results that we all want.

Only when the Iraqi Government faces a firm timetable for U.S. redeployment will it have the incentive to resolve its internal differences and stand on its own two feet.

And only when our government faces a firm timetable will it make urgent policy changes necessary to right our course in Iraq.

President Bush has it exactly backwards. He said that our Army will stand down only as the Iraqi Army stands up. The truth is that the Iraqi Army and government will stand up only when it is clear that the American military is committed to standing down by a date certain.

My resolution is a clear, unambiguous statement of our intention to move beyond the strategic blunder of Iraq which has distracted us from the fight against those who attacked us on September 11. Only such a clear break will allow us to recommit our military and intelligence resources to the unfinished task of crushing al-Qaida and capturing or killing Osama bin Laden.

We need this new decisive direction because President Bush is unwilling to change his current policies in Iraq which are manifestly a failure.

Let us be clear. Staying the course effectively means stay forever. It means to stay and pay and stay and pay and stay and pay.

Already we have paid with more than 2,500 dead and more than 18,000 wounded. We will continue to pay a terrible price in terms of lives and treasure, not only to the end of President Bush's term but well into the term of his successor and beyond. And for what? For a failed approach in Iraq that in the judgment of a large majority of national security experts is damaging America's national security and making us less safe.

Because I believe we need a new direction, I will vote for both the Levin-Reed amendment and the Kerry-Feingold-Boxer amendment.

I commend my friend and my colleague, Senator KERRY, for his leadership on this issue. I was here this evening listening to him. I listened to his colloquy with the Senator from Virginia. I think it is clear that Senator KERRY is on the right course. Also, Senator LEVIN. I believe is also on the right course. So I will support both, and I do so because I believe that both are better than what we have now.

But I also want to be clear that neither one is going to pass. We know that. So we shouldn't agonize over which one we can support. It doesn't matter what we do; it won't become law.

So why are we doing this? We are doing it because we must put pressure on the President. We do it because we need to speak for the American people who are way ahead of us, way ahead of the President, way ahead of the White House, and way ahead of the Congress on this issue. They know what we are doing in Iraq—costing $7 billion a month, $9 million an hour, 2,500 dead, 18,000 maimed and injured—they know it is wrong. They know we have been misled into this war.

My position is simply that anything we can do to give voice to the American people that will hopefully pull the President back to a more rational, reasonable and sane policy, anything that will do that I will support.

I realize that some, including the President's top political adviser, are eager to politicize this issue in an election year. They can't wait to frame this as a debate between those who support our troops and those who want to retreat, between those who want to fight and those who want to surrender.

This is outrageous, and it is false. It is the same inflammatory demagoguery that tore our country apart during the Vietnam war. Just as we were misled into the Vietnam war, so we were in Iraq. All you have to think is weapons of mass destruction equals the Tonkin Gulf. Weapons of mass destruction is to Iraq what the Tonkin Gulf was to Vietnam. Both misled us into a drastic, terrible war.

Just as the Nixon administration was bent and misused intelligence to fit a preconceived belief on Vietnam, so would President Bush in Iraq. Just as we heard the arguments in the early 1970s about Vietnam, that we have to fight the Communists there or we will be fighting them here, now we hear that we have to fight the terrorists in Iraq before we fight them here.

Just as we said in Vietnam we will have to support the government because it is a free government elected by 80 percent of the people, so now we hear the same thing about Iraq and terrorists.

The echoes are resounding about what we hear from this administration and their policies for Iraq and what we heard for Vietnam.

Let us be clear about what I think this debate is really about. It is about charting a smarter, more focused offensive against the terrorists who attacked us on September 11. It is about acknowledging that Iraq did not attack us on September 11, but that our invasion and occupation of Iraq has been a costly distraction from our fight against those who did attack us.

It is about giving the government in Iraq incentives to get its act together; to overcome sectarian divisions and stand up a viable, self-sustaining army.

This debate is about acknowledging that staying the course is no virtue if the course we are on is demonstrably wrong. Indeed, it is about acknowledging that staying the course means stay and pay. Stay and pay. It means that our Armed Forces will continue to stay and pay dearly with more than 20,000 already killed, maimed, and wounded. For our beleaguered taxpayers, it means stay and pay more of their hard-earned tax dollars and the debt that is being piled on for our children and grandchildren to pay—$350 billion already on Iraq and counting.

The men and women of our Armed Forces deserve better than this.

Instead of putting bumper-stickers on our cars saying "support our troops," let us actually support our troops. Let us give them some hope for a way forward from the current stalemate and quagmire.

They have brilliantly completed the task they were sent to Iraq to accomplish. Saddam Hussein's dictatorship has been deposed. We are certain that Iraq does not possess weapons of mass destruction—and never did. And the Iraqi people have a constitution and a democratically elected government.

To our troops goes great credit. They have achieved these things despite a series of disastrous decisions by their civilian leaders here in Washington.

President Bush himself has acclaimed the installation of a permanent Iraqi Government as a historic "turning point."

So the question is, why aren't our troops returning? Why are we still in Iraq with no commitment whatsoever even to a graduated redeployment?

Why has President Bush stated that we will be in Iraq at least through the end of his administration and into his successor's administration?

Why are we building what appears to be permanent military bases?

Why are we in the process of building a gigantic new United States embassy in Baghdad that will span 104 acres, the size of nearly 80 football fields?

What message does it send when the House Republican leadership 2 weeks ago insisted on stripping from the emergency supplemental appropriations bill Senate-passed language asserting that we will not build permanent bases or attempt to control Iraq's oil? We passed that in the Senate. The House Republicans took it out.

What message does that send to the insurgents and al-Qaida and the terrorists who would do us harm? None of these things give the impression that the United States plans on winding down our military and civilian presence or relinquishing our grip on Iraq.

To the contrary, it is easy to see how ordinary Iraqis as well as people across the world view this as the behavior of a conquering power that has no intention of leaving. Unfortunately, this perception creates continuing resentment. It feeds anti-Americanism. It continues to give powerful fuel to the insurgency, both in terms of motivation and recruitment, and it puts our American Armed Forces at greater risk.

It has now been more than 3 years since President Bush's speech on the flight deck of the USS *Abraham Lincoln*. On that occasion, with a giant banner behind him a claiming "Mission Accomplished," President Bush said triumphantly, "Major combat operations in Iraq have ended."

But today, 133,000 troops remain on the ground. President Bush again and again has signaled that the U.S. military presence in Iraq is open-ended and of indefinite duration.

This has given rise to suspicions that the United States has long-term designs on Iraq and its oil and deprives the Iraq Government of the incentives to resolve its internal divisions and stand on its own feet.

With the war in Iraq now in its fourth year, it is clear that the present course is not a strategy for success. It is a strategy for continued stalemate and stagnation.

As I said, stay the course means stay and pay. Stay and pay. One-third of a trillion dollars we have spent so far and counting.

Indeed, I fear that stay the course also means stay forever—and this sends exactly the wrong signal. It stokes the insurgents who believe that the U.S wants a permanent military presence in Iraq.

Don't think for a second that they do not know and they aren't putting out the word that the Republican leadership in the House 2 weeks ago stripped the language out of the Senate bill which stated that we were not going to have permanent bases and we will not control their oil. Don't think for a minute that they haven't broadcast that, that they aren't using that as a recruiting tool. Of course they are.

When President Bush says it will be through his administration and into his successor's administration before we decide what to do in Iraq, that is a powerful recruiting tool for the insurgents and the terrorists.

Our open-ended commitment to stay in Iraq as long as it takes has had the effect of taking away any incentive for the Iraqi Government to resolve its internal division and get its act together.

Parliamentary elections were held way back in early December. Has Baghdad descended into vicious sectarian violence? It took the Iraqis nearly 7 months to chose a prime minister and to fill all the ministries.

Now, as the Iraqis face a deadline for U.S redeployment, there is no way they would have squandered 6 months before forming a government, nor would the Iraqis be dragging their feet in standing up a viable, self-sustaining army and police force.

I just heard the Senator from Alabama quoting a general. A lot of generals have been quoted around here. I guess I can quote a general too. How about General Casey, our commander in Iraq, who told the Senate last September. He said:

> Increased coalition presence feeds the notion of occupation, contributes to the dependency of Iraqi security forces on the coalition [and] extends the amount of time that it will take for Iraqi security forces to become self-reliant.

Last September, General George Casey said that.

BG Donald Alston, the chief U.S. military spokesman in Iraq, put it this way:

> I think the more accurate way to approach this right now is to concede that . . . this insurgency is not going to be settled . . . through military options or military operations. It is going to be settled in the political process.

Nor, I must add, is there a military solution to most of the critical problems confronting Iraq—sectarian strife, out-of-control crime, rampant corruption, widespread unemployment, chronic shortages of electricity and water and gasoline, and on and on. There is not a military solution to that; it is a political solution.

The Iraqi people also believe that a redeployment of U.S. forces would give a boost to the political process. According to a recent poll conducted by the University of Maryland, more than 80 percent of Iraqis want U.S. forces to leave Iraq. When asked what the impact of a withdrawal of U.S. troops would be, large majorities of Iraqis believe that insurgent attacks will decrease, sectarian violence will decline, and the sectarian factions in Parliament will be more willing to cooperate. That is what a majority of Iraqis believe. Yet somehow this administration believes differently.

We all hope the Sunni, Shia, and Kurdish leaders are sincere in their stated desire to avoid an all-out civil war. Prime Minister Maliki has formed a national unity Cabinet. As I said, President Bush has hailed this new Government as a turning point. We hope that is the case. But whether or not Mr. Maliki is willing or able to make good on his pledges, it is certainly time for a turning point in U.S. policy in Iraq.

The coming months must be a period of transition to full Iraqi sovereignty. It is time to hand off security responsibilities to the Iraqi Army and police, to redeploy most of our U.S. Armed Forces from Iraq by the end of this year. This strategic redeployment must involve converting our vast military presence on the ground in Iraq to a quick reaction force, staged in countries bordering Iraq, countries that share our interest in a stable Iraq and that view our military presence in the region as a stabilizing force.

This substantial over-the-horizon force would be used to strike at al-Qaida and its affiliates whether in Iraq or elsewhere. These forces would be able to respond in a timely manner, as they did 2 weeks ago in targeting and killing Al-Zarqawi.

I would expect, as our troops withdraw from Iraq, this would free up U.S. forces to combat the resurgence of the Taliban in Afghanistan. Other troops would be available to send to the emerging terrorist threats in countries such as Somalia, Sudan, and Yemen, which threaten to become major breeding grounds for terrorists.

The harsh fact is that the Iraq war has led to a decline in the overall readiness of U.S. ground forces. It has decimated our capacity to put large numbers of boots on the ground were we to face an emergency elsewhere, such as on the Korean peninsula.

At a Senate hearing last year, GEN Richard A. Cody, Army vice chief of staff, said:

> What keeps me awake at night is what will this all-volunteer force look like in 2007?

He stated this in the context of a discussion about whether we could sustain the operational tempo of deployments at the rate we have had since the beginning of the Iraq war. For all the military superiority we displayed in the invasion of March 2003, 3 years later, a guerilla conflict is grinding away at our military manpower and equipment.

We need to redeploy from Iraq in order to reset and reequip the force—ground forces in particular—so they are prepared for a more focused campaign against the terrorists who attacked us and continue to threaten us.

At the same time we are redeploying our Armed Forces, we need to foster sustained diplomatic engagement, working with Middle Eastern nations to facilitate rival Iraqi factions in reaching a political settlement. Iraq's neighbors have a profound stake in this stability, but they currently have no incentive to get involved. Once it is clear that the United States is leaving, those nations will be highly motivated to facilitate a coming together of the factions within Iraq.

Some say that U.S. forces in Iraq are the only thing that stands between the Sunnis, Shiites, the Kurds, and all-out civil war. I disagree. It is the ongoing presence of U.S. forces and the prospect that we will be in Iraq as a babysitter for years to come that has delayed progress on the political front. It is the ongoing presence of U.S forces and statements by this President that we will be there for as long as it takes, it is actions such as were taken by the House Republicans in stripping that language out we put in that said we are not going to have permanent bases, we are not going to control the world, it is those actions which have delayed progress on the political front and have given the insurgents the narrative, the story, the recruiting tool they need.

Our presence in Iraq is a propaganda victory and recruiting tool for the insurgency in Iraq and for Islamic extremists around the world. The insurgents and jihadists are threatened by the overwhelming perception in the Arab world that the U.S. military is an occupying force, that we are building what appears to be permanent bases, that our continuing presence in Iraq is all about controlling oil.

Meanwhile, let's be clear on what continuing our current policy of stay and pay will entail. The Congressional Research Service reports that we are now spending $6.4 billion a month in Iraq, up sharply from last year. That is $9 million an hour every hour of every day. And we are doing so at a time when our budget, the budget put through by the Republicans who control the Congress, is slashing funds for education, cancer research, health care, other essential needs at home. The budget this year will mean we have 1,100 fewer research grants from the National Institutes of Health than we had 3 years ago. That is the path we are on. We have spent a grand total of about $350 billion in Iraq.

As I have said, more than 2,500 troops have been killed, 18,000 wounded. More than 8,500 of the troops are wounded so seriously they were listed as wounded in action, not to return to duty. Are we going to stay and pay for another 3 years, spending another $300 billion, sacrificing more American troops, with more killed, more maimed and injured for life? Is that what we mean by supporting the troops? Is that what we mean, to stay more, with more killed, more maimed? Why in the world would we want to stay on a course that is so clearly counterproductive, so clearly a failure?

Last week, the Center for American Progress and Foreign Policy Magazine released the results of their survey of more than 100 of America's top terrorism and national security experts from across the ideological spectrum. The results show fewer than 2 in 10 believe the United States is winning the war on terror; 87 percent believe the war in Iraq has had a negative impact on our national security. So 87 percent of the top 100 national security experts around America say Iraq has had a negative impact on our national security.

Last Thursday, the Department of Defense issued a highly partisan "debate prep book," designed to help Republicans defend the war in Iraq. Likewise, the President and Vice President are staying the course with their endless happy-talk about progress in Iraq, about how democracy is on the march. But the facts on the ground tell a different story. I believe we should base our policy choices not on happy talk but on facts on the ground.

Clearly, by preemptively attacking Iraq, we have committed a major strategic error in the larger war against the terrorists who attacked us. Simply put, we took our eyes off the ball. We deferred our military and intelligence resources away from Afghanistan, away from the hunt for bin Laden. The consequences were plain to see. It is no coincidence today the Taliban has powerfully resurfaced in southern Afghanistan despite President Bush's claim on September 27, 2004, that "the Taliban no longer is in existence." Say again? As fighting in Afghanistan has intensified over the past 3 months, the United States has conducted 340 airstrikes in Afghanistan, more than twice as many as the 160 airstrikes carried out in the war in Iraq during the same period.

Meanwhile, while we have been distracted in Iraq, al-Qaida-like Islamic fighters have retained control of the Somalia capital of Mogadishu and have dealt a major blow to our counterterrorism efforts in the horn of Africa. Nor is it a coincidence that Osama bin Laden is still at large, still directing al-Qaida operations, still encouraging jihadists around the world.

Nearly 5 years ago, before a joint session of Congress, President Bush pledged he would "bring Bin Laden to justice or bring justice to bin Laden." That was 5 years ago. President Bush has done neither. Instead, he allowed bin Laden to escape and has gotten the U.S. military bogged down in a civil war in Iraq—a huge strategic gift not only to bin Laden but also to Iran. Not only has our open-ended Iraqi entanglement taken the heat off the terrorists who attacked us on September 11, it has given them a propaganda victory and, as I said, a major recruiting tool. The sooner we acknowledge the strategic blunder and take steps to reverse it and the sooner we redeploy our military and strategic assets to confront our real enemies, the better off we will be.

The resolution I introduced setting a firm timetable for redeployment of U.S. troops from Iraq is about accelerating the emergence of Iraq as an independent nation willing to stand on its own feet. But it is also about the unity and security of the American people. This misbegotten, misguided, mismanaged war is dividing our Nation. I already mentioned how the President's top political strategist is planning to inflame passions in the war on Iraq in the months between now and the election. Again, I state, it is eerie, eerie how defenders of the Iraq policy, of our policy in Iraq are sounding exactly like defenders of Nixon's policies in Vietnam.

It is eerie how the defenders of Bush's policies in Iraq are sounding like the defenders of Nixon's policies in Vietnam in the early 1970s. Back in 1972, Nixon and his defenders were saying that we were winning the war, that we must stay the course. And guess what. They were saying we must not cut and run, that we must prop up the "democratic government" in Saigon, which was, of course, elected, as you know, by 80 percent of the people, and on and on and on.

I can remember a time when I sat in a room with a group of Congressmen in Saigon, listening to then-President Thieu tell us that we must stay in Vietnam and fight the communists there or we would be fighting them in the Philippines and in Japan and on our doorstep.

What do we hear now? We have to fight them over in Iraq or we will be fighting them here. Eerie, as I said. Eerie.

Quite frankly, I say today President Bush is saying almost the exact same things that Richard Nixon said, and he has no more credibility than Richard Nixon did.

Likewise, back in 1972, President Nixon and his supporters were arguing that withdrawal would undermine U.S. credibility in the world. But as LTG William Odom, Director of the National Security Agency under President Reagan, states in a current issue of Foreign Policy magazine—I want to quote him—

> A rapid reversal of our current course in Iraq would improve U.S. credibility around the world.

I am going to repeat that. LTG William Odom, Director of the National Security Agency under President Reagan, in the current issue of Foreign Policy magazine, said:

> A rapid reversal of our current course in Iraq would improve U.S. credibility around the world.

General Odom went on to say:

> [I]nvading Iraq was not in the interests of the United States. It was in the interests of Iran and al Qaeda. For Iran, it avenged a grudge against Saddam [and left Iran as the strongest power in the Persian Gulf]. For al Qaeda, it made it easier to kill Americans.

That is not me. That is LTG William Odom, Director of the National Security Agency under President Reagan.

Beyond dividing our country, our endless, open-ended presence in Iraq has distracted our Government from urgent priorities, as I have said, in health care, education, law enforcement, and even a smarter approach to the very real terrorist threats of today and tomorrow.

The men and women of our Armed Forces have sacrificed greatly. I don't know why it is that because they have sacrificed so greatly—and the fact is, the Commander in Chief told them what to do, and they did it. So what. So to honor them, to honor what they have done in Iraq, we stay longer? We sacrifice more of our young people? We have more who are maimed for life? To honor them, we drain the Treasury of more of our dollars from taxpayers? Is that what it means to support our troops? I don't think so. I do not believe so.

I believe to support our troops is to do exactly what LTG William Odom said: A rapid reversal of our current course in Iraq.

It is time to allow the political process to go forward in Iraq. It is time to give Iraqi politicians greater incentive to bridge their differences and take responsibility for their country's future.

It is time to bring home as many troops as possible, consistent with force protection requirements.

It is time to redeploy as many as necessary to successfully pursue and crush bin Laden and al-Qaida and to protect our vital interests around the world.

President Bush tells us to be patient. He says Iraq will become a flourishing democracy that will spread the flame of freedom across the entire Middle East. But, with due respect to President Bush and to Vice President CHENEY and Defense Secretary Rumsfeld, they have been consistently wrong—disastrously wrong—in all their predictions with regard to Iraq.

Before the invasion, Vice President CHENEY said that Iraq had "reconstituted nuclear weapons." Secretary Rumsfeld said he knew exactly where Saddam was storing his weapons of mass destruction. And, as I noted 3 long years ago, President Bush said that major combat operations were over, mission accomplished.

Many of President Bush's people assured us that the war would be self-financed thanks to Iraq's oil—Paul Wolfowitz.

Vice President CHENEY said, more than a year ago, that the insurgency was "in its last throes."

Just yesterday, at the National Press Club, Vice President CHENEY defended and repeated his claim that the insurgency is in its last throes.

I guess if you repeat something often enough—will people believe it? Listen to what Abraham Lincoln once said: You can fool some of the people all the time. You can fool all the people some of the time. But you can't fool all the people all the time.

Mr. CHENEY, you may have fooled some people. The American people are not buying it any longer.

I could go on and on with this litany of false assertions—prediction after prediction that turned out to be 100 percent wrong.

There are those who say: But if we leave, there may be civil war in Iraq. As I have stated, I think the longer we stay, there will be more sectarian strife, more insurgency. But to be honest, I can't tell for sure what the likely outcome will be. How can anyone tell what the likely outcome will be, when we can't trust what the administration is telling us, when we can't trust, any longer, the intelligence as it is being given to us by the administration? We can't tell for sure.

So at this point, President Bush has not only spent his political capital, I think he has squandered the last shred of credibility when it comes to Iraq. Specifically, as I said, with regard to America's departure from Iraq, I think the President has it backwards. He says our Army will stand down only as the Iraqi Army stands up. The truth is that the Iraqi Army and Iraqi Government will stand up—make the hard political decisions—only when it is clear that the American military is committed to standing down by the end of this year.

So I repeat, I will vote in favor of both the Levin-Reed amendment and the Kerry-Feingold amendment. As I said, anything is better than what we have now, even though I think both could go further in setting a clear, decisive new direction. I stand by my conviction—and the wording in my resolution, the same as was introduced in the House by Representative MIKE THOMPSON, with at least five if not six Republican cosponsors—that it is time to set a firm timetable for redeploying our troops from Iraq and redoubling our fight against those who attacked us on September 11. Only this new course will produce the results we all want, both on the ground in Iraq and in the campaign against al-Qaida and rebuilding, reconstituting our forces and rebuilding and reuniting the people of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Missouri.

Mr. TALENT. Mr. President, I thank the Senate for allowing me to explain briefly, this evening, why I will be voting to stay the course in Iraq until the progress we are making there now ripens into complete victory. And I want to put that conflict in context.

The United States is in a war against a transnational army of fanatical extremists who routinely use terror against civilians its a weapon. The terrorists began attacking us before September 11. They attacked us in the 1980s and in the 1990s, when they bombed Khobar Towers, attacked the USS *Cole* and our embassies abroad, and first tried to bomb the World Trade Center. Our government did not recognize the threat and did not respond vigorously until after they escalated the war by the attacks on September 11.

We know who the terrorists are—an interlocking network of highly trained, deadly, and adaptive terrorist organizations funded largely by the Saudi Wahabbists and Iran. We know what their goals are from the al-Zawahiri letter which was intercepted in July of 2005. They want, first, to radicalize Islam by converting, suppressing, or killing those Muslims who resist their twisted and extreme interpretation of that religion. They want to exclude the principles of enlightenment thought from Islamic countries and set up a series of Taliban-like caliphates throughout the Muslim world. Those regimes would be run by religious thought police who would ruthlessly suppress free expression, religious dissent, social pluralism, political activity, and women's rights. We know that such regimes are possible; one existed in Afghanistan before America intervened, and another exists in Iran today.

We know the tactics they will use. The terrorists are patient, in the sense that they think generationally. They infiltrate mosques and they feed off the discontent and hopelessness many young Muslims feel. They see Western democracies as weak and feckless; they hope that with time and intimidation they can control the policies of these countries. They hope to gain control of sources of energy on which the West depends. And, the terrorists want to acquire weapons of mass destruction. Since they have no national base and no concern whatsoever for innocent human life, traditional means of deterrence—the threat of a counterattack—would be unlikely to prevent the terrorists from using such weapons should they get them.

The point is that the terrorists are trying to achieve these goals, and they are not going to stop voluntarily. There is no conceivable acceptable accommodation we could reach that would cause them to leave us alone. We must therefore counter their efforts, and to be effective we must fight on three "fronts," as it were, at once: we must rebuild our intelligence and covert operations capability, we must deprive the terrorists of national bases of support, and we must work with mainstream Islam around the world to show Mideast Muslims in particular that there is a future for them in the principles of liberal democracy.

The operation in Iraq is a central part of all three of these "fronts." Our goal there was, first, to remove Saddam Hussein. His regime was an organic threat to world peace; he had twice invaded his neighbors and was systematically violating the commitments he made after Desert Storm. He had harbored and trained terrorists; more fundamentally, he was a tyrant who wanted weapons of mass destruction and was obstructing the war against the terrorists.

Second, the United States, in cooperation with mainstream Iraqi leaders from all parts and ethnic groups in the country, is building a multi-ethnic democracy in Iraq that will be a strong ally in the war on terror and will confront and confound the vision of the terrorists for the Muslim world.

The terrorists know how important the struggle in Iraq is to the overall war. That is why they are trying so hard to disrupt the new government. Yet they are not succeeding. The sacrifice and hardships endured by all the soldiers and families whose loved ones are serving in Iraq have resulted in major achievements for the Iraqi people.

In the 3 years since Iraq was liberated, the Iraqi people have assumed sovereignty over their country, held free elections, drafted a democratic constitution, approved that constitution in a nationwide referendum, elected a permanent representative under the new constitutional framework, and formed a government with representatives from all sections and religious groups within the country.

The Iraqi Government has become more capable of providing essential services to its people. The 2005 per capita GDP was more than double the 2003 amount, and exceeds the prewar 2002 amount by more than 30 percent. There are over 100 independent newspapers and magazines, 44 commercial television stations, and 72 commercial radio stations now operating in Iraq.

America continues to actively fight the terrorists, while building and training capable and effective Iraqi security forces, which eventually will take the lead in the fight and take responsibility for the safety and security of their citizens. Over 250,000 Iraqi security forces have been trained and equipped, which is an increase of 123,500 troops from January 2005. In addition, there are now more than 100 ground combat battalions of Iraqi military and special police forces conducting operations against the insurgency.

I do not begrudge anyone their discontent with how some of our operations have been conducted in Iraq. There have been mistakes.

The administration underestimated how long it would take to stabilize the Sunni triangle; our active duty army is too small and this has strained Reserve components; we have relied too much on technology and not enough on intelligence in counteracting the improvised explosive devices. Wars are messy and failures are inevitable; yet the Bush administration has had the authority for the last 5 years, and I do not blame anyone for holding the administration accountable for the operational mistakes that have been made.

Yet I do ask everyone to recognize that this war is serious and necessary and must be won. I believe the decision to invade Iraq was, whatever mistakes have been made operationally, the only possible strategic choice. President Clinton was, quite properly, building the case for action against Saddam during his last years in office, even before the attacks on 9/11. I was in the House at the time and I remember clearly that Secretary Albright, Vice President Gore and the President himself repeatedly warned that Saddam was a major threat. In short, the war in Iraq, like the global war on terror of which it is a part, is America's war, which we must fight and win to protect our safety and freedom and to preserve from violence and oppression hundreds of millions of innocent people around the world. And we will win it, despite the mistakes, provided that we do not let strategic incoherence, partisan politics, or personal disaffection with the administration divide or discourage us.

For many of us, the hardest thing about war is not the physical or monetary sacrifice. It is the burden of having to confront unpleasant realities, choose consistently from unpalatable options, and sacrifice objectives that apart from the war would justifiably claim a priority. But if we really do value freedom, safety, pluralism, and justice, we must all resolve that we will shoulder this burden for as long as it takes. Our service men and women are doing their duty magnificently, and will continue doing it until they have won. They have shown by their sacrifice how much they value the safety of their families and the freedom of their country. We need to back them up.

That means, among other things, resolving to stay and fight in Iraq until the battle is won. To pull out now or to set an artificial timeline on withdrawal—especially after the victories of the last few weeks—would imperil everything the sacrifice that our service men and women has gained. It would encourage the enemy to struggle even more tenaciously and ruthlessly in the hope that America could be made to quit. It would demoralize our friends and it would convince those who have yet to take sides that the United States cannot be trusted to keep its commitments.

I want to encourage everyone about the progress we have made. We are winning, not just in Iraq, but in the larger global war on terror. We have allies now we didn't have 5 years ago—in Pakistan, Afghanistan, and Iraq—and we have cooperation and support throughout the Muslim world that a few years ago would not have been possible. The operation against Zarqawi shows the value of our alliance with the new Iraqi Government and the increasing sophistication of our intelligence. In short, there is no question that the United States, with its coalition partners, has the power to win in Iraq. The question is whether we have the resolution to win.

Most wars are combat operations with psychological components. Wars against terrorists might better be described as psychological operations with combat components. They are struggles between leaders, peoples, and "narratives" of the world. By that, I mean ways of looking at or judging the worth of human beings and the fundamental principles of human society. I know the American people have the strength and resolution to prevail, as they have prevailed in similar struggles for freedom throughout our history. I know our "narrative" of the world—our belief in the inherent dignity and equality of all human beings—is right and strong. I trust our leaders will be resolute in the struggle as well, and that by its votes tomorrow, the Senate will signal that we too have confidence in the success of our efforts, the worth of our sacrifice, and the justice of our cause.

Mr. FRIST. Mr. President, today, as we resumed consideration of the Defense authorization bill, we have debated two very important amendments on U.S. policy in Iraq.

After the votes on the minimum wage amendments offered by Senators KENNEDY and ENZI, there were 5 hours of debate on the amendment on Iraq offered by Senators LEVIN and REED. Following this debate, Senator KERRY offered his amendment.

These amendments would call upon the United States to cut and run from Iraq, just when the Iraqi Government and the Iraqi people need us the most. It is important for all of us to fully understand the dangerous implications of a premature withdrawal from Iraq.

If we withdraw from Iraq before the Iraqi Government and the Iraqi people are capable of defending their new democracy, the terrorists would see this as a vindication of their strategy of intimidation and violence. This would only embolden them to challenge us, as well as our friend and allies, elsewhere in the Middle East, around the world, and even right here at home.

While the new Governmment in Iraq is making substantial progress every day, it is not fully ready to defend itself and provide security for the Iraqi people. If we were to cut and run before Iraq can defend itself, the violence in Iraq would certainly increase. The terrorists could be expected to mount even deadlier attacks against the new Iraqi Governmment and innocent Iraqi civilians. Chaos would result. Bloody civil war would almost certainly follow, as terrorists and rival militias tore the country apart. In the process, they would kill thousands of innocent Iraqis.

In addition, the very unity of Iraq—a unity that we along with our coalition partners and the Iraqi people have worked so hard and sacrificed so much to secure—would be destroyed.

Sectarian violence would tear the country apart. It would split Iraq into segments controlled by terrorists or ethnic and tribal militias. This would allow the terrorists to achieve one of their highest priorities: to turn Iraq into a safe haven for terrorists and a base from which to launch attacks against our friends and allies in the region and even the American homeland.

The terrorists affiliated with bin Laden and Zarqawi have clearly stated their aim of overthrowing moderate governments throughout the Middle East. We therefore would have to worry about close friends that have cooperated with us in the global war on terror, such as Jordan, being transformed into terrorist regimes. The violence and instability that the terrorists seek to sow in Iraq would spread throughout the Middle East.

The terrorists have also demonstrated a strong interest in acquiring weapons of mass destruction for use as the ultimate terrorist tool. They seek to obtain these weapons and use them against innocent civilians. Given the presence in Iraq of many of Saddam Hussein's former weapons scientists, an Iraq under the control of terrorists likely would become a safe haven for the covert production of chemical and biological weapons.

President Bush has repeatedly stated that the potential combination of terrorism and weapons of mass destruction poses the greatest threat to the United States. The destruction of 9/11 would pale in comparison to the devastation terrorists could inflict with weapons of mass destruction produced in Iraq and covertly slipped across Iraq's porous borders.

Cutting and running from Iraq would allow the threat posed by the combination of terrorism and weapons of mass destruction to materialize. This is an unacceptable risk to the American people, and we simply cannot allow that to happen.

It is clear that those calling for an early withdrawal of American troops from Iraq fail to understand the potentially catastrophic implications of their proposal. Cutting and running before Iraq can defend itself would pose unacceptable risks to all Americans.

We, our coalition partners, and the Iraqi people have come too far. We cannot turn back now. We must stay until the job is done.

I look forward to today's debate on these amendments, and I urge my colleagues to speak out against the strategy of cutting and running from Iraq. It is a strategy that guarantees failure. And failure in Iraq is not an option.

Mr. LEAHY. Mr. President, I am pleased to join my colleague Senator BOND in discussing S. 2658, the National Defense Enhancement and National Guard Empowerment Act of 2006. A version of this groundbreaking legislation has been adopted by the Senate as an amendment to the fiscal year 2006 Defense authorization bill.

Our amendment would tangibly strengthen our national security by giving the National Guard more of a voice in decisionmaking and in ensuring that our Nation is able to optimally tap the enormous experience and capabilities that exist within the National Guard.

Today's Guard is a 21st century military organization that is carrying its weight and more in Afghanistan and Iraq, as well as here at home, whenever disaster strikes. But today's Guard is needlessly frozen in a 20th century Pentagon organization chart. The implications of that show up in everything from the Guard's depleted equipment stockpiles, to training and staffing and mission decisions. Our amendment clears away some institutional cobwebs to let the National Guard be the best it can be.

The Bond-Leahy amendment specifically increases the rank of the chief of the National Guard from lieutenant general to full general. It will ensure that the deputy commander of U.S. Northern Command come from the ranks of the National Guard. Additionally, the bill makes the National Guard a joint activity of the Department of Defense, giving the National Guard greater latitude to talk around the Pentagon. Finally, the Guard would be given greater ability to identify gaps in capabilities in our States' ability to respond to emergencies at home.

This amendment differs somewhat from the baseline legislation that Senator BOND and I introduced earlier this year. The amendment does not include a requirement that the chief of the National Guard sit on the Joint Chiefs of Staff, and we also removed the provision that would give the National Guard separate budget authority. We heard some strong objections from other members about these two provisions, and, as chairs of the wide-reaching Senate National Guard Caucus, we wanted to do the best we could to accommodate every Guard supporter.

However, we still strongly believe in the importance of opening to the chief of the National Guard Bureau a position on the Joint Staff and of giving to the Guard more general flexibility in procuring equipment to match the needs of its missions. We will fight for these provisions another day.

Given that we have dropped the core objections that some have raised against Guard empowerment, there was absolutely no reason that any member of the Senate could oppose this legislation. This amendment is about fairness and effectiveness. It is about fairness in that it makes sure that the National Guard is not treated like a stepchild in key budget and policy deliberations. Giving greater institutional standing to the Guard makes it a lot harder for the Guard to get short-thrift in these discussions.

Our amendment is about effectiveness in that it will improve the use of the Guard in homeland security matters, which is becoming quite a regular phenomenon. The National Guard is being used regularly in a so-called title 32 status to increase security and provide military disaster response. Under this status, the Guard serves under command and control of the Nation's Governors, with Federal financing. In addition to the recent Southern Border mission, the National Guard served spectacularly during Katrina in this way, providing one of the most effective responses to that disaster. By allowing the National Guard to talk regularly across the Department of Defense and to work closely with the States to identify gaps, our amendment takes advantage of the knowledge of the members of the National Guard to help plug holes in our homeland defense. And we make this whole process for activating the Guard in title 32 far smoother.

The National Guard is critical to the Nation's defense on a number of levels. We must have the trust and confidence in this force to give them more responsibility. At the same time, we simply cannot have a repeat of the ill-advised recommendations from the Army and the Air Force that sought to slash the National Guard personnel levels. The Army wanted to cut the Army Guard by more than 17,000 troops and the Air Guard by almost 14,000. These proposed cuts made absolutely no sense.

We need to turn this dynamic around. We cannot keep asking the Guard to do more for the country, and then force it to justify its existence. The National Guard needs institutional standing and leadership commensurate with its missions and capabilities.

Our National Guard stands willing to do even more to protect the country, and this amendment will give them a key tool to help them contribute to the Nation's defense.

I thank my colleagues and friends, the chair and ranking members of the Senate Armed Services Committee, for their support of this amendment. We cannot afford to let our Guard down.

Ms. MIKULSKI. Mr. President, I rise in support of the Levin-Reed amendment on U.S. policy in Iraq. Before I continue, I would like to say a word about our troops and their families. We owe our brave servicemembers and their families a debt of gratitude for their selfless service and great sacrifice in Iraq, over the last 3 years. Members of our Armed Forces are at this moment deployed in harm's way, many on their second or third deployment. They and their families should know they have our wholehearted support and gratitude, with deeds, not just with words. Our troops need to know, what is our exit strategy?

In October 2002, as the Senate debated giving the President authority to invade Iraq. I asked whether our troops would be greeted with land mines or parades. Three years later, we know the answer. Our forces have faced a violent insurgency and terrorist attacks that have claimed the lives of 2,500 brave American servicemembers. We went to war with Iraq, but today we find ourselves at war in Iraq. After 3 years, it is time for a new approach.

Mr. President, 2006 must be a year of transition in Iraq. We want Iraqis to lead, so we can leave. It is important for Iraqis to take ownership of Iraq. They must provide for their own security, take charge of economic development, and restore civic order. Iraq is beginning to move in the right direction, but our open-ended presence is keeping them from making faster progress.

That is why I am proud to support this amendment, which calls on the President to begin reducing U.S. troop levels in Iraq by the end of 2006. This amendment gives us a plan for a phased, structured withdrawal of our troops so Iraqi forces can take control of their country in an orderly way.

This is not about cut and run. This is about getting out of the way so Iraqis can run their own country. Iraqi security and police forces are getting stronger by the day, and the U.S. commander in Iraq, General George Casey, thinks it will be possible to reduce the U.S. presence in Iraq by as many as 30,000 troops by the end of 2006.

Iraqi National Security Adviser, Mowaffak al-Rubaie, has said that the removal of foreign troops will legitimize Iraq's Government in the eyes of its people. In an excellent article in the June 20, 2006 Washington Post, he details the "road map" for restoring security in Iraq and reducing the presence of foreign troops. The road map's objectives are similar to the benchmarks for withdrawal of U.S. forces outlined last year in legislation offered by Senator WARNER and Senator LEVIN, which I supported.

Here is what Mr. Rubaie said can be done: "With the governors of each province meeting these strict objectives, Iraq's ambition is to have full control of the country by the end of 2008. We envisage the U.S. troop presence by year's end to be under 100,000, with most of the remaining troops to return home by the end of 2007." He went on to say that ". . . the removal of foreign troops will legitimize Iraq's government in the eyes of its people. . . . [T]he draw-down of foreign troops will strengthen our fledgling government to last the full four years it is supposed to." Mr. Rubaie concluded, "Iraq has to grow out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its own mistakes, and find Iraqi solutions to Iraqi problems, with the knowledge that our friends and allies are standing by with support and help should we need it." We salute and support the position the Iraqis themselves are taking. This is what the Levin-Reed amendment does. Iraqis want full control of their country by the end of 2008, and we should help them toward that goal.

We need to ensure that an adequate number of Iraqi Army battalions can operate independently to defeat the insurgency and protect Iraq's borders, and we must ensure an adequate number of Iraqi police and security units are trained and equipped to maintain law and order. The Iraqi Government is committed to meeting these benchmarks as quickly as possible.

Mr. President, our brave men and women are serving with great honor in Iraq. Their service has paved the way for democratic elections and for the formation of a new unity government. We are all tremendously proud of their accomplishments and grateful for their sacrifice. It is time for the Iraqi Government to stand up, so our troops can begin to stand down

Mr. BINGAMAN. Mr. President, I rise today to speak about an amendment that I intended to offer to the Defense Authorization bill to address the situation in Guantanamo Bay, Cuba.

The amendment would have required that the United States charge, repatriate, or release individuals held at Guantanamo within 180 days of the enactment of the Defense Authorization bill. If for some reason the Government failed to comply within the timeframe provided under the amendment, the Department of Defense would have to provide a report regarding why they have not complied. The amendment would not have closed Guantanamo, and nothing in the amendment would have required the Government to release individuals who are a threat to our national security.

I think this is a reasonable approach. These are all options that the President has said that he is moving forward on. I have decided, however, not to offer my amendment at this time for a number of reasons. First, given the looming cloture vote, it is clear we will not have time to have a full and open debate on this issue. I believed that this is an important issue that deserved more time. I have also been advised by other Senators that they need additional time to study the proposal.

I strongly believe that the indefinite imprisonment of persons without charges is inconsistent with the traditions and values of the United States, and that it will continue to cause difficulty in our relations with other nations, including the allies that we rely on in confronting the threat of terrorism.

As President Bush said on June 14, 2006:

> No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say the United States is not upholding the values that they're trying to encourage other countries to adhere to.

I think the President is right.

According to an article in today's Miami Herald, Retired Army GEN Barry McCaffery, who recently visited Guantanamo, said: "We are in a political and legal mess that is beyond belief" and political leaders need to fix the "legal schizophrenia" that exists by continuing to hold individuals at Guantanamo.

I completely agree, and it is my hope that the Senate will afford time to debate this issue in the near future.

Mr. KENNEDY. Mr. President, America has long been a beacon of human rights and democracy in the world. But Guantanamo demonstrates the administration's disrespect for the rule of law.

The administration is trying to have it both ways. They claim the detainees at Guantanamo are prisoners of war and thus should be held until the end of hostilities. At the same time they refuse to treat them as prisoners of war under the Geneva Conventions.

In the first gulf war, the International Committee of the Red Cross said that our Nation's compliance with the Geneva Conventions was the best of any country in any conflict in the history of the conventions. Sadly, this administration has presided over the steepest and deepest fall from grace in our Nation's history.

The administration did not give the detainees the field hearings required under article 5 of the conventions, when the information relating to their capture was most readily available. Over 2 years later, the administration created combatant status review tribunals to substitute for the field hearings they should have held.

It is no surprise that it is often very difficult to find the necessary evidence. Yet the administration doesn't even try. The Boston Globe recently reported that 34 detainees convinced officials that overseas witnesses would provide relevant testimony. But in every case—every case—the administration said the witnesses could not be found. Yet in three days, Boston Globe reporters found three out of four witnesses—one of whom is teaching right here at the Pentagon's own National Defense University.

The shocking ease with which the Boston Globe located these witnesses suggests that the Government didn't make an effort to find them and raises serious questions about the administration's good faith in dealing with the detainees at Guantanamo. We have an even greater obligation to make sure we have a strong case now, since we have already kept these people for so long.

The administration not only ignored the law when it came to ensuring that these people were properly classified, but it also failed to give them the proper treatment.

The Geneva Conventions clearly state the standard for humane treatment of prisoners of war:

> No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

This administration threw out the golden rule that had served us so well for so long. Instead, they adopted new rules that allowed cruel tactics such as waterboarding, use of military dogs, and stress positions. The administration consistently overruled the objections of experienced military personnel and those who represent American interests abroad, including Alberto Mora, the former general counsel of the Navy.

As Secretary of State Colin Powell warned the White House, "It will reverse over a century of U.S. policy and practice in supporting the Geneva Conventions and undermine the protections of the law of war for our troops." Senior Defense officials were warned that changing the rules could lead to so-called "force drift," in which, without clearer guidance, the level of force applied to an uncooperative detainee might well result in torture.

But these wise words fell on deaf ears. Officials at the highest levels of the administration viewed the rule of law as inconvenient and quaint. As Lawrence Wilkerson, former chief of staff to Secretary Powell, said, "I don't think, in our history, we've ever had a presidential involvement, a secretarial involvement, a vice-presidential involvement, an attorney general involvement in telling our troops essentially carte blanche is the way you should feel."

There is little doubt that some of those detainees are cold-blooded killers intent on harming Americans. They should be charged for their crimes and locked away. But far too many were swept up in raids by the Afghans and turned over to the Americans for reward money. Some were seized from the streets of Africa, Thailand, or Europe. As Jay Hood, the former commander of Guantanamo, said, "Sometimes we just didn't get the right folks."

The terrorists don't obey the Geneva Conventions. But we can't win the war on terror by stooping to their level. We do not win by repudiating the very ideals our soldiers are fighting for. We win by setting an example—by doing unto others as we would have them do unto us.

My colleagues on the other side of the aisle have argued that we need to hold these people until the end of the war on terror.

We have created legal and literal black holes where detainees are being held without hope of receiving due process or fair and humane treatment, and that is nothing short of a travesty. We criticize such tactics in repressive regimes for doing exactly that. It is the height of hypocrisy. It violates the basic principles on which our Nation was founded. Indefinite detention is not the American way. We need to restore our standing in the eyes of the world as a beacon of human rights, and the best way to start is by closing Guantanamo.

I understand the Senator from New Mexico was unable to get sufficient time to debate his amendment and will not insist on a vote. I hope that he will continue to fight for its adoption, and I urge my colleagues to support the Bingaman amendment when it is offered again.

Mr. BIDEN. Mr. President, I rise today to discuss a matter that has tremendous potential to decrease cancer deaths among the millions of military dependents and retirees served by the TRICARE health program. I am talking about colonoscopy, a medical procedure used very commonly to screen for colon cancer. Medical specialists tell me that colonoscopy is the most accurate test for detecting colon cancer at the very earliest stages, when it is highly treatable.

As my colleagues on the Senate Armed Services Committee are aware, I have been very concerned that DOD's TRICARE medical plan hasn't covered colonoscopy to screen for colon cancer in average-risk beneficiaries over age 50, even though both Medicare and the Federal Employees Health Benefit Program did so. Instead, DOD's policy has been to pay for screening colonoscopy to detect colon cancer only for a very narrow group of high-risk individuals. This limitation meant that many of our military retirees and dependents have not been able to get access to this sensitive cancer screening test, and as a result, they may well have been subject to adverse health consequences from delayed cancer detection.

I called this omission to the attention of the committee and introduced legislation to rectify the situation. I was pleased to be joined in these efforts to fix this problem by Senators MIKULSKI and BINGAMAN.

Mr. President, I am pleased to say today that DOD has done the right thing by modifying the TRICARE criteria for screening colonoscopy so that all average-risk TRICARE beneficiaries over age 50 have access to this important cancer screening test. This new policy, which is retroactive to procedures performed since March 15, 2006, is good news in the ongoing battle against colon cancer, and I would hope that DOD would disseminate widely the news of the availability of this important preventive service.

Mrs. FEINSTEIN. Mr. President, I am pleased to join my colleagues Senators BOXER and BINGAMAN in introducing an amendment to the Fiscal Year 2007 National Defense Authorization Act concerning the Park Service's management of Santa Rosa Island within the Channel Islands National Park.

I remain deeply concerned about a provision in the House version of the Defense authorization bill regarding the future use of Santa Rosa Island.

Under a binding court settlement, non-native deer and elk must be removed from the island by 2011. The House language would prohibit the Park Service from eliminating this non-native herd by providing for a 4-year period of intensive hunting beginning in 2008.

The Park Service is firmly opposed to the House provision. Nor, to my understanding, did the Department of Defense ask for the language.

I am particularly concerned that the House provision would waste taxpayer dollars and deny public access.

The taxpayers paid approximately $30 million to acquire Santa Rosa Island in 1986 to restore its native ecology and provide public access.

In addition to the $30 million, the previous owners agreed to what would seem to be a fair deal: they were permitted to keep hunting and grazing on the land through 2011. A court settlement in the late 1990s removed the cattle immediately but reaffirmed that the non-native deer and elk would have to be removed by 2011.

Now, under the House provision, the prior owners will be able to continue charging $16,000 or more for their privately operated hunting trips. Even though the Government purchased the island from them for $30 million in taxpayer money, they would get to keep essentially everything they had before and that is simply not in the public interest.

As I said earlier, I strongly oppose the loss of public access to the island. This is the public's land. It is a national park, and the public should be able to visit it.

But these privately operated hunting trips require the closure of 90 percent of the island to the public for 4 to 5 months of the year, even sometimes during peak season.

Now while the House language doesn't specifically say this, I understand one of its purposes was to provide hunting opportunities for disabled veterans. Yet it should be pointed out that in California today, there are already nine military installations that permit hunting five that can accommodate disabled service members.

Two of these military installations, Camp Pendleton and Vandenberg Air Force Base, are adjacent to the Channel Islands National Park, and allow disabled veterans to hunt a variety of animals including deer, waterfowl, quail, feral pigs, small game, and coyote.

All together there are over 100 U.S. military installations where hunting is permitted, over 70 of which are currently accessible to disabled servicemembers and veterans.

Consequently, I strongly believe that the Park Service should continue managing this National Park for the benefit of the general public.

It is simply unfair to the taxpayers to allow a provision in the House version of the Defense authorization bill to impede on the public's right to access the island.

Mr. FEINGOLD. Mr. President, I am pleased to join with the Senator from Vermont, Mr. JEFFORDS, in offering the Military Family Support Act as an amendment to S. 2766, the fiscal year 2007 Defense authorization bill. This amendment would bring a small measure of relief to the families of our men and women in uniform as they seek to maintain a sense of normalcy here at home while their loved ones are deployed in service to our country. Our ongoing large-scale deployments in Iraq continue to demand so much from our men and women in uniform and their families. Passing this amendment is the least we can do.

As part of the predeployment process, military personnel with dependent children or other dependent family members, such as elderly parents who require care, designate a caregiver for their dependents. This person will act in the deployed personnel's place to provide care for these family members during the period of deployment. The caregiver could be a spouse, parent, sibling, or other responsible adult who is capable of caring for, and willing to care for, the dependents in question.

The Jeffords-Feingold amendment would create two programs to provide additional leave options for persons who have been designated as caregivers. The first program would require the Office of Personnel Management, OPM, to create a program under which Federal employees who are designated as caregivers could use accrued annual or sick leave, leave bank benefits, and other leave available to them under title 5 for purposes directly relating to or resulting from their designation as a caregiver.

This amendment would also encourage the Secretary of Labor to establish a voluntary program under which private sector companies would create similar programs for their employees and to solicit participation from private sector companies. I commend the many employers around the country for their understanding and support when an employee or a family member of an employee is called to active duty, and I hope that companies in Wisconsin and around the country will participate in this voluntary program.

In addition, our amendment would require the Government Accountability Office to report to Congress with an evaluation of both the OPM program and the voluntary Department of Labor program. It is my hope that this evaluation will demonstrate the utility of such a leave program for designated caregivers and that these pilot programs could then be expanded to the designated caregivers of additional deployed military personnel.

This amendment builds on a measure that I introduced last year, S. 798, the Military Families Leave Act. That bill would provide a similar benefit to military families by allowing eligible employees whose spouses, parents, sons, or daughters are military personnel who are serving on or called to active duty in support of a contingency operation to use their Family and Medical Leave Act, or FMLA, benefits for issues directly relating to or resulting from that deployment. These instances could include preparation for deployment or additional responsibilities that family members take on as a result of a loved one's deployment, such as child care. I also introduced this bill during the 108th Congress.

Let me be clear, that the Jeffords-Feingold amendment does not amend the FMLA in any way. In fact, FMLA benefits are specifically exempted from the types of leave that can be used by designated caregivers for purposes directly related to or resulting from their caregiver responsibilities. While I believe that the FMLA could serve as the basis for providing additional leave opportunities for designated caregivers, opposition in some quarters to the original FMLA makes this a difficult proposition. I am proud to have been a cosponsor of this landmark law, and I believe that the FMLA continues to provide much needed assistance to millions of workers around the country as they seek to care for their own serious health condition or that of a family member or as they welcome the birth or adoption of a child. I will continue to support this law and efforts to ensure that the vital benefits that it provides are not eroded.

The Military Family Support Act is endorsed by the National Guard Association of the United States, NGAUS, the National Military Family Association, NMFA, the Enlisted Association of the National Guard of the United States, EANGUS, the Military Officers Association of America, MOAA, and the National Partnership for Women and Families.

I thank the Senator from Vermont, Mr. JEFFORDS, for his work on this important measure, and I thank the chairman and ranking member of the Senate Armed Services Committee for agreeing to accept this amendment

Ms. SNOWE. Mr. President, I rise in support of this amendment to the 2007 Defense authorization bill which I cosponsored with my esteemed colleague from California, Senator BARBARA BOXER. I also thank my other colleagues who have joined us in cosponsoring this amendment.

It is my strong belief that all prisoners of war who die in captivity should be eligible for the Purple Heart, regardless of the cause of death, for they all will have paid the ultimate price. Approximately 17,000 prisoners of war—including fine servicemembers from my own great State of Maine—have died while in captivity since December 7, 1941—the start of World War II. More than 8,100 Korean war servicemen—46 from Maine—and more than 1,800 Americans—14 from Maine—remain unaccounted for from Vietnam.

In rightful honor of all our prisoners of war, I am proud to be co-offering this amendment to the DOD authorization bill that would bestow the Purple Heart upon those Americans who perished while held captive as a result of starvation, disease, or maltreatment. Currently, only prisoners of war who die during their imprisonment of wounds inflicted by an instrument of war—such as a gunshot wound or intentional poisoning—are eligible for posthumous Purple Heart recognition. Those who die of starvation, disease, or other causes during captivity are not.

How can we say that anyone who dies at the hands of our enemy doesn't deserve this mark of respect and honor from a grateful nation—whether they make the ultimate sacrifice on the battlefield or behind barbed wire? They fought for America and died at the hands of our enemy—what more do we need to know and what more could they have given than their very lives? They and their families have earned this honor.

The intent of this amendment is to correct this injustice by requiring the President, our Commander in Chief, to review the current circumstances establishing eligibility for the Purple Heart and advise Congress on modifications to the criteria for the Purple Heart award, which I strongly believe should take into account such inhuman war tactics as the deliberate withholding of medical treatment for injury or disease by enemy forces.

Last month, the House Armed Services Committee adopted their version of the Honor Our Fallen Prisoners of War Act—which had 216 cosponsors—during committee markup of the Defense authorization bill. The Honor Our Fallen Prisoners of War Act has been endorsed by a number of prominent military and veterans organizations, including the American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart, Korean War Veterans Association, National League of POW/MIA Families, and the Tiger Survivors.

The posthumous awarding of the Purple Heart Award to members of the armed services who died while in captivity or died due to injury or illness incurred while in captivity would be of only some comfort to the next of kin of these fine service men and women. I sincerely hope that the Senate Armed Service Committee will follow suit by taking similar action as the House and adopt this legislation

MORNING BUSINESS

Mr. TALENT. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIGIOUS FREEDOM DAY

Mr. FRIST. Mr. President, yesterday, my colleague and friend, Senator SANTORUM, hosted a bipartisan, bicameral event to evaluate the status of religious freedom in America and around the world. I thank Senator SANTORUM for his passionate commitment to the cause of religious liberty, as well as my colleagues NORM COLEMAN and SAM BROWNBACK for their participation.

Religious freedom is the bedrock of our founding principles. Indeed, it is the very first clause of the first amendment of the U.S. Constitution:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

As George Washington wrote in his letter to the United Baptist Chamber of Virginia, May of 1789: "Every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshiping the Deity according to the dictates of his own conscience."

We are blessed to live in a country built on freedom of conscience, thought, and action. Waves and waves of hopeful aspirants have flocked to these shores to exercise this basic human right.

But in every era, religious freedom, like all other freedoms, has come under challenge. And in every era, we have been called upon to promote and defend religious liberty here at home and in faraway lands. We do so as a matter of principle. Freedom of conscience and religion is the most basic, fundamental human right. No person should be persecuted, imprisoned or harmed because of their personal faith. But as 9/11 showed us with such terrible force, we also do so as a matter of national security.

I thank Senator SANTORUM for bringing this topic front and center to Capitol Hill yesterday, along with his distinguished panelists.

We heard from the eminent U.N. Ambassador John Bolton on the gains that are being made around the globe. We also heard from courageous dissidents, including Dr. Wafa Sultan and Eli El-Khoury, who have suffered for their faith and been persecuted for their convictions.

America must remain ever vigilant to the threats, challenges, and opportunities we face. From North Korea to the troubled Middle East, for millions of people, religious liberty is still a fragile hope they look to us to nurture.

It is our duty as Americans and our honor as sons and daughters of the greatest revolution and the ongoing American experiment in ordered liberty and religious freedom.

TRIBUTE TO MANNY CORTEZ

Mr. REID. Mr. President, when people around the world think of my home State of Nevada, their first thoughts are usually of Las Vegas.

Around the world, people know us for our first-class entertainment and resorts, our world-class dining, and for slogans like "what happens in Vegas, stays in Vegas." But what most people don't know is that Las Vegas is the city it is today because of the hard work of one man—Manny Cortez. Manny was a friend, and it is with great sadness that I come to the chamber today to pay tribute to his life. He passes away from a heart attack on Sunday. He was 67.

Manny Cortez achieved so much in life. He served on the Clark County Commission, the Taxi Authority, and in the district attorney's office. He was, however, best known as the president of the Las Vegas Convention and Visitors Authority. He held this post for 13 years, from 1991 to 2004. Under Manny's tenure, Las Vegas went from seeing 21 million visitors a year to more than 35 million, from 1.8 convention delegates to nearly 6 million, and from 73,000 hotel rooms to 140,000 hotel rooms.

As his successor on the convention board, Rossi Ralenkotter, said: Manny was one of the cornerstones that made Las Vegas the success it is today.

Former Clark County Commissioner Paul Christensen has echoed that sentiment, saying: Putting Manny Cortez in charge of the (convention authority) was one of the better moves we ever made. He never ever told you he would so something that he wouldn't back up.

Throughout his life, Manny was recognized as an astute marketer and businessman. For example, he was named Person of the Year by Travel Magazine in 1999. He was past president of the Boys and Girls Clubs in Las Vegas. He served on a number of boards. But for all his achievements and success, I think the Las Vegas community will remember Manny more for being a leader and good man.

In Monday's Las Vegas Sun, Editor Brian Greenspun shares this recollection of Manny.

> When the late Gov. Mike O'Callaghan appointed Manny to the Taxi Authority, he said that in Manny he had a man who cared about people and about doing what was right. Manny lived that obligation throughout his life.

That is how I will remember Manny too, as a good man who always did the right thing.

Manny—like Las Vegas—was a true American success story. He was born in Las Cruces, NM. His father was a baker. His mother was a retailer. They moved to Las Vegas when Manny was 5. A product of Las Vegas schools, he held a degree from Nevada Southern University. He didn't start at the top, but he ended up there.

Manny leaves behind his wife Joanna, two daughters, Catherine and Cynthia, and two grandchildren, Andrew and Christina. Today, Mr. President, our prayers are with them.

Many is gone. He will be missed. And his presence will be felt by everyone who visits Las Vegas.

IMPROVING SERVICES FOR HOMELESS VETERANS

Mr. CRAIG. Mr. President, yesterday I introduced legislation to improve services for homeless veterans, and prevent chronic homelessness amongst our returning servicemen and women in the war on terror. This bill will expand the housing and services available to our Nation's homeless veterans and their dependents, and improve the ability of the Department of Veterans Affairs, VA, to provide health care services to this same group of deserving Americans. I will take a few moments now to explain the provisions of this legislation.

Public Law 107–95 was the last comprehensive homeless veterans assistance act signed into law. A number of the authorizations in that law, aimed at preventing and reducing homelessness amongst veterans, have expired or will expire this year. In March, I held a hearing on these needs, at which VA, its Federal partners, and community-based service providers to the homeless testified about what is working, what isn't, what duplication might be eliminated, and where deficiencies exist that must be addressed.

At the hearing, we learned that this year alone, more than a half dozen Federal agencies will devote over $2 billion to homelessness. VA alone will spend upward of $221 million on grants, housing and treatment of underlying conditions. In fact, the budget the Senate passed included record-level funding for the sixth straight year for targeted programs for homeless veterans. These figures do not include the total costs of the law enforcement and emergency medical treatment for the homeless, which are astounding.

Plainly stated, America's chronically homeless are some of the most expensive people in communities across this country, yet they live lives no one wants to imagine having. We must ensure that our resources are invested carefully so that homeless veterans can resume their self-sufficiency and independence. I believe this bill will help us realize this shared goal.

Among other things, this measure extends the authorization of appropriations for comprehensive services for homeless veterans, a grant program for homeless veterans with special needs, a technical assistance program, and extends the authority of the Advisory Committee on Homeless Veterans. It also extends the authority of the Secretary of Veterans Affairs to transfer properties obtained through foreclosures of Department home mortgages to certain organizations to assist homeless veterans and their families in acquiring shelter. The bill also includes the authorization of appropriations for a program designed to prevent homelessness by providing financial assistance to eligible entities to provide and coordinate the provision of supportive services for very low-income veteran families occupying permanent housing.

I am pleased to introduce the Comprehensive Homeless Veterans Assistance and Prevention Act of 2006 along with my committee ranking member, Senator AKAKA, as well as two committee members who have been particularly active on issues facing homeless veterans, Senators BURR and OBAMA.

Over the coming days, the Committee on Veterans' Affairs will be taking up this bill and other legislation introduced to improve the range of services and benefits available to our Nation's veterans. I look forward to working with my colleagues throughout the rest of this Congress on these and other important efforts.

GRATITUDE FOR KATRINA VOLUNTEERS IN MISSISSIPPI

Mr. LOTT. Mr. President, the way the American people responded to the loss and suffering wrought by Hurricane Katrina was probably unprecedented and surely unforgettable. We in Mississippi, and our neighbors elsewhere along the gulf coast, will always remember the aid, the labor, the rescues, the prayers—everything our fellow citizens did to bring us through that terrible ordeal.

I wish it were possible to acknowledge every individual who came to assist us when we most needed them, but that honor roll is far too long for the CONGRESSIONAL RECORD. Moreover, their names, I am sure, are inscribed in a more important book, and their lasting reward will be much greater than our praise.

I do want to take note of one particular group of volunteers from the State of North Carolina. On short notice, on September 2, 2005, more than 90 health care professionals left their homes and their jobs to come to Hancock County, where Katrina had left the towns of Waveland and Bay St. Louis in ruins. Because Hancock Regional Hospital was flooded, the Carolina volunteers created a field hospital that operated for 2 months and cared for more than 7,000 patients. During that time, more than 400 doctors, nurses, paramedics, and other health care professionals rotated through the facility, caring for local residents until Hancock Regional Hospital could again admit patients.

These men and women selflessly served the people of Mississippi during one of the worst disasters ever to confront our country. One of them, I should point out, is part of the Senate's extended family. Chris Ogden, an RN, is the daughter of our own Joy Ogden, manager of the Senate's Appointments Desk at the North Door of the Capitol.

To Chris, and to the more than 400 like her who brought hope and comfort to Hancock County, I offer the heartfelt gratitude of all the people of Mississippi.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM WILLIAMS

• Mr. CORNYN. Mr. President, today I wish to recognize a tremendous public servant for his good work in leading an important Federal Government program for the past several years. Jim Williams, who currently holds the position of Director of the US-VISIT Program at the Department of Homeland Security, will soon leave this position to become the Commissioner of the Federal Acquisition Service at the General Services Administration.

There's little question that the Department's loss will be the Commission's gain. However, the good news is that one of our most accomplished, capable and experienced federal employees will continue serving his country.

In May 2003, Jim Williams took over as Director of the US-VISIT Program, a critical border-management program that collects point-of-entry and exit information on visitors entering and exiting the United States. The program uses biometric identifiers—digital finger scans and photographs—to make entering the United States easier for legitimate tourists, students, and business travelers, while making it more difficult for those who might do us harm to enter and stay in the United States illegally. Hundreds of thousands of visitors cross the Texas border each year, and the US-VISIT system has improved security without slowing down legal trade and tourism.

Mr. Williams' job was to develop a solid foundation of policies and practices that would guide the program for the foreseeable future. It was a critical moment for the program, and Mr. Williams skillfully seized this opportunity. In a little more than 2 years, Mr. Williams helped develop US-VISIT into a viable program. Mr. Williams built the team that developed and deployed the effort, which today is crucial to our immigration and border-management system.

Under Mr. Williams' leadership, US-VISIT has met its congressional deadlines on time and under budget and has helped establish the foundation of the U.S. Government's 21st century immigration and border-management system.

Jim Williams is a model public servant and leader. He has left a tremendous imprint on the US-VISIT Program and on the many people who work with him at US-VISIT and across the Government. Because of his leadership, US-VISIT has cultivated a talented team that will guide the program in the years ahead. They will continue to help overcome the challenges that face our Nation, and Mr. Williams will continue to provide the American people with the very best of Government service. We wish Mr. Williams well and thank him for his continued service to our country.•

RETIREMENT OF AIR FORCE CHIEF MASTER SERGEANT GERALD R. MURRAY

• Mrs. DOLE. Mr. President, I am honored to recognize Chief Master Sergeant of the Air Force Gerald R. Murray on the occasion of his retirement from the Air Force after 29 years of faithful and selfless service.

Chief Murray grew up in Boiling Springs, NC, and entered the Air Force in October 1977. His background includes various duties in aircraft maintenance, and as a command chief master sergeant at wing, numbered Air Force, and major command levels. He served this great Nation in assignments in the States of Texas, Florida, South Carolina, Washington, Hawaii, Washington, DC, and also served overseas in Turkey, Japan, Kuwait, and Saudi Arabia in support of operations Desert Storm and Southern Watch.

As the 14th Chief Master Sergeant appointed to the highest noncommissioned officer position, Gerald R. Murray represents the highest enlisted level of leadership within the Air Force. He provided direction for the enlisted corps and represented their interests to the American public and to those in all levels of Government. He served as the personal adviser to the Chief of Staff and the Secretary of the Air Force on all issues regarding the welfare, readiness, morale, and proper utilization and progress of the enlisted force.

Chief Murray served our country with great responsibility, dedication, loyalty, and integrity. I know my Senate colleagues join me in congratulating him on his retirement, and I am proud to publicly commend him on a truly remarkable and distinguished career. I wish him every success in the years to come.•

BILL AND ROSE MARY MOONEY BROOKS' 60TH WEDDING ANNIVERSARY

• Mr. JOHNSON. Mr. President, I would like to recognize the 60th anniversary of Bill and Rose Mary Mooney Brooks on July 6, 2006. Their life together truly represents the American ideal. They met when Bill, an Army captain, took a weekend leave, with his fellow officer and best buddy Lewis Mooney. Lew introduced Bill to his younger sister Rose Mary that weekend in Philadelphia. Shortly after the war ended, they were married and Rose Mary and Bill returned to his home State where they made their home in Sioux Falls, SD. There they built a construction business and a family. Quite a family in fact, their first child and only daughter Barbara has shared my life for the last 37 years. Barbara was followed by six sons, Theodore, Robert, Ronald, Raymond, Richard, and Stephen.

During their years together, their business, Brooks Construction, and later Brooks Concrete, was always known for quality work but, most importantly, for integrity. Bill was also a founding officer of the South Dakota Air National Guard where he served until he retired as a lieutenant colonel. Then, as now, guard service required sacrifice. During the Korean war, Bill had to leave his new business and move his young family to Duluth, MN, where, once again, he served his country.

They were active members and leaders in their church where Rose Mary enjoyed singing in the choir. Her Irish sensibilities and intelligence gave her grace and wit in raising the children. They were strong supporters of whatever their seven children chose to participate. Whether it was a starring role on the football team, an all-day wrestling meet, a lead in a musical, or one line in a class play, Bill and Rose Mary were in the stands. Their children will tell you that they were and are wonderful parents.

There are many American ideals that apply to Bill and Rose Mary. Their love story truly captures the American dream and I am proud to be part of their family, and honored to offer my congratulations on their 60th anniversary.•

100TH ANNIVERSARY OF THE FOUNDING OF MOBRIDGE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, I wish to recognize the 100th anniversary of the founding of Mobridge, SD. Mobridge is a beautiful community located on the Missouri River, with friendly people and a strong local economy.

Long before the settlers arrived, the site of Mobridge was inhabited by mound dwellers. Following the mound dwellers were the Woodland Indians, who in turn were followed by the Mandan and Arikaras. The Sioux Indians arrived later, coming from the East. In the late 1800s settlers began moving onto the land that eventually became the site of Mobridge. General S.E. Olson owned the land on which the city was built. The idea that Mobridge should be the place where the Milwaukee Railroad met the Missouri River came to him while goose hunting. The name "Mobridge" came from the abbreviating of "Missouri Bridge." The Milwaukee Railroad reached Mobridge on September 9, 1906. A.H. Brown contributed materially to give Mobridge a convention center and marketplace. Monuments can still be found around the town, including the A.H. Brown Library, the Mascot Theatre, the Mobridge Wholesale building, and the Brown Palace Apartments.

Mobridge offers immense opportunities to those who enjoy the outdoors. With Lake Oahe near the city, Mobridge is able to hold national and regional fishing tournaments every year. The area also presents many good hunting opportunities, as well.

In Mobridge, there is a school, library, nursing home, three clinics, a beautiful nine-hole golf course, municipal airport, three parks, an outdoor swimming pool, the Mobridge Tribune, and 12 churches along with many other thriving businesses.

Each year Mobridge offers events such as parades, carnivals, and rodeos. The Lewis and Clark Renaissance Festival reenacts the visit of the famous explorers to the area, and local jazz bands can often be heard entertaining in the gazebos of parks.

The city will be celebrating this memorable occasion July 1st through the 4th with events such as a pancake breakfast, a school reunion, a dance, rodeo, parade, and fireworks along with other various activities. This celebration is an appropriate way to honor the past and a chance to look toward the future. I am pleased to recognize the achievements of Mobridge and to offer my congratulations to the residents of the community on this historic milestone.•

125TH ANNIVERSARY OF THE FOUNDING OF CROCKER, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the city of Crocker, SD.

A cafe was the first business to open in Crocker in 1906. The cafe was soon followed by the Lambert Lumber Company and the Crocker State Bank. Eventually the town expanded to include a clothing store, pool hall, drug store, hardware farm machinery store, and a blacksmith. The first train ran through Crocker in 1907. Soon there were four trains a day, with a sleeper on one train en route to Minneapolis. The post office was established on February 6, 1907. The first Crocker school was moved into the town in 1908, on the corner of Vera Street and Third Avenue.

Today the Crocker Lutheran Church, which was founded in 1917, still remains a thriving place for its congregation.

I am proud to publicly honor Crocker on this memorable occasion. Small communities like Crocker are part of the backbone of our great State and help to preserve our agricultural roots and deep-seated character. After 125 years, Crocker still exemplifies what it means to be a great South Dakota community.•

125TH ANNIVERSARY OF THE FOUNDING OF MOUNT VERNON, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of Mount Vernon, SD.

Mount Vernon, originally named "Arlandton," is thought to be named by a Virginian or someone who had wanted to pay tribute to George Washington's estate. The town plat was recorded in 1882 around the same time period that John Pease established the Mount Vernon Gazette. Closely following this, a hardware store, livery stable, lumber yard, drug store, cigar manufactory, hotel, and various other firms were established. Mount Vernon's survival, like many South Dakota communities, was largely dependent on the newly constructed railroad.

The community endured a fair share of hardship during the early years. In 1888, a ferocious blizzard caused conditions so intense that people froze to death just a few feet from shelter. Then in 1889, a fire burned down 53 buildings in the fledgling town and caused damage to many more. However, the community spirit was resilient, and the residents rebuilt.

Mount Vernon currently holds an estimated population of 477 citizens. It is still home to many thriving businesses, as well as the high school's Mount Vernon Mustangs.

I am pleased to announce that Mount Vernon celebrated its 125th anniversary with a community celebration on June 16 to 18. There were numerous events scheduled, including a petting zoo, tractor show, golf tournament, and parade. This celebration was a fitting way to recognize Mount Vernon's long and productive history.

Even 125 years after its founding, Mount Vernon continues to be a vital community and a great asset to South Dakota. I am proud to publicly honor Mount Vernon on this memorable occasion.•

125TH ANNIVERSARY OF THE FOUNDING OF WEBSTER, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the city of Webster, SD. Webster is a vibrant community and an asset to the State of South Dakota. It is the county seat of Day County.

Webster is an excellent destination for outdoorsmen. Hunters will find an abundance of ringneck pheasant, as well as many duck varieties, Canada geese, and doves. Anglers will enjoy the excellent fishing at nearby Waubay Lake and many other area glacial lakes. For the winter months, miles of snowmobiling trails run around the town and the rest of Day County. It truly is "a place for all seasons."

Webster also boasts a variety of manmade attractions. The Blue Dog Lake Fish Hatchery opened in 1982, and it is the only cool and warm water fish hatchery in South Dakota. The facility sits on scenic Blue Dog Lake, which has a variety of hiking trails and outdoor facilities. Webster is also home to the Day County Museum and the Museum of Wildlife, Science & Industry. Residents benefit from the services of six churches, a golf course, the Webster Reporter & Farmer, and a variety of other businesses.

Today, Webster is a credit to South Dakota and our way of life. The town has just constructed a new high school to help educate its next generation of young people and to ensure the vibrancy and vitality of the Webster community for years to come. The people of Webster will celebrate their town's 125th anniversary from July 27 through the 30. I am proud to publicly honor this community on this special occasion.•

150TH ANNIVERSARY OF THE FOUNDING OF SIOUX FALLS, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the 150th anniversary of the founding of Sioux Falls, SD. Sioux Falls is the largest city in South Dakota and growing at a phenomenal rate. Sioux Falls is a progressive and diverse community with all the opportunities normally associated large metropolitan areas and the friendliness of a small town. I offer my congratulations to the people of Sioux Falls on this momentous occasion.

The waterfalls for which Sioux Falls is named have long been an attractive feature. Burial mounds have been found near the site dating as far back as 500 B.C. The area was settled by Europeans in the 1850s, when two groups made claims to land around the falls. Fort Dakota was established in 1865, and shortly thereafter the town began to blossom. The railroads arrived in the 1880s, and over the course of the decade the population leapt from 2,164 to 10,167. Other major events for the area include the opening of the John Morrell plant in 1909, establishment of an airbase in 1942, and the conclusion of construction of the interstate highways in the early 1960s.

Modern Sioux Falls boasts a wide variety of educational, cultural, artistic, and recreational opportunities. The city has offerings from both public and private universities, including Augustana University and the University of Sioux Falls, as well as many specialized and technical schools for those seeking to further their educational goals. The city is served by the Argus Leader newspaper. The Old Courthouse Museum and the Pettigrew Museum are major attractions, as is the historic downtown area generally. The Washington Pavilion of Arts and Science, the Great Plains Zoo, and St. Joseph's Cathedral are only a small sample of the interesting places and activities in Sioux Falls.

Sioux Falls is celebrating its sesquicentennial with a variety of events over the summer, such as "150 Candles!", a musical tribute to the history of Sioux Falls; historic building tours; a sesquicentennial gala ball; a performance by He Sapa Dancers and Lakota Drum Group; a commemorative Sioux Falls Canaries baseball game and fireworks display; and a parade ending at Falls Park with a community picnic to follow. These activities will serve as a reminder of the shared history of the community and bring the close-knit people of Sioux Falls even closer together.

This anniversary is a significant milestone for Sioux Falls. After 150 years, the city is stronger than ever. I am pleased to publicly honor the achievements of this wonderful South Dakota community as they reach this juncture. As the slogan of the community celebration states, the citizens of Sioux Falls are "Honoring the Past, Shaping the Future."•

CENTENNIAL OF THE FOUNDING OF ORTLEY, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the centennial of the founding of the community of Ortley, SD.

Ortley is situated in the southwestern corner of Roberts County. Ortley was established on the Sisseton Wahpeton Indian Reservation when C.E. Anderson purchased the land in 1906. The town was originally named Anderson Townsite. However, the name was later changed to Ortley to correspond with the name of the township in which it is located. The town was incorporated in 1907, and the first elected trustees were C.E. Anderson, Paul Halvorson, and D.L. Branum.

One year after the land was purchased, Ortley experienced an immense building boom. In 1907, a railway company established a depot and stockyard in the town. A labor yard, meat market, hotel, bank, hardware store, and general stores were also constructed. In the area in which Ortley is located the principal industries have been farming, raising livestock, and dairying.

Small towns like Ortley add to the character of our wonderful State. I am pleased to announce that Ortley will be celebrating its centennial on July 1, 2006. There are numerous events scheduled, including a car and motorcycle show, parade, softball game, and barbeque.

A hundred years after its founding, Ortley continues to be a vital community and a great asset to South Dakota. I am proud to honor the achievements of Ortley on this memorable occasion. •

CENTENNIAL OF THE FOUNDING OF STRATFORD, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the centennial of the founding of the city of Stratford, SD. A latecomer in inclusion into Brown County, Stratford sprung up rapidly in just weeks.

Stratford was founded 100 years ago on the Minneapolis and St. Louis railways. Stratford was a convenient commuter system to many of its neighboring cities at the time. In just 5 years, Stratford reached its peak population of 600.

Stratford is one of South Dakota's classic small towns. It has been the home of industry and farm-related businesses, and its meat market is known for its homemade sausages, hams, and liverwurst. The Taylor Honey Company, which processes about a million pounds of honey annually, was established in 1955 and is still a booming business. The community created Stratford's volunteer fire protection in 1911, and the post office and Badger Hole, a cafe and bar, are open to this day.

A hundred years after its founding, Stratford continues to be a vital community and a great asset to South Dakota. I am proud to honor the achievements of Stratford on this memorable occasion.•

CENTENNIAL OF THE FOUNDING OF WECOTA, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the centennial of the founding of the town of Wecota, SD. The town, with its five streets and five avenues, is a place of great charm and character.

Wecota became a town when the Minneapolis and St. Louis railroad was completed. Although small, Wecota has had a rich history. The first building to be established in the community was a small schoolhouse. A year later, the town's post office was organized, which stayed in operation for 75 years. Of the original buildings that were built, a depot, school, bank, and elevators remain to this day.

The town has subsisted through many hardships. In 1919, a fire destroyed two grocery stores and the meat market. Then in 1926 a destructive hailstorm damaged most of the community's crops. After the hailstorm, many of Wecota's residents began to drift to other towns, though a core of dedicated residents still occupies the town.

The name "Wecota" is derived from an Indian word meaning "friendship," and the town holds true to its name. A hundred years after its founding, Wecota continues to be a great asset to South Dakota. I am proud to honor the achievements of Wecota on this memorable occasion.•

100TH ANNIVERSARY OF THE FOUNDING OF TEA, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the 100th anniversary of the founding of Tea, SD. Tea is enriched with a vibrant history reaching back to the growth of the railroads and continuing to the present, with Tea now being the fastest growing city in the State.

Tea's unusual name was discovered when the community was asked to submit 10 town names to the Postal Service but only 9 could be decided upon. A recess was called during a town meeting at which tea was served. Someone suggested the name "Tea" be added to the list. Shortly after, this tight-knit community was informed that their new name would be Tea. Tea was officially incorporated in 1906.

Tea's first bank was opened in 1900 in the place that is now O'Toole's bar. Unfortunately, the bank went broke in 1922 prior to the Depression. Despite the failure of the bank, Tea developed beautifully with its own post office, schoolhouse, cafes, general store, and lumberyard. Woodman Hall was the center of the town's social activities, hosting everything from roller skating to school plays. More recently, a new high school was opened in August 2005 and is a point of pride for the community. Tea is currently served by the Tea-Harrisburg Champion newspaper.

I congratulate Tea in achieving 100 wonderful years. During the week of June 10, the community gathered to celebrate with a Wild West Show, the coronation of Ma and Pa Teapot and Ecumenical church service. This celebration tied the community together even tighter, as they commemorated their history and looked to their future.

One century after its inception, Tea continues to be a valuable addition to the State of South Dakota and source of pride for all those who live there.•

125TH ANNIVERSARY OF THE FOUNDING OF PLANKINTON, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the city of Plankinton, SD. As the county seat of Aurora County, this progressive community has been a center of commercial and civic activity since its inception.

This vibrant community was laid out by General Lawler of the Milwaukee and St. Paul Railway Company, after he purchased the land from the founding settler, Ira Wooden. The town was named "Merrill" initially but was later changed to Plankinton after a wealthy Milwaukee meat packer. The original town plat was eight blocks north of the railway and three to the south. In August of 1880, the first building was erected: a one-story frame building about 12 feet by 20 feet in size, which became a saloon. A post office and bank were constructed shortly thereafter.

Now Plankinton is home to three churches; a thriving business community, including the South Dakota Mail weekly newspaper; and excellent hunting and fishing. The new high school building is a point of regional pride, having been built following a tragic fire at the former building. Home to the South Dakota State Training School for many years, that campus awaits possible redevelopment.

I am pleased to announce that Plankinton will be celebrating its 125th anniversary with a community celebration on June 23 to June 25. There are numerous events scheduled including a golf tournament, time capsule opening, demolition derby, and a parade. This celebration is a fitting way to recognize Plankinton's long and productive history.

Even 125 years after its founding, Plankinton continues to be a vital community and a great asset to the wonderful State of South Dakota. I am proud to publicly honor Plankinton on this memorable occasion.•

125TH ANNIVERSARY OF HARTFORD, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the town of Hartford, SD. Home to over 2,000 residents, Hartford is a vibrant and flourishing town.

The area was originally known as Oaksville, after an early settler, I.E. Oakes. However, in 1879, the Oaksville train depot was renamed "Hartford" by two travelers from Hartford, CT. The settlement took shape in 1881, when a post office was established. Stores, hotels, grain warehouses, and other businesses soon followed. In 1896, the citizens of Hartford petitioned the county commissioners to hold an election to incorporate the area as the "Town of Hartford." After holding an election, the town was divided into three districts and trustees were elected.

Hartford's city motto, "Hartford on the Right Road," captures the progressive nature of the community. The city is located just west of Sioux Falls, in Minnehaha County, and has a volunteer fire department, law enforcement, churches, and many civic organizations. In addition to the many businesses already located in Hartford, the Hartford Area Development Corporation is working to bring even more commerce and industry to the area. The community is served by the Hartford Area News weekly newspaper. In downtown Hartford, the Hartford Area Veterans Memorial honors all the men and women of Hartford who have served our country in a war.

Hartford celebrated its 125th anniversary with a Quasquicentennial Jamboree Celebration from June 1 to June 4. There were carnivals, parades, softball tournaments, golf tournaments, and even paintball and XBOX tournaments. The celebration reflected the enthusiasm the residents of Hartford have toward commemorating the history of their wonderful community.

More than a century after its founding, Hartford continues to be a great asset to South Dakota. I am proud to honor the achievements of Hartford on this memorable occasion.•

125TH ANNIVERSARY OF THE FOUNDING OF HOWARD, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, I wish to recognize the 125th anniversary of the founding of Howard, SD. Howard is a progressive community, offering many opportunities to a variety of people, and is also the county seat of Miner County.

The city of Howard is the first municipality to own and operate their own wind turbines to supply electricity to the entire city. In recent years, it has become a regional economic development leader through efforts such as the Miner County Community Revitalization and the new Rural Learning Center. These are examples of the innovative and progressive ideas abounding in Howard. Though agriculture is the primary driver of Howard's economy, the community has found many ways to diversify. In particular, Howard has developed an excellent local technology infrastructure, helping to attract new businesses. The community is served by the Miner County Pioneer newspaper.

In addition to this healthy business climate, Howard boasts some of the world's best hunting and fishing. In the third week in October, sportsmen come from around the globe to hunt pheasant in this hotspot. Howard is also near Lake Thompson, the largest natural lake in South Dakota, and home to excellent walleye fishing.

Howard is celebrating its 125th anniversary with a variety of events. The festivities start with an all-school reunion, including students, alumni, and faculty at Howard or St. Agatha schools. Other events include a road race, parade, children's games, baseball, music, and fireworks. The events will be held on July 1st through the 4th.

Even 125 years after its founding, Howard remains a vital community and a great asset to the wonderful State of South Dakota. I am pleased to honor this lively city on such a memorable occasion, and offer my congratulations on this historic milestone. •

TRIBUTE TO ALABAMA'S VESTAVIA HILLS HIGH SCHOOL

• Mr. SESSIONS. Mr. President, I would like to make some remarks today about Alabama's State champion and national finalist in the "We the People" competition. Vestavia Hills High School placed fourth in the national We the People: The Citizen and the Constitution national finals, held in Washington, DC. This impressive competition, headed by the Center for Civic Education, engaged young people in the fundamental ideals and values of American constitutional government.

Members of this remarkable team from Vestavia Hills included Grace Anthony, Georgiy Bolshinskiy, Barrett Bowdre, Courtney Bragg, Jeannette Dooley, Daniel Driscoll, Claire Foster, Sarah Graffeo, Lauren Howard, Sarah McKibben, Patrick Mulligan, John Nicholson, Tiffany Parrish, Hanna Perry, John Phillips, Joseph Siegelman, Mary Kendal Spires, William Edward Stevenson, Emily Unnasch, Amy Watson, Ryan Woodford, and Ansley Zarra.

I congratulate Amy Maddox, the teacher who led this fine team. Teachers shape the future, and I appreciate Ms. Maddox's investment in these students. As a former educator and the father of three children, I have a great admiration for educators, and I am grateful that educators like Ms. Maddox are making a difference.

I thank U.S. District Judge Karon Bowdre for her involvement and support of the Vestavia Hills High School team. Judge Bowdre is a person of great intellectual and academic ability who understands and reveres our Constitution. I am very proud that she has given of her talents to this worthy project.

I thank Janice Cowin, the executive director of the Alabama Center for Law and Civic Education.

I applaud the efforts of students, teachers, and community leaders who made this accomplishment possible. Vestavia Hills High School is an exceptional school and has represented Alabama well. I encourage these students to continue pursuing a deep understanding of the Constitution and our Government. It is important that we raise up quality leaders who will serve our country in years to come.•

MESSAGE FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1285. An act to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

H.R. 4356. An act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

H.R. 5631. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 367. Concurrent resolution honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1285. An act to amend the Nursing Relief for Disadvantaged Areas Act of 1999 to remove the limitation for nonimmigrant classification for nurses in health professional shortage areas; to the Committee on the Judiciary.

H.R. 4356. An act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

H.R. 5631. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7238. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Direct Final Rule Amending Requirements in Parts 50 and 72 Regarding Requirement to Submit Annual Financial Reports" (RIN3150–AH39) received on June 5, 2006; to the Committee on Environment and Public Works.

EC-7239. A communication from the Acting Assistant Secretary, National Wildlife Refuge System, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Refuge-Specific Public Use Regulations for Kodiak National Wildlife Refuge" (RIN1018–AU08) received on June 5, 2006; to the Committee on Environment and Public Works.

EC-7240. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Community Right-to-Know; Toxic Chemical Release Reporting Using North American Industry Classification System (NAICS); Final Rule" ((RIN2025–AA10)(FRL No. 8180–2)) received on June, 2006; to the Committee on Environment and Public Works.

EC-7241. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Recordkeeping and Reporting Requirements for the Import of Halon-1301 Aircraft Fire Extinguishing Vessels; Withdrawal of Direct Final Rule" (FRL No. 8181–2) received on June 6, 2006; to the Committee on Environment and Public Works.

EC-7242. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision of December 2000 Clean Air Act Section 112(n) Finding Regarding Electric Utility Steam Generating Units: and Standards of Performance for New and Existing Electric Utility Steam Generating Units: Reconsideration" ((RIN2060–AN50)(FRL No. 8180–6)) received on June 6, 2006; to the Committee on Environment and Public Works.

EC-7243. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Pollutant Discharge Elimination System—Final Regulations to Establish Requirements for Cooling Water Intake Structures at Phase III Facilities" ((RIN2040–AD70)(FRL No. 8181–5)) received on June 6, 2006; to the Committee on Environment and Public Works.

EC-7244. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8181–8) received on June 6, 2006; to the Committee on Environment and Public Works.

EC-7245. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to the National Pollutant Discharge Elimination System (NPDES) Regulations for Storm Water Discharges Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities" ((RIN2040–AE81)(FRL No. 8183–3)) received on June 12, 2006; to the Committee on Environment and Public Works.

EC–7246. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 8176–4) received on June 12, 2006; to the Committee on Environment and Public Works.

EC–7247. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Ambient Air Quality Standard for Ozone and Fine Particulate Matter" (FRL No. 8183–4) received on June 12, 2006; to the Committee on Environment and Public Works.

EC–7248. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised Definition of Interruptible Gas Service" (FRL No. 8183–2) received on June 12, 2006; to the Committee on Environment and Public Works.

EC–7249. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Certain Polybrominated Diphenylethers; Significant New Use Rule" ((RIN2070)(FRL No. 7743–2)) received on June 12, 2006; to the Committee on Environment and Public Works.

EC–7250. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change of Official Office of Pollution Prevention and Toxics' Mailing Address; Technical Amendments" (FRL No. 7336–5) received on June 12, 2006; to the Committee on Environment and Public Works.

EC–7251. A communication from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, a U.S. Coast Guard report entitled "Report on Foreign-Flag Vessels 2006"; to the Committee on Commerce, Science, and Transportation.

EC–7252. A communication from the Secretary of Transportation, transmitting the report of a proposed bill entitled "Pipeline Safety and Reliability Improvement Act of 2006"; to the Committee on Commerce, Science, and Transportation.

EC–7253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (68); Amdt. No. 3169" ((RIN2120–AA65)(Docket No. 30497)) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (22); Amdt. No. 3168" ((RIN2120–AA65)(Docket No. 30496)) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Revocation of Restricted Areas R–3007A, B, C, D, and E; Townsend, GA" ((RIN2120–AA66)(Docket No. 96–ASO–10)) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of VOR Federal Airway V–623; NJ and NY" ((RIN2120–AA66)(Docket No. 05–AEA–23)) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Atqasuk, AK" ((RIN2120–AA66)(Docket No. 06–AAL–03)) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Big Lake, AK" ((RIN2120–AA66)(Docket No. 06–AAL–11)) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7259. A communication from the Assistant Chief Counsel, Hazardous Materials, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Requirements for UN Cylinders" (RIN2137–AD91) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7260. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands Management Area" (I.D. 051006A) received on June 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7261. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Final Rule; Amendment 19" (RIN0648–AT98) received on June 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7262. A communication from the Attorney, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on June 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7263. A communication from the Deputy Assistant Secretary, Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Cuba: Revisions of Personal Baggage Rules" (RIN0694–AD23) received on June 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7264. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Listing Determinations for Elkhorn Coral and Staghorn Coral" (RIN0648–XB29) received on June 8, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7265. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems" (ET Docket No. 00–258; FCC 06–45) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7266. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Communications Assistance for Law Enforcement Act and Broadband Access and Services" (ET Docket No. 04–295; FCC 06–56) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7267. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures, Order on Reconsideration of the Second Report and Order" (WT Docket No. 05–211; FCC 06–78) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7268. A communication from the Acting Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Jurisdictional Separations and Referral to the Federal-State Joint Board, CC Docket No. 80–286, Order and Further Notice of Proposed Rulemaking, FCC 06–70" (FCC 06–70; CC Docket No. 80–286) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7269. A communication from the Acting Legal Advisor to the Bureau Chief, Wireless Telecommunications Bureau—Broadband Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Facilitating the Provisions of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Band" (FCC 06–46) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7270. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems (Fourth Memorandum Opinion and Order)" (ET Docket No. 00–258, FCC 06–43) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3549. An original bill to amend the Defense Production Act of 1950 to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional Oversight with respect thereto, and for other purposes (Rept. No. 109–264).

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 3237. An original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 109–265).

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2321. A bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Maj. Gen. James N. Soligan to be Lieutenant General.

Air Force nomination of Col. Garbeth S. Graham to be Brigadier General.

Air Force nominations beginning with Brigadier General Robert B. Bailey and ending with Colonel James C. Witham, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2006.

Army nomination of Brig. Gen. Timothy J. Wright to be Major General.

Army nomination of Maj. Gen. Robert Wilson to be Lieutenant General.

Army nomination of Brig. Gen. Raymond C. Byrne, Jr. to be Major General.

Army nominations beginning with Brigadier General Edward H. Ballard and ending with Colonel Steven N. Wickstrom, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2006.

Marine Corps nomination of Lt. Gen. James N. Mattis to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Elizabeth A. Hight to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Mark D. Harnitchek to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) John M. Bird and ending with Rear Adm. (lh) Peter J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2006.

Navy nomination of Capt. Sean F. Crean to be Rear Admiral (lower half).

Navy nomination of Capt. Michael W. Broadway to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Patrick E. McGrath and ending with Capt. Michael M. Shatynski, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2006.

Navy nomination of Rear Adm. (lh) Ann D. Gilbride to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Jon W. Bayless, Jr. and ending with Rear Adm. (lh) William H. Payne, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Navy nomination of Rear Adm. (lh) Sharon H. Redpath to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Norton C. Joerg to be Rear Admiral.

Navy nomination of Rear Adm. Bruce E. MacDonald to be Judge Advocate General of the United States Navy.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Christine L. Blicebaum and ending with Abner Perry V. Valenzuela, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2006.

Air Force nomination of Thomas L. Yoder to be Colonel.

Air Force nomination of Leonard S. Williams to be Lieutenant Colonel.

Army nominations beginning with Bruce B. Brehm and ending with Robert W. Windom, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Army nominations beginning with Bruce D. Adams and ending with Lisa L. Zacher, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Army nominations beginning with Paul Antoniou and ending with Peter J. Varjeen, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Army nominations beginning with Richard J. Hayes, Jr. and ending with Michael N. Selby, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Army nominations beginning with Manuel Castillo and ending with Andrew J. Wargo, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Army nominations beginning with Todd S. Albright and ending with Eyako K. Wurapa., which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Army nomination of Roy D. Steed to be Colonel.

Army nominations beginning with Victor Catullo and ending with Paul Brisson, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2006.

Marine Corps nomination of Brent A. Harrison to be Lieutenant Colonel.

Navy nomination of Lana D. Hampton to be Captain.

Navy nomination of Keith E. Simpson to be Captain.

Navy nomination of Norman W. Porter to be Captain.

Navy nominations beginning with Patrick M. Leard and ending with Kirby D. Miller, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Alberto S. Delmar and ending with Sheldon D. Stuchell, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Wayne A. Estabrooks and ending with Milton W. Walser, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Steven M. Briese and ending with Jeffrey H. Robinson, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Christian A. Buhlmann and ending with Christopher E. Zech, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Billy R. Arnold and ending with Peter D. Yarger, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Kim A. Arrivee and ending with Roger J. Sing, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Karen S. Emmel and ending with Eric C. Young, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with John C. Abbott and ending with Teresa S. Whiting, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Thomas L. Adams III and ending with Matthew A. Zirkle, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Michael E. Belcher and ending with David J. Randle, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2006.

Navy nominations beginning with Shawn M. Callahan and ending with Karen J. Vigneron, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2006.

Navy nominations beginning with Patrick G. Byrne and ending with John L. Pagona, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2006.

Navy nominations beginning with Louis M. Borno III and ending with Eric J. Watkiss, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2006.

Navy nominations beginning with Leonard M. Abbatiello and ending with John B. Stubbs, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2006.

Navy nominations beginning with Steven J. Ashworth and ending with Eugene P. Potente, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2006.

Navy nominations beginning with Frank A. Arata and ending with George M. Sutton, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2006.

Navy nominations beginning with John W. V. Ailes and ending with Glenn W. Zeiders III, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2006.

Navy nominations beginning with Conrad C. Chun and ending with John F. Kirby, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2006.

Navy nominations beginning with Michael D. Angove and ending with David J. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2006.

Navy nominations beginning with Craig L. Eaton and ending with Richard E. Verbeke, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2006.

Navy nomination of Michael H. Johnson to be Captain.

Navy nomination of Michael A. Hoffmann to be Lieutenant Commander.

Navy nominations beginning with Richard M. Burke, Jr. and ending with Peter M. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Frederick C. Davis and ending with Eleanor J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nomination of Claude R. Suggs to be Captain.

Navy nominations beginning with Matthew C. Hellman and ending with Derek A. Takara, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Angela J. Baker and ending with Harold S. Zald, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Louis V. Cariello and ending with Gregory J. Zielinski, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with George E. Adams and ending with Robert T. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Anthony P. Brazas and ending with Francis K. Vredenburgh, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Collette J. B. Armbruster and ending with Susan W. Woolsey, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Gregory P. Belanger and ending with Brian S. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Dale P. Barrette and ending with Silva P. D. Westerbeck, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with James A. Blustein and ending with Joseph C. K. Yang, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Robert A. Alonso and ending with Kristen C. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Virginia T. Brantley and ending with Maron D. Wylie, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Douglas E. Alexander and ending with James H. Schroeder, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Paul I. Burmeister and ending with Clyde C. Reynolds, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Philip P. Alford and ending with Robert L. Yarrish, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Michael S. Arnold and ending with Evelyn M. Webb, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Gregory Bridges and ending with William M. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Honorato Aguila and ending with Kimberly A. Zuzelski, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Navy nominations beginning with Luz V. Alicea and ending with Peter B. Dobson, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2006.

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Philip D. Moeller, of Washington, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2010.

*Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. DURBIN, Mr. HARKIN, Mr. ENZI, and Mr. KENNEDY):

S. 3546. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS:

S. 3547. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BURNS, Mr. BAUCUS, Mr. DORGAN, Mr. BROWNBACK, Mr. SALAZAR, Mr. ALLARD, Mr. JOHNSON, Mr. THUNE, Mrs. LINCOLN, Mr. ENZI, Mr. DAYTON, Mr. THOMAS, Mr. CRAIG, Mr. COLEMAN, and Mr. TALENT):

S. 3548. A bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes; to the Committee on Finance.

By Mr. SHELBY:

S. 3549. An original bill to amend the Defense Production Act of 1950 to strengthen Government review and oversight of foreign investment in the United States, to provide for enhanced Congressional Oversight with respect thereto, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. GRAHAM:

S. 3550. A bill to allow members of the Selected Reserve enrolled in the TRICARE program to pay premiums with pre-tax dollars; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 3551. A bill to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. CHAFEE):

S. 3552. A bill to encourage and ensure the use of safe equestrian helmets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. DEWINE, Mr. HAGEL, and Mr. THUNE):

S. 3553. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Environment and Public Works.

By Mr. OBAMA (for himself, Mr. COCHRAN, Mr. LUGAR, and Mr. CARPER):

S. 3554. A bill to establish an alternative diesel standard, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TALENT:

S. 3555. A bill to establish the Office of Veterans Identity Protection Claims to reimburse injured persons for injuries suffered as a result of the unauthorized use, disclosure, or dissemination of identifying information stolen from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. Res. 519. A resolution congratulating the Miami Heat for winning the National Basketball Association Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 370

At the request of Mr. LOTT, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1109

At the request of Mr. LOTT, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1109, a bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost of furnishing such services, to provide payments to rural ambulance providers and suppliers to account for the cost of serving areas with low population density, and for other purposes.

S. 1293

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1293, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 1741

At the request of Mr. VOINOVICH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1840

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 2010

At the request of Mr. HATCH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2393

At the request of Mr. COLEMAN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2401

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2545

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2545, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2590

At the request of Mr. COBURN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2599

At the request of Mr. VITTER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2606

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2606, a bill to amend title XVIII of the Social Security Act to make publicly available on the official Medicare Internet site medicare payment rates for frequently reimbursed hospital inpatient procedures, hospital outpatient procedures, and physicians' services.

S. 2658

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2663

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2753

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2753, a bill to require a program to improve the provision of caregiver assistance services for veterans.

S. 2762

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2762, a bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

S. 2917

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2917, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 3061

At the request of Mr. TALENT, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3061, a bill to extend the patent term for the badge of the American Legion Women's Auxiliary, and for other purposes.

S. 3062

At the request of Mr. TALENT, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3062, a bill to extend the patent term for the badge of the American Legion, and for other purposes.

S. 3063

At the request of Mr. TALENT, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3063, a bill to extend the patent term for the badge of the Sons of the American Legion, and for other purposes.

S. 3486

At the request of Mr. BAYH, his name was added as a cosponsor of S. 3486, a bill to protect the privacy of veterans, spouses of veterans, and other persons affected by the security breach at the Department of Veterans Affairs on May 3, 2006, and for other purposes.

S. 3487

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3487, a bill to amend the Small Business Act to reauthorize and improve the disaster loan program, and for other purposes.

S. 3506

At the request of Mr. AKAKA, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3506, a bill to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal government.

S. 3521

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3521, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S. 3536

At the request of Mr. REID, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3536, a bill to ensure oversight of intelligence on Iran, and for other purposes.

S. RES. 182

At the request of Mr. COLEMAN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 312

At the request of Mr. LUGAR, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maine (Ms. SNOWE), the Senator from Illinois (Mr. OBAMA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 331

At the request of Ms. LANDRIEU, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 331, a resolution expressing the sense of the Senate regarding fertility issues facing cancer survivors.

S. RES. 482

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Res. 482, a resolution supporting the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day".

S. RES. 510

At the request of Mr. MARTINEZ, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 510, a resolution designating the period beginning on June 28, 2006, and ending on July 5, 2006, as "National Clean Beaches Week", supporting the goals and ideals of that week, and recognizing the considerable value and role of beaches in the culture of the United States.

S. RES. 513

At the request of Mr. GRAHAM, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 513, a resolution expressing the sense of the Senate that the President should designate the week beginning September 10, 2006, as "National Historically Black Colleges and Universities Week".

AMENDMENT NO. 4196

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 4196 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4197

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 4197 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4202

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 4202 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4216

At the request of Mr. THUNE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 4216 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4224

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4224 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4228

At the request of Mr. CHAMBLISS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 4228 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4261

At the request of Mr. CHAMBLISS, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 4261 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4271

At the request of Mr. THUNE, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4298

At the request of Mr. KENNEDY, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Montana (Mr. BAUCUS), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mrs. CLINTON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 4298 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4320

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 4320 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4322

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 4322 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4328

At the request of Mr. LOTT, the names of the Senator from Maine (Ms. SNOWE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 4328 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4361

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4361 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4368

At the request of Mr. NELSON of Florida, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 4368 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. DURBIN, Mr. HARKIN, Mr. ENZI, and Mr. KENNEDY):

S. 3546. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I am proud to rise with my colleague, Senator DURBIN, to introduce S. 3546, the Dietary Supplement and Nonprescription Drug Consumer Protection Act. We are joined in this effort by Senators HARKIN, ENZI, and KENNEDY.

As my colleagues are aware, over half our population regularly uses dietary supplements. In fact, one government survey in 2004 indicated that nearly 60 percent of Americans regularly use dietary supplements to maintain or improve their healthy lifestyles.

Nearly 12 years ago, Senator HARKIN and I joined with then-Representative Bill Richardson to author the Dietary Supplement Health and Education Act, DSHEA, which sets out the framework by which the Food and Drug Administration, FDA, regulates dietary supplements.

Since that time, the industry has grown. By some estimates, it is a $20 billion industry today.

Critics of the industry see this growth as a negative, as an indication that the industry is "unregulated." I disagree. I think the growth of dietary supplement sales is testimony to a vibrant industry that is producing positive benefits for our economy and our people.

This is an industry that is largely comprised of men and women of good will, who want to provide the public with healthy products.

Let me hasten to add that we all recognize there are bad actors in the supplement industry, those who break the law and mislead consumers. They should be the subject of swift and sure punishment by the FDA and the Federal Trade Commission. Their products should be removed from the marketplace and the full weight of the law should be brought down on these bad actors.

It is no secret that the FDA is a woefully underfunded agency, which will be the first to admit that its oversight of the dietary supplement industry has not been as aggressive as it could be, in part due to a lack of resources. For several years, Senator HARKIN and I have worked to rectify that shortcoming, and we are gratified that our Utah colleague, Senator BENNETT, chairman of the Agriculture Appropriations Subcommittee, has joined hands with us to infuse some badly needed resources into the FDA.

When DSHEA was being debated in the Congress, one of the major points of contention was the belief by some that dietary supplements should be subject to premarket approval by the government. That would sound the death-knell for this industry, an industry that is largely comprised of products which have been sold safely for decades, if not centuries in many cases.

In 1994, the Senate agreed not once, but twice, to approve DSHEA by unanimous consent. The House also passed this bill by UC. It was not controversial.

Members recognized that supplements are largely safe. But just to make doubly sure there was adequate regulation, we provided the FDA with an arsenal of tools to take action against problematic products.

Then comes ephedra.

I do not think it is a constructive exercise to rehash the history of ephedra. There were mistakes and problems all around in how this product's safety was evaluated and addressed.

But something did stand out: one company had literally hundreds, if not thousands, of reports about products with this product, none of which were revealed to Federal authorities.

There is no question in my mind that the too-long safety evaluation of ephedra would have been shortened considerably had we known earlier about these reports.

Two years ago, I began discussing with those who are interested in dietary supplement regulation whether it would be wise to implement a system of mandatory adverse event reporting, AER, for those products.

While as a general principle, I am usually reluctant to argue for greater government regulation, in this instance it seemed to me a case could be made that an AER system for supplements could complement the work we achieved with DSHEA and improve the government's ability to address the relatively few problems which arose.

Senator DURBIN and Senator HARKIN were also having similar thoughts.

We joined forces and after much study, discussion and negotiation, produced S. 3546.

It may be surprising to many of our colleagues that Senators HATCH, DURBIN, HARKIN, ENZI and KENNEDY stand together on this legislation—we come from very different perspectives on dietary supplement regulation.

And while we are each very passionate about our views, we are united in a common goal: improving the public health.

The premise for this bill is simple: mandating a system to provide the government with information about serious adverse events associated with the use of two types of FDA-regulated products—dietary supplements and over-the-counter drugs—provides Federal authorities with a better tool to respond to any problems which might occur. This is an important public health initiative, which at the same time safeguards access to dietary supplements and over-the-counter drugs.

There is currently a voluntary reporting system for supplements and some OTC drugs—our bill would replace that with a mandatory system.

Senator HARKIN and I have a longstanding interest in regulation of these products, stemming back to our work on DSHEA.

Senator DURBIN, as the former chair of the House Agriculture Appropriations Subcommittee, is one of the most knowledgeable Senators in this body when it comes to FDA matters.

Our collaboration on this legislation, along with the distinguished chairman and ranking minority member of the committee of jurisdiction, the Health, Education, Labor and Pensions—HELP—Committee, both of whom were integral to this process, has produced a bill which strikes the right balance between necessary regulation and overregulation.

This is how the new system will work:

Manufacturers, packers or distributors of OTC drugs or dietary supplements marketed in the United States must provide to the FDA within 15 business days any reports of a serious adverse event associated with their products. Accompanying that report must be a copy of the label on or within the retail packaging of the supplement.

The definition of serious event is proscribed within the legislation. It is either an event that results in a death, life-threatening experience, inpatient hospitalization, persistent or significant disability or incapacity, or congenital anomaly or birth defect; or it is an event that requires based on reasonable medical judgment a medical or surgical intervention to prevent one of the outcomes I have just listed.

The bill requires that those reporting must, for 1 year, provide any new medical information related to the serious adverse event report. Again, that information must be submitted within 15 days.

In addition, manufacturers, packers and distributors must keep for 6 years records of any adverse event associated with the product, even though there is no reporting requirement unless the event meets the definition of serious.

For over-the-counter drugs, the definition of "adverse event" is a health-related event associated with the use of a nonprescription drug that is adverse, including: an event occurring from an overdose, whether accidental or intentional; an event occurring from abuse of the drug, or withdrawal from the drug; or any failure of pharmacological action.

For dietary supplements, an "adverse event" is defined as any health-related event associated with the use of a dietary supplement that is adverse.

The reports will be submitted on the current MedWatch form, unless the Secretary of Health and Human Services chooses to modify that form at some point.

The bill makes clear that State health officials may have access to the adverse event reports, but that the Federal reporting system would supersede any state reporting laws.

As we met to develop this legislation, one thing we struggled with was the need to encourage responsible reporting in a way that manufacturers could implement. Some manufacturers indicated to us, for example, that they were not medical experts and could not determine in every case if a reporter's problem met the definition of "serious" contained in the bill.

To address this, we allow manufacturers to contract with third parties to handle the collection of reports. The manufacturers, of course, would still be ultimately responsible for reporting.

We have also asked the FDA to issue guidance to help manufacturers interpret what a serious adverse event might be.

Another concern was making certain we appropriately defined the role of retailers, who are selling a range of products, some supplements, some OTCs, some not. We determined that retailers would not be considered reporting parties. If, however, a retailer contracts with manufacturers to distribute "private label" products, he or she may authorize the manufacturer or packer to submit reports, as long as the retailer directs to the manufacturer all reports it receives.

We also wanted to allow the FDA the flexibility to manage this program. At its request, we made the program self-implementing. We also included a provision to allow the Secretary, after notice and comment from interested parties, to establish an exemption to the reporting requirements if there would be no adverse effect on public health.

Finally, there are provisions in the bill to impose penalties for not reporting, not providing on the product label an address or phone number for reporting, and for providing a false report.

The law will go into effect 1 year after the date of enactment.

Before I close, I want to address some of the concerns that representatives of the dietary supplement industry have voiced with this legislation.

First, some have suggested there is no need for this legislation from a public policy or a consumer safety perspective. I disagree.

Many have unfairly criticized the industry over media reports that supplements are unsafe because there is no premarket approval. While I can never support any system that requires premarket approval for supplements, I have become convinced that having a system in place to identify problems quickly can only enhance the authorities we gave the FDA with DSHEA.

It is also good policy. As the industry matures, we need to separate out the good actors from the bad. This is one way to show that this industry is a respectable, mainstream industry. Other major industries—e.g. pharmaceuticals, devices—are subject to mandatory AER reporting. Supplements are only handled through the voluntary reporting system.

And, I disagree with those who avow there is no consumer safety benefit. Let's take an easy case—where there is a bad batch of a product. Enabling the FDA to know quickly there is a problem can help industry and the public.

Other critics note that the FDA fails to pursue egregious violations of DSHEA. They question why this program will help. As I discussed earlier, Senator HARKIN and I have been working to increase FDA's funding for responsible enforcement of DSHEA. I recently discussed this with the Commissioner-nominee, Dr. Andrew von Eschenbach.

One of my constituents who opposes this effort suggested that the FDA's voluntary system, the CAERS system, should be able to handle any reports of problems. Public health experts will agree that a voluntary system is not as good a sentinel as a mandatory system. In addition, those who report under the voluntary system are more likely to be physicians. Encouraging consumers to report to manufacturers through a phone number or address on the product's label will ensure a more thorough reporting system.

Yet another concern I have heard is that this bill has a significant economic impact that has not been studied appropriately. One estimate I have heard is that it could cost tens of millions of dollars a year to industry and consumers.

I have to say that these estimates do not seem to be supported by other industry representatives, many of whom are already instituting reporting systems of their own. During the drafting of this bill, we worked very hard to keep requirements to the minimum that would be necessary for a complete and full reporting of serious adverse events.

In addition, I have heard a suggestion that a better alternative to this bill would be a 1-800 number that consumers can use to contact FDA directly to report complaints. I discussed this with my colleagues and the FDA and found little support for this idea. What this could do is shift onto FDA the majority of reports about product problems. In other words, FDA fears that consumers would start phoning the agency, rather than the manufacturer, to report complaints for things like broken bottles or tablets, or to answer questions about usage. It is easy to see how this could end up relieving manufacturers of some of their consumer-related responsibilities and shift that onto the FDA.

Let me hasten to add that I understand the motivation behind these concerns. I will keep a close watch on this new program as it is implemented, and pledge to reexamine it should problems with implementation arise.

In closing, I thank my colleagues for the spirit of collaboration which led to development of this legislation. In particular, I thank Senator DURBIN for his leadership on this issue. While we may not have always agreed on every provision, we did forge a bill on which we can agree.

Senator HARKIN is a steadfast supporter of the dietary supplement industry, and his guidance undoubtedly made this bill a better product.

Senator ENZI and Senator KENNEDY, both longtime experts in food and drug law, have both been most generous in their time and in moving the process forward.

I must also note the groups that also support the bill—the Consumer's Union, the Center for Science in the Public Interest, the Consumer Healthcare Products Association, the National Nutritional Foods Association, the Council for Responsible Nutrition, the American Herbal Products Association, and finally and most importantly, the Utah Natural Products Association.

That these groups, not often united—at least on this subject—can rally around our bill today is a testament to good policy, good politics, and a surviving bipartisan spirit.

Chairman ENZI has placed this legislation on the HELP Committee agenda for the June 28 executive session. It is my hope the committee will give swift approval to this bipartisan measure and that the Senate will shortly thereafter do the same.

Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. DEWINE, Mr. HAGEL, and Mr. THUNE):

S. 3553. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Environment and Public Works.

Mr. GRASSLEY. Mr. President, I rise to introduce legislation that will take a bold step in reducing our dependence on fossil fuel and foreign oil. I am pleased to be joined by Senator JOHNSON and others in introducing the "10 by 10 Act."

The "10 by 10 Act" will require that 10 percent of each gallon of motor fuel sold beginning January 1, 2010, contain at least 10 percent renewable fuel. The "10 by 10 Act" is a signal that Congress remains interested and adamant in seeking energy independence by promoting the development of renewable fuels in the United States.

As President Bush stated in his State of the Union Address, America is addicted to oil. He also declared that we could displace at least 75 percent of the oil we import from the Middle East by 2025. I am here to say to America's agriculture community, that we're serious and we're going to do something about it.

Because the U.S. imports more than 60 percent of the crude oil we need, we have become dangerously reliant on foreign sources of energy. It is a threat to our national security for the United States to be dependent upon countries like Iran and Venezuela for our energy needs. It is also a threat to our economic security to be dependent on foreign countries for the energy that drives our economy. It is up to our farmers and ranchers to help liberate our consumers and our economy from the stranglehold of OPEC and other foreign countries on our energy needs.

This legislation will demonstrate to consumers, in a commonsense way, that each and every gallon of gasoline will contain at least 10 percent of domestically produced renewable fuel. It will show that we are serious about reducing our dependence on foreign oil, and it will show in a tangible way that we are working to reduce that dependence.

The "10 by 10 Act" is a commitment to our constituents that we are working to lower that dependence, and reduce our consumption of foreign oil in every gallon of fuel they pump. With this legislation, Americans would know with certainty that 10 percent of each gallon of motor fuel was home-grown by farmers and ranchers right here in America.

It is important for consumers to recognize that for the vast majority of cars on the road today, no modifications are necessary to operate on a 10-percent renewable fuel blend. No significant changes are required to the fuel distribution network to allow for a 10-percent blend. The only thing standing in the way of reduced dependence on foreign oil is a signal from Congress that we recognize the virtue of home-grown alternatives to foreign oil.

Today, ethanol, a renewable fuel produced from corn, is blended in more than 30 percent of the gasoline sold in the United States. There are currently 101 biorefineries prducing nearly 5 billion gallons of ethanol annually. By the end of 2007, it is projected that we will have the capacity to produce nearly 7 billion gallons annually.

We owe it to the American people to pursue aggressive policies to free our country from our foreign oil dependence. I hope my colleagues will join me in this effort to replace 10 percent of each gallon of gasoline with home-grown, environmentally friendly, renewable fuel.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "10 by 10 Act".

SEC. 2. 10 PERCENT RENEWABLE FUEL REQUIRED FOR MOTOR VEHICLES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by inserting after subsection (o) the following:

"(p) 10 PERCENT RENEWABLE FUEL REQUIREMENT.—

"(1) IN GENERAL.—After December 31, 2009, it shall be unlawful for any person to sell or offer for sale, supply or offer for supply, dispense, transport, or introduce into commerce, for use in any motor vehicle (as defined in section 216) any gasoline containing less than 10 percent renewable fuel by volume.

"(2) FUEL BLENDS.—For the purpose of enforcing this subsection, a blend of gasoline and renewable fuel shall be considered to be sold or offered for sale, supplied or offered for supply, dispensed, transported, or introduced into commerce in accordance with this subsection if the renewable fuel content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10 percent by volume of the blend, as determined by the Administrator.

“(3) MANIFESTS AND LABELING.—By regulation effective January 1, 2010, the Administrator shall require that each bill of lading or transportation manifest for all gasoline containing renewable fuel and all gasoline not containing renewable fuel indicate the renewable fuel content of the gasoline.

“(4) NOTICES ON GASOLINE PUMPS; EXEMPTION FOR COLLECTOR VEHICLES.—The Administrator shall provide, by regulation, for—

“(A) appropriate notices to be displayed on gasoline pumps—

“(i) indicating the renewable fuel content of the gasoline dispensed by the pump; and

“(ii) notifying the public of the prohibition under this subsection; and

“(B) an exemption from the requirements of this subsection in the case of gasoline for use in collector motor vehicles, as defined by the Administrator.”; and

(2) by redesignating the second subsection (r) (as added by section 1512 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1088)) as subsection (t) and moving the subsection so as to appear at the end of the section.

By Mr. OBAMA (for himself, Mr. COCHRAN, Mr. LUGAR, and Mr. CARPER):

S. 3554. A bill to establish an alternative diesel standard, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, I am pleased to be joined by my distinguished colleagues, the Senator from Mississippi, Mr. COCHRAN, the Senator from Indiana, Mr. LUGAR, and the Senator from Delaware, Mr. CARPER, in introducing the Alternative Diesel Standard Act of 2006.

Last summer, Congress passed the Energy Policy Act, which included a bold, bipartisan initiative to help wean our Nation from its petroleum dependency. This initiative, known as the Renewable Fuels Standard, established that it is the policy of the United States that the 140 billion gallon national gasoline pool will consist of at least 7.5 billion gallons of ethanol by the year 2012.

We have seen tremendous response to this new policy. Almost 30 new ethanol plants have been proposed to be constructed in my State of Illinois alone, and many more are proposed nationwide. By comparison, over the past 30 years, no new petroleum refineries have been built in the United States. The Renewable Fuels Standard is probably one of the single most important legislative actions taken by Congress in recent years to strengthen our domestic energy security, and the legislation we introduce today takes this policy one step further by addressing the 40 billion gallon national diesel pool.

Petroleum-based diesel is used in a wide variety of transportation modes: transit buses; semitrucks; ships; heavy duty construction, farming and mining equipment; military vehicles; locomotives; barges; large scale generators; and in a range of cars and trucks. While not as large of a market as gasoline, petrodiesel is enormously significant to our economy, and reducing our reliance on foreign feedstocks for this diesel is of equal importance in our efforts to increase energy security.

Our bill, the Alternative Diesel Standard, simply requires that by the year 2015, the national diesel pool must consist of at least 2 billion gallons of alternative and renewable diesels.

This is but a modest 1 percent of the national diesel supply—hardly painful for the petroleum industry. It would not in any way dent the oil industry's record-shattering profits. Instead, it establishes certainty to those who know that alternative diesels can provide a real solution to our dependence on foreign oil and who are prepared to invest in alternative diesel production on a commercial scale.

Right now, there is an estimated 180 million gallons of biodiesel production capacity in the United States. Fifty-four companies have reported plans to construct dedicated biodiesel plants in the near future, but those plans are dependent upon regional and national demand prospects.

Moreover, entrepreneurs across the Nation have proven that we can make diesel from other plant oils, like sunflower seeds, or coal, manure, animal fats, and yes, even from recycled plastics or garbage. This bill sends a signal to those entrepreneurs that a market is planned in the future for these domestically produced fuels, attracting the necessary investment to establish a national infrastructure of domestic fuel production capabilities.

If we are serious about reducing our country's dependence on imported petroleum and insulating our economy from future supply disruption shocks—whether from the volatile Middle East or natural disasters such as Katrina—encouraging the construction of more domestic alternative fuel production capacity must be part of that strategy. Several billion gallons of alternative diesels are possible within the timelines proposed in our legislation, making another bold step to create jobs in rural America and strengthen our economic security. An Alternative Diesel Standard is the right course for the Nation's future. I hope my colleagues will join me in cosponsoring this legislation, and I ask their support for swift enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 519—CONGRATULATING THE MIAMI HEAT FOR WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 519

Whereas on Tuesday, June 20, 2006, the Miami Heat defeated the Dallas Mavericks by a score of 95 to 92, in Dallas, Texas;

Whereas that victory marks the first National Basketball Association (NBA) Championship for the Miami Heat franchise;

Whereas after losing the first 2 games of the NBA Finals, the Heat came back to win 4 games in a row, which earned the team an overall record of 69-37 and the right to be named NBA champions;

Whereas Pat Riley, over his 11 seasons with the Heat, has maintained a standard of excellence within the franchise and has won his fifth championship as head coach of an NBA team;

Whereas Dwyane Wade, who averaged 34.7 points in the series, was named the Most Valuable Player of the NBA Finals following the Heat victory;

Whereas Shaquille O'Neal fulfilled his 2004 promise to his teammates and the residents of Miami by delivering the title to the Miami Heat;

Whereas each member of the Miami Heat roster, including Derek Anderson, Shandon Anderson, Earl Barron, Michael Doleac, Udonis Haslem, Jason Kapono, Alonzo Mourning, Shaquille O'Neal, Gary Payton, James Posey, Wayne Simien, Dwyane Wade, Antoine Walker, Jason Williams, and Dorell Wright, played a meaningful role in bringing the NBA Championship to Miami;

Whereas owner Micky Arison has built a top-flight sports franchise and shown a consistent commitment to bringing a winning team to Miami; and

Whereas, the Miami Heat and its fans are hot in the wake of its first NBA championship: Now, therefore, be it

Resolved, That the Senate—

(a) congratulates the Miami Heat for its victory in the 2006 National Basketball Association Championship; and

(b) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(1) the owner of the Miami Heat, Micky Arison; and

(2) the general manager and coach of the Miami Heat, Pat Riley.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4381. Mr. CHAMBLISS (for himself, Mr. NELSON, of Nebraska, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4382. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4383. Mr. ALLARD (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4384. Mr. ALLARD (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4385. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4386. Mr. ALLARD (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4387. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4388. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4389. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4390. Mr. TALENT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4391. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4392. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4393. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4394. Mr. CONRAD (for himself, Mr. DORGAN, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4395. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4396. Mr. ALLEN (for himself, Mr. CRAIG, Mrs. HUTCHISON, Ms. SNOWE, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4397. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4398. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4399. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4400. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4401. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4402. Mr. SALAZAR (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4403. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4404. Mr. KENNEDY (for himself, Mr. ROCKEFELLER, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4405. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4406. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4407. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4408. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4409. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4410. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4411. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4412. Mr. HATCH (for himself, Mr. BINGAMAN, and Mr . BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4413. Mr. BURNS (for himself, Mr. ALLARD, Mr. THOMAS, Mr. ENZI, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4414. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4415. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4416. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4417. Mr. FEINGOLD (for himself, Mr. REED, Mr. KENNEDY, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4418. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4419. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4420. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4421. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4422. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4423. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4424. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4425. Mr. McCAIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4426. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4427. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4428. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4429. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4430. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4431. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4432. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4433. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4434. Mr. McCAIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4435. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4436. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4437. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4438. Mr. FEINGOLD (for himself, Mr. BIDEN, Mr. HAGEL, Mr. DURBIN, Mr. COLEMAN, Mr. SALAZAR, Mr. MARTINEZ, Mr. OBAMA, Mr. LEAHY, Mr. LUGAR, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4439. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4440. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4441. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4442. Mr. KERRY (for himself, Mr. FEINGOLD, Mrs. BOXER, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4443. Mr. KERRY (for himself, Mr. HAGEL, Mr. JOHNSON, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4444. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4445. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4446. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4447. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr . DOMENICI, Mr. LIEBERMAN, Mr. KENNEDY, Mr. REED, Mr. SESSIONS, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4448. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4449. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4450. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4451. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4452. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4453. Mr. LEVIN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4454. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4455. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4456. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4457. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4458. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4459. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4460. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4461. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4462. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4463. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4464. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4465. Mrs. BOXER (for herself, Ms. SNOWE, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. CHAMBLISS, Mrs. LINCOLN, Mr. BINGAMAN, Mr. BURNS, Mr. COBURN, Mr. GRASSLEY, Mr. SCHUMER, Ms. COLLINS, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4466. Mrs. BOXER (for herself, Mr. LIEBERMAN, Mrs. CLINTON, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4467. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4468. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4469. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4470. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4471. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4472. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4473. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4474. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4475. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4476. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4477. Mr. KENNEDY (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. BINGAMAN, Ms. MIKULSKI, Ms. SNOWE, Mr. ROBERTS, Mrs. DOLE, Ms. STABENOW, Mr. ALEXANDER, Mr. VOINOVICH, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4478. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4479. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4480. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4381. Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, between lines 10 and 11, insert the following:

(c) TRANSITION OF MILITARY DEPENDENTS FROM MILITARY TO CIVILIAN SCHOOLS.—

(1) IN GENERAL.—The Secretary of Defense and Secretary of Education shall work collaboratively to ease the transition of dependents of members of the Armed Forces from attendance in Department of Defense dependent schools to civilian schools in systems operated by local educational agencies.

(2) UTILIZATION OF EXISTING RESOURCES.—In working with the Secretary of Education under paragraph (1), the Secretary of Defense may utilize funds authorized to be appropriated for operation and maintenance for Defense-wide activities to share expertise and experience of the Department of Defense Education Activity with local educational agencies as dependents of members of the Armed Forces make the transition from attendance at Department of Defense dependent schools to attendance at civilian schools in systems operated by such local educational agencies, including such transitions resulting from defense base closure and realignment, global rebasing, and force restructuring.

(3) DEFINITIONS.—In this subsection:

(A) The term "expertise and experience", with respect to the Department of Defense Education Activity, means resources of such activity relating to—

(i) academic strategies which result in high scores on national standardized tests;

(ii) curriculum development consultation and materials;

(iii) teacher training resources and materials;

(iv) access to virtual and distance learning technology capabilities and related applications for teachers; and

(v) such other services as the Secretary of Defense considers appropriate for the achievement of an educational standard comparable to the standard maintained in the Department of Defense dependent schools.

(B) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) EXPIRATION.—The authority of the Secretary of the Defense under this subsection shall expire on September 30, 2011.

SA 4382. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, strike lines 9 through 11, and insert the following:

SEC. 2001. SHORT TITLE.

This division may be cited as the "Joel Hefley Military Construction Authorization Act for Fiscal Year 2007".

On page 535, between lines 12 and 13, insert the following:

SEC. 2814. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER FO THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Joel Hefley was elected to represent Colorado's 5th Congressional district in 1986 and has served in the House of Representatives since that time with distinction, class, integrity, and honor.

(2) Representative Hefley has served on the Committee on Armed Services of the House of Representatives for 18 years, including service as Chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, since 2001, as Chairman of the Subcommittee on Readiness.

(3) Representative Hefley's colleagues know him to be a fair and effective lawmaker who works for the national interest while never forgetting his Western roots.

(4) Representative Hefley's efforts on the Committee on Armed Services have been instrumental to the military value of, and quality of life at, installations in the State of Colorado, including Fort Carson, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

(5) Representative Hefley was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

(6) Representative Hefley has consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

(7) Representative Hefley spearheaded the Military Housing Privatization Initiative to eliminate inadequate housing on military installations, with the first pilot program located at Fort Carson.

(8) Representative Hefley's leadership on the Military Housing Privatization Initiative has allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

(9) It is fitting and proper that an appropriate military family housing area or structure at Fort Carson be designated in honor of Representative Hefley, and it is further appropriate that division B of this Act, which authorizes funds for fiscal year 2007 for military construction projects, land acquisition, and family housing projects and facilities, be designated in honor of Representative Hefley.

(b) DESIGNATION.—The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the "Joel Hefley Village".

SA 4383. Mr. ALLARD (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. LIMITATION ON REDUCTION IN PERSONNEL OF AIR FORCE SPACE COMMAND.

(a) REPORT REQUIRED.—Not later than September 1, 2006, the Secretary of the Air Force shall submit to the appropriate committees of Congress a report on the planned or proposed reductions in the personnel of the Air Force Space Command.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the planned or proposed reductions in the number of military personnel, civilian employees, or contractor support personnel, as the case may be, assigned to the Air Force Space Command.

(2) A justification for the planned or proposed reductions.

(3) An assessment of the effect of the planned or proposed reductions on the capacity of the Air Force Space command to conduct its mission in support of operational commanders.

(4) An assessment whether or not the effect of the planned or proposed reductions could be mitigated by granting the commander of the Air Forces Space Command, or the appropriate program executive officers, enhanced authority to make personnel and resource decisions in implementing such reductions.

(5) A certification that the planned or proposed reductions will not impede, disrupt, or otherwise diminish or interfere with the national security space acquisition programs of the United States, national security space operations of the United States, or national security space technology development by the United States.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4384. Mr. ALLARD (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. REDUCTION IN PERSONNEL OF AIR FORCE SPACE COMMAND.

(a) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should not reduce the number of military personnel, civilian employees, or contractor support personnel assigned to the Air Force Space Command, or any component of the Air Force Space Command, from the number of such personnel or employees assigned to the Air Force Space Command as of January 1, 2006, until the Secretary submits to the appropriate committees of Congress the report described in subsection (b).

(b) REPORT.—Not later than September 1, 2006, the Secretary of the Air Force shall submit to the appropriate committees of Congress a report that includes the following:

(1) A description of the proposed reduction in the number of military personnel, civilian employees, or contractor support personnel, as the case may be, assigned to the Air Force Space Command.

(2) A justification for the proposed reduction.

(3) An assessment of the effect of the proposed reduction on the capacity of the Air Force Space command to conduct its mission in support of operational commanders.

(4) An assessment whether or not the effect of the proposed reduction could be mitigated by granting the commander of the Air Forces Space Command, or the appropriate program executive officers, enhanced authority to make personnel and resource decisions in implementing the proposed reduction.

(5) A certification that the proposed reduction will not impede, disrupt, or otherwise diminish or interfere with the national security space acquisition programs of the United States, national security space operations of the United States, or national security space technology development by the United States.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4385. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. . REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the range of Air Force flight operations at Pueblo Memorial Airport.

(2) An assessment of the effect of Air Force flight operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the Air Force safety requirements at Pueblo Memorial Airport with

respect to Air Force flight operations at the airport.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and assessment of alternatives to Air Force flight operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) A description of the funding required to assist the City of Pueblo, Colorado, in meeting Air Force safety requirements for Air Force flight operations at Pueblo Memorial Airport.

SA 4386. Mr. ALLARD (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing assistance to families of members of the Armed Forces.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the program for at least six regions of the country through sites established by the Secretary for purposes of the program in such regions.

(2) LOCATION OF CERTAIN SITES.—At least three of the sites established under paragraph (1) shall be located in an area that it geographically isolated from military installations.

(c) FUNCTIONS.—The Secretary shall provide assistance to families of the members of the Armed Forces under the program by providing at each site established for purposes of the program under subsection (b) the following:

(1) Financial, material, and other assistance to families of members of the Armed Forces.

(2) Mobile support services to families of members of the Armed Forces.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services to families of members of the Armed Forces.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(d) RESOURCES.—

(1) IN GENERAL.—The Secretary shall provide personnel and other resources necessary for the implementation and operation of the program at each site established under subsection (b).

(2) ACCEPTANCE OF CERTAIN SERVICES.—In providing resources under paragraph (1), the Secretary may accept and utilize the services of non-Federal Government volunteers and non-profit entities.

(e) PROCEDURES.—The Secretary shall establish procedures for the operation of each site established under subsection (b) and for the provision of assistance to families of members of the Armed Forces at such site.

(f) IMPLEMENTATION PLAN.—

(1) PLAN REQUIRED.—Not later than 30 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the actions taken to select and establish sites for the program under subsection (b).

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination on family assistance program and activities between and among the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(g) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report on the program.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the program, including each site established for purposes of the program, the procedures established under subsection (d) for operations at each such site, and the assistance provided through each such site for families of members of the Armed Forces.

(B) An assessment of the effectiveness of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) ASSISTANCE TO NON-PROFIT ENTITIES PROVIDING ASSISTANCE TO MILITARY FAMILIES.—The Secretary may provide financial, material, and other assistance to non-profit entities in order to facilitate the provision by such entities of assistance to geographically isolated families of members of the Armed Forces.

(i) SUNSET.—The program required by this section, and the authority to provide assistance under subsection (h), shall cease upon the date that is three years after the first obligation of amounts for the program.

(j) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 may be available for the program required by this section and the provision of assistance under subsection (h).

SA 4387. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) CONTENT.—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) APPLICABILITY.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SA 4388. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . NO COST OF LIVING ADJUSTMENT IN PAY OF MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2007.

SA 4389. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 181, strike lines 5 though 8, and insert the following:

Armed Forces, including dependents of members of the National Guard or Reserves called or ordered to active duty; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

SEC. 574. CHILD CARE FOR CHILDREN OF MEMBERS OF ARMED FORCES ON ACTIVE DUTY FOR OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) CHILD CARE FOR CHILDREN WITHOUT ACCESS TO MILITARY CHILD CARE.—

(1) IN GENERAL.—In any case where the children of a covered member of the Armed Forces are geographically dispersed and do not have practical access to a military child development center, the Secretary of Defense may, to the extent funds are available for such purpose, provide such funds as are necessary permit the member's family to secure access for such children to State licensed child care and development programs and activities in the private sector that are similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law.

(2) PROVISION OF FUNDS.—Funds may be provided under paragraph (1) in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(3) PRIORITIES FOR ALLOCATION OF FUNDS IN CERTAIN CIRCUMSTANCES.—The Secretary shall prescribe in regulations priorities for the allocation of funds for the provision of access to child care under paragraph (1) in circumstances where funds are inadequate to provide all children described in that paragraph with access to child care as described in that paragraph.

(b) PRESERVATION OF SERVICES AND PROGRAMS.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under subsection (a) in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense $25,000,000 to carry out this section for fiscal year 2007.

(d) DEFINITIONS.—In this section:

(1) The term "covered members of the Armed Forces" means members of the Armed Forces on active duty, including members of the reserve components of the Armed Forces who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) The term "military child development center" has the meaning given such term in section 1800(1) of title 10, United States Code.

SEC. 575. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the "Help for Military Children Affected by War Act of 2007".

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(2) FUNDING PLAN.—The Secretary shall develop and publish in the Federal Register a plan for awarding grants under this section. The plan shall—

(A) set forth the method for awarding grants under this section; and

(B) emphasize awarding grants under this section for military dependent children described in subsection (c)(3)(B).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that—

(A) had a military dependent child in average daily attendance in a school served by the local educational agency during the school year preceding the school year for which the determination is made; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom;

(iii) the global rebasing plan of the Department of Defense;

(iv) the realignment of forces as a result of the base closure process;

(v) the official creation or activation of 1 or more new military units; or

(vi) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term "military dependent child" means a child—

(A) described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); or

(B) of a member of a reserve component of the Armed Forces who is called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(d) USE OF FUNDS.—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the hiring of a military-school liaison; and

(4) other basic educational activities associated with an increase in military dependent children.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section for fiscal year 2007 and each of the 2 succeeding fiscal years.

(2) SPECIAL RULE.—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 571, 572, 573 or 574 of this Act, sections 572 and 573 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

SA 4390. Mr. TALENT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SA 4391. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, in the case of such a member who is retired under this chapter, or whose name is placed on the temporary disability retired list under this chapter, because of a disability incurred after the date of the enactment of this sentence for which the member is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member's years of service under section 12732 of this title.".

SA 4392. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

SA 4393. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) TRANSFER.—

(1) NOTIFICATION OF PARTICIPANTS.—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-up Agency (in this section referred to as the "Agency") of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) COMPLETION OF TRANSFER.—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) COPIES TO ARCHIVES.—The Air Force shall send paper copies of all study documents to the National Archives.

(b) REPORT ON TRANSFER.—

(1) REQUIREMENT.—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the transfer.

(2) MATTERS COVERED.—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) DISPOSITION OF ASSETS NOT TRANSFERRED.—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) FUNDING.—

(1) COSTS OF TRANSFER.—The Secretary of Defense shall make available to the Air Force $850,000 for preparation, transfer of the assets of the Air Force Health Study and shipment of data and specimens to the Medical Follow-up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) COSTS OF COLLABORATION.—The Secretary of Defense may reimburse the National Academy of Sciences up to $200,000 for costs of the Medical Follow-up Agency to collaborate with the Air Force in the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that year.

SA 4394. Mr. CONRAD (for himself, Mr. DORGAN, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike line 1 and all that follows through page 29, line 5, and insert the following:

SEC. 144. RETIREMENT OF B-52H BOMBER AIRCRAFT.

(a) LIMITATION ON RETIREMENT PENDING REPORT ON BOMBER FORCE STRUCTURE.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for retiring or dismantling any of the 93 B-52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force transmits to the Committees on Armed Services of the Senate and the House of Representatives a report on the bomber force structure of the Air Force meeting the requirements of subsection (b).

(b) ELEMENTS.—

(1) IN GENERAL.—A report under subsection (a) shall set forth the following:

(A) The plan of the Air Force for the modernization of the B-52H bomber aircraft fleet.

(B) The plans of the Air Force for the modernization of the balance of the bomber force structure.

(C) The amount and type of bombers in the bomber force structure that is appropriate to meet the requirements of the national security strategy of the United States.

(D) A justification of the cost and projected savings of any reductions to the B-52H bomber aircraft fleet as a result of the retirement or dismantlement of the B-52H bomber aircraft covered by the report.

(E) The life expectancy of each bomber aircraft to remain in the bomber force structure.

(F) The date by which any new bomber aircraft must reach initial operational capability and the capabilities of the bomber force structure that would be replaced or superseded by any new bomber aircraft.

(G) The Analysis of Alternatives (AOA) completed for the Next Generation Long Range Strike program.

(2) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this subsection, the term "amount and type of bomber force structure" means the number of B-2 bomber aircraft, B-52H bomber aircraft, and B-1 bomber aircraft that are required to carry out the national security strategy of the United States.

(c) PREPARATION OF REPORT.—A report under this section shall be prepared and submitted by the Institute of Defense Analysis to the Secretary of the Air Force for transmittal by the Secretary in accordance with subsection (a).

(d) Limitation on Transmittal of Report.—The Secretary of Air Force may not transmit the report under subsection (a) as described in that subsection until the Comptroller General of the United States certifies that—

(1) the report is complete and accurate; and

(2) the Air Force has underway a viable program, funded in the Future-Years Defense Program of the Department of Defense, to provide a high probability of meeting the goal in the Quadrennial Defense Review of fielding a new, land-based, penetrating long-range strike capability by 2018 while modernizing the current bomber force.

SA 4395. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2009".

SA 4396. Mr. ALLEN (for himself, Mr. Craig, Mrs. Hutchison, Ms. Snowe, and Mr. Burns) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. CREDIT MONITORING AND DATA THEFT PROTECTION SERVICES FOR VETERANS AND MEMBERS OF THE ARMED FORCES AFFECTED BY THEFT OF PERSONAL INFORMATION FROM THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Contract for Services Required.—The Secretary of Veterans Affairs shall enter into a contract with an appropriate entity under which contract such entity shall provide appropriate credit or identity protection monitoring services to veterans and members of the Armed Forces (including members of the National Guard and the Reserve) affected by the theft of personal information from the Department of Veterans Affairs on May 3, 2006.

(b) Limitation.—The Secretary shall ensure that the contract under subsection (a) permits only those veterans and members of the Armed Forces who choose to receive monitoring services under such contract to elect to have personal information monitored by the contractor under such contract.

(c) Fixed Price for Services.—The contract under subsection (a) shall, at a minimum, provide a fixed price for any veteran or member of the Armed Forces who elects to receive services under such contract. Such price for such services shall be in effect under such contract for not less than 12 months beginning on the date of the commencement of the provision of services under such contract.

(d) Prohibition on Charges.—A veteran or member of the Armed Forces described in subsection (a) who receives services under the contract under that subsection may not be assessed a charge or fee for the receipt of such services. The cost of such services shall be borne by the Secretary in accordance with the prices established under subsection (c).

SA 4397. Mr. WARNER (for himself and Mr. Levin) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) Independent Assessment.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy top-attack and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) Report.—

(1) Report required.—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) Elements.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

SA 4398. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) Report.—The Secretary of Defense shall submit to Congress, at the same time as the submittal of the budget of the President for fiscal year 2008 (as submitted under section 1105(a) of title 31, United States Code) a submit a report on the biometrics programs of the Department of Defense.

(b) Elements.—The report shall address the following:

(1) Whether the Department should modify the current executive agent management structure for the biometrics programs.

(2) The requirements for the biometrics programs to meet needs throughout the Department of Defense.

(3) Whether such programs as currently fielded meet requirements in Iraq and Afghanistan.

(4) Whether the current set of development programs will meet the future Department requirements.

(5) The actions being taken within the Executive Branch to rationalize requirements, programs, and resources among the departments and agencies of the Executive Branch with a role in using or developing biometrics capabilities.

(c) Biometrics Defined.—In this section, the term "biometrics" means an identity management program or system that utilizes distinct personal attributes, including DNA, facial features, irises, retinas, signatures, and voices, to identify individuals.

SA 4399. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, insert the following:

SEC. 569. REPEAL OF 10-YEAR LIMIT ON USE OF VETERANS' AND RESERVE EDUCATIONAL ASSISTANCE BENEFITS.

(a) Veterans' Educational Assistance Benefits.—

(1) All-volunteer force educational assistance program.—Section 3031 of title 38, United States Code, is repealed.

(2) Conforming amendments.—

(A) Section 3018C(e)(3)(B) of such title is amended—

(i) by striking "(B)(i)" and inserting "(B)"; and

(ii) by striking clause (ii).

(B) Section 3020 of such title is amended—

(i) in subsection (f)(1), by striking "Subject to the time limitation for use of entitlement under section 3031 of this title, an" and inserting "An"; and

(ii) in subsection (h)(5), by striking "Notwithstanding section 3031 of this title, a" and inserting "A".

(C) The heading for subchapter IV of chapter 30 of such title is amended to read as follows:

"Subchapter IV—General and Administrative Provisions".

(3) Clerical amendment.—The chapter analysis at the beginning of chapter 30 of such title is amended by striking the matter

relating to the heading for subchapter IV and the item relating to section 3031 and inserting the following:

"SUBCHAPTER IV—GENERAL AND ADMINISTRATIVE PROVISIONS".

(b) Reserve Educational Assistance Benefits.—

(1) Repeal.—Section 16133 of title 10, United States Code, is repealed.

(2) Clerical amendment.—The table of sections at the beginning of chapter 1606 of title 10, United States Code, is amended by striking the item relating to section 16133.

SA 4400. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. ANNUAL REVIEW AND ASSESSMENT ON EQUIPMENT RESETS FOR THE ARMED FORCES.

(a) Findings.—Congress makes the following findings:

(1) As a result of the unprecedented strain of Operation Iraqi Freedom and Operation Enduring Freedom, the inventories of equipment, vehicles, and aircraft of the Army and Marine Corps have been gravely depleted. Having 16 to 18 Army brigades deployed in combat at one time for the last 3 years, in addition to other United States forces, has added to the strain on United States military equipment. Battle losses and so-called equipment "wash-out" are having a significant impact on the readiness of the Armed forces.

(2) In Operation Iraqi Freedom, United States tanks are being driven more than 4,000 miles per year, 5 times the expected annual usage of 800 miles per year. Army helicopters are experiencing usage rates roughly 2 to 3 times the planned peacetime rate. The truck fleet of the Army is experiencing some of the most pronounced problems of excessive wear, with usage rates of 5 to 6 times the peacetime rate, further exacerbated by the addition of heavy armor.

(3) This increased "operational tempo" (optempo) shortens the life of equipment, vehicles, and aircraft and demands much earlier and larger investments in maintenance and procurement. Other causes of degradation of equipment, vehicles, and aircraft include—

(A) sand and extreme heat that effects mechanical and electronic systems; and

(B) rocket-propelled grenade and improvised explosive device (IED) attacks.

(4) From 2003 to 2005, the Army claimed that it deployed more than 40 percent of its equipment in support of Operation Iraqi Freedom and Operation Enduring Freedom. Recently, the Marine Corps estimated that approximately 40 percent of all Marine Corp ground equipment and 20 percent of aircraft assets are in use in support of current operations.

(5) According to the Government Accountability Office, although the Army reports high rates of equipment readiness in Operation Iraqi Freedom currently, it risks sacrificing long-term readiness through decisions to keep equipment in theater, to forgo depot repairs, and to rely almost exclusively on in-theater repair capabilities to keep equipment mission-capable. As a result, much Army equipment has not undergone high-level depot maintenance since the start of operations in March 2003. Continued usage at rates like those in Operation Iraqi Freedom, without higher levels of maintenance, could result in more equipment requiring more extensive and expensive repairs in the future and may result in the need for replacement rather than repair.

(6) Because most Army and Marine Corps equipment is staying in Iraq, Operation Iraqi Freedom is hampering—

(A) the ability of Government-run depots in the United States to retain the industrial base to meet recapitalization needs; and

(B) the ability of the Armed Forces to address future threats at home and abroad.

(7) Army Chief of Staff General Schoomaker recently testified that over the next 6 years, the Army projects that it will cost $36,000,000,000 to fund reset activities for equipment, vehicles, and aircraft, assuming that the United States fully draws down its forces from Iraq by the end of 2007. If the Army continues to operate in Operation Iraqi Freedom at current levels, the reset cost will total more than $72,000,000,000, and will eventually require steady reset expenditures for a full 2 years after the Armed Forces withdraws from Iraq.

(b) Annual Review and Assessment on Equipment Reset.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense and the Comptroller General of the United States shall each—

(A) conduct a review and assessment of the equipment, vehicle, and aircraft reset requirements of the Armed Forces as a result of Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) submit to the congressional defense committees a report setting forth—

(i) the results of such review and assessment; and

(ii) recommendations for actions to address the long-term preparedness challenges with respect to equipment, vehicles and aircraft for the Armed Forces that result from Operation Iraqi Freedom and Operation Enduring Freedom.

(2) Particular requirements.—In carrying out paragraph (1) each year, the Secretary and the Comptroller General shall each—

(A) assess the consequences of deferred depot maintenance on the equipment, vehicles, and aircraft of the Armed Forces;

(B) evaluate the impact of the need for resets of Army equipment, vehicles, and aircraft on Army force modernization initiatives (such as modularity) and on the development of the Future Combat Systems (FCS);

(C) identify a realistic multi-year schedule for the procurement, repair, and recapitalization to be required to reset equipment, vehicles, and aircraft for the Armed Forces, and, in the case of the Secretary, develop mechanisms for incorporating such schedule (and the funding required to implement such schedule) in coming Future-Years Defense Programs of the Department of Defense;

(D) develop, to the extent possible, an accurate estimate of the cost of the necessary reset of equipment, vehicles, and aircraft for the Armed Forces;

(E) review and assess the impact of Operation Iraqi Freedom and Operation Enduring Freedom on the defense industrial base of the United States in meeting the requirements of the Department of Defense for equipment, vehicles, and aircraft for the Armed Forces, including the regular components and reserve components of the Armed Forces, in order to ensure the full and continuing readiness of the Armed Forces to fulfill their national defense responsibilities; and

(F) develop recommendations, including recommendations on the utilization and expansion of existing authorities like the Defense Production Act, to improve the capacity and capability of the defense industrial base of the United States to meet such responsibilities.

(c) Reset Defined.—For purposes of this section, the term "reset", when applied to equipment, vehicles, or aircraft, means the actions required to bring such equipment, vehicles, or aircraft to full combat readiness. Such actions include—

(1) repair, which generally involves restoration by military technicians and contractors deployed in the field;

(2) replacement; and

(3) recapitalization, which generally involves long-term depot-level maintenance to return equipment, vehicles, or aircraft to a status approximating not-previously used.

SA 4401. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 537, strike line 10 through the matter following page 539, line 19.

SA 4402. Mr. SALAZAR (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 538, strike line 22 and all that follows through page 539, line 15, and insert the following:

"(b) Environmental Use Restrictions.—The Secretary of a military department may grant or enter into a restrictive easement, covenant, or similar instrument under State law that restricts the future uses of real property as necessary to ensure the continued effectiveness of any remedial or corrective action selected or approved pursuant to any State or Federal environmental law.

"(c) Limitations.—(1) No easement or use restriction granted under this section may include more land than is necessary for the easement or use restriction.

"(2) Easements and use restrictions granted under this section shall be without consideration from the recipient.

"(3) Nothing in this section shall impair or limit any obligation of any military department to comply with any requirements of State or Federal environmental law.".

SA 4403. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1065. CERTIFICATIONS ON CIVIL WAR IN IRAQ.

(a) CERTIFICATIONS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until all United States combat brigades have been redeployed from Iraq, the Secretary of Defense shall, in consultation with the Secretary of State, make a determination as to whether there is a civil war in Iraq. The Secretary of Defense shall submit each such certification to Congress in accordance with subsection (b).

(b) REPORT TO CONGRESS.—

(1) DETERMINATION CRITERIA.—The Secretary of Defense shall include with each certification submitted to Congress under this section a description of the criteria underlying the determination of the Secretary of Defense, in consultation with the Secretary of State, for purposes of such certification as to whether there is a civil war in Iraq, including—

(A) an assessment of levels of sectarian violence;

(B) the numbers of civilians displaced;

(C) the degree to which government security forces (including the army, police, and special forces) exercise effective control over major urban areas;

(D) the extent to which units of the security forces respond to militia and party leaders rather than to their national commands;

(E) the extent to which militias have organized or conducted hostile actions against the United States Armed Forces;

(F) the extent to which militias are providing security; and

(G) estimates of civilian casualties as a result of sectarian violence.

(2) INFORMATION FOLLOWING DETERMINATION OF NO CIVIL WAR.—If the Secretary of Defense, in consultation with the Secretary of State, determines for purposes of a certification under this section that there is not a civil war in Iraq, the Secretary of Defense shall, in submitting such certification to Congress under this section, submit to Congress with such certification the following information (in unclassified format):

(A) A description of the efforts by the United States Government to help avoid civil war in Iraq.

(B) The strategy of the United States Government to protect United States Armed Forces in the event of civil war in Iraq.

(C) The strategy of the United States Government to ensure that United States Armed Forces will not take sides in the event of civil war in Iraq.

(3) INFORMATION FOLLOWING DETERMINATION OF CIVIL WAR.—If the Secretary of Defense, in consultation with the Secretary of State, determines for purposes of a certification under this section that there is a civil war in Iraq, the Secretary of Defense shall, in submitting such certification to Congress under this section, submit to Congress with such certification the following information (in unclassified format):

(A) A statement of the mission and duration of United States Armed Forces in Iraq.

(B) The strategy of the United States Government to protect United States Armed Forces while they remain in Iraq.

(C) The strategy of the United States Government to ensure that United States Armed Forces will not take sides in the civil war.

SA 4404. Mr. KENNEDY (for himself, Mr. ROCKEFELLER, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. SUBMITTAL TO CONGRESS OF CERTAIN PRESIDENTIAL DAILY BRIEFINGS ON IRAQ.

(a) IN GENERAL.—The Director of National Intelligence shall submit to the congressional intelligence committees any Presidential Daily Briefing (PDB), or any portion of a Presidential Daily Briefing, of the Director of Central Intelligence during the period beginning on January 20, 1997, and ending on March 19, 2003, that refers to Iraq or otherwise addresses Iraq in any fashion.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4405. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1066. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a feasibility study on the establishment of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

SA 4406. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1084. MUNICIPAL SOLID WASTE.

(a) FINDINGS.—Congress finds the following:

(1) The Permanent Subcommittee on Investigations released a report on March 30, 2006, entitled "An Assessment of U.S. Efforts to Secure the Global Supply Chain" (in this section referred to as the "Senate Report"). That report, among other things, analyzed the unique security risks posed by the importation into the United States of cargo containers carrying trash.

(2) The Senate Report contained several important findings including the following:

(A) Containers carrying trash pose inherent security risks fundamentally different from those posed by containers carrying consumer products because—

(i) it is difficult, if not impossible, to trace the supply chain for trash cargos, given the variety of different individuals and entities that contribute to trash collections and the lack of any screening system to identify contributions as they are made;

(ii) the density of trash cargos makes inspection through irradiation impossible; and

(iii) physical inspection of trash cargos is difficult and dangerous.

(B) Importers of consumer products, by contrast, have more control over the specific content and the origin of the imported products, making it easier to take steps to monitor and ensure the security of the supply chain.

(C) There are few, if any, security measures in place to screen trash or ensure that trash does not conceal illegal or harmful materials, such as weapons or nuclear material.

(3) Growing imports of trash present an increasingly serious security problem.

(4) For example, according to the Senate Report, Canada shipped roughly 100,000 containers of trash across United States borders into Michigan in 2004 alone, an 8 percent increase over 2003.

(5) Another 10,000 containers of trash come through 9 other ports of entry on both the northern and southern borders of the United States each year.

(6) The Inspector General of the Department of Homeland Security has found that from 2003 to 2004, tons of illegal drugs and millions of dollars in illegal currency have been transported into the United States in trash containers, among other forbidden cargo.

(7) The Senate Report concluded that the Department of Homeland Security should ban imports of trash into the United States entirely until the Secretary of Homeland Security "can ensure that the supply chain of a trash importer is secure or develops protocols ensuring adequate inspections of individual trash containers".

(8) To pay for more rigorous inspections to protect people in the United States from the security risks currently associated with trash containers, the Senate Report recommended enacting into a law a "fee on international shipments of trash".

(b) INSPECTIONS OF IMPORTED MUNICIPAL SOLID WASTE.—

(1) INSPECTIONS OF MUNICIPAL SOLID WASTE.—Not later than 6 months after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall commence inspections of international shipments of municipal solid waste that enter the customs territory of the United States.

(2) FEE.—

(A) IN GENERAL.—The Commissioner of Customs and Border Protection shall levy a fee on each importer of international municipal solid waste that enters into the customs territory of the United States.

(B) AMOUNT.—The fee under subparagraph (A) shall be limited in amount to the approximate cost of the inspection described in paragraph (1) and shall not constitute a source of revenue for the United States Treasury.

(c) DEFINITIONS.—In this section:

(1) CUSTOMS TERRITORY OF THE UNITED STATES.—The term "customs territory of the United States" has the meaning given the term in general note 2 of the Harmonized Tariff Schedule of the United States.

(2) MUNICIPAL SOLID WASTE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the term "municipal solid waste" means—

(i) all waste materials discarded for disposal by households, including single and multifamily residences, and hotels and motels; and

(ii) all waste materials discarded for disposal that were generated by commercial, institutional, municipal, and industrial sources, to the extent such materials—

(I) are essentially the same as materials described in clause (i); and

(II) were collected and disposed of with other municipal solid waste described in clause (i) as part of normal municipal solid waste collection services, except that this subclause does not apply to hazardous materials other than hazardous materials that, under regulations issued under section 3001(d) of the Solid Waste Disposal Act (42 U.S.C. 6921(d)), are not subject to regulation under subtitle C of that Act (42 U.S.C. 6921 et seq).

(B) INCLUSIONS.—The term "municipal solid waste" includes food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, household hazardous waste, and debris resulting from construction, remodeling, repair, or demolition of structures.

(C) EXCLUSIONS.—The term "municipal solid waste" does not include the following:

(i) Any solid waste identified or listed as a hazardous waste under section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.), except for household hazardous waste.

(ii) Any solid waste, including contaminated soil and debris, resulting from—

(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 and 9606);

(II) a response action taken under a State law with authorities comparable to the authorities of such section 104 or 106; or

(III) a corrective action taken under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(iii) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

(iv) Scrap rubber to be used as a fuel source.

(v) Materials and products returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible reuse.

(vi) Any solid waste that is—

(I) generated by an industrial facility; and

(II) transported for the purpose of treatment, storage, or disposal to a facility or unit thereof that—

(aa) is owned or operated by the generator of the waste;

(bb) located on property owned by the generator or a company with which the generator is affiliated; or

(cc) the capacity of which is contractually dedicated exclusively to a specific generator, so long as the disposal area complies with local and State land use and zoning regulations applicable to the disposal site.

(vii) Any medical waste that is segregated from or not mixed with solid waste.

(viii) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

SA 4407. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 502, in the table preceding line 1, strike "$8,000,000" in the amount column of the item relating to Minot Air Force Base, North Dakota, and insert "$9,000,000".

On page 503, in the table following line 10, strike "$171,188,000" in the amount column of the item relating to Minot Air Force Base, North Dakota, and insert "$170,188,000".

On page 504, line 23, strike "$862,661,000" and insert "$863,661,000".

On page 505, line 16, strike "$1,183,138,000" and insert "$1,182,138,000".

SA 4408. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following new subtitle:

Subtitle J—Wartime Treatment Study Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the "Wartime Treatment Study Act".

SEC. 1092. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United

States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 1093. DEFINITIONS.

In this subtitle:

(1) DURING WORLD WAR II.—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term "European Americans" refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term "Italian Americans" refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term "German Americans" refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

PART I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 1094. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this part as the "European American Commission").

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 1095. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the section 4067, 4068, 4069, or 4070 of the Revised Statutes (50 U.S.C. 21, 22, 23, and 24) (referred to in this part as the "Alien Enemies Acts"), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts, and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 1094(e).

SEC. 1096. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime Relocation and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981) or the Wartime Violation of Italian American Civil Liberties Act (Public Law 106–451; 114 Stat. 1947). For purposes of the section 552a(b)(9) of title 5, United States Code (referred to in this subtitle as the Privacy Act of 1974), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 1097. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 1098. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this part.

SEC. 1099. SUNSET.

The European American Commission shall terminate 60 days after the date that the report required by section 1095(e) is submitted to Congress.

PART II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 1099A. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this part as the "Jewish Refugee Commission").

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 1099B. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 1099A(e).

SEC. 1099C. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this part, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime Relocation and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981) or the Wartime Violation of Italian American Civil Liberties Act (Public Law 106–451; 114 Stat. 1947). For purposes of the section 552a(b)(9) of the Privacy Act of 1974, the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 1099D. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 1099E. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this part.

SEC. 1099F. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after the date the report required by section 1099B is submitted to Congress.

SA 4409. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter to relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

SA 4410. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CHANNEL ISLANDS NATIONAL PARK.

(a) FINDINGS.—Congress finds that—

(1) Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 et seq.);

(2) Channel Islands National Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California;

(3) Santa Rosa Island was acquired by the United States in 1986 for approximately $29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

(4) Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species; and

(5) under a court-approved settlement agreement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks.

(b) DEFINITIONS.—In this section:

(1) ISLAND.—The term "Island" means Santa Rosa Island, which is part of Channel Islands National Park in the State of California.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SETTLEMENT AGREEMENT.—The term "settlement agreement" means the 1998 court-approved settlement agreement among the National Park Service, Vail & Vickers, and the National Parks Conservation Association for case numbers 96-7412 WJR and 97-4098 WJR.

(c) MANAGEMENT OF SANTA ROSA ISLAND.—The Secretary shall ensure that Channel Islands National Park (including the Island) is administered by the National Park Service in accordance with—

(1) title II of Public Law 96-199 (16 U.S.C. 410ff et seq.);

(2) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(3) any other applicable laws (including the regulations and polices of the National Park Service relating to the management of units of the National Park System).

(d) PROTECTION OF PARK RESOURCES.—The Secretary shall manage the Island in a manner that ensures that—

(1) the natural, scenic, and cultural resources of the Island (including threatened species, endangered species, and other native plant and animal populations) are properly protected, restored, and interpreted for the public; and

(2) visitors to the Island—

(A) are provided with a safe and enjoyable experience; and

(B) are not denied access to significant portions of the Island.

(e) SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—Nothing in this Act voids or nullifies the settlement agreement concerning the management of nonnative deer and elk on the Island.

(2) REQUIREMENTS.—The Secretary shall ensure that the population of nonnative deer and elk are removed from the Island not later than December 31, 2011, in accordance with the schedule set forth in the settlement agreement.

SA 4411. Mrs. LINCOLN (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 519, line 21, strike "$242,143,000" and insert "$245,743,000".

SA 4412. Mr. HATCH (for himself, Mr. BINGAMAN, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. AUTHORITY TO PAY GRATUITY TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES FOR SLAVE LABOR PERFORMED FOR JAPAN DURING WORLD WAR II.

(a) FINDINGS.—Congress makes the following findings:

(1) During World War II, members of the United States Armed Forces fought valiantly against Japanese military forces in the Pacific. From December 1941 until May 1942, United States military personnel fought valiantly against overwhelming Japanese military forces on Wake Island, Guam, the Philippine Islands, including the Bataan Peninsula and Corregidor, and the Dutch East Indies, thereby preventing Japan from accomplishing strategic objectives necessary for achieving a preemptive military victory in the Pacific during World War II.

(2) In military action in the Philippines, United States troops were ordered to surrender on April 9, 1942, and were forced to march 65 miles to prison camps at Camp O'Donnell, Cabanatuan, and Bilibid. More than 10,000 Americans died during the march, known as the "Bataan Death March", and during subsequent imprisonment as a result of starvation, disease, and executions.

(3) Beginning in January 1942, the Japanese military began to transport United States prisoners of war to Japan, Taiwan, Manchuria, and Korea to perform slave labor to support their war industries. Many of the unmarked merchant vessels in which the prisoners were transported, called "Hell Ships", were attacked by American naval and air forces, which, according to some estimates, resulted in more than 3,600 American fatalities.

(4) Following the conclusion of World War II, the United States Government agreed to pay compensation to United States ex-prisoners of war amounting to $2.50 per day of imprisonment. This compensation was paid from Japanese assets frozen by the United States Government and do not begin to fully compensate those ex-prisoners of war for the short-term and long-term costs of the slave labor they endured. Neither the Government of Japan nor any Japanese corporations admit any liability for further payment of such compensation.

(5) Other nations, including Canada, the United Kingdom, and the Netherlands, have authorized payment of gratuities to their surviving veterans who were captured by the Japanese during World War II and required to perform slave labor.

(b) PURPOSE.—The purpose of this section is to recognize, by the provision of compensation, the heroic contributions of the members of the Armed Forces and civilian employees of the United States who were captured by the Japanese military during World War II and denied their basic human rights by being made to perform slave labor by the Imperial Government of Japan or by Japanese corporations during World War II.

(c) PAYMENT OF GRATUITY AUTHORIZED.—The Secretary of Veterans Affairs may pay a gratuity to a covered veteran or civilian internee, or to the surviving spouse of a covered veteran or civilian internee, in the amount of $20,000.

(d) COVERED VETERAN OR CIVILIAN INTERNEE DEFINED.—In this section, the term "covered veteran or civilian internee" means any individual who—

(1) was a member of the Armed Forces, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(2) served in or with United States combat forces during World War II;

(3) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(4) was required by the Imperial Government of Japan, or one or more Japanese corporations, to perform slave labor during World War II.

(e) RELATIONSHIP TO OTHER PAYMENTS.—Any amount paid a person under this section for activity described in subsection (d) is in addition to any other amount paid such person for such activity under any other provision of law.

(f) Inapplicability of Taxation or Attachment.—Any amount paid a person under this section shall not be subject to any taxation, attachment, execution, levy, tax lien, or detention under any process whatever.

SA 4413. Mr. BURNS (for himself, Mr. Allard, Mr. Thomas, Mr. Enzi, and Mr. Conrad) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. REMOTE VISUAL ASSESSMENT.

(a) Additional Amount for Research, Development, Test, and Evaluation, Defense-Wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,900,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by subsection (a), $10,900,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(c) Offset.—

(1) Prohibition on deactivation of Minuteman III ICBMs.—No funds authorized to be appropriated for the Department of Defense for fiscal year 2007 may be obligated or expended for the deactivation of any Minuteman III Intercontinental Ballistic Missile.

(2) Offset.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $10,900,000, with the amount of the reduction to be allocated to amounts otherwise available to the United States Space Command for the deactivation of Minuteman III Intercontinental Ballistic Missiles.

SA 4414. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add following:

SEC. 903. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY.

(a) Department of the Army.—

(1) Establishment of position.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) Lieutenant general.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) Exclusion from grade and number limitations.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) Department of the Navy.—

(1) Establishment of position.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Acquisition, Logistics, and Technology.

(2) Vice admiral.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Acquisition, Logistics, and Technology shall be a vice admiral on active duty.

(3) Exclusion from grade and number limitations.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the grade of vice admiral.

(c) Department of the Air Force.—

(1) Establishment of position.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition, Logistics, and Technology.

(2) Lieutenant general.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition, Logistics, and Technology shall be a lieutenant general of the Air Force on active duty.

(3) Exclusion from grade and number limitations.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

SA 4415. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . WAIVER FOR TRANSPORTATION TO COOK INLET.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) or any other law restricting the operation of a foreign-flag vessel in the coastwise trade, the foreign-flag vessel TAI AN KOU (IMO number 9223277) may engage in the coastwise trade of the United States to transport a jack-up drilling rig from a place near Port Arthur, Texas, to a site in Cook Inlet, Alaska.

SA 4416. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) Definitions.—In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) Responsibility for Barrier.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) Required Structures.—

(1) In general.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) Conveyance.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SA 4417. Mr. FEINGOLD (for himself, Mr. Reed, Mr. Kennedy, and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) Preseparation Counseling.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (6); and

(B) by inserting after paragraph (3) the following:

"(4) For members of the reserve components who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

"(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.";

(2) in subsection (b)—

(A) in paragraph (4), by striking "(4) Information concerning" and inserting the following:

"(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

"(A) certification and licensure requirements that are applicable to civilian occupations;

"(B) civilian occupations that correspond to military occupational specialties; and

"(C)"; and

(B) by adding at the end the following new paragraph:

"(15) Information concerning homelessness, including risk factors, awareness assessment, and contact information for preventative assistance associated with homelessness.";

(3) by adding at the end the following:

"(d) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

"(A) preseparation counseling under this section includes material that is specifically relevant to the needs of—

"(i) persons being separated from active duty by discharge from a regular component of the armed forces; and

"(ii) members of the reserve components being separated from active duty;

"(B) the preseparation counseling under this section is provided to each member of the armed forces eligible for such counseling under this section and includes web-based services, telemedicine, and individual counseling;

"(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

"(D) follow up counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

"(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section."; and

(4) by amending the heading to read as follows:

"§1142. Members separating from active duty: preseparation counseling".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

"1142. Members separating from active duty: preseparation counseling.".

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "paragraph (4)(A)" in the second sentence and inserting "paragraph (6)(A)";

(2) by amending subsection (c) to read as follows:

"(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

"(2) The Secretary and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

"(A) Each member who has previously participated in the program.

"(B) Each member who, upon discharge or release from active duty, is returning to—

"(i) a position of employment; or

"(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.

"(3) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time."; and

(3) by adding at the end the following:

"(e) MECHANISMS FOR PROVISION OF COUNSELING AND SERVICES.—(1) In providing counseling and other services under the program under this section, the Secretary of Labor—

"(A) may utilize range of methods for providing such counseling and services, including face-to-face workshop, individual counseling, web-based tutorial, videotape workshops, and any combination thereof; and

"(B) shall encourage face-to-face workshops as the optimal method for the provision of such counseling and services.

"(2) The Secretary shall ensure that the scope and content of counseling and services under the program are consistent, regardless of the mechanism utilized under paragraph (1) to provide such counseling and services.

"(f) UPDATED MATERIALS.—The Secretary concerned shall, on a continuing basis, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.".

SEC. 588. COMPTROLLER GENERAL ASSESSMENT ON ACCESS TO MEMBERS OF THE ARMED FORCES BEING DISCHARGED, SEPARATED OR RELEASED FROM THE ARMED FORCES.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall conduct and provide to Congress within 240 days an assessment of the following:

(1) The current policies and practices of the Department of Defense (including the military departments and the Armed Forces), the Department of Veterans Affairs, and the Department of Labor on permitting access by military and veterans' service organizations and State veterans service agencies to members of the Armed Forces who are scheduled, or are in the process of being scheduled, for separation, discharge, release, or retirement from active duty in the Armed Forces for the purposes of providing preseparation counseling, other assistance briefings, and veteran-to-veteran counseling to such members.

(2) Whether such policies and practices are consistently applied throughout the military departments, the regular and reserve components of the Armed Forces, all duty stations of the Armed Forces, and facilities of the Department of Veterans Affairs.

(3) The effectiveness of preseparation counseling provided by veterans for members of the Armed Forces described in paragraph (1).

(4) The effectiveness of preseparation counseling and other assistance briefings by military and veterans' service organizations and State veterans service agencies for members of the Armed Forces described in paragraph (1).

(5) The effectiveness of veteran-to-veteran counseling to members of the Armed Forces who have been discharged or released, or are retired, from active duty in the Armed Forces.

(b) RECOMMENDATIONS.—In conducting the assessment required by subsection (a), the Comptroller General shall develop such recommendations as the Comptroller General considers appropriate on the following:

(1) The extent to which the Department of Defense, the Department of Veterans Affairs, and the Department of Labor should encourage or require veteran preseparation counseling, preseparation counseling, and other assistance briefings by military and veterans' service organizations and State veterans service agencies.

(2) Means by which veterans should learn about and gain access to veteran-to-veteran preseparation counseling, preseparation counseling, and other assistance briefings by military and veterans' service organizations, State and local veterans service agencies, community-based organizations (including faith-based organizations) serving veterans, and other veteran-to-veteran counseling, and where and how access should be made available.

(3) Means by which the Department of Defense, the Department of Veterans Affairs, and the Department of Labor shall ensure consistency in the application of policies and practices on veteran-to-veteran preseparation counseling, preseparation counseling, veteran-to-veteran counseling, and other assistance briefings by military and veterans' service organizations, State and local veterans service agencies, community-based organizations (including faith-based organizations) serving veterans throughout the military departments, the regular and reserve components of the Armed Forces, all duty stations of the Armed Forces, and facilities of the Department of Veterans Affairs.

(c) DEFINITIONS.—In this section:

(1) The term "counseling", with respect to the members of the Armed Forces described in subsection (a)(1), includes group-level briefings and individual and family meetings with such members in order to provide the following:

(A) The counseling required under section 1142 of title 10, United States Code.

(B) The employment, job training, and other assistance, and information on such assistance, required by section 1144 of title 10, United States Code.

(C) Information on benefits delivery at discharge programs.

(D) Information on the programs and services of the entity or organization providing such counseling.

(2) The term "benefits delivery at discharge program" means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to obtain any disability benefits for which a member of the Armed Forces.

(1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(d) PROVISION OF MATERIALS.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure the provision to all members of the Armed Forces described in subsection (a)(1) from

military and veterans' service organizations and State veterans' service agencies of such materials (including materials described in paragraph (2)) on separation from active duty in the Armed Forces and adjustment to civilian life as such organizations and agencies seek to provide to such members. The Secretary may prohibit the provision of any such materials to such members only if such materials are factually inaccurate.

(2) MATERIALS.—The materials described in this paragraph are materials on the following:

(A) The counseling required to be provided under section 1142 of title 10, United States Code.

(B) The employment, job training, and other assistance required to be provided under section 1144 of title 10, United States Code.

(C) Benefits delivery at discharge programs.

(D) Programs and services provided by the organization or agency concerned.

SA 4418. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2834. REPORT ON AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for new or additional missions for Guard personnel at the Air National Guard bases that lost aircraft as a result of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the planning process used by the Air Force to determine future missions at Air National Guard bases that lost aircraft as a result of the 2005 round of defense base closure and realignment;

(2) a description of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each such base;

(3) a description of the missions under consideration for each base and an explanation of the criteria and decision-making process to make final decisions about the new missions for each base; and

(4) a timeline for decisions on assigning new or expanded missions to each base.

SA 4419. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following new section:

SEC. 587. ENHANCEMENT OF PRESEPARATION COUNSELING AND TRANSITION SERVICES.

(a) PRESEPARATION COUNSELING AND TRANSITION SERVICES.—Subsection (a) of section 1142 of title 10, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking "shall (except as provided in paragraph (4)) provide for individual preseparation counseling of" and inserting "shall (except as provided in paragraph (5)) provide individual preseparation counseling and additional individualized transition services to";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) For a member of a reserve component being separated from service on active duty for a period of more than 180 days, the Secretary concerned shall require that preseparation counseling and transition services under this section be provided to such member as soon as possible within the member's remaining period fo service with completion of the provision of such counseling and services to occur not later than 120 days after the member is so separated.".

(b) INDIVIDUALIZED TRANSITIONAL SERVICES.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "COUNSELING.—Counseling under" and inserting "COUNSELING AND ADDITIONAL INDIVIDUALIZED TRANSITIONAL SERVICES.—Counseling and additional individualized transitional assistance under"; and

(2) by adding at the end the following new paragraphs:

"(18) In the case of a member who, as determined pursuant to a post deployment health care assessment (PDHA), may be eligible for compensation benefits under the laws administered by the Secretary of Veterans Affairs, a referral (to be provided with the assistance of the Secretary of Veterans Affairs) for a medical examination by the Secretary of Veterans Affairs referred to as a compensation and pension examination.

"(19) Information concerning services of the Department of Defense, the Department of Veterans Affairs, and community-based organizations pertaining to reemployment rights, transition employment assistance, education benefits, readjustment counseling services, and other benefits for veterans.".

(c) ADDITIONAL REQUIREMENTS.—Such section is further amended by adding at the end the following new subsections:

"(d) CONTENT RELEVANT TO REGULAR AND RESERVE COMPONENT MEMBERS.—The Secretary concerned shall ensure that preseparation counseling and transition services under this section include material that is specifically relevant to the needs of members being separated from active duty from a regular component, the needs of members of the reserve components being separated from active duty, and the needs of members of the National Guard being separated from full-time National Guard duty.

"(e) CONSISTENCY OF MATERIALS.—The Secretary of Defense shall ensure that the scope and content of the materials presented as part of preseparation counseling and transition services at each location under this section are consistent with minimum Department of Defense standards for the delivery of preseparation counseling for all members of the armed forces eligible to receive such counseling at separation from the armed forces.

"(f) POST-SEPARATION FOLLOW-UP FOR RESERVE COMPONENT MEMBERS.—The Secretary concerned shall ensure that follow-up counseling is provided for each member of a reserve component separated from active duty not later than 180 days after such separation.

"(g) UPDATED CONTENT OF MATERIALS.—The Secretary concerned shall, on a continuing basis, update the minimum Department of Defense standards for the delivery of preseparation counseling used by activities of the Secretary that provide direct training support to personnel who provide preseparation counseling and other services under this section.

"(h) INTERNET-BASED ACCESS TO MATERIALS.—(1) The Secretary of Defense shall develop and maintain an Internet website for the Transition Assistance Program (TAP) by not later than October 1, 2008.

"(2) The information available through the website under paragraph (1) shall include comprehensive information on the Transition Assistance Program programs under subsection (b).

"(3) The website under paragraph (1) shall be accessible to all member of the armed forces who are eligible for preseparation counseling and transition services.

"(i) NATIONAL GUARD MEMBERS.—Members of the National Guard being separated from duty to which ordered under section 502(f) of title 32 shall be provided preseparation counseling and services under this section to the same extent that members of a reserve component being discharged or released from active duty are provided preseparation counseling and services under this section.".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 1142 of such title is amended to read as follows:

"§ 1142. Members separating from active duty: preseparation counseling and transition services".

(2) TABLE OF SECTIONS.—The item relating to section 1142 in the table of sections at the beginning of chapter 58 of such title is amended to read as follows:

"1142. Members separating from active duty: preseparation counseling and transition services".

(e) CROSS-REFERENCE AMENDMENT.—Section 1144(a)(1) of such title is amended by striking "paragraph (4)(A)" in the second sentence and inserting "paragraph (5)(A)".

SA 4420. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV, add the following:

SEC. 1414. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) Army National Guard Funding for Expansion of Program.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

SA 4421. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) Defense Dependents.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary and secondary school age in the continental United States and overseas.

(b) Severely Wounded or Injured Members of the Armed Forces.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

SA 4422. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. SENSE OF CONGRESS ON IMPLEMENTATION OF A COMPREHENSIVE, FULLY INTEGRATED SECURITY NETWORK SOLUTION IN IRAQ.

(a) Findings.—Congress makes the following findings:

(1) A reliable and integrated telecommunications infrastructure is essential to security, governance, and economic stability in Iraq.

(2) The United States Government, in association with coalition partners, the Government of Iraq, and nongovernmental organizations, has committed funds to improve telecommunications infrastructure in Iraq, particularly with respect to security.

(3) A major effort in this regard includes the deployment of an advanced first responder network (AFRN) throughout Iraq, including in 14 cities that are currently benefitting from these mission-critical public safety communications capabilities.

(4) The broader deployment and connectivity of such disparate emergency communications systems is of critical importance in Iraq, especially in the area of infrastructure security, and a more integrated national common architecture warrants special attention and support.

(b) Sense of Congress.—It is the sense of Congress that the Secretary of Defense should—

(1) continue the deployment of critical advanced first responder network capability into selected areas of Iraq, including the Kurdish area in the north of the country; and

(2) in order to ensure enhanced connectivity of the advanced first responder network, build upon the success of the project to date and implement a comprehensive, fully integrated security network solution in Iraq that will ensure network reliability, secure communications, and a dependable mechanism for the exchange of critical intelligence information, particularly for purposes of supporting and enhancing overall telecommunications services that accommodate command and control of Iraqi security forces, police, and first responders.

SA 4423. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV, add following:

SEC. 1414. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

SA 4424. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 387, line 7, strike "and aircraft" and insert "and, subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft".

On page 387, line 25, after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives".

On page 388, line 3, strike "paragraphs (10)" and insert "paragraphs (1)".

SA 4425. Mr. McCAIN (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: which was ordered to lie on the table; as follows:

Strike section 146 and insert the following:

SEC. 146. PROHIBITION ON INCREMENTAL FUNDING AND MULTIYEAR PROCUREMENT RELATING TO F-22A AIRCRAFT.

(a) Prohibition on Incremental Funding of F–22A Aircraft.—The Secretary of the Air Force shall not use incremental funding for the procurement of F-22A aircraft.

(b) Prohibition on Multiyear Contract for Procurement of F–22A Aircraft.—The Secretary of the Air Force shall not enter into a multiyear contract for the procurement of F–22A aircraft in fiscal year 2007.

(c) Prohibition on Multiyear Contract for Procurement of F–119 Engines for F–22A Aircraft.—The Secretary of the Air Force shall not enter into a multiyear contract for the procurement of F-119 engines for F–22A aircraft in fiscal year 2007.

SA 4426. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 730. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CONTRACTS UNDER TRICARE.

(a) Additional Number of Authorized Periods.—

(1) In general.—Section 1097 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) Additional Authorized Option Periods.—(1) Notwithstanding any other provision of law, the Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under this section by one year if the Secretary determines that such extension—

"(A) is in the best interests of the United States; and

"(B) will—

"(i) facilitate the effective administration of the TRICARE program; or

"(ii) ensure continuity in the delivery of health care under the TRICARE program.

"(2) The total number of extensions of a particular contract that may be granted under paragraph (1) may not exceed 2 extensions.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and, subject to subsection (b), shall apply with respect to any contract described in subsection (f) of section 1097 of title 10, United States Code (as so added), that is in force or entered into on or after that date.

(b) Notice and Wait.—The Secretary of Defense may not commence the exercise of the authority in subsection (f) of section 1097 of title 10, United States Code (as added by subsection (a) of this section) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such subsection (f) that will be required by the Secretary in order to be eligible for an extension authorized by such subsection (f).

(c) REPORT ON CONTRACTING MECHANISMS FOR HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years with a single optional period of extension of an additional 5 years.

SA 4427. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the folling:

SEC. 1084. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2008".

SA 4428. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title V, add the following:

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting "active-duty or retired" after "An";

(B) by inserting "or Marine Corps" after "Navy";

(C) by inserting "or colonel, respectively" after "captain"; and

(D) by inserting "or assigned" after "detailed";

(2) in paragraph (2), by inserting "and the Commandant of the Marine Corps" after "Operations"; and

(3) in paragraph (4)(A)—

(A) by inserting "(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)" after "in the case of a civilian";

(B) by inserting "active-duty or retired" after "in the case of an"; and

(C) by inserting "or Marine Corps" after "Navy".

SA 4429. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. AUTHORITY TO DONATE SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the economic and environmental interests of the United States to promote the disposal of vessels in the National Defense Reserve Fleet that are of insufficient value to warrant further preservation.

(2) The Maritime Administration of the Department of Transportation has been authorized to make such disposals, including the sale and recycling of such vessels and the donation of such vessels to any State, commonwealth, or possession of the United States, and to nonprofit organizations.

(3) The government of Greece has expressed an interest in obtaining and using the ex-Liberty ship, SS ARTHUR M. HUDDELL, for purposes of a museum exhibit.

(4) It is in the interest of the United States to authorize the Maritime Administration to donate SS ARTHUR M. HUDDELL to Greece.

(b) DONATION OF SS ARTHUR M. HUDDELL TO GOVERNMENT OF GREECE.—Notwithstanding Section 510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158), the Secretary of Transportation is authorized to transfer SS ARTHUR M. HUDDELL, by gift, to the Government of Greece, in accordance with terms and conditions determined by the Secretary.

(c) ADDITIONAL EQUIPMENT.—The Secretary may convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet to assist the Government of Greece under this section for purposes of the museum exhibit referred to in subsection (a)(3).

SA 4430. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. WHISTLEBLOWER PROTECTIONS EXTENDED TO EMPLOYEES OF NATIONAL SECURITY AGENCIES AND FEDERAL CONTRACTORS.

Section 2302 of title 5, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B)(ii) by striking "; and" and inserting the following: ", in which case the President shall submit a report to Congress, that may be classified if necessary—

"(I) detailing any position the President has excluded from the coverage of this section; and

"(II) including the reasons why the President determined that excluding a position from the coverage of this section is necessary and warranted by the conditions of good administration;";

(B) in subparagraph (C)—

(i) in clause (i), by striking "subsection (b)(8)" and inserting "paragraph (8) or (9) of subsection (b)";

(ii) in clause (ii), by striking "the Federal Bureau of Investigation,"; and

(iii) in clause (iii), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) 'intelligence agency' means any agency described in subparagraph (C)(ii).";

(2) by adding at the end the following:

"(f)(1)(A) In this paragraph—

"(i) the term 'executive agency' has the meaning given under section 4(1) of the Office of the Federal Procurement Policy Act (41 U.S.C. 403(1)); and

"(ii) the term 'Federal contractor' means any person that has entered into a contract with an executive agency, or any person who has entered into a contract with such a person pursuant to the contract with that executive agency.

"(B) For the purposes of paragraphs (8) and (9) of subsection (b), any employment position at a Federal contractor that is funded in whole or in part by appropriated funds shall be considered to be a covered position under subsection (a)(2)(B).

"(C) For purposes of this paragraph, an employment position at a Federal contractor is funded in whole or in part by appropriated funds if the responsibilities of the position include engaging in any activity with respect to such contract, including providing services or manufacturing goods procured under the contract, or providing incidental or support services related to such a contract, including accounting, human resources, secretarial services, and any other incidental or support services.

"(2) For the purposes of paragraph (8)(A) and paragraph (9) of subsection (b), any position at an agency described under subsection (a)(2)(C)(ii) shall be considered to be a covered position under subsection (a)(2)(B).

"(g) Any person that violates this section shall be subject to a civil penalty not to exceed $50,000.".

SA 4431. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF SANCTIONS ON LIBYA AND EXTENSION OF SANCTIONS ON IRAN.

(a) SHORT TITLE.—

(1) IN GENERAL.—Section 1 of the Iran and Libya Sanctions Act of 1996 (Public Law 104-

172; 50 U.S.C. 1701 note) is amended by striking "and Libya".

(2) REFERENCES.—Any reference in any other provision of law, regulation, document, or other record of the United States to the "Iran and Libya Sanctions Act of 1996" shall be deemed to be a reference to the "Iran Sanctions Act of 1996".

(b) FINDINGS.—Section 2 of such Act is amended by striking paragraph (4).

(c) DECLARATION OF POLICY.—Section 3 of such Act is amended—

(1) in subsection (a), by striking "(a) POLICY WITH RESPECT TO IRAN.—"; and

(2) by striking subsection (b).

(d) MANDATORY SANCTIONS WITH RESPECT TO LIBYA.—Section 5 of such Act is amended—

(1) by striking subsection (b); and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "subsections (a) and (b)" and inserting "subsection (a)"; and

(B) in paragraph (1), by striking "or (b)"; and

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking "or (b)"; and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(e) TERMINATION OF SANCTIONS.—Section 8 of such Act is amended—

(1) in subsection (a), by striking "(a) IRAN.—"; and

(2) by striking subsection (b).

(f) REPORTS REQUIRED.—Section 10(b)(1) of such Act is amended by striking "and Libya" each place it appears.

(g) SUNSET DATE.—Section 13(b) of such Act is amended by striking "10 years" and inserting "15 years".

(h) DEFINITIONS.—Section 14 of such Act is amended—

(1) in paragraph (9)—

(A) in the matter preceding subparagraph (A), by striking "nongovenmental entity in Iran, or with the Government of Libya or a nongovernmental entity in Libya," and inserting "nongovernmental entity in Iran"; and

(B) in subparagraph (A), by striking "or Libya (as the case may be)";

(2) by striking paragraph (12); and

(3) by redesignating paragraphs (13), (14), (15), (16), and (17) as paragraphs (12), (13), (14), (15), and (16), respectively.

SA 4432. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(B) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(C) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(i) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(ii) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(iii) the era of maritime commerce, during which canals boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(D) those unique and significant eras are best described by the theme "The Making of Nations and Corridors of Commerce";

(E) the artifacts and structures associated with those eras are unusually well-preserved;

(F) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(G) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(H) there are benefits in celebrating and promoting this mutual heritage;

(I) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(J) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(K) according to the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", "the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in U.S. history"; and

(L) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(2) PURPOSES.—The purposes of this section are—

(A) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(B) to assist the State of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(C) to use those resources and the theme "The Making of Nations and Corridors of Commerce" to—

(i) revitalize the economy of communities in the Champlain Valley; and

(ii) generate and sustain increased levels of tourism in the Champlain Valley;

(D) to encourage—

(i) partnerships among State and local governments and nongovernmental organizations in the United States; and

(ii) collaboration with Canada and the Province of Quebec to—

(I) interpret and promote the history of the waterways of the Champlain Valley region;

(II) form stronger bonds between the United States and Canada; and

(III) promote the international aspects of the Champlain Valley region; and

(E) to provide financial and technical assistance for the purposes described in subparagraphs (A) through (D).

(b) DEFINITIONS.—In this section:

(1) HERITAGE PARTNERSHIP.—The term "Heritage Partnership" means the Champlain Valley National Heritage Partnership established by subsection (c)(1).

(2) MANAGEMENT ENTITY.—The term "management entity" means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under subsection (c)(2)(A)(ii)(I).

(4) REGION.—

(A) IN GENERAL.—The term "region" means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term "region" includes

(i) the linked navigable waterways of—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—the term "State" means—

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term "theme" means the theme "The Making of Nations and Corridors of Commerce", as the term is used in the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

(c) HERITAGE PARTNERSHIP.—

(1) ESTABLISHMENT.—There is established in the regional the Champlain Valley National Heritage Partnership.

(2) MANAGEMENT ENTITY.—

(A) DUTIES.—

(i) IN GENERAL.—The management entity shall implement this section.

(ii) MANAGEMENT PLAN.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(II) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement this section based on the federally authorized plan of the management entity entitled "Opportunities for Action, an Evolving Plan For Lake Champlain".

(III) CONTENTS.—The management plan shall include—

(aa) recommendations for funding, managing, and developing the Heritage Partnership;

(bb) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(cc) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(dd) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(ee) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this section.

(IV) CONSIDERATIONS.—In developing the management plan under subclause (I), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(V) SUBMISSION TO SECRETARY FOR APPROVAL.—

(aa) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(bb) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in item (aa), the Secretary shall not provide any additional funding under this section until a management plan for the Heritage Partnership is submitted to the Secretary.

(VI) APPROVAL.—Not later than 90 days after receiving the management plan submitted under subclause (V)(aa), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(VII) ACTION FOLLOWING DISAPPROVAL.—

(aa) GENERAL.—If the Secretary disapproves a management plan under subclause (VI), the Secretary shall—

(AA) advise the management entity in writing of the reasons for the disapproval;

(BB) make recommendations for revisions to the management plan; and

(CC) allow the management entity to submit to the Secretary revisions to the management plan.

(bb) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under item (aa)(CC), the Secretary shall approve or disapprove the revision.

(VIII) AMENDMENT.—

(aa) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(AA) review the management plan; and

(BB) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(bb) EXPENDITURE OF FUNDS.—No funds made available under this section shall be used to implement any amendment proposed by the management entity under item (aa) until the Secretary approves the amendments.

(B) PARTNERSHIPS.—

(i) IN GENERAL.—In carrying out this section, the management entity may enter into partnerships with—

(I) the States, including units of local governments in the States;

(II) nongovernmental organizations;

(III) Indian Tribes; and

(IV) other persons in the Heritage Partnership.

(ii) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under clause (i) to assist in implementing this section.

(C) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(3) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this section, the Secretary may provide technical and financial assistance to the management entity.

(d) EFFECT.—Nothing in this section—

(1) grants powers of zoning or land use to the management entity;

(2) modifies, enlarges, or diminishes the authority of the Federal Government or a State or local government to manage or regulate any use of land under any law (including regulations); or

(3) obstructs or limits private business development activities or resource development activities.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than a total of $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under paragraph (1) shall be not be less than 50 percent.

(f) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SA 4433. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. USE OF GEOGRAPHIC PREFERENCE FOR PURCHASE OF LOCALLY PRODUCED FRUITS AND VEGETABLES.

(a) GEOGRAPHIC PREFERENCE AUTHORIZED.—Notwithstanding any other provision of law, the Department of Defense may use a geographic preference to purchase locally produced fruits and vegetables for the Defense Supply Center Philadelphia, the Department of Defense Farm to School Program, and the Department of Defense Fresh Fruit and Vegetable Program for a purpose described in subsection (b). This authority applies to the purchase of fruits and vegetables for both Department of Defense and non-Department of Defense uses.

(b) PURPOSES FOR PREFERENCE.—The purposes referred to in subsection (a) are the following:

(1) Procuring certain fruits and vegetables that have higher nutritional quality if they are harvested closer to full ripeness.

(2) Improving ripeness, taste, or the associated consumption rates of fruits and vegetables.

(3) Improving the efficiency of storage or distribution or to make other logistical improvements.

(4) Reducing dependence upon foreign oil by reducing fuel consumption rates associated with the transportation of fruits and vegetables.

(5) Improving the ability of those using the procurement system to provide education on nutrition, farming, sustainability, energy efficiency, or the importance of local purchases to the local economy.

(6) Maintaining a robust logistics network for agricultural product procurement.

(7) Promoting farm, business and economic development by accessing local markets.

SA 4434. Mr. MCCAIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 730. EDUCATION, TRAINING, AND SUPERVISION OF PERSONNEL PROVIDING SPECIAL EDUCATION SERVICES UNDER EXTENDED BENEFITS UNDER TRICARE.

Section 1079(d)(2) of title 10, United States Code is amended by adding at the end the following: "The regulations shall include the following:

"(A) Requirements for education, training, and supervision of individuals providing special education services known as Applied Behavioral Analysis under this subsection that are in addition to any other education, training, and supervision requirements applicable to Board Certified Behavior Analysts or Board Certified Associate Behavior Analysts or are otherwise applicable to personnel providing such services under applicable State law.

"(B) Metrics to identify and measure the availability and distribution of individuals of various expertise in Applied Behavioral Analysis in order to evaluate and assure the availability of qualified personnel to meet needs for Applied Behavioral Analysis under this subsection.".

SA 4435. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 702.

SA 4436. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 236, line 9, add at the end the following: "In addition, clause (i) shall not apply to diabetes supplies or insulin.".

SA 4437. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 725. STUDY ON COMPETITION-BASED MODEL OF REIMBURSEMENT OF HEALTH CARE PROVIDERS UNDER TRICARE.

(a) IN GENERAL.—The Secretary of Defense shall require the Assistant Secretary of Defense for Health Affairs to conduct a study to assess the feasibility and advisability of utilizing value-based competition between providers of health care services under the TRICARE program.

(b) PURPOSE.—The purpose of the study is to determine whether or not the reimbursement model under the TRICARE program should be modified to encourage and enhance competition among health care providers under the TRICARE program in order to ensure that the delivery of care by such providers under the TRICARE program is more transparent and outcome-based.

(c) ELEMENTS.—The study shall include an assessment of the viability of—

(1) establishing a results-based system that tracks provider outcomes in order to assist covered adult and pediatric beneficiaries and physicians under the TRICARE program in identifying high quality care;

(2) improving price transparency; and

(3) establishing single price models for the delivery of episodes of health care.

(d) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 4438. Mr. FEINGOLD (for himself, Mr. BIDEN, Mr. HAGEL, Mr. DURBIN, Mr. COLEMAN, Mr. SALAZAR, Mr. MARTINEZ, Mr. OBAMA, Mr. LEAHY, Mr. LUGAR, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) support the development of transitional federal institutions in Somalia into a unified national government, support aid to the people of Somalia and efforts to prevent terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR SOMALIA.—

(1) REQUIREMENT FOR STRATEGY.—Not later then 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States policy in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4439. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1223. REPORTS ON THE DARFUR PEACE AGREEMENT.

Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the Department of Defense's role in assisting the parties to the Darfur Peace Agreement of May 5, 2006 with implementing that Agreement. Each such report shall include a description of—

(1) the assets that the United States military, in concert with the United States North Atlantic Treaty Organisation (NATO) allies, are able to offer the African Union Mission in Sudan (AMIS) and any United Nations peacekeeping mission authorized for Darfur;

(2) any plans of the Secretary of Defense to support the AMIS by providing information regarding the location of belligerents and potential violations of the Darfur Peace Agreement and assistance to improve the AMIS use of intelligence and tactical mobility;

(3) the resources that will be used during the current fiscal year to provide the support described in paragraph (2) and the resources that will be needed during the next two fiscal years to provide such support;

(4) the efforts of the Secretary of Defense and Secretary of State to leverage troop contributions from other countries to serve in the proposed United Nation peacekeeping mission for Darfur;

(5) any plans of the Secretary of Defense to participate in the deployment of any NATO mentoring or technical assistance teams to Darfur to assist the AMIS; and

(6) any actions carried out by the Secretary of Defense to address deficiencies in the AMIS communications systems, particularly the interoperability of communications equipment.

SA 4440. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 846. PROHIBITION ON DEFENSE CONTRACTORS REQUIRING LICENSES OR FEES FOR USE OF MILITARY LIKENESSES AND DESIGNATIONS IN TOYS OR MODELS.

The Secretary of Defense shall require that any contract entered into or renewed by the Department of Defense includes a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

SA 4441. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1)

SA 4442. Mr. KERRY (for himself, Mr. FEINGOLD, Mrs. BOXER, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 437, between lines 2 and 3, insert the following:

SEC. 1084. UNITED STATES POLICY ON IRAQ.

(a) REDEPLOYMENT OF TROOPS FROM IRAQ.—

(1) SCHEDULE FOR REDEPLOYMENT.—For purposes of strengthening the national security of the United States, the President shall redeploy, commencing in 2006, United States forces from Iraq by July 1, 2007, in accordance with a schedule coordinated with the Government of Iraq, leaving only the minimal number of forces that are critical to completing the mission of standing up Iraqi security forces, conducting targeted and specialized counterterrorism operations, and protecting United States facilities and personnel.

(2) CONSULTATION WITH CONGRESS REQUIRED.—The President shall consult with Congress regarding the schedule for redeployment and shall submit such schedule to Congress as part of the report required under subsection (c).

(3) MAINTENANCE OF OVER-THE-HORIZON TROOP PRESENCE.—The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

(b) IRAQ SUMMIT.—The President should work with the leaders of the Government of Iraq to convene a summit as soon as possible that includes those leaders, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that engenders the support of Sunnis, Shias, and Kurds by ensuring the equitable distribution of oil revenues, disbanding the militias, strengthening internal security, reviving reconstruction efforts and fulfilling related international economic aid commitments, securing Iraq's borders, and providing for a sustainable federalist structure in Iraq.

(c) REPORT ON REDEPLOYMENT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to Congress a report that sets forth the strategy for the redeployment of United States forces from Iraq by July 1, 2007.

(2) STRATEGY ELEMENTS.—The strategy required in the report under paragraph (1) shall include the following:

(A) The schedule for redeploying United States forces from Iraq by July 1, 2007, developed pursuant to subsection (a)(1).

(B) A schedule for returning the majority of such redeployed forces home to the United States.

(C) The number, size, and character of United States military units needed in Iraq after July 1, 2007, for purposes of counterterrorism activities, training Iraqi security forces, and protecting United States infrastructure and personnel.

(D) A strategy for addressing the regional implications for diplomacy, politics, and development of redeploying United States forces from Iraq by July 1, 2007.

(E) A strategy for ensuring the safety and security of United States forces in Iraq during and after the July 1, 2007, redeployment, and a contingency plan for addressing dramatic changes in security conditions that may require a limited number of United States forces to remain in Iraq after that date.

(F) A strategy for redeploying United States forces to effectively engage and defeat global terrorist networks that threaten the United States.

SA 4443. Mr. KERRY (for himself, Mr. HAGEL, Mr. JOHNSON, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, strike line 4 and all that follows through page 198 and insert the following:

by 2.7 percent

(c) TARGETED INCREASE IN BASIC PAY RATES.—Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	8,494.20	8,772.60	8,957.10	9,008.70	9,239.10
0–7	7,058.40	7,386.00	7,538.10	7,658.40	7,876.80
0–6	5,231.40	5,747.40	6,124.50	6,124.50	6,147.60
0–5	4,361.10	4,912.80	5,253.00	5,316.90	5,529.00
0–4	3,762.90	4,356.00	4,646.40	4,711.50	4,981.20
0–3[3]	3,308.40	3,750.60	4,048.20	4,413.60	4,624.50
0–2[3]	2,858.10	3,255.60	3,749.70	3,876.30	3,956.10
0–1[3]	2,481.30	2,582.40	3,121.80	3,121.80	3,121.80

	Over 8	Over 10	Over 12	Over 14	Over 16
0–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	9,624.00	9,713.40	10,079.10	10,183.80	10,498.80
0–7	8,092.20	8,341.80	8,590.80	8,840.40	9,624.00
0–6	6,411.30	6,446.10	6,446.10	6,812.40	7,460.10
0–5	5,656.20	5,935.20	6,140.10	6,404.40	6,809.70
0–4	5,270.40	5,630.10	5,911.20	6,105.90	6,217.80
0–3[3]	4,856.70	5,007.00	5,253.90	5,382.30	5,382.30
0–2[3]	3,956.10	3,956.10	3,956.10	3,956.10	3,956.10

COMMISSIONED OFFICERS[1]—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 8	Over 10	Over 12	Over 14	Over 16
0–1[3]	3,121.80	3,121.80	3,121.80	3,121.80	3,121.80
	Over 18	Over 20	Over 22	Over 24	Over 26
0–10[2]	$0.00	$13,725.90	$13,793.10	$14,079.90	$14,579.70
0–9	0.00	12,005.10	12,177.60	12,427.80	12,863.70
0–8	10,954.20	11,374.50	11,655.00	11,655.00	11,655.00
0–7	10,286.10	10,286.10	10,286.10	10,286.10	10,338.30
0–6	7,840.20	8,220.00	8,436.30	8,655.00	9,080.10
0–5	7,002.30	7,192.80	7,409.10	7,409.10	7,409.10
0–4	6,282.90	6,282.90	6,282.90	6,282.90	6,282.90
0–3[3]	5,382.30	5,382.30	5,382.30	5,382.30	5,382.30
0–2[3]	3,956.10	3,956.10	3,956.10	3,956.10	3,956.10
0–1[3]	3,121.80	3,121.80	3,121.80	3,121.80	3,121.80

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades 0–7 through 0–10 may not exceed the rate of pay for level II of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be $16,037.40, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade 0–1, 0–2, or 0–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–3E	$0.00	$0.00	$0.00	$4,413.60	$4,624.50
0–2E	0.00	0.00	0.00	3,876.30	3,956.10
0–1E	0.00	0.00	0.00	3,121.80	3,333.90
	Over 8	Over 10	Over 12	Over 14	Over 16
0–3E	$4,856.70	$5,007.00	$5,253.90	$5,462.10	$5,581.20
0–2E	4,082.10	4,294.20	4,458.90	4,581.00	4,581.00
0–1E	3,456.90	3,582.90	3,706.80	3,876.30	3,876.30
	Over 18	Over 20	Over 22	Over 24	Over 26
0–3E	$5,743.80	$5,743.80	$5,743.80	$5,743.80	$5,743.80
0–2E	4,581.00	4,581.00	4,581.00	4,581.00	4,581.00
0–1E	3,876.30	3,876.30	3,876.30	3,876.30	3,876.30

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,418.80	3,677.70	3,783.60	3,887.40	4,066.20
W–3	3,122.10	3,252.30	3,385.50	3,429.60	3,569.40
W–2	2,762.70	3,023.40	3,104.40	3,159.90	3,338.70
W–1	2,425.20	2,685.00	2,756.40	2,904.30	3,080.10
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	4,242.90	4,422.30	4,691.40	4,927.80	5,152.80
W–3	3,843.90	4,130.10	4,265.40	4,421.40	4,582.20
W–2	3,616.80	3,754.80	3,890.70	4,056.60	4,186.20
W–1	3,337.80	3,458.40	3,627.00	3,792.90	3,922.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$6,078.30	$6,386.10	$6,615.60	$6,869.70
W–4	5,336.40	5,516.10	5,779.50	5,995.80	6,242.70
W–3	4,870.50	5,065.80	5,181.90	5,306.40	5,475.30
W–2	4,303.80	4,444.20	4,536.90	4,611.30	4,611.30
W–1	4,042.80	4,188.90	4,188.90	4,188.90	4,188.90

ENLISTED MEMBERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	2,350.50	2,565.60	2,663.70	2,794.20	2,895.60
E–6	2,033.10	2,236.80	2,335.80	2,431.50	2,531.70
E–5	1,863.00	1,987.50	2,083.50	2,181.90	2,335.20
E–4	1,707.90	1,795.20	1,892.40	1,988.10	2,073.00
E–3	1,541.70	1,638.90	1,737.60	1,737.60	1,737.60
E–2	1,465.80	1,465.80	1,465.80	1,465.80	1,465.80
E–1 [3]	1,308.00	1,308.00	1,308.00	1,308.00	1,308.00
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9 [2]	$0.00	$4,130.70	$4,224.30	$4,342.50	$4,481.40
E–8	3,381.30	3,531.00	3,623.70	3,734.40	3,854.70
E–7	3,070.20	3,168.30	3,326.70	3,471.00	3,569.70
E–6	2,757.60	2,845.20	3,000.00	3,051.90	3,089.70
E–5	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E–4	2,073.00	2,073.00	2,073.00	2,073.00	2,073.00
E–3	1,737.60	1,737.60	1,737.60	1,737.60	1,737.60
E–2	1,465.80	1,465.80	1,465.80	1,465.80	1,465.80
E–1	1,308.00	1,308.00	1,308.00	1,308.00	1,308.00
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9 [2]	$4,620.90	$4,845.30	$5,034.60	$5,234.70	$5,539.50
E–8	4,071.60	4,181.40	4,368.60	4,472.40	4,727.70
E–7	3,674.40	3,715.50	3,852.00	3,944.40	4,224.60
E–6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E–5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E–4	2,073.00	2,073.00	2,073.00	2,073.00	2,073.00
E–3	1,737.60	1,737.60	1,737.60	1,737.60	1,737.60
E–2	1,465.80	1,465.80	1,465.80	1,465.80	1,465.80
E–1	1,308.00	1,308.00	1,308.00	1,308.00	1,308.00

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is $6,675, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $1,209.90.

(d) OFFSET.—

(1) IN GENERAL.—Amounts payable under this section as monthly basic pay for members of the uniformed services as a result of the difference between an increase in rates of such pay of 2.2 percent and the increase in rates of such pay provided for under subsection (b) shall be derived during fiscal year 2007 from amounts available for that fiscal year for the travel of personnel employed in or assigned to the Office of the Secretary of Defense.

(2) TRANSFER.—Amounts specified in paragraph (1) as available for payment as provided in that paragraph shall be transferred to the accounts of the Department of Defense for the payment of pay and allowances of members of the Armed Forces.

(3) EXCEPTION FROM TRANSFER LIMITATION.—The transfer of amounts under paragraph (2) shall not be subject to any limitations on the transfer of funds of the Department of Defense under section 1001 or under any other provision of law.

SA 4444. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strength for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 7, strike "with" and all that follows through page 3, line 2 and insert the following: " or contracts with an appropriate entity or entities, under which such entity shall provide appropriate credit or identity protection monitoring services to veterans, spouses and former spouses of veterans, and members of the Armed Forces (including members of the National Guard and Reserve) affected by the theft of personal information from the Department of Veterans Affairs on May 3, 2006.

(b) LIMITATION.—The Secretary shall ensure that any contract under subsection (a) permits only those veterans, spouses or former spouses of veterans, and members of the Armed Forces (including members of the National Guard and Reserve) who choose to receive monitoring services under such contract to elect to have personal information monitored by the contractor under such contract.

(c) FIXED PRICE FOR SERVICES.—

(1) IN GENERAL.—Any contract under subsection (a) shall provide services at a fixed price, paid by the Department of Veterans Affairs, for a period of 12 months, beginning on the date of the commencement of the provision of services.

(2) TERMINATION OF SERVICES AFTER 12 MONTHS UNLESS NOTIFIED IN WRITING.—A contractor described in subsection (a) shall not continue services to affected individuals for more than the 12-month period referred to in paragraph (1), unless the contractor receives written notice of the willingness of the affected individual to assume the cost of service delivery.

(d) SECURITY FREEZES FOR VETERANS.—

(1) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605B the following:

"SEC. 605C. SECURITY FREEZES FOR CERTAIN VETERANS.

"(a) APPLICABILITY.—This section shall apply with respect to—

"(1) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006;

"(2) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach; and

"(3) any other person who the Secretary of Veterans Affairs has identified as being at risk of identity theft as a result of that security breach.

"(b) SECURITY FREEZES.—

"(1) EMPLACEMENT.—A veteran, spouse, or other person described in subsection (a) may include a security freeze in the file of that veteran, spouse, or other person maintained by a consumer reporting agency described in section 603(p)(1), by making a request to the consumer reporting agency in writing, by telephone, or through a secure electronic connection made available by the consumer reporting agency.

"(2) CONSUMER DISCLOSURE.—If a veteran, spouse, or other person described in subsection (a) requests a security freeze under this section, the consumer reporting agency shall disclose to that individual the process of placing and removing the security freeze and explain to that individual the potential consequences of the security freeze. A consumer reporting agency may not imply or inform a veteran, spouse, or other person described in subsection (a) that the placement or presence of a security freeze on the file of that individual may negatively affect their credit score.

"(c) EFFECT OF SECURITY FREEZE.—

"(1) RELEASE OF INFORMATION BLOCKED.—If a security freeze is in place in the file of a veteran, spouse, or other person described in subsection (a), a consumer reporting agency may not release information from the file of that individual to a third party without prior express written authorization from that individual.

"(2) INFORMATION PROVIDED TO THIRD PARTIES.—Paragraph (2) does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the file of a veteran, spouse, or other person described in subsection (a). If a third party, in connection with an application for credit, requests access to a consumer file on which a security freeze is in place under this section, the third party may treat the application as incomplete.

"(3) CREDIT SCORE NOT AFFECTED.—The placement of a security freeze under this section may not be taken into account for any purpose in determining the credit score of the veteran, spouse, or other person to whom the security freeze relates.

"(d) REMOVAL; TEMPORARY SUSPENSION.—

"(1) IN GENERAL.—Except as provided in paragraph (4), a security freeze under this section shall remain in place until the veteran, spouse, or other person to whom it relates requests that the security freeze be removed. The veteran, spouse, or other person may remove a security freeze on his or her file by making a request to the consumer reporting agency in writing, by telephone, or through a secure electronic connection made available by the consumer reporting agency.

"(2) CONDITIONS.—A consumer reporting agency may remove a security freeze placed in the file of a veteran, spouse, or other person under this section only—

"(A) upon request of the veteran, spouse, or other person, pursuant to paragraph (1); or

"(B) if the agency determines that the file of that veteran, spouse, or other person was frozen due to a material misrepresentation of fact by that veteran, spouse, or other person.

"(3) NOTIFICATION TO CONSUMER.—If a consumer reporting agency intends to remove a security freeze pursuant to paragraph (2)(B), the consumer reporting agency shall notify the veteran, spouse, or other person to whom the security freeze relates in writing prior to removing the freeze.

"(4) TEMPORARY SUSPENSION.—A veteran, spouse, or other person described in subsection (a) may have a security freeze under this section temporarily suspended by making a request to the consumer reporting agency in writing or by telephone and specifying beginning and ending dates for the period during which the security freeze is not to apply.

"(e) RESPONSE TIMES; NOTIFICATION OF OTHER ENTITIES.—

"(1) IN GENERAL.—A consumer reporting agency shall—

"(A) place a security freeze in the file of a veteran, spouse, or other person under subsection (b) not later than 5 business days after receiving a request from the veteran, spouse, or other person under subsection (b)(1); and

"(B) remove or temporarily suspend a security freeze not later than 3 business days after receiving a request for removal or temporary suspension from the veteran, spouse, or other person under subsection (d).

"(2) NOTIFICATION OF OTHER AGENCIES.—A consumer reporting agency shall notify all other consumer reporting agencies described in section 603(p)(1) of a request under this section not later than 3 days after placing, removing, or temporarily suspending a security freeze in the file of the veteran, spouse, or other person under subsection (b), (d)(2)(A), or (d)(4).

"(3) IMPLEMENTATION BY OTHER AGENCIES.—A consumer reporting agency that is notified of a request under paragraph (2) to place, remove, or temporarily suspend a security freeze in the file of a veteran, spouse, or other person shall—

"(A) request proper identification from the veteran, spouse, or other person, in accordance with subsection (g), not later than 3 business days after receiving the notification; and

"(B) place, remove, or temporarily suspend the security freeze on that credit report not later than 3 business days after receiving proper identification.

"(f) CONFIRMATION.—Except as provided in subsection (c)(3), whenever a consumer reporting agency places, removes, or temporarily suspends a security freeze at the request of a veteran, spouse, or other person under subsection (b) or (d), respectively, it shall send a written confirmation thereof to the veteran, spouse, or other person not later than 10 business days after placing, removing, or temporarily suspending the security freeze. This subsection does not apply to the placement, removal, or temporary suspension of a security freeze by a consumer reporting agency because of a notification received under subsection (e)(2).

"(g) ID REQUIRED.—A consumer reporting agency may not place, remove, or temporarily suspend a security freeze in the file of a veteran, spouse, or other person described in subsection (a) at the request of the veteran, spouse, or other person, unless the veteran, spouse, or other person provides proper identification (within the meaning of section 610(a)(1)) and the regulations thereunder.

"(h) EXCEPTIONS.—This section does not apply to the use of the file of a veteran, spouse, or other person described in subsection (a) maintained by a consumer reporting agency by any of the following:

"(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the veteran, spouse, or other person to that person or entity, or a prospective assignee of a financial obligation owing by the veteran, spouse, or other person to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the veteran, spouse, or other person has or had prior to assignment an account or contract, including a demand deposit account, or to whom the veteran, spouse, or other person issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument.

"(2) Any Federal, State, or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, subpoena, or other compulsory process.

"(3) A child support agency or its agents or assigns acting pursuant to subtitle D of title IV of the Social Security Act (42 U.S.C. et seq.) or similar State law.

"(4) The Department of Health and Human Services, a similar State agency, or the agents or assigns of the Federal or State agency acting to investigate medicare or medicaid fraud.

"(5) The Internal Revenue Service or a State or municipal taxing authority, or a State department of motor vehicles, or any of the agents or assigns of these Federal, State, or municipal agencies acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of their other statutory responsibilities.

"(6) The use of consumer credit information for the purposes of prescreening, as provided for under this title.

"(7) Any person or entity administering a credit file monitoring subscription to which the veteran, spouse, or other person has subscribed.

"(8) Any person or entity for the purpose of providing a veteran, spouse, or other person with a copy of his or her credit report or credit score upon request of the veteran, spouse, or other person.

"(i) FEES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a consumer reporting agency may charge a reasonable fee, for placing, removing, or temporarily suspending a security freeze in the file of the veteran, spouse, or other person described in subsection (a), which cost shall be submitted to and paid by the Department of Veterans Affairs, pursuant to procedures established by the Secretary of Veterans Affairs.

"(2) ID THEFT VICTIMS.—A consumer reporting agency may not charge a fee for placing, removing, or temporarily suspending a security freeze in the file of a veteran, spouse, or other person described in subsection (a), if—

"(A) the veteran, spouse, or other person is a victim of identity theft;

"(B) the veteran, spouse, or other person requests the security freeze in writing;

"(C) the veteran, spouse, or other person has filed a police report with respect to the theft, or an identity theft report (as defined in section 603(q)(4), within 90 days after the date on which the theft occurred or was discovered by the veteran, spouse, or other person; and

"(D) the veteran, spouse, or other person provides a copy of the report to the reporting agency.

"(j) LIMITATION ON INFORMATION CHANGES IN FROZEN REPORTS.—

"(1) IN GENERAL.—If a security freeze is in place in the file of a veteran, spouse, or other person described in subsection (a), the consumer reporting agency may not change any of the following official information in that file without sending a written confirmation of the change to the veteran, spouse, or other person within 30 days after the date on which the change is made:

"(A) Name.

"(B) Date of birth.

"(C) Social Security number.

"(D) Address.

"(2) CONFIRMATION.—Paragraph (1) does not require written confirmation for technical modifications of the official information of a veteran, spouse, or other person, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address of the veteran, spouse, or other person.

"(k) Certain Entity Exemptions.—

"(1) Aggregators and other agencies.—The provisions of this section do not apply to a consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced.

"(2) Other exempted entities.—The following entities are not required to place a security freeze in the file of a veteran, spouse, or other person described in subsection (a) in accordance with this section:

"(A) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments.

"(B) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding such veteran, spouse, or other person, to inquiring banks or other financial institutions for use only in reviewing the request of such veteran, spouse, or other person for a deposit account at the inquiring bank or financial institution.".

(2) Fees.—Any fee associated with an extended fraud alert or security freeze required by the amendments made by this section that would otherwise be required to be paid by the consumer shall be paid by the Department of Veterans Affairs.

(e) Reporting Requirement.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Department of Veterans Affairs shall submit a report to Congress detailing the expected costs of services provided under this section.

(f) Sense of the Senate.—It is the sense of the Senate that the budget of the Department of Veterans Affairs is stretched to the limit, and that the President should submit a request for supplemental appropriations to pay for the services required by this section to protect the identity security of those affected by the loss of personal data by the Department of Veterans Affairs.

SA 4445. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) Findings.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy, and an appropriate portion of new Special Forces force structure should consist of units within the reserve components of the Armed Forces or associate active duty and National Guard units.

(4) The Secretary of Defense should consider the establishment of additional reserve component and National Guard Special Forces units and associated units.

(5) Training areas in the State of Montana are a national asset for preparing our Special Forces operators for duty in the mountainous regions of Central Asia.

(b) Report on Incorporation of Elements Into Special Forces.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to incorporate members and units of the reserve components of the Armed Forces into the Special Forces in the expansion of the Special Forces.

(c) Report on Special Forces Training.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on actions to be taken to streamline Special Forces training in the State of Montana through the establishment of a permanent exercise support detachment to facilitate such training.

SA 4446. Mr. PRYOR (for himself and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. MOBILE MEDICAL SHELTER SYSTEMS FOR THE ARMY.

(a) Funding.—

(1) Additional amount for research, development, test, and evaluation, army.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $15,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $15,000,000 may be available Medical Systems, Advanced Development (PE #0603807A) for the development, acquisition, and deployment of mobile medical shelter systems to improve the forward deployed transitional medical capabilities of the Army.

(3) Offset.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby reduced by $15,000,000.

(b) Evaluation of Alternatives.—The Army Medical Research and Materiel Command (MRMC) shall conduct an ongoing evaluation of alternatives for mobile medical shelter systems for the Army, including an evaluation to secure reductions in weight, cube, and sustainment requirements, in order to ensure that the Army obtain best value in procuring such systems.

(c) Plan for Acquisition.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth a plan for the design, development, test, and acquisition of mobile medical shelter systems for the Army.

(d) Budget Matter.—The Secretary of Defense shall ensure that each budget of the Department of Defense submitted to Congress for a fiscal year after fiscal year 2006, as submitted under section 1105(a) of title 31, United States Code, includes a separate program element for the Mobile Medical Investment Fund.

SA 4447. Mr. VOINOVICH (for himself and Mr. Bingaman, Mr. Domenici, Mr. Lieberman, Mr. Kennedy, Mr. Reed, Mr. Sessions, and Mr. Lott) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF DATE OF APPLICATION OF NATIONAL SECURITY PERSONNEL SYSTEM TO DEFENSE LABORATORIES.

Section 9902(c)(1) of title 5, United States Code, is amended by striking "October 1, 2008" each place such term appears and inserting "October 1, 2011" in each such place.

SA 4448. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII add the following:

SEC. 1209. WITHHOLDING OF CERTAIN UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) Findings.—Congress makes the following findings:

(1) A consensus existed in September 2005 that the United Nations was in dire need of reform in order to restore its credibility. An agenda for reform was outlined in the United Nations Summit Declaration of September 2005 that was endorsed by the members of the General Assembly of the United Nations. These reforms were subsequently included in a proposal set forth by the Secretary General of the United Nations to the Fifth Committee of the General Assembly in April 2006.

(2) The United States Ambassador to the United Nations has continuously worked in good faith with fellow member states of the United Nations to achieve a consensus agenda for United Nations reform.

(3) A group of members of the General Assembly, embodied in the G–77, has obstructed progress on reform of the United Nations, specifically by rejecting those set proposals forth by the Secretary General to the Fifth Committee of the General Assembly in April 2006. These proposals stemmed directly from the Summit Outcome document endorsed by the members of the G–77 in September 2005.

(4) The spending cap for the United Nations agreed to in December of 2005 was premised on the need for the United Nations to demonstrate meaningful progress on reform in order to justify funding by member states of the 2006–2007 biannual budget of the United Nations.

(5) The G–77 has reinforced its obstructionist approach to United Nations reform by insisting that the lifting of the spending cap for the United Nations not be linked to progress on management reform issues, contrary to the position of the United States.

(6) The United Nations has failed to show meaningful progress in a number of areas for reform, including human rights, budget, management, and oversight.

(7) Congress should not authorize the remaining United Nations budget until the General Assembly approves the reform measure for the United Nations proposed by the Secretary-General.

(b) WITHHOLDING.—

(1) IN GENERAL.—In the event the United Nations 2006-2007 biennium budget is adopted by the General Assembly without being accompanied by a commitment to reform measures, the United States shall withhold the remaining portion of its assessed dues that formulate its obligations within the budget that are not allocated toward humanitarian, educational, and development programs and other non-political programs considered to be high priority for the United States.

(2) DETERMINATION OF PORTION OF DUES.—The Secretary of State shall determine the portion of the assessed dues referred to in paragraph (1) that are allocated toward humanitarian, educational, and development programs and other non-political programs considered to be high priority for the United States.

(3) TREATMENT OF CERTAIN CONTRIBUTIONS.—Voluntary contributions made by the United States to United Nations agencies over and above the assessed dues of the United States, including contributions to United Nations Peacekeeping Operations and the World Health Organization, shall not be subject to withholding under paragraph (1).

(c) WAIVER.—The President may waive the requirement in subsection (b) upon a determination and certification to Congress that the General Assembly has made a good faith effort on reform of the United Nations, which may include progress in areas such as rationalization of United Nations mandates and a strengthening of United Nations oversight mechanisms.

SA 4449. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 313. ENVIRONMENTAL DOCUMENTATION FOR BEDDOWN OF F-22A AIRCRAFT AT HOLLOMAN AIR FORCE BASE, NEW MEXICO.

The Secretary of the Air Force shall prepare environmental documentation per the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the beddown of F-22A aircraft at Holloman Air Force Base, New Mexico, as replacements for the retiring F-117A aircraft.

SA 4450. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. HIGH ENERGY LASER-LOW ASPECT TARGET TRACKING.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for the Department of Defense High Energy Laser Test Facility for High Energy Laser Low Aspect Target Tracking (HEL–LATT) test series done jointly with the Navy.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for Army is hereby reduced by $5,000,000.

SA 4451. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.

(2) Technological advances in command and control and sense-and-avoid capabilities have improved the operational reliability and safety of unmanned aerial vehicles.

(3) Unmanned aerial vehicles have the potential to support the Nation's homeland defense mission, border security mission, and natural disaster recovery efforts.

(4) Accelerated development and testing of policies for the integration of unmanned aerial vehicles in the National Airspace System would further the increased safe use of such vehicles for border security, homeland defense, and natural disaster recovery efforts.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until the Federal Aviation Administration promulgates such policy, the Secretary of Defense shall submit to Congress a report on the actions of the Department of Defense to support the development by the Federal Aviation Administration of a policy on the testing and operation of unmanned aerial vehicles in the National Airspace System.

SA 4452. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the "Economy Act"), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

SA 4453. Mr. LEVIN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. CLARIFICATION OF AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN MILITARY INTELLIGENCE PROGRAMS.

No provision of this Act may be construed as authorizing the appropriation, or the obligation or expenditure, of funds for a classified program as described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

SA 4454. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place:

PAY-FOR-PERFORMANCE SYSTEM FOR THE DEFENSE TRAVEL SYSTEM

The Department shall transform the contract for the Defense Travel System into a pay-for-performance based system.

SA 4455. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 603.

SA 4456. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title V, add the following:

SEC. 521. ELIGIBILITY FOR CONSIDERATION FOR PROMOTION OF RETIRED, RECALLED COMMISSIONED OFFICERS AND WARRANT OFFICERS ON ACTIVE DUTY.

(a) Commissioned Officers.—

(1) Eligibility.—Section 641 of title 10, United States Code, is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(2) Effective date.—The amendments made by paragraph (1) shall take effect as of September 12, 2001.

(3) Exclusion from officer strength limitations.—Chapter 32 of such title is amended by adding at the end the following new section:

"§ 529. Authorized strength: commissioned officers on active duty; exclusion

"A retired commissioned officer on active duty may not be counted for the purpose of any limitation on the total number of commissioned officers in a certain grade that may be serving on active duty in the retired commissioned officer's armed force.".

(b) Warrant Officers.—

(1) Eligibility.—Section 582 of title 10, United States Code, is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) Effective date.—The amendments made by paragraph (1) shall take effect as of September 12, 2001.

(3) Exclusion from officer strength limitations.—Chapter 32 of such title, as amended by subsection (a)(3) of this section, is further amended by adding at the end the following new section:

"§ 530. Authorized strength: warrant officers on active duty; exclusion

"A retired warrant officer on active duty may not be counted for the purpose of any limitation on the total number of warrant officers in a certain grade that may be serving on active duty in the retired warrant officer's armed force.".

(c) Clerical Amendment.—The table of sections at the beginning of chapter 32 of title 10, United States Code, is amended by adding at the end the following new items

"529. Authorized strength: commissioned officers on active duty; exclusion.

"530. Authorized strength: warrant officers on active duty; exclusion.".

SA 4457. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, insert the following:

SEC. 1084. SENSE OF SENATE ON CLIMATE CHANGE.

(a) Findings.—The Senate finds that—

(1) greenhouse gases concentrating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and pose a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods, droughts, hurricanes and other serious weather events;

(2) the most recent annual report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) states that the United States now faces new security challenges, including "Environmental destruction, whether caused by human behavior or cataclysmic mega-disasters such as floods, hurricanes, earthquakes, or tsunamis. Problems of this scope may overwhelm the capacity of local authorities to respond, and may even overtax national militaries, requiring a larger international response. These challenges are not traditional national security concerns, such as the conflict of arms or ideologies. But if left unaddressed they can threaten national security.";

(3) environmental changes are likely to increase instability in many countries as changing weather patterns may exacerbate conflicts and competition over land and water resources;

(4) the strategic, social, political, and economic consequences of global warming are likely to have a greater adverse effect on less developed countries with fewer resources and infrastructures less able to adjust to economic and social changes;

(5) the economy of the United States is not immune from the potential for dislocations due to global warming; and

(6) a failure to reverse the buildup of greenhouse gas emissions in the atmosphere will increase security and economic threats that will face the United States and the world.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) it is the obligation of the United States to help secure for present and future generations the prosperity and sustainability of life on the planet;

(2) global warming is a clear and present danger to the security and the economy of the United States and the world;

(3) this danger cannot be ignored;

(4) international cooperation will be needed to reduce greenhouse gas emissions and mitigate the adverse effects of increasing levels of greenhouse gases and to develop sustainable energy policies and practices; and

(5) the President and Congress should work together to take timely measures, in the United States and in concert with nations around the world, to reduce the threat of global warming.

SA 4458. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) In General.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.10 percent.".

(b) Conforming Amendment.—Section 411 of the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447; 22 U.S.C. 287e note) is repealed.

SA 4459. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . COMPLIANCE REVIEWS.

Each fiscal year, the Secretary of Defense shall conduct compliance reviews of not less than 3 educational institutions that receive grants from the Department of Defense for such year and that are subject to the requirements of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), in order to monitor and effectuate the compliance of each educational institution with such title.

SA 4460. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 437, between lines 2 and 3, insert the following:

SEC. 1084. SENSE OF CONGRESS ON CONTINUED PRESENCE OF UNITED STATES TROOPS IN IRAQ.

It is the sense of Congress that—

(1) the members of the Armed Forces deserve the enormous respect and support of Congress and the American people for the sacrifices that they are making on behalf of our country; and

(2) the President's intention, as stated on March 21, 2006, that "future Presidents" will determine whether to keep members of the Armed Forces in Iraq undermines the preparedness of the United States military to respond to other crises; and

(3) keeping members of the Armed Forces in Iraq at or near current levels at least until 2009 should not be supported.

SA 4461. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1084. CONTRACTING INCENTIVES FOR SMALL AND RENEWABLE POWER PLANTS.

(a) AUTHORIZATION.—The Administrator of the General Services Administration and the Director of the Defense Logistics Agency may stimulate the production and generation of electricity services by extending contracting incentives for public utility services generated by eligible small power plants.

(b) CONTRACTING INCENTIVES.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code—

(1) a contract may be awarded to an eligible small power plant for a period of not more than 20 years; and

(2) upon a written determination by the Administrator of the General Services Administration or the Director of the Defense Logistics Agency, based on market research, that a fair and reasonable price will be obtained, a contract for not more than 4,000,000 megawatt hours per year may be awarded to an eligible small power plant on the basis of limited competition or on a sole-source basis.

(c) APPLICABILITY OF COST CONTROL AND OTHER PROVISIONS OF LAW.—A contract entered into under this section shall be subject to cost control and all other provisions of law applicable to contracting for public utility services.

(d) DEFINITIONS.—In this section—

(1) the term "base closure area" has the same meaning as in section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D));

(2) the term "public utility services", with respect to electricity services, includes electricity supplies and services, including transmission, generation, distribution, and other services directly used in providing electricity; and

(3) the term "eligible small power plant" means any power facility or project with an electrical output of not more than 70 megawatts that—

(A) is located in a base closure area; or

(B) generates, for delivery to the Government, such electricity as is deemed renewable according to standards and criteria established in Executive Order 13101 (63 Fed. Reg. 49643; entitled "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition") and Executive Order 13123 (64 Fed. Reg. 30851; entitled "Greening the Government Through Efficient Energy Management") or section 203 of the Energy Policy Act of 2005 (119 Stat. 652).

SA 4462. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1084. SMALL BUSINESS INNOVATIONS.

(a) SBIR AND STTR MENTOR-PROTEGE AGREEMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(x) SBIR AND STTR MENTOR-PROTEGE AGREEMENTS.—

"(1) CLARIFICATION OF APPLICABILITY.—It is the intent of Congress that the prohibition on conditioning, negotiating, transferring, or diminishing SBIR and STTR data rights in the making or administration of phase III awards (including prime contracts and subcontracts) that are federally funded or intended for use by the Federal Government that is contained in section 8 of the SBIR Policy Directive and in section 3 of the STTR Policy Directive (as in effect on the date of enactment of this subsection, and any successor thereto) apply to mentor-protege agreements established for the purpose of assisting SBIR and STTR small business concerns.

"(2) DATA RIGHTS PROTECTIONS.—Notwithstanding any other provision of law, no mentor-protege agreement with an SBIR or STTR small business concern may be approved by any Federal agency, unless it contains phase III data rights protection clauses prescribed by the SBIR and STTR Policy Directives.

"(3) APPROVAL OF AGREEMENTS.—The SBIR program manager and the STTR program manager at a Federal agency shall each ensure that Federal reimbursement funding for mentor-protege assistance to SBIR and STTR small business concerns is directed towards development, testing, evaluation, and commercialization of SBIR and STTR technologies, respectively.

"(4) REPORTING REQUIREMENT.—Any mentor-protege agreement established for the purpose of assisting an SBIR or STTR small business concern shall require reporting of the dollar value of phase III awards made as a result of the mentor-protege assistance.".

SA 4463. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 826. COMPETITION FOR IRAQI ARMY PISTOLS.

With regard to the procurement of pistols for assistance to the Army or police of Iraq, the Secretary of Defense shall ensure, consistent with the provisions of section 2304 of title 10, United States Code, that—

(1) a full and open competition is obtained to the maximum extent practicable; and

(2) no responsible United States supplier is excluded from bidding for such procurements.

SA 4464. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X of division A, insert the following:

SEC. 1084. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2007".

SA 4465. Mrs. BOXER (for herself, Ms. SNOWE, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. CHAMBLISS, Mrs. LINCOLN, Mr. BINGAMAN, Mr. BURNS, Mr. COBURN, Mr. GRASSLEY, Mr. SCHUMER, Ms. COLLINS, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use;

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952, Executive Order 11016, dated April 25, 1962, and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) DETERMINATION.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941 and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of Title 10 but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) REQUIREMENTS.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart, and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff.

(d) REPORT.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

SA 4466. Mrs. BOXER (for herself, Mr. LIEBERMAN, Mrs. CLINTON, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 730. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) REQUIRED ELEMENTS OF ASSESSMENTS.—Each pre-deployment mental health assessment of a member of the Armed Forces, shall include the following:

(1) A mental health history of the member, with emphasis on mental health status during the 12-month period ending on the date of the assessment and a review of military service during that period.

(2) An assessment of the current treatment of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(3) An assessment of any behavior of the member identified by the member's commanding officer that could indicate the presence of a mental health condition.

(4) Information provided by the member (through a checklist or other means) on the presence of any serious mental illness or any symptoms indicating a mental health condition or disorder.

(b) REFERRAL FOR FURTHER EVALUATION.—Each member of the Armed Forces who is determined during a pre-deployment or post-deployment mental health assessment to have, or have symptoms or indicators for, a mental health condition or disorder shall be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

(c) REFERRAL OF MEMBERS DEPLOYED IN CONTINGENCY OR COMBAT OPERATIONS.—any member of the Armed Forces called or ordered to active duty in support of contingency or combat operations who requests access to mental health care services any time before, during, or after deployment shall be provided access to such services—

(1) not later than 72 hours after the making of such request; or

(2) at the earliest practicable time thereafter.

(d) MINIMUM MENTAL HEALTH STANDARDS FOR DEPLOYMENT.—

(1) STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations minimum standards for mental health for the eligibility of a member of the Armed Forces for deployment to a combat operation or contingency operation.

(2) ELEMENTS.—The standards required by paragraph (1) shall include the following:

(A) A specification of the mental health conditions, treatment for such conditions, and receipt of psychotropic medications for such conditions that preclude deployment of a member of the Armed Forces to a combat operation or contingency operation, or to a specified type of such operation.

(B) Guidelines for the deployability and treatment of members of the Armed Forces diagnosed with a severe mental illness or Post Traumatic Stress Disorder (PTSD).

(3) UTILIZATION.—The Secretary shall take appropriate actions to ensure the utilization of the standards prescribed under paragraph (1) in the making of determinations regarding the deployability of members of the Armed Forces to a combat operation or contingency operation.

(e) MONITORING OF CERTAIN INDIVIDUALS.—The Secretary of Defense shall develop a plan, to be implemented throughout the Department of Defense, for monitoring the mental health of each member of the Armed Forces who, after deployment to a combat operation or contingency operation, is known—

(1) to have a mental health condition or disorder; or

(2) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.

(f) IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the actions taken to implement the requirements of this section.

SA 4467. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. PROHIBITION ON COLLECTION OF SOCIAL SECURITY NUMBERS UNDER THE JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

The Secretary of Defense may not collect or maintain the Social Security Number (SSN) of any individual for purposes of the Joint Advertising, Market Research and Studies (JAMRS) program of the Department of Defense.

SA 4468. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. LIMITATIONS ON THE JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) LIMITATION ON DISSEMINATION OF INFORMATION IN DATABASE.—The Secretary of Defense may not disseminate or disclose any information collected or maintained for purposes of the Joint Advertising, Market Research and Studies (JAMRS) program to any individual who is not engaged in military recruitment activities.

(b) ENHANCEMENT OF OPT-OUT MECHANISMS.—

(1) ESTABLISHMENT OF ADDITIONAL MECHANISMS.—Not later than six months after the date of the enactment of this Act, the Secretary shall establish mechanisms (commonly referred to as "opt-out" mechanisms) for submitting notice to the Department of Defense of an intent not to be included in the Joint Advertising, Market Research and Studies program:

(A) A toll-free telephone number (commonly referred to as an "800 number") for the submittal and receipt of such notices.

(B) An Internet link from the Internet homepage of the Department of Defense to an Internet webpage for the submittal and receipt of such notices.

(C) Any other mechanism that the Secretary considers appropriate.

(2) LIMITATION.—The mechanisms established under paragraph (1) shall not require the disclosure of a Social Security Number (SSN).

(3) PRESERVATION OF EXISTING MECHANISM.—In establishing mechanisms under paragraph (1), the Secretary shall preserve the current mechanism for submitting a notice referred to in that paragraph to the Department, namely a physical address to which such notice may be sent and will be received.

(c) PLAN FOR NOTICE REQUIRED.—The Secretary shall develop and implement by regulation a plan that will result in the notification of individuals whose information is held by the Joint Advertising, Market Research and Studies program of the mechanisms established under subsection (b).

SA 4469. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. WIDEBAND DIGITAL AIRBORNE ELECTRONIC SENSING ARRAY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Wideband Digital Airborne Electronic Sensing Array (PE #0602204F).

(c) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to Conventional Trident Modification Program.

SA 4470. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

The Comptroller General shall conduct a review of the Army's "Cost-Benefit Analysis of Off-Site Versus On-Site Treatment and Disposal of Newport Caustic Hydrolysate," dated April 24, 2006, and provide a report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the results of that review by December 1, 2006.

The review shall consider and assess the following matters as a minimum:

(1) The adequacy of analysis asserted in dismissing five of the eight technologies directed for consideration by House Report 109–89, dated May 20, 2005.

(2) The rationale for the failure to consider other technical solutions, such as constructing a wastewater disposal system on site.

(3) The adequacy of the cost—benefit analysis presented for the three technologies considered.

The Secretary of the Army shall not to proceed with any action to transport or relocate neutralized bulk nerve agent (other than those small quantities necessary for laboratory evaluation of the disposal process) from the Newport Chemical Depot until 60 days after the Comptroller General has submitted his report.

SA 4471. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by subsection (a), $45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (PE #63882C)—

(1) to accelerate the ability to conduct concurrent test and missile defense operations; and

(2) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(c) SUPPLEMENT.—Amounts available under subsection (b) for the program element referred to in that subsection are in addition to any other amounts available in this Act for that program element.

(d) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities that is available for any purpose other than the Missile Defense Agency is hereby reduced by $45,000,000.

SA 4472. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities that is available for any purpose other than the Missile Defense Agency is hereby reduced by $45,000,000.

SA 4473. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEFINITIONS

Service on active duty: Service on active duty means active duty pursuant to a call or active duty under a provision of law referred to in section 101(a)(13)(B) of 10 U.S.C. or under section 12301(d) of 10 U.S.C. Further, active duty means that the reserve component military member must have served in an area where they are eligible for imminent danger or combat pay during the call of active duty.

For the purpose of this amendment, the call to active duty means active duty for a minimum of six months (6).

ANNUAL LEAVE CREDIT

Upon a reserve component military member's call to active duty, fifteen (15) days of Title 10 active duty annual leave days will immediately be credited to their annual leave account.

These fifteen (15) days are for leave use only and may not be transferred by the member at the completion of the active duty tour.

SA 4474. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) According to assessments by the intelligence community, North Korea continues

to maintain an ambitious ballistic missile development program and has exported missiles and missile technology to other countries, including Iran.

(2) North Korea has made preparations to launch a long-range ballistic missile that could reach the United States. The launch of such a missile by North Korea would end the moratorium on long-range missile testing declared by North Korea in 1999.

(3) Secretary of State Condoleezza Rice has warned North Korea that the launch of a long-range ballistic missile would be an "abrogation of obligations" of its missile test moratorium and "would once again show North Korea determined to deepen its isolation, determined not to take a path that is a path of compromise and a path of peace, but rather instead to once again saber-rattle".

(4) According to assessments by the intelligence community, Iran has a very active ballistic missile development program, which includes recent improvements to the Shahab-3 medium-range ballistic missile to extend its range beyond the Middle East. The danger that Iran will acquire a nuclear weapon and the ability to integrate it with the ballistic missiles Iran already possesses is a reason for immediate concern. With continued assistance, Iran could have an intercontinental ballistic missile capable of reaching the United States before 2015.

(5) According to assessments by the intelligence community, North Korea continues to produce plutonium for its nuclear weapons program, while Iran remains committed to acquiring a nuclear weapon and is currently developing its nuclear infrastructure.

(6) The Department of Defense has fielded interceptors and other initial components of a missile defense system capable of providing limited protection for the United States against ballistic missile attack. In view of the immediate threat of a test launch by North Korea of a long-range ballistic missile in the direction of the United States and the continuing efforts of Iran to develop longer-range ballistic missiles, the Department of Defense should expand the size and effectiveness of the current missile defense capabilities of the United States as the threat from these countries continues to grow.

(b) ADDITIONAL FUNDING.—

(1) ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by paragraph (1), $45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (PE #63882C)—

(A) to accelerate the ability to conduct concurrent test and missile defense operations; and

(B) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(3) SUPPLEMENT.—Amounts available under paragraph (2) for the program element referred to in that paragraph are in addition to any other amounts available in this Act for that program element.

(4) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities that is available for any purpose other than the Missile Defense Agency is hereby reduced by $45,000,000.

SA 4475. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION OF WARFIGHTER RAPID AWARENESS PROCESSING TECHNOLOGY.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $4,000,000 may be available for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program.

(c) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy and available for the Conventional Trident Modification Program is hereby decreased by $4,000,000.

SA 4476. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate location in the bill, insert the following:

1. United States and Coalition Forces in Iraq shall secure and properly dispose of all

2. weapons of mass destruction materiel uncovered in Iraq.

SA 4477. Mr. KENNEDY (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. BINGAMAN, Ms. MIKULSKI, Ms. SNOWE, Mr. ROBERTS, Mrs. DOLE, Ms. STABENOW, Mr. ALEXANDER, Mr. VOINOVICH, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. SCIENCE AND TECHNOLOGY.

(a) ARMY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103A for University Research Initiatives.

(b) NAVY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103N for University Research Initiatives.

(c) AIR FORCE SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103F for University Research Initiatives.

(d) COMPUTER SCIENCE AND CYBERSECURITY.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SMART NATIONAL DEFENSE EDUCATION PROGRAM.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $5,000,000 may be available for program element PE 0601120D8Z for the SMART National Defense Education Program.

(f) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $45,000,000.

SA 4478. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. IRAQ.

(a) SENSE OF CONGRESS.—Congress hereby—

(1) commends the Armed Forces of the United States serving in Iraq; and

(2) affirms that it is the policy of Congress that United States military forces in Iraq, having completed the mission of removing Saddam Hussein from power and paving the way for the establishment of a democratically elected government in Iraq, should be returned home at the earliest possible opportunity.

(b) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States in Iraq have served honorably and with great bravery and should be commended for their service to their country.

(2) The democratically elected Government of Iraq should assume full responsibility for the security and stability of Iraq so that United States military forces in Iraq can be replaced with Iraqi security forces or other multinational peacekeeping forces.

(3) The President should develop and implement a strategy for the orderly draw down of United States military forces from Iraq in a manner consistent with United States national security interests.

(c) EXPIRATION OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.—Section 3 of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1501; 50 U.S.C. 1541 note) is amended by adding at the end the following new subsection:

"(c) EXPIRATION.—

"(1) IN GENERAL.—The authorization in subsection (a) shall expire upon the occurrence of any one of the following:

"(A) The assumption by the Government of Iraq of responsibility for security in Iraq.

"(B) The implementation of other effective security arrangements in Iraq, including the establishment of a United Nations peacekeeping operation.

"(C) A certification by the President that the United States has achieved its objectives in Iraq.

"(D) The enactment of a joint resolution to otherwise provide for expiration of the authorization.

"(2) CONSTRUCTION.—Nothing in this subsection shall preclude the President from withdrawing the Armed Forces from Iraq at any time if circumstances warrant. Nothing in this subsection shall be construed as precluding Congress by joint resolution from directing such a withdrawal.".

(d) REPORTS ON SECURITY SITUATION IN IRAQ.—

(1) QUARTERLY REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the security situation in Iraq.

(2) ELEMENTS.—Each report under this subsection shall describe in detail—

(A) the numbers, units, and capabilities of Iraqi security forces in Iraq;

(B) the results of efforts to reduce the presence of United States military forces in Iraq;

(C) the contribution of the continued presence of United States military forces in Iraq to—

(i) the national security of the United States; and

(ii) United States foreign policy interests in the Middle East; and

(D) progress toward national political reconciliation among all Iraqi political and ethnic entities.

SA 4479. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. ADVANCED REMOTE SENSING.

Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, $8,500,000 may be available for Advanced Remote Sensing.

SA 4480. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 587. ADDITIONAL LEAVE FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS CALLED OR ORDERED TO ACTIVE DUTY FOR A CONTINGENCY OPERATION AND OTHER PURPOSES.

Section 701 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "subsection (f) and subsection (g)" and inserting "subsections (f), (g), and (j)"; and

(2) by adding at the end the following new subsection:

"(j)(1) A member of a reserve component of the armed forces called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of this title, or under section 12301(d) of this title, under a call or order that specifies a period of active duty of more than 180 days is entitled to 15 days leave if the member serves, while on active duty pursuant to such call or order—

"(A) in a combat operation or combat zone designated by the Secretary of Defense for purposes of this subsection; or

"(B) in an area for which hostile fire or imminent danger special pay is authorized under section 310 of title 37.

"(2) Leave under paragraph (1) is in addition to any other leave accumulated by a member under this section or to which the member may be entitled under this section or any other provision of law.

"(3) Leave to which a member is entitled under this subsection may not be taken before the completion by the member of the period of active duty on which such leave is based.

"(4) Leave of a member under this subsection may be taken only by the member.".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 28, 2006, at 10:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of:

Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2011, vice Nora Mead Brownell, resigned.

For further information, please contact Judy Pensabene of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 21, 2006, at 11:30 a.m.

The purpose of this meeting is to consider the nominations of Phillip D. Moeller to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2010, vice Patrick Henry Wood III, resigned; and Jon Wellinghoff to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2008, vice William Lloyd Massey, term expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. Mr. President, I ask unanimous consent that on Wednesday, June 21, 2006, at 9:30 a.m. in SD 628 the Committee on Environment and Public Works be authorized to hold a hearing on inherently safer technology in the context of chemical site security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Wednesday, June 21, 2006, at 9:30 a.m. to hold a hearing on the United Nations Convention Against Corruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 21, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 480, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2005, and S. 437, the Grand River Band of Ottawa Indians of Michigan Referral Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "The Analog Hole: Can Congress Protect Copyright and Promote Innovation?" on Wednesday, June 21, 2006, at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: LeVar Burton, National Board Member, Directors Guild of America, Los Angeles, California; Dan Glickman, Chairman and CEO, Motion Picture Association of America, Washington, DC; Gary Shapiro, President and CEO, Consumer Electronics Association Chairman, Home Recording Rights Coalition, Washington, DC; Chris Cookson, President, Warner Bros. Technical Operations Inc., Chief Technology Officer, Warner Bros. Entertainment Inc., Burbank, California; Matt Zinn, Senior Vice President, General Counsel, and Chief Privacy Officer, TiVo Inc., Alviso, California; Gigi Sohn, President and Co-Founder, Public Knowledge, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, June 21, 2006, at 4 p.m. Dirksen Senate Office Building room 226. Witness list:

PANEL I: (Members of Congress).

PANEL II: Neil M. Gorsuch, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTXEPRENEURSHIP

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "Nomination of Steven C. Preston to be the Administrator of the U.S. Small Business Administration" on Wednesday, June 21, 2006, beginning at 10:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 21, 2006, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet on Wednesday, June 21, 2006 at 2:00 p.m. to conduct a hearing on "Reauthorizing the Voting Rights Act's Temporary Provisions: Policy Perspectives and Views from the Field" in Room 226 of the Dirksen Senate Office Building. Witness list:

PANEL I: Debo Adegbile, Associate Director of Litigation, NAACP Legal Defense and Educational Fund, Inc., New York, NY; Gerry Reynolds, Commissioner, United States Civil Rights Commission, Washington, DC; Don Wright, General Counsel, North Carolina Board of Elections, Raleigh, NC; Jack Park, Office of the Attorney General, Montgomery, AL; David Canon, Professor, Department of Political Science University of Wisconsin, Madison, WI; Carol Swain, Professor of Political Science and Professor of Law, Vanderbilt University, Nashville, TN

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT, AND TRADE PROMOTION; AND THE SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND NARCOTICS AFFAIRS.

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on International Economic Policy, Export and Trade Promotion and Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs be authorized to meet jointly during the session of the Senate on Wednesday, June 21, 2006, at 2:30 p.m. to hold a joint hearing on International Methamphetamine Trafficking.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 21, 2006 at 2:30 p.m. The purpose of the hearing is to review the Government Accountability Office Report entitled "Wildland Fire Suppression—Lack of Clear Guidance raises concerns about cost sharing between Federal and Nonfederal entities" (GAO-06-570).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Wednesday, June 21, 2006, at 10 a.m. on Economics, Service, and Capacity in the Freight Railroad Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION, AND COMPETITIVENESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Technology, Innovation, and Competitiveness Subcommittee be authorized to meet on Wednesday, June 21, 2006, at 2:30 p.m. to hold hearings to examine accelerating the adoption of health information technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, June 21, 2006, from 10 a.m.-12 p.m. in Dirksen 106 purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. CLINTON. Mr. President, I ask unanimous consent that Jenny Davis, a fellow in my office, be granted the privileges of the floor for the duration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Theo Farge be granted the privilege of the floor for the duration of the debate on the Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask unanimous consent that two interns from my office, Marissa Kimball and Anna Butler, be given floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I simply make a unanimous consent request for floor privileges for two military fellows, Howard Shaw and Trevor King, for the remainder of the debate on the bill, S. 2766.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, first I ask unanimous consent that a member of my staff, Beth Sanford, be granted floor privileges during the remainder of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE MIAMI HEAT

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 519, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 519) congratulating the Miami Heat for winning the National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, it is a happy occasion for Floridians that the Miami Heat won the NBA championship last night, having now won four games in a row after having lost the first two games in Dallas to the Dallas Mavericks.

Naturally, we Floridians have a great deal of pride in this championship coming to our State of Florida. I can tell you that the city of Miami is absolutely going bonkers, they are so happy.

I think it is also noteworthy that two national basketball championships have now been won by teams in the State of Florida within the same year. Earlier this year, in the playoffs of the NCAA, the national champions are the Florida Gators. And then followed by a couple of months, now we have the national NBA champions, the Miami Heat.

Congratulations to Miami, to the University of Florida, congratulations to the State of Florida, and congratulations to the sport of basketball.

Mr. TALENT. I am glad the Senators from Texas were not here, Mr. President.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 519) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 519

Whereas on Tuesday, June 20, 2006, the Miami Heat defeated the Dallas Mavericks by a score of 95 to 92, in Dallas, Texas;

Whereas that victory marks the first National Basketball Association (NBA) Championship for the Miami Heat franchise;

Whereas after losing the first 2 games of the NBA Finals, the Heat came back to win 4 games in a row, which earned the team an overall record of 69-37 and the right to be named NBA champions;

Whereas Pat Riley, over his 11 seasons with the Heat, has maintained a standard of excellence within the franchise and has won his fifth championship as head coach of an NBA team;

Whereas Dwyane Wade, who averaged 34.7 points in the series, was named the Most Valuable Player of the NBA Finals following the Heat victory;

Whereas Shaquille O'Neal fulfilled his 2004 promise to his teammates and the residents of Miami by delivering the title to the Miami Heat;

Whereas each member of the Miami Heat roster, including Derek Anderson, Shandon Anderson, Earl Barron, Michael Doleac, Udonis Haslem, Jason Kapono, Alonzo Mourning, Shaquille O'Neal, Gary Payton, James Posey, Wayne Simien, Dwyane Wade, Antoine Walker, Jason Williams, and Dorell Wright, played a meaningful role in bringing the NBA Championship to Miami;

Whereas owner Micky Arison has built a top-flight sports franchise and shown a consistent commitment to bringing a winning team to Miami; and

Whereas, the Miami Heat and its fans are hot in the wake of its first NBA championship: Now, therefore, be it

Resolved, That the Senate—

(a) congratulates the Miami Heat for its victory in the 2006 National Basketball Association Championship; and

(b) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(1) the owner of the Miami Heat, Micky Arison; and

(2) the general manager and coach of the Miami Heat, Pat Riley.

ORDERS FOR THURSDAY, JUNE 22, 2006

Mr. TALENT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 22. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2766, the Defense authorization bill.

I further ask unanimous consent that there then be 60 minutes of debate divided as follows: Senator WARNER in control of 30 minutes, Senator LEVIN in control of 15 minutes, Senator KERRY in control of 15 minutes.

I further ask unanimous consent that following the 60 minutes, the Democratic leader be recognized for up to 15 minutes to close, to be followed by the majority leader for up to 15 minutes to close. Finally, I ask consent that following that time, the Senate proceed to the vote on the Levin amendment, to be followed by a vote in relation to the Kerry amendment, with no amendment in order to the Kerry amendment, to be followed by the vote on invoking cloture. Further, I ask consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILING OF SECOND-DEGREE AMENDMENTS

Mr. TALENT. Mr. President, I ask unanimous consent that second-degree amendments be filed no later than 10:30 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TALENT. Mr. President, today, we have had lengthy debate on the Levin and Kerry amendments on Iraq. Tomorrow morning, we will have approximately 90 minutes for closing remarks before a series of votes. We will be voting on the Levin language, the Kerry language, and finally on cloture on the Defense bill. Under the provisions of rule XXII and the previous consent, the filing deadline for second-degree amendments will be at 10:30 tomorrow. We hope cloture will be invoked and that we can then work toward completing this vitally important Defense authorization measure. Additional votes are expected during Thursday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. TALENT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:36 p.m., adjourned until Thursday, June 22, 2006, at 9:30 a.m.

EXTENSIONS OF REMARKS—*Wednesday, June 21, 2006*

CONGRATULATING JONES METAL PRODUCTS

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Jones Metal Products of Mankato, Minnesota, on receiving the National Committee for Employer Support of the Guard and Reserve's Above and Beyond award.

The National Committee for Employer Support of the Guard and Reserve, ESGR, was established in 1972 to promote cooperation and understanding between Reserve component members and their civilian employers. Their mission is to continuously gain and maintain active support from all public and private employers for the men and women of the National Guard and Reserve. Local and national representatives stand ready to help employers understand federal laws that affect the call-up of their employees. The Above and Beyond award recognizes those who have gone beyond what federal law requires for supporting activated Guard employees.

Minnesota businesses that employ Guard members are an essential link in family support for deployed service members. The state of Minnesota is recognized as a leader among those employing Guard and Reserve members and received the 2004 Secretary of Defense Employer Support Freedom Award.

Jones Metal Products, one of 475 companies nominated for the Above and Beyond award, was nominated by Staff Sgt. Juan Berrones. While Staff Sgt. Berrones was deployed to Iraq, Jones Metal Products provided him pay raises, two bonuses and showed continuous support to his family.

I extend my sincere congratulations to Jones Metal Products for receiving the Above and Beyond Award from the National Committee for Employer Support of Guard and Reserve and commend them for the extraordinary services provided to those who serve our country.

ECOZONE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TOWNS. Mr. Speaker, in a time of increasing public demand for clean air, clean water, energy independence and improved environmental quality, I wish to commend the founder of EcoMedia—Mr. Paul Polizzotto for his visionary public-private partnership called "EcoZone," which will debut this week here in our Nation's capital. EcoZone leverages the resources of private corporations to improve local community environments at no cost to the taxpayer. Whether this is through funding projects which promote clean air, clean water, energy efficiency or greenspace, EcoZone allows corporations to demonstrate their commitment to local communities and is an example of the growing recognition by corporations that environmental sustainability and good corporate citizenship are profitable enterprises. I encourage the EPA, the Department of Energy, NOAA and other relevant government entities to pursue partnerships via the EcoZone program all across this country.

ECOZONE℠ DISTRICT OF COLUMBIA

OVERVIEW

1. EcoZone is the flagship program of EcoMedia, the world's premier environmental media company, which brings together government and industry to fund technologies and solutions to serious environmental problems—at no additional cost to taxpayers.

2. EcoMedia's flagship program, EcoZone, is the first public-private media partnership model in the nation to use corporate sponsorships to generate revenue for local governments to fund critical environmental and clean energy projects in their communities.

3. EcoZone consists of initiatives in four signature areas: air; energy; water; and parks and green space.

4. District of Columbia is the first city in the nation to launch EcoZone; other cities and states expected to launch EcoZone programs in 2006 include St. Petersburg, Miami, Long Beach and additional Southern California communities and the State of New Jersey and many more.

5. The historic agreement between the District of Columbia and EcoMedia implements the nation's first EcoZone program and will help the city comply with federal and state environmental regulations mandating clean water and air in Washington, as well as identify best management practices to promote greater energy efficiency, preservation of greenspace and a cleaner local environment.

6. Previously, EcoMedia launched its EPA award-winning pilot program Adopt-A-Waterway®, to help fund and clean up local waterways. Successful Adopt-A-Waterway cleanup programs are currently underway in Miami, FL; Long Beach, CA: Sacramento County, CA, among other communities.

7. Under the EcoZone program, the city will receive critical funds secured through sponsorships of educational signage that promote environmental messages. The signage will include EcoZone's public education messages, encouraging citizens to be stewards of the environment and remind them to recycle, ride-share, turn lights off when not in use and avoid littering, among other eco-friendly tips, accompanied by sponsoring corporate logos. In the District of Columbia, there will be approximately 100 EcoZone signs located throughout the city.

8. Half of the sponsorship revenues from the educational signage go directly to a dedicated and audited local government account to fund pre-determined environmental projects selected by the cities. This is accomplished at no additional cost to local taxpayers.

9. Since 2002, EcoMedia Partnerships, through the pilot Adopt-A-Waterways program, have funded critical community programs such as these:

Water quality testing

Storm drain catch basin insert filters that mitigate storm water runoff

Watershed cleanup

Steambank restoration

Extensive educational programs

10. Local governments can also use EcoZone funding to undertake environmental projects that otherwise simply wouldn't happen. The funds can be used for such things as:

Hybrid and alternative fuel vehicles (buses and municipal auto fleets) that improve both air quality and energy efficiency;

Solar paneling on city facilities to provide alternative, cleaner energy;

Greening projects to convert industrial lots into green space;

Catch basin insert filters that filter out trash and debris, oil and grease, contaminated sediments and even pathogens.

11. EcoZone leverages corporate sponsorships to fund, produce and implement comprehensive public education and environmental outreach programs including public service commercials on local cable stations and radio, grassroots education campaigns, local community events and online media.

12. EcoMedia's founder and chief executive is noted environmental entrepreneur Paul Polizzotto, who was named an "environmental hero" in 1999 by the Environmental Protection Agency for a process he pioneered while running his industrial environmental cleaning company, Property Prep—the first of its kind to help companies become environmentally compliant. Paul's inspiration for pioneering private sector solutions to environmental challenges began during his surfing days in Manhattan Beach, California, his hometown. Paul recognized the importance of creating a comprehensive model that involved business, government, environmental advocates and communities without increasing additional costs for local communities and taxpayers.

13. In recognition of his achievements, Polizzotto has received the following recognition: "Public-Private Visionary" as featured in Vanity Fair magazine's May 2006 "Green Issue"; the Coastal Living 2003 Leadership Award from Coastal Living magazine for protecting our coastlines; the 2002 Keeper Award for improving water conditions in the Santa Monica Bay from the Santa Monica Baykeeper; and the Year 2000 Achievement Award from the U.S. Environmental Protection Agency for developing innovative technologies to mitigate toxic urban runoff.

MAYOR ANTHONY A. WILLIAMS ANNOUNCES THAT THE DISTRICT OF COLUMBIA WILL BECOME THE NATION'S FIRST SITE TO IMPLEMENT THE 'ECOZONE℠ PROGRAM

WASHINGTON, DC, June 20, 2006.—In a unique public/private partnership designed to forge solutions to the District's most critical environmental challenges, District of Columbia Mayor Anthony A. Williams today announced that the city will launch the nation's first, and flagship, 'EcoZone℠ program designed to fund important technologies and solutions to measurably improve the local environment in the areas of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

air, water, energy and greenspace—at no additional cost to taxpayers.

As the Nation's Capital, it is fitting that the District of Columbia should implement the nation's first—and flagship—EcoZone program," said Mayor Williams. "In partnering with the federal government and the private sector for revenue and support, the city can now address some of the most urgent environmental challenges in our city—at no additional cost to District taxpayers. Washington, DC is one of the most beautiful cities in the world, and it is critical that we maintain its beauty and a clean and healthy environment for our residents and visitors."

Initial corporate sponsors for the District of Columbia's EcoZone program include DaimlerChrysler and CH2MHill, AbTech, Alcoa, BAE Systems, Zipcar and Willard Intercontinental Hotel. Government agencies that will lend their support include NOAA, EPA and the Department of Energy.

Mayor Williams made the announcement at a press conference at the City Museum & Historical Society of Washington, DC, at Mt. Vernon Square. Among those joining the Mayor were Paul Polizzotto, founder and CEO of EcoMedia; John Bozzella, Vice President of External Affairs and Public Policy, Americas, DaimlerChrysler Corporation; Liliana Maldonado, Senior Vice President and Northeast Regional Manager, CH2M HILL; Benjamin Grumbles, Assistant Administrator, Office of Water, EPA; Alan Hecht, Director for Sustainable Development, Office of Research and Development, U.S. EPA; Stephanie Branche, Government Liaison, Region 3, EPA; Richard Moorer, Deputy Assistant Secretary for Technology Development, U.S. Department of Energy; Elizabeth Scheffler, CFO, Administrator for Management and Budget, National Ocean Service, NOAA; and William O. Howland, Jr., Director, Department of Public Works, the District of Columbia.

The District has entered into an agreement with EcoMedia to implement the EcoZone program. EcoMedia is a leading environmental media company that brings together government and industry to forge solutions to pressing environmental problems. The initiative will be funded solely through corporate sponsorships, with half of all EcoZone revenues generated from educational outdoor signage going to fund the District's predetermined environmental and clean energy projects in each of the EcoZone's four signature areas: air, energy, water, and greenspace.

"We are particularly happy today to announce our corporate sponsorship of the innovative EcoZone program as it launches in the nation's capital," said John Bozzella, Vice President of External Affairs and Public Policy, Americas, DaimlerChrysler Corporation. "The EcoZone program complements our commitment to developing vehicles that have less impact on our environment, whether that's through reducing fuel consumption and exhaust emissions, emitting less CO_2 or developing new alternative drive systems, such as fuel cells."

Said Liliana Maldonado, Senior Vice President and Northeast Regional Manager, CH2M HILL, "We are proud to join in the launch of today's EcoZone program, a partnership project between communities and companies, because it reflects CH2M HILL's ongoing mission to protect and preserve natural resources around the globe. Since 1946, CH2M HILL has been helping clients provide high quality drinking water and sanitation for communities around the globe, environmental remediation, sustainable development, habitat restoration, energy efficiency, green architecture and low impact development. From planning to design to construction and operations, CH2M HILL embraces health, safety and environmental protection because it is the right thing to do for our people, our communities and our environment."

Under the EcoZone program, educational signage featuring environmental messages will be posted throughout the district. The signage will include EcoZone's public education messages reminding consumers to recycle, ride-share, turn lights off when not in use and avoid littering, among other ecofriendly tips. In the District of Columbia there will be approximately 100 EcoZone signs located throughout the city.

Half of the revenues from the EcoZone corporate sponsorships of educational outdoor signage will go directly to a dedicated and audited government account to fund the predetermined environmental projects selected by the District government. This will help the city comply with federal environmental regulations, and/or fund new local environmental programs that otherwise would not happen. Cleanup projects can include:

Storm drain catch basin insert filters that mitigate storm water runoff,

Hybrid and alternative fuel vehicles for municipal fleets that improve both air quality and energy efficiency,

Solar paneling on city facilities to provide alternative, cleaner energy,

Greening projects to convert industrial lots into green space.

EcoZone leverages program sponsorships to fund, produce and administer comprehensive public education and environmental outreach programs, including local cable television and radio public service commercials, grassroots education campaigns, branded merchandise, local community events and online media.

Paul Polizzotto, Founder and Chief Executive Officer, EcoMedia, said, "We commend Mayor Williams for his commitment to the quality of life in the District of Columbia and for joining with businesses to launch our nation's first EcoZone program. The District's EcoZone program, we hope, will be the beginning of a national grassroots movement among cities, corporations and consumers working together to improve and strengthen our environment."

Additional cities and states to be included in a 2006 national rollout of the EcoZone program include: Miami; Long Beach and other Southern California communities; and the State of New Jersey, among others. EcoZone is the second public private sponsorship model created by and managed by EcoMedia. Its pilot program, Adopt-A-Waterway®, was launched in 2001. This award-winning, national program pioneered the public/private model of raising money for environmental cleanup—at no additional cost to taxpayers—and is currently underway in Miami, FL, Long Beach, CA, Sacramento County, CA, as well as other communities throughout the country.

Based in New York City, EcoMedia is a leading environmental media company dedicated to pioneering market-based media solutions that generate necessary funds and resources to address critical environmental challenges. For more information, log on to: www.ecomedia.us.

TRIBUTE TO WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. RAHALL. Mr. Speaker, I rise on this special day to honor my home among the hills, the great state of West Virginia. It was on June 20, 1863 that West Virginia became the 35th state to enter the Union.

The Civil War changed the landscape of America, and nowhere was its impact felt more significantly than in the Virginias, which, like so many families fighting this bloody war, was rendered into two halves, west and east, North and South.

By some standards small in circumference but by any standards big in heart, West Virginia might have been born a child of national turmoil, but has grown to a State blessed with hard-working and generous people, awe-inspiring natural beauty, and a fount of natural resources.

The natural beauty surrounding us lures people from across the Nation and around the world to visit and play here.

Traditional industries have long played an integral role in our State's economy, and they continue so today.

Agriculture provides dairy, poultry, and feed crops for our State. The lumber industry makes use of our forests that cover 75 percent of our beautiful terrain.

And, we all know the coal industries motto in West Virginia, "Coal Keeps the Lights On."

West Virginia is also a leader in steel, glass, aluminum, chemical manufacturing, and natural gas industries.

And we will continue to support these traditional industries that have powered our Nation, and kept America running.

But, as the old saying goes "nothing endures but change." And we are seeing a change in West Virginia. West Virginia's Renaissance will be marked by West Virginia's foray into the technology industry.

On that front, we have only just begun, but today our future is as bright as an early summer morning sunrise over the Appalachian hills—hills that we are reminded of today by the gentle words of a classic tune that continues to strike a chord among all who have a "Home Among the Hills":

There's a land of rolling mountains
Where the sky is blue above.
And though I may roam, I hurry home,
To those friendly hills I love.
Where moonlit meadows ring
with the call of whippoorwills
Always you will find me in my home among the hills
And where the sun draws rainbows in the mist
Of waterfalls and mountain rills
My heart will be always in the West Virginia Hills
There, autumn hillsides are bright with scarlet trees
and in the spring, the robins sing
While apple blossoms whisper in the breeze
And there is music in the flashing streams
and joy in fields of daffodils
Laughter through the happy valleys of my home among the hills
—Words & Music by E.W. James, Jr.

Today, and every day, West Virginians thank the Lord for our bountiful blessings, and bound together in loyalty and love for our fine state remind ourselves that, yes, West Virginia is truly almost Heaven.

WORLD REFUGEE DAY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. HONDA. Mr. Speaker, I rise today in support of World Refugee Day.

As chair of the Congressional Asian Pacific American Caucus, I stand with my colleagues to articulate the importance of providing aid to refugees.

Today we call attention to the plight of refugees, celebrating their courage and resilience, and renewing our commitment to solving refugee problems.

Established in 2000 by the United Nations General Assembly, World Refugee Day is celebrated every June 20th. Previously commemorated as African Refugee Day, many countries and regions have held their own Refugee Days to help acknowledge the U.N.'s formal recognition of refugees in 1951. June 20th marks a day of global solidarity in an international effort to help refugees.

From Africa to Asia, the plight of refugees is not owned by one people or one country. Stemming from cultural, political and economic events, there are over 8.4 million refugees worldwide. Often uprooted from their homes and seeking safe haven in other countries, refugees find themselves in dire situations in need of aid and relief.

Founded as a nation of immigrants, we must recognize that many of our Nation's citizens are descendants of refugees or refugees themselves. From the potato famine in Ireland to the war in Vietnam, the U.S. has an established relationship of helping our global neighbors find refuge. While we debate comprehensive immigration reform, we must remember the contributions of refugees and be sure to include provisions to aid those displaced by situations they have no control over.

Additionally, the aftermath of Hurricane Katrina has brought the issue of refugees to our own backyard. Many of those hard hit by Katrina were displaced from their homes, unsure of what to do. Lacking relief efforts and aid, our own citizens experienced the consequences of a situation they had no control over. Let us look to Katrina as an example of the course of action we must take in order for us to prevent situations where those in need are left in despair.

As a Nation, we must protect the basic human rights of refugees and ensure that they will not be returned involuntarily to a country where they face persecution. In addition to protecting human rights, we must do all that we can to provide foreign aid and assistance to nations that help refugees. Providing shelter, food, water and medical care in the immediate aftermath of any refugee exodus must be a priority.

Furthermore, as chair of the Congressional Ethiopia and Ethiopian American Caucus, I had the privilege of visiting Ethiopia and interacting with refugees. I saw first hand the cultural, political, and economic causes of their suffering. Now, more than ever, I believe that the U.S. should be the leader in the international effort to combat displacement.

Mr. Speaker, I wholeheartedly support World Refugee Day and ensuring that refugees across the globe receive the aid that they deserve. I urge my colleagues to join me to address this important issue.

RECOGNIZING THE 40TH ANNIVERSARY OF THE BOYS AND GIRLS CLUB OF LA CROSSE, WI

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. KIND. Mr. Speaker, I rise today to pay tribute to the Boys and Girls Club of La Crosse, Wisconsin on its 40th anniversary of serving the people of western Wisconsin. For many years, it has provided a safe, positive environment that helps to foster values in children and young adults, establish strong relationships, and build good character.

As a young man, I benefited from the La Crosse Boys and Girls Club through my participation in their programs and, therefore, know firsthand the value of their work. Today, my two young boys, Matthew and Johnny, are involved in the club's activities, allowing me to see the benefits young men and women receive from the perspective of a grateful parent. Having served on the board of directors for the La Crosse Boys and Girls Club, I know the amount of time and hard work that goes into operating this organization.

Mr. Speaker, in closing, I would like to thank Terry Erickson, the current director of the La Crosse Boys and Girls Club, who has served since I was a participant. Terry has taken the club beyond its expectations. He has become synonymous with the club and a role model to everyone involved. I commend all the individuals whose leadership and dedication over the past 40 years have created an environment that has enhanced the lives of innumerable youths and their families. Thank you to the Boys and Girls Club of La Crosse for 40 wonderful years; I know you will continue to remain at the forefront of local youth development for many years to come.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. THOMPSON of California. Mr. Speaker, the departure time for my flight from California was delayed 2 hours this morning, and I didn't arrive at Dulles International Airport until 5:16 p.m. Because votes were called at 5:00 p.m., it was unfortunately impossible for me to make today's votes.

However, I want you to know I would have recorded "yes" votes for all three bills on today's calendar. They included: H.R. 5540—Sergeant Jacob Dan Dones Post Office Designation Act, H.R. 5504—Larry Winn, Jr. Post Office Building Designation Act, H. Res. 826—Expressing the sense of the House of Representatives that a National Youth Sports Week should be established.

TRIBUTE TO CHARLES M. CHAMBERS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. LEVIN. Mr. Speaker, I rise today to recognize the valuable service of Dr. Charles M. Chambers, Chancellor of Lawrence Technical University, and an advocate of higher education in Michigan and around the world.

Appointed Chancellor on February 1, 2006, Dr. Chambers had served as the president of Lawrence Tech since 1993. He will conclude his tenure July 1, leaving behind an impressive legacy.

During his career at Lawrence Tech, Dr. Chambers spurred an expansion of campus facilities, garnered significant financial support from the community, and spearheaded Lawrence Tech's emergence as one of Michigan's preeminent private research universities. Indeed, just a few years ago I was privileged to have had the opportunity to attend the groundbreaking of the Alfred Taubman Student Services Center, which offers a one-stop center for students combining admissions, academic advising, computer and career services.

Under the stewardship of Dr. Chambers, Lawrence Tech has seen large expansions in research and academic offerings, including the launch of dozens of new degrees and Lawrence Tech's first doctoral programs. He has also overseen a considerable increase in student scholarships and community outreach.

Under his leadership, Lawrence Tech became Michigan's first wireless laptop campus. Exhibiting similar innovation and foresight, Dr. Chambers helped pioneer the creation of learning centers and higher education partnerships in southeastern and northern Michigan, as well as in Canada, Germany, Mexico, and throughout Asia. Recognizing the value of economic expansion and diversification to Michigan, he assured that the University was a founding partner in Automation Alley and the Great Lakes Interchange, an Automation Alley SmartZone.

Dr. Chambers is a life-long advocate of higher education, and has proven a capable steward of an impressive institution. As he returns to teaching at the institution he so vigorously led, I look forward to continuing my friendship with him.

BETHLEHEM STEEL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. HIGGINS. Mr. Speaker, I would like to include for the RECORD the following comments I submitted to the Advisory Board on Radiation and Worker Health at their meeting on the Bethlehem Steel Site Profile on June 16, 2006 here in Washington.

This is an urgent matter of justice for hundreds of former Bethlehem Steel workers and their families, and I believe it deserves Congress' due consideration. To that end I respectfully urge my colleagues to support H.R. 3481, legislation introduced by the Western New York congressional delegation to resolve this issue by including workers employed at the Bethlehem Steel site as a class to be included in the Special Exposure Cohort. Thank you.

STATEMENT OF THE HONORABLE BRIAN HIGGINS, MEMBER OF CONGRESS

I want to thank the Advisory Board on Radiation and Worker health for allowing me to make this statement today.

I wanted to take the opportunity of your meeting in Washington, DC to appeal to the Advisory Board to recommend that the former workers at the Bethlehem Steel Site in Lackawanna, New York be designated a Special Exposure Cohort.

As this Board is well aware, significant controversy exists with respect to the dose reconstruction efforts at the Bethlehem Steel site. NIOSH undertook an extensive effort on dose reconstruction, but I and my colleagues in the Western New York congressional delegation have gone on record as to the shortcomings of that study, a litany I will not take your time with today. Subsequently, the Board hired an independent private consultant to perform its own analysis, and the results were vastly different from the NIOSH study. Perhaps this is not surprising given the difficulty incumbent in reconstructing radiation exposure that occurred over 50 years ago.

Meanwhile, during all of this debate, study, and re-study, the former, ill-stricken Bethlehem Steel employees and the families of the deceased have waited patiently. They have waited for justice but all they have received are statistics and studies. These workers are not statistics--they are the men and women who, by their efforts, helped America win the Cold War. Now as a result of their work they are sick. They deserve to have their sacrifice honored and recognized, not minimized and trivialized.

We must concede that given the dearth of reliable information we have on the working conditions at Bethlehem Steel over 50 years ago, despite NIOSH's great efforts, any dose reconstruction is doomed to inadequately provide justice to these workers. The only just alternative available to us under the Energy Employees Occupational Illness Compensation Program Act is to make these workers a Special Exposure Cohort. My colleagues and I have introduced legislation to make this designation, but it is stuck in committee. We have appealed to the President to declare a special cohort administratively, but he has demurred.

It is now up to this Board and the Department of Labor to do right by these workers, and to recommend a Special Exposure Cohort. You are the last, best hope that these workers will see justice; I implore you to act quickly.

Again, thank you for allowing me to address the Board today. I look forward to working with you to ensure that these workers and their families receive the compensation they are entitled to under the law, and the medical care they deserve.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. GRAVES. Mr. Speaker, on Monday June 19, 2006, I was unavoidably delayed and thus missed rollcall votes Nos. 289, 290 and 291. Had I been present, I would have voted "yea" on all votes.

HONORING KATHERINE DUNHAM: ACTIVISM THROUGH ARTISTRY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. CONYERS. Mr. Speaker, tonight I rise to recognize the life and accomplishments of an extraordinary artist and activist, Katherine Dunham. Ms. Dunham, whom recently passed away on May 21, 2006, spent her life using dance and theater to fight for civil rights. Now, I ask all of my colleagues to join me in celebrating the life of this influential woman.

Ms. Dunham, born June 22, 1909 in Joliet, IL, began her study of dance by taking ballet lessons in high school. She attended the University of Chicago and fell in love with the study of anthropology which led her to receive a Ph.B. degree in social anthropology in 1936.

While attending the University of Chicago, she received a fellowship that allowed her to perform an anthropological study of traditional and ritual dances of the Caribbean. This study sparked her lifelong passion for the country of Haiti. She once said that she felt an unusually strong connection with the people and the land. Throughout the rest of her life, she was devoted to the liberation and protection of the people of Haiti and used her influence as an artist to shed light on the issues Haitians were dealing with. She owned a home in Haiti, called the Habiticon Le Clerc, which was also a resort.

Her studies in the Caribbean also allowed her to create her own style of dance, taking pieces of Caribbean native dances and blending them with modern Western movements. With her unique style and technique, Ms. Dunham was a true pioneer in America and opened doors for Blacks in the field of dance performance. She started the first all African-American ballet company entitled "Ballet Négre" and was also the first African-American to be a choreographer for the Metropolitan Opera.

Ms. Dunham's unique performances captivated audiences of all races, ethnicities, and backgrounds. This allowed Ms. Dunham to use dance and theater to transcend racial lines and bring light to the important civil rights issues to all who saw her perform. One of her most famous and well-loved performances, entitled "Southland," portrayed the horror of lynchings in the South. Ms. Dunham also refused to perform to segregated audiences, further pushing the race envelope.

Ms. Dunham gave back to the community through opening dance schools in low-income areas. The first school was opened in her home State of Illinois. The purpose of these schools was not only to teach the discipline of dance but to also give youth a productive activity that would help prepare them for success.

Ms. Dunham's fame and influence extended beyond the Americas as she also performed in France, Mexico, Argentina, and Italy. While traveling and performing, she made sure to express her activist message of human rights for people all over the world.

The world recognized and appreciated Ms. Dunham, making her the recipient of many awards, including the Albert Schweitzer Music Awards in 1979, the Haitian Government highest award in 1983 and a Kennedy Center honoree for lifetime achievement in the arts in the same year. She also received the National Medal of Arts in 1989.

Her husband of 49 years, theater designer John Pratt, died in 1986. They are survived by their daughter, Marie-Christine Dunham-Pratt, whom they adopted from Martinique.

Mr. Speaker, I would once again like to pay tribute to this international icon. Through her creative and unique talents, she was able to break down barriers and shed light on important issues. I hope that we will all remember and continue her legacy. I encourage my colleagues to join me in recognizing and celebrating the life of Katherine Dunham.

PERSONAL EXPLANATION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. TANNER. Mr. Speaker, because of weather-related travel delays, I was unable to cast votes yesterday evening on rollcall votes 289, 290 and 291. Had I been present, I would have voted "yea" on H.R. 5540, H.R. 5504 and H. Res. 826.

COMMENDATION FOR THE LIFE OF REVEREND KENNETH WHITE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to reflect on the life of Reverend Kenneth White.

There are those who pass this way, and touch lives. There are others whose very life and living is a testament to God's teachings of love, compassion and service. Reverend White was this man of great character and strength who touched so many and cared so deeply. Here was a man who lived a full and rich life—rich in its complexity and the depth of challenges he faced; yet wonderfully abundant with the unique touch he so deftly applied to all his endeavors. From fighter to chaplain, from husband to father, from a man of God to a child of God, all of these characterizations are, and was, Reverend White, the man who so loved his people that he would give unselfishly of his time and talents for the betterment of mankind. This gentle man was firm in his convictions that no greater love has one than the love of family. Yet his love and respect went beyond the family bonds, and touched so many, and by so doing, helped generations of young lives uphold the creed of self-respect, honesty, truth and caring for others.

The gaze, the smile, the laugh, and the way he could embrace you and make you his friend, will be missed. Yet these are the very qualities we will cherish as memories of our dearly beloved Reverend White. Rest now, my friend, for your work here is done and your life shall live on forever in each of us.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, yesterday, Monday, June 19, on account of district business I was absent for votes on rollcall numbers 289, 290, and 291. Had I been present, I would have voted "yes" on each of these votes.

TRIBUTE TO LT. COL. ALBERT A. McCOY: AN AMERICAN PATRIOT

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to honor the memory and extraordinary life of Lt. Col. Albert McCoy of North Miami, Florida, who passed away on February 5, 2006.

By any standard, Lieutenant Colonel McCoy was a man of diverse interests and noteworthy achievements. In a sense, he was destined to serve his country in the armed services. A native New Englander and graduate of Springfield College, family lore places his ancestors at the Battle of Bennington, fighting for American independence during the Revolutionary War.

He continued the family tradition and served his country in the Army during World War II and the Korean war—rising in rank as his abilities were recognized in an active and reserve military career that spanned 43 years. Even after he left the military, his fellow veterans continued to be an important part of his life. He served for three decades in the United States Guard of Honor, rendering military honors at the funerals of fellow military men and women.

But despite his distinguished and lengthy military service, Lieutenant Colonel McCoy cannot be remembered solely as a military officer. In 1957, he and a partner opened a real estate business so successful that it eventually grew to include a staff of almost 50 people. He became a university professor, teaching at the University of Florida; at the University of Miami, where he had earlier pursued his graduate studies; at what is now Miami-Dade College; and at Broward Community College. A literate man of letters who enjoyed reading and writing, several of his articles were published, and he even began writing an extensive book on another of his great interests, travel.

Lt. Col. Albert McCoy was interred at Arlington National Cemetery, a fitting resting place of honor for one who performed his duty so well and devoted so much of his life to our nation and to our community. His passing is a tremendous loss, and my heart goes out to his wife Nancy, his two daughters, Lorena and Nanette, and all of his many family and friends.

VIETNAM, WATERGATE AND ROVE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. OXLEY. Mr. Speaker, I bring to my colleagues' attention the following column written by Michael Barone. As Mr. Barone shows, the joint efforts of the so-called mainstream media and the political Left to examine current events through the prism of Vietnam and Watergate are—once again—sadly off base.

[From the Wall Street Journal, June 16, 2006]

VIETNAM, WATERGATE AND ROVE

(By Michael Barone)

It has been a tough 10 days for those who see current events through the prisms of Vietnam and Watergate. First, the Democrats failed to win a breakthrough victory in the California 50th District special election—breakthrough that would have summoned up memories of Democrats winning Gerald Ford's old congressional district in a special election in 1974. Instead the Democratic nominee got 45% of the vote, just 1% more than John Kerry did in the district in 2004.

Second, U.S. forces with a precision air strike killed Abu Musab al-Zarqawi, on the same day that Iraqis finished forming a government. Zarqawi will not be available to gloat over American setbacks or our allies' defeat, as the leaders of the Viet Cong and North Vietnam did.

Third, special prosecutor Patrick Fitzgerald announced that he would not seek an indictment of Karl Rove. The leftward blogosphere had Mr. Rove pegged for the role of Bob Haldeman and John Ehrlichman. Theories were spun about plea bargains that would implicate Vice President Dick Cheney. Talk of impeachment was in the air. But it turns out that history doesn't repeat itself. George W. Bush, whether you like it or not, is not a second Richard Nixon.

It is hard in retrospect to understand why the left put so much psychic energy into the notion that Mr. Rove would be indicted. He certainly was an important target. No one in American history has been as powerful an aide to a president, both on politics and on public policy, as Karl Rove. Only Robert Kennedy in his brother's administration and Hamilton Jordan in Jimmy Carter's come close, and neither was as involved in electoral politics as Mr. Rove has been.

Still, it was clear early on that the likelihood that Mr. Rove violated the Intelligence Identities Protection Act was near zero. Under the law, the agent whose name was disclosed would have had to have served overseas within the preceding five years (Valerie Plame, according to her husband's book, had been stationed in the U.S. since 1997), and Mr. Rove would have had to know that she was undercover (not very likely). The left enjoyed raising an issue on which, for once, it could charge that a Republican administration had undermined national security. But that rang hollow when the left gleefully seized on the New York Times' disclosure of NSA surveillance of phone calls from suspected al Qaeda operatives abroad to persons in the U.S.

In all this a key role was played by the press. Cries went up early for the appointment of a special prosecutor: Patrick Fitzgerald would be another Archibald Cox or Leon Jaworski. Eager to bring down another Republican administration, the editorialists of the New York Times evidently failed to realize that the case could not be pursued without asking reporters to reveal the names of sources who had been promised confidentiality. America's newsrooms are populated largely by liberals who regard the Vietnam and Watergate stories as the great achievements of their profession. The peak of their ambition is to achieve the fame and wealth of great reporters like David Halberstam and Bob Woodward. But this time it was not Republican administration officials who went to prison. It was Judith Miller, then of the New York Times itself.

Interestingly, Bob Woodward himself contradicted Mr. Fitzgerald's statement, made the day that he announced the one indictment he has obtained, of former vice presidential chief of staff Scooter Libby, that Mr. Libby was the first to disclose Ms. Plame's name to a reporter. The press reaction was to turn on Mr. Woodward, who has been covering this administration as a new story rather than as a reprise of Vietnam and Watergate.

Historians may regard it as a curious thing that the left and the press have been so determined to fit current events into templates based on events that occurred 30 to 40 years ago. The people who effectively framed the issues raised by Vietnam and Watergate did something like the opposite: they insisted that Vietnam was not a reprise of World War II or Korea and that Watergate was something different from the operations J. Edgar Hoover conducted for Franklin Roosevelt or John Kennedy. Journalists in the 1940s, '50s and early '60s tended to believe they had a duty to buttress Americans' faith in their leaders and their government. Journalists since Vietnam and Watergate have tended to believe that they have a duty to undermine such faith, especially when the wrong party is in office.

That belief has its perils for journalism, as the Fitzgerald investigation has shown. The peril that the press may find itself in the hot seat, but even more the peril that it will get the story wrong. The visible slavering over the prospect of a Rove indictment is just another item in the list of reasons why the credibility of the "mainstream media" has been plunging. There's also a peril for the political left. Vietnam and Watergate were arguably triumphs for honest reporting. But they were also defeats for America—and for millions of freedom-loving people in the world. They ushered in an era when the political opposition and much of the press have sought not just to defeat administrations but to delegitimize them. The pursuit of Karl Rove by the left and the press has been just the latest episode in the attempted criminalization of political differences. Is there any hope that it might turn out to be the last?

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. BOOZMAN. Mr. Speaker, as the chairman of the Economic Opportunities Subcommittee under the House Veterans' Affairs Committee, I traveled to South Dakota on Sunday, June 18, 2006, to hold a field hearing. Due to the timing of the hearing and return travel, I was unable to participate in votes on Monday, June 19, 2006. I am requesting my absence for this date. I would also like you to note that, should I have been present, I would have voted in the following manner: H.R. 5540—Sergeant Jacob Dan Dones Post Office Designation Act, "yes"; H.R. 5504—Larry Winn, Jr. Post Office Building Designation Act, "yes"; and H. Res. 826—Expressing the sense of the House of Representatives that a National Youth Sports Week should be established, "yes."

TRIBUTE TO LYME-OLD LYME, CONNECTICUT ROBOTICS TEAM—TECHNO-TICKS

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. SIMMONS. Mr. Speaker, I rise to congratulate the members of the Lyme-Old Lyme, Connecticut robotics team known as the Techno-Ticks. They are Team 236 and they represent the Dominion Millstone power station.

Mr. Speaker, the United States leads the world in technology and innovation, but the only way we will maintain our leading edge is if our young people dedicate themselves to the study of science and technology. The motivated and talented students at Old Lyme illustrate that America's dominance in the future is in good hands.

The Techno-Ticks recently participated in the USFIRST robotics competition and they demonstrated great enthusiasm and proficiency. The acronym FIRST stands for: For Inspiration and Recognition of Science and Technology. The FIRST competitions began in 1989 and since then student interest has flourished. The number of teams participating has grown over the years from 28 to more than 1,100. The competition involves designing and constructing a robot and it is an exciting and practical way for young people to discover the remarkable and rewarding world of engineering and research.

These competitions are important. Engineering schools and professional societies have warned that we are not educating enough engineers and scientists. Well, that's not the case in Lyme. I visited their school and I watched the Techno-Ticks in action. They understand teamwork, they understand technology and they understand that everything they are learning today will better prepare them for the world of tomorrow. It will be a world they will help shape.

USFIRST celebrates partnerships between school systems, educators, parents and professionals in the various fields that define technically challenging problems. The students implement solutions under simulated real world pressures of time, money and resources. The teams develop decision making, project management and business skills as they solve realistic technical issues such as how to design, construct and remotely operate robotic devices to perform tasks.

They employ gyroscopic control and barrier recognition and avoidance in order to enable the robot to navigate obstacle courses, climb stairs and ramps and lift or throw objects. They also gain experience by raising money to fund their teams; by learning how to communicate with sponsors, team members and their communities; how to negotiate resource issues, and how to transport a robot and a team thousands of miles to compete in 33 regional competitions and a championship event held annually in Atlanta, Georgia. USFIRST participants learn real world skills.

These students have a passion for learning and are eager to help solve our nations' and the worlds' most pressing problems. I congratulate the Techno-Ticks on their accomplishments and encourage them to continue to pursue knowledge. The lessons they are mastering today will serve them, and our nation, in the world of tomorrow.

HONORING DORE VAN DYKE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. MCGOVERN. Mr. Speaker, today I rise in honor of Mrs. Dore Van Dyke, an exceptional woman who is retiring after serving 9 years as the executive director of the Attleboro Arts Museum. I am proud to know Mrs. Van Dyke and to salute her many contributions to the arts community in New England.

She took over the museum as executive director in 1997, shortly after it moved from a small stucco house in Capron Park to a much larger facility on Park Street, as part of the Attleboro downtown revitalization project. Mrs. Van Dyke successfully led the museum through an important phase of growth by improving the museum's finances, expanding educational programs and bringing nationally respected exhibits to its gallery. In addition, she increased the museum's visibility and credibility in New England, making it an energetic arts resource and a respected gallery venue.

Without a doubt, Mrs. Van Dyke's dedicated leadership during the museum's period of growth built a sturdy foundation upon which future leaders can continue to flourish. In her retirement, Mrs. Van Dyke plans to return to her own art as a sculptor and venture into new media.

Mr. Speaker, I am certain that the entire House of Representatives joins me in congratulating Mrs. Dore Van Dyke for all she has accomplished and in wishing her the best in her retirement.

ACCOLADES FOR THE 60TH ANNIVERSARY OF KING ADULYADEJ AS MONARCH OF THAILAND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD, an article from the Washington Times by Sebastian Berger titled, World's royals fete Thailand's King. This article describes the celebration of history's longest-reigning monarch, King Bhumibol Adulyadej of Thailand. The celebration of this king's reign will last 3 days and has included the biggest reunion of royal heads of state in decades. I would like to join these world leaders in celebration and tribute to King Adulyadej and in recognition of the anniversary of his ascent to the throne.

King Adulyadej's reign of 60 years has outlived many turbulent times in Thailand and his leadership has survived 17 military coups, 23 different prime ministers and 15 constitutions of Thailand. His soft spoken yet effective manner of advocating for issues important to Thailand has won him admiration and affection from all of his people.

Known as the "Developer King" to many, Secretary General Kofi Annan visited the King during the celebrations in order to present him with the United Nations Development Program Award. This award presentation was meant to recognize the King's steadfast devotion for improved living circumstances for the Thai people. He initiated many development projects which, throughout 60 years, have created progress and prosperity for the country. So beloved is this sovereign that he has also been nicknamed the "soul of the nation" by his people.

The King is also well known for his abilities in the artistic field. Because of this, King Adulyadej was granted the title of "Supreme Artist" in recognition of his contributions to art and artists in Thailand. So great was his role that the country established "The Supreme Artist Hall" to commemorate and display the King's work.

His model for sustaining a unified Thailand despite numerous obstacles against progress is a great example for all. With words alone, King Adulyadej ended bloodshed in 1973 and 1992, during times of hostility against military dictatorships. His current appeal for Thai people is a call for unity during a time of national division. Indeed, the entire nation has united in order to pay homage to its beloved ruler and I stand in camaraderie with the Thai people to celebrate and appreciate the example of King Adulyadej.

HONORING DR. JAMES CAMERON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. I rise today to pay tribute to one of America's great heroes, Dr. James Cameron. Dr. Cameron is a living representation of how greatness and truth can overcome the hatred and intolerance of racism.

As a young man, Dr. Cameron lived through the atrocity of being lynched and beaten in front of a mob of 15,000 for a crime he did not commit.

As the only living survivor of a lynching, Dr. Cameron has stood up and served as a reminder of the violence and hatred that can exist within mankind. Too often we seek to ignore such atrocities when writing our history; however, Dr. Cameron has dedicated his life to remind us of our true history.

Dr. Cameron has devoted his life's work to the pursuit and recognition of civil rights. He has revealed to millions of Americans the true account of this Nation's racial injustice through his founding of the American Black Holocaust Museum in 1988.

The American Black Holocaust Museum's straightforward presentations of pervasive racial injustices and violence serve not only to educate but to allow us to reexamine and rethink our own views towards racism.

There are many young people who may not know of or did not experience this period of history. However, it is imperative we recognize our true American history. We cannot develop future policies or laws without knowing or applying the lessons we have learned from the past. It is through work such as Dr. Cameron's that young people can remember the sacrifices and contributions of those who came before them, and find new inspiration to fight for change.

INTRODUCTION OF AMENDMENT TO THE OLDER AMERICANS ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce legislation giving America's seniors a new opportunity to benefit from culturally competent multigenerational programs with our young people. Specifically, many older Americans have limited English proficiency and can face difficulties finding younger individuals with whom to communicate because of language barriers. In addition, multilingual young people can act as a valuable communication resource to help increase awareness for seniors on a range of issues.

I became aware of this issue recently while visiting a site for a supportive senior housing project in my district in San Diego. This supportive housing includes affordable housing for low-income seniors, nutrition services, social services, and mental healthcare. The program is in a culturally diverse neighborhood, and therefore, the people whom this program benefits come from a wide variety of backgrounds and speak many languages. The program staff wants to ensure that the seniors in the neighborhood are aware of the programs available to them, and feel comfortable coming to the senior center to receive those services.

But there are major language and cultural barriers to overcome. In this case, young people in the neighborhood, who speak English and another language, could go out into the community to help increase awareness about the programs, and help seniors navigate the programs—the eligibility requirements, the enrollment process, and other vital information.

Mr. Speaker, not only is it important that we do what we can to give older Americans the opportunity to share their wisdom and experiences with younger generations, it is also important that we give young people the opportunity to work with and help seniors. We know about the joy our seniors experience from visiting with younger folks. We must ensure that all segments of our older population have this opportunity and multigenerational programs are an excellent way for seniors and young people to benefit from each other.

My legislation would amend the Older Americans Act, OAA, to encourage and facilitate regular interaction between seniors with limited English proficiency and students with multilingual skills across the United States. Now that we are on the verge of reauthorizing the OAA, I encourage my colleagues to support action to give all of our seniors the gift of multigenerational activities.

WISHING SUCCESS TO THE JAMAICAN PRIME MINISTER, PORTIA SIMPSON-MILLER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. RANGEL. Mr. Speaker, I rise today enter into the RECORD, the inaugural address of the Most Honorable Portia Lucretia Simpson-Miller, the newly elected Prime Minister of Jamaica.

In her inauguration speech Ms. Simpson-Miller pledged to advance the human rights and individual liberties of the people of Jamaica. Acknowledging that the duty of the state is to protect the society as a whole, she condemned sacrificing individual liberties in execution of that duty. She promised to stamp out corruption and criminality by working closely with the Minister of National Security as well as the law enforcement community to reduce the high rate of crime in Jamaica and provide greater security for the people.

Pointing out that economic transformation cannot take place without an overhaul of the educational system of Jamaica, Ms. Simpson-Miller pledged to provide access to quality education for youth and children. In light of the high unemployment rate in Jamaica—11.5 percent (2005 estimates)—she promised to create jobs and wealth-earning opportunities for the Jamaican people. She vowed to focus her efforts on developing the communities, strengthening democratic governance, and uplifting the poor.

Ms. Simpson-Miller is a champion of the downtrodden and the dispossessed. She is seen as a symbol of the hopes and aspirations of the poor, underprivileged black people, particularly black women of Jamaica. She has really risen through the ranks of the party, coming from a very, very poor section of Jamaica to the highest elected position in the government. She has asserted her commitment to improving the living standards in the destitute communities in Jamaica.

As the first woman Prime Minister of Jamaica and a leader of the people, Ms. Simpson-Miller represents the hopes and wishes of many. Mr. Speaker, please join me in congratulating Ms. Simpson-Miller and praying for her success in achieving her goals for her nation.

INAUGURAL ADDRESS BY THE HON. PORTIA LUCRETIA SIMPSON-MILLER, MP, PRIME MINISTER OF JAMAICA

I want to begin by recognizing the source of my strength, Almighty God. Let us stand and pray. Almighty God, in the presence of all here attending; in the presence of the people of this land and everyone else sharing this occasion, I do pay homage to you, in acknowledgement that you are the Sovereign and Supreme Lord God in this island and all the world. As I assume the Office of Prime Minister of all Jamaica, I do so Lord, truly conscious that the glory is yours, and the office, an affirmation of my devotion to you and to all the people of this nation. You laid the foundations of the earth. Lord, lay now, I beseech you, the foundations of the Government, that you have graciously enabled me to lead, so that its purpose be firm, its endeavors right, and its accomplishments blessed. Let it be joy to those through whom you dispense it; bless those who will receive it; and glory to you who give it.

Good Lord, let Jamaica find in me, my colleagues, and all who offer governance under our leadership, complete fulfillment of the righteous Government that you have offered to this nation; let it manifest in removal of blight and poverty: the stigma and loss due to crime and violence; let the radiance of it raise a larger assertion of moral strength and rectitude in our public and private sectors. Unite our people with a stronger sense of compassion and love. Use us as the vessel for your purpose, and the people as instruments of your peace, and prosper us that we may know the joy of your presence and experience the pleasure at your right hand. These we ask of you in faith, believing, giving thanks, even so, in the name of your Holy Son, Jesus Christ—our Lord, and in the name of your Holy Spirit: one God.

Amen.

Today is a truly historic day in the life of this nation. A girl from Wood Hall in deep rural St. Catherine has become Prime Minister of Jamaica, a true manifestation of the Jamaican Dream. This indicates that any child, regardless of circumstances, can rise to the top.

It has been said "Hope springs eternal in the human breast".

Ladies and gentlemen, if there were a way to quantify the intangible, it would be proven without a shadow of a doubt today that it is the spirit of hope which is most dominant here at King's House; in homes throughout the length and breadth of Jamaica; at the Haile Selassie School and Sam Sharpe Square where people are gathered and, indeed, in many parts of the world where Jamaicans are joining us via the Internet.

I come to the Office of Prime Minister with a profound sense of my obligation to the people. Only with the help of Almighty God can I carry this weight of trust and hope that is placed on my shoulders. I will not betray this trust and I will keep hope alive.

All across Jamaica there is this hope, this positive expectancy, this hunger to believe that a new day is dawning. You can almost touch it. It is not an expectation that anyone individual can fulfill, but together we can make it.

My role as Prime Minister of Jamaica will be to use this high office to facilitate change. Today, I want to commit myself to certain goals.

The first pledge to the Jamaican people is to advance human rights and individual liberty. Each individual life is sacred. None is more important than the other. Money should not make one person more important than the other. Learning should not make one person more important than the other, nor should class, colour or gender. We are all equal in the sight of God.

While the state has a responsibility to protect the society as a whole, it must never, in the execution of that responsibility, sacrifice individual liberty. We cannot build the harmony and peace that this society so desperately needs unless all Jamaicans know that they will be treated with dignity and respect.

We need to recapture our roots: the courtesy, the decency, the good manners and trust which were routinely practised. We need to rekindle those tested and proven values. We must practice them ourselves and demand them from others. I want to continue to lead a process for the recovery and promotion of our best values.

I want to pledge to the Jamaican people to work tirelessly to eradicate corruption and extortion. I am committed to their eradication as I am committed to uplifting the poor.

I pledge to do everything in my power—with the help of the Almighty and your support to break the power of the criminals. I will be working closely with the Minister of National Security, the Law Enforcement Officers, the Opposition and our 780 identified communities to successfully tackle this problem, in the interest of all Jamaicans, including those in the Diaspora who want to see a peaceful Jamaica.

Closely aligned to eliminating criminality and restoring power to communities, is the creation of employment and wealth-earning opportunities for people. Jamaicans do extremely well when given the opportunity. I believe that if we create the right conditions for people to flourish; if as government we see ourselves as facilitators, then we will experience the unleashing of the Jamaican creative spirit that can move this country forward.

I pledge to the Jamaican people to foster and facilitate the conditions for employment opportunities and wealth creation.

I want to say directly to the private sector both here and overseas that we treasure the gains which have been made through our macro-economic policy and international credibility. It is our intention to build on these hard-won gains of pain and sacrifice.

At the same time, we have to find the way while balancing the books to balance people's lives. Indeed, both the World Bank and the IMF have recognized the need for policies which promote equity and poverty alleviation.

We must find a way to expand opportunities for all Jamaicans so that they can share the fruits of macro-economic stability. When we think of the achievements of our sports men and women, of our musicians and others in the cultural field, they tell us that together we can make it.

Let me recognize the presence today of our athletes, who represented Jamaica at the recent Commonwealth Games in Melbourne, Australia. They earned a record 22 medals, including 10 gold.

Thank you for adding golden value to brand Jamaica. We are proud of you. You are an example to all of us. We can use your determination, strength, courage, discipline, perseverance, loyalty to country and pride in being Jamaican as motivation to work together for the advancement of our country.

As I said before, together we can make it.

I have an abiding faith and confidence in the Jamaican people. They believe in me and I passionately believe in them.

Critical to this matter of entrepreneurship, employment expansion and wealth-creation, is education. We will only become a first-class, competitive society if we are an educated, knowledge-based society. We have to build on the progress already made and intensify our drive to transform Jamaica's education system.

Our ability to attract quality foreign direct investments is directly dependent on the quality of our human capital. There can be no economic transformation without educational transformation. I pledge to the people an unyielding commitment to education, including programmes in character education to build a society committed to the highest ethical principles.

In this regard, we as political leaders have to set the example. I have had the finest teacher possible in this matter of consensus-building and respect for differences of opinion. I refer to none other than our esteemed former Prime Minister, the Most Hon. P. J. Patterson, to whom I owe a great debt of gratitude.

I must thank him for his fourteen years of service as Prime Minister of Jamaica. His loyalty and commitment to country, his passion for service, his civility and ability to achieve consensus make him unforgettable. As a team builder, he has shown us that together we can make it.

I want to build on his legacy of cooperation. I consider it my duty not only to protect, but to build on the legacies of all my predecessors in the continuing process of nation building. I recognize today the presence of the Most Hon. Edward Seaga, former Prime Minister of Jamaica, and thank him for his contribution to the development of our country.

I pledge to ensure that the interests of all our people are protected and that victimization never rears its ugly head in any way under my administration. Unity is a prerequisite for success in Jamaica and is very high on my list of priorities.

I say to the Opposition, let us launch a new era of cooperation. Let us work together in the interest of all Jamaicans. Let us put the people's hopes and aspirations before our own interests.

A more united, engaged, and spiritually strong nation will provide a good foundation for dynamic integration in the Caribbean Community. Jamaica's commitment to and active involvement in Caricom, has been steadfast and this will continue and, indeed, be expanded during my tenure. In that regard, I am happy and encouraged by the presence of so many of my CARICOM colleagues today. I am also pleased to note the presence of a large delegation from the United States Congress. Our active involvement in the international community will continue, because Jamaica is respected for its enviable tradition of leadership among developing countries. We will maintain respectful and harmonious relations with all states and will work with both the developed and developing nations to build a world of peace, justice and a better quality of life. We will continue to remind the international community that security considerations cannot be divorced from development, and that poverty is the greatest threat to security.

Ladies and gentlemen, there is nothing that can withstand the force of an energized, confident, united, determined and visionary people. The Bible says without vision the people perish. If we embrace one vision—not a PNP or JLP vision, not an uptown or a downtown vision, not an urban or rural vision but one Jamaican vision; then we will deal with our challenges as a nation. Together we can make it.

I pledge to the Jamaican people to lead that process. I cannot do it alone. Together we can make it. I want to build a partnership with the Jamaican people. A partnership which will involve the recognition that we all have a responsibility to lift up the poor and the downtrodden; A partnership which will see us giving greater respect to the rights and dignity of the persons with disabilities; A partnership to restore the centrality of family life in Jamaica; A partnership for responsible fatherhood, motherhood and responsible sexual behaviour; A partnership for love, honour and protection of our women; A partnership for love, honour and respect for our men; A partnership for the protection and nurturing of our children, who represent the future and which recognizes that children are the torchbearers of all the good that we must pass on to posterity; A partnership to provide access to quality education for all our children; A partnership for the empowerment of youths through education, training and economic opportunities; A partnership for the development of our communities, for strengthening democratic governance and for truly giving a voice to all the people. A partnership to eradicate crime and drive the criminals from our communities; A partnership to deepen the involvement of Jamaicans in the Diaspora; A partnership in the building of a harmonious, prosperous and vibrant Jamaica, committed to making the Jamaican Dream accessible to every single Jamaican; Together we can make it. A partnership where we recognize that God is supreme. I call upon all Jamaicans to join those who will worship on Friday, Saturday or Sunday to pray for the prosperity of our country and peace in the nation. In these partnerships, I pledge to be accountable to you, the people of Jamaica. I am and will remain your servant. Together we will make it.

Today is not only my day. It is Jamaica's day. Indeed, it is the day that the Lord has made. Let us rejoice and be glad in it, for we are His People.

Eternal Father, bless our land, Guard us with thy Mighty Hand.

HONORING HOLLIS BRASHEAR

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to Hollis Brashear and his 14 years of outstanding service as Trustee to the Dallas Independent School District. His commitment to the students of Dallas ISD is to be commended. During his many years on the Board of Trustees, Hollis Brashear served as Chairman to multiple committees, vice-president and president.

Mr. Brashear has always had a special connection to Dallas ISD and the students, as he was a graduate of Dallas ISD's Lincoln High School. He then went on to earn his bachelor's degree in civil engineering from Prairie View A&M University and his master's from Oklahoma State University.

In addition to his academic accomplishments, Hollis Brashear went on to serve a notable 21 years in the military where he was awarded two bronze stars during the Vietnam War.

Through his military service and outstanding academic and professional credentials, Hollis Brashear led the way towards improvement and change at Dallas ISD. His dignified dedication to the children, teachers, parents and administrators has made an immeasurable impact on the lives of Dallas ISD students.

I commend Mr. Brashear on his 14 years of exceptional service and wish him all the best on his retirement in the years ahead.

PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I am writing to notify you that I was absent on the evening of June 19, 2006 for votes. The reason for my absence was that the flight from Charleston, SC, was delayed due to a severe storm over the Washington, DC, area. I had no control over this issue and I did not arrive into Washington DC until late in the evening of June 19, 2006.

Regarding the votes that I missed, please see below for the way that I would have voted had I been present:

Vote No. 288—Declaring that the United States will prevail in the Global War on Terror, the struggle to protect freedom from the terrorist adversary—"aye";

Vote No. 289—To designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the Sergeant Jacob Dan Dones Post Office—"aye";

Vote No. 290—To designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the Larry Winn, Jr. Post Office Building—"aye"; and

Vote No. 291—Expressing the sense of the House of Representatives that a National Young Sports Week should be established—"aye."

INTERNATIONAL PARTNERSHIPS ARE KEY IN THE FIGHT AGAINST HIV/AIDS IN THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. RANGEL. Mr. Speaker, I rise today to call attention to the necessity of worldwide cooperation in the battle against HIV/AIDS in the Caribbean. Today, the Caribbean nations rank only second to sub-Sahara Africa in prevalence of the HIV virus. However, some countries in the region also have some of the highest per capita incomes among developing countries, which make these countries ineligible for foreign assistance.

I would like to submit an article for the RECORD from the June 13th issue of CaribNews entitled CARICOM's Need for Universal Access in HIV/AIDS Fight. In this article, author Tony Best describes the dilemma that many Caribbean countries face when attempting to secure aid for HIV/AIDS programs while possessing high per capita income, thus disqualifying them as priority recipients.

The article is based on an address made by CARICOM's lead spokesman on health, Dr. Denzil Douglas' address to a special United Nations High Level meeting on HIV/AIDS. In this address, Dr. Douglas expressed his concern on behalf of the Caribbean community about the criteria established by the international donor community regarding financial support for programs to reduce HIV/AIDS in the region. The main criterion of concern is that the international donor community will not grant middle income nations, such as those in the Caribbean, to collect grants for HIV/AIDS programs. Instead, these countries must apply for loans if they wish to obtain some support. Furthermore, the only way that a middle income country can become eligible for aid is if their HIV prevalence rate rises above five percent.

Dr. Douglas opined that this requirement of five percent prevalence rate will only hinder in a successful fight against HIV/AIDS due to the fact that the time wasted in waiting for the five percent mark to be recorded will allow the disease to advance so far that the economic and social costs may be unbearable at that point. For the moment, some countries in the Organization of Eastern Caribbean States (OECS), and other groups such as the Clinton Foundation and Global Fund have provided some aid to these countries. However, this aid has only resulted in the expansion of retroviral coverage for already infected persons.

Thus, the Caribbean region still lags behind in any progress in prevention of HIV incidence. The area has not been able to decrease the number of new cases of HIV, and so CARICOM feels that a social system based on an integrated network of services such as prevention, diagnosis and treatment can provide the best medium for prevailing in the fight against HIV/AIDS.

The global community is a vital player in helping create this visionary system of social services. By agreeing to provide aid despite of per capita income, international authorities can further strengthen the partnerships they have with the Caribbean nations and be of utmost benefit in the defeat of HIV/AIDS, not just in the Caribbean, but worldwide. After all, a united effort will prove to be much more successful than minor individual efforts striving towards a common goal.

[From the Carib News, June 13, 2006]

CARICOM'S NEED FOR UNIVERSAL ACCESS IN HIV/AIDS FIGHT

(By Tony Best)

Dr. Denzil Douglas, CARICOM's lead spokesman on Health, has called on the international community to make it easier for middle-income Caribbean nations to boost the level of care provided to victims of the HIV/AIDS pandemic.

In an address to a special United Nations High Level meeting on HIV/AIDS and in a session with Carib News Editorial Board on Monday morning Dr. Douglas, St. Kitts-Nevis' Prime Minister appealed for a new that would enable donor agencies and institutions to provide help to the region hard hit by HIV/AIDS virus. Many of the countries, he said, were being forced to bear the brunt of the financial burden of providing care to HIV sufferers and information to the general public about the dangers of the disease.

"We are concerned about the criteria established by the international donor community with regard to access to financing for fighting HIV/AIDS," he told Carib news editors and community leaders, including Yvonne Graham, Brooklyn Borough President, Michael Flanigan, Citibank Community Relations Director, and Leyland Hazelwood, an international business executive.

"One of the important criteria is that it (international donor community) will not allow middle income countries to have grants," he pointed out. "Rather, you have to go through the process of loans. Also unless the prevalence rates get beyond five per cent, you are not going to be able to access the financing that is required."

The trouble is that although the Caribbean region may have some of the highest per capita incomes among developing countries, the countries collectively are second only to subSahara Africa when it comes to the prevalence of the HIV virus. But their rates of infection are below the five per cent threshold. Hence they are ineligible for assistance.

"I made the point to the General Assembly of the United Nations that if we are going to wait until we get to five per cent, what is the point," he said. "It is almost foolhardy to wait until the disease has reached a certain level in the population to give us the required assistance. We need the assistance now so that we don't reach there."

Dr. Douglas, himself a physician, said that if the countries were forced to wait until the five per cent mark was recorded, then they would be faced with unthinkable economic and social consequences.

"If we wait for that stage with our small populations in the region, it can have very, very serious setbacks in the development of the Caribbean, especially in view of the gains we have recorded in the last few years," he asserted.

The Prime Minister pointed out that several Caribbean countries, especially those in the OECS, Organization of Eastern Caribbean States, were receiving help from Brazil in the form of free medication for HIV sufferers while the Clinton Foundation and Global Fund had "come on board with assistance."

As a result, states had been able to slow down the growth in the incidence of the virus, cut the number of deaths and slash mother to child transmission of the virus. "More still remains to be done and must be done," he said.

Caricom nations are aiming for "harmonized international partnership" that would result in an acceleration of care during the next 15 years.

Dr. Douglas' appeals to the international community were designed to "sustain the harmonized partnership" and expand care and the dissemination of information, he explained.

"By 2010, we are hoping that our health and social system would form the basis of an improved and integrated network of services, from prevention, diagnosis and treatment to care and support," he added. "The main issue is how we can we sustain the services that we have put in place to prevent and manage the disease. That is a concern."

A major hurdle in the Caribbean centers on "the issue of prevention," he pointed out. "We have not been able to scale back the number of new cases that are occurring in the Caribbean region," he said. "While we have been able to manage those who have the disease in terms of providing the necessary anti-retroviral drugs we have not succeeded on the issue of prevention. We believe that if we are to scale back the prevalence we must be able to prevent its spread."

RECOGNITION OF STUDENTS FROM WEST PHILADELPHIA HIGH SCHOOL'S ACADEMY OF AUTOMOTIVE AND MECHANICAL ENGINEERING FOR THEIR SECOND CONSECUTIVE CHAMPIONSHIP IN THE TOUR DE SOL

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. FATTAH. Mr. Speaker, I rise today to recognize the West Philadelphia High School's Academy for Automotive and Mechanical Engineering for winning their second Tour de Sol Championship.

The National 2006 Tour de Sol, a nationwide competition, allows students and entrepreneurs to showcase their efforts to design vehicles that approach zero climate change emissions and reduce oil use. The Tour de Sol highlights the largest innovations in alternative-energy technology and advanced fuel vehicles, showcasing the future of the clean-energy and transportation industries. The cars are put through rigorous tests to assess emissions, fuel economy, and other technical standards.

The Tour de Sol provides a key platform for vehicle manufacturers, students, and entrepreneurs to demonstrate future designs and current products that aim to reduce oil use and climate change emissions to near zero. This year, over 50 teams from all over the world participated in the Tour de Sol Championship, which began in 1989. The competition aims to inspire students and businesses to design, build, showcase, and use concept vehicles that push the envelope and work toward the ultimate goal of the event.

The winner of the coveted "Student Hybrid and Alternative Fuel Division" was awarded to one of the only high school teams to enter the competition, West Philadelphia High School's Academy for Automotive and Mechanical Engineering, for their Hybrid biodiesel electric car called The Attack. The team beat university and private teams from around the country for developing a vehicle that demonstrates high energy efficiency. The Attack ran the equivalent of 50 miles per gallon of gasoline.

I salute the students, faculty and team sponsors who worked tirelessly over the past 2 years to construct a hybrid vehicle that efficiently uses gas to create a cleaner environment. I applaud their efforts and congratulate them on a winning design that makes all Philadelphians proud.

INTRODUCTION OF THE RENEWABLE FUELS AND ENERGY INDEPENDENCE PROMOTION ACT

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. HULSHOF. Mr. Speaker, today, my colleague EARL POMEROY of North Dakota and I are introducing the Renewable Fuels and Energy Independence Promotion Act. We are joined by a bipartisan group of original cosponsors, a complete list of which follows this statement.

Rising fuel prices have again focused the public's attention on our nation's energy situation. Gas is at or near $3 a gallon across the country. We are importing over 60% of the oil we use, and this number is expected to grow to over 70% by 2025. In addition to our own increased domestic demand for energy, there is instability in oil-producing areas of the world, and demand for petroleum from China and India will continue to apply upward pressures on the price of oil.

Perhaps the one point in the energy debate that garners agreement from both sides of the aisle is that federal policy should strive to reduce our dependence on foreign oil. And though there may be ideological differences about how to achieve this end, there is broad, bipartisan consensus that domestically produced renewable fuels must play an integral role in a plan to promote energy independence.

Consistent with this common sense premise, we are introducing the Renewable Fuels and Energy Independence Promotion Act. This legislation will provide a permanent extension of the Tax Code's primary renewable fuels tax incentives for ethanol and biodiesel. The idea is to provide a single legislative vehicle for members to show their support of renewable tax incentives and to support a policy that sees a public good in reducing our dependence on foreign oil by boosting our energy independence.

If renewable fuels are to displace significant amounts of petroleum as transportation fuel, we must take bold, aggressive steps to achieve this end. History has demonstrated that the federal ethanol tax incentive has accomplished exactly what it is designed to do—promote the production and use of alcohol fuels. The numbers don't lie:

According to the Renewable Fuels Association, the United States produced 175 gallons of alcohol fuels in the year 1980. Today, we have an industry with a 4.817 billion gallon production capacity, and another 2.122 billion gallons of production capacity is currently under construction.

These numbers prove the tax incentive is working. Previous Congresses and Presidents—both Republican and Democrat—have recognized the benefits from replacing petroleum products with domestically produced renewable fuels. Long-term, consistent, and bipartisan support of ethanol tax incentives have yielded positive results that are helping reduce our dependence on foreign oil. As production increases and new technologies—such as cellulosic ethanol production—are perfected, renewable fuels will play an even greater role in our economy. History has shown us that the tax incentive works, and a long-term commitment to a federal policy that supports renewable fuels will help provide stability and promote growth for those working to expand the use of ethanol in the United States.

Congress should also strongly support efforts to promote biodiesel. Biodiesel is a clean-burning, renewable fuel that can be produced from a variety of feedstocks, including soybeans. It can be blended with diesel fuel and burned in conventional diesel engines without modification to the engine.

From a policy perspective, biodiesel shares many of the positive characteristics of ethanol. It is environmentally friendly and produced from renewable sources. Its production helps promote economic growth and opportunities in value-added agriculture. And most importantly, expanded use of biodiesel will help make America more energy independent by displacing petroleum products with a renewable fuel source.

Though there are distinct differences between biodiesel and ethanol, the situation facing the biodiesel industry today resembles the challenges facing ethanol industry upon its inception. I think we can replicate ethanol's success with biodiesel. If federal policy can increase demand and spur the development of the infrastructure required to utilize biodiesel, the nation as a whole will reap the benefits.

The current tax incentive took effect in 2005, and is currently set to expire after 2008. And though things are going well for the industry, and the market is beginning to embrace the fuel, there is more work that must be done. Federal policy should create an atmosphere that rewards entrepreneurs for investing their time and resources to build the production facilities and distribution systems needed to bring biodiesel to market. Providing certainty to the markets and to the industry will help further this progress, and federal policy can help provide this certainty through a long-term extension of the biodiesel tax incentive.

Mr. Speaker, I hope my colleagues will join me in supporting a strong federal commitment to the development of renewable fuels.

Original Cosponsors, Renewable Fuels and Energy Independence Promotion Act: Pomery, Nussle, Peterson, Shimkus, Terry, Boswell, Osborne, Emanuel, Moran (KS), Salazar, Moore (KS), and Herseth.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. POMBO. Mr. Speaker, I was unable to vote on June 19, 2006 on the House floor. I take responsibility to vote very seriously and would like my intentions included in the CONGRESSIONAL RECORD.

Had I been present, I would have voted "yea" on rollcall 289 for H.R. 5540, which designates the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the Sergeant Jacob Dan Dones Post Office; "yea" on rollcall 290 for H.R. 5504, which designates the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the Larry Winn, Jr. Post Office Building; and "yea" on rollcall 291 for H. Res. 826, expressing the sense of the House of Representatives that a National Youth Sports Week should be established.

STAY THE COURSE? WHAT COURSE?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. RANGEL. Mr. Speaker, I rise to enter into the record a column by Eugene Robinson entitled Stay the Course? What Course? appearing in The Washington Post Friday, June 16, 2006.

Mr. Robinson asks this question more than 3 years after the preemptive invasion of Iraq on false pretenses. I too ask this question as do many of my fellow Americans and my Democratic colleagues in the House of Representatives. The President and House Republican leadership have no answer as the so-called "debate" on the Global War on Terror on June 15th in the House proved.

For 10 long hours, those who listened to the speeches from the Republicans from the floor of the House heard unremitting propaganda with 1983 bomb attacks, the 1988 bombing over Lockerbie Scotland, the first attack on the World Trade Towers, the bombing of the United States embassies in Africa, and over and over again the about the terror attacks by al-Qaeda on 9/11.

Not only was a plan for an end of the Iraq war not mentioned—all cited these attacks which were cited had nothing to do with Iraq. They had not even a de minimus connection with Iraq or even with the present situation in which we find ourselves. These reminders of past acts of al-Qaeda were merely a piling on of the non-existent connection between al-Qaeda and Iraq. So, instead of a plan for bringing our soldiers home from Iraq, the Republicans continued in their unrelenting propaganda answering no genuine questions the American people want answered.

I am tired of hearing about "free democratic elections" in Iraq and the school houses our troops have painted. We did not go to war to set up free elections in Iraq. I am also tired of hearing how grateful our gravely wounded troops are to have had their legs blown off for the freedom of our country. Republicans should be embarrassed to repeat those stories.

Those are not good stories. I wanted to hear the Republican plan to make sure no one else has to lose their legs and their arms and their sight for my "freedom." My freedom is threatened by the PATRIOT Act and a President who believes he can violate the Fourth Amendment at will. My freedom was never threatened by Saddam Hussein.

I am also hearing from the party of the endless war in Iraq that the Democrats have no plan. The Democrats made it clear yesterday in our statements last week that the House Democrats' plan is the Murtha Resolution. It was also made clear that the Republicans are afraid to hear a Democratic plan by the Republican majority voting for a Rule for the "debate" that did not allow any amendments to the Resolution by the Democrats. The Republican Leadership made this the Rule for the "debate and pushed it through ignoring the democracy they so applaud when the Iraqis show any faint signs of achieving it.

Eugene Robinson wrote in the Post: "Fresh from his triumphal visit to Baghdad—a place so dangerous he had to sneak in without even telling the Iraq prime minister—George W. Bush is full of new resolve to stay the course in his open-ended "war on terror. That leaves the rest of us to wonder, in sadness and frustration, just what that course might be and where on earth it can possibly lead."

Thirty-seven months since the President declared the "end of major combat" in Iraq he has given the American people platitudes, rhetoric, slogans, or worse, fear of an "evil ideology" and "evil doers." But he has given us no real plan, not even a hint of a plan for the conduct of the war, the reconstruction of the Iraq, the plan to begin the withdrawal of American troops or the metrics by which we can define "victory" in Iraq.

George W. Bush wanted to be a "war president" and whatever acts and whatever lies it took, he became a war president. Now it is apparent he will stay a war president no matter what the American people want. He plainly said the next president would have to find an exit plan so our men and women can finally come home from Iraq.

But Bush's war and his need to be a war president have serious consequences. Some of these are pointed out by Eugene Robinson; "Three desperate suicides at Guantánamo is answered by Rear Adm. Harry Harris's all-about-me lament—" I believe this . . . was an act of asymmetrical warfare waged against us." He wrote: "This is a 'war' in which the United States drops two 500-pound bombs with the express intent of assassinating Abu Musab al Zarqawi the leader of al-Qaeda in Iraq, a group that wouldn't have existed if Bush hadn't decided to invade." If Iraqi civilians are killed in a bomb attack such as the one on the Zarqawi safe house we did not say we were sorry about those civilians. Zarqawi was a "high value target." We said we are sorry that a "few bad apples" did bad things at Abu Ghraib prison. Or pardon us if a few soldiers killed civilians in cold blood, but after all we are at war.

Mr. Robinson wrote that if the Iraqi government does pardon Iraqis who have killed Americans we will have taught them well. "They'll be saying 'pardon me' just like their American tutors."

Mr. Robinson reminds us that the jhadists of today were forged fighting Russians in Afghanistan. The next generation are being forged today fighting Americans in Iraq. He also reminds us that Iraq is just one theater in Bush's war. He writes: "Afghanistan is once again 'ablaze' with counterattacks by Taliban."

Mr. Robinson is right: "American's popularity in the world continues to fall. But George W. Bush forges ahead, trying vainly to kill a poisonous retrograde ideology with bullets and bombs. His 'war' is self-perpetuating, and no one even knows what victory would look like. Long after he's gone, we'll still be looking for a way to end the mess he began."

EXPLANATION OF LEAVE OF ABSENCE

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Mr. CAMPBELL of California. Mr. Speaker, on Monday, June 19, I was in California attending my son's graduation from high school. I arranged ahead of time to be granted an official leave of absence from the House on Monday, June 19th. Through a misunderstanding, I was granted a leave for the entire week. I want the House to know that I am present and voting on Tuesday, June 20th and the balance of the week.

WORLD REFUGEE DAY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak on Keeping the Flame of Hope Alive.

Throughout their long and daunting journey from oppression and persecution to asylum and protection, and eventually to a place they can call home, refugees show incredible strength, courage and determination. Their journey is a dangerous and arduous one and every day spent in exile is a day too long.

But in every step of their journey refugees carry with them an unshakable, unrelenting hope. By hanging on to their hopes for basic survival, sustenance and protection, and for the chance to one day rebuild their lives, refugees defy all odds. The U.N. Refugee Agency must continue to be impressed by the tenacious hopefulness of refugees which, in turn, motivates us to leave no stone unturned in the fulfillment of our mandate, to protect them and to find durable solutions to their plight.

On World Refugee Day, we ask you to remember the millions of refugees under U.N. care who are trying to pick up the pieces of once-peaceful lives. As different as they are from each other, one thing connects them all:

hope for a better future and a chance to restore lasting peace to their lives.

Help us keep that flame of hope alive!

Latest Statistics: 20.8 million

Latest statistics indicate that of the 20.8 million people of concern:

8.4 million are refugees who have fled their countries due to civil wars and ethnic, tribal and religious violence and who cannot return home

6.6 million are internally displaced persons—people forced to flee their homes, but who have not crossed a border

2.4 million are stateless people

1.6 million are returnees

773,000 are asylum seekers

960,000 are others of concern

RECOGNIZING PAUL JENSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Paul Jenson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Paul has been very active with his troop, participating in many scout activities. Over the many years Paul has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Paul Jenson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF THE 112TH ANNUAL BALL OF THE MONDAY CLUB

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the Monday Club as it celebrates its 112th anniversary of serving the Delaware community. The Club was incorporated in 1893 for the promotion of the moral and intellectual welfare of its members.

The Monday Club is a male leisure organization, and the oldest chartered African American organization in the State. Early members of the Club consisted of butlers, waiters, coachmen, cooks, and janitors who encompassed the economic, social and religious life in the community. Later, the Club expanded to include businessmen, politicians, men working in industry, as well as workers and laborers of all skills in every area of Delaware's economy.

Through the years, the Monday Club has developed into more than just a social club. In fact, due to its members' strong community ties, the Monday Club has contributed to many local churches, individuals and charities. In doing so, the Monday Club provides support for numerous charitable organizations in Delaware and has established scholarship funds for students, such as the Dr. Woodrow Wilson/Senator Herman H. Holloway Scholarship Fund, which awards four $1,000 scholarships to graduating high school seniors planning to attend college each year.

I congratulate the Monday Club for reaching this extraordinary milestone. The dedication of its members to the community enhances the quality of life for many Delawareans and provides opportunities for children across the State. I would like to thank the Monday Club for their valuable impact on Delaware.

IN MEMORY OF PFC STEPHEN M. LASHINSKY (UNITED STATES ARMY) AND SGT JAMES F. FORDYCE (UNITED STATES MARINES)

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, without exception, each of us who has the honor of serving in Congress does not have to look far from home for our American heroes. In my 7th Congressional District, the Newtown Township Supervisors recently hosted a ceremony at their June 12 meeting to recognize the sacrifice of two mothers whose sons were killed in action. The fallen soldiers come from different generations but are forever united in spirit as they join all who have given their lives serving in our Armed Forces to preserve our rights and freedoms. Every person who dies in the line of duty commands the eternal gratitude of the American people.

PFC Stephen M. Lashinsky was killed while serving in Vietnam and SGT Jimmy Fordyce died along with ten other marines in a helicopter crash off the east coast of Africa in February 2006. Both PFC Stephen Lashinsky and SGT Fordyce joined the military with a strong desire to serve and protect our country. In doing so, they made that incredible commitment, putting their lives on the line to accomplish their mission. It is because of soldiers like PFC Stephen M. Lashinsky and SGT Jimmy Fordyce that our country remains free today. We must commit to remembering forever their lives and valiant sacrifices.

Our thoughts and prayers are with our fallen service men and women and their families. May God bless them and all Americans serving with honor today.

IT'S TIME FOR CONGRESS TO OPEN ITS DOORS TO MORE DIVERSITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the CONGRESSIONAL RECORD a column in the Stirring the Pot segment of the June 20, 2006 edition of the Rollcall periodical newspaper and an article from the June 2006 edition of DiversityInc.

The column, entitled "It's Time for Congress To Open Its Doors to More Diversity" is authored by Donna Brazile, political strategist, former congressional chief-of-staff, and Chair of the Democratic National Committee's Voting Rights Institute (VRI). The article, entitled, "Who Is Worst for Diversity? The United States Senate", is authored by C. Stone Brown and Mark Lowery.

Donna Brazile captures your attention by stating that "one of the hottest and most illuminating stories to hit the newsstands last week discussed the lack of diversity in the Senate." She goes on to address the content of that news story written by C. Stone Brown and Mark Lowery of DiversityInc. Brown and Lowery reported that equal opportunity is sorely missing in action in the Senate.

The articles point out that there is one black, three Hispanic, two Asian Americans and fourteen women Senators. This membership does not represent a good cross-section of the Country.

While Ms. Brazile's article encourages the Senate to establish a process to open doors to qualified candidates of colors and women it does not exclude the House of Representatives. Take a look at the number of minority chiefs-of-staff and legislative directors for members outside of the Congressional Black Caucus or the Congressional Hispanic Caucus.

Brown, Lowery and Brazile reveal thought provoking data and information that relates to the issue of diversity in staffing in the Senate and the House. They cleverly summarize the issue by quoting a leading diversity consultant who states if change is to come to diversity in placement of key Congressional positions . . . "It has to start at the top, with the CEO (Senator), and be made a priority with some accountability."

Mr. Speaker, I enter this article with the hope that it will impress upon the legislative body the need for sensitivity in including people of color and women in the "pool" from which future personnel is chosen.

[From the Rollcall, June 20, 2006]

IT'S TIME FOR CONGRESS TO OPEN ITS DOORS TO MORE DIVERSITY

(By Donna Brazile)

One of the hottest and most illuminating stories to hit the newsstands last week discussed the lack of diversity in the Senate. In their cover story, DiversityInc writers C. Stone Brown and Mark Lowery discovered that when it comes to "equal opportunity," the Senate is sorely missing in action.

With only one black, three Hispanic, two Asian Americans and 14 women Senators, the chamber's membership isn't exactly a good cross-section of the Nation. And furthering that problem, the reporters write, their review of "people of color" serving in Senate offices and committees found that senior positions such as chief of staff, legislative director, counsel and even communications director are "practically reserves for white men and women."

As a former chief of staff and press secretary for Del. Eleanor Holmes Norton (D–D.C.), I believe it's time the Senate makes diversity in its ranks a major priority.

This investigative report is worth reading because it takes on both major political parties for their lack of significant progress in bringing more diversity to one of the most powerful institutions in America. According to DiversityInc's investigation, of the 1,000 senior-level staffers, about "7.6 percent are people of color." The report then breaks that down even further: "2.9 percent are Black, 2.8 percent are Asian American and 1.9 percent are Latino." Given the multitude of issues and concerns the Senate addresses each year, it's time every Member take a look inside his or her own office to see if any changes should be made and to figure out a process to open the doors to qualified candidates.

(And the House of Representatives should do so, as well. How many minorities are chiefs of staff or legislative directors for Members outside of the Congressional Black Caucus or the Congressional Hispanic Caucus?)

When the reporters tried to obtain this important data from some Senate offices, they were greeted with no responses. (The report indicated that repeated calls were made to the Sen. John McCain (R-Ariz.), Majority Leader Bill Frist (R-Tenn.) and even Sen. Hillary Rodham Clinton (D-N.Y.), but to no avail.) Since most Senators refuse to acknowledge or even discuss this matter, I am sure out of embarrassment, let me do what any former Congressional staffer would do and offer some useful advice in correcting this problem and perception.

First, I would take Paul Thornell's advice to urge Senators to "widen their networks." Thornell, a one-time colleague from my days working with Al Gore and a former Senate staffer, said he believes Senators "can start by committing to interview at least one qualified minority candidate anytime there is an opening at mid and senior level." He stated that "this is the same approach used by the National Football League to hiring head coaches. If they aren't interviewing qualified minority candidates, that guarantees they won't hire them."

Bottom line, as a leading diversity consultant who works with Fortune 500 companies explained to me: It has to start at the top, with the CEO (Senator), and be made a priority with some accountability.

Thornell also suggests that the Senate should hire a diversity consultant to advise them on how best to remedy this problem. When Texaco, Coca Cola, Wal-Mart, Denny's or any of the countless other companies that have had problems with diversity issues tried to solve them, did their CEOs just call their peers and ask what to do? No, they hired someone with expertise to give them counsel based on their experience to help them improve on issues surrounding diversity.

When I first came to Capitol Hill right out of college, I started as an intern in the office of the late Rep. Gillis Long (D-La.). I so enjoyed being on the Hill and didn't mind sitting at the front desk or running errands (delivering "Dear Colleague" letters, etc.) for months because I knew once I was in the door, I could move up the ladder. Today, there is such a gap in the Senate between entry-level positions and senior-level slots (legislative assistant up to chief of staff) that even a strong and competent person who starts as a staff assistant realistically is not going to be considered for a LA position for years and rarely, if ever, for chief of staff.

Such evidence suggests that promoting internships as the sole solution is not going to attack the problem. The difference in the House is you can begin as a staff assistant right out of college, the offices are smaller and there are more opportunities in the House. So, you can get on a track that accelerates your career path. Some Senate offices will tell their entry-level staff right away that they won't get promoted to LA from the position of staff assistant.

Senators, it's time for some introspection and a deep look at the picture you're sending to others you tell to "clean up their act." It's time for a little bit of humility and some sensitivity to make sure that people of color and women are included in the "pool" from which future personnel are chosen. Just remember: We, too, are Americans. We bring a different, and often unique, perspective to the debate, whether it's on privatizing Social Security or predatory lending practices and their impact on communities of color. And many of us would like to have a seat—or even a folding chair—at the table when policies that impact our communities, as well as our Nation, are being brought up on the floor.

Just remember, like that of former President Bill Clinton, President Bush's Cabinet looks like America. Why should Senate offices look or behave differently?

RECOGNIZING ALEX DAVENPORT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Alex Davenport, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Alex Davenport for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO RAY SUTHERLAND

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in education has come to a close. Ray Sutherland retired from his position after 31 years last spring.

A graduate from Central Missouri State University, Mr. Sutherland has been highly respected in his many years of teaching and administrative duties.

Mr. Sutherland is well known for his sense of humor and ability to maintain good relationships with all of his students. During his career, he was admired by his students and has treated all before him with the same sense of justice and respect.

In 1971, Mr. Sutherland graduated from Higginsville High School. After graduating from Central Missouri State University in 1975, he began teaching Industrial Arts at Higginsville High School. In 1990, he was named Principal of Lafayette County C–1 Middle School.

Mr. Speaker, I wish Ray Sutherland all the best as he moves on to the next step in his life. I know the Members of the House will join me in wishing him all the best in the days ahead.

COMMEMORATING THE LAUNCHING OF THE WORLD HARMONY FOUNDATION'S GLOBAL RECYCLING FOR PEACE AND HARMONY PROGRAM TO CREATE HARMONY BELLS FOR PEACE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to acknowledge the World Harmony Foundation and the launching of their Global Recycling for Peace and Harmony program to create Harmony Bells for Peace.

The World Harmony Foundation is dedicated to building cultures of peace with sustainable environments. Through their Global Leadership Initiatives with Global Recycling for Peace and Harmony program they will bring together heads of state, parliamentarians, mayors, and community leaders with students and educators worldwide to work in partnership in building cultures of peace for generations to come.

The first Harmony Bell for Peace, which is here today on Capitol Hill to be rung for peace, was at the United Nations for its 60th anniversary ceremony and celebration on October 24, 2005, in honor of the theme "A Time for Renewal." Secretary General Kofi Annan was the first person to officially ring the Harmony Bell during the ceremony followed by His Excellency Mr. Jan Eliasson. The Harmony Bell for Peace can be rung by all people from all walks of life that make their commitments to building cultures of peace with sustainable environments for all. A moment of silence will be held today when the bell is rung.

The World Harmony Foundation designed the Harmony Bell for Peace with the word "Harmony" appearing around the center in the six official languages of the United Nations with elements of nature. This first Harmony Bell was made with ammunition donated by the Chinese military and recycled scrap metal collected and donated by school children.

Future Harmony Bells for Peace will be made from metal and decommissioned shredded guns donated by heads of state, parliamentarians, mayors, and community leaders who are making their own commitments to peace. These materials will be combined with the recycled scrap metal collected and donated by students in schools around the world that also have curriculums on peace and environmental studies to the Global Recycling for Peace and Harmony program of the World Harmony Foundation.

The Harmony Bells for Peace created from this program will travel as Ambassadors of Peace and inspire people in communities around the world. Later, they will be donated to schools, civic centers, and hospitals.

I thank Mr. Frank Liu, President of the World Harmony Foundation and Ms. Margo LaZaro, CEO of the World Harmony Foundation, for creating this program. I also want to thank all of their sponsors and supporters for encouraging and supporting this important organization and the valuable contributions that they are making to the global community for peace and Harmony for all people.

I congratulate the World Harmony Foundation on this Global Leadership Initiative for Peace and Harmony. Today, as we ring the Harmony Bell for Peace to launch the World Harmony Foundation's Global Recycling for Peace and Harmony program, I encourage my colleagues to work for peace and celebrate this remarkable effort. I would like to thank all those responsible for bringing the Harmony Bell for Peace to Capitol Hill today.

Generations to come will have Harmony Bells for Peace in their communities because of the contributions the World Harmony Foundation is making to the world.

TRIBUTE TO ESSAY WINNER, MR. SEAN DOHERTY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. HYDE. Mr. Speaker, every year in my district, I ask students in grades 8th and 12th to participate in an essay contest. This year's contest focused on the issue of protecting our nation from terrorism.

I am pleased that so many students chose to enter this essay contest. Unfortunately, however, there can only be one winner in each group: 8th grade and 12th grade. This year's 8th grade winner was Sean Doherty from Elmhurst, Illinois. He attends St. Charles Borromeo School in Bensenville, Illinois. The 12th grade winner was Katie Horton from Addison Trail High School. She lives in Addison, Illinois.

This is Mr. Sean Doherty's essay, entitled: "How does the Homeland Security Agency protect us from Terrorism?" is as follows:

> The Homeland Security Agency (HSA) is a government agency responsible for tracking down those responsible for terrorism against the United States of America. It is part of The Department of Homeland Security. It works closely with the FBI, CIA, and other agencies to track down terrorists and those who are planning an act of terrorism, before they can commit such an act.
>
> Those responsible for the vast majority of terrorism against the United States are Muslim terrorists who operate in cells around the world. They seek to destroy us because of our basic freedoms such as freedom of speech, freedom of the press, and freedom of religion. They will stop at nothing to destroy us; death is no border to them. To them, death is when they will be rewarded. This can be seen by the frequent homicide bomber attacks that occur.
>
> The HSA uses wiretaps, satellite imaging, email monitoring, and various other methods to track down terrorists. The terrorists use every tool at their disposal to evade capture and kill innocent Americans, so the NSA should and must use every tool at their disposal to stop terrorists before they can attack.
>
> At airports, the HSA uses metal detectors, bomb sniffing dogs, cameras, and physical searches of bags and passengers to make sure our airlines are safe. One machine, the Chemical Trace Examination (CTex) machine can even detect explosives by their density. At ports, containers are scanned with x-rays and gieser counters to make sure nothing that can be used for a terrorist attack is transported into the country. Also, some containers are even searched physically.
>
> The PATRIOT Act is a piece of legislation that was passed after September 11, 2001. It is designed to help the HSA track down terrorists. It makes small changes to already existing laws so that the process of hunting down a terrorist cell is streamlined. For example, the PATRIOT Act allows the HSA to wiretap or monitor a suspected terrorist without a court warrant. If a court warrant were required, the terrorist could be tipped off and destroy evidence or flee the country.
>
> In order to reduce terrorism, we need to stay in Iraq and Afghanistan. If we stay there, we can start to spread more moderate feelings about western culture throughout the region. The people of those countries already show their gratitude to the United States for bringing democracy to their countries, now imagine if the whole Middle East was democratic and freedom of speech and religion were commonplace throughout. The world would be a better, safer place.
>
> Another additional precaution we need to take is to secure our borders. We need more border patrol agents and more Unmanned Aerial Vehicles and sensors on the northern and southern borders. If we do these things, the risk of terrorism both at home and abroad will be significantly lowered.

HONORNG THE LIFE OF SOLDIER COLBY FARNAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GRAVES. Mr. Speaker, I have the honor today to recognize the life of Army Spec. Colby Farnan of Weston, Missouri, who passed away in Taji, Iraq while in Support of Operation Iraqi Freedom. As a son, brother, and friend Colby is missed by many.

Colby was a strong member of our community. He was active in various high school sports, where he nurtured the leadership skills and sense of teamwork that so many people came to admire. His service as a coach in the youth baseball league was just one example of his desire for wanting to help our community. Colby's service to our country was an extension of his support of the community and a commitment to making a better future for us all.

I offer my condolences and support to the many people that Colby had an impact on. In the wake of their loss, the Farnan family has embarked on a campaign to honor our fine men and women who have perished in Operations Iraqi Freedom and Enduring Freedom. The family and community of Weston, Missouri are raising money to provide communities with Battlefield Cross statues to remember the lives of the fine Americans that gave their life for their country.

The lives of all our soldiers are remembered everyday and the efforts by the Farnan family and friends can be appreciated all Americans. I am exceptionally proud of our troops, their families, and their communities in their support of one another. All of Northwest Missouri and America should follow the example that is being set by the people of Weston, Missouri in their 5K Walk to Remember fundraiser and support of our troops.

IN HONOR OF STATE REPRESENTATIVE ROGER P. ROY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. CASTLE. Mr. Speaker, it is with great honor and pleasure that I rise today to pay tribute to State Representative Roger P. Roy, who after 30 years of service has chosen not to seek another term in the State House of Representatives. This extraordinary man is undoubtedly a valuable asset to the State of Delaware and a friend to all. He has been described as not only a compassionate and accomplished citizen, but also an admirable leader. An enduring professional representing his beloved Limestone Hills-area district, he truly is a distinguished Delawarean.

In addition to serving his district, he serves as the Chairman of the influential State Bond Bill Committee, where his leadership has been instrumental in the Committee's sound financial management, earning Delaware's bonds the highest rating. Representative Roy has also worked to protect Delawareans, authoring the State's version of Megan's Law and sponsoring legislation that requires registered sex offenders to have their status indicated with a designation on their driver's license. Currently serving as the Executive Director of the Transportation Management Association of Delaware, he has worked to bring innovative transportation solutions to the State.

As his 15 consecutive terms in office acutely demonstrate, he is well recognized and respected by his constituents and colleagues. He actively participates in the community through sponsorship of youth athletic teams, American Legion Post #29, and by serving on the Board of Directors of the Central YMCA and the Mid-County Senior Center.

I congratulate State Representative Roger P. Roy for his years of remarkable service and countless contributions to the State. I am sure that as he begins to spend more time with his wife, Paula, their two daughters, Michele and Tanya, and their grandchildren, he will remain an integral member of the community. I would like to thank him for the many contributions he has made to the State of Delaware.

TRIBUTE TO JEAN DIEHL FOR HER MORE THAN THIRTY YEARS OF DEDICATED VOLUNTEER SERVICE WITH THE U.S. FISH & WILDLIFE SERVICE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a privilege to take this opportunity to pay tribute to Jean Diehl for her more than 30 years of dedicated volunteer service with the U.S. Fish & Wildlife Service, where she has served as a major community force in establishing and developing the John Heinz National Wildlife Refuge at Tinicum. Jean's enthusiasm and deep love of the Tinicum Marsh has provided decades of consistent strength and leadership through the Concerned Area Residents for Preservation of the Tinicum Marsh (CARP) and later the Friends of the Heinz Refuge (FOHR), ensuring that future generations of Americans will be able to enjoy and learn from the treasurers of our Nation's natural heritage protected through our National Wildlife Refuge System. I was pleased to work with Jean and others to make the dreams of this unique National Wildlife Refuge a reality, promoting conservation and a cleaner, healthier environment for both wildlife and the citizens of the greater Philadelphia region.

The history of Tinicum Marsh, the largest remaining freshwater tidal wetland in Pennsylvania, goes back to the first settlements in the region in 1634. Swedes, Dutch and English diked and drained parts of the marsh for grazing. At that time, the tidal marshes measured over 5,700 acres. The rapid urbanization since World War I reduced tidal marshes to approximately 200 acres. The remnant of this once vast tidal marsh is protected by the Refuge.

Jean first discovered the wonders of Tinicum Marsh as a youth while exploring the wilds of her neighborhood and learned of their endangerment through her involvement with Girl Scouts. Jean soon became an active member of CARP, a grassroots conservation organization that worked closely with government and political leaders to preserve and protect Pennsylvania's largest remaining freshwater tidal marsh. Through much of Jean's leadership with both CARP and as President of the Friends of the Heinz Refuge, as well as her community work with the League of Women Voters and with many other concerned local citizens, the Tinicum National Environmental Center (later renamed to the John Heinz National Wildlife Refuge at Tinicum) was established. Jean's leadership helped with the passage of four pieces of Federal legislation adding both land and funding for the refuge.

Ever the environmental champion, Jean has worked diligently over the past 30 years to ensure the future of the Reserve. Her work helped realign Interstate 95 to avoid paving over this important wildlife habitat; raise funds for the purchase of the Tinicum Lagoons to be included in the Refuge; establish the Tinicum Treasures Bookstore (all proceeds of which are used to support refuge educational and biological programs); and create the Cusano Environmental Education Center. Jean Diehl has, indeed, truly served our Nation as a founding parent of the John Heinz National Wildlife Refuge at Tinicum. I commend Jean Diehl for her outstanding service. She is among Pennsylvania's finest, and I am honored to bring forth her particular accomplishments at the Tinicum Refuge before this body and our Nation today.

EMERGENCY ROOMS HAVE REACHED A BREAKING POINT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce a New York Times editorial entitled, "Emergency in the Emergency Rooms" into the RECORD. This article emphasizes the fact that our Nation's emergency rooms and hospitals are seriously ill-equipped to manage major disasters such as the human costs of natural disasters or the occurrence of pandemic influenza. They are also failing to meet the challenge of increased demand by the poor who must use the emergency room for primary care because they cannot afford or do not have health insurance.

According to the Institute of Medicine, about 500,000 (five hundred thousand) ambulances are being redirected from full emergency rooms to others far away. Furthermore, patients awaiting admission to the hospital may spend from eight hours to two days in the emergency rooms before a hospital bed becomes available. Not only are our emergency rooms filled past capacity, but they also lack the services of critical specialists such as neurosurgeons, further crippling the ability of hospitals to immediately treat patients in medical crisis.

The editorial identifies a few causes for the emergency room crisis. First, the number of people seeking treatment in emergency rooms has increased sharply over the past decade. Also, in the same time period, some 700 hospitals and 425 emergency departments have been forced to close due to cost pressures. More importantly, the result of these situations is serious overcrowding, only worsened by a massive influx of patients who seek routine care in emergency rooms because they are either uninsured or on Medicaid but incapable of finding doctors who agree to treat them.

This issue has grave consequences on the United States population as a whole, but it particularly affects the more than 60 million plus uninsured people in the United States, a population that will increase as employers are gradually eliminating health coverage. Ultimately, the United States will suffer greatly at the hands of large scale disasters if we do not improve our preparedness in hospitals and emergency rooms.

Some proposals to develop our emergency rooms include an end to diverting seriously ill patients to far away hospitals and alternatively diverting poor patients who congest emergency rooms seeking standard care. Of course, this would necessitate expanding health insurance coverage to the millions of uninsured and offering more primary care clinics and doctors to underserved neighborhoods. However, in the long run, the addressing of the emergency room crisis will cost the United States much, much less than the consequences.

[From the New York Times, June 21, 2006]

EMERGENCY IN THE EMERGENCY ROOMS

The nation's emergency rooms have been stretched thin for at least a decade or more, but a new analysis suggests that they have reached a breaking point. Their plight underscores how dreadfully unprepared we are to cope with a major disaster like pandemic influenza or mass casualties from a terrorism attack.

The crisis in emergency medical care was laid bare in three reports issued last week by the Institute of Medicine, a unit of the National Academy of Sciences. Half a million times a year ambulances are diverted from emergency rooms that are full and sent to others farther away. Emergency room patients who need admission to the hospital often spend eight hours or more—sometimes even two days or more—on gurneys in the hallways, waiting for a hospital bed to open up.

Some emergency rooms lack the services of key specialists, such as neurosurgeons, who shy away from emergency room duty because many uninsured patients can't pay and their malpractice premiums would skyrocket because of the risky nature of emergency cases. What is not known is how many people die as a result of delays in treatment or inadequate care under chaotic conditions. No measurement system tracks such data.

The emergency room crisis has many causes, none of them easily or cheaply resolved. The number of people seeking treatment in emergency rooms has jumped sharply over the past decade or so, from 90 million in 1993 to 114 million in 2003. Over the same period, cost pressures forced the closing of some 700 hospitals, almost 200,000 hospital beds and 425 emergency departments. The result is severe crowding, exacerbated by a huge influx of poor people seeking routine care who are either uninsured or on Medicaid but unable to find doctors willing to treat them. By law, emergency rooms must accept all patients, whether they have insurance or not.

The institute's experts have many proposals for easing the situation, ranging from new regional systems to improve the flow of patients to the most appropriate and least crowded emergency rooms to an infusion of money to cover unpaid emergency care and to bolster preparedness for large-scale disasters. The most important change would be to stop diverting seriously ill ambulance patients and divert instead the poor patients who clog emergency rooms seeking routine care. That would require extending health coverage to the uninsured and providing more primary care clinics and doctors in poor neighborhoods.

RECOGNIZING LARRY W. WEIGLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Colonel Larry W. Weigler, Vice Wing Commander of the Missouri Air National

Guard in St. Joseph, MO. Colonel Weigler will retire from the 139th Airlift Wing, St. Joseph, MO effective May 3, 2006 after more than 36 years of dedicated service in the Air National Guard.

The Colonel has been a member of the armed services since 1969 when he enlisted in the Missouri Air National Guard as an aircraft mechanic. In 1972 he received an Officer's commission to become an aircraft pilot. During his exemplary career Colonel Weigler participated in numerous overseas deployments including Operation Desert Storm and Operation Iraqi Freedom.

Mr. Speaker, I proudly ask you to join me in commending the career of Colonel Larry W. Weigler, who exemplifies stellar qualities of dedication and service to Northwest Missouri and the United States of America.

IN MEMORY OF JAMES LEE RACKERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Mr. James Lee Rackers of Jefferson City, MO.

Mr. Rackers was born in Jefferson City, on December 27, 1933, son of Lee and Helen Heislen Rackers. He attended Central Missouri State University and graduated from Lincoln University in 1956, with a Bachelor of Science degree in Secondary School Education. He earned his masters in Secondary School Administration from the University of Missouri-Columbia. He was united in marriage to Nancy Brettschneider on November 24, 1955. They were blessed with four wonderful children, three sons and one daughter.

Mr. Rackers began his career teaching at Helias High School in the fall of 1956. He was the head basketball and track coach and assistant football coach. He was the Athletic Director from 1966 until 1967, when he became Assistant Principal. In 1971 Jim became the first lay principal at a Catholic secondary school in Missouri. Jim was principal until 1992, when he became Helias' first Chief Administrator. In 1997 he became the first Director of Development for Helias High School and Executive Director of the Helias Foundations. On May 1, 1998, the newly constructed Field House was named the James L. Rackers Field House in honor of his years of dedication and loyalty to Helias High School.

Along with his successful career, Mr. Rackers was an active member of St. Peter Catholic Church and was also a member of numerous professional and community organizations. Mr. Rackers was a member in the National Association of Secondary School Principals, Missouri Association of Secondary School Principals, North Central Association, National Catholic Education Association, Committee on Accredited Schools Non-Public, and the Missouri Council for American Private Education. He received numerous awards; including the 1991 Communicator of the Year Award from the Public Relations Society of America, 1997 Immaculate Conception Outstanding Alumni Award, 1997 Certificate of Appreciation for outstanding services to students in Support of Vocational Education at Nichols Career Center, and 25 year Silver Service Award of the Missouri Association of Secondary School Principals.

Mr. Speaker, James Lee Rackers was a valuable leader in all aspects of his life. He was a genuine human being who would do anything for anyone. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Nancy; his three sons, Dennis, John, and Timothy; his daughter Maureen; and all of his grandchildren.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mrs. MALONEY. Mr. Speaker, on June 19, 2006, I was unavoidably detained and missed rollcall votes Nos. 289, 290, and 291.

Had I been present, I would have voted "yea" on rollcall votes Nos. 289, 290, and 291.

TRIBUTE TO ESSAY WINNER, MISS KATIE HORTON

HON. HENRY J. HYDE

OF ILLINIOS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. HYDE. Mr. Speaker, every year in my district, I ask students in grades 8th and 12th to participate in an essay contest. This year's contest focused on the issue of protecting our Nation from terrorism.

I am pleased that so many students chose to enter this essay contest. Unfortunately, however, there can only be one winner in each group: 8th grade and 12th grade. This year's 8th grade winner was Sean Doherty from Elmhurst, Illinois. He attends St. Charles Borromeo School in Bensenville, Illinois. The 12th grade winner was Katie Horton from Addison Trail High School. She lives in Addison, Illinois.

This is Miss Katie Horton's essay, entitled: "How does the Homeland Security Agency protect us from Terrorism?" is as follows:

> Terrorism is an epidemic that continues to spread throughout the world. In the United States, terrorism is a danger that the government and its people must face everyday. The government works hard to expand its knowledge of terrorist activities and to protect America from terrorist attacks. It is crucial for the government, and the people of the United States to identify ways to reduce the threat of terrorism.
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> This can occur in many ways, including more background checks of people who enter this country, more security at our borders, increasing intelligence gathering in countries that support terrorists, make it easy, or offer rewards, for citizen's to report suspected terrorist activities, educating people on what to look for, and working with other countries governments to eliminate the threat of terrorism.
>
> A group that has been on everyone's mind lately is the terrorist group called al-Qaeda. The National Commission on Terrorist Attacks has stated that al-Qaeda is responsible for many terrorist attacks against the citizens, the government, and military forces of the United States and many other locations around the world (Wikipedia). Osama bin Laden is one of the founders of the al-Qaeda organization and has been held responsible for the September 11th attacks and many other attacks world wide.
>
> The Department of Homeland Security is trying hard everyday to make terrorist movements a thing of the past. The department follows a six-point agenda. The first point is to increase overall preparedness. Since the terrorist attack on 9–11, the United States has increased security in all government and government related buildings and has better prepared and trained employees to know what to do in case of a terrorist attack. The second point is to create better transportation security systems. Since 9–11, the government has increased security at all airports, train stations, and subways. The third point is to strengthen border security to enforce immigration laws. The American government does not want anyone entering the United States who could be a threat to the American public. Currently, the government is trying to enact laws to make sure that illegal immigrants are either departed or are on a path to become legal U.S. citizens. The fourth point is to enhance information sharing among partners. This point helps establish better communication because that is a key to stay safe. When all anti-terrorist groups combine and share information it becomes possible for the groups to protect one another. The fifth point is to improve financial management, human resources and to improve technology. This point helps the government continue to fight terrorist to the best of its ability. The sixth, and last point, is to realign the Department of Homeland Security organization to maximize mission performance. There needs to be more communication between the different divisions of Homeland Security so good decisions are made and we have the greatest chance of stopping terrorists before they strike (Department of Homeland Security).
>
> As a way to help stop terrorism, the government passed the Patriot Act. The Patriot Act is an act to help protect people against terrorism. There are many parts to this act. The act allows law enforcement to gather information on the criminals and their supporters, destroy immediate dangers, and to plan arrests, before letting the terrorist know. This allows the government to convict the terrorists before they have time to leave the scene of the crime. The act also allows investigators to receive business records in order to convict terrorists. For example, they can receive records from banks to see who the people are that are aiding the terrorists. The Patriot Act allows investigators to receive search warrants to search not only where the terrorist act was carried out, but also where the terrorist act was planned. Also, the government now punishes people who house terrorists, punishes terrorists who attack transit systems, and also punishes bioterrorists (Department of Justice).
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> Even though the United States has many precautions against terrorists, many more can be put into place. Traveling by airplane is a very common way of transportation. America has done a lot to secure the safety of the airplane passengers, yet more can be

done. Airlines must train their attendants to be aware of terrorists and be prepared with knowledge of what to do once a terrorist is encountered. Individual pilots must think of ways to have flight attendants alert them when they sense signs of danger and airlines must also provide a way to alert the airport of possible dangers without the attacker knowing. Also, Requirements for passports should be changed. A thorough background check should be done before one can receive a passport. Thousands of people come to the United States each year. The border patrol needs to be stricter on who they let into the United States. By controlling who is allowed to enter the U.S. many job opportunities would be created. It would cost a lot of money, but would save lives. Many people come to the United States on a one-month visa for education or work. The government needs to pay attention to these people to make sure they are not staying longer then they are supposed to. People should be forced to check in periodically and provide contact information so the government can ensure that they are still legally in this country. If people cannot provide this information, they should not be allowed into the country or should be deported immediately. Another option would be to issue a national identity card, much like a state drivers license so that any policeman, citizen, could verify if the person is in the country legally.

The government handles many pressures every day and should be rewarded for that. Yet, government officials must always stay on top of things and communicate with all levels of government while keeping up with current technology. America is a truly an amazing country with a lot more potential.

RECOGNIZING HARRY BROERMANN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Harry Broermann. Over the past 70 years, Harry has served dutifully as a member and Leader in Missouri 4–H. Harry joined the Farmer City 4–H Club as a young boy and has continued his service to the organization over the last 70 years.

In taking over the leadership of the Farmer City 4–H Club that was founded by his father, Harry and his wife served over hundreds of children and young adults in Northwest Missouri. Harry led the organization in the completion of service projects, organization of social functions, and has attended meetings all throughout Missouri. With a passion for history and genealogy, Harry has been instrumental in developing the strong sense of history and community that are important to the educational mission of 4–H.

Mr. Speaker, I proudly ask you to join me in recognizing Harry Broermann, one of Missouri's finest citizens. Harry's commitment to the community is remarkable, and I am honored to represent him in the United States Congress.

IN HONOR OF STATE REPRESENTATIVE GERALD A. BUCKWORTH

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to State Representative Gerald A. Buckworth, who after 26 years of service in the State House has chosen not to seek another term in office. Throughout his political, professional, and private life, he has tirelessly worked to better the Delaware community

In addition to raising four children, and six grandchildren, with his wife Vicki, he served as a teacher, principal, and coach in the Caesar Rodney School District for more than 30 years. His extensive involvement in the Delaware public school system made him one of the General Assembly's foremost authorities on public education. His dedication to helping Delaware youth has eased the transition to adulthood for many young Delawareans. He is a key supporter of the State Police Cadets, a program in which college students learn skills in preparation for careers in law enforcement. Without a doubt, one of his top priorities has always been encouraging children to realize their goals.

As his thirteen consecutive terms in office demonstrate, he has been a prominent and well-respected member of the Delaware General Assembly. In addition to serving 5 years as the Majority Whip, he also served on multiple committees including: appropriations, corrections, joint finance, labor, public safety, and tourism. Additionally, he chaired the Family Law Commission, a General Assembly organization that examines family court proceedings in an effort to make recommendations for improvement.

I congratulate and thank State Rep. Gerald Buckworth for his valuable contributions and many years of admirable service to the State of Delaware. I am sure that as he begins to spend more time with his family and enjoy retirement, that he will remain an active and influential member of the community. Thank you, for all you have done and continue to do for the people of our State.

TRIBUTE TO THE MEMORY AND LIFE OF CON CASSIDY, DEDICATED COMMUNITY LEADER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, there are few among us who have given more of themselves to making the world a better place than Con Cassidy, who passed away last year on September 24, 2005. As we continue to mourn the passing of our dear friend Con, I want to take a few moments to remember his life and his work in the community he served so faithfully in so many different ways.

One of Con's greatest pleasures during his lifetime was helping those in need. He leaves behind an impressive list of accomplishments that most people can only dream of achieving in their lifetime. Con will be remembered for many reasons, not the least of which is his inspirational leadership that has had a profound effect on people trying to better their lives. Even with all of his work in public service and with community organizations, Con also endeared himself to many because of his generous spirit and wise counsel. Whether it was a local concern or just a relaxed visit with an old friend, Con's friends always knew they would find the support and guidance they were looking for in a chat with Con. While in his presence, you were immediately put at ease with his warm smile, his firm handshake, his reassuring voice and his admirable character.

We have all felt his loss in one way or another, however those individuals that have special needs due to unforeseen circumstances or serious illness are the ones that will suffer most from the loss of their friend, Con. Anyone who knew Con knew that he was a person who spent countless hours volunteering his time and energy to benefit individuals and organizations in need.

The Con Cassidy Foundation has been established by a group of his friends and family in his honor with the hope of continuing his tradition of giving. The "Make a Wish Foundation" will be the primary benefactor of proceeds raised and will be given in Con Cassidy's name. Con's legacy and his tradition of giving will endure in the wonderful work being done by the Foundation established in his honor.

Mr. Speaker, as the Con Cassidy Foundation gathers to honor his memory and life on June 22—the anniversary of his birthday—I ask my colleagues to join me in tribute for all he has done to strengthen our community and better the lives of others. Con Cassidy's life is truly an eloquent statement about what one committed citizen can do.

CONGRESSMAN RANGEL APPLAUDS PRESIDENT BUSH FOR SIGNING PROCLAMATION DECLARING JUNE AS CARIBBEAN HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. RANGEL. Mr. Speaker, I rise today to commend President Bush for his support of the resolution that acknowledges the contributions of Caribbean peoples in America and declares June as Caribbean Heritage Month. I also would like to congratulate the Honorable Barbara Lee for her efforts in bringing about this initiative, receiving 81 co-sponsors and getting this monumental legislation passed in both chambers of Congress. As one of the cosponsors, I am extremely proud to be a part of the effort to recognize the Caribbean-Americans nationwide who have been a colorful thread of our Nation's fabric.

This proclamation recognizes the millions of Caribbean peoples in the United States for their contributions to American society since its foundation. As a representative of a large Caribbean constituency, I have always felt the need to advocate on behalf of this distinctive community while educating others that Caribbean cultures have influenced our educational and political structures as well as popular culture.

Since 1619, immigrants from the Caribbean islands began to populate America, bringing with them elements of cultural, religious and linguistic diversity. I appreciate the emphasis that this resolution places on shedding light on our Nation's history as many great political thinkers, such as President Alexander Hamilton, were born in the Caribbean. This little known fact was largely unheard of because of the taboos, discrimination and racism that existed in our country's past.

Today, as our Nation's third border, Caribbean nations and our relations with them are fundamental to our interdependent successes in sharing medical advancements, fighting terrorism and promoting diversity appreciation.

In celebration of Caribbean Heritage month, this June, I will promote participation in local festivities. I am glad to support activities such as parades, carnivals and festivals that are being held in my district and nationwide in true Island fashion and flair.

RECOGNIZING SCOTT FLORENCE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Scott Florence, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Scott has been very active with his troop, participating in many scout activities. Over the many years Scott has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Scott Florence for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO JIM WILLIAMS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. KING of New York. Mr. Speaker, I rise today to commend the service of Jim Williams, the Director of the US-VISIT program at the Department of Homeland Security. Mr. Williams is leaving his position in the coming weeks to become the Commissioner of the Federal Acquisition Service at the General Services Administration. I want to thank him for his years of public service and his leadership at the Department of Homeland Security.

Since May 2003, Mr. Williams has managed a team to create and maintain the US-VISIT program, a critical border management program that collects point-of-entry and exit information on visitors traveling to and from the United States. The program uses biometric identifiers and digital photographs to aid legitimate tourists, students and business travelers entering the United States, while making it more difficult for those who might do harm to the United States or enter and stay in the country illegally. Though the job of completing the full installation of US-VISIT program is still underway, so far, in two and a half years, it has processed nearly 60 million visitors to date and denied entry to more than 1,100 criminals and immigration violators at our ports of entry, reduced wait times at several land border ports of entry, and provided information to U.S. Immigration and Customs Enforcement leading to the apprehension of more than 200 aliens who overstayed their visas.

Mr. Williams has been a model public servant and leader. He has left a tremendous imprint on the US-VISIT program, and on the many people who work with him at US-VISIT and across the government.

Mr. Speaker, I urge you and our colleagues to join me in a salute to Jim Williams and the talented team at US-VISIT.

PERSONAL EXPLANATION

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, had bad weather not delayed my flight back to Washington on Monday (June 19, 2006), my votes on the following rollcall votes would have been as follows:

Rollcall vote No. 289, H.R. 5540—"yes".

Rollcall vote No. 290, H.R. 5504—"yes".

HOUSTON ASTROS VISIT WALTER REED ARMY HOSPITAL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, on May 23, 2006, for the second year in a row, I joined many of my colleagues from our Texas Congressional Delegation at a barbeque hosted by the Houston Astros and the USO for injured soldiers at the Walter Reed Army Hospital. The team held a similar event at the Bethesda Naval Hospital. I cannot speak highly enough of the Astros' players, managers, staff, and the owner Drayton McLane for taking time to visit the wounded troops.

Until the Astros hosted the event last year, no other Major League teams had done such an event, and while many players have visited since last years' barbeque, the Astros are the only team to visit the troops as a group. It was remarkable to see players interacting with the troops—many of whom are close in age—and each taking away something valuable from the experience.

The troops at Walter Reed and Bethesda are among the most seriously wounded, many being injured by improvised explosive devices, rocket propelled grenades, and other battlefield hazards. Many are confined to beds, wheel chairs, or rehabilitation facilities, and the opportunity to be outside having lunch with Major League Baseball players was a tremendous morale boost. The Astros' organization provided hats, and players autographed items and took photos with the troops, but most importantly, they spent time talking with the injured soldiers.

After last years visit, Astros' players commented in several newspaper columns on the optimism of the wounded soldiers and the perspective visiting with the soldiers gave them. Mr. McLane said it was the most moving experience in his 12 years of owning the team.

With Memorial Day weekend approaching, I think it is important that we all realize what a sacrifice the men and women of our Armed Forces make each and every day. As Franklin Delano Roosevelt once said, "Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them."

The men and women of our military endure a tremendous burden so that we may enjoy the freedoms we often take for granted. It was an honor to join the Astros' organization at Walter Reed and it reminded each person there that war has a price. Memorial Day represents one day of national awareness and reverence, honoring those Americans who died while defending our Nation and its values. While we should honor these heroes every day for the sacrifices they have made for our Nation, it is especially important that we do so on Memorial Day.

To use an appropriate metaphor, the Astros' stepped up to the plate for our injured troops at Walter Reed and Bethesda. On this Memorial Day, let's follow their example. Please keep our troops and their families in your prayers, and remember the sacrifices so many have made to defend our great Nation.

RECOGNIZING ANDREW BRADFORD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew Bradford, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many Scout activities. Over the many years Andrew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Andrew Bradford for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO BAYAUD INDUSTRIES

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Ms. DEGETTE. Mr. Speaker, I rise today to recognize the outstanding work being done by Bayaud Industries, a non-profit organization dedicated to creating employment and training services to individuals with mental, emotional, physical, and economic disabilities and challenges in the City of Denver and throughout Colorado. Celebrating its 37th anniversary this year, Bayaud has been able to help over 5,000 individuals find jobs and currently serves over 300 each year.

Bayaud uses an integrated approach to help those who have had minimal success in the mainstream work environment mostly because of the stigma associated with disability and mental illness. This approach includes a comprehensive vocational evaluation to assess skills and capabilities, work adjustment and personal adjustment training, and general office skills training. Bayaud also provides job placement services for its clients, and even works with the City of Denver to help move people from welfare to work.

Helping those who are disabled to find and keep work is good for both individuals and our economy. Employment gives people a sense of accomplishment and the satisfaction that they are contributing to their community. Sadly, according to the National Mental Health Association, "the unemployment rate in the United States for individuals with disabilities is approximately 75 percent; the unemployment rate for individuals with psychiatric disabilities is even higher at 80 percent." With training and assistance from organizations like Bayaud, people with disabilities are able to hold a job and contribute to the economy of our country.

Mr. Speaker, Bayaud Industries should be considered a model for how we help all our citizens become productive. Bayaud is ensuring that the disabled of my community are able to play a vital role. I commend the important work this organization is doing and I know that both those in the disabilities and business communities have benefited greatly from the good work it has done for over the past 37 years.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, June 20, 2006, I was absent due to a family obligation. Had I been present, I would have voted in the following way:

"Aye" on rollcall No. 295, an amendment by Mr. SCHIFF to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Nay" on rollcall No. 296, an amendment by Mr. KING to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Nay" on rollcall No. 297, an amendment by Mr. CHOCOLA to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Nay" on rollcall No. 298, an amendment by Mr. FLAKE, No. 2 to, H.R. 5631, Department of Defense Appropriations Act, 2007.

"Nay" on rollcall No. 299, an amendment by Mr. FLAKE, No. 3, to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Aye" on rollcall No. 300, an amendment by Mr. HINCHEY, No. 1, to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Aye" on rollcall No. 301, an amendment by Mr. HINCHEY, No. 2, to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Nay" on rollcall No. 302, an amendment by Mr. FLAKE, No. 6, to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Nay" on rollcall No. 303, an amendment by Mr. FLAKE, No. 7, to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Nay" on rollcall No. 304, an amendment by Mr. FLAKE, No. 9, to H.R. 5631, Department of Defense Appropriations Act, 2007.

"Yea" on rollcall No. 305, final passage of H.R. 5631, Department of Defense Appropriations Act, 2007.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Ms. LEE. Mr. Speaker, on Monday, June 19, 2006 I missed rollcall votes Nos. 289, 290, and 291. Had I been present, I would have voted "aye" on H.R. 5540, H.R. 5504, and H. Res. 826.

RECOGNIZING BLAKE WILLIAMS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Blake Williams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Blake has been very active with his troop, participating in many scout activities. Over the many years Blake has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Blake Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WORLD REFUGEE DAY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to recognize World Refugee Day, which is the international community's day of remembrance and action on behalf of the more than 20 million refugees, who have been driven from their homes because of war, famine, and natural disaster. World Refugee Day is intended to raise awareness of the plight of these millions of people, but more importantly, it is about the recognition that we have the power to help them and that we must.

To Americans who are blessed with the comforts of 21st Century living and an abundance of food, it is difficult to conceive of the intolerable and degrading existence in which nearly all refugees live. Today, as individuals and as a Nation, we must pledge to redouble our efforts to work with our allies, the United Nations and other regional organizations to help alleviate the suffering of the world's refugees and to address the causes that have created the world's refugee population.

As we speak, millions of Darfurians in Sudan have been driven out of their homes by the armed Janjaweed militia. Huddled in pitiful camps and under constant threat of attack, the Darfur refugees live on inadequate food and with little or no shelter. Their crops are destroyed. Their livestock have been killed and thrown into wells, poisoning the water. Their villages have been burned to the ground. Darfurian women are systematically raped, including young girls who venture out of the refugee camps for firewood.

What we are seeing in the largest country on the African continent is genocide: a calculated means of annihilating a group of people, robbing them of their chance at livelihood. International aid workers and a thin force of African Union peacekeepers are all that stands between them and death.

Addressing the refugee crisis is not only a humanitarian endeavor; it also contributes to our national security. Refugee camps have long been recognized as prime breeding grounds for extremism. As we have seen throughout the last century, wars that force large numbers of people from their homes result in regional instability, threatening American interests and our security. American and international aid can do much to ensure that refugee camps do not become the birthplace of more violence and terrorism,

While refugees are most often associated with war, it is important to recognize today that natural disasters also force people out of their homes. The Asian tsunami and the Pakistani earthquakes have created millions of displaced people and desertification and rising sea levels which are the result of climate change will create millions more.

Mr. Speaker, it is easy to associate the word "refugee" with a nameless, faceless person. We must remember that refugees are mothers, fathers and children, whose lives have been destroyed by war nature's wrath.

Today we acknowledge our common humanity and pledge that every day be a day of action on behalf of those who have no voice.

TRIBUTE TO ROBERT (BOB) LECLERCQ

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge Robert (Bob) Leclercq as he completes his distinguished career as a firefighter in Garden City, Michigan.

Bob has dedicated his life to helping the citizens of Michigan. Upon graduation from East Garden City High School in 1970, he joined the National Guard as a Medical Corpsman in the Mobile Army Surgical Hospital, Unit 2077, of Detroit. Bob began his career as a firefighter in Garden City on October 30, 1979. During 23 years of honorable and dedicated service, he advanced through the ranks from Firefighter to Engineer to Lieutenant and ultimately to Captain.

For two decades, Bob has vigorously pursued additional education and specialized training, including Advanced Firefighting, EMT Specialist, Pump Operator, and Hazardous Materials courses. He has also served as Trustee, Secretary, and currently as President on the International Association of Fire Fighters, Local 1911 Executive Board. In addition, Bob started two beneficial community programs: one, which teaches CPR classes; the second, which takes blood pressures at the senior tower. In 1986, the Jaycees recognized Bob's contributions with the Michigan's Top Ten Outstanding Young People Award.

At this milestone in Bob's life, let us reflect upon the decades of his dedication; let us remember the scores of lives which have been touched by his benevolence; and let us not forget the bravery and courage with which he served and protected. His friends and family are inspired by his accomplishments, honored by his loyalty, and ennobled by his exemplary love for neighbor and community.

Mr. Speaker—Bob's wife, Brenda, his children, Bob Jr. and Sherri, and his grandson, Drake, have ample reason to celebrate. In honor of his commitment to protecting all the citizens of Michigan and of his legendary dedication to improving the lives of Garden City residents, I ask my colleagues to join me in recognizing Bob for his years of service to our community and our country.

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IN MEMORY OF FIRST LIEUTENANT RYAN T. SANDERS, UNITED STATES ARMY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor Army First Lieutenant Ryan T. Sanders, an American hero who gave his life in defense of liberty and freedom. He made the ultimate sacrifice so that others might know freedom, and I am humbled by his bravery and selflessness.

First Lieutenant Ryan Sanders was killed on June 11, 2006 while conducting combat operations when a roadside bomb exploded near his Abrams tank in Baghdad, Iraq. He was 27 years old. First Lieutenant Sanders was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division at Ft. Hood, Texas.

In keeping with Eagle Scout tradition, he placed the safety and well being of others above his own. His family is dedicated to American ideals of freedom and democracy as he is the third of four sons to serve in the Persian Gulf region.

First Lieutenant Sanders is survived by his wife, Jennifer Sanders; his parents, Jim and Kay Sanders of Richardson; his brothers, Mike, Jeff, and Greg Sanders; and his grandparents, Truett and Joyce Sanders of San Angelo. I extend my deepest condolences to each of them.

First Lieutenant Sanders leaves behind a legacy marked by courage, integrity and character. May God bless and comfort all those he loved, and may they know the gratitude of the American people.

* * *

DAN DANIEL CHARITY GOLF TOURNAMENT

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. ORTIZ. Mr. Speaker, on June 12, 2006, the organizers of the Dan Daniel Charity Golf Tournament, held their 18th tournament at the Andrews Air Force Base Golf facility, named for our beloved and honored colleague from Virginia who died serving his 10th term in Congress. Dan Daniel's unqualified support for the fighting men and women of this nation is legendary.

Dan was the first Chairman of the Readiness Subcommittee, House Armed Services Committee and also served as the Chairman of the Morale, Welfare and Recreation Panel. He was a man who cared deeply about military readiness and quality of life issues, (exchanges, commissaries, child care centers, bowling alleys, libraries, and golf courses).

Dan was an avid golfer; and while this tournament is held in his honor . . . it is for the men and women who wear the uniform of the United States. This year, the tournament, together with Averett University, of Danville, Virginia, and the Professional Golf Association of America (PGA) hosted numerous special heroes from the Walter Reed Army Hospital and the Bethesda Naval Center to a special day of fun, relaxation, golf and dinner. The former Chairman of the Joint Chief of Staff, General Richard Meyer and Mrs. Meyer joined in the day's festivities to salute our troops. Mr. Speaker, all who played with these wounded warriors feel deeply humbled and proud.

All funds generated by this tournament are spent at the Andrews Air Force Base facility to support the base morale, welfare and recreation activities. Profits from the tournament are directed to supporting military scholarship programs. This tournament has strong support from the Congress, business and military resale community.

Our Nation is strong because of the brave members of the Armed Forces. Those with us from Walter Reed and Bethesda are among a very special group who have demonstrated, through their personal courage and sacrifice that our nation remains strong and determined. These proud patriots continue to inspire this generation of America.

The PGA is a true friend of our military forces and their families. We often see pictures of our soldiers hitting golf balls in the deserts of Afghanistan, Iraq and off ships at sea. The PGA constantly provides guidance, instruction, training and certification to our military golf managers and golf course operators.

Mr. Paul Bogin, Chief Operating Officer of the PGA, is retiring at the end of June. Mr. Paul Bogin's outstanding leadership has significantly advanced the interest of golf, especially in the Special Olympics, The National Amputee Golf Outings, minority golf and inner city youth programs. His leadership has improved all aspects of military golf, both here at home and also at bases located overseas. The military courses operate with non-appropriated funds and at no expense to the taxpayer.

The PGA and National Amputee Golf Association conduct clinics at Veterans Hospitals and teach physical therapist how to use golf as a rehabilitative program for the disabled. Efforts are now underway to develop a program for our wounded military.

Mr. Bogin's dedication, leadership and devotion have improved the game of golf, individual golfers, and the military. Mr. Speaker, I applaud the founders and supporters of this great golf event and I congratulate the PGA, sponsors and players, especially our wounded warriors who played in this tournament. I wish Paul Bogin continued success, best wishes and a happy retirement.

I ask my colleagues to join me in commending the organizers of the Dan Daniel Golf Tournament, and Mr. Bogin, for their continuing dedication to our military forces.

* * *

TRIBUTE TO TED RYAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to the memory of an outstanding individual, Ted Ryan. Mr. Ryan was one of amateur radio's most prolific teachers, instructing thousands from 1964 to 2000. He also pioneered the teaching of ham radio in the Los Angeles Unified School District.

He was born on March 15, 1929, in Detroit, Michigan. He served in World War II in Panama, and earned the Legion of Merit for his work on a gunnery system. He studied at the University of Southern California and California State University, Northridge.

Ted Ryan started his extensive amateur radio career in 1964, teaching free licensing classes at the San Fernando Amateur Radio Club, W6SD. The club grew to one of the largest and best run in the country because of his skill and competence. From 1970 to 1982, he taught electric shop and ham radio at John Burroughs Junior High School. After retiring from teaching full-time, he continued to teach at the Red Cross.

Mr. Ryan saw ham radio as more than just an interesting hobby. He told his students that, if they were drafted, a ham radio license could "put a microphone instead of a rifle" in their hands. He was fond of saying that amateur radio saved the lives of many of his students during the Vietnam War. Mr. Ryan also emphasized the importance of public service, and taught his students to be ready to go onto emergency power in the case of an emergency.

Ted Ryan is also remembered for his kindness and devotion to his students. He liked to be called "Grandpa," and told his students "Grandpa loves you." He always came to school early and stayed late, often inviting students to his house on Saturday mornings for tutoring sessions and extra help.

Mr. Ryan touched the lives of all he knew. I am proud to honor the memory of Ted Ryan, ham radio license number WB6JXY.

HONORING THE LIFE OF LARRY D. TERRY, PH.D.

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize Dr. Larry D. Terry, a leader in the fields of public administration and social research. On Saturday, June 17, 2006, this beloved father, mentor, scholar, educator, and friend passed away. The passing of a loved one is always a great loss to family and friends. When that loss is so sudden, and when that person has touched and affected the lives of so many, it is incumbent upon us to stop and remember such a person with gratitude and respect.

Today I come before you to express condolences to the family and friends of Larry D. Terry, Ph.D., but also to celebrate the life of a youth from Oklahoma, who grew in prominence to become a vital leader in his field and one of the most distinguished graduates of Virginia Polytechnic Institute and the State University of Blacksburg, Virginia.

Larry grew up in a family where religion and spirituality were foundations of family life, and educational achievement was stressed. At Lincoln University of Jefferson, Missouri, he majored in political science and earned his bachelor of arts degree. In 1978, he received his master of science degree from the University of Missouri, Columbia, Missouri, where he majored in community development. In 1989, he earned a Ph.D. in public administration and public affairs at Virginia Polytechnic Institute and State University, where he specialized in organization theory and behavior.

Dr. Terry had a most distinguished professional career as adjunct professor, assistant professor, associate professor, full professor, assistant dean, university provost and university vice president, however his students will best remember him as a dynamic teacher who cared about their success and demanded excellence. His curriculum vitae tells the story of his professional life and his commitment to his students, his universities and to the local, State and Federal agencies and organizations throughout the country that he served.

I met Dr. Larry Terry during his 12-year tenure at the Maxine G. Levin College of Urban Affairs at Cleveland State University. He was not only on staff at the university—he was my constituent both where he lived and worked. He was also a visionary. Dr. Terry understood his role in preparing students to be ethical, responsible administrators. He understood the relationship between quality service delivery, an informed and active citizenry, and a strong democratic government. While working with public and private partners, he sought methods of best practices and leadership to insure the success of those partnerships.

Dr. Terry was a distinguished scholar with wide-ranging interests, evidenced by publications encompassing academic articles, books, and book reviews. He was the youngest and the first African American editor for the Public Administration Review, a leading journal. In 1999, he was the youngest person to be inducted into the National Academy of Public Administration. Dr. Terry was also a special friend and mentor for African American students, particularly males, who saw in Dr. Terry the possibilities for themselves.

For all of the students who had the good fortune to know him, Dr. Larry Terry was an advisor, mentor, and friend. As assistant dean for graduate programs, at Levin College, he was responsible for the college's Ph.D. program. During his tenure, more Ph.D. students enrolled and graduated than at any other time in the history of the program.

In 2001 Dr. Terry left Cleveland State University for the position of associate provost at the University of Texas at Dallas. There he faced new challenges, new opportunities and new successes. At the time of his death he was vice president for business affairs at the university.

Although we are saddened by the loss of someone we loved and respected, especially one so young and full of potential, today I join Larry's children: Larry II, Felice, Jacob, and Gavin; his family and friends in celebrating the life of a hero. I celebrate the life of a vital Black man who seized the opportunity to expand his knowledge, broaden his horizons through service, and leave a lasting legacy through written words and lessons shared with students.

The torch has now been passed to his students, to make our world a better place. And to Dr. Larry D. Terry's colleagues, I urge you to celebrate his life by expanding on his many good works. His legacy will continue.

May God bless Dr. Larry D. Terry.

INTRODUCTION OF THE PREVENTION MEDICINE FOR A HEALTHIER AMERICA ACT OF 2006

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. KNOLLENBERG. Mr. Speaker, today I am introducing legislation that would improve the long-term health of Americans and reduce the skyrocketing health care costs in our nation. One of the best ways we can accomplish these goals is to encourage companies to implement programs that prevent disease and encourage healthy lifestyles.

Mr. Speaker, that is why I am introducing the Preventive Medicine for a Healthier America Act of 2006. This legislation would increase the number of individuals who pursue preventive medicine careers, encourage businesses to offer wellness programs for their employees, and provide public awareness on the importance of preventive medicine.

Preventive medicine physicians are an important resource in the quest to educate patients and communities of health risks, detect symptoms in the early stages of disease, and encourage preventive action. Unfortunately, the number of preventive medicine residency programs and individuals pursuing preventive medicine degrees has significantly decreased in recent years.

As a result, the Preventive Medicine for a Healthier America Act would offer up to $20,000 in loan forgiveness for individuals who become board certified in preventive medicine. Medical school is an expensive undertaking and too many medical students are forced to pursue professions that will provide instant financial benefits. They often must do this simply to payoff student loans. By providing up to $20,000 in loan forgiveness for pursuing preventive medicine, this legislation would help ensure a talented pool of preventive medicine physicians.

Businesses are another important component in the fight to prevent disease among Americans. As businesses realize the financial benefits and productivity improvements involved with the health of their employees, more and more are becoming interested in preventive medicine. Wellness and preventive health programs can be expensive initially. However results over the long-term have saved companies hundreds of thousands of dollars and several have even seen cost savings in the millions.

The Preventive Medicine for a Healthier America Act would provide tax incentives for companies that implement a wellness program for their employees. Qualified businesses that implement wellness programs would be able to claim a tax credit for every employee that participates. A certain percentage of their employees would have to participate for a company to be eligible for the credit, and there are specific requirements to ensure employees benefit. In turn, employees would stay healthier and businesses can see a significant reduction in their health care costs.

Public awareness regarding the importance of preventive medicine is also a key to the prevention of disease. My bill also would require the Department of Health and Human Services to carry out a national education campaign to encourage the use of preventive health screenings. Providing education would encourage individuals to take responsibility for their health and offer information on how to prevent illness for themselves and for their loved ones.

Mr. Speaker, I am proud to introduce the Preventive Medicine for a Healthier America Act which would reduce the risk of disease, encourage a healthier America, and help curb the rising cost of health care for our businesses. It is important we realize as a Nation that taking care of ourselves today will pay the dividends of tomorrow.

CELEBRATING NATIONAL ASSOCIATION OF LETTER CARRIERS' 2006 "STAMP OUT HUNGER" NATIONAL FOOD DRIVE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. McGOVERN. Mr. Speaker, June 6th was National Hunger Awareness Day, a day when our Nation acknowledged that more than 38 million Americans, including nearly 14 million children, still go hungry every day.

As a Member of Congress and as one of the Co-Chairs of the House Hunger Caucus, I am committed to ending hunger in the United States and around the world. I know we can end hunger once and for all if we only have the political will to do so.

Mr. Speaker, it is with gratitude and pleasure that I rise to specifically acknowledge the efforts of the National Association of Letter Carriers (NALC) toward feeding the hungry in the United States and its jurisdictions. On Saturday, May 13, the NALC executed its 14th annual "Stamp Out Hunger" national food drive. Millions of American generously left food donations next to their mail slots for pick-up that Saturday. Local letter carriers throughout the country collected, processed and distributed 70,493,150 pounds of donated food along their regular postal routes.

The 70.5 million pounds of food has gone to restock our Nation's food banks, pantries and shelters. This national network of agencies assist our children, elderly, working poor, disabled and unemployed who struggle to obtain nutritious meals for themselves and their families.

Some of this food was donated by residents of the 3rd Congressional District of Massachusetts to the Greater Boston Food Bank and the Worcester County Food bank, Together, they serve 887 soup kitchens, food pantries, shelters and other agencies.

This drive exemplifies the types of partnerships between government, the private sector and civil society that our country needs. The United States Postal Service and Campbell Soup Company teamed up with the NALC to deliver almost 118 million post-cards promoting the drive, and to enable the pick-up and distribution of donations.

I commend the efforts of over 200,000 letter carriers, great American public servants on and off the job, toward helping our needy. Their efforts should serve as an inspiration and as a model to our fellow Americans and to the federal government. I hope that the work of our Nation's letter carriers spurs other Americans to work together toward the achievable goal of ending hunger in this wealthiest of nations.

TRIBUTE TO JUDY JONES

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. McCAUL of Texas. Mr. Speaker, I rise today to address this body with a heavy heart. Judy Jones, the mother of my dear friend Melinda Little, passed away on Sunday, June 18, 2006 with her family by her side.

Judy was a proud Texan, a native Houstonian and a staunch Republican. She graduated from the first graduating class of Bellaire High School in 1958, attended the University of Houston, and for the last fifteen years, she worked at the Texas Association of Public Employee Retirement Systems.

Judy was also a founding member of Heritage Republican Women's club and spent years working in grassroots for the Republican Party in Harris County and also statewide. She chaired two successful campaigns to elect her husband Sonny Jones to the Texas House of Representatives as the first Republican to be elected to that body since Reconstruction, and she worked tirelessly to successfully give Harris County and Texas a Republican majority.

Judy loved life. She will always be remembered for the love she gave to her husband Sonny and her three children Melinda, Michael and Maggie. She will also be remembered for the love she received from her family and friends, her wonderful sense of humor and her joy in celebrating the holidays. Judy will truly be missed.

GLOBAL WAR ON TERROR

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. CRENSHAW. Mr. Speaker, in the days after 9/11, the United States took the last action our enemies thought we would take—we took the fight to them. They believed that our partisan bickering would provide them with the protection they needed to continue to operate. They were wrong. Our armed forces struck hard at the very heart of their operation—disrupting their terrorist network and bringing down their leaders.

They are an enemy without borders, and believed they could find sanctuary in any number of countries that would provide safe haven. They operated camps and training grounds half way around the world, far away from any U.S. military presence. Today, we have them on the run. Saddam Hussein has been captured and Zarqawi is dead. In their place stands the very thing our enemies fear the most—democracy. Instead of a fascist dictator is a newly elected Prime Minister, and fear and oppression has been replaced with an emerging economy.

However, our enemies continue to fight . . . but why? Does their resolve stem from some military, political or strategic error on our part? To the contrary, it's our doubt that gives them strength.

Al Qaeda has declared Iraq as the battleground between democracy and their hatred of our way of life . . . but they know that their war cannot be won on the battlefield. Instead, their war is waged in the minds of every American. By definition terrorism is the spreading fear and doubt through violence . . . and that's what they are trying to do.

Since the days immediately following 9/11, solidarity has once again given way to partisanship. Despite our successes, this has given the terrorists the foothold they need. Unlike before 9/11, our forces are at their front door, poised to strike before they can do any more harm. But the terrorists believe the day is well within their grasp where they can resume operations without fear of intervention by the U.S. and our allies. A day when they can tumble a newborn democracy and another one more than 200 years old. If we let this day come and allow the fight to return to our shores, we have not only failed those who lost their lives on 9/11 and the those who died fighting for our freedom, but our families, friends and everything we hold dear. I look forward to the day when our friends in the Middle East can stand on their own. They have already proven to be dedicated allies, but their future and the future of our friendship still hangs in the balance.

Some would rather abandon our friends and everything we have accomplished, hoping that this act of good faith will somehow appease a foe proven to be without mercy. But I know our borders and our communities should not be our front lines . . . and in our retreat, this would be the next battleground. It's happened before, and it would happen again.

We didn't choose this fight, but we are in it. It is a war of freedom against tyranny. We have to stand together and prove to these killers they can't win. It's our job to keep our nation safe, and we will.

HONORING SCIENTISTS AT THE UNIVERSITY OF ROCHESTER MEDICAL CENTER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor three champions of medical research and health care innovation in this country, Doctors William Bonnez, Richard Reichman and Robert Rose, virologists in the Infectious Diseases Division of the Department of Medicine at the University of Rochester Medical Center (URMC).

The URMC has a long legacy of medical innovation and groundbreaking research. These three doctors have continued that tradition with their research into the human papillomavirus (HPV), laying the groundwork for the recent FDA approval of a cervical cancer vaccine that will protect against two of the most prevalent cancer-causing strains of HPV.

After years of research and clinical trials during the 1990s, Doctors Bonnez, Reichman, and Rose were able to create a "virus-like particle" that imitated the real papillomavirus. Though it was not infectious, the virus-like particle induced the immune system to respond as if a real virus were launching an attack. This breakthrough at the URMC, created the foundation for other scientists to build upon. The fruits of URMCs basic research were reaped on June 8, 2006, when the Food and Drug Administration approved Gardasil, the vaccine designed to block strains of the sexually transmitted HPV known to cause 70 percent of cervical cancer cases.

Every year approximately 5.5 million people contract sexually transmitted HPV infections from their partners. In fact, three out of every four sexually active people will get an HPV infection at some point during their lifetime. In some age groups, such as sexually active men and women under the age of 30, it is estimated that 40 percent of people are currently infected. HPV causes about 9,700 new cases of cervical cancer in women annually. In addition, each year, cervical cancer kills nearly 4,000 women in the U.S. and more than 288,000 women worldwide. Through the work of Doctors Bonnez, Reichman, Rose and others, we will see these statistics drop dramatically in the years ahead, and millions of lives worldwide will be saved.

As a microbiologist I understand the critical importance of developing new vaccines to fight the diseases that plague our Nation and countries around the world. And when there are major medical breakthroughs, like the approval of Gardisil, we should celebrate the years of basic research that went into development of this life saving vaccine. That is why it gives me great pleasure to come before the House of Representatives to recognize and pay tribute to the tireless efforts made by three doctors—William Bonnez, Richard Reichman and Robert Rose—at URMC.

TRIBUTE TO THE LIFE OF SGT JOSÉ M. VELEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. SERRANO. Mr. Speaker, I rise today to honor the memory of Sgt. José M. Velez, a brave young man who made the ultimate sacrifice serving in Iraq.

Sgt. Velez grew up in East Harlem and made the Bronx his home. In 2004, he enlisted in the U.S. Armed Forces in order to serve and protect the country he loved so dearly.

Sgt. Velez was assigned to the 773rd Transportation Company, based in Fort Totten, Queens. Unfortunately, on June 9, 2006, he met an untimely death as he was killed in the line of fire only one month after touching down in Iraq.

A truck driver by profession, Sgt. Velez was described by those who knew him best as honorable, kind, intelligent and fearless. He leaves behind two children, Melody and Christopher Velez. May they read these words that I speak today and be proud of the tremendous sacrifice their father made for his country.

The death of Sgt. Velez once again reminds us of the great cost of war. As I speak before you today, 2,500 American troops have given their lives in this war, which has no end in sight. Like so many other children, Melody and Christopher have lost a father and like so many other parents, Mr. and Mrs. Velez have lost a son. And, sadly, with the falling of another soldier, America has lost more of its potential to become an even greater Nation.

Mr. Speaker, Sgt. Velez has inspired me with his courage and conviction. Learning of his valor in the face of adversity has further motivated me to push relentlessly for peace.

As we mourn the life of this brave soldier, let us remember the sacrifices of all our service members and work to ensure that their heroic deeds are never forgotten.

For his heroism and service to his country, I ask my colleagues to join me in mourning the loss of Sgt. José M. Velez.

IN HONOR OF CARIBBEAN-AMERICAN HERITAGE MONTH, 2006

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. ENGEL. Mr. Speaker, as an original cosponsor of H. Con. Res. 71 and Ranking Member of the House International Relations Subcommittee on the Western Hemisphere, I rise to pay tribute to the designation of June as National Caribbean-American Heritage Month. I also congratulate Rep. BARBARA LEE (D–CA) for her successful leadership in ensuring unanimous passage of H. Con. Res. 71 in both the House and Senate, and extend my thanks to the numerous bipartisan cosponsors who helped make passage possible. Caribbean-American Heritage month honors the tremendous contributions of Caribbean-Americans to our Nation's fabric, and recognizes that our nations are bound together by cultural ties, social and economic links, and common values.

People of Caribbean heritage are found in every State of the Union, including large populations, in New York, and have been contributing to our Nation's success since the American colonies. My constituents of Caribbean heritage have contributed to our great country in the fields of education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other areas, and help illustrate the ongoing contribution of immigrants and their descendants to our Nation's fabric and success. Caribbean-Americans enrich and strengthen our society.

I encourage all citizens to participate in the celebration of Caribbean-American Heritage month and to learn more about the contributions of Caribbean-Americans and our strong ties to Caribbean nations. I also congratulate and join Caribbean-Americans in their celebration of their rich heritage.

CELEBRATING THE 100TH ANNIVERSARY OF ST. PETER'S CATHOLIC CHURCH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. WILSON of South Carolina. Mr. Speaker, The Columbia Star reported on June 16, 2006 an article highlighting the 100 year Birthday Bash to celebrate 100 years of St. Peter's Catholic Church in Columbia, South Carolina, occupying its present building on Assembly Street. Jennifer Miskewicz, an anchor from WIS News 10 and member of St. Peter's, presided over the day's events.

St. Peter's Church is the Mother Church of the Midlands of South Carolina being established in 1821.

A brief history of the church is a testamonial to the importance of the church to the citizens of South Carolina.

The earliest record of Catholics in Columbia, South Carolina, is in association with Father James Wallace who in the early 1800's became Professor of Mathematics and Astronomy at the newly-formed South Carolina College. It is said that during his tenure Fr. Wallace celebrated Mass for the small but growing community of Catholics in the Midlands. (He is buried in St. Peter's churchyard.)

In 1820 the Diocese of Charleston was established. It included all of South Carolina, North Carolina, and Georgia. Early in 1821 the newly-appointed Bishop John England sent Father Dennis Corkery to pastor and attend the welfare of a group of Irish immigrants working on the Columbia Canal. This was the beginning of St. Peter's Parish. By 1824 work began on a small brick church designed by renowned architect Robert Mills. The cornerstone of that building can still be seen in the vestibule of the present church.

Since it was the only parish in the Midlands and Upstate in those early years, the pastors of St. Peter's traveled by horseback to serve small groups of Catholics throughout that vast territory. For the most part, Catholics in the South at that time were of humble circumstances, many operating small farms, some retail stores and a fraction of them employed at some of the developing state institutions. Few commanded positions of influence. This changed gradually, and by 1852, the construction of the State House and other public buildings brought additional Catholics to Columbia. Among these was John R. Niernsee, a native of Austria who became the architect for the State House. (He is buried in St. Peter's churchyard.)

AN EDUCATIONAL MISSION

As Columbia established itself, St. Peter's Parish grew and began to focus attention and energy on an educational ministry. In 1848 Father Jeremiah O'Connell became pastor of St. Peter's and soon founded St. Mary's College for young men and the Academy of the Immaculate Conception for young women. In 1859 the Ursuline sisters began teaching in these institutions. That same year, the church was renovated and enlarged to almost twice its original size.

The Civil War quickly put a halt to this progress, and on February 17, 1865, Union troops entered the city. Fire then destroyed not only much of Columbia but also the college and academy, along with the rectory and parish records. The church was damaged but not destroyed. The schools continued in operation from various locations initially through the efforts of General William T. Sherman and later through the hospitality of other churches and residents of Columbia. A rectory was evenutally provided through the aid of the newly established Catholic Association of Columbia. In 1872 St. Peter's Cemetary was begun on land donated near the public cemetery on Elmwood Avenue. The parish then remained in steady operation to the end of the nineteenth century despite the difficulties associated with the years of the Reconstruction Era.

A NEW BUILDING AND GROWTH

The beginning of the twentieth century found the old church in such deterioated condition that the parishioners decided to build a new and enlarged one. Frank P. Milburn, a prominent architect working at the time on the construction of the State House dome, was engaged to design and oversee the project. The cornerstone for a new English Gothic style church was laid in 1906. It was dedicated by Bishop Northrup on January 17, 1909. The total cost of the church including all its furnishings was $60,506.64. The pastor, Father Thomas Hegarty, inspired and guided the community throughout the project. (He is buried in a side chapel in the vestibule of the church.) That same building continues to serve the community as its place of worship now into the twenty-first century.

In 1911, a lot on the corner of Assembly and Taylor Streets was purchased and a new rectory was built. With the assistance of the Knights of Columbus a new school building was erected in 1919. In 1920, St. Peter's helped establish a new parish in the Shandon area first known as St. Francis de Sales, later renamed St. Joseph. Monsignor Martin Murphy, a beloved pastor for over a quarter of the last century, helped found St. Martin de Porres Parish, Providence Hospital, and St. Patrick's Chapel.

TOWARD A NEW CENTURY

In 1964 the parish received its first American-born pastor, Monsignor William Croghan. During those same years many of the reforms initiated by the Second Vatican Council were introduced and implemented in the parish. St. Peter's witnessed increased lay involvement in the parish. St. Peter's witnessed increased lay involvement in the work of the church, particularly in ecumenical activties, outready projects for the poor, and efforts for justice and peace. The interior of the church was remodeled during these years, but its more modern design proved to be inconsistent with the architectural style of the building. In later years it was again restored.

Since 1985 Monsignor Leigh Lehocky has been pastor of St. Peter's. On September 11, 1987, the parish had the great privilege of receiving Pope John Paul II where he greated over 550 representatives from parishes throughout the diocese. The Pope's visit to Columbia also included an ecumenical dialogue with leaders from some twenty-six other Christian churches. Monsignor Lehocky, as diocesan Vicard for Ecumenism, has continued the spirit of the Pope, involving the parish in the work for Christian unity. On January 14, 1996, St. Peter's welcomed Cardinal Joseph Bernardin of Chicago, himself a child of the parish, to celebrate its 175th anniversary. In 1992, Bishop David Thompson dedicated the new parish school.

The history of Catholic Christians at St. Peter's touches into three centuries. Its life in Christ Jesus makes it ever ancient and yet always new.

TRIBUTE TO MR. JOSHUA MARC JACOBSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. TANCREDO. Mr. Speaker, I would like to congratulate a young man from Greenwood Village, Colorado, Mr. Joshua Marc Jacobson. Joshua recently earned a Congressional Award Gold Medal.

The Congressional Award program challenges talented young men and women to be active in their communities, develop leadership skills, and challenge themselves physically and to go on expeditions domestically or internationally.

Josh completed over 400 hours of community service with the most rewarding project being a food drive that he organized as the chapter president of Future Business Leaders of America. His personal development goals were achieved through part-time work with local businesses. There he was able to develop skills in leadership that he will be taking with him as an intern for a U.S. Congressional Campaign this summer. Josh completed his physical fitness requirements by playing varsity tennis in high school, after years of hard work to achieve his goal. Josh also took a six week long trip to Israel and Poland to complete his expedition requirements.

Josh should be commended for his commitment to community and his desire to become a future leader. I wish him all the best in his future endeavors.

NUCLEAR WEAPONS TESTING IN NEVADA AND SEMIPALATINSK: SHARED LEGACY, SHARED LESSONS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Ms. BERKLEY. Mr. Speaker, on the occasion of the symposium, Nuclear Weapons Testing in Nevada and Semipalatinsk: Shared Legacy, Shared Lessons, Ambassador Saudabayev and I expressed our concern over the continuous proliferation of nuclear weapons in the world, and therefore, declare the following:

During the cold war, in the second part of the 20th century, the lands of Nevada and Kazakhstan became sites for nuclear weapons testing by the United States and the Soviet Union, and many of our citizens became victims of the radioactive fallout and other contaminants that resulted from the testing. These people tragically came to know the destructive force of weapons of mass destruction. As a result of 928 nuclear tests at the Nevada Test Site, along with more tests at other U.S. proving grounds, and 456 nuclear tests at the Semipalatinsk Test Site, many thousands of innocent Americans and Kazakhs suffered. Many continue to this day to suffer the consequences of nuclear testing.

In 1991, the people of Kazakhstan, under the leadership of President Nursultan Nazarbayev, permanently shut down the Semipalatinsk nuclear test site and took the courageous decision to voluntarily renounce the world's fourth largest nuclear arsenal. Kazakhstan has so far remained the only country to make such a decisive and wise move which showed the way to a safer world. The United States, at the direction of both Democratic and Republican presidents, has maintained a moratorium on nuclear testing, has reduced its nuclear arsenal, and has aided in decommissioning nuclear weapons abroad.

Unfortunately, the age of nuclear weapons development has not ended. To the contrary, the specter of nuclear weapons is spreading. Today, the aspirations of a number of countries, and of international terrorist organizations, to acquire nuclear weapons are becoming ever more threatening to the future of humankind. Against this background, we are grateful to Kazakhstan for its outstanding contribution to global security. Kazakhstan's leadership and its cooperation with the United States to advance the cause of nonproliferation should serve as an example for other countries. The victims of nuclear testing in Nevada and Semipalatinsk are eternal reminders to the nations of the world to reject developing nuclear weapons, the modern Sword of Damocles that has imperiled humanity for too long, and to join together to rid the world of the threat of nuclear holocaust.

We are most pleased to report that today's Symposium in Las Vegas, Nevada is another step toward further empowering the people of the United States and Kazakhstan to lead all people away from the threat of nuclear weapons, and redress the consequences of earlier nuclear testing. We pledge to work together to strengthen international cooperation to achieve nonproliferation, as we recognize this is the only path we can take to make our planet safe for all nations to pursue a better future for their people.

TRIBUTE TO FATHER LUKE PALUMBIS

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. POMBO. Mr. Speaker, I have the distinct honor of welcoming Father Luke Palumbis to offer the Morning Prayer in the Chamber of the U.S. House of Representatives. Today marks the first day of summer and indeed the sun is shining down upon the

Capitol as we open the morning hour, as we do each day the House of Representatives is in session, with a prayer to express our tremendous gratitude and to instill the strength to act resolutely and with sound judgment with the day's proceedings.

I am pleased to have Father Palumbis here to give thanks and prayer to the proceedings of the House. He has taken the time to fly from Stockton, California, where he serves the Greek Orthodox community of Saint Basil. This is a historic occasion as it is the first time an Orthodox clergyman from the west coast has given the Morning Prayer, and I am pleased he comes from California's 11th Congressional district.

A canonically ordained priest of the Eastern Orthodox Church, Father Palumbis graduated from Holy Cross Greek Orthodox School of Theology, in Brookline, MA, with a Master in Divinity in 2003, and is currently enrolled in a Master in Theology Thesis program at the same institution. Previously Father Palumbis attended the University of Portland, in Portland, OR, where he earned a Bachelor of Business Administration and was a member of the university's intercollegiate basketball team.

Father Palumbis is married to his wife Eleni Palumbis and they are awaiting the birth of their first child next month. I wish them both the very best of health and happiness back home in Stockton.

CONGRATULATING BUD FAYE

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. SIMMONS. Mr. Speaker, today I rise to congratulate my good friend, Bud Faye of Groton, Connecticut for his being recognized as the 2005 Connecticut Small-Business Champion by the National Federation of Independent Business (NFIB). I have long considered Bud to be a shining example of what an American small business owner should be, so I am glad that NFIB has recognized his successful career with this prestigious award.

For 22 years, Bud has owned Pop and Mum's Restaurant-Car Wash-Laundromat and Dry Cleaning in Groton. Here, one of his proudest innovations was establishing a link between the gas dryers used in his laundromat and the hot water supply for this car wash. As a result, on a busy day he can rely on the excess heat from the dryers in use to heat the hot water for the car wash operation.

When he is not running his business, Bud is active in the community, co-chairing the Groton Business Association and the Military Community Council. He was the driving force behind the formation of the NFIB/Connecticut Southeastern Area Action Council—a group of active small-business owners in southeastern Connecticut. Bud even worked to make computers at a local high school available so residents of a local retirement home can e-mail friends and family. These efforts have consistently helped make southeastern Connecticut a better place not only to do business, but to live.

In addition to his work in these areas, the people of Connecticut and in fact the entire nation will long be indebted to Bud for his tireless efforts to help save the Groton-New London Naval Submarine Base from closure. First in 1993 and again in 2005, Bud helped to form and lead a group of local business owners and community leaders who lobbied against the base closure plan—a plan that would have led to the loss of tens of thousands of jobs and removed billions of dollars from Connecticut's economy. Bud's efforts clearly demonstrated deep local support for the base, which was an important factor when the decision was made to keep it open.

Each year, NFIB singles out a small-business owner in all 50 States for special recognition and honors them with its prestigious Small-Business Champion award. Bud Faye is a worthy recipient of this award, and I am proud to add my voice to the countless others that have thanked him for helping make Groton a better place to live, work, and raise a family.

Thank you, Bud, and congratulations.

TRIBUTE TO ROGER S. MEIER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor the memory of a distinguished American, Roger S. Meier, who died on June 5, 2006 at the age of 80.

Mr. Meier, a fourth-generation Oregonian who lived most of his life in Portland, was a descendant of the founders of the Meier & Frank Company. He graduated from Yale University and married Laura Schwartz of New York City in 1952. He worked at Meier & Frank as a director and vice president until the store was sold to the May Company in 1965.

Mr. Meier was the president and chief executive officer of AMCO, Inc., a privately owned investment company for more than 30 years. The Governor of Oregon appointed him to the Public Employees' Retirement Board in 1970, and he also served through appointment on the Oregon Investment Council from 1973 to 1986 as chairman. The Oregonian observed that unpaid public service has rarely, if ever, generated such a profound financial benefit for Oregonians.

Mr. Meier served with distinction as chairman of the board of trustees for the Portland Art Museum, and as director of Pacific Western Bank, Pac West Bancorp, NI Industries, Fred Meyer, Inc., Key Bank of Oregon, Red Lion Inns, Key Trust Company of the Northwest and The Acorn Family of Funds. Mr. Meier also gave generously of his time and talents through his service on the boards of the Catlin Gabel School, University of Oregon Health Sciences Center, Good Samaritan Hospital, the Oregon Historical Society and the Legacy Health Systems Retirement Trust.

Mr. Meier is survived by his wife, Laura, his daughters, Alix Goodman and Jill Garvey, his sons-in-law, Tom Goodman and Tony Garvey, and four grandchildren—Laura and Caroline Garvey, and Andrew and Reed Goodman. He is also survived by his nieces and their spouses, Lynn Meier Novelli and Michael Novelli, Mary Meier Ryan and Dan Ryan, and Muffie Meier; and his grand-nephews Alexander Mansfield Novelli and J. Allen Meier Ryan.

Mr. Speaker, I ask my colleagues to join me in extending our sympathy to the entire Meier family. Roger Meier was a national treasure who loved his community and his country and served them exceedingly well. He will always be missed and never be forgotten.

A TRIBUTE IN HONOR OF THE LIFE-LONG ACCOMPLISHMENTS OF MR. RUDOLPH BERTHOUD AND THE LEGACY OF HIS SERVICE AS A TUSKEGEE AIRMAN

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. SCOTT of Georgia. Mr. Speaker, I rise before you today deeply honored and humbled to recognize the contributions of one of the 140 remaining Tuskegee Airmen, Mr. Rudolph Berthoud. To understand the achievements and sacrifice of Mr. Berthoud, I feel it is incumbent upon me to discuss the accomplishments of the elite group of fighters to which Mr. Rudolph Berthoud belonged.

In thinking of the Tuskegee Airmen I am reminded of the words of Dr. Martin Luther King, Jr., who once said that if a man is called to be a street sweeper, he should sweep streets so well that all the hosts of heaven and earth will pause to say, "Here lived a great street sweeper who did his job well." The Tuskegee Airmen were called to a task far greater, both dangerous and unprecedented. As the first black combat pilots to serve in the air force they served just as Dr. King's metaphorical street sweeper.

The Tuskegee Airmen flew and defended their country so well that their allies, as well as their opposition, knew them for their skill. One of the fighter squadrons that made up the all black 332nd fighter group was the only fighter group in World War II that never lost a fighter. The courage and commitment of the Tuskegee Airmen led to President Truman's decree to desegregate the U.S. Armed Forces less than a decade after the end of World War II.

As a Tuskegee Airman, Mr. Berthoud was an American hero in the truest sense. He fought to defeat the destructive and xenophobic powers of his day that sought to extinguish the flames of freedom and liberty. Mr. Berthoud joined this prestigious group in 1942 at the tender age of 18. He received an assignment to the 477th Medium Bomber Unit which was the first black bomber unit in the United States Air Force. After receiving an official discharge, Mr. Berthoud bravely remained in service for a total of 3 years, rising to the rank of Second Lieutenant. Upon leaving the Armed Forces, Mr. Berthoud continued with public service, returning to New York City, where he was born in 1924, to join the New York City Police Department.

Tuskegee University recently recognized Mr. Berthoud for his service as a Tuskegee Airman. On May 14, 2006, Mr. Berthoud and 11 other Tuskegee Airmen received honorary doctorates in honor of the legacy of their service and numerous achievements. Today, Mr. Berthoud is a proud member of the national and Atlanta chapters of the Tuskegee Airmen, Inc. Mr. Berthoud has remained a committed member of Fountain of Faith Missionary Baptist Church in Riverdale, Georgia, for more than 10 years and served on many auxiliaries: the Feeding Ministry, the R.B. Newman Male Chorus, Men of Faith, and an officer for the Trustee Board.

By honoring a man who so nobly served our nation abroad, in the face of discrimination at home and doubt in his equal ability, we are turning a page in history books yet written. Mr. Berthoud remains a modest and humble man and is truly deserving of this honor. I join Fountain of Faith Missionary Baptist Church in saluting a national hero who calls the 13th Congressional District of Georgia home.

INTRODUCTION OF AFRICAN DEVELOPMENT FOUNDATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Ms. LEE. Mr. Speaker, yesterday I introduced the African Development Foundation Act of 2006.

This legislation re-authorizes the African Development Foundation (ADF) and reaffirms the great work it does in Africa for entrepreneurs, small businesses and micro/credit community programs.

For more than 20 years, the African Development Foundation has been a powerful example of both the compassion and the innovation of the American people as it has helped the poor across Africa.

The Foundation is a unique and highly effective program. It is the only United States Government agency working directly at the grassroots, supporting African-designed and African-driven solutions to economic and social problems.

The ADF enables individuals and groups to get out of poverty by putting their own ideas to work, not someone else's.

In 2005, ADF's investments across Africa created more than 110,000 jobs for poor Africans, generated $70 million in gross revenues for enterprises, and almost 65 percent of micro and small entrepreneurs assisted by ADF were women.

ADF is demonstrating that African entrepreneurs and farmers can compete in the global marketplace. It is helping them improve quality to meet international standards and to increase quantity to meet demand.

ADF-assisted groups had $35 million in export sales in 2005. For example thousands of poor, small farmers in Uganda have been taught how to grow vanilla. Moreover, they are getting significant value-added by curing and grading it for the international market, where it competes favorably with Madagascar and other producers.

In Tanzania, ADF is helping several thousand small sugar cane producers improve their income. Mtibwa Sugar has increased its gross export revenues by 423 percent over the past 3 years, from US$1.188 million during FY 2002 to US$5.034 million in FY 2005. In the Ruembe Outgrowers Association, sugar cane yields per hectare are up 30 percent and cumulative export sales stand at US$4.7 million.

The number of participating cane farmers has increased by 50 percent since project inception and the income of the 1,440 growers has almost doubled as a consequence of ADF's investment.

The Foundation's community enterprise investments are supporting grassroots solutions to local problems and empowering communities to take control of their own development.

For example, over the past several years, ADF has empowered rural communities in Guinea to plan and undertake the construction of scores of health clinics, primary schools and wells.

In Jigawa State, in northern Nigeria, ADF supported community construction of 400 low cost homes for families who had lost their traditional structures in floods.

Mr. Speaker, I am personally impressed and inspired by the African Development Foundation's work with those living with HIV/AIDS.

For example:

In Swaziland, where almost 40 percent of adults are infected with the AIDS virus, ADF is improving nutrition and providing income-generating opportunities for widows and orphans affected by helping them produce and market vegetables.

In Ghana, ADF funded the training of almost 1,500 youth who conducted peer counseling on HIV/AIDS to more than 200,000 young people.

In Plateau State, Nigeria, ADF funded a pilot program to adapt and extend a faith-based life skills training program in the public secondary schools. About 500 teachers were trained in the new curriculum and more than 25,000 students received year-long training.

In Tanzania, ADF has experimented with supporting schemes that extend micro-credit to people living with HIV/AIDS and enabling them to start informal businesses and undertake income-generating activities.

Mr. Speaker, there is a very high demand for the African Development Foundation to expand their work. A dozen African governments and two private corporations are actually matching the U.S. Government's funding, dollar-for-dollar, for ADF to undertake projects in their countries. Demand for its services greatly exceeds resources. Currently, ADF has a total of $22.0 million in annual cash commitments and specific requests.

Newly elected President Ellen Johnson-Sirleaf has requested USADF to help in rebuilding Liberia and restoring hope through creating small businesses and community enterprises that can provide meaningful jobs to ex-combatants, women and youth.

Additionally, the Governments of Burundi and the Democratic Republic of the Congo have also requested USADF to assist in their post-crisis transition and development. Also, the Government of Burkina Faso has requested ADF assistance in community and enterprise development and is committed to matching USG funding with funds from the Islamic Development Bank.

Mr. Speaker, the work of the African Development Foundation is a powerful example of the goodwill of the American people, and it is one of the most effective foreign assistance programs we have.

I ask that my colleagues join me in supporting their efforts and co-sponsor the African Development Foundation Act of 2006.

THE DEFICIT REDUCTION AND EFFECTIVE LEGISLATIVE LINE ITEM VETO ACT OF 2006

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. SPRATT. Mr. Speaker, I'm pleased today to introduce the Deficit Reduction and Effective Legislative Line Item Veto Act of 2006. The United States is facing structural deficits of $300 billion to $400 billion; a rising mountain of debt, held increasingly by foreign interests; and a $3 trillion tax-cut agenda of measures yet to be renewed or enacted. We have all of this and more, but no effective tools to deal with any of these problems. In fact, this year, for the fourth time since the Budget Act was passed, and for the third time in the last 5 years, Congress has failed to pass a concurrent budget resolution, much less a 5-year plan.

That's why today I am introducing this bill. It contains a package of tools to get the budget crisis under control and help get the budget back in balance.

My legislation reinstates the two-sided Pay-As-You-Go (PAYGO) rules. It allows reconciliation to be used only to reduce the deficit. My bill provides members with the information they need to review legislation before voting on it. Finally, a well-crafted expedited rescission authority could be a useful budget tool—and I have brought to the floor and voted for versions of that authority in the past when there were other budget enforcement tools in place, as well. That's why my bill includes expedited rescission authority, but addresses the broader budget control issues as well.

Let me review some of the details of my bill. If we are in earnest about bringing down the deficit, we need rules designed to reduce the deficit. Congress created the reconciliation process to make it easier to reduce the deficit by setting up special procedures for hard-to-pass budget cuts, yet this Congress now uses reconciliation to pass legislation that enlarges the deficit. The Republican bill granting the president expedited rescission authority, H.R. 4890, could become an accessory to that outcome. A President with expedited rescission powers could push a big spending bill, call members of Congress when a vote was coming up, solicit their support, and if it was not forthcoming, back up his request with a thinly veiled threat—the rescission of something that members dearly wanted for their districts.

My bill addresses these concerns in several ways. First, it prohibits reconciliation procedures from being used to increase the deficit. Second, it prohibits the President or anyone in the executive branch from wielding rescission threats as a bargaining tool on other legislation.

If we are serious about rooting out wasteful spending—and I think we should be—we need to provide members with adequate time to look over legislation before voting on it. The Republican Rules Committee routinely waives the rules to rush bills to the floor hours or even minutes after bills providing for billions of dollars are finalized. My bill requires that members have copies of a bill to review at least 24 hours prior to a vote, and a full three days for a bill with earmarks, unless two-thirds of the House votes to waive that rule. In addition, my bill contains earmark reform provisions from H. Res. 659, Representative OBEY's bill, that will make publicly available relevant details about any earmarks contained in a bill, including who sponsored the provision and who benefits from it.

I am convinced that we can reduce the deficit while protecting vital entitlement programs from expedited rescission authority and the sort of summary changes that fast-track provisions would permit. H.R. 4890 allows the President to propose line-item rescissions even to entitlement programs such as Social Security, veterans' benefits, and Medicare. My bill would protect these programs.

The Deficit Reduction and Effective Legislative Line Item Veto Act of 2006 will put in place these measures we need to address our budget crisis. Merely granting the President expedited rescission authority alone, as H.R. 4890 provides, will do little to require that Congress set budget priorities, put the budget on the path back to balance, and stick to its budget promises.

VOTING RIGHTS REAUTHORIZATION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2006

Mr. VAN HOLLEN. Mr. Speaker, I am disappointed by the Republican leadership's decision to pull this important bipartisan legislation from Floor debate this week. The Voting Rights Act has made a significant difference in ensuring the full inclusion of minorities in the American political process. The legislation pulled today will extend for 25 years key provisions that are set to expire in 2007. While this country has a rich history of valuing the right to vote, it, unfortunately, has a checkered past in ensuring the full access that the Constitution guarantees.

The Voting Rights Act was signed into law 5 months after voting rights protesters were beaten as they walked from Selma to Montgomery, Alabama on what became known as "Bloody Sunday." Earlier this week, I held a forum on the need to extend the Voting Rights Act. I heard personal stories from my colleagues in Congress and members of the civil rights community that illustrate the need to extend this legislation. I commend Congressmen JOHN CONYERS, MEL WATT and other members of the Judiciary Committee for their hard work on this bill. I hope that the Republican Leadership can resolve its issues with this landmark legislation and bring it to the House floor as soon as possible.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 22, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 23

1 p.m.
Foreign Relations
To hold a closed briefing on State Department and Defense Department cooperation overseas.
S–407, Capitol

JUNE 27

10 a.m.
Energy and Natural Resources
To hold hearings to examine implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region.
SD–366

Finance
To hold hearings to examine the nomination of Eric Solomon, of New Jersey, to be Assistant Secretary of the Treasury for Tax Policy.
SD–215

Appropriations
Interior and Related Agencies Subcommittee
Business meeting to markup H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007.
SD–124

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold an oversight hearing to examine the Office of Personnel Management, focusing on whether the Office of Personnel Management is positioned to be the Federal government's leader in personnel policy today and in the future.
SD–342

Aging
To hold hearings to examine if medical tourism can reduce health care costs relating to the globalization of health care.
SD–106

Joint Economic Committee
To hold hearings to examine prospects for U.S. economic expansion.
2118 RHOB

10:30 a.m.
Judiciary
To hold hearings to examine the use of presidential signing statements, which are issued when a president signs new laws.
SD–226

2:30 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine the continuing need for Federal examiners and observers to ensure electoral integrity.
SD–226

Appropriations
Energy and Water Subcommittee
Business meeting to markup H.R. 5427, making appropriations for energy and water development for the fiscal year ending September 30, 2007.
SD–138

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold an oversight hearing to examine the current state of progress and future outlook relating to SAFETEA-LU implementation.
SD–538

JUNE 28

9:30 a.m.
Environment and Public Works
To hold an oversight hearing on Environmental Protection Agency regional inconsistencies.
SD–628

Indian Affairs
To hold an oversight hearing to examine Native American Housing Programs.
SR–485

Judiciary
To hold hearings to examine hedge funds and independent analysts.
SD–226

10 a.m.
Foreign Relations
Business meeting to consider an original bill, to exempt from certain requirements of the Atomic Energy Act of 1954 U.S. exports to India of nuclear materials, equipment and technology, the nominations of Earl Anthony Wayne, of Maryland, to be Ambassador to Argentina, Gaddi H. Vasquez, of California, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture, John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues, Michael E. Ranneberger, of Virginia, to be Ambassador to the Republic of Kenya, Eric M. Bost, of Texas, to be Ambassador to the Republic of South Africa, W. Stuart Symington IV, of Missouri, to be Ambassador to the Republic of Djibouti, Gayleatha Beatrice Brown, of New Jersey, to be Ambassador to the Republic of Benin, Robert O. Blake, Jr., of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, Robert D. McCallum, Jr., of Georgia, to be Ambassador to Australia, and Leslie V. Rowe, of Washington, to be Ambassador to Papua New Guinea, and to

serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu.

SD–419

Health, Education, Labor, and Pensions

Business meeting to consider proposed Older Americans Act Amendments of 2006, S. 3546, Dietary Supplement and Nonprescription Drug Consumer Protection Act, S. 707, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, S. 757, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, and any pending nominations; to be followed by a hearing on biodefense.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Mickey D. Barnett, of New Mexico, Katherine C. Tobin, of New York, and Ellen C. Williams, of Kentucky, each to be a Governor of the United States Postal Service.

SD–342

10:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission.

SD–366

2 p.m.

Judiciary

To hold hearings to examine the nominations of Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, and Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

SD–226

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1812, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah, S. 1965, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District, S. 2129, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, S. 2470, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho, S. 2502, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, S. 3404, to reauthorize the Mni Wiconi Rural Water Supply Project, H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant", and H.R. 4204, to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project.

SD–366

JUNE 29

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SD–562

JULY 12

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine USDA dairy programs.

SR–328A

JULY 13

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine unmanned aerial systems in Alaska.

SD–562

JULY 19

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine high performance computing.

SD–562

POSTPONEMENTS

JUNE 28

9:30 a.m.

Judiciary

To hold hearings to examine antitrust concerns relating to credit card interchange rates.

SD–226

HOUSE OF REPRESENTATIVES—*Thursday, June 22, 2006*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"O Lord, have pity on us, for You we wait. Be our strength every morning, our salvation in time of trouble."

Lord, it takes a great deal of humility for believing people to accede to Your will. Sometimes faith builds such strong convictions in us, Lord, that we can easily have only our own ideas as to how and when You will answer our prayers. Often we do not remain open to other responses or we become impatient with Your unsearchable ways.

Very often, Lord, we profess strong faith in Your providential ways, but it is Your art of timing we find difficult to accept. So confirm us, as a nation of idealists, who will continue to have confidence even during the test of timing.

Have pity on us, Lord, as we wait for You to answer our prayers now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minutes on each side.

NEVER SURRENDER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, last week we debated the very important issue of how we are going to confront the global war on terror: Are we going to confront this challenge, or are we going to retreat and defeat? Republicans are dedicated to confronting this challenge and will continue to offer the American strong national security policies that will protect this Nation against another attack on their own soil. We will continue to trumpet successes such as the elimination of al Zarqawi and the Iraqi Government naming new interior defense and security ministers.

Democrats, though, are too eager to grasp upon the challenges we face as their rationale to defeat. Even the death of the terrorist al Zarqawi only brought cries of retreat and claims that it was only "a stunt." And just last week, 149 Democrats voted against a resolution declaring that the United States will prevail in the war on terror.

Mr. Speaker, President Kennedy once said, "The cost of freedom is always high, but Americans have always paid it, and one path we shall never choose and that is the path of surrender or submission."

When it comes to the global war on terror, we must never choose the path of surrender.

WHAT IS WRONG WITH THIS CONGRESS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the last 24 hours will tell you everything you need to know about what is wrong with this Congress: hold up voting rights, knock down the minimum wage increase, relieve the superrich of responsibility for paying estate taxes, keep sending our children to fight and die in a war based on lies. That, by the way, is the real death tax, and it is paid by the poor and the middle class. Our new motto should be: United We Stand, Sure, But Divided We Profit.

H.R. 5638, the estate tax legislation, should be more accurately described as the American Idle Act, I-D-L-E, because it relieves the children of billionaires and multi-multi-millionaires of over one-quarter of a trillion dollars in estate taxes in just 5 years starting in 2013. The $2,600 per taxpayer loss of revenue will take money from our schools and from our health care and from senior citizens programs.

The Bible says it is easier for a camel to get through the eye of a needle than for a rich man to get to heaven. Here in Washington, the superrich ride elephants, and some donkeys, to get to their alabaster heaven where they pay no taxes.

EXCESSIVE REGULATIONS ON SMALL BUSINESS OWNERS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, we have passed important legislation in this Congress to help America's small businesses; we have passed legislation to help make health insurance more affordable and accessible, and legislation to provide tax relief. But we need to continue demonstrating our commitment to helping small businesses in New York and throughout the country by passing legislation that I have introduced to help relieve the excessive regulatory burden on small businesses.

The Cut Unnecessary Regulatory Burden For Small Business Act, passed by the House Government Reform Committee earlier this month, would enable Congress to better eliminate excessive Federal regulations that hamper small business, job growth, and productivity.

When Federal agencies overregulate small business owners, it forces them to spend extra time and money and manpower completing endless paperwork instead of growing their businesses and creating new jobs. In small business forums and small business walks I have held throughout the year in the Hudson Valley of New York, excessive regulations were cited by small business owners as one of the major problems they are facing. And every small business spends $7.0000 per employee per year on regulatory compliance costs.

Let us help small business remain vibrant and strong, not overregulate it. Let us pass the CURB Act.

TRIBUTE TO LATE GOVERNOR BILL DANIEL

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to the late Bill Daniel, a former Governor of Guam, who passed away on Tuesday at his home in Liberty, Texas.

Governor Daniel was a close family friend whose legacy has left an indelible imprint on the people of Guam. He served as Guam's Governor from 1961 to 1963 and was appointed to the post by President John F. Kennedy. He resigned to allow Manuel Guerrero, his friend and protege, to succeed him as Governor.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Governor Daniel was a gifted and hands-on leader who adopted Guam as his second home. During his tenure, the Navy security clearance requirement for persons traveling to and from Guam was lifted. The University of Guam was elevated to a 4-year institution. Our visitor industry took root, and our agricultural program was upgraded.

Our thoughts and prayers are with his daughters Ann, Susan, and Dani, and the entire Daniel family.

A TRIBUTE TO PRIVATE FIRST CLASS STEVEN WILLIAM FREUND

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, I rise to pay tribute to a courageous hero of the war on terror, Private First Class Steven William Freund.

Steven Freund of Pleasant Hills, Pennsylvania, attended Thomas Jefferson High School, and he loved to hunt and fish and do just about anything outdoors. He joined the Marines and served in Iraq for 6 months, already escaping two separate roadside bombs. It was dangerous there, and he knew that, but he strongly believed in and was dedicated to America's mission.

But on May 23, Private Freund made the ultimate sacrifice for his mission and the Nation he loved. He was tragically killed by a third roadside bomb while riding in a Humvee conducting combat operations outside Fallujah.

Private Freund is survived by his father, Steven Freund, his brother Mark Menzietti, sister Angela Menzietti, cousins Matt Freund, Jason Eiben and Justin Eiben, and his aunt Donna Eiben of Pittsburgh, who was his legal guardian.

His funeral was a solemn, but beautiful, service that I attended, along with many friends and family. After the funeral, he was awarded the Purple Heart and the Navy and Marine Corps Achievement Medal with combat cluster in a graveside ceremony.

Mr. Speaker, I know that I speak for this entire body when I express the deepest condolences to his family on behalf of a grateful Nation. Semper Fi, Private Freund.

RAISE THE MINIMUM WAGE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, this Congress has been consumed with giving tax breaks for the wealthiest Americans, and it is time we look at some of the average Americans and facts about the minimum wage.

Congress has not raised the minimum wage since 1997. The minimum wage is now at its lowest level in 50 years adjusted for inflation. Does anyone really believe it is possible to make even the most basic ends meet on $5.15 an hour? A minimum-wage worker working full time all year will earn just $10,700. It takes a full day's pay for a minimum wage earner to pay for one tank of gas today.

6.6 million people will benefit from a rise in the minimum wage. Eighty-six percent of Americans support the rise in a minimum wage according to a Pugh poll in December of 2005. It is time this Congress listened to the American people and minimum-wage workers, and it is time that we act.

LINE ITEM VETO IS A COMMONSENSE SOLUTION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today we will be debating the line item veto. Now, if you ask my constituents, this is an issue that doesn't need much debate. Giving the President the ability to cut wasteful spending should go hand in hand with fiscal responsibility.

Since coming to Congress 1½ years ago, it has become crystal clear to me, as it was to President Reagan, that Washington doesn't have a revenue problem; it has a spending problem.

The line item veto is a commonsense solution. Greater transparency to the earmark process and backing it up with a 2-week window for Congress to ratify the President's actions will allow us to address unnecessary new spending, one of the biggest long-term challenges of the Federal budget. Mr. Speaker, when we use tools to cut wasteful spending and work toward achieving a balanced budget, the beneficiaries are hardworking American taxpayers. If we truly stand for fiscal restraint, we must pass the line item veto. I call on all of my colleagues, Republicans and Democrats, to support this commonsense, positive move to provide greater responsibility to the budget process.

THIS COUNTRY NEEDS A NEW DIRECTION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the Bush economy continues to be unfriendly to America's workers. Earlier this month, we learned that employers added only 75,000 jobs to their payrolls in May, about half of what we need just to keep up with normal growth in the labor market. Wage growth was disappointing again in May, continuing a pattern in which workers cannot get ahead of rising costs in gasoline, housing, health care, and on education for their children, even though their productivity keeps growing.

The benefits of economic growth under President Bush are showing up in the bottom lines of companies and in the pockets of shareholders, but not in the paychecks of America's workers. Mr. Speaker, this country needs a new direction.

LONE STAR VOICE: DONALD DOIRON

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in the border security debate, those that want to allow more illegals in this country just changed the definition of words to make it politically correct to accept illegals. But American citizens are not fooled. Donald Doiron of Nederland, Texas, writes to me:

"Since hearing the plan for treating illegals as guest workers, I have now undergone a complete reversal in my understand of the proper meaning of words. I used to believe that the definition of guest is one that is invited. Now I am told this is no longer correct.

"For instance, if a burglar breaks into my home, he really becomes a guest who is only working for a better life. Because he broke in for that reason, I must accept the obligation to provide him a job, health care, education, transportation, and living quarters for him and his family. I feel so much better now."

Mr. Speaker, no matter how one puts the political spin, it is still illegal to enter the United States without permission. What part of illegal do the anarchists that want lawless borders fail to understand?

And that's just the way it is.

SLOGANS DO NOT REPLACE SOLUTIONS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, if there is one thing we have learned from the Republican Congress in the last 6 years, it is that slogans do not replace solutions.

On immigration, House Republicans talk a lot, but there is no action after 6 years. They thunder about immigrant families; but when it comes to forcing big business to comply with our immigration laws, they have raised the white flag. Under the Republican leadership from 1999 to 2003, work-site enforcement of immigration laws were cut back 95 percent. In 1999, the Federal Government prosecuted 182 employers for hiring illegal aliens. In 2003, that dwindled down to just four.

The Republican leaders have also raised the white flag on border security, voting against implementing the 9/11 Commission recommendations. With all their hot rhetoric about terrorism, you would think they would at least provide support for homeland security programs. But they have waved the white flag here, too, cutting $48 million from Customs and Border Security Protection. They want to run a single-issue campaign on immigration on which they haven't done a single thing. The Republican Congress has a 6-year record of failure. Hot rhetoric has not masked failed results.

Mr. Speaker, one thing is clear: when it comes to addressing real immigration challenges facing our Nation, the Republican Congress is all hat and no cattle. It is time for a new direction. It is time for results.

☐ 1015

AMENDMENT PROCESS FOR H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules may meet the week of June 26 to grant a rule which would limit the amendment process for floor consideration of H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 12 noon on Monday, June 26, 2006. Members should draft their amendments to the text of the bill as reported by the Committee on Financial Services.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 885 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 885

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes. The bill shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 885 is a closed rule providing 1 hour of general debate in the House on H.R. 5638, the Permanent Estate Tax Relief Act, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill and provides that the amendment printed in the Rules Committee report accompanying this resolution shall be considered as adopted.

Finally, Mr. Speaker, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, in 2001, Congress acted in a bipartisan fashion to gradually phase out the death tax and eliminate it by 2010. However, if Congress does not act to extend this relief, in 2011 small business owners and family farmers will once again be assessed the full death tax up to the maximum 2001 rate of 55 percent.

The death tax is a form of double taxation, and frankly, Mr. Speaker, it is simply unfair.

The last thing families in central Washington and across the Nation should have to worry about when a loved one dies is losing a family farm or business in order to pay the Internal Revenue Service. But sadly, that is the situation many hard-working families could face if a permanent and workable solution is not agreed to.

H.R. 5638, the Permanent Estate Tax Relief Act, would provide estate and gift tax relief to America's small business owners and family farmers. Specifically, the bill would increase the exemption from $1 million to $5 million per person, indexed for inflation, and it would lower the amount of taxation on estates.

The bill would also provide tax relief for gifts given during a person's life. Currently, gifts given when a person is alive are taxed more than gifts given through a will or death. By reunifying estate, gift and generation-skipping transfer taxes, we give individuals greater flexibility to give gifts during their life rather than at death.

I am also pleased that this legislation creates a new 60 percent deduction for qualified timber capital gains through 2008. In my State of Washington, there are 8.5 million acres of privately owned forests, and the forest parks industry is the State's second largest manufacturing sector.

However, the current Tax Code puts our timber industry at a distinct disadvantage against international competition by subjecting corporate timber and forest product industries to a significantly higher income tax than their overseas competitors. Included in the underlying bill is a provision that lowers the timber tax and supports an industry that provides good jobs in many rural communities, while strengthening its international competitiveness.

Mr. Speaker, last year I, along with 271 other Members of the House, supported a measure that would permanently and fully eliminate the death tax. While permanent elimination of this tax is what I will continue to work with my colleagues on both sides to accomplish, this relief measure is a step in the right direction.

The Rules Committee reported House Resolution 885 by a voice vote last night. Accordingly, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate my Republican colleagues for providing the American people with the clearest possible demonstration of just how stark the differences are between the priorities of our Nation's two major parties.

We have before us a bill whose sole purpose, the sole purpose is to funnel as much as $1 trillion over the next decade to a mere handful of our Nation's richest families.

It is telling that Republican leadership is so committed and so determined to see this legislation through that it called an emergency meeting of the Rules Committee last night to make sure it reached the floor this morning, even though it will not take effect for 4 years.

Now, let me tell you a bill that will expire is the Voting Rights Act, but we could not deal with that. This is the Republican definition of a national emergency, to get as much money as we can to the richest among us. It is not unprecedented national debt. That does not bother them. The struggling middle class? No. Or the fact that tens of millions of Americans scrape by from paycheck to paycheck, scrape by without health insurance, without help and, in many cases, without hope.

To get this bill to where it is today, the Republicans had to ignore the needs of virtually every American citizen. The repeal of the estate tax will benefit less than 1 percent of the people in this country, but those few individuals that it helps will profit handsomely.

Take Lee Raymond, the former CEO of ExxonMobil, who recently secured a retirement package worth almost $400 million, and who last year made more in a single day, probably in a single hour, than the average American family makes in an entire year. Lee stands to gain up to $211 million from this legislation that he will not pay taxes on.

President Bush, Vice President CHENEY and the officers of the Cabinet will not do so badly either. Together they will pocket anywhere from $91 million to $344 million. Just the Cabinet.

People like these are among the three-tenths of 1 percent of superrich Americans who pay an estate tax, and that is it. The other 99.7 percent do not see a dime. Such an astonishingly lopsided outcome is to be expected when we realize who is actually behind this bill.

A recent report from the group Public Citizenry revealed that 18 of the richest families in America, families worth a combined total of $185 billion, have been conducting a concerted and clandestine campaign on its behalf for a decade. We are talking about families that are heirs to the fortunes of families like Wal-Mart, Campbell's Soup and Mars, Incorporated. These 18 families, Mr. Speaker, have spent $490 million in the last decade in their effort to pass this bill. Imagine that, $490 million to lobbyists, and if it does pass, their investment will certainly have been worth it because over $70 billion will be headed their way.

For years, supporters of a repeal of the estate tax have claimed that the people they really want to help are America's small businesses and farmers. Well, as is so often the case, that is a lie. Small business families rarely, if ever, pay estate taxes, and the American Farm Bureau, one of the leading proponents of this repeal, has failed to provide even one legitimate example of a family that lost its farm because of estate tax requirements.

This is the kind of government Republicans have used their time and power to give us, Mr. Speaker. Multibillionaires say, jump, and the majority says, how high?

Bills like this are so outlandish and so entirely justifiable, they would be comical if they were not an assault on the strength of our Union, which is, I might remind everyone, at war.

Consider the opportunity cost of this bill. For the up to $1 trillion Federal that this leadership plans to give away, we could fully insure every single American who does not have health insurance, all 44 million of them. Think of that. We could fully fund the Medicare part D prescription plan. We could pay for all military operations in Iraq and Afghanistan, and then we could use the money left over from that to fully fund No Child Left Behind, and, finally, give every child in America the education the President promised when he took office.

The sad thing is that what we have today is exactly the kind of legislation Americans should expect the majority, whose leader has bragged about never having voted for an increase in the minimum in his 25 years in politics, that is what we should expect from a party that would not allow the Congress to adjust the minimum wage for inflation, a party that would have, over the decades, permitted it to remain at the pathetic $3.35 an hour.

I would challenge my friends on the other side of the aisle to try surviving on that one for a month, Mr. Speaker, and think about the trillionaires who are going to say this is chump change to them, and they do not care. But the notion that they would say if taking away the taxes of the very rich would stimulate the economy, while increasing the pay of the weakest among us, the people who are least paid, will hurt the economy, is an absurdity on its face.

Mr. Speaker, this is a telling moment for this country. It is a moment in which this leadership clearly demonstrates once and for all what its priorities are. It is making the decision that educating our children is not worth the investment, that ensuring our parents and grandparents receive the prescription drugs they need is not worth the investment; that fixing our broken health insurance system is not worth the investment; that curbing our crushing national debt is not worth the investment; but investing in the ultrarich is worth every single dime that can be squeezed out of the Federal Treasury.

The bill embodies the very definition of "America for Sale." Today's Republicans are alone in this belief, Mr. Speaker. Great leaders throughout the history of our Nation have understood that our collective strength lies in our support for the working and the middle class. They have understood that the extreme polarization of wealth this majority is ushering in is fundamentally bad for America, and among those who believe that are Bill Gates and Warren Buffett.

I implore my friends on the other side of the aisle, for the sake of our children, for the sake of our future, for the sake of our military, for the sake of common decency, defeat this bill and begin again to work for the people of this Nation and not against them.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I think it is worthwhile just to put a little bit of the historical context on this issue because it has been around for some time.

In the 106th Congress, for example, in the year 2000, the House passed a bill to phase out the death tax in 10 years and permanently repeal it. When it passed the House, it got 279 votes, obviously bipartisan. Sixty-five Democrats voted for it. In the other body, in the Senate, it passed the Senate with 59 votes, obviously on a bipartisan basis. Unfortunately, that bill was vetoed by the President in the 106th Congress.

So, in the 107th Congress, in 2001, once again, the House passed the bill to permanently repeal the tax, phase it out over 10 years, and that bill garnered 274 votes, again a bipartisan vote out of the House.

☐ 1030

Unfortunately, in the Senate, we were unable to get a full repeal and, instead, the death tax was phased out over 10 years, but would revert in 2011 to the 2001 rate. The expectation, of course, was that the Congress would deal with that before 2011 and fully repeal it.

In the 108th Congress, once again the House passed a bill to fully repeal the death tax, 264 votes out of the House, again on a bipartisan basis; and in the 109th Congress, this Congress, once again the House passed a full repeal, 272 votes, again on a bipartisan basis, with Democrats joining Republicans to repeal it.

The unfortunate thing is this leads us to where we are right now, and that is that the cloture motion failed in the Senate. It takes 60 votes in order to cut off debate in the Senate; and, unfortunately, the Senate only received 57 votes. So, therefore, that issue won't be taken up.

This is an effort, then, to try to get to a position where we can pass this bill out of the House and in fact pass it out of the Senate so that we can have some certainty as far as estate planning. So this issue has been around for some time. It has always enjoyed bipartisan support.

This rule simply provides for us to continue what we have been doing in the last four Congresses, and that is to pass and address this issue in a bipartisan manner. This issue has been around, I think it is timely, in fact, it is time for us to act on this. Accordingly, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. McGOVERN.

Mr. McGOVERN. I thank the ranking leader for yielding me the time.

Mr. Speaker, once again this House will consider an estate tax cut for the wealthiest people in the United States. Once again the Republican leadership is forcing their chosen bill through the

House without the opportunity for any alternative, even though Democrats asked for and presented a germane substitute before the Rules Committee last night.

Last night, the Rules Committee rushed this bill through under "emergency procedures." That is right, the Republican leadership considers it an emergency to pass a tax cut for some of the wealthiest people on the planet, a tax cut that won't take effect for 4 years.

Mr. Speaker, the real emergency is what is happening to American workers. We are considering another estate tax cut for the wealthy during the same week that this Republican leadership killed an increase in the minimum wage for America's lowest-income workers.

Last week, the Appropriations Committee approved an increase in the minimum wage and included it in the Labor-HHS-Education appropriations bill, but the majority leader quickly said that the House will not consider that provision. This week, the Appropriations Committee defeated a similar effort.

Mr. Speaker, in 1997, nearly a decade ago, this Congress raised the Federal minimum wage to $5.15 an hour. Since the last increase, Congress has voted itself a raise nine times, increasing its own salary by $35,000. Now, in contrast, Mr. Speaker, a person earning the minimum wage over that same time continues to earn only $10,712 per year.

The Republican leadership should ask the minimum-wage family whether their health care costs, their property taxes, their heating and gasoline bills, or tuition for their kids have stayed as flat as the minimum wage. Of course not.

Here is what it boils down to: the Republican leadership has decided it is more important to protect estates that are worth at least $10 million instead of helping to increase people making just $11,000 a year in salary. Mr. Speaker, we have an emergency in our country. We do have an emergency in our country: working families are struggling each and every day. They deserve a raise more than millionaires deserve another tax break.

We should be debating today an increase in the minimum wage for workers in this country. We should be doing something that will make a difference in the lives of people who are struggling in this country. And, instead, here we go again bringing the estate tax bill up again, a bill that benefits mostly people who are very well off. We can do much better than this. We need to get our priorities straight.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding time on this important issue. I do rise in support of the permanent Estate Tax Relief Act of 2006, although I am mindful, as I listen to my good friend who just spoke about the estate tax, of what Confucius once wrote a millennium ago. He said: "When words lose their meaning, men lose their liberty."

I would prefer in the balance of my remarks to speak not about an estate tax, because I do not know too many estates in eastern Indiana, but I would rather talk about the death tax, because this is a tax that is death to the American Dream for small business owners and family farmers all across eastern Indiana.

It is why, Mr. Speaker, I have dedicated myself in my nearly three terms in Congress to the principle of ending this immoral tax, a tax which, by the way, was instituted in 1916 primarily to raise revenues for World War I. It was a product of a time where the redistribution of wealth was seen globally to be an acceptable practice of economics. It was the very nascent time of socialism on the world stage, and America embraced this principle of redistribution with the estate tax in 1916.

Let me just say that I believe death taxes are immoral. I believe it is morally wrong to make death a taxable event. I believe it is also morally wrong to say to small business owners and family farmers and any American, whatever their means, that after a lifetime of obeying the law and a lifetime of paying your share honestly and legally to the Federal Treasury that we will make your death a taxable event.

So I want to say today that I still believe that we ought to repeal the death tax, and the legislation we will consider under this rule does not repeal, but I want to say that it is relief and it is progress and this Congress should embrace it.

The estate tax relief provided in previous legislation is scheduled to end in 2010, and what we will pass today will literally bring permanent estate tax relief to millions of American families, especially increasing the exemption to $5 million per person effective January 1, 2010. So let me emphasize that what we will do today is not repeal, but it is relief; and I want to recognize that progress and embrace it.

Let me close with a word of caution to our colleagues who may think of this as a starting point, that this is a deal, Mr. Speaker, that we can send down the hallway and we can negotiate from: let me say, having spoken to many of my colleagues who share my belief that we should repeal this onerous death tax outright, that if this is the deal, it is a good deal for the American people. But we say with conviction: this far and no farther. We must demand, at the very minimum, this relief stand when this bill goes to the desk of the President of the United States.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York, the ranking member of the Ways and Means Committee, Mr. RANGEL.

Mr. RANGEL. Thank you so much for yielding me time. I think we are getting closer to the truth when the previous speaker spoke out as to why we have an inheritance tax in the first place. And while he talked about World War I, I think he was emphasizing what he called a socialistic type of government, where redistribution of the wealth was the issue rather than the actual resources that are raised.

I am convinced that a large number of people, especially the Republicans in this House, look at this not as a revenue issue but as a policy issue. Oh, yes, they call it the death tax because they think this is a way of packaging something, saying that death should not be a taxable event. But realistically, if you are dead, you certainly are relieved of your taxes. So it is the live people you are talking about; people who have hopes and dreams that they would be able to acquire the inheritances of those that preceded them.

So the real reason, perhaps, of having this tax was to make certain we had a middle class, that you did not find the superwealthy being able to influence the politicians and the Congress. And if that was the reason, and I will have to research it, even though some experts thought there was a social policy reason, if ever there was a time to review this policy, it would be now.

The Joint Economic Committee, which is not Republican or Democrat, has indicated that under existing law, when the estate tax goes to $3.5 million, an estate that would be exempt, and $7 million that would be exempt, they say that we would be talking about only 7,500 actual estates. Now, if this does cost $800 billion, or close to $1 trillion, then what we are arguing about is whether or not 7,500 people could cause us to go into the deficit further by having their benefits restored.

In other words, what we are saying here is that while the Nation is at war, while we are spending $300 billion or $400 billion, while we have a $9 trillion debt, while we are cutting even the services of veterans and those that are fighting, that philosophically the majority believes that we should shatter the so-called Estate Tax Inheritance Act, the death tax, no matter what the economic expense is.

So we are not doing this for this Congress or this election; we are doing it to change the direction of the United States Government so that the items of resources to pay for education and health care, and even our national defense, are going to be jeopardized because some of you believe that the richest of the rich should be protected from an equitable distribution of tax liability.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to a colleague on the Rules Committee, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Washington for yielding, and I do rise today in strong support of the rule and this underlying bill, and I encourage all my colleagues on both sides of the aisle to support them both.

As a cosponsor of H.R. 89, the full repeal of the death tax, I was disappointed to see the inability of the Senate to obtain cloture on a full repeal of the death tax. I firmly believe that the death tax, the estate tax, is a double taxation and, philosophically, it is wrong.

We have all heard the statements, I think Steve Forbes said this several years ago, that there should be no taxation without respiration. More recently, I have heard the comment that we shouldn't try to balance the budget by robbing the grave. And there are other comments: a death should not be a taxable event. The gentleman from New York (Mr. RANGEL) just said that. I fully agree with every one of those statements.

The gentleman from New York also said, well, you know, in this time of war, in this time of deficits, in this time of debt, we should be able to get this money. We are not, Mr. Speaker, always going to be in that situation. But if we continue to double tax any American, that is a forever situation and it is forever wrong.

So, clearly, I was in favor of full repeal. However, I believe the bill before us today is a very strong compromise. It will protect many more families, small businesses, and family farms from this double taxation, or the so-called death tax.

It is my understanding, Mr. Speaker, that it also, with a manager's amendment, is indexed for inflation. Those of us, the fiscally conservative Members of our side, felt very strongly about that, and I am pleased with that addition.

I know many of my colleagues are as disappointed with the failure of the other body to pass a full repeal as I am; but as many of us say, we cannot let the perfect become the enemy of the good. So I think there is a lot of good in the bill that Chairman THOMAS has brought to us today and that we are discussing at this moment. We have an opportunity to take a substantial and a permanent chunk out of the death tax with a bill that can pass the Senate. They assure us, and I believe, that there will be 60 votes for this bill.

In conclusion, Mr. Speaker, again I want to thank Chairman THOMAS and the committee for their commitment and all of the hard work in bringing this bill before us today. Now is the time for us to pass some real tax relief and eliminate the most egregious form of double taxation.

□ 1045

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, The Washington Post reports today that middle-class neighborhoods are evaporating in America. It says that it is happening because the gap in this country between the rich and poor is rising at an alarming rate, making it harder for families to raise their children.

And what we consider today will only speed up that process: an estate tax cut giving an enormous tax cut to the richest 10,000 estates in the Nation, no one else. And don't let them fool you, it is not about small business, it is not about family farms; the 10,000 richest estates in the Nation. It will cost $762 billion in the first 10 years alone, this at a time when we are spending between $5 billion and $8 billion per month on the war in Iraq.

Meanwhile, our productivity as a Nation has risen by about 14 percent as the real wages of nonmanagerial workers have risen less than 2 percent. So when people look at the statistics, they wonder where is the rest of that money going? All they need to do is look at this Congress and the Republican leadership of this House emptying the Treasury for the likes of millionaires and billionaires.

Democrats believe this country is not about survival of the fittest but opportunity for all. Democrats understand the pressures on middle-class families: rising health care costs, education, home heating oil, gas prices. We believe we could be raising the minimum wage, one of the best tools we have to keep families from falling off that economic cliff. It has not been raised in almost a decade. Had it been adjusted just for inflation since 1968, those families would be making $9.05 instead of $5.15.

And if this Congress can get a raise, the American people ought to be able to get a raise. But the Republican majority is afraid to let this House even have a debate, a choice, between yet another tax cut for millionaires and a wage increase for families. They are afraid of that real debate that Americans want to have about their economic future.

The American people want us to walk in their shoes, understand their lives. They don't want to see millionaires and billionaires be able to get a tax cut that will help to bankrupt this Nation. What they do want to see is their wages increase. We need to raise the minimum wage and oppose this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I rise in support of this rule and the underlying legislation; in fact, in enthusiastic support. I am a cosponsor and have voted several times in this Chamber for permanent repeal of the death tax. This is not repeal, but it is relief, and it is significant relief.

I listened intently to the gentlewoman who spoke just before me. I found that a curious argument. I guess I see America and Americans a little bit differently. I think we ought to be incentivizing and stimulating and celebrating the achievement of the American dream every possible way we can.

I was in business myself, private business, all my life before I came to this Chamber, and as a community banker, I banked, I partnered with a lot of small business people. I celebrated their path to trying to create wealth and keep a business, especially a family business, going generation after generation.

I don't believe there is anything more egregious that government has ever done to disincent the achievement of the American dream than the death tax.

We tax everything you buy, everything you sell, you get to the end of the year, and if you happen to magically have something left, we want a piece of that. And then when you finally close your eyes for the last time, we are going to take our piece of what you have managed to accumulate through your lifetime. I think it is close to criminal, if not criminal.

Today we have an opportunity to provide some relief to those that do what so many come to this Nation for, to achieve the American dream. We have a chance to provide them some relief, some hope that what they worked all their life for, to accumulate something, maybe a business, maybe a family asset, pass it on to their children and their children's children, and that they might be able to do that without the threat of the Federal Government taking it away from them with excessive taxation.

It is with a great deal of pride and, frankly, a great deal of personal experience that I rise again in support of this rule and the underlying legislation. This is not, again, the permanent repeal that I think would be the best thing to do, but I think what we have before us is an opportunity to work with the other body to actually make law that will make a difference for Americans, American families, and our constituents back home that we all support.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to begin by saying to my friend from Indiana, I think it would be helpful for this Congress to have the information about all of the family farms that have gone out of business in Indiana because of this estate tax. I think it would be helpful if we wrote to the appropriate officials in Indiana to get that list so we could share it with everyone here and see how it impacts this legislation.

I want to say, the last 24 hours will tell you everything you need to know about what is wrong with Congress: holding up the Voting Rights Act; knocking down the minimum wage increase; relieving the superrich from responsibility for paying estate taxes; and keep sending our children to fight and die in a war based on lies. That, by the way, is the real death tax, and it is paid by the poor and the middle class.

Our new motto should be: "United We Stand, Sure. But Divided We Profit."

H.R. 5638, the estate tax legislation, should be more accurately described as the American Idle Act, I-D-L-E, because it relieves the children of billionaires and multimillionaires of over one-quarter of a trillion dollars of estate taxes in just the 5 years starting in 2013. The $2,600 per taxpayer loss of revenue will take money from our schools, our health care, our senior citizens, and our veterans.

The Bible says it is easier for a camel to get through the eye of a needle than for a rich man to get to heaven. Here in Washington, the superrich ride elephants, and hopefully no donkeys, to get to their alabaster heaven where they pay no taxes.

Money, most of which has never been taxed once, will continue to gush upwards. The estate tax is cleverly tied to the capital gains rate, currently at 15 percent. Estates up to $25 million or $50 million for a couple will pay the capital gains rate of 15 percent, and those over that will pay double the rate; but what will happen when Congress eliminates the capital gains tax? There will be no estate tax because one or even two times zero is still zero. At that time the destruction of the middle class will be complete. The ascendency of a new plutocracy will be complete.

Allan Sloan of Newsweek put it this way 2 years ago: "In the name of preserving family farms and keeping small businesses in the family, President Bush would create a new class of landed aristocrats who would inherit billions tax-free, invest the money, watch it compound tax-free and hand it down tax-free to their heirs."

President Lincoln didn't pray for a government of the wealthy, by the wealthy and for the wealthy at Gettysburg. He prayed for a government of the people, by the people and for the people. Whose prayers are we answering here?

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who was denied an amendment in the Rules Committee.

Mr. POMEROY. Mr. Speaker, the rule before us allows only one alternative. You know, it has been said before but it deserves repeating today: As our troops fight for democracy in Iraq, we ought to show that we can have democracy on the floor of the House.

I went to the Rules Committee with another alternative for reforming the estate tax, and to have on a party-line vote the majority refuse to allow the Members of this body to even consider any other alternative but the Thomas proposal, in my opinion, does violence to notions that this is a deliberative body where ideas can be considered.

The bill before us is not a reform bill of the estate tax, it is virtual repeal, and make no bones about that, virtual repeal of the estate tax.

Look at this chart. The cost of the alternative I advance and have not been allowed to offer is 40 percent the cost of repeal. Our early estimates on the full phased-in cost of the Thomas proposal is that it will lose 80 percent at least of the revenue of full repeal. That is not a compromise.

I bet you are going to hear some of these guys say we are going to compromise. This is not a compromise, it is virtual repeal. You lose 80 percent of the revenue, it is virtual repeal, no compromise.

Now this is a shocking loss of revenue to help a very, very few people. The proposal that I was not allowed to introduce would have made exempt all of the estates but for 3/10 of 1 percent.

Earlier there was a gentleman from Indiana said small businesses have been lost all over the State of Indiana. I believe he is factually mistaken. I issue a challenge to him right now and anyone else, bring me the names. Bring me the names.

There is no fact whatsoever behind these assertions that this is about small farms and family businesses. This is about the wealthiest estates in this country, and now let me put it really to bear.

The distribution table on the Thomas proposal is that of the $800 billion that would be lost between 2010 and 2020, 43 percent would go to those worth more than $20 million. In a decade when we are going to have 78 million Americans turning 65, we have Social Security going out of balance in 2018, we have Medicare going out of balance in 2012, we are going to take $800 billion and ship it to those who make more than $20 million? What in the world are we thinking about?

Medicare and Social Security apply to everybody. The estate tax proposal advanced by the majority today applies to way fewer, way fewer than 3/10 of 1 percent. This sliver showed the number of estates that would have been taxable under the proposal I have not been allowed to offer today. Their proposal that goes to the $20 million crowd and up even deals with a smaller number yet. What in the world are we thinking?

The preceding speaker said he cannot think of anything more that does violence to the American dream than the death tax. Let me tell you about a few other things that do violence to the American dream: This Congress running up a debt and having to vote not just once in March, but again in May to raise the borrowing limit of the country, putting us nearly $10 trillion in debt. Another thing that does violence to the American dream, the cuts that have been made in student loans so people can pursue the notion of upward mobility, they can get ahead in this world, but they cannot afford to get to college, and they cut student loans in the face of it.

And yet the portion of the American dream that they seem most concerned about is for this $20-million-and-up crowd, even while we have no idea how we are going to solve this Medicare solvency imbalance or how we are going to fund the Social Security imbalance.

Let me come back to the basic issue presented by this rule. How come we only have their plan to consider? We have a plan, a plan that makes the estate tax go away completely for 99.7 percent of the people in this country, and they won't even allow it for consideration. Vote down this rule, vote down this virtual repeal of the estate tax.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from New York how many speakers she has, because I at this time have no more requests.

Ms. SLAUGHTER. I too have no further requests for time, so I will close.

Mr. Speaker, I think what we ought to call this tax is the Paris Hilton tax. Paris Hilton, once this is passed, will be able to jetset again around the world buying herself more bling and more little dogs to carry around in her purse, and probably never work a day in her life.

But while we are helping Paris with her problems, I think we need to think about the poorest among us, those people working two and three minimum-wage jobs every single day simply to try to keep themselves alive and that we have turned our backs on now for over a decade.

So I urge all Members of this House to vote "no" on the previous question so I can amend the rule and allow the House to vote on the Miller-Owens bill to increase the Federal minimum wage for the first time in almost 10 years. The bill is identical to the minimum-wage language included in the Labor-HHS appropriations bill that was supposed to come to the floor this week, but was pulled by the leadership.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, my amendment to the rule provides that immediately after the House adopts the rule for the Paris Hilton bill, it will bring H.R. 2429 to the floor for an up-or-down vote. The bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 an hour after 2 years.

Mr. Speaker, it is time we started to help workers, instead of making the very rich in this Nation richer. And I want us to stop this nonsense that we are doing this for poor farmers. Nobody can come up with a name of a poor farmer. And we will ask the State of Indiana to give us a list of all those people who went under because of this tax.

But we are considering another massive tax cut for our Nation's wealthiest. And to make matters worse, it is done the same week that the leadership of the House blocked legislation to increase the minimum wage for those who need the help the most.

America's low-income workers need our help, but millionaires don't. We are losing our middle class. One of the best things we can do to help the low- and moderate-income families is to increase the minimum wage. It has been, as I said, a decade since it was voted to increase, and it was signed in law in 1996 with the last increase in 1997.

After adjusting for inflation, the value of the minimum wage is at its lowest level since 1955. The purchasing power of the 1997 increase has eroded since then by 20 percent. A full-time minimum-wage earner working 40 hours a week makes $10,700 annually, an amount that is $5,000 below the poverty line for a family of three. The minimum wage now equals only 31 percent of the average wage for the private sector and the nonsupervisory workers, and that is the lowest share since the end of World War II.

Mr. Speaker, can there possibly be any doubt that we are long overdue for another increase in the minimum wage?

Leadership in this House has managed to implement numerous tax breaks for the wealthiest Americans, including this billion dollar budget buster that we are considering today, but turns its back on those who work the hardest and are paid the least, those with no lobbyists, those who struggle to make ends meet every day. They don't have any lobbyists but us on their side. And I think it is time for Congress to step up to the plate and help those who need it most, not just those with the fattest bank accounts.

And those who say an increase in the minimum wage will hurt business and economy are plain wrong, and facts argue just the opposite.

So I urge all Members of this body to vote "no" on the previous question so that we can help 7 million-plus American workers who will directly benefit from an increase in the minimum wage.

And let me close by saying this is a very sad day because I believe this bill will pass. And I think this Congress of the United States will go on record as saying that we don't care about those people other than those who can hire the lobbyists and do everything that they want to do.

Mr. Speaker, I yield 2 minutes to Ms. BROWN.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the ranking member; and with what is going on here today, I know soon that you will be Chair, because this is really a very sad day in the House of Representatives, the people's House.

Once again, we are doing like what has happened in this House over and over again, practicing what I call reverse Robin Hood. When I was coming up, my favorite program was Robin Hood. Well, what this House, under the Republican leadership, constantly practices is reverse Robin Hood. What does that mean? Well, it means robbing from the poor and working people to give tax breaks to the rich.

Today, instead of debating a fair minimum-wage bill, we are debating a near repeal of the estate tax bill for millionaires. This is a bill that benefits only 6 to 7,000 very, very wealthy people. This does not help the poor or the majority of working Americans at all. This reverse Robin Hood policy which gives tax breaks to the very wealthy robs from the rest of us and leaves us with very little money to provide services like educational loans, health care, homeland security, transportation, our Nation's veterans, our seniors, our children, the poor.

This is the reason why 77 percent of the American public does not believe that the United States Congress represents their interests. And this reverse Robin Hood bill is a perfect example of why.

I strongly urge my colleagues to vote "no" on the rule and send this horrible bill back to the drawing board.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, let me just review. This issue has been around in Congress for some time. This House has acted on full repeal of the death tax for the last three Congresses on a bipartisan basis. But the reality is we simply can't get this through the full Congress because the other body simply doesn't have the votes, supermajority votes, I might add, to close off debate over there, so we have to pass something that can pass both Houses of the Congress. This bill does that. And it is important that we pass this bill as soon as we possibly can so those that are trying to plan estates after 2010 can make those plans with some certainty.

So, Mr. Speaker, this is a good bill. This is a good rule.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 885, RULE FOR H.R. 5638—PERMANENT ESTATE TAX RELIEF ACT OF 2006

At the end of the resolution add the following new section:

"Sec. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for a amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to H.R. 5638, the latest deficit busting tax giveaway from this Republican-controlled House. This enormous Republican tax giveaway completely ignores the real economic needs faced by the 99 percent of American citizens who work hard, pay their taxes and receive zero benefit from this bill. Instead, the priority of this Republican Congress is providing special handouts to estates with assets worth tens and hundreds of millions of dollars—America's economic elite—and then have these tax cuts for the privileged paid for by middle class families.

This legislation should be called the "Add Debt on America Tax Giveaway Act" since this bill will have the effect of adding nearly $800 billion to the national debt—10 percent of the total current debt—over the next 10 years. The cost of Republicans cutting and running from common sense and fiscal responsibility is that 99 percent of Americans will be forced to pay for the debt created by this nearly $800 billion tax cut for the super-rich.

Less than 1 month ago this Congress passed a tax bill providing capital gains and dividend tax cuts that primarily benefit families making over $1 million a year. Now Republican leaders are giving away nearly $800 billion in tax cuts for the 7,500 wealthiest families in our country, including an estimated 75 who live in Minnesota. Estates valued at over $20 million account for 43 percent of the value of this legislation and will receive an average tax break of $5.6 million. This so-called virtual elimination of the estate tax is an attack on the middle class and an abandonment of equity or fairness in taxation.

The Bush administration and Republicans in Congress are addicted to tax cuts that bust our Federal budget and add trillions of dollars to the national debt. Since 2001, Republicans have taken a $5.6 trillion Federal budget surplus left by President Clinton and turned it into a $3.2 trillion deficit. Republicans in Congress have raised the debt limit four times—for a total of $3 trillion—and our Nation now faces a national debt approaching $9 trillion. The answer to this fiscal disaster is not cut-and-run tax policies that ignore the needs of 99 percent of American citizens. The response from this Congress should be to enforce fiscal discipline—including a restoration of pay-as-you-go rules to balance the budget. It is time to return the focus of Congress on to the real priorities of middle class American families who are being squeezed at the gas pump, at the grocery store, paying college tuition and paying for skyrocketing health care costs.

During the last 8 years, special interest lobbyists for the 7,500 wealthy estates have been paid $600,000 a year to push the elimination of the estate tax Congress. These lobbyists have spun the myth that the estate tax hurts small businesses and family farms. However, the New York Times searched for a farmer hit by the estate tax but failed to find a single farm lost because of the estate tax—not on single family farm in all of the United States that needed to be protected because this tax giveaway is not about farmers or small business owners, but our Nation's most privileged millionaires and billionaires.

Today, middle class families are being hurt by Republican cut-and-run policies that cater to the super-wealthy who hire lobbyists to get Congress to pass legislation—like H.R. 5638—that will protect their assets tax-free by passing their tax burden on to hard working families. Students struggling to afford college received a $12 billion cut to student aid, families cannot afford health insurance after Republicans have made deep cuts to Medicaid and Medicare, and our senior citizens continue to worry about access to affordable prescription drugs since this Congress passed a law to guarantee profits for pharmaceutical companies and HMOs at taxpayer expense. And all Americans will be affected by the rising interest rates caused by our out-of-control Federal deficit.

Mr. Speaker, this bill is fiscally irresponsible, completely unnecessary and threatens America's fiscal security, as well as our national security. President Bush's fiscal year 2007 budget calls for $247 billion in interest payments on our national debt. This is $247 billion not going to educate our children or keep America secure, but instead is going to wealthy investors and foreign governments that have purchased our Nation's debt. Now, this Republican Congress is adding almost $80 billion more on the national debt, adding to the federal budget deficit and our Nation's fiscal insecurity. This is an irresponsible and dangerous piece of legislation that makes America less secure. I urge my colleagues to reject this latest Republican cut-and-run tax giveaway and focus on the needs of American families.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO ACT OF 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 886 and ask for its immediate consideration

The Clerk read the resolution as follows:

H. RES. 886

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend and colleague from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 886 is the rule that provides for debate of H.R. 4890, the Legislative Line Item Veto Act of 2006.

As a member of both the Rules Committee and the Budget Committee, the two committees of jurisdiction for the underlying legislation, I am pleased to bring this resolution to the floor for our consideration.

The Legislative Line Item Veto Act is the product of years of work on both sides of the aisle in Congress and at both ends of Pennsylvania Avenue. The original Line Item Veto Act was signed into law in April of 1996. It was later found unconstitutional by the Supreme Court in its 1998 ruling on Clinton v. The City of New York. In each Congress since 1998, there have been multiple proposals from both parties to give the President constitutional line item veto authority.

In his State of the Union address this year, President Bush stated: "I am pleased that Members of Congress are working on earmark reform, because the Federal budget has too many special interest projects. And we can tackle this problem together if you pass the line item veto."

This subtle, but powerful, statement gave momentum to the effort to consider a constitutional option to the original Line Item Veto Act. The statement was followed up by an official message from the President to Congress in which he specifically asked Congress to consider his proposed Legislative Line Item Veto Act of 2006, which was subsequently introduced by Representative PAUL RYAN of Wisconsin.

This legislation is based on an expedited rescissions approach to controlling spending that has been historically supported by both Democrats and Republicans as a means of bringing greater transparency and accountability to the budget and spending process. In fact, during the early 1990s, and again in 2004, expedited rescissions proposals that would have provided the President with the ability to propose the cancellation of spending items and special interest tax breaks and have them considered by Congress on an expedited basis were widely supported by Members of both parties. The Expedited Rescissions Act of 1993 was introduced by the ranking member, the Democratic leader on the Budget Committee, and received 258 votes on the House floor, including 174 Democrats. The Expedited Rescissions Act of 1994, another bill sponsored by the ranking member on the Budget Committee, received 342 votes on the House floor, including 173 Democrats. In 2004, the Ryan-Stenholm bipartisan Expedited Rescissions amendment received 174 votes on the floor, including 45 Democrats, one of which was the ranking Budget Committee member.

The current version of H.R. 4890 is also the product of that bipartisan effort. Based on input from Members from both sides of the aisle, it is narrowly drafted to meet the intent of allowing the President to work with the Congress to reduce wasteful spending, while preserving the separation of powers between the legislative and executive branches. This legislative line item veto ensures that the power of the purse remains in the hands of Congress, where our Founding Fathers placed it and intended it to remain. Both the House and the Senate must affirm the President's vetoed spending. We will vote on any items the President selects. Congress maintains the final say on where and how and if the funding in question occurs.

Mr. Speaker, I thank Mr. RYAN, the Budget Committee, and the Rules Committee for creating legislation that will enable this Congress to maintain control of our spending priorities at both the beginning and the end of the budget process. This legislation is another example of the Republican-led Congress and our President pushing forward with fiscal discipline.

I urge members to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague and good friend from Florida (Mr. PUTNAM) for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule and the underlying legislation. It is the misguided belief of some that the line item veto will serve as an effective tool to overcome the profligate spending by Congress. The irony, of course, is that if Congress had any kind of backbone, we would do it ourselves. For instance, if these same Members, who in my opinion feign seriousness about reining in spending, were actually serious, they would support our colleague, Mr. FLAKE, more often in his admirable yet heretofore unsuccessful attempts in cutting spending using the constitutionally mandated method, writing them into or removing them from bills before being sent to the President.

□ 1115

Proponents argue that giving the President enhanced authority and power would check Congress' mismicromanagement of Federal spending. Frankly, I think this reasoning is preposterous. I highly doubt that increased rescission authority would be used to decrease our Nation's deficit. To the contrary, I believe such authority would only further the aims of the partisan politics we have seen through this Congress and this administration. And let me be fair. If there is ever a Democratic President, I think he or she would likely use this particular legislation in a partisan fashion.

For more than 5 years, the President has continually signed off on budgets that have only deepened our Nation's deficit. If the President seeks to cut excessive spending and lower the deficit, he, meaning this President, should adopt the traditional means he already possesses before seeking expanded authority.

Americans might have less trouble keeping their heads above water if they were not being overwhelmed with the red ink flowing in Washington, D.C. The truth of the matter is that this President has no need to use his power to veto when he can convince the majority in Congress to strike sections of legislation that go against the President's political agenda. In fact, in the more than 5 years that President Bush has been in office, he has not used the veto authority he currently possesses to veto a single piece of legislation that would lower our deficit or reduce the debt.

Who knew that in the year 2000 the Supreme Court would choose America's first prime minister and relegate Congress' role to that of an advisory committee.

Someone said recently that this Republican Congress has been simply a rubber stamp for the President. I politely disagree. My view is that at least a rubber stamp leaves an impression.

We have heard, and we will continue to hear, that almost all our Governors have something akin to line item veto authority. This, however, should not be used as a reason why we ought to do the same at the Federal level. In Florida, for example, the Governor's expanded veto authority has clearly shifted powers long held by the State legislators to the executive branch. We cannot let this happen here. We, the legislators, not the executive branch, should determine the legislative agenda.

Ms. SLAUGHTER, in our meeting the other day, said where is it that this divine notion of what ought to be in the power of the purse is over there at 1600 Pennsylvania Avenue, no matter who occupies that office?

Now, once you take an even closer look at this bill, it gets even worse. The bill's provisions mandate that no amendment can be made to any rescission bills while in committee. This heavily restrictive "all-or-nothing" approach to the legislative process is quite damaging. Moreover, it totally undermines proponents' arguments that the President's "all-or-nothing" power to veto is what must be curbed.

The bill also stipulates limited debate in both the House and the Senate. It certainly does not answer the question of what happens if the Senate votes one way and the House votes another on one of the measures that the President has determined should be rescinded. These requirements do nothing but upset the delicate balance of power that our Founding Fathers crafted.

A footnote right there: Didn't the Supreme Court already tell us once before that veto in this particular fashion was unconstitutional, the line item veto?

If this bill passes, consensus, the ultimate cornerstone of the legislative process, as well as the principles of democracy itself, will most definitely be lost. Furthermore and most importantly, I do not think it wise or in the best interest of the American people for the legislative branch, this House that the Founding Fathers gave the power of the purse, to delegate more of its powers to any administration. Republican, Democrat, Independent, Green, wherever the President comes from, they should not have the power constitutionally mandated for the legislative branch to have. Administrations have continually abused our trust and usurped our constitutional authority.

For more than 5 years, the delicate system of checks and balances that our country depends on has been compromised all too often. Whether using so-called signing statements, and I wish I had to time to explain to the American public that dynamic, and I might add used by President Clinton as well, but not as much as by President Bush, which include caveats to bills, or tapping our phones, or wildly interpreting authority given by the PATRIOT Act, this President has shown little to no regard for Congress' coequal authority for control over the management of the country.

We cannot let this President, or any President for that matter, upset the balance needed to run this country. Granting line item veto authority to the executive branch would not only be offensive to democracy, it would be a serious mistake. It would undermine the United States Constitution, and it would be the kind of mistake we cannot afford to pay.

We are not children in this body, Mr. Speaker. We do not need to enshrine in law a paternalistic relationship between Congress and the President.

I urge rejection of this rule, and I urge rejection and entreat my colleagues to defeat the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield 4 minutes to my colleague from Florida, a member of the Budget and Appropriations Committees, Mr. CRENSHAW.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this rule so that we can get on with the underlying bill to grant the President line item veto to just be another tool in trying to get a handle on the way we spend money here in Washington. Everybody knows that we are trying to do a better job of controlling spending, and the line item veto would just be another piece of the puzzle, another reform that we ought to put in place to help us toward that goal.

Now, first and foremost, we have got to exercise discipline ourselves here in this House. And a lot of people do not realize it, but we have actually done that. The last couple of years we have written a budget in this House where, for instance, last year in the budget, when you take out defense and homeland security, the nonsecurity spending of the United States Government actually went down for the first time in 20 years since Ronald Reagan was President. This year we wrote a budget that freezes nonsecurity spending. And that is a huge step in the right direction.

We have also put a rainy day fund in our budget this year to kind of be like most American families, to say if there is an unexpected problem, we will have some money set aside. We are already talking about earmark reform. That is part of some legislation.

So now we have got the line item veto. That will give the President the right to say, "I see something in the spending bill that looks a little bit out of line, and I want to bring it up." Now, all that does is add a little bit more oversight, a little bit more accountability, a little bit more transparency into this overall budget process. What is wrong with that? If you really want to get a handle on how we spend money, what is wrong with an additional review? It might even make us here think more thoughtfully about the things that we do and the money that we are spending it on.

So I just think that this is part of the puzzle. It is one tool. It is not going to solve the spending problem once and for all, but it certainly is a valuable tool. We all know that government needs money to provide services, but it seems to me right now government needs something more. It needs discipline, and we are providing that, and the line item veto will help with that. The government needs the commitment to make sure that every task of government is completed more efficiently and more effectively than it ever has been before, and the line item veto will help in that regard.

We can do more with less around here, and if we pass this line item veto, that will just be another part of the puzzle, another tool in our equipment to get a handle on the way we spend money. The American people deserve no less.

So I urge adoption of this rule and adoption of the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, excuse me. Will my colleague remain for me to use some of my time to ask him a question before I yield to my good friend Mr. MILLER?

Mr. CRENSHAW. Yes, sir.

Mr. HASTINGS of Florida. And I might add my good friend and fellow Floridian, and he is my good friend.

Let me ask you, Mr. CRENSHAW, do you feel that this House of Representatives and the U.S. Senate, or the Congress, is in a deficit spending environment at this time? Can you answer "yes" or "no"?

Mr. CRENSHAW. I know this year there will be a deficit in terms of our overall budget and spending this year.

Mr. HASTINGS of Florida. Right. And every year since the President has been in office, we have been in this deficit spending environment; would you agree?

Mr. CRENSHAW. I think it is going down, and that is the good news, because the economy is growing.

Mr. HASTINGS of Florida. Then tell me what is down and what is up? Did we not raise the debt ceiling twice?

Mr. CRENSHAW. We raised the debt ceiling twice. And the economy is roaring, and we lowered taxes, and people are back at work, and the deficit is going down, down, down. And that is good news.

Mr. HASTINGS of Florida. Reclaiming my time, you say that this will be a little bit more. Our good friend PAUL RYAN, who is an author of this legislation, yesterday in my dialogue with him, he agreed that this legislation gives the President the power to do five messages in regular legislation and 10 in an omnibus. Do you think by any stretch of the imagination that the American public believes that this is going to reduce the national debt?

Mr. CRENSHAW. For instance, I would say this: We had a transportation bill last time.

Mr. HASTINGS of Florida. Can you answer "yes" or "no"?

Mr. CRENSHAW. And you have heard of the "bridge to nowhere"? That was about $300 million, and that kind of made its way through the process on to the President's desk. And I think if the President had had a line item veto, he might have said, You know what? I think you ought to take another look at that "bridge to nowhere." And he could have exercised that line item veto. And maybe if that had gone away, then, yes, we would have spent less money, and the deficit would not be as large as it is today, and that is good.

Mr. HASTINGS of Florida. Reclaiming my time, we do not live in Alaska, and no affront to you. I am delighted that we have $1.8 billion coming to Florida for coastal protection, but the President could have line itemed that, too.

Mr. CRENSHAW, you served in the State legislature. And under Democrats and Republicans that had the line item veto, the simple fact of the matter is they have used it in a partisan fashion more often than not. That is among the fears.

Thank you for the dialogue.

Mr. Speaker, at this time I am pleased to yield 4 minutes to my good friend from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

It is fitting that we are talking about the line item veto when we are doing the estate tax. President Clinton left you guys an estate of $5 trillion, and like irresponsible relatives, you went off and blew it. And now you are saying to the country, like so often serial killers leave notes for the police, as the Son of Sam did, saying, "Help me before I kill again," you are saying, "Help me before I spend again."

You control all the mechanisms of spending. You control the House. You control the Senate. You control the Presidency. And you need help before you spend again. What is this, Comedy Central? What is it you are doing here? "Help me, I can't stop spending. Give me a line item veto, and maybe the President will veto 1 million here or 10 million there or 5 million there."

We have an $8 trillion debt. You inherited a $5 trillion surplus. The money you are going to give to the richest families later today in this country, the richest 7,000 families, you are going to borrow from Social Security.

Mr. CRENSHAW says you are now being fiscally responsible because you have a rainy day fund. You are the only family in America that went out and borrowed money to put into a rainy day fund because you do not have any money. The American people do not have any money in this government. All they have is debt. And you want a bill to help you to keep from spending again. What you need is a 12-step program on spending.

□ 1130

It is called intestinal fortitude. It is called having a spine. It is called having some guts to do what is necessary. But the first thing you did was get rid of the discipline and pay-as-you-go. So now you are stuck.

But more importantly, the Nation is stuck, and so we see this little plea, on the morning that we are going to give away almost $1 trillion to the richest people in the Nation, you have a plea here that maybe the President will stop the bridge to nowhere. How about Congress stopping the bridge to nowhere? How about doing what you were elected to do?

You don't need a line item veto. This isn't about statutes. This isn't about vetoes. This is about what the Congress is to do. You walked in here fresh, newly elected, and you got handed $5 trillion. And now you can't stop yourself. You can't stop yourself.

You can stop yourself from giving the people an increase in the minimum wage that hasn't increased since 1997. You can't give those people 70 cents more an hour. But you give it away to the richest estates, and then you can plead that but for the line item veto, we would somehow get to a balanced budget.

Every dollar you are going to spend today, tomorrow, and every dollar you spent yesterday and the day before came out of the Social Security Trust Fund. I am sure that America, while you are putting away a rainy day fund on borrowed money, I am sure America is delighted that you are putting away the estate tax on their Social Security earnings, on their trust fund. You are taking their trust fund that belongs to all Americans called the Social Security Trust Fund and you are raiding it for the trust fund of the heirs of the richest estates in America. What a wonderful example today. What a wonderful example for young people to learn about our obligations to future generations.

This is a theater of the absurd. You have run the country into the ditch financially. You got a $1 trillion war going that you can't figure out how to stop. You have stolen most of the money from Social Security Trust Fund. Every year we have a deficit. We have a $8 trillion debt. And you want to talk about the line item veto.

You know, the government is spending money like a drunken sailor, and Ronald Reagan said, well, at least the sailor was spending his own money.

You are spending the public's money at a rapid, illegal, unconscionable, immoral rate, and you ought to stop, but the line item veto won't do it.

Lots of things have changed since 1997, but the value of the minimum wage isn't one of them. Because of Congress' failure to act on behalf of the lowest paid workers in America, the minimum wage is still just $5.15 per hour. $5.15 per hour. Think about that. At $5.15 per hour, you would have to work all day just to fill a tank of gas at today's gas prices.

At $5.15 per hour, you would have to work for at least 30 minutes just to afford a single gallon of milk.

Democrats have a simple and reasonable proposal: We want to raise the minimum wage to $7.25 per hour over the next two years. Doing so would directly benefit 6.6 million American workers. The vast majority of those workers are adults. Hundreds of thousands of them are parents with children under the age of 18.

We have all heard the well-worn economic arguments against raising the minimum wage, and we all know they simply aren't true. The truth is that raising the minimum wage won't hurt the economy, and can even help it.

But forget about economics. That's not what this issue is about. This issue is about doing what's right. And it is just wrong that, in the wealthiest and most advanced country in the history of the world, millions of adults work full-time, all year, and yet still earn an income that leaves them deep in poverty.

It is just wrong for the Republican leaders of this Congress to refuse to allow even a vote on raising the minimum wage. But what makes all of this far worse is that today, once again, as it has done so many times during the past several years, the leaders of this House are going to push tax breaks for the wealthiest people in this country .

You know, starting in 2009, only the largest and wealthiest 7,500 estates nationwide will pay the estate tax. The Republican plan to gut the tax on these 7,500 estates will add three quarters of a trillion dollars to the federal budget deficit over the next decade. That's trillion with a T.

Lee Raymond, the former CEO of Exxon Mobil, stands to save as much as $160 million if this estate tax repeal goes through. This is the same Lee Raymond who left his job with a $400 million retirement package.

Why is the Republican leadership so worried about people like Lee Raymond? Why is the Republican leadership constantly looking for new ways to help the absolute richest people in the country? When is the leadership of this House going to do something for the lowest-paid families in America?

If you are born with a silver spoon in your mouth and you stand to inherit millions or even billions of dollars that you did not work to earn, then this Congress wants to serve you. But if you get up every day and go to work to earn a living, then don't expect any help from this Congress. The message all of this sends could not be clearer. The Republicans value wealth, not work.

If you hold up your end of the bargain and contribute to your community and our economy by working hard every day, then you should not have to live in poverty. It is well past time for this Congress to treat America's working families with the respect and dignity they have earned.

The choice to provide hundreds of billions more in tax breaks for the ultra-wealthy is shameful. It's even more shameful to do it while steadfastly refusing to raise the minimum wage.

Mr. PUTNAM. Mr. Speaker, I would just remind my friend that on the three previous occasions there has been an opportunity to vote on this issue, 173 Democrats one time, 173 Democrats another time and 45 Democrats at another time all joined the cast members at his theater.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I appreciate the gentleman yielding.

Mr. Speaker, I rise in very strong support of this rule and certainly the underlying legislation as well.

You know, President Reagan said the government is too big, and it spends too much. That is a very simple statement, but it really goes to the heart of why we need to have a line item veto.

The American people are demanding something be done to get a handle on some of the out-of-control spending that does happen here, and the legislation we are considering today will go a very long way to bring fiscal restraint and greater accountability to government spending.

The line item veto has actually worked in many, many States across our great Nation, including in my home State of Michigan, and I believe it can work here as well at the Federal level.

Currently the only way that a President can make a stand against wasteful spending is to veto an entire bill, even though perhaps only a few provisions in that might be offensive. We have seen that not only this President, but others before him have been extremely hesitant to do so.

So often we hear about some particular egregious pork-barrel spending slipped into what is otherwise a very good bill, and right now there is really nothing that can be done. This bill gives another tool. It is another way for the administration to work with the Congress to address spending in a responsible and a reasonable manner.

This bill is common sense, and I think it will require lawmakers to be more careful about the spending that they are advocating and also to be able to justify that spending. I think this is a great start toward fiscal responsibility, and I urge my colleagues to support this rule and again to support the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend from Wisconsin, perhaps it would be helpful if we have a little bit of historical foundation. Sometimes we forget these great people that met and debated for a long time before they determined the form of government that we should have.

But one of the things that they established most immediately in Article I, after the Preamble, "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America," Article I, Section 1, colleagues: "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives." Not a President.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, first of all, this rule is outrageous. We have a closed rule, no amendments, no substitute allowed in order. We had a serious discussion in the Budget Committee just last week over this legislation raising serious issues of concern about the body of this legislation. Now we come to the floor today, and we are completely foreclosed from having an honest debate about some of the fixes that I feel and many of my colleagues feel are necessary to improve this legislation.

Now, I appreciate what the authors of the legislation are trying to accomplish, but let's not forget one fundamental fact: If there is a concern about overspending in this Congress, we already have a tool to address it. It is called stop spending.

I guess I would have a little more confidence if the track record of this administration and this Congress was more serious about fiscal responsibility. This is the first President since Thomas Jefferson who has refused to veto one spending bill. He is not even using the rescission process that he already has authority to do.

The last reconciliation measure before this Congress actually increased the national debt, rather than reducing the national debt, for the first time in our Nation's history.

I am afraid this legislation today is nothing but a political fig leaf to try to cover up the complete breakdown in fiscal responsibility under this administration and this Congress. And that is unfortunate, because we owe a better work product to future generations, rather than leaving them a legacy of debt.

Five debt ceiling increases in the last 6 years. They have presided over the quickest and largest expansion of national debt in our Nation's history, and the fastest-growing area in the Federal budget today is interest on the national debt.

What is really unfortunate is we no longer owe this debt to ourselves. We are completely dependent on foreign countries such as China to be financing these deficits today, putting us in a security and an economically perilous situation dependent on other countries to be financing our books because we don't have the institutional will to do it ourselves.

We had a viable and credible substitute that actually gets serious about fiscal responsibility. It reinstitutes pay-as-you-go rules, a tool that worked very effectively in the 1990s that led to 4 years of budget surpluses when we were actually paying down the national debt rather than increasing that debt burden to our children and grandchildren.

We also called for a greater time to review spending measures before they are brought to the floor so we have a chance to dig into it and find out where the spending is going.

We also had in our substitute an important provision that would prohibit any administration from using this line item power to blackmail Members of Congress in order to cajole votes from them to support other measures that are completely unrelated to the spending bill before us.

These are serious deficiencies that many of us have in the bill, but we are foreclosed from discussing them with amendments or by offering a substitute today. I think that is an outrage.

I would encourage my colleagues to reject this rule. Let's open it up. What are we afraid of? Let's have an honest debate. Let's have a debate of ideas, and let the votes fall where they may.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I sit here and I listened to what can only be termed as the height of hypocrisy. The gentleman who has just debated against this particular bill in fact 2 years ago voted for almost the same thing, and now today he is voting against it. I don't care what you say, that is pretty funny right there.

Since 1991, Federal spending on special-interest projects has increased by 900 percent. We understand that. Congress is long overdue in extending the line item veto privileges to the President of the United States.

This bill does not vest within the President the ability to solely go in and line item veto by himself. It comes back to the Congress. It gives him the authority to propose elimination of earmarks, but it leaves Congress the ability to give an up-or-down vote on the President's proposal.

I served in the Florida State Legislature where there is a line item veto by the Governor, and it was inferred just a little while ago by one of the speakers that it was used politically. Yes, it was used politically in Florida, but only by the Democratic administration.

Mr. HASTINGS of Florida. I don't believe he said that. I want to continue along those lines. Evidently the previous speaker doesn't know what Governor Jeb Bush just did, but that is another story.

I want to keep the Constitution before us. What it says in that same article, which, incidentally, was the first article, the article creating the President was the second article, in the first article, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time," by the Congress.

I am pleased to yield 4 minutes to my good friend from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, in the vain hope that there still is an undecided Member of this body, I think it is important that we look at the facts. I would encourage my colleagues to oppose both the rule on the line item veto and on the estate tax. Why? I am afraid people watching this debate are seeing Congress at a historical low point.

On the estate tax, if you read the editorial in today's Wall Street Journal, the Wall Street Journal is claiming that King BILL THOMAS' proposal is hardly an improvement over current law. Hardly an improvement over current law.

So if you are for repeal, you better check with King BILL THOMAS, because he has been given near royal powers by this House. Members of the vaunted Ways and Means Committee were denied an opportunity to even meet and discuss this legislation. So no one really knows what is in it, except perhaps King BILL THOMAS.

What an outrage. This is supposed to be a deliberative body, but because of this rule, the Pomeroy substitute was not allowed to be considered. What is King BILL THOMAS afraid of? A debate? A discussion in the House of Representatives? This is a shameful moment in our history.

But now turning to the rule on the line item veto, Mr. SPRATT was denied an opportunity to offer a substitute. What is the Budget Committee afraid of? A debate? A discussion? The possibility we actually might know what we are voting on in this rubber-stamp Congress?

Now, I am not a hard-core partisan. While I oppose repeal of the estate tax, I am planning on voting for the line item veto. I would suggest to my colleagues who care about budget deficits that that is the appropriate and consistent approach.

But look at the line item veto. The only thing that that bill will do is deprive President Bush of his last excuse for accepting all congressional spending bills.

My colleagues on both sides of the aisle know that this is the biggest spending domestic President since LBJ; in fact, probably exceeding even the Great Society spender himself.

My colleagues on both sides of the aisle know that earmarks have proliferated. They are now up to some $50 billion a year. And what has the President done about it? He is the first President since Thomas Jefferson to never use his constitutional veto power, that chainsaw for cutting spending. President Bush has never touched it.

There is a lesser power, more like a scissors cutting power, that President Bush has. Every President since Richard Nixon has had that power, and President Bush has never used that power.

So what is he asking for here? Now it is called line item veto, but it is not really. That is a lie. Properly titled, the bill is expedited rescission. Why? Because line item veto is unconstitutional. The Supreme Court decided that in 1998. So all this bill is is a pair of sharpened scissors for the President, who has never used his regular scissors.

□ 1145

Well, I for one hope he will use those sharpened scissors. How are they sharper? Well, it does require that Congress actually vote. We can't blow off the President by delaying indefinitely a vote on his recommended cuts. And that is a small improvement.

But you are telling me, with the Republican tyranny that we have today, Republicans in charge of all branches of government, that President Bush couldn't have forced a vote on his suggested cuts if he had dared bring them up in the last 6 years of his Presidency? Certainly the President could have gotten a vote on it, but he has not dared ask. This is the most feckless, cowardly administration in terms of cutting spending that we have witnessed in American history.

Mr. PUTNAM. Mr. Speaker, I would say to my friend from Tennessee I am sure he did not mean to impugn or personalize the debate against any given chairman in this Chamber.

I am pleased to yield 1½ minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM) for yielding to me.

Mr. Speaker, I rise today in strong support of this rule and the underlying legislation, H.R. 4890, the Legislative Line Item Veto Act. I commend the gentleman from Wisconsin (Mr. RYAN) for his work on this important legislation. I am proud to be a cosponsor because I believe H.R. 4890 will be a useful tool to reduce the budget deficit, improve accountability, and ensure that our taxpayer dollars are spent wisely.

Unlike previous versions of the Line Item Veto Act, H.R. 4890 preserves Congress' authority. This legislation would give the President the ability to identify unnecessary, duplicative, or wasteful spending provisions that have passed Congress, and send these specific line items back to Congress under an expedited procedure for an affirmative up-or-down vote by both the House and the Senate.

When I was elected to Congress, I pledged to be fiscally responsible. The line item veto is a way to ensure that taxpayer dollars are spent wisely. I urge my colleagues to support this important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Massachusetts (Mr. NEAL), a distinguished member of long standing on the Ways and Means Committee.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, we had in constitutional scholars that were all asked at the Budget Committee meetings whether or not Congress currently possessed the ability within its governing responsibilities to balance the budget, and the answer was "yes."

This is a fake tool meant to cover the Republican Party. I opposed this with Ronald Reagan, I opposed it with George Bush, Sr., with Bill Clinton, and now with George Bush, Jr. And do you know what is regrettable about this debate, most regrettable about the debate? Conservatives won't stand up for principle.

The idea of a running mate in 1215 was to keep King John from being an autocrat. When Prince Charles invaded the House of Parliament and arrested members who disagreed with him, it was time to take action.

What do we do here? We cede more authority to the Executive. You put this tool in the hands of Lyndon Johnson, and you are going to regret it. You are going to regret the day you ever embraced this item. Calling down to the White House to see if your spending proposal was okay? As they say to you, Well, I was checking your voting record on some references you made to the administration recently. Now we will decide whether we are going to keep your item in. How ill-considered, how ill-timed in the middle of war that we would do this, to give the authority to the Executive to make decisions that Mr. Madison and Mr. Jefferson correctly believed belonged with this body. And conservatives violate that spirit today by giving more authority to the other end of Pennsylvania Avenue.

Do you know what is going to happen? And you mark my words. The President will determine what spending priorities are and not the Congress according to our Constitution. Wake up to this issue and what we are about to do here today. The threats from the Executive are always a part of our lives in congressional reality, and everybody here knows it. I listened to that debate; it was the weakest debate I have heard. I had conservative Members come over and say, You are right. We agree with you, but we have got to do something.

Do you know what to do? Add some transparency to this system. Stop issuing press releases in the appropriations process. That would take care of this issue overnight.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4890, the Legislative Line Item Veto Act of 2006.

On April 27, the Subcommittee on the Constitution, which I chair, held a hearing on the issue and concluded that the bill Mr. RYAN has introduced will not only reduce frivolous spending, but will pass constitutional muster.

The notion of a line item veto has intrigued those concerned with wasteful Federal spending for a long time. Presidents at least since Thomas Jefferson have asserted that the Executive has some discretion in the expenditure of monies appropriated by Congress. Forty-three Governors have some form of a line item veto to reduce spending, yet until 1996 no such mechanism existed at the Federal level. And that year, Congress enacted the Line Item Veto Act that was part of the Contract with America, and it had overwhelming bipartisan support.

However, the United States Supreme Court ultimately held that the Line Item Veto Act was unconstitutional because it gave the President the power to rescind a portion of the bill as opposed to an entire bill as he is authorized to do by article I, section 7 of the Constitution.

Despite the Supreme Court's actions, the notion of a line item veto has remained very popular. During its brief life, President Clinton used the line item veto to cut 82 projects totaling over $2 billion. Most recently, line item veto proposals have been warmly received by such disparate editorial boards as The Washington Post on one hand and the Wall Street Journal on the other.

In addition, Mr. RYAN's legislation addresses the constitutional concerns that were raised by the 1996 line item veto bill, and gives the President only the authority to recommend to Congress that it rescind money, and it provides for an expedited procedure for doing so.

I would urge my colleagues not only to vote for this rule but also to support the underlying legislation. It is time that we get Federal spending under control, and this is a part of allowing us to do that.

Mr. HASTINGS of Florida. Mr. Speaker, because of the limited number of speakers that I have left, I will reserve my time and allow my colleague from Florida who has more time and maybe more speakers to proceed.

Mr. PUTNAM. I thank my friend.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I too today rise in strong support of the rule for H.R. 4890, and I would urge my colleagues to support this.

Some people are opposed to this bill and the underlying rule, because they fear that this rule gives too much power to the Executive. Well, I must respectfully disagree. This legislation is important because it forces Congress to be fiscally responsible. We simply must do a better job in reining in Federal spending.

The line item veto is nothing new to the American political system. Many States, including my own of Pennsylvania, allow the Governors the opportunity to reject individual spending initiatives that are brought within a comprehensive budgetary package.

Having served as a State representative and a State senator, I can assure you that the threat of an Executive's blue line, or blue pencil as we say in Pennsylvania, often forces smarter and more disciplined spending on the part of the legislative body. What is more, when the legislative body acts with greater fiscal restraint, the Executive is less likely to exercise that power granted under line item veto.

And if the Executive acts in an arbitrary or capricious manner, the legislative body knows how to respond and retaliate, if necessary, through the budget process. Thus, the legislature and the Executive act as potential deterrent to one another's spending proclivities. I have seen this happen many times.

This legislation as drafted does not, in my opinion, cede Congress' constitutionally mandated spending prerogative to the President. In this bill, the Chief Executive may designate for rejection up to five earmarks per spending bill, 10 in the case of an omnibus or reconciliation package. Congress, however, has the final say on those earmarks, as the legislation provides for an expedited process of returning them to Congress in order to have an up-or-down vote on those proposed rescissions. In this way, the spending proclivities of both sides are kept in check, and we will make important strides toward imposing a culture of fiscal restraint in Washington.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to my good friend, the gentlewoman from California (Mrs. CAPPS), for 1½ minutes.

Mrs. CAPPS. I thank my colleague from Florida for yielding.

Mr. Speaker, I rise in opposition to this legislation. It is laughable to use this bill for our friends in the majority to preach about responsible budgeting. We have a huge budget deficit precisely because of Republican budget policy combining endless tax cuts with endless spending, including hundreds of billions of dollars in so-called emergency spending.

For example, last week the House spent another $94 billion off the books mostly to pay for the Iraq war. No offsets, nothing to pay for this spending, just pass the cost on to future generations to worry about it.

Later today we are going to vote on another $300 billion tax bill. Again, no offsets. Is it any wonder that we have $300 billion to $400 billion annual deficits as far as the eye can see? And this bill before us is supposed to rein in wasteful spending? This President hasn't vetoed a single bill or used the rescission powers he already has.

I have a better idea, Mr. Speaker, than gimmicks like this bill. This Congress needs a new direction. We need new leadership. And there is a party that can and will do this job. We don't need to shift Congress' responsibility to control wasteful spending to the White House; we just need to change direction. We need new leadership, as I said, to have that responsibility reside right here in the Congress where it belongs. This weak and irresponsible legislation is just more proof. So I urge my colleagues to vote against the bill and against this gimmicky rule.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a leader on our Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

Mr. Speaker, Benjamin Franklin once admonished: before you consult your fancy, consult your purse.

It is the nature of all legislative bodies, including this one, to consult their constituents' fancies, but it is ultimately the responsibility of Chief Executives, including the President, to first consult the purse.

What we propose to do in this legislation is give the President a power to consult the purse that is fundamental and is available to most current Governors, a line item veto mechanism which will allow for the elimination, the challenge of individual spending items.

This is certainly a modest proposal, Mr. Speaker. It is not as strong as what we passed back in 1995 when I first came to Congress, but that was ruled unconstitutional after we gave President Clinton, a President of the other party, the opportunity to use his line item veto authority 82 times.

President Clinton, using the line item veto, was able to cut over $600 billion in Federal spending before that power was ruled unconstitutional. It was just a few years ago, in January of 1999, I came before this body and offered a constitutional amendment to provide a strong line item veto to the President. But that ultimately proved to be too heavy a burden to carry.

We are considering a much more modest version of the line item veto today that would give the President the opportunity to veto entitlement changes and special tax breaks, as well as all discretionary appropriations. It would allow Congress to be able to act on veto packages within 10 days of the President's submission, and then Congress would have to hold up-or-down votes that would not be amended.

This is a fundamental power. This is an important part of the checks and balances. This will allow the President to unpackage pork barrel spending, the results of log rolling, and identify potential wasteful spending. This is not a panacea, but it is a fundamental reform impregnate of a range of reforms necessary in order for us to get our budget under control. I urge my colleagues to vote for the rule and for the underlying bill.

□ 1200

Mr. HASTINGS of Florida. Mr. Speaker, my good friend from Pennsylvania began his remarks by quoting Ben Franklin who also was from Pennsylvania. Let me also say to you what Mr. Franklin said. At the conclusion of the Constitutional Convention in your home State and his, Benjamin Franklin was asked, What have you wrought? He answered, A Republic, if you can keep it. He did not say a monarchy.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), a member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, I rise today in support of the rule and this underlying bill, and I want to first of all commend Representative PAUL RYAN of the Ways and Means Committee for bringing up this legislation.

The Legislative Line Item Veto Act of 2006 takes a very measured approach that enables the President to recommend budget savings, but preserves the Congress' power of the purse.

Mr. Speaker, we have heard a lot of speeches this morning from the other side, and it is amazing how they are railing against two very strong, fiscally sound bills that we are going to vote on later today, a limited line item veto for the President and the virtual elimination of the death tax. Mr. Speaker, it gives them a great opportunity to rail against this Republican majority and this President, but I hope the American people are watching closely when they vote, if they vote against the virtual elimination of the death tax and against giving this President the limited power of a line item veto.

Mr. Speaker, H.R. 4890 will serve as an additional tool in our arsenal to reduce spending. This bill gives the Congress another set of eyes to review spending, with Congress still having the final say.

The gentleman from Massachusetts, one of the previous speakers, said that, well, you know, some Member might have a really great project, but some President takes political retribution. The fact is, Mr. Speaker, that we Members on both sides of the aisle would recognize that, and with a simple majority would vote it down. Rather, what would happen is that some Member would have some earmark that is nothing but a bunch of junk, like another rainforest in Iowa or a buffalo museum somewhere. The President would recognize that; he would ask us to rescind it so that that money could buy yet one more up-armored Humvee to protect our soldiers fighting in Iraq and Afghanistan.

I know some of my colleagues would prefer an even stronger bill such as a line item veto constitutional amendment, while others fear that even the underlying bill cedes too much power to the President.

Well, Mr. Speaker, this bill, I believe, balances these concerns, allowing for an additional avenue to reduce the deficit with the approval of the Congress.

However, even with the passage of the underlying bill, we must also redouble our efforts to continue the progrowth policies enacted over the past 6 years, to reduce the tax burden, which in turn increases tax revenues through a strong economy and an increased number of citizens participating in the American dream.

At the end of the day, the American people, through their ingenuity and productivity, will fix this deficit with economic growth. We just have to continue to trust them and reject these calls from the other side to raise taxes.

So, Mr. Speaker, I ask for my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 30 seconds.

The gentleman my good friend Dr. Gingrey from Georgia said we are over here railing while they are getting ready to pass later today the line item veto and repeal the "death tax."

Let me tell you what we ought to be railing about. Yesterday, we pulled the Voting Rights Act, an opportunity for its reauthorization. This Nation has an immigration crisis, and you are getting ready to take a dog-and-pony show on the road.

Fifty-five million Americans do not have health insurance, veterans' identities have been stolen because of incompetence, and gas prices are at an outrageous high, and here we are discussing something that ain't going to balance the budget.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1½ minutes to my colleague from Texas (Mr. CONAWAY), a member of the Budget Committee.

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman yielding this time.

I rise in support of the rule and also the underlying bill. It is interesting that the other side is trying to speak out of both sides of their mouth on the fact they rail on the President constantly for not having used his veto power, and yet the previous speakers also talk about vetolike power being somehow ceding congressional responsibility to the President. I do not think you can have it both ways.

Support this decision line item veto because it does apply to all spending. In addition, the spending that would be singled out for this treatment would actually not be spent somewhere else if it were upheld, and it would actually go against reducing the deficit.

In addition, just the threat of this would act as deterrent to those Members who would put things into a particular appropriations bill or a spending bill that would be embarrassing for the President to single it out during his line item veto process.

So I rise in support of the rule and also the underlying bill and encourage my colleagues to join me.

Mr. HASTINGS of Florida. Mr. Speaker, I continue to reserve the balance of my time. I have no further speakers other than myself, and I am prepared to close.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I thank my colleague from Florida, and special thanks to Mr. RYAN for his hard work trying to thread the needle and bring forward a bill that is constitutional, which, while not perfect, certainly is an important step in the right direction.

Why is this an important step? It shines the light on special-interest spending, whether it is earmarks or whether it is special-interest tax breaks.

Citizens Against Government Waste estimated that there were nearly 10,000 of these special-interest projects in last year's appropriations bill, totaling $29 billion, and so it is, in my opinion, extremely appropriate that we shine the light on this special-interest spending.

The substitute, which our friends on the other side of the aisle have talked about, would have further restricted this bill to make it almost meaningless by exempting large swaths of the Federal spending from this rescission authority.

We need to go forward with this bill. I would remind my friends on the other side of the aisle, it has bipartisan support. There were four members of the Budget Committee that voted for it. Let us vote for it today and let the President have this opportunity to shine the light on unnecessary spending.

Mr. PUTNAM. Mr. Speaker, I yield 1½ minutes to my friend from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from Florida for yielding this time to me.

This is a very important bill offered by my colleague from Wisconsin (Mr. RYAN). The legislative line item veto is something that is necessary for us to get our fiscal house in order. What this will do is enable Congress to work with the executive branch to root out special-interest projects.

Case in point. We just passed an emergency spending bill not 2, 3 weeks ago on this House floor. It included $38 million for funding for the National Oceanic and Atmospheric Administration to fund "activities involving oysters." This is an emergency spending bill. Certainly something that is not reasonable. I like oysters, I like them baked, I like them fried, I like them raw. They all really taste great, but does that mean that we should spend $38 million for this?

That is a great case in point for the President to be able to use a legislative line item veto and for us to act to root out this wasteful spending.

Washington big government has an infinite appetite for more, more programs, more spending, more taxes. We have to take a principled stand to reform this, to fix this problem, to root out that waste, and this will put us on a diet if we pass this legislative line item veto.

I encourage the House to approve the rule today and to vote for the underlying bill.

Mr. PUTNAM. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Florida (Mr. PUTNAM) has 4½ minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 2½ minutes remaining.

Mr. PUTNAM. Mr. Speaker, I thank the Speaker, and I would inform my friend from Florida that I have no further speakers and we prepared to close as well.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining amount of our time.

During the course of this debate and discussion, I have cited to the United States Constitution frequently. I remind my colleagues that article I of the United States Constitution created the Congress. Article II created the President of the United States. Article III created the courts. The Founders must have had something in their mind as to what was first, and as it pertains to the power of the purse, they made it exactingly clear.

In this same Constitution, there are four sections dealing with powers of the President, 10 sections dealing with the powers of Congress.

Mr. Speaker, I will be asking Members to vote "no" on the previous question so I can amend the rule to provide that immediately after the House adopts this rule, it will provide for separate consideration of legislation introduced by Representative SPRATT that provides a comprehensive approach to controlling our spiraling deficits without stripping the House of Representatives of its power of the purse.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, before we turn over our constitutionally granted power to the executive branch, let us vote on a measure that will actually reduce the deficit, rein in irresponsible spending and help to bring accountability back to the House's legislative process.

Mr. SPRATT's bill does many things to encourage deficit reduction. It reinstates pay-as-you-go rules for both mandatory spending and revenues. It amends the Congressional Budget Act to stop the reconciliation process from being used to make the deficit worse or the surplus smaller. It enforces the 3-day layover requirement in the House rules to give Members adequate time to review legislation. It adds earmark provisions. The bill protects important mandatory spending like Social Security, Medicare and veterans benefits from any expedited rescission process. It prohibits the President or executive branch officials from using the rescission authority as a bargaining tool or even a source of blackmail just to secure votes.

In all fairness, when Mr. Clinton was the President of the United States, the first thing that he did with the veto power he had was veto something in toto.

It will be used in a partisan manner.

It is important for Members to know that defeating the previous question will not block the underlying bill, but by voting "no" on the previous question, we will be able to consider the Spratt alternative bill.

I urge all Members to vote "no" on the previous question.

Mr. PUTNAM. Mr. Speaker, this has been an important debate. It has been a good debate about an issue that has been around for a long time, and it has been around under a variety of iterations, the first version having been found unconstitutional, as my friend from Florida pointed out, and read to us from the Constitution. But because of that, the sponsor of this bill has adjusted it so that it is written in a constitutional form, and it is written in a constitutional form because it leaves the power of the purse in the hands of Congress, as the gentleman pointed out in article I of the Constitution.

It says that we have yet another resource for the President and the Congress to work together to eliminate wasteful spending which we all know exists in this town, but it says that the final say-so rests with the Congress, so the final power of the purse remains in the legislative branch, a very important point.

My friend also overlooks the fact that in these different versions that have been around and most recently have been around in almost identical form to what we are hearing and debating today, there has been support for the Democratic-sponsored version of 174 Democrats when President Clinton was the one who would get the line item veto; in 1994, under the sponsorship of a Democrat, 173 Democrats supporting; in 2004, a bipartisan-sponsored bill, 45 Democrats supporting. Apparently there was a change of heart depending on who the President was in office, whether there was Democratic support for the line item veto; 174 votes for the line item veto when President Clinton was in office, only 45 when President Bush was in office.

□ 1215

But be that as it may, this remains a bipartisan issue. It is an institutional issue. And this effort is carefully crafted to protect this institution, this legislative branch, so that the power of the purse rests with us; but we have expanded the ability to root out wasteful spending.

This is an important issue. I urge the House to adopt the rule and adopt the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have the honor of chairing the Subcommittee on Legislative and Budget Process of the Rules Committee. My Subcommittee was the first to address this legislation with a hearing last March, shortly after the measure was introduced.

During our hearing, we heard from two distinguished Members of the House, including the bill's sponsor, Representative PAUL RYAN, as well as Chairman LEWIS of the Appropriations Committee. And we heard the administration's position from Office of Management and Budget (OMB) Deputy Director, now Deputy Chief of Staff for the President, Joel Kaplan. Finally, we received historical perspective on this issue from Donald Marron, the Acting Director of the Congressional Budget Office (CBO).

Several problems were brought out with regard to the legislation. I believe that the Committees of jurisdiction have worked diligently with the author of the resolution to appropriately address most problems. Among the concerns brought out during our Subcommittee hearing were:

The number of special messages that could be submitted by the President on each annual Appropriations law.

The amount of time that the President could withhold funding for requested rescissions.

The scope of the rescission request, specifically tax benefits and mandatory spending.

I am pleased that input was welcomed by Representative RYAN and that these concerns have been addressed. Parameters have been included that will lessen the potential legislative burden on the Congress and prevent the possibility of excessive delaying tactics by the President.

I certainly do not believe that the underlying legislation is perfect. Despite the recent changes, I think that five special messages per bill may still be too many. Think about 50 possible expedited special messages that Congress would have to consider after passing 10 appropriations bills. The legislative burden may be extraordinary.

In balance, however, since the bill gives us another tool to promote good stewardship of the people's money, I urge my colleagues to support the Rule and the underlying legislation. I look forward to a full debate on efforts such as this to increase fiscal discipline in the Congress' budget process.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 886—THE RULE PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO

At the end of the resolution add the following new section:

"SEC. 2. Immediately upon the adoption of this resolution, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5667) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of discretionary budget authority, promote fiscal responsibility, reinstate Pay-As-You-Go rules, require responsible use of reconciliation procedures, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. If the Committee of the Whole rises and reports that it has come to no resolution of the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of Rule

XIV, resolve into the Committee of the Whole for further consideration of the bill."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. PUTNAM: Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 885, by the yeas and nays;

Adoption of H. Res. 885, if ordered;

Ordering the previous question on H. Res. 886, by the yeas and nays;

Adoption of H. Res. 886, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 885, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 12, as follows:

[Roll No. 308]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui

McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cannon
Davis (FL)
Evans
Gohmert
Johnson, Sam
Marchant
Pence
Reyes
Serrano
Shays
Smith (WA)
Waters

☐ 1240

Mr. CHANDLER and Mr. JEFFERSON changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 194, not voting 10, as follows:

[Roll No. 309]

AYES—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Cannon
Carnahan
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Smith (WA)
Waters

☐ 1248

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 886, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 196, not voting 9, as follows:

[Roll No. 310]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson

Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Cannon
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Smith (WA)
Waters

□ 1257

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 196, not voting 8, as follows:

[Roll No. 311]

AYES—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)

Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Cannon
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Waters

□ 1305

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 103. Concurrent resolution to correct the enrollment of the bill H.R. 889.

PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 885, I call up the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

Ms. PELOSI. Mr. Speaker, I rise on the question of consideration. It is inappropriate to consider this bill until the Republican leadership schedules a vote on an increase in the minimum wage, which they are now blocking. Therefore, under clause 3, rule XVI, I demand a vote on the question of consideration.

The SPEAKER pro tempore. The gentlewoman from California demands the question of consideration.

Under clause 3 of rule XVI, the question is, Will the House now consider the bill?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 188, not voting 6, as follows:

[Roll No. 312]

AYES—238

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Davis (FL)
Evans
Johnson, Sam
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1323

Mr. SULLIVAN and Mr. MATHESON changed their vote from "no" to "aye."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 885, the bill is considered read.

The text of the bill is as follows:

H.R. 5638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Estate Tax Relief Act of 2006".

SEC. 2. REFORM AND EXTENSION OF ESTATE TAX AFTER 2009.

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended by striking "(determined as if the applicable exclusion amount were $1,000,000)".

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $5,000,000.—Subsection (c) of section 2010 of such Code (relating to unified credit against estate tax) is amended to read as follows:

"(c) Applicable Credit Amount.—

"(1) In general.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

"(2) Applicable exclusion amount.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.".

(c) Rate Schedule.—

(1) In general.—Subsection (c) of section 2001 of such Code (relating to rate schedule) is amended to read as follows:

"(c) Rate Schedule.—The tentative tax is equal to the sum of—

"(1) the product of the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as does not exceed $25,000,000, and

"(2) the product of twice the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as equals or exceeds $25,000,000.".

(2) Conforming amendment.—Section 2502(a) of such Code (relating computation of tax), after the application of subsection (g), is amended by adding at the end the following flush sentence:

"In computing the tentative tax under section 2001(c) for purposes of this subsection, 'the last day of the calendar year in which the gift was made' shall be substituted for 'the date of the decedent's death' each place it appears in such section.".

(d) Modifications of Estate and Gift Taxes to Reflect Differences in Unified Credit Resulting From Different Tax Rates.—

(1) Estate tax.—

(A) In general.—Section 2001(b)(2) of such Code (relating to computation of tax) is amended by striking "if the provisions of subsection (c) (as in effect at the decedent's death)" and inserting "if the modifications described in subsection (g)".

(B) Modifications.—Section 2001 of such Code is amended by adding at the end the following new subsection:

"(g) Modifications to Gift Tax Payable to Reflect Different Tax Rates.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

"(1) the tax imposed by chapter 12 with respect to such gifts, and

"(2) the credit allowed against such tax under section 2505, including in computing—

"(A) the applicable credit amount under section 2505(a)(1), and

"(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.".

(2) Gift tax.—Section 2505(a) of such Code (relating to unified credit against gift tax), after the application of subsection (g), is amended by adding at the end the following new flush sentence:

"For purposes of applying paragraph (2) for any calendar year, the rates of tax used in computing the tax under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.".

(e) Repeal of Deduction for State Death Taxes.—

(1) In general.—Section 2058 of such Code (relating to State death taxes) is amended by adding at the end the following:

"(c) Termination.—This section shall not apply to the estates of decedents dying after December 31, 2009.".

(2) Conforming amendment.—Section 2106(a)(4) of such Code is amended by adding at the end the following new sentence: "This paragraph shall not apply to the estates of decedents dying after December 31, 2009.".

(f) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(g) Additional Modifications to Estate Tax.—

(1) In general.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521.

The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) Sunset not to apply to title V of EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) Repeal of deadwood.—

(A) Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 of such Code is amended by striking the item relating to section 2604.

SEC. 3. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) In General.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 2(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) Applicable exclusion amount.—For purposes of this subsection, the applicable exclusion amount is the sum of—

"(A) the basic exclusion amount, and

"(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

"(3) Basic exclusion amount.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

"(4) Aggregate deceased spousal unused exclusion amount.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

"(A) the basic exclusion amount, or

"(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

"(5) Deceased spousal unused exclusion amount.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

"(A) the applicable exclusion amount of the deceased spouse, over

"(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

"(6) Special rules.—

"(A) Election required.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

"(B) Examination of prior returns after expiration of period of limitations with respect to deceased spousal unused exclusion amount.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

"(7) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 2505(a) of such Code, as amended by section 2, is amended to read as follows:

"(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by".

(2) Section 6018(a)(1) of such Code, after the application of section 2(g), is amended by striking "applicable exclusion amount" and inserting "basic exclusion amount".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 4. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) In General.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) In General.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) Qualified Timber Gain.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) Special Rules for Pass-Thru Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

"(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

"(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

"(d) Termination.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).".

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers other than corporations.—Paragraph (2) of section 1(h) of such Code is amended to read as follows:

"(2) Reduction of net capital gain.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) Corporations.—Section 1201 of such Code is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) Qualified Timber Gain not Taken Into Account.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) Deduction Allowed Whether or not Individual Itemizes Other Deductions.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence the following new paragraph:

"(21) Qualified timber gains.—The deduction allowed by section 1203.".

(d) Deduction Allowed in Computing Adjusted Current Earnings.—Subparagraph (C) of section 56(g)(4) of such Code is amended by adding at the end the following new clause:

"(vii) Deduction for qualified timber gain.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) Deduction Allowed in Computing Taxable Income of Electing Small Business Trusts.—Subparagraph (C) of section 641(c)(2) of such Code is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) Conforming Amendments.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.".

(2) Paragraph (4) of section 642(c) of such Code is amended by striking the first sentence and inserting the following: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.".

(3) Paragraph (3) of section 643(a) of such Code is amended by striking the last sentence and inserting the following: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.".

(4) Subparagraph (C) of section 643(a)(6) of such Code is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) of such Code is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) of such Code is amended by striking "section 1202" and inserting "sections 1202 and 1203".

(7) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(g) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Taxable years which include date of enactment.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

The SPEAKER pro tempore. The amendment printed in House Report 109–517 is adopted.

The text of the bill, as amended, is as follows:

H.R. 5638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Estate Tax Relief Act of 2006".

SEC. 2. REFORM AND EXTENSION OF ESTATE TAX AFTER 2009.

(a) Restoration of Unified Credit Against Gift Tax.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended by striking "(determined as if the applicable exclusion amount were $1,000,000)".

(b) Exclusion Equivalent of Unified Credit Equal to $5,000,000.—Subsection (c) of section 2010 of such Code (relating to unified credit against estate tax) is amended to read as follows:

"(c) Applicable Credit Amount.—

"(1) In general.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

"(2) Applicable exclusion amount.—

"(A) In general.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.".

"(B) Inflation adjustment.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(c) Rate Schedule.—

(1) In general.—Subsection (c) of section 2001 of such Code (relating to rate schedule) is amended to read as follows:

"(c) Rate Schedule.—The tentative tax is equal to the sum of—

"(1) the product of the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as does not exceed $25,000,000, and

"(2) the product of twice the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as equals or exceeds $25,000,000.".

(2) Conforming amendment.—Section 2502(a) of such Code (relating computation of tax), after the application of subsection (g), is amended by adding at the end the following flush sentence:

"In computing the tentative tax under section 2001(c) for purposes of this subsection, 'the last day of the calendar year in which the gift was made' shall be substituted for 'the date of the decedent's death' each place it appears in such section.".

(d) Modifications of Estate and Gift Taxes to Reflect Differences in Unified Credit Resulting From Different Tax Rates.—

(1) Estate tax.—

(A) In general.—Section 2001(b)(2) of such Code (relating to computation of tax) is amended by striking "if the provisions of subsection (c) (as in effect at the decedent's death)" and inserting "if the modifications described in subsection (g)".

(B) Modifications.—Section 2001 of such Code is amended by adding at the end the following new subsection:

"(g) Modifications to Gift Tax Payable to Reflect Different Tax Rates.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

"(1) the tax imposed by chapter 12 with respect to such gifts, and

"(2) the credit allowed against such tax under section 2505, including in computing—

"(A) the applicable credit amount under section 2505(a)(1), and

"(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.".

(2) Gift tax.—Section 2505(a) of such Code (relating to unified credit against gift tax), after the application of subsection (g), is amended by adding at the end the following new flush sentence:

"For purposes of applying paragraph (2) for any calendar year, the rates of tax used in computing the tax under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.".

(e) Repeal of Deduction for State Death Taxes.—

(1) In general.—Section 2058 of such Code (relating to State death taxes) is amended by adding at the end the following:

"(c) Termination.—This section shall not apply to the estates of decedents dying after December 31, 2009.".

(2) Conforming amendment.—Section 2106(a)(4) of such Code is amended by adding at the end the following new sentence: "This paragraph shall not apply to the estates of decedents dying after December 31, 2009.".

(f) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(g) Additional Modifications to Estate Tax.—

(1) In general.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521.

The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) Sunset not to apply to title V of EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) Repeal of deadwood.—

(A) Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 of such Code is amended by striking the item relating to section 2604.

SEC. 3. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) In General.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 2(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) Applicable exclusion amount.—For purposes of this subsection, the applicable exclusion amount is the sum of—

"(A) the basic exclusion amount, and

"(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

"(3) Basic exclusion amount.—

"(A) In general.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

"(B) Inflation adjustment.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (a) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

"(4) Aggregate deceased spousal unused exclusion amount.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

"(A) the basic exclusion amount, or

"(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

"(5) Deceased spousal unused exclusion amount.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

"(A) the applicable exclusion amount of the deceased spouse, over

"(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

"(6) Special rules.—

"(A) Election required.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

"(B) Examination of prior returns after expiration of period of limitations with respect to deceased spousal unused exclusion amount.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

"(7) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 2505(a) of such Code, as amended by section 2, is amended to read as follows:

"(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by".

(2) Section 2631(c) of such Code is amended by striking "the applicable exclusion amount" and inserting "the basic exclusion amount".

(3) Section 6018(a)(1) of such Code, after the application of section 2(g), is amended by striking "applicable exclusion amount" and inserting "basic exclusion amount".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 4. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) In General.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) In General.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) Qualified Timber Gain.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) Special Rules for Pass-Thru Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

"(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

"(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

"(d) Termination.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).".

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers other than corporations.—Paragraph (2) of section 1(h) of such Code is amended to read as follows:

"(2) Reduction of net capital gain.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) Corporations.—Section 1201 of such Code is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) Qualified Timber Gain not Taken Into Account.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) Deduction Allowed Whether or not Individual Itemizes Other Deductions.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence the following new paragraph:

"(21) Qualified timber gains.—The deduction allowed by section 1203.".

(d) Deduction Allowed in Computing Adjusted Current Earnings.—Subparagraph (C) of section 56(g)(4) of such Code is amended by adding at the end the following new clause:

"(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) of such Code is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.".

(2) Paragraph (4) of section 642(c) of such Code is amended by striking the first sentence and inserting the following: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.".

(3) Paragraph (3) of section 643(a) of such Code is amended by striking the last sentence and inserting the following: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.".

(4) Subparagraph (C) of section 643(a)(6) of such Code is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) of such Code is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) of such Code is amended by striking "section 1202" and inserting "sections 1202 and 1203".

(7) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York, (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 16, the United States Senate majority leader put out the following statement asking for the House to send estate tax legislation to the Senate: "I will ask the Speaker of the House to send a bill to us that would be a permanent solution to the death tax. I will encourage them to attach appropriate provisions to make it attractive and will hold a vote by July 4." This measure, H.R. 5638, is the response to the majority leader's request.

This House is on record with a bipartisan vote in favor of repealing the estate, or death, tax. But we know that the Senate on a procedural or cloture vote rejected that offer from the House by 57 votes in favor of moving forward, short of the 60 necessary.

I heard during the discussion on the rule the ranking minority member on Rules, Ms. SLAUGHTER, say that this bill, H.R. 5638, will pass. I, too, in agreeing with her, believe that the bill will pass. It will be available to the Senate to take from the desk, and it will be then the Senate's decision to pass or defeat it.

I want to underscore the point, this is a response to the majority leader's request. This is not a first offer; it is the only offer to the majority leader's request that the chairman intends to offer.

This bill was crafted as a compromise. Compromises are supposed to be reasonable; but, most importantly, they are supposed to be doable. The goal of a compromise is to make law. H.R. 5638 is a compromise.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some may ask, why now are we taking up this bill? Why have we decided, that is, the majority, that at a time that our Nation is at war, when our men and women are dying to bring democracy to Iraq, where there are problems getting the equipment they need to protect themselves, when we cannot provide even our veterans with adequate health care and education opportunities, why now, when we find ourselves with a historic $9 trillion indebtedness, when just the interest of this debt is going to prohibit the Congresses that follow us from doing the things that our great Nation would want to do, why now, when the people that have been hit by Rita and Katrina can't restore their lives, why now, when the poor are increasing in population, are we reaching out to the richest of the rich Americans? Why now would the Republican leadership make this a priority for three-tenths of 1 percent of the American people?

Who are these people? How do they have such a communication with the leadership?

The Joint Economic Committee, which is not Republican and not Democrat, they are just fair, they say under existing law nobody except 7,500 families would be liable for any taxes on an estate.

They call it a "death tax" because they know how to play on words. Dead people don't pay taxes. But they can use what they want to get people emotionally involved.

But if there is anyone that is concerned about this Republic and making certain that the economy is sound and that wars that we start are paid for and that old folks are able to be taken care of through a Social Security act, why now would they come with this repeal? Because it is a repeal. It is 80 percent a repeal. It is going to cost more than the original repeal. Why do they want these sound tracks to be able to say that they supported repeal of the death tax?

☐ 1330

I am going to tell you why. Because they have a mission. They are so organized that they want to destroy everything that Franklin Delano Roosevelt started. And it is not me that is saying that. It is their voting record that says it. Things that Americans are so proud of.

Social Security, a little cushion for people who worked every day in their lives and all they want is a little help with their security. Privatization, that is what we have to do. Medicare, this is something that we have come to depend on. They want it to implode, the things that they cannot deal with from a political point of view, the third rails, if they will.

If they make certain that there are no resources left for Democrats to handle, they have won. And they don't care how many Republicans lose, because their mission is to destroy every bit of social services by saying how can we pay for it.

So I submit to you that anytime a party is prepared to give $2 trillion of tax cuts because it is going to present economic growth and then go to Communist China to borrow the money, there is something wrong with that picture.

And I am suggesting, too, that these 7,500 beneficiaries, they are not begging for this money. They are not getting calls every day. We certainly don't get them. And they wish they were getting them, but they are not getting them, because most people God has blessed to get into this income status are so satisfied that they believe that they owe this Republic some indebtedness for the freedom and equality and opportunity that they receive.

And so if you have any question about supporting the programs that you are proud of as Americans, not as Democrats, not as Republicans, remember one thing: if you get carried with the emotion, one day you will have to explain, why now? Why, when your great country was in so much debt, did you figure that you had to reward 7,500 people? Why now, when your Nation is at war and the GIs will be coming back, those that do, and they ask why can't we get a decent shake and you say because we didn't have the money, we had to give it to the 7,500? Why now, when you take a look at the budgets that we are going to have, either as Republican leadership or Democratic leadership, that we are going to say that the interest that we owe to foreign countries prevent us from taking care of the things that we have here?

This is not a scheme to reward 7,500 people. This is a scheme to take the resources away from this great Nation that has a commitment to our young and our old for health and education and the things that would really make us a strong Nation. And at the end of the day the fact that they are going to lose the majority won't mean anything because it would be a part of a plan not to perpetuate Republican or, for lack of a better word, leadership, but to destroy a system that Franklin Roosevelt had the hearts and the minds of this great country.

So I submit to you, you can do what sounds like it is the right thing to do because they call it a death tax, but it will be the death of democracy and freedom and the ability to provide the services that are expected of us, not as politicians, but as Americans and Members of Congress. This is going to be a historic vote, and the question is going to be, Which side of this vote did you vote on?

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gallery is requested to refrain from showing either positive or negative response to proceedings on the floor.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we might have expected, the gentleman from New York wheeled out all the usual arguments. I hope he didn't trip as he went back to his seat with the flag tightly wrapped around him in terms of his arguments of patriotism. The class warfare card was played; the rich card was played.

"This is for the richest of the rich," he said. I tell the gentleman from California, I will quote who know who the richest of the rich are. In today's Wall Street Journal editorial they said, "But now comes Mr. THOMAS, the chief tax writer, who has proposed a compromise that would be voted on as early as today but is hardly an improvement over current law."

I will tell you who the richest of the rich are. Dick Patton of the American Family Business Institute says, "We flatly oppose the Thomas plan. The more our members hear about it, the angrier they get." Who are they? The real richest of the rich.

So I find it rather ironic that they need to play those same old tired cards that this is the rich versus everyone else, when today the rich have spoken. They don't like the compromise. A compromise is a compromise.

Now, let us turn to a paper, The Washington Post, which said yesterday: "The search for a compromise has pitted affluent small business owners against the truly rich, families with estates valued at tens of millions of dollars." The paper says: "Thomas came down in favor of the business owners." And we know the Wall Street Journal agrees I didn't come down on the side of the rich.

This is a compromise. We will send it over to the Senate, and we will see if there are 60 Members of the Senate that want to remove once and for all the uncertainty in this very difficult area.

The National Federation of Independent Business says this is a reasonable compromise and they will be watching everyone's vote. Who? For the very rich? No. For the small businessman that creates all the jobs. A few extra dollars and the ability to keep the business together after the principal owner has died will make sure that we can continue this economy in the robust way in which it has continued.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, if the rich don't want it and the middle class don't want it, why can't we get on with just the minimum-wage increase and put this behind us?

Mr. Speaker, the gentleman from Michigan (Mr. KILDEE) has a unanimous consent request.

Mr. KILDEE. Mr. Speaker, I rise in opposition to H.R. 5638.

Mr. Speaker, in the past, I had considered supporting legislation that would exempt the first $5 million per individual and $10 million per couple from the Federal estate tax.

I believed that to be a reasonable compromise to a complete repeal of the Estate Tax.

But I supported that figure of $5 and $10 million exemption before other tax cuts had driven us into huge deficits.

This Congress has already approved seven tax cuts.

In addition, Mr. Speaker, our Nation is currently engaged in two wars, two very costly wars in terms of human lives and Federal tax dollars.

Seven tax cuts and two wars make it difficult for me to support this reform of the Federal estate tax.

I also wish the House Republican leadership had allowed us to offer the reasonable democratic substitute amendment.

Our amendment would permanently raise the exemption on the estate tax to $3.5 million per person and $7 million per couple.

An exemption at that level would protect over 99 percent of all Americans from ever having to worry about paying the estate tax.

Mr. Speaker, I urge my colleagues to oppose H.R. 5638.

Mr. RANGEL. Mr. Speaker, I would like our Democratic whip, the distinguished gentleman from Maryland (Mr. HOYER), to be given 2½ minutes.

Mr. HOYER. This has nothing to do with the economy and everything to do with fiscal responsibility.

Mr. Speaker, over the last 5½ years, this Republican majority has repeatedly pushed tax legislation that is blatantly unfair, grossly irresponsible, and fiscally ruinous. Today, however, they outdo even themselves.

Our Nation is at war, our brave troops are under fire, our Nation is facing record budget deficits. That is the legacy of this Republican leadership. And the national debt, which now stands at $8.4 trillion, is exploding under this Republican Congress and administration.

Despite all the challenges facing the people of our Nation, today this Republican majority insists that we give a huge tax break to the heirs of the wealthiest people in America. I am for modification that is in process, not this bill.

If there ever was a bill that demonstrated the Republican Party's misguided priorities and the deep differences between our parties, this is the one. Democrats are continuing to fight to raise the Federal minimum wage which has not been increased since 1997 and which is at its lowest level in half a century; 6.6 million workers would be affected, 7,500 people in this bill.

As the majority leader told the press on Tuesday: "I am opposed to it," meaning the increase in the minimum wage, "and I think the vast majority of our conference is opposed to it."

But this bill comes to us, not been to committee, never marked up in committee, comes directly to the floor with no consideration.

Let us be clear about the facts. Less than 1 percent of all estates in America will pay estate taxes in 2006 under this year's exemption before this bill. And when the exemption increases in 2009 to $3.5 million, which I have supported, $7 million for couples, only 7,500 estates in America will be subject to the estate tax. But that is not enough. Warren Buffet said they talk about class warfare and his class is winning. Amen, Mr. Buffet.

Today, House Republicans are falling all over themselves to give the heirs of approximately 7,500 estates a tax cut. This bill is not only morally reprehensible but fiscally irresponsible. The Center for Budget and Policy Priorities estimates that this Republican bill will cost $762 billion over its first 10 years.

You don't have $762 billion. We are all correct, you are going to borrow it for the Chinese, from the Saudis, from the Germans, from the Japanese, and others. And who is going to pay the bill? Our children are going to have to pay the bill, our grandchildren are going to have to pay that bill, because you don't have the money.

The Wall Street Journal, which was quoted by Mr. THOMAS, said the other day they didn't agree with PAYGO. Why don't they agree with PAYGO? Because it would undercut tax cuts. Why would it undercut tax cuts? Because you neither have the courage nor the ability to pay for your tax cuts.

Vote against this bad bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, the Chair requests that visitors in the gallery refrain from showing either positive or negative response to proceedings on the floor.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I am heartened by the gentleman from Maryland's statement that he is now in support of current law which will move to 3.5. Everyone just needs to remember he was opposed to the legislation that put it into effect. I expect 5 or 6 years from now he will be in favor of this particular measure when he speaks on the floor, although he will be opposed to putting it into law. I always appreciate those kinds of positions.

The gentleman also quoted a very liberal think tank that dreams up numbers that allows them to make outlandish statements on the floor of the House. The Joint Committee on Taxation, the official scorekeeper, says that over a 10-year period this measure will not be $700-some billion; it is $283 billion.

Again, you will hear extremely outrageous statements, as we heard on the underlying legislation in which, for example, the gentleman from Maryland opposed but now blithely says I support. The point is, why not be right the first time? Why not support the legislation when it is in front of you? Why not vote now for H.R. 5638 instead of waiting to say you are for what the bill did after it becomes law?

Mr. Speaker, it is now my pleasure to yield 2 minutes to a member of the Ways and Means Committee, the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. I thank the distinguished chairman of the Ways and Means Committee for this time as we again return to the well of the people's House; and how interesting it is, Mr. Speaker, that so many arguments are devoid of real facts and taken perhaps as articles of faith.

I heard the minority whip come to the well and attempt to whip up partisan passions as if this bill had some grand nefarious design. No, Mr. Speaker, that is not the case. And I will avoid pointing out the obvious outlook of my friends on the left who basically take as an article of faith that people who succeed should be penalized.

I rise in strong support of this commonsense compromise because, according to the Joint Committee on Taxation, this legislation would permanently protect more than 99.7 percent of all taxpayers from ever paying this egregious estate tax and would reduce the harmful economic distortions caused by the current law estate tax.

And, again, this is not a partisan argument. The standard bearer of the Democratic Party in the State of Arizona, now a decade ago, has constantly contacted me as a Member of Congress saying: When are you going to take longlasting action on the estate tax? Because I cannot pass my business down to my children in the current conditions.

□ 1345

Why would we penalize those who succeed, and on top of that, by extension, penalize the very people my friends on the left purport to help? Because business owners create jobs. The government does not create the jobs.

For increased economic activity, for a good, solid, consistent policy that helps the most people in the best ways, support this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), an outstanding member of the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, this bill is a test whose side are you on: The 300 million Americans who will be alive in the year 2009 or the 7,500 families whose estates would be taxed according to 2009 law and figures. That is a Joint Tax Committee statement. It is 300 million versus 7,500 families.

This is not a compromise. This is a sellout, a sellout of 300 million people.

It is at a time that you will not even bring up a minimum-wage bill. At a time when middle-income families are under pressure. I read from The Economist, not a very liberal magazine: In the late 1990s everybody shared in this boom, but after 2000 something changed. After you adjust for inflation, the wages of the typical American worker have risen less than 1 percent since 2000. In the previous 5 years, they rose over 6 percent.

Yes, there is class warfare by you on 300 million Americans, not on the family farmer, the small business person. Under our approach, 99-plus of people with estates would not be taxed at all.

Essentially, you are saying to 300 million, you pay the $800 billion the cost of this bill in the full 10 years. That is the accurate figure.

This bill is irresponsible fiscally, and it is immoral in terms of values.

Let us have a resounding "no" vote on this irresponsible legislation.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA) on the compromise bill, H.R. 5638.

Mr. ISSA. Mr. Speaker, I want to thank the chairman for bringing this important piece of legislation to the floor, not because it is good enough. It is not. Not because it pleases the Democrats. It does not. But because it is the best we can do.

I just came from speaking with the very small business people that you just heard somehow they were going to protect in another way. I just finished hearing that 300 million people is what it was all about, which is a rounding error up, and 7,500 that would pay the tax that die, but, of course, we are using two different figures, as we often do.

It is not about 300 million, because 300 million people will not die next year, but it is about the businesses that will die if we do not do something, and this is not good enough. It is a down payment.

I rise in support of this bill, not because it is good enough. It is not. It does not keep the promise I made to the people of my district to end once and for all the double taxation of the dead, but I do rise in support of this because it is the best we can do. I promise today to vote for this bill, and then I promise to come back until, in fact, we once and for all eliminate the unreasonable and unfair double taxation.

So please support this piece of important legislation.

Mr. RANGEL. Mr. Speaker, and that is the best they can do.

Mr. Speaker, I yield 2 minutes to the outstanding gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank Mr. RANGEL for yielding me this time.

There is no question that we need to clean up our Tax Code. We need to make it predictable. We need to deal with expiring provisions. I would hope that we would deal with the savers' credit that is scheduled to expire because that helps low-wage workers, and we need to deal with that.

I would hope that we would adjust the Federal estate tax and make the changes permanent, but I cannot support this bill.

This bill is fiscally irresponsible. By the chairman's own account, the Joint Tax Committee estimates that it will cost us $283 billion that we do not have. That $283 billion is basically in the second 5 years of the program because we already have a law in place now. So the annual loss of revenue is close to $60 billion a year. There is no offset to that loss.

To the credit of a Marylander who contacted me and wants to see a permanent change in the estate tax, that person at least had enough courage to suggest offsets so that we would not be adding to the deficit of the country, but this legislation does not do that. It is fiscally irresponsible.

Mr. Speaker, it speaks to our priorities. Yes, we have time to deal with estate taxes that will benefit basically people who have wealth in excess of millions of dollars, but we do not have enough time to deal with increasing the minimum wage that has been stagnant now for the last 10 years, people making $5.15 an hour. Where is the priority of this Congress?

We have time to take up the reform of the estate tax, but we cannot deal with college education costs and a tuition tax credit that was allowed to expire. Where is our compassion for people who really do need our help? Two hundred eighty-three billion dollars for the wealthy, nothing to help people who are trying to struggle with a college education.

How about the doughnut hole in Medicare? We know seniors cannot afford it. How about using some of that money to deal with the Medicare prescription drug bill, or how about paying down our deficit?

I would hope that both Democrats and Republicans would agree that our first priority should be to pay down our deficit. The problem, Mr. Speaker, is that we are not dealing with the problems of typical families. Instead, we are dealing with those who do not need the help.

I urge my colleagues to reject this legislation.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, all across America following the death of a loved one, people of modest means are all too often faced with the grim prospect of selling a family farm or small business just to pay the taxes that come due. Such was the case in my own family when my cousins had to sell the farm that had been in our family since the early 1900s just to pay the taxes. This is simply wrong.

I rise in strong support of the Permanent Estate Tax Relief Act. Like many others in the House, I continue to strongly support permanent repeal of the death tax. Americans should not have to pay this onerous double tax on savings and capital.

Currently, we are scheduled to have a 1-year full repeal of the death tax in 2010, but if Congress fails to act, the death tax will return full force in 2011, reducing exemption levels and restoring maximum tax rates of nearly 60 percent.

Mr. Speaker, this bill before us institutes permanent relief for those subject to the death tax and restores predictability and certainty to small business owners and family farmers planning for the future. It boosts exemption levels and adjusts them for inflation, and with maximum rates tied to capital gains rates, those still subject to the tax will see their burden significantly reduced.

Mr. Speaker, I urge passage of this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the outstanding gentleman from the State of Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, as I look around the House today, there is scarcely a dozen people on the floor, so they must be somewhere else, probably watching this on television.

So those of you who have just tuned in on television, you are watching not the House of Representatives, but the theater of the absurd. What has gone on in this floor this morning and will continue in this afternoon is absolutely absurd.

The first thing we did was we refused to consider a bill to raise the minimum wage. The minimum wage has been the same since 9 year ago, $5.15 an hour. This is what ordinary Americans consider a starting wage, and this House will not do it.

Now, the second act of this theater of the absurd is let us get rid of the estate tax. It was put in by who? By a public-spirited Republican. Theodore Roosevelt, right. It was not some wild-eyed lefty. It was a guy who was a public-spirited Republican President of the United States, and it is used as a way to finance things that we think we ought to do.

If you read last Sunday's New York Times, and you read the debt that this country is in, and just read the section on college debt, you can see what we could do if we would shift the cost of education back on to the State and off the back of our kids. The average debt coming out of college is $20,000. Why would you want to be a schoolteacher dragging that kind of debt or a doctor, $150,000? But, no, we have to pass a law to give an unending ability of people to get rich in this country and never give anything back.

Now, when you talk about who calls you in your district, well, Mr. Gates called me and he said, do not vote for the repeal of the estate tax.

Now, the third act to this thing, just so you understand how really crazy this is, the third act we are going to do before we leave here today is pass the line item veto to the President. It is a total capitulation by the right, by the House Republicans, saying, please save us from ourselves; we cannot stop giving money away.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

It is a pleasure to indicate that for the first time in my memory I completely agreed with the gentleman from Washington when he said, if you have just tuned in, and you are watching me, you are watching the theater of the absurd.

We are not repealing the estate tax so Mr. Gates wasted a phone call. I hope he is a little more in tune with what is going on in the software world than he is what is going on in the floor of the House.

We are not doing away with the estate tax. We are producing a compromise which will pass this House and go to the Senate in an attempt to make permanent law and remove uncertainty.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, when I first came to Congress, I had a family-owned nursery come sit down with me and explain to me the effect of the death tax, and two of the three children still worked in the nursery. What they showed me on paper was that because the tax, when their parents died, if they could take out enough life insurance on their parents, and if they could go back to the bank and borrow enough money, which, by the way, they spent years getting out of debt, but if they could borrow enough money, they might be able to keep their family nursery. Think about that. They were telling me if they could make enough money off their parents' death and borrow enough money, they might be able to keep their family nursery, might.

The death tax is the wrong tax. It hits the wrong people at exactly the wrong time. It is the number one reason small businesses do not get handed down to the next generation. It is the main reason more and more family farmers and ranches get sold off to pay Uncle Sam for all the big spending programs we have here today.

Permanent repeal of the death tax remains everyone's goal, my belief, on the Republican side of this Chamber.

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But any day I can free more family farms and ranches from the specter of the death tax, I am going to support it. Any day I can lower the death tax rate permanently on family groceries and family small businesses, I am strongly going to do that. Until full repeal occurs, I will strongly support lowering this tax. I support this bill.

Mr. RANGEL. Mr. Speaker, I recognize the conscience of the Democratic Caucus, Mr. LEWIS, the gentleman from Georgia, for 2 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, Mr. RANGEL, for yielding.

Mr. Speaker, I come to the floor today because I am sick and tired of the greed that is prevailing in this House. The Republican majority today will help millionaires with their estate tax cut while forgetting hardworking Americans, millions of them, by refusing to increase the minimum wage. This is unbelievable. It is immoral and it is wrong.

The majority must wake up and see the struggles of minimum-wage workers. They work hard every day to feed their families. People cannot afford health care. People are struggling to fill their cars with gasoline. Many people live in poverty. They live paycheck to paycheck, and they have not seen an increase in the minimum wage in 9 years.

This Congress should be ashamed. Be ashamed. When will we stop helping the superrich? They do not need our help. They are not begging for our help. They are not calling us, they are not sending letters or e-mails, they are not petitioning us to help. When will we start to take care of the least among us?

What would the great teacher say, what would the great teacher say when he comes into the Chamber and sweeps the money out of the Chamber?

Franklin Delano Roosevelt says that "the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." We are failing this test and we are failing the American people. This is not progress. This is not helping the least among us. This is greed and it is disgraceful.

I urge my colleagues to defeat this bill.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to a member of the Ways and Means Committee, the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the chairman for yielding me some time on this issue, one that I have worked on for quite a few years.

When I was a State senator in Pennsylvania, we rolled back the death tax 1.5 percent. We immediately saw healthier small businesses, healthier family businesses, and healthier family bank accounts.

I rise in support of this bill that further addresses a tax problem that the Federal Government has attempted to solve for a number of years. It is one of the main issues I hear about from my constituents when we talk about tax policy and what incentives we need in our Tax Code to promote entrepreneurship and to promote economic and job growth.

The death tax is a clear example of tax law that deters this kind of growth. It deters an individual from starting a business. It deters a family from keeping a business going for generations. Worse than that, it deters the very people that the other side was referring to that this allegedly hurts, the middle class. These are our small business people.

A report recently released by the Joint Economic Committee highlighted a number of disadvantages created by the death tax. First, it inhibits economic efficiency and it stifles innovation. One survey noted that two-thirds of the respondents stated that the death tax was the top reason why it was difficult for a small business to survive from one generation to the next.

One of the biggest complaints I hear from these people, family business owners, small farmers in my district, is the immediate cost of complying with that tax. The majority of the assets held by a family business are farm property or business equipment or the business's building. They are invested in the business. This isn't cash. So they do not have the liquid assets to pay this tax.

So what do they have to do? In order to find the capital to pay this death tax, we force these families to sell off a part of their business and to sell off parts of their family farm to pay the tax. How this helps them I am really baffled. I don't think it helps them. They tell me it doesn't help them, and they have asked us for relief. Today's bill puts us in the direction of further relief for these families, these family business people, these family farmers.

I suggest my colleagues look at the facts. Look at how people respond to death tax cuts, with more job growth, and support this bill.

Mr. RANGEL. Mr. Speaker, I would like to yield 2¼ minutes to a leader in the United States Congress and a member of the Ways and Means Committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding. Ladies and gentlemen, our government is in complete disarray. We have no policy in Iraq. We have seen the highest level of fiscal irresponsibility this government has ever propounded upon the American public. We have breathtaking record deficits in our budget. And our priorities, as articulated in this House, are upside down.

We have soldiers today who are dying. We have millions of Americans working to feed their family on a minimum wage of $5.15 an hour. We have gasoline prices that are double what they were when President Bush first assumed office. But what do we have from our friends on the Republican side to deal with all of this? A tax cut that will go to the wealthiest families in America.

I hope, ladies and gentlemen, that we will recognize that every time a Member who supports this tax cut for the wealthiest families in America comes up to talk, that we recognize that they are talking about helping 7,500 families, period. Of the millions of Americans and of those Americans who will die, this bill will help only around 7,500 of all of America's families. It is because it deals with only the very wealthiest.

So everything they say, put it in context. It will help 7,500 families. Or put another way: of a thousand people who will die in America, less than two will receive the hundreds of billions of dollars in tax cuts that will go to those who pay estate taxes; 7,500 families, less than two of every 1,000 Americans who will die.

What could we, instead of giving money to the very wealthy in America, do? Well, we could have fully funded the Medicare part D prescription drug benefit that Republicans have failed to fund. We could have sent 40 million American children to a year of Head Start. We could have provided full health insurance for 174 million children for one additional year. We could have hired 5 million additional public school teachers for one year. We could have given 4-year scholarships to 14 million students to public universities. We could have provided worldwide AIDS programs for 29 years. And we could have provided for every child in the world basic immunization for the next 96 years.

Our priorities are upside down.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to provide 3 minutes in support of H.R. 5638, the compromise that is endorsed by the National Association of Home Builders, the National Association of Realtors, the United States Chamber of Commerce, the majority whip of the House of Representatives, to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I am pleased to be able to be on the floor in support of this important piece of legislation. I am also grateful to the chairman not only for this piece of legislation but for the significant legislation he has brought to the floor year after year that really has resulted in an economy that is growing, an economy that creates opportunity, an economy with the lowest unemployment rate, an unemployment rate below the average of the 1970s, the 1980s, or the 1990s.

As I listen to this debate, what we are really talking about today is do we want to let this inheritance tax go back to the level that it was in 2001, where every family farm, every small business that had accumulated value and assets of $600,000 would see 65 percent of the excess of that go to the Federal Government.

Now, I will say first of all that I never thought a trip to the undertaker should also necessitate a trip to visit the IRS by somebody in your family. And while I would like to see the total elimination of the death tax, I think that the bill that the chairman has brought to the floor today solves the problem for millions of American families who have businesses and farms that are worth more than that old exemption; that this suddenly lets them put money that has been going into tax avoidance into continuing to grow their business, continuing to create jobs, continuing to create opportunity, and continuing to expand and build.

Many of the family farmers and small business folks that I work with have built their business with their mom and dad right there at their side. And, frankly, at the time mom and dad passes away, it is really hard for them to know in their mind who helped create the wealth of this business, who helped grow this farm that they grew up on and who didn't. But they have to suddenly decide, as Ms. HART pointed out, what do I sell, which piece of equipment do I sell, what part of the farm do I sell, do I have to sell the corner grocery store and service station just to pay the inheritance tax?

This creates an opportunity for families working together to continue to grow their businesses, to invest their money in the future of their businesses, in the jobs of the people that they will hire, in the communities that they are a part of, and to give a greater level of assurance that their children can continue to do the same kind of job, in the same kind of place, with the same kind of opportunity that they had.

There is nothing you have when you die that you haven't paid taxes on two and three and four times. This bill, for a significant number of Americans, says you don't have to pay taxes that last time after you die. It is the right step to take today. I am interested in taking more steps in the future to continue to work to eliminate this tax, but this is a critically important step for us to take as we approach 2010 and to let money that has been going into tax avoidance go into growing this economy.

Mr. RANGEL. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from New York has 10¼ minutes, and the gentleman from California has 12½ minutes.

Mr. RANGEL. Mr. Speaker, I yield to the gentleman from Massachusetts, an outstanding hardworking member of the Ways and Means Committee, Mr. NEAL, 2 minutes.

Mr. NEAL of Massachusetts. Thank you, Mr. RANGEL, very much.

What the other side wants you to believe today is that this is tax relief for the average American. What the majority whip said a couple of moments ago was interesting. He said the economy is growing; we have to keep the economy growing. He cleverly neglected to mention the deficits are growing, the insurgency in Iraq and Afghanistan are growing. You need the money to pay for those things.

You know what this is? This isn't for hardworking families. This is the Paris Hilton Tax Relief Act. That is who we take care of with this. Not Conrad Hilton, Paris Hilton. She will be in great spirits this evening when she finds out that the Republican Party has come to her assistance once again.

$2 trillion worth of tax cuts already, $800 billion more worth of tax cuts today, and friends across America, how do you square that with two wars? Seven tax cuts and two wars with no exit strategy in front of us, and they continue to cut taxes.

And the majority whip said, oh, he was cutting taxes for average Americans. We don't have time in this institution to raise the minimum wage. We don't have time for the people that clean the hotel rooms, make the beds, and shovel the streets. We don't have time for them. But, my God, today we have time for Paris Hilton. We will take care of her very well with this piece of legislation. The troops in Iraq? We will cut veterans benefits when they come home.

Let us make all kinds of changes here. But, my goodness, true to form, they are rich and they are not going to take it any more.

This Congress has bent over backwards to take care of the wealthy in America and the strong. And who do we neglect? People that do the menial jobs across this country that we depend upon every single day. Is there no end to this embarrassment of what we do on behalf of the powerful and the wealthy in America?

That is how much of the American population is going to benefit from what they do. Less than 2 percent of the American people are about to benefit from what they are going to do today.

I cannot believe the choice that this Congress is making today.

During the last 10 days, committees within the House have turned back efforts to raise the minimum wage. We won't provide any help to people who earn $5.15 per hour, $10,700 a year. At that wage, people have to work an entire 8-hour day in order to pay for a single tank of gas.

And after rejecting any relief for working poor families, what is the next order of business for the Republican Congress? Elimination of the inheritance tax—a tax that affects only the wealthiest 7,000 families in the United States.

The proposal under consideration today would cost $762 billion over its first 10 years in effect, all to benefit the tiniest share of the wealthiest and most successful members of our society—people who want for nothing, and who have enjoyed the largest share of the rest of the tax cuts that we have passed since 2001.

In this year's budget, the United States Congress cut funding for veterans. We cut funding for programs that helped the elderly and small children. We cut funding for student loans.

We have taken the step—unprecedented in our Nation's history—of conducting two wars with six large tax cuts.

And even after all of that, here we are today, contemplating a tax cut worth hundreds of billions of dollars that will go to the likes of Paris Hilton.

Three estates in every 1,000 would benefit from this tax break. This is not widespread tax relief. This is not Main Street tax relief. This is Park Avenue tax relief that Main Street has to pay for.

This bill costs almost as much as estate tax repeal, and the benefits accrue to the people in our society who need tax relief the least. We have a record deficit, we have a skyrocketing national debt, and we have two wars to pay for. This isn't fuzzy math, this is fantasy math.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to a newer Member of the House of Representatives, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my colleague from California, Chairman THOMAS, for yielding me this time.

Ladies and gentlemen, I, like the majority of this House, would support full repeal of the estate tax, but that, as Chairman THOMAS explained, has not passed the Senate. So this is a compromise proposal, but one which I fully support, and for three reasons I will give today: one is facts, second is economics, and the third is equity.

First of all, facts: people on the other side this afternoon have said that 7,500 people will benefit from this reduction in the death tax and that the tax they will not pay, I think it was $750 billion over 10 years. If you do the math on that, Mr. Speaker, you will find that that is $100 million per family.

Now, that is very odd, since families with as small as $1 million of a total taxable estate will be relieved from tax under this bill.

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So facts are not what they say. The facts are hundreds of thousands, hundreds of thousands of families over the next 10 years will be relieved from paying tax on death under this compromise proposal.

Second, economics. We have seen that when we reduce the capital gains tax, the economy improved, and revenue to the government actually increased. The same thing will happen here. People are out there with lead trusts, with remainder trusts, with family limited partnerships and all kinds of things that do not generate benefit for this economy but are done simply so they can try to keep a house or a business or farm in their family, they won't have to do that. Mr. Speaker, 99.7 percent of the families in America will not have to do that under this proposal.

The third is equity. Right now under the death tax as it exists, some people can leave their house to their children; some people can't. Some people can leave their farm to their children; some others can't. Some people can leave their business to their children; and some other people can't.

Mr. Speaker, we should not have a tax policy that says to some people what you have worked for and earned in your life you may leave to your children, and other people can't do that. I urge an "aye" vote on the bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. For the wealthiest few, Republicans don't just aim to eliminate the misnamed "death tax," they want the death of all taxes.

They have got some exit strategy, not for our troops sacrificing their all and facing death in Iraq, it is an exit strategy for billionaires from the tax burden that they should share to support our Nation.

For whom do they spell relief today?

Minimum wage? Won't raise it.

Gas prices? Won't cut them.

Drug prices? Won't lower them.

Veterans' health care? Can't cover them.

Student loans, Medicare, Medicaid? Cut, cut, cut.

This is truly a "cut-and-run" Congress: cutting relief for most Americans while running up a huge deficit to finance more billionaire tax breaks.

Will you benefit from these new tax breaks today? Take this quiz:

Do you play Yahtzee or maintain a fleet of yachts?

Do you wear a hard hat or a silk top hat?

Do you drive a pick-up or own a gallery of Picassos?

Do you pump gas by the gallon or sell it by the barrel?

Only if the answer is the latter for all of these questions are you likely to be among the handful of Americans who benefits from not having to pay a tax that Teddy Roosevelt, back when there were a few Teddy Roosevelt Republicans, called a key to not having us copy the landed aristocracy of the European continent.

This bill today goes beyond fiscal irresponsibility, it is true fiscal insanity, piling burden upon burden on our children and grandchildren.

Mr. THOMAS is correct that it is a "compromise," but only in the sense that it compromises our families and our Nation's future and strength.

Mr. THOMAS. Mr. Speaker, it is with great pleasure that I yield 2 minutes to a colleague, someone who understands the reason we are here today, a cosponsor of H.R. 5638, the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I thank the chairman for yielding me this time. I do rise in support of the Permanent Estate Tax Relief Act of 2006.

I want to make a statement on behalf of the farm families of this country. When I came to Congress in the early 1990s, my farm families told me stories over and over again of their problems encouraging the next generation to farm the land that they farm. This is not a rich person's estate tax bill. This is a reasonable compromise.

A lot of us on this side of the aisle have worked long and hard in a bipartisan effort to make sure we had an opportunity to bring that voice of those farmers, to bring the voice of small businesses in this country into alignment with the Federal Government so we could pass for them estate tax reform, estate tax relief that will give them some permanency.

We made a step toward that, but that step has a huge gap in it. It is not permanent. So we have done something of a helping hand, but we have also made this a lawyer's mecca here. Estate tax planning is something they cannot do because they don't have the ability to know exactly what is going to happen.

Is everything in this bill that I want in this bill? No. And there are a lot of Members who didn't get everything in this bill that they want, but this is a reasonable compromise.

I have cochaired a coalition of folks who want to eliminate the death tax, but I am here to say this is a reasonable alternative, and Members should support it.

Mr. RANGEL. Mr. Speaker, I would like to yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), a Member who really understands this problem.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

To start out, let's have a little truth in labeling. The chairman of the Ways and Means Committee calls it a compromise bill. Compromise involves some give and take. This is a bill that he created, no consultation, no discussion with the Senate, no discussion with the Ways and Means Committee, no discussion with anybody. That is not negotiation, that is not a compromise.

A compromise involves meeting people halfway. If you look at the revenue lost here, fully considering the lost revenue between 2010 and 2020, it is virtual repeal. We have been able to calculate it is roughly 80 percent of the cost of full repeal. Again, no compromise.

Let's put this in the context of the fiscal situation facing this country, because this House majority has voted to raise the debt limit of this country, voted to raise it in March, and because the deficits were so horrendous, they had to vote to raise it again in May. It now exceeds $9 trillion.

With the revenue, the $800 billion revenue lost in the next decade, it will all have to be borrowed. Who are we borrowing from to help under their bill? The shocking fact is 43 percent of those who we are borrowing from to help are estates over $25 million, the richest few in this country.

There is another way. We can take the 2009 of $7 million for joint estates. This is the compromise Democrats would be willing to go for. It takes care of 99.7 percent of the estates in this country. We will go one further. We will dedicate the estate tax revenue over that to the Social Security Trust Fund. Social Security actuaries tell us such a step would add 5 years to the life of the Social Security program.

So you have a very stark choice here, the majority bill which is going to hurt Social Security, or our bill which would add 5 years.

Mr. THOMAS. Mr. Speaker, it is a real pleasure to yield 4 minutes to a member of the Ways and Means Committee who has been a stalwart on this issue, who has been in the forefront and is one of those who not only knows this issue from an intellectual point of view, but who has lived it with his family, the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, one of the interesting things about sitting through the debate and hearing all of the various points and wanting desperately to respond to each and every one of them, and not having the time to, I would say to my colleague from the Ways and Means Committee from the State of Washington who mentioned that he had taken a phone call from Mr. Gates, I wish the same gentleman would actually take a phone call from the owner of the major metropolitan newspaper from Seattle, Washington, who actually supports permanent repeal of the death tax.

Having said that, I listened to my friend from North Dakota who just spoke. I am mindful that I stood in this same spot on April 13, 2005, on rollcall vote 102 when we, Mr. CRAMER and I as lead or chief sponsors of H.R. 8, which was permanent repeal. We had the rollcall vote, and we had an extraordinary bipartisan vote: 272 Members of this body said once and for all it is time to kill the death tax.

There were 42, dare I say courageous, Democrats who voted for complete repeal. I hope my words get to those 42, and I urge that same steadfastness on this compromise. It is my understanding there has been some intense political pressure put on my colleagues across the aisle from their leadership, and I certainly hope they would look at this compromise.

I would say to my friend from North Dakota, this is a compromise. As we debated this bill back in April 2005, he pointed out that H.R. 8, the complete repeal, did not include a step up in basis. This bill does, a complete step up in basis upon death.

The gentleman from North Dakota, when we debated this a year and a half ago, talked about there was no indexing. We fixed that in this bill. There is indexing so that the passage of time and the acceleration or accumulation of assets as they appreciate in value will not suddenly look squarely down the barrel of the death tax bill. And so indexing is part of this.

We heard from the philanthropic community as far as opposition to complete repeal of the death tax because there was a concern about charities and foundations not being fully funded. So this compromise accomplishes their goal to make sure that the philanthropic in this country can continue to provide for those churches, charities and synagogues.

And yet from the other side of the aisle, I think some folks just dusted off the talking points from a year and a half ago, because this is not the bill we debated then.

And my good friend from Georgia, and we are working together on a civil rights bill, to hear the word "greed," or to hear from my friend from California say that only 7,500 families will pay the tax, what about the tens of thousands of American taxpayers, family-owned businesses, that had the same experience that I had of sitting across the mahogany table from their longtime family accountant when my mother passed in 2004?

This 514-acre farm that she and my father had built, that my father had worked for nearly five decades, and I am sitting across the table from this family accountant, and he has an old adding machine with the tape on it, and he is punching in values for each of these assets. The acreage per value, the three tractors, the very used combined, the home that I grew up in, the modest life insurance policy, and suddenly as a Member on the Ways and Means Committee, I break out in a cold sweat because I know when he hits the total button, it is either going to be above an arbitrary line that Congress has set or below it. I know that if it is above that line, that I am probably going to have to sell off some of this family business, this farm I grew up on, just to pay the government.

What is ironic is if my mother had passed away 4 months earlier, I would have had to have sold a significant part of that farm just to pay the tax.

This is a very usable compromise, and I would say the fact we are here, of course, is that there is a determined minority in the other body that has used the Senate's rules and procedures to deny that complete repeal that we have been working for. This is a compromise that deserves bipartisan support. I urge its passage.

Mr. RANGEL. What is the time? I think I would want the majority to catch up in terms of the time gap.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from New York (Mr. RANGEL) has 4¼ minutes. The gentleman from California (Mr. THOMAS) has 4½ minutes.

Mr. RANGEL. Mr. Speaker, I would like to yield for 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a distinguished member of the Ways and Means Committee.

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Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the ranking member, Mr. RANGEL, for yielding me this time. And I want to compliment my colleague, KENNY HULSHOF, for those impassioned words about his family farms. But the good lawyer that I know KENNY HULSHOF is, I know he has come up with some resolve for his family in addressing some of the estate tax issues, short of changing the estate tax, be it who holds the farm, how long they hold it, et cetera et cetera.

But I rise this afternoon in opposition to this legislation. As we have all said earlier, those on this side of the aisle, this is no compromise. It will cost us so much money that many of us can't even count it. And most of the people who benefit from this estate tax have so much money, they far exceed the general everyday person who works hard making $5.25 an hour and can't even think about an estate because, by the time they pay their light bill and their water bill and buy their kids some clothes, pay the gas bill, the estate that they always hoped for could never come into play.

Now, you are going to say, STEPHANIE, why are you comparing working making $5.25 hour to an estate over $5 or $100 million? I am doing it because most of the people in America are making $5.25 an hour at that other level.

We only have a certain amount of money that we operate in the United States of America, and I say it is time for the people at the lower end of the spectrum to have a benefit from the taxing policy of this Nation. I say it is time for the people at the lower end of the spectrum to know that the kids, and the bulk of their kids go to fight in Iraq, have enough armor, et cetera, to be covered; that those families know that their children have the ability to go to college. It is connected because it comes out of the same pot.

I, therefore, invite you, encourage you to vote against H.R. 5638.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. CHOCOLA), a member of the Ways and Means Committee.

Mr. CHOCOLA. Mr. Speaker, I thank the chairman for his hard work on this.

Mr. Speaker, I just rise today to ask the question, Whose money is it anyway?

I think it is important to recognize that the Federal Government has no assets that didn't derive from the hard work of the American taxpayer. And that is what we are talking about today.

And it is not just the families that pay the tax that are impacted on this. I have worked in several family businesses, and every business that I have worked with is a family. Everyone that works there is a family. And when you put a business at risk by requiring it to be sold simply to pay taxes, you put every job in that company at risk. If you have 25, if you have 50 employees, you are putting every single one of those jobs at risk by selling the company to someone you don't know. They may live somewhere else and they may move the business or reduce it or do whatever when you lose control. If you really care about working families, you would not ever allow a business to be sold simply to pay the taxes.

And like many of my colleagues, I support full and permanent repeal. This is a step in the right direction. I urge my colleagues to support it.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I believe I will be the last speaker.

Mr. RANGEL. Mr. Speaker, I yield myself 1 minute. There seems to be some confusion as to who the beneficiary is of this special legislation. I suggest to you that if you belong to the one-third of 1 percent of not working families, but families who have inherited an estate that is valued over $3.5 million, or $7 million if you are a couple, that in 2009 you will be the beneficiary.

If there is some confusion about the hundreds of millions of people who work every day, and those six million of them that are at minimum wage, then I suggest to you that you will get nothing from this. But if you are in doubt as to whether one side is just making it up as they go along, and the other side has any question about it, I suggest that you go to the Internet, www.house.gov.jct. That is the Joint Committee on Taxation, and you will be able to decide whether you hit the lottery. If your name is not there with the 7,500 families, then you are a loser in this enormously expensive legislation.

Mr. Speaker, I yield the remainder of my time to the outstanding leader of the Democratic Party and, indeed, our country, the Honorable NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York for yielding. I congratulate him on his, as always, excellent leadership on behalf of the middle-class working families in America. I salute him for his excellent presentation today.

Mr. Speaker, today the House is considering the ultimate values debate. The question before us today is, Do we want to cut taxes for the ultra-superrich, or, instead, do we first want to give hardworking Americans a raise?

Do we want to live in an aristocracy, or do we want to live in a democracy?

Do we want to perpetuate wealth or reward work?

The estate tax is central to our democracy. It is rooted in our commitment to create a strong and vibrant middle class and to give every American the opportunity to achieve the American Dream.

After the Gilded Age, in which the elites of the time held power and wealth that far, far, far outstripped what the average American had, America decided to go in a new direction.

One of America's great Republican Presidents, Theodore Roosevelt, made the argument for an estate tax, saying that the "really big fortune, the swollen fortune, by the mere fact of its size, acquires qualities which differentiate it in its kind, as well as its degree from what is possessed by men of relatively small means." Therefore, President Theodore Roosevelt said, "I believe in a graduated tax on big fortunes properly safeguarded against evasion."

Democrats believe that we must create wealth. We recognize that, that we must reward entrepreneurship and risk, and we must encourage hard work. That is why Democrats supported a targeted estate tax relief for small businesses and farmers and families that would ensure 99.7 percent of all Americans don't pay any estate tax. This is in the spirit of Theodore Roosevelt, targeting the vast fortunes that differ not only in the quantity of wealth, but in the kind.

I salute Congressman EARL POMEROY for his leadership in giving Congress an alternative that is morally and fiscally responsible. Unfortunately, once again, the Republican leadership, just as they have blocked a vote on the minimum wage, are blocking Mr. POMEROY's option to bring his proposal to the floor, which is responsible, which is paid for, and which is fair to all Americans.

Under Mr. POMEROY's proposal, only the top .3 percent, that means 99.7 percent of Americans, most people in America, would not pay any estate tax. But it would leave that .3 percent, the very, very, superwealthy, to pay their fair share. There are very few people involved, but a great deal of money. We will have a chance to vote on it in the motion to recommit. Unfortunately, we will not have the time to debate it as an alternative.

We have these questions that have come before us when we are talking about this. We are talking about giving $800 billion to a few families in America. Democrats stand for fiscal responsibility, pay-as-you-go budgets, and no new deficit spending.

Republicans, instead, have put forth the bill that will cost the American people, again, almost $800 billion; $800 billion that we don't have, that we are going to have to borrow.

Our national debt is becoming a national security issue. Countries that now own our debt, it is over $1 trillion already, and this doesn't include this $800 billion, those countries that now own our debt will not only be making our toys, our clothes and our computers, they will be soon making our foreign policy. They have too much leverage over us.

With this bill today, the Republicans are giving tax cuts to the wealthy and asking the middle class to pay for it by writing checks to China and Japan for the interest payments on the debt and, ultimately, the payment on principal. It is ridiculous. It is ridiculous.

Let me get this straight. We are at war in Iraq. Many of the same people who wanted to support the stay-the-course that the President is on in Iraq, which has around a $400 billion price tag on it, that is off budget. They don't want to pay for that. And that is a huge figure. And now the Republicans are saying, not only that, not only are we not paying for the war, it is off budget. We will just heap that debt on to future generations. They are saying, we are going to give twice as much as that to a few families in America. It is so unfair, this same week that we are taking this up.

As I said earlier, this is the ultimate values debate. How can a person of conscience say to the Congress, we do not support an increase in the minimum wage. Instead we are going to give $800 billion to the wealthiest people in America.

The minimum wage is $5.15 an hour. It hasn't been raised in 9 years. This is a shame. It is a disgrace. It is unfair.

And what does the leader on the Republican side say about the minimum wage? Mr. BOEHNER says, I have been in this business for 25 years and I have never voted for an increase in the minimum wage. I am opposed to it, and I think the vast majority of the Republican conference is opposed to it.

So thank you, Mr. BOEHNER, for making a differentiation for us. You are for $800 billion for the wealthiest families in America, and not an increase of over $5.15 an hour for America's working families. So instead of giving 7 million Americans a raise by increasing the minimum wage, again, the Republicans are proposing $800 billion, that is nearly $1 trillion, as a gift to the wealthy. This is Robin Hood in reverse. We are stealing from the middle class to give to the wealthy.

Pope Benedict just recently put out his new encyclical, "God is Love." And in his encyclical, he quoted Saint Augustine when he wrote, this is in the Pope's encyclical. You can find it there. He talked about the role that politicians have and that a government should be just, and we should be promoting justice. And he goes on, Pope Benedict does, to quote Saint Augustine. He says: "A state that is not governed according to justice would be just a bunch of thieves." This is the Pope saying this in an encyclical, quoting a saint. "A state which is not governed according to justice would be just a bunch of thieves."

I ask this Congress, is it justice to steal from the middle class to give tax cuts to the ultra-superrich?

It is not just. And it is an injustice we cannot afford. Americans can no longer afford President Bush and the Republicans. It is time for a new direction. We can begin by rejecting this estate tax giveaway to the wealthy and insist on a vote to increase the minimum wage. That would be a real values judgment.

Mr. THOMAS. Mr. Speaker, I rise in support of democracy and in opposition to aristocracy, and simply and humbly request I have the same clock that was just used.

How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California is recognized for his remaining time, which is 3½ minutes.

Mr. THOMAS. Mr. Speaker, I also want to be on record as being opposed to a theocracy. And I will tell you that today, shortly, democracy will be demonstrated when the House of Representatives determines whether or not it sends this compromise measure over to the Senate with a majority vote.

I know it is a mystery to some people. And I found it most revealing in a poll when Americans were being polled as to whether or not you supported either repeal or making smaller the estate or death tax.

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One gentleman responded to the poll that he was in favor of repeal, and if he couldn't get repeal, he wanted it smaller. And given the location in which the question was asked, in the home which the gentleman lived, the questioner said, "But you aren't currently in a position to benefit from the estate tax, whether it's repealed or not."

And he said very simply, "But I want to have the opportunity to be able to."

That is really the American dream. It really is what democracy is all about. It really is keeping more of your hard-earned efforts at the end of your life, or, if this bill becomes law, the amount that is legally appropriate, $5 million per individual, to be given while you are alive or after you pass or partially when you are alive or partially when you have passed. As one of my colleagues said, after all, it is your money.

The estate tax does deal with progrowth or antigrowth because it is simply a tax on capital and savings. The lower the tax on capital and savings, the greater the opportunity for growth.

We have heard the argument that this really is not a compromise. I believe it is a compromise. I said why. But I think the real test as to whether something is or is not a compromise is what I like to call the Goldilocks test. The Wall Street Journal thinks this is too cold. An individual representing the richest people in America, Dick Patten of the American Family Business Institute, says, "We flatly oppose the Thomas plan. It just isn't good enough." The gentleman from North Dakota says, This is virtually repeal. It is just way too hot.

Well, for some it is too hot; for some it is too cold. It sounds to me like that we have got a compromise that has a chance to pass the United States Senate. We know it will pass the House of Representatives.

Mr. Majority Leader, you asked for a bill that should become law. Mr. Majority Leader, the House is sending you the bill you asked for.

I urge support of H.R. 5638. I urge the Senate to take up the compromise as soon as possible. And when that bill is sent to the President, the American people, those who work hard and expect to retain or pass on at the end of their lives a portion of their earnings during that life, will have achieved a significant victory, not in a theocracy, not in an aristocracy, but in a democracy.

Mr. DICKS. Mr. Speaker, the Chairman of the Ways and Means Committee has made a diligent and sincere effort to seek a compromise position on the estate tax issue, and he should be commended here in the House today. Many of the Members of the House have conceded that the threshold at which estates are subject to the tax is not realistic in today's economy, considering the assets many small businesses routinely accrue in this country. While I believe the full repeal of the tax is unjustifiable, because it would mean such a huge loss of revenue to benefit primarily the wealthiest portion of our population, I believe there is interest in making some adjustment, if the cost in terms of lost revenues is reasonable. So I applaud the effort that was made to seek this compromise, however I rise today Mr. Speaker to oppose the unfortunate result, H.R. 5638, because I believe it doesn't meet the test of being reasonable.

At a time when the annual budget deficit is now approaching $400 billion and when there are so many urgent issues in our society that we simply cannot afford to address, I believe the compromise that has been reached raises that threshold far higher than it should be and thus it relinquishes far too much revenue in order to assist a very high-income sector of our population. When fully implemented, and assuming that the current capital gains tax rates are extended permanently, this bill will reduce revenues by an average of $82 billion a year for the first ten years that it is fully implemented. To provide my colleagues with a frame of reference, $82 billion is well more than twice as much as we appropriated earlier this month for the entire Department of Homeland Security. It is nearly four times as much as the appropriation we will consider for the entire Department of Justice for the upcoming fiscal year.

In addition, Mr. Speaker, the nation is now engaged in wars in Iraq and Afghanistan—for which too few Americans are being asked to sacrifice—and we face a compelling need for substantial federal investments that are required to secure our homeland from the threats of terrorist attacks. It seems to me, Mr. Speaker, that it is neither prudent nor fiscally responsible to be adding such a large annual increase—another $82 billion—to the national debt at this time. We are cutting back on programs that benefit seniors, poor and middle-class Americans, and we are reducing our investment in education, health care, infrastructure and the environment. At this time, Mr. Speaker, I cannot in good conscience support a bill that, by its very nature, provides such a large share of its tax benefits to the least-needy people here in the United States.

I regret that we could not reach a compromise position that was more fiscally responsible, because the Chairman did accede to our request to accelerate the passage of another important piece of legislation, H.R. 3883, by adding it to the compromise package. I appreciate the Chairman's personal interest in the passage of the Timber Tax bill, which I have cosponsored, in order to restore fairness to the tax code and allow regular corporations in the timber industry to compete on a level playing field with other "pass-through" entities that currently receive better tax treatment. Again, it is with great regret that I urge the House to defeat the entire estate tax bill, because I believe the Timber Tax language represents a modest and deserving provision that should be passed no matter what becomes of this legislation. We can defeat H.R. 5638 today and return to the attempt at reaching a reasonable, prudent and fiscally-responsible compromise that addresses the legitimate needs of small business owners and that includes that Timber Tax provision. I urge a "no" vote on H.R. 5638.

Mr. SMITH of Washington. Mr. Speaker, today the House is taking up an important piece of tax legislation, the Timber Tax Act of 2005. Unfortunately it is attached to a fiscally irresponsible tax cut that I cannot support. However, I do support the Timber Tax Act and hope that the House will bring this legislation to the floor for a separate vote.

In today's economy, the forest products industry is very important to Washington State with 8.5 million acres of privately owned forestland. There are more than two million people in the U.S. who make their living working for the forest products industry and more than 45,000 in Washington alone. This industry is the state's second largest manufacturing sector.

Timber is a unique and risky investment compared to other long term investments. It can take between 20 to 70 years to grow timber that is ready for harvest, which means significant upfront investments in forestry are also subject to risks of nature, clearly demonstrated by last year's hurricanes and wildfires. If passed, the Timber Tax Act would encourage reinvestment in forestland, which supports an industry that provides important jobs to many Washington State residents.

Mr. LARSON of Connecticut. Mr. Speaker, I am disappointed in the Republican leadership and their priorities in this House. Instead of moving forward with the minimum wage increase that was approved last week in the House Appropriations Committee, the Republican Majority places yet another irresponsible estate tax cut bill on the floor.

Let me make my position clear, I support tax relief to help small businesses and family farms. I have voted 5 times in the past six years for balanced reforms to the estate tax that would have virtually exempted all estates. However, again and again the Republican Majority has pushed legislation through this House that helps only the few and costs much more than we can afford. The underlying bill, H.R. 5638, would give tax relief to estates worth more than $3.5 million, which will cost the American people $762 billion over 10 years. Only half of the 1% of Americans affected by the current estate tax would benefit from this bill.

In comparison, the minimum wage increase opposed by the Republican Majority would help 7.5 million American workers earning between $5.15 and $8 an hour. Since Congress has not raised the minimum wage since 1997, its buying power is at its lowest level in 50 years. An increase from $5.15 to $7.25 over two years would help the workers most in-need in this country.

Every day the American people are growing tired of the misguided priorities of this Republican Majority and Administration. In a time when the Nation is facing record deficits, a national debt of $8.4 trillion, a gallon of gas is $2.87 and a gallon of milk is $3.23, the American people are looking for leadership in Congress. We need a new direction on economic policy in this country and not more of the same tired Republican proposals that explode the federal debt.

This Congress should help more Americans help themselves. Unfortunately, this Republican Majority has different priorities. Since the Republican Majority blocked the balanced Democratic substitute that would exempt 99.7% of estates from estate tax liability, I urge my colleagues to do better for the American people and oppose the underlying bill.

Mr. UDALL of Colorado. Mr. Speaker, I am disappointed with this bill and regret that I cannot support it.

I do not support repeal of the estate tax, but I have long supported reforming it.

So, I took hope when I heard that the Republican leadership had decided to abandon its misguided drive for its permanent repeal and to focus instead on its revision.

I hoped that at last we would have a chance to vote on a measure that would strike the right balance, protecting family-owned ranches, farms, and other small businesses while recognizing the need for fiscal responsibility in a time of war. But when I reviewed the details of the bill now before us—even to the limited extent that was possible—I realized that once again I had hoped in vain.

The bill would exempt the first $10 million of an estate for a couple ($5 million for an individual) and would link the estate tax rate to the capital gains rate, which is currently 15 percent, but which is slated to return to 20 percent after 2010. Under the bill, the value of an estate under $25 million would be taxed at the capital gains rate, and the portion above $25 million would be taxed at two times the capital gains rate.

While this is different in some ways from previous versions, it does not represent a true compromise. The Joint Committee on Taxation estimates the bill would reduce revenues by $280 billion between 2007 and 2016, with a reduction of $61 billion, or 75 percent as much as full repeal, in 2016. In other words, the revenue reduction from this bill would be greater—65 percent greater—than simply making the 2009 rates permanent.

And to make matters worse, the bill includes some unrelated provisions that are even less fiscally responsible, most notably a special capital gains tax break for timber companies that well could result in profitable companies paying no tax at all.

Under current law, if a tree-owning company cuts and sells some of its trees, the income is taxable as regular corporate income. But this bill would allow those companies to exclude 60 percent of that income from tax.

The result would be to restore a loophole that was closed when President Reagan signed the landmark tax reform act of 1986. Before that, the largest paper and wood products corporations benefited from favorable treatment to a remarkable extent.

For example, one of those companies told its shareholders that for the period of 1981 to 1983 it made $641 million in U.S. profits—but it not only paid no taxes but in fact had so many excess tax breaks it actually received $139 billion in tax rebates. Another company reported $167 million in pretax profits, yet instead of paying part of that in federal income tax, it got $8 million in tax rebates. And another reported $400 million in pretax profits, but instead of paying taxes, got $99 million in tax rebates.

In 1986, recognizing the unfairness of this kind of legal tax avoidance, Congress closed the loophole. But this bill would undo that reform, bringing back an exclusion for timber income that strongly resembles the pre-1986 tax break.

The bill says this change would be temporary, sun setting at the end of 2008, and the Joint Committee on Taxation estimates that during that two-plus year period it would reduce revenues by $940 million. But if this tax break is extended—and we can be sure its beneficiaries will lobby for its extension beyond 2008—the long-term cost to the Treasury will certainly be more.

I oppose these provisions, which I think should not be part of this or any other legislation.

My opposition to this bill does not mean I am opposed to reducing estate taxes.

I supported an alternative that would have raised the amount of an estate excluded from taxes to $6 million per couple and increased this to $7 million by 2009. This not only would have provided relief for small businesses and family farmers, but it would have done so in a much more fiscally responsible way, because it would have reduced revenues by much less than this bill. It also would have simplified estate-tax planning for married couples, who could carry over any unused exemption to the surviving spouse and so assured that the full $7 million would be available.

Furthermore, that alternative would have transferred the revenue from the estate tax to strengthen the Social Security trust fund, a change that, according to the Social Security Actuary, would solve one quarter of the trust fund's shortfall. But, unfortunately, the Republican leadership actively worked against that alternative and so my hopes for that true, reasonable compromise were thwarted.

As a result, I have no responsible choice but to oppose this bill and to hope that as the legislative process continues it will be sufficiently revised that I can support it.

Time will tell whether that hope, too, will be in vain.

Mr. CANTOR. Mr. Speaker, today we are considering a bill that would move us a step closer to full repeal of the death tax, a goal which I fully support.

The death tax is one of the most egregious taxes in our system today and should be fully repealed. This tax is a punishment for people who have worked hard all their lives, who have built successful small businesses and who have succeeded in living the American dream.

It does not stand to reason that the United States, the most successful economy in the world, should punish its citizens with such a regressive tax. The United States has the second highest estate tax in the world at 46 percent, second only to Japan at 70 percent.

This tax penalizes farmers, ranchers and small business owners. These are people who work hard day in and day out to keep their businesses running and meet payroll deadlines. These are the businesses that produce jobs and provide healthcare for many Americans. When we cripple small businesses with inheritance taxes that force them to close, we not only punish the owner for being successful, we punish their employees as well.

Some of my colleagues on the other side of aisle don't want to pass this tax relief on to the American people. They would rather fund their special interest give aways than let Americans keep their own money. This is not the Government's money. Washington has already taxed these earnings once, twice even three times. Do we really need to go back for more when you die? Isn't death punishment enough?

Mr. Speaker, this tax is shameful, it is greedy and it is offensive and I support the efforts we are making here today to move towards a full repeal of the death tax.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to oppose the Permanent Estate Tax Relief Act of 2006.

This legislation will exempt estates up to $5 million for an individual and $10 million for a couple; will tax the next $20 million in assets at 15 percent and assets above $25 million at 30 percent. According to the Joint Tax Committee, this measure will cost $279.9 billion in lost revenue between now and 2016, and at least $61 billion per year every year after.

This is unacceptable and is fiscally unsound. Not only will this add to the enormous budget deficits we are now facing, but it will also contribute to the increasing concentration of the Nation's wealth among a very small number of Americans.

Thirty years ago the richest one percent of our population owned less than a fifth of our wealth. According to a report by the Federal Reserve Board, that one percent now owns over a third of the Nation's wealth. Workers today are twenty four percent more productive than they were five years ago, but the median earnings of those workers have not risen in line with this, a distinct change from historical patterns. The average CEO pay is now 400 times that of a typical worker. Forty years ago it was 60 times that of an average worker. We are creating a new upper class, one that our country has not seen since the rise of the robber barons, and this legislation ensures that this gap will grow ever wider.

Right now, a couple can pass on four million dollars to their children tax free. The New York Times attempted to find a farmer who had been affected by the estate tax. It was unable to do so, even with the assistance of the American Farm Bureau.

I agree that we need to ensure that small businesses and family farms are able to be passed on to succeeding generations. This is why during debate on a permanent repeal of the estate tax I was supportive of keeping it at its 2009 level. Doing so would ensure that 997 out of every 1000 people can pass their assets on to their children and pay no estate tax. According to the Urban Institute-Brookings Tax Policy Center, if this level was in place in 2011, only fifty farms and small businesses would owe any estate tax.

This legislation will not help the vast majority of our constituents. Instead it will help a small group of people maintain their enormous wealth and, in return, it will increase our country's deficit. As Members of Congress, part of our job is to ensure that the Nation's economy is strong for every person in the next generation. We don't do that when we give ourselves hundreds of billions of tax cuts and leave it to our children to find the tax money to pay for them.

Mr. SHUSTER. Mr. Speaker, in a letter to a friend, Benjamin Franklin wrote that "In this world, nothing is certain but death and taxes." The two will soon go hand in hand unless Congress acts to fully and permanently repeal the Death Tax. After a lifetime of paying taxes the Death Tax unfairly imposes a double tax on small, family-owned businesses and farms. Our family farmers appear rich on paper, but in reality are two poor growing seasons from bankruptcy. The Death Tax does not discriminate—it just forces the family to sell off the land to another larger farm in order to pay the tax. If Congress truly cares about the family farmer the best thing that can be done is to kill the Death Tax.

Mr. Speaker, most small business owners have the entire value of their business in their estate. With the Death Tax, the government immediately "inherits" a 37 to 55 percent piece of the estate, a blow that many family businesses and farms cannot survive. Taxing small business owner's hard work in death punishes their families and threatens family businesses across the country. The mere threat of the tax forces business owners to spend thousands of dollars on accountants, lawyers, and financial planners so that they can attempt to ensure the survival of their business after their death.

Mr. Speaker, I grew up on a family farm, and owned and operated a small business before serving in this House. The Death Tax is real and has tangible effects on real people. The Death Tax penalizes hard-working family farmers and business owners hoping to pass on their land or shop—their legacy—onto their children. The Death Tax is an insult to all those who spend a lifetime of hard work to ensure that their children can continue the family business.

Mr. CONYERS. Mr. Speaker, the House of Representatives is known as the "People's House." Instead of taking up legislation that will improve the lives of a wide range of people, we are debating a tax break that will benefit a measly 7,500 Americans, or in other words, only the super-rich.

This bill would increase the estate tax exemption to $5 million for an individual and $10 million for a couple. What is the cost of such a policy change? $823 billion over 9 years. It is shocking that the Congress refuses to give poor working Americans a 70 cent increase in the minimum wage, but have no hesitation in rewarding the very wealthy a $823 billion windfall.

Today, I received a letter from the UAW, who plainly argues that if we pass this legislation, it will exacerbate our enormous federal deficits and place additional burdens on future generations. With a federal debt of over $8 trillion, a tax break for the wealthy is no way to bring our budget back into balance or to reduce the enormous deficit this Administration has presided over.

I also received a letter from the National Education Association that persuasively argues how this legislation would seriously jeopardize the ability to invest in our children and public education in the future. By draining federal coffers of much-needed revenue, we will be forced to cut much more than education. Funding for health care, veterans benefits, environmental protections, affordable housing, student loans, and homeland security are all at risk if we pass this irresponsible legislation.

With so many important issues facing our country—41.2 million Americans without health insurance, no minimum wage increases since 1997, and billions of dollars squandered in Iraq, it is a shame that the People's House has been hijacked by the narrow interests of the super-rich. Today's vote is another in a long list of votes to benefit the special interests of a few. The time is long overdue for the Congress to deal with the myriad of critical issues facing Americans today.

Mr. ENGEL. Mr. Speaker, as Ronald Reagan used to say—there you go again!

Our Republican friends are again taking care of the wealthy and ignoring the needs of the middle class. If they cared about middle class Americans, their priority would be to permanently fix the AMT that affects millions of Americans, not the estate tax that affects 1 percent of rich families. The Republicans in Congress are making sure the rich get richer instead of lifting all Americans up economically.

The Republicans would like us to believe that they are fiscal conservatives, but they are borrowing and spending like drunken sailors, abandoning all fiscal discipline.

As a result, we are leaving our children and grandchildren with mountains of debt for years to come. Of the millions of American families, this bill will allow 830 super rich families get a $16 million tax break—what a disgrace!

History will not refer to us as the baby boomer generation but as the credit card generation, and we can trace it all back to the Republican mantra of cut taxes, borrow and spend!

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to this legislation, which has been billed as a compromise proposal to legislation this chamber has passed to permanently repeal the estate tax. Instead of offering true compromise, this legislation simply muddies the water and would deal a devastating blow to our national debt.

Make no mistake about it, I do not want to see the children of family farmers or small business owners have to pay dearly for the success of their hard-working parents. Democrats and Republicans alike want American families to be able to preserve their legacies and pass down their farms and small businesses to their heirs. A true compromise would balance the goal of protecting these estates and keeping our country's fiscal house in order. This bill is no such compromise.

This bill would exempt the first $10 million of a couple's estate from the estate tax—an increase from the current $4 million exemption. For estates valued below $25 million, the bill would impose the capital gains rate—currently 15 percent—and would tax values above $25 million at double the capital gains rate.

Americans should not be fooled by the complexity of this tax structure, because the result is still the same. This bill is a benefit to the wealthiest Americans and will give estates valued at more than $20 million a $5.6 million tax cut, on average. Unfortunately, tax cuts are not free. And this legislation would have all American taxpayers pay the $762 billion ten-year pricetag that will result from lost revenue and interest on our national debt.

Estate tax reform is not a new issue for Congress. For years now, I've supported a sensible compromise that would protect families who have put their blood, sweat and tears into their businesses. Specifically, this proposal would exempt the first $7 million of a couple's estate—an exemption level that would shield 99.7 percent of all Americans from the estate tax.

Faced with a federal budget swimming in a sea of red ink, we should be making the fiscal compromises necessary to shore up Medicare and Social Security and ensure the continued solvency of federal programs that the most vulnerable Americans depend on for their own shot at the American Dream. Americans shouldn't fall for our majority's latest attempt to give millions to the Americans least in need, while leaving those most in need high and dry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the bill, H.R. 5638, the "Permanent Estate Tax Relief Act of 2006."

Mr. Speaker, I have voted for estate tax relief before but I oppose this bill because it is irresponsible to cut taxes for the wealthy when the Nation is at war and the national debt is over $8 trillion dollars.

The Joint Committee on Taxation estimates that THOMAS's estate tax proposal will cost the Federal Government $602 billion, plus an extra $160 billion when interest is accounted for. Only 0.5 percent of the richest families in America currently pay estate taxes. Moreover, under current law in 2009, only 3 out of every 1,000 estates will pay a penny in estate taxes—all couples with estates up to $7 million—99.7 percent—will pass on their entire estates tax-free. Any compromise proposal which deviates from 2009 current law—such as THOMAS' bill and KYL's older proposal—is therefore crafted entirely to benefit this tiny sliver of the richest estates.

American voters stand strongly against drastic estate tax legislation. According to recent polling data, nearly 60 percent of voters hold the initial, unaided view that estate tax should be left as is or reformed, and only 23 percent support repeal. When asked about the estate tax in the context of other budget priorities, voters rank repealing the estate tax as the last priority, and 55 percent of voters oppose repeal.

This so-called compromise, nearly as regressive and costly as a full repeal, is no compromise at all. Passing even this compromise legislation would constitute one of the most regressive tax cuts in the history of the United States. Middle- and lower-class Americans will be forced to shoulder the burden of radically decreasing the estate tax—both monetarily and through decreased public programs. In order to cover the monetary gap, the government will plunge further into debt, which will limit its ability to address the Social Security solvency gap and reduce the money available for public programs. It will also have to tap other tax sources, like payroll taxes, which will overwhelmingly hinder lower-income families.

I urge my colleagues to uphold the core American values of fairness and belief in meritocracy by rejecting this tax cut.

If we really wish to help the most deserving American families, we should raise the minimum wage.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to this this so-called "Compromise" Estate Tax proposal. This bill does make compromises—it compromises our children's futures, it compromises the future of our Social Security system, and it compromises our working families.

We're facing real issues in this country. We have rising deficits and a Social Security system that needs to be further secured. And today we are debating a bill to effectively repeal a tax that affects only the largest one half of one percent of estates. In the first 10 years after it takes effect, it will cost more than $750 billion, including interest on the added debt. That bill will have to be paid by the rest of America, including our grandchildren.

My colleague, Congressman POMEROY, offered a substitute to reform the estate tax and help shore up Social Security. We could increase the current estate tax exclusion to $3 million per individual and $6 million per couple after 2006 and $3.5 million per individual and $7 million per couple in 2009. This would exempt 99.7 percent of estates from tax liability. And we could funnel estate tax revenues into Social Security, solving a full quarter of the trust fund's shortfall.

Let me remind my colleagues that Social Security not only provides essential retirement security for our Nation's seniors, it also provides disability and life insurance for our troops . We had an opportunity to turn estate tax funds into a dedicated source of revenue for this vital program. We had an opportunity for real reform.

Unfortunately, the majority on the Rules Committee rejected this opportunity by rejecting the Democratic amendment. Now we are debating some very different priorities. Instead of guaranteeing a source of funding for Social Security for our Nation's seniors and military families, we're talking about guaranteeing a huge tax break to multimillionaires and billionaires. Instead of seriously facing our massive deficits, we're talking about adding to them. Instead of instituting real, clear tax reform, we are talking about a tax rate that is not even defined outright in this bill. I have been willing to consider certain creative proposals that would allow individuals to voluntarily prepay their tax, but this proposal is a non-starter.

If we pass this legislation, who will pay for the deficits? This bill will add $750 billion to the national debt over 10 years. Who will pay that price? Certainly not those who can best afford it—they're the ones who are reaping the benefits. This bill gives a small portion of the richest people in this country a gift and asks the middle class and their children to pay for it.

Mr. Speaker, I urge my colleagues to reject this false compromise. It's time to stop passing special interest legislation like this and start focusing on real reforms that benefit all Americans.

Mr. STARK. Mr. Speaker, I rise in strong opposition to yet another tax break for the ultra-wealthy. This week, Republicans rejected an increase in the minimum wage that would have enabled people making $5.15 an hour to receive a $2 raise. Yet today they're falling all over themselves to give every single person worth more than $20 million a $5.6 million tax break.

A cartoonist couldn't draw a clearer illustration of the Republicans' misguided priorities. Though 46 million Americans lack health insurance and millions of children are denied access to quality education, Republicans insist on enriching those who least need our assistance.

It is irresponsible and immoral to decrease revenue by $800 billion. With this money, we could provide quality health care for every man, woman and child; make the dream of affordable college a reality for all those who can't now afford higher education; or fund groundbreaking scientific research. It took us less than a decade to go to the moon. With a similar effort, we might cure AIDS or cancer.

The Republican priorities are clear: $5.6 million for each of their rich campaign donors and $0 for hard working stiffs trying to raise a family on $5.15 an hour.

The Republicans are bowing down to 18 super-wealthy families who have spent nearly $500 million lobbying for estate tax repeal. These families own everything from Amway to Wal-Mart and stand to gain billions of dollars from any so-called compromise.

Another quite wealthy man has a different view. Bill Gates, Sr., recently said: "Given the fact that we have an unacceptable deficit, undeniable and huge demands resulting from our foreign involvement, and tragedies occurring here at home that need support from the federal government, it seems just plain irresponsible to talk about dismissing this particular source of federal revenue."

I couldn't say it any better myself, and I urge all my colleagues to vote "no" on this bill.

Mr. TIAHRT. Mr. Speaker, I am disappointed the House today voted to pass a bill that would replace one arbitrary unjust tax with another arbitrary unjust tax under the guise of compromise. The House has overwhelmingly voted, with strong bipartisan support, to permanently repeal the death tax five times in the past 5 years. I have voted each time in favor of full repeal.

Some of my colleagues believe we will not be able to gain the Senate's support for full repeal of this egregious tax. And for this reason, the House should pass a compromise bill that would partially eliminate a tax that an overwhelming majority of this body and my constituents believe should be completely repealed.

Rather than partially doing the right thing in the name of compromise, the House should stand steadfast on this issue. When the House passed H.R. 5638 today, we sent a message of defeat on the willingness of this Congress to put this issue to rest. Once those who want to keep the death tax know the House is willing to compromise, it will be difficult, if not impossible, for this body to exert the political will to permanently and completely eliminate the death tax.

For this reason I opposed passage of the premature compromise bill.

My constituents in Kansas know the death tax is a duplicative tax on small businesses and family farms that, in many cases, families have spent generations building. Small business owners, farmers and ranchers should not be taxed by the Federal Government when they die. This only forces their relatives to repurchase what rightfully should remain in the family.

Additionally, this tax forces family businesses to invest in Uncle Sam rather than the economy. When families are forced to repurchase businesses because of the death tax, that means less money is being invested in new jobs and capital expansion. The bottom line is that the death tax is a tax on the economy because it slows economic growth.

Now is not the time to compromise on the economy. Instead, we should be doing everything in our power to support long-term economic growth. Permanent repeal of the death tax will mean more high-quality, high-paying jobs for Americans.

When I voted against the compromise bill today, I did so to reassure my constituents I will continue fighting to permanently and fully repeal the death tax. Compromise is premature, and discriminatory against families who have been good stewards of what they have earned.

My position is unchanged: The American people deserve full repeal of the death tax.

Mr. CAMP of Michigan. Mr. Speaker, today I rise in support of a permanent solution to the "estate tax" or what many call the "death tax." Whatever name it goes by, it is a tax on the American dream.

This country was founded on, grew and has become the world's most powerful economic engine based on the entrepreneurial spirit of our citizens; the willingness to have an idea, invest in it and build a business around it.

America's history is replete with once small family operations that are now some of the world's largest and best in their fields: Levi Strauss and his San Francisco dry goods store; Eberhard Anheuser and his son-in-law Adolphus Busch and their first struggling brewery in St. Louis; J. Willard Marriott and his wife Alice started with a root beer stand here in DC; and the Houghton family and their Corning Glass Works, which provided the glass for Edison's first light bulb and now is a leader in fiber-optics, just to name a few.

Studies have shown that the death tax is the leading cause of dissolution for most small businesses. It is estimated that 70 percent of businesses never make it past the first generation because of death tax rates and 87 percent do not make it to the third generation.

Resources that could be better used to expand a business or hire new employees are instead used inefficiently to plan for the impact of the death tax. This tax costs the American economy between 170,000 and 250,000 jobs annually. The Joint Economic Committee noted that the death tax reduces the stock in the economy by $497 billion.

By raising the base level and indexing it for inflation, we will give family operations a chance to grow. Just as Strauss, Houghton, Anheuser-Busch and Marriott grew and now employ over 210,000 people between the four companies.

Our failure to act today will put a cap on the American dream and will keep the small businesses and family farms of today from passing to future generations. A failure to index for inflation would mean smaller and smaller operations would be impacted every year, creating a virtual noose that is slowly drawing closed around our ability to create new jobs.

Mr. Speaker, the American dream is not a small dream, and our Tax Code should not keep our families, our businesses or our farms from growing to their fullest extent.

Death should not be taxed at a rate of 55 percent. Make no mistake about it, if we do not pass this bill today that is exactly the rate families will face in 2011. The permanent solution within this legislation will ensure that small businesses and family farms are not subject to these unfair rates of taxation.

Mr. Speaker, I urge my colleagues to honor the American entrepreneurial spirit by joining me in voting in favor of this legislation.

Mr. BLUMENAUER. Mr. Speaker, in the face of a significant tax problem for a growing number of American families, the soon to be 30 million taxpayers who will be forced to pay the alternative minimum tax unless there is a significant effort to address tax reform, the Republican leadership is again fixating on the inheritance tax. This legacy from Teddy Roosevelt and the progressive era of over a century ago is a tax on significant wealth most often the bulk of which is accumulated capital which had never been taxed in the first place. The outright repeal has actually been opposed by some of America's wealthiest citizens, such as Warren Buffett. Indeed, Bill Gates, Sr., the father of America's richest person—Bill Gates—wrote a book about why the elimination of the inheritance tax was a bad idea.

Since I came to Congress 10 years ago I have been supportive of making sensible reforms to raise the exemption, adjust the rates so that they are more gently graduated like they used to be, and provide deferral for owners of closely held businesses that wanted to continue in operation. Instead of a compromise that would be overwhelmingly supported by Republicans and Democrats alike, the Republican leadership continues to play games with families and businesses with this current bill.

This bill is tantamount to full repeal and will add hundreds of billions of dollars to our national deficit. The cost of H.R. 5638, estimated at $280 billion over 11 years, is 70 percent to 80 percent of the full repeal cost to the national treasury. Like previous legislative proposals to repeal the inheritance tax, this bill is a solution in search of a problem aimed at helping the most well-off Americans while deepening the Federal debt. This is the latest in a long string of fiscally irresponsible moves reflecting the misplaced priorities of this Congress.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 5638, the Permanent Estate Tax Relief Act of 2006. Thank you for bringing this important issue to the floor.

I cosponsored and voted in favor of H.R. 8, the Death Tax Repeal Permanency Act of

2005, which overwhelmingly passed in the House last year. I still believe in the permanent repeal of the estate tax, because without permanent repeal businesses will die. This bill simply isn't good enough. It doesn't keep the promise that I made to the people in my district to end, once and for all, the double taxation of the dead.

I will vote for this bill today because it is the best we can do at this time. In my mind this is only a downpayment, and I will work with the Congress to permanently eliminate this unreasonable and unfair double taxation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have voted for estate tax relief before but I oppose this bill because it is irresponsible to cut taxes for the wealthy when the Nation is at war and the national debt is over $8 trillion. Indeed, Mr. Speaker, I think it is unconscionable to be considering voting another tax cut to the wealthiest 0.3 percent of Americans.

The Joint Committee on Taxation estimates that this estate tax proposal will cost the Federal Government $602 billion, plus an extra $160 billion when interest is accounted for. Only 0.5 percent of the richest families in America currently pay estate taxes. Moreover, under current law in 2009, only 3 out of every 1,000 estates will pay a penny in estate taxes—all couples with estates up to $7 million, 99.7 percent, will pass on their entire estates tax-free. Any compromise proposal which deviates from 2009 current law—such as H.R. 5638—is therefore crafted entirely to benefit this tiny sliver of the richest estates.

American voters stand strongly against drastic estate tax legislation. According to recent polling data, nearly 60 percent of voters hold the initial, unaided view that estate tax should be left as is or reformed, and only 23 percent support repeal. When asked about the estate tax in the context of other budget priorities, voters rank repealing the estate tax as the last priority, and 55 percent of voters oppose repeal.

This so-called compromise, nearly as regressive and costly as a full repeal, is no compromise at all. Passing even this compromise legislation would constitute one of the most regressive tax cuts in the history of the United States. Middle- and lower-class Americans will be forced to shoulder the burden of radically decreasing the estate tax—both monetarily and through decreased public programs. In order to cover the monetary gap, the Government will plunge further into debt, which will limit its ability to address the Social Security solvency gap and reduce the money available for public programs. It will also have to tap other tax sources, like payroll taxes, which will overwhelmingly hinder lower-income families.

I urge my colleagues to uphold the core American values of fairness and belief in meritocracy by rejecting this tax cut.

If we really wish to help the most deserving American families, we should raise the minimum wage from $5.15 to $7.25 over 3 years. Mr. Speaker, did you know that today's minimum wage of $5.15 today is the equivalent of only $4.23 in 1995, which is even lower than the $4.25 minimum wage level before the 1996–97 increase? It is scandalous, Mr. Speaker, that a person can work full-time, 40 hours per week, for 52 weeks, earning the minimum wage would gross just $10,700, which is well below the poverty line.

A minimum wage increase would raise the wages of millions of workers:

An estimated 7.3 million workers, 5.8 percent of the workforce, would receive an increase in their hourly wage rate if the minimum wage was raised from $5.15 to $7.25 by June 2007. Due to "spillover effects," the 8.2 million workers, 6.5 percent of the workforce, earning up to $1.00 above the minimum would also be likely to benefit from an increase.

Raising the minimum wage will benefit working families. The earnings of minimum wage workers are crucial to their families' well-being. Evidence from the 1996–97 minimum wage increase shows that the average minimum wage worker brings home more than half, 54 percent, of his or her family's weekly earnings.

An estimated 760,000 single mothers with children under 18 would benefit from a minimum wage increase to $7.25 by June 2007. Single mothers would benefit disproportionately from an increase—single mothers are 10.4 percent of workers affected by an increase, but they make up only 5.3 percent of the overall workforce. Approximately 1.8 million parents with children under 18 would benefit.

Contrary to popular myths and urban legends, adults make up the largest share of workers who would benefit from a minimum wage increase. Seventy-two percent of workers whose wages would be raised by a minimum wage increase to $7.25 by June 2007 are adults, age 20 or older. Close to half, 43.9 percent, of workers who would benefit from a minimum wage increase work full time and another third, 34.5 percent, work between 20 and 34 hours per week.

Minimum wage increases benefit disadvantaged workers and women are the largest group of beneficiaries from a minimum wage increase; 60.6 percent of workers who would benefit from an increase to $7.25 by 2007 are women. An estimated 7.3 percent of working women would benefit directly from that increase in the minimum wage.

A disproportionate share of minorities would benefit from a minimum wage increase. African Americans represent 11.1 percent of the total workforce, but are 15.3 percent of workers affected by an increase. Similarly, 13.4 percent of the total workforce is Hispanic, but Hispanics are 19.7 percent of workers affected by an increase.

The benefits of the increase disproportionately help those working households at the bottom of the income scale. Although households in the bottom 20 percent received only 5.1 percent of national income, 38.1 percent of the benefits of a minimum wage increase to $7.25 would go to these workers. The majority of the benefits, 58.5 percent, of an increase would go to families with working, prime-aged adults in the bottom 40 percent of the income distribution.

Among families with children and a low-wage worker affected by a minimum wage increase to $7.25, the affected worker contributes, on average, half of the family's earnings. Thirty-six percent of such workers actually contribute 100 percent of their family's earnings.

A minimum wage increase would help reverse the trend of declining real wages for low-wage workers. Between 1979 and 1989, the minimum wage lost 31 percent of its real value. By contrast, between 1989 and 1997, the year of the most recent increase, the minimum wage was raised four times and recovered about one-third of the value it lost in the 1980s.

Income inequality has been increasing, in part, because of the declining real value of the minimum wage. Today, the minimum wage is 33 percent of the average hourly wage of American workers, the lowest level since 1949. A minimum wage increase is part of a broad strategy to end poverty. As welfare reform forces more poor families to rely on their earnings from low-paying jobs, a minimum wage increase is likely to have a greater impact on reducing poverty.

Mr. Speaker, the opponents of the minimum wage often claim that increasing the wage will cost jobs and harm the economy. Of course, Mr. Chairman, there is no credible study to support such claims. In fact, a 1998 EPI study failed to find any systematic, significant job loss associated with the 1996–97 minimum wage increase. The truth is that following the most recent increase in the minimum wage in 1996–97, the low-wage labor market performed better than it had in decades. And after the minimum wage was increased, the country went on to enjoy the most sustained period of economic prosperity in history. We had historic low levels of unemployment rates, increased average hourly wages, increased family income, and decreased poverty rates. Studies have shown that the best performing small businesses are located in States with the highest minimum wages. Between 1998 and 2004, the job growth for small businesses in States with a minimum wage higher than the Federal level was 6.2 percent compared to a 4.1 percent growth in States where the Federal level prevailed.

So much for the discredited notion that raising the minimum wage harms the economy. It does not. But it increases the purchasing power of those who most need the money, which is far more than can be said of the Republicans' devotion to cutting taxes for multimillionaires.

Mr. Speaker, Americans overwhelmingly side with progressive principles of rewarding hard work with a living wage. In a recent poll conducted by the Pew Research Center, 86 percent of Americans favored raising the minimum wage. In the 2004 election, voters in Florida and Nevada, two States won by President Bush, overwhelmingly approved ballot measures to raise the minimum wage. Even in Nevada's richest county, 61.5 percent of Douglas, where Bush received 63.5 percent of the vote, voters supported raising the minimum wage.

Forty-three percent of Americans consider raising the minimum wage to be a top priority. In contrast, only 34 percent considered making the recent Federal income tax cuts permanent and only 27 percent consider the passage of a constitutional amendment to ban same-sex marriage as top priorities.

Members of Congress have legislated a minimum salary for themselves and have seen fit to raise it eight times since they last raised the minimum wage. It is time we gave the Americans we represent a long-overdue pay raise by increasing the minimum wage to

$7.25 over 3 years. Even this amount does not keep pace with the cost of living. The minimum wage would have to be increased to $9.05 to equal the purchasing power it had in 1968. And if the minimum wage had increased at the same rate as the salary increase corporate CEOs have received, it would now be $23.03 per hour.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to House Resolution 885, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am, Mr. Speaker, in its present form.

Mr. THOMAS. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rangel moves to recommit the bill promptly to the Committee on Ways and Means with the following amendatory instructions: At the end of the bill insert the following:

(1) On June 21, 2006, the Committee on Rules of the House of Representatives met in an emergency meeting to provide a rule for the consideration of H.R. 5638, even though all of the estate and gift tax provisions contained therein do not take effect until January 1, 2010.

(2) The estate tax provisions in H.R. 5638 will cost more than $800 billion (including interest) in the first 10 years in which the effect of the legislation is fully reflected in the budget deficit (fiscal years 2012–2022).

(3) More than half of that revenue cost will benefit only the wealthiest 0.3 percent of all decedents. Annually approximately 7500 estates nationwide will be the primary beneficiaries of these reductions in revenue.

(4) Under H.R. 5638, estates worth more than $20 million (annually approximately 800–900 estates) alone will get a $4.5 billion tax reduction, an average tax reduction of $5.6 million per estate.

(5) All of that revenue cost will be financed through Federal borrowing, much of which will be from foreign investors.

(6) In contrast, the Committee on Rules of the House of Representatives has not met to provide a rule for the consideration of legislation reported by a Committee of the House of Representatives that would provide for an increase of the minimum wage.

(7) An increase in the minimum wage would benefit more than 6 million individuals, include 1.8 million parents with children under age 18. These numbers dwarf the numbers of individuals who would benefit from H.R. 5638.

(8) Congress has not increased the minimum wage since 1997. The minimum wage (on an inflation adjusted basis) is now at its lowest level in 50 years.

(9) Currently a person working full-time at the minimum wage will earn just $10,700 annually, less than two-tenths of one percent of the average benefit provided by H.R. 5638 to estates worth more than $20 million.

(10) The increase in annual income of a full-time minimum wage worker under the minimum wage legislation reported by the Committee of the House of Representatives would be less than one-tenth of one percent of the average benefit provided by H.R. 5638 to estates worth more than $20 million.

(11) Enacting the estate tax reductions contained in H.R. 5638, while refusing to increase the minimum wage, amounts to placing the interests of 7500 of the wealthiest estates annually above the interest of 6.6 million individuals who would benefit from a minimum wage increase, based on the above the Committee shall report the same back to the House only after the House has acted on an increase in the minimum wage.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from California insist on his point of order?

Mr. THOMAS. Mr. Speaker, I make a point of order against the motion to recommit and believe the point of order is in order because this supposed motion to recommit is not germane.

The SPEAKER pro tempore. Does any Member wish to speak on the point of order?

Mr. RANGEL. Mr. Speaker, may I respond?

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. RANGEL. Mr. Speaker, one may wonder how germane is it when we are considering a bill that 7,500 families will be the beneficiary at the cost of $800 billion, as opposed to what I am raising in the motion to recommit, and that is the lives of 6.6 million working people that really are working at the minimum wage. So there is a difference in how we perceive what we are doing today, whether the hundreds of million of people that work every day should be sacrificed at a cost of close to $1 trillion when, in fact, we are talking about 7,500 families that have not worked for the money but are going to inherit the money.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. THOMAS. Mr. Speaker, is the gentleman supposed to respond to the point of order, or is he allowed to make a partisan political speech which is not germane to the point of order?

The SPEAKER pro tempore. The gentleman is allowed to speak on the point of order and address the issue of germaneness.

Mr. RANGEL. Well, that was my point, that I am trying to show the significance of taxpayers; taxpayers, where one group is at the minimum wage, and people who, right now 99.7 percent of these people, do not pay taxes on their estate. So clearly we are talking in terms of who is suffering the liability of taxes.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman must address the issue of germaneness, please. The gentleman may resume.

Mr. RANGEL. The germaneness is who is going to pay for this bill that is before us today? And the motion to recommit says that we should consider the millions of people who work every day that don't get this type of relief.

Mr. THOMAS. Mr. Speaker, I have a point of order. Beginning your statement with "this is why it is germane" is not addressing the germaneness question.

The SPEAKER pro tempore. The gentleman must address his comments to the issue of germaneness of the motion to recommit.

Mr. RANGEL. Well, I will yield to the Chair to determine what is fair and what is equitable as we talk about the lives of working people that pay taxes every day as opposed to having a trillion dollars to be disbursed to people who don't pay taxes.

The SPEAKER pro tempore. If no other Member wishes to address the point of order, the Chair is prepared to rule.

The gentleman makes a point of order that the amendment offered by the gentleman from New York is not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a "subject different from that under consideration shall be admitted under color of amendment." One of the central tenets of the germaneness rule is that an amendment should be within the jurisdiction of the committee of jurisdiction of the bill.

The bill, H.R. 5638, was referred to the Committee on Ways and Means.

The amendment offered by the gentleman from New York in pertinent part addresses the minimum wage, a matter within the jurisdiction of the Education and the Workforce Committee. By addressing a matter outside the jurisdiction of the Committee on Ways and Means, the amendment is not germane.

The point of order is sustained. The motion is not in order.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. THOMAS. Mr. Speaker, under the rule in consideration of this bill, the minority was allowed a motion to recommit. A motion to recommit was offered. It was clearly on its face nongermane. The Chair has just ruled that that so-called motion to recommit was nongermane. However, under the rules, that nongermane bill was read. It amounts to a political pamphlet.

Mr. RANGEL. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman have a parliamentary inquiry?

Mr. THOMAS. Yes. The offer of the motion to recommit would have been exhausted, and I would simply say if that is not the case, they could offer another 10 partisan tracts on the argument that it is a motion to recommit, make the same arguments, and never violate the rules, and that is not under the spirit of the rules.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, I move to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House? Those in favor say "aye." (Members responded by voice.)

Mr. THOMAS. Mr. Speaker, the gentleman was not timely in his request to appeal the decision of the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. HOYER. Mr. Speaker, a vote is in progress.

The SPEAKER pro tempore. Members will suspend.

For what purpose does the gentleman from California rise?

Mr. THOMAS. The gentleman moves to lay the motion on the table.

Mr. HOYER. The House is in the process of a vote.

MOTION TO TABLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on tabling the appeal.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, parliamentary inquiry. I make a point of order that that motion is not in order. The Speaker called for a vote. The aye votes were taken. The next question is the no votes. We are in the process of a vote. And until such time as that vote is concluded, a motion is not in order.

The SPEAKER pro tempore. The gentleman from California was seeking recognition. The question is on the motion to table.

POINT OF ORDER

Mr. HOYER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. HOYER. Mr. Speaker, you can run over us. We understand that. We do not have the votes. But you called the vote, Mr. Speaker, and we were in the process of a vote, and he had not been recognized at that point. Now, the fact that he was seeking recognition or not is irrelevant.

The SPEAKER pro tempore. Does the gentleman have a point of order?

Mr. HOYER. Yes.

The SPEAKER pro tempore. State your point of order, please.

Mr. HOYER. That the gentleman's motion is not in order because we were in the process of voting on the issue that was propounded by the gentleman from New York.

The SPEAKER pro tempore. When the Chair began to put the question, the gentleman from California was on his feet seeking recognition. The gentleman's motion was to table.

Mr. HOYER. I appeal the ruling of the Chair.

□ 1500

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentleman will state it.

Mr. RANGEL. First of all, when I asked for a vote, you asked for the votes for the ayes. It was my intention, in case we had lost, to ask for a vote on this because a quorum is not present.

What is happening here, and my parliamentary inquiry is, once you took the ayes, we never got an opportunity to find out the nays. So I am in the position now that I cannot challenge the Chair. After you asked for the aye votes, you never asked for the nay votes. How can we determine what the ruling of the Chair is?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I have appealed the previous ruling of the Chair. An appeal to the ruling of the Chair is pending.

The SPEAKER pro tempore. The gentleman will suspend.

For what purpose does the gentleman from California rise?

Mr. THOMAS. The gentleman from California rises, just as he did previously, to gain recognition to indicate that I move that we table the motion to lay the bill on the table of the objection of the gentleman from Maryland on the ruling of the Chair.

So I now have a lay on the table of two objections of the ruling of the Chair.

The SPEAKER pro tempore. The Chair has made a ruling on a germaneness point of order. An appeal has been taken. No further appeal may be erected at this point. The situation that the gentleman from Maryland seeks to appeal from is not appealable.

The Chair has recognized the gentleman from California and his motion to table, and that is the business before the House.

Mr. SABO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABO. Mr. Speaker, I was sitting here waiting for time to expire so I could cast a vote, and I heard the motion made by the gentleman from New York.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. SABO. Then I heard the Speaker call for a vote.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SABO. I am just curious, did the Speaker call for a vote, and did I hear some people vote aye?

The SPEAKER pro tempore. The gentleman is not stating a pertinent parliamentary inquiry.

The question is on the motion to table.

Mr. SABO. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the minority whip seek recognition?

Mr. HOYER. I do. I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. I would propound this parliamentary inquiry. Is it appropriate during the course of a vote, and after one side of the vote has been made and pending the request for the nays in this case, is it appropriate to stop that vote and then recognize someone at that point in time?

The SPEAKER pro tempore. The Chair began to take a voice vote, but then realized that a Member timely sought recognition for a proper purpose.

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. The Speaker's recollection is different than mine. The Speaker propounds and the Parliamentarian advises that apparently you began. Frankly, we were in the process. You had called for the ayes, the ayes had been made, and you were then about to call for the nays.

So I would suggest it was not a question that you had begun and then saw that the gentleman from California had risen and then sought to recognize him. What you did was, after asking for the ayes, which were enunciated, you then stopped the vote and then recognized the gentleman from California.

My question to you, therefore, you did not respond to. Once the vote is in progress, and I suggest to the Speaker and those who might advise him that the RECORD will reflect that the vote had been called, it is in that context that I again ask you, Mr. Speaker, not if you had started, but, in fact, we were in the progress of a vote.

The SPEAKER pro tempore. The Chair made a ruling. An appeal was taken. The Chair first stated the question. The Chair next began to put the question but then realized that the gentleman from California was seeking recognition. The gentleman from California was recognized on the motion to table.

The business before the House is the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 195, not voting 9, as follows:

[Roll No. 313]

YEAS—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Berkley
Davis (FL)
Diaz-Balart, L.
Evans
Johnson, Sam
Kennedy (RI)
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in the vote.

□ 1528

Mr. SMITH of Washington and Mr. GORDON changed their vote from "yea" to "nay."

Mr. HALL and Mr. KINGSTON changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. POMEROY. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pomeroy moves to recommit the bill H.R. 5638 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Certain and Immediate Estate Tax Relief Act of 2006".

SEC. 2. RETENTION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(b) SUNSET NOT TO APPLY.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(c) CONFORMING AMENDMENTS.—Subsection (d) of section 511, and subsections (b)(2) and (e)(2) of section 521, of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subsections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments, had never been enacted.

SEC. 3. IMMEDIATE INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT.

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by striking all that follows "the applicable exclusion amount" and inserting ". For purposes of the preceding sentence, the applicable exclusion amount is $3,500,000 ($3,000,000 in the case of estates of decedents dying before 2009).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2006.

SEC. 4. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 3, is amended to read as follows:

"(c) APPLICABLE CREDIT AMOUNT.—

"(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

"(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

"(A) the basic exclusion amount, and

"(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

"(3) BASIC EXCLUSION AMOUNT.—For purposes of this subsection, the basic exclusion amount is $3,500,000 ($3,000,000 in the case of estates of decedents dying before 2009).

"(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

"(A) the basic exclusion amount, or

"(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

"(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2006, the excess (if any) of—

"(A) the applicable exclusion amount of the deceased spouse, over

"(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

"(6) SPECIAL RULES.—

"(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

"(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of such Code, after the application of section 3, is amended to read as follows:

"(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by".

(2) Section 2631(c) of such Code is amended by striking "the applicable exclusion amount" and inserting "the basic exclusion amount".

(3) Section 6018(a)(1) of such Code, after the application of section 3, is amended by striking "applicable exclusion amount" and inserting "basic exclusion amount".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2006.

SEC. 5. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

"(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) NONBUSINESS ASSETS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) LOOK-THRU RULES.—

"(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) COORDINATION WITH SUBSECTION (B).—Subsection (b) shall apply after the application of this subsection.

"(e) LIMITATION ON MINORITY DISCOUNTS.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

Amend the title so as to read: "A bill to amend the Internal Revenue Code of 1986 to retain the estate tax with an immediate increase in the exemption, to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, and for other purposes.".

Mr. POMEROY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota is recognized for 5 minutes in support of his motion.

☐ 1530

Mr. POMEROY. Mr. Speaker, I am going to be brief with the 5 minutes allocated for this side. I do not intend to use all of it, with the reason we are presenting this information and this alternative under the motion to recommit is because the Rules Committee, when offering this House a so-called compromise on the estate tax reform, only allowed one version and did not allow the minority even the opportunity to present a different level of compromise. So we have to use this motion to recommit, and I will tell you quickly what it does.

It would exclude all estates from taxation at the $3 million level and $6 million joint level beginning January of next year. In 2009, it would move as the present law affords to the $3.5- and $7 million, excluding all estates below that.

Many of us believe that the estate tax needs reform, and we think this reform at the levels $7 million joint exclusion from 2009 and thereafter is very meaningful reform indeed, and, in fact, it makes the estate tax go away for 99.7 percent of the people in this country.

Yet it compares very favorably in cost impact to the Thomas proposal before the House; indeed, 40 percent of the costs of outright repeal for the motion to recommit compared to the

Thomas proposal, which, when fully phased in years 2010 to 2020, costs 80 percent, maybe even more. We estimate at least $800 billion will be lost, and we mean actually borrowed because we are in deep deficits.

It is a simple fact. You take the tax off some, somebody else is probably going to have to pick up the tab. So here you have got a tax that is of no consequence to 99.7 percent of the people in this country. We are going to repeal the tax on the wealthiest sliver. You know what it means. Everyone else is going to have to pick up the slack.

This is a House that has voted to raise the national borrowing limit in March, raised it again in May, all of this driven by out-of-control deficits, and here you are about to advance a proposal that would lose $800 billion in the next decade, the very decade when 78 million Americans will move into that 65-year age group beginning the draw on Medicare, which goes out of balance in 2012, beginning to draw on Social Security, which goes out of balance in 2017.

We have got to take a breath here and ask ourselves what have we done to the revenue base of this country? We have got solemn commitments, the promise of Medicare and the promise of Social Security, and there is no way in the world we have the funding base, particularly if the Thomas alternative would become law, to meet those promises to the American people.

So I say this: Let us pass this motion to recommit. Let us give estate tax relief to 99.7 percent of the people in this country, and let us retain some ability of our great Nation to meet the promises of Medicare and Social Security to those counting on it.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, first of all, I want to apologize to the Members for the wasted time based upon the obvious partisan motion to recommit which was not germane.

The best thing I can say about this one is it is germane. It is an index. We have no score, nothing from the Joint Tax Committee. You will be pleased to know I will yield back the balance of my time. Vote "no" on the motion to recommit.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Motion to Recommit and in favor of the Pomeroy Substitute to H.R. 5638, the "Permanent Estate Tax Relief Act of 2006."

The GOP bill is fiscally irresponsible, costing $762 billion over 10 years—heaping even more debt onto our children and grandchildren. At a time of record deficits, the bill would cost about $290 billion from fiscal years 2006–2016. The estate tax provisions do not take effect until 2011. Thus, the actual cost of H.R. 5638 over the period from 2012 until 2021 shows the impact that the bill will have in the first ten years it is in effect. This more accurate 10-year cost would exceed three-quarters of a trillion dollars when interest payments on the debt incurred are included according to the Center on Budget and Policy Priorities' estimates. Already, the GOP has squandered $5.6 trillion in 10-year surplus and turned it into a $3.2 trillion 10-year deficit. Congress just raised the debt ceiling to nearly $9 trillion, in March—amounting to about $100,000 of debt for each tax paying family.

The Pomeroy Substitute provides estate tax relief for 99.7 percent of all estates. The Pomeroy Substitute offers more estate tax relief sooner, and is a simpler and more responsible solution over the long-term—raising the amount of an estate excluded from taxes to $6 million per couple and increasing this to $7 million by 2009. Not only did this provide relief for small businesses and family farmers, but it would not have heaped more debt onto our children and grandchildren—costing only 60 percent of H.R. 5638. The Pomeroy Substitute is paid for by closing the gap in unpaid taxes, but Republicans are refusing to allow these provisions to be considered. It would also simplify estate tax planning for married couples who could carry over any unused exemption to the surviving spouse assuring that the full $7 million would be available.

Furthermore, the Pomeroy Substitute transfers the estate tax revenue tax receipts to shore up the Social Security trust fund, and the Social Security Actuary has calculated that this action would solve one quarter of the trust fund's shortfall. Last year, Democrats voted for a similar measure.

Almost no working farmers ever pay the estate tax. Under the $3.5 million exemption to take effect in 2009, the number of family farms required to pay any taxes would have been just 65 in 2000, along with 94 small businesses. Support the Pomeroy Substitute. Vote "aye" on the Motion to Recommit.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 5638, the Permanent Estate Tax Relief Act of 2006, and I urge my colleagues to join me in voting against it.

As a part-time farmer myself, I support tax relief that helps our farms and small businesses grow. I have supported raising the estate tax exemption level several times in previous years. However, this must be done in a responsible manner that does not dishonor our values, shortchange our essential services, or heap more debt on our children and grandchildren. Unfortunately, H.R. 5638 fails this basic test. H.R. 5638, the Permanent Estate Tax Relief Act of 2006 is far from the "compromise" that its authors claim. This bill would result in almost 80 percent as much lost revenue as a full repeal of the estate tax. H.R. 5638 would cost the American people $762 billion in the first 10 years of its enactment.

The Permanent Estate Tax Relief Act of 2006 is the latest example of this Congressional Majority's misplaced priorities. Less than 1 percent of estates will pay the estate tax this year under the exemption in current law and only 7,500 estates nationwide would be taxable under the $3.5 million exemption that would take effect in 2009. Under current law, 997 of every 1,000 estates would not pay any part of Federal estate taxes. Given current circumstances, the timing could not be worse for giving tax breaks that only apply to multi-millionaires' estates.

I am very proud that during my first term in the U.S. House, Congress and the President balanced the Federal budget for the first time in a generation. Until just a few years ago, the budget remained balanced and the surpluses we produced were being used to pay down the national debt and strengthen Social Security. The current Republican regime in the White House and Congress has reversed that progress and the Nation is much worse off because of their policies. Today the national debt stands at $8.4 trillion. We face the danger of being forced to borrow more money from countries like China to pay our national debt and putting ourselves at the mercy of their rising interest rates. A nation at war cannot justify adding almost $800 billion to this staggering debt. We cannot continue to pile on debt that our future generations will be forced to pay.

Increasing this budget shortfall only makes it more difficult to invest in our true priorities. We are still a nation at war and some of our soldiers lack the best armor. We are facing another hurricane season while continuing to rebuild the Gulf Coast following Hurricane Katrina. Already the Republican budget resolution cuts funds for homeland security, including port security by $6.1 billion over 5 years, cuts essential services for working families by $9.4 billion, and slashes funding for health by $18.1 billion below current services. As the former Superintendent of North Carolina's public schools, I find the budget cuts for education especially disappointing. Instead of investing in our future Congressional Republicans are eliminating 42 Federal education initiatives. The budget also eliminates vocational education ($1.3 billion); Perkins Loans ($730 million); Safe and Drug-Free Schools State grants ($347 million); and Even Start family literacy services ($99 million). The Republican budget cuts $15 billion from the amount authorized for the No Child Left Behind education reform effort and reduces the 17.7 percent Federal contribution to Individuals with Disabilities Education Act (IDEA) to 17.0 percent. The loss of revenue from H.R. 5638 leaves a huge budget hole that will have to be filled by the States and the burden will be placed on middle class and low income families.

In contrast, the Pomeroy Substitute is an alternative that offers a simpler solution without the damaging economic effects of H.R. 5638. Unlike the Republican bill, the Pomeroy Substitute would offer immediate tax relief by raising the estate tax exemption level to $6 million per couple and growing to $7 million per couple in 2009. This would exempt 99.7 percent of all estates in the nation while costing only 60 percent of H.R. 5638. While there is no plan to make up for the huge losses in revenue resulting from H.R. 5638, the Pomeroy Substitute would be payed for by closing the gap in unpaid taxes. Additionally, the estate tax revenue collected under the Pomeroy Substitute would be transferred as receipts used specifically to shore up the Social Security trust fund. According to the Social Security Actuary, this would eliminate one quarter of the trust fund's shortfall.

The Pomeroy Substitute offers immediate tax relief without adding to the crippling debt now facing future generations. This is the type of sound tax and budget policy Congress should pass. We owe the American people nothing less.

Mr. ISRAEL. Mr. Speaker, I rise in opposition to this bill.

I believe that estate taxes at 2001 levels were inherently unfair. And I voted to reform those levels by increasing the exemption and lowering the tax rate through 2010. Today, I would vote for all estate tax reform that permanently raised the exemption to $3.5 million for individuals and $7 million for couples, while lowering the rate to 45 percent.

Unfortunately, the majority has refused to even entertain a compromise. In fact, they won't even allow us to vote on a compromise, even though they could vote against it. They insist that we either take or leave their bill: a $700 billion cost, added to an existing $8 trillion debt.

Why do we need compromise? Why can't I support the legislation before us today? For three reasons.

First, at a time of war that has been described as "generational", when we experienced shortages on the battlefield, funding cuts in Pentagon weapons systems, and cuts in homeland security funding to my constituents in New York because of budget strains, adding an additional $700 billion in estate tax relief is irresponsible. How is it that we have $700 billion for estate tax relief, but just cut funds for a critical Air Force advanced energy program? Why is it that we slashed college loan programs because we had to save $12 billion, but we have $700 billion for estate tax repeal? How is it possible to defend cutting Homeland Security funds to NY by $80 million because we can't afford it, and then pass a bill that spends $700 billion to repeal the estate tax?

Second, I have been fighting for meaningful and permanent relief of the Alternative Minimum Tax, which has become the largest middle class tax increase in history. The Administration and Republican leadership of Congress has not agreed to real alternative minimum tax relief. All we can afford they say, is a temporary bandage every year. The cost of the permanent AMT reform that Representative LOWEY and I have introduced is about $400 billion. The cost of permanent repeal of the estate tax is $700 billion. Why is it that we can't afford tax relief for millions of middle class families, but we can afford twice the cost for tax relief to several thousand estates?

Third, a $700 billion liability to the Federal Treasury represents a staggering unfunded liability for our children. Let me prove my point in specific and non-partisan terms.

Recently I attended a meeting with the Comptroller General of the United States. He was chosen to this position by President Bush, the Republican Speaker of the House, and the Republican Leader of the Senate.

The Comptroller described the long term fiscal position of the Federal Treasury. Over the next 30 years, Federal revenues will remain fairly constant as a percentage of the federal budget. On the spending side—even if we do what we have never been able to do, and keep spending at the level of inflation—our total costs will skyrocket, particularly with the rapid growth of our aging population. The resulting gap between revenues and expenses will be so huge that in 2040, the entire Federal budget will be adequate to pay for only two things: interest on debt, and a small piece of social security. Everything else—the military, veterans benefits, the FBI; the CIA, education, health, homeland security—will require either a catastrophic tax increase on our children, or abolishment by our children. And today, we add $700 billion to their problem.

Mr. Speaker, we can provide estate tax relief that is affordable and fair, by allowing a vote on Mr. POMEROY'S substitute. But denied that opportunity by the leadership, I cannot support a "take it leave it" bill. Not when, by taking this, I leave the real bill to our children.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. POMEROY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 182, noes 236, not voting 15, as follows:

[Roll No. 314]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—236

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas

Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Berkley
Conyers
Davis (FL)
Diaz-Balart, L.
Evans
Johnson, Sam
Kennedy (RI)
McKeon
Moran (KS)
Nadler
Pitts
Serrano
Shays
Visclosky
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1551

Mr. CUELLAR changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RANGEL. Is at this stage a motion to adjourn in order?

The SPEAKER pro tempore. The motion to adjourn is not in order.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 156, not voting 8, as follows:

[Roll No. 315]

AYES—269

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—156

Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—8

Berkley
Davis (FL)
Evans
Johnson, Sam
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1600

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of H.R. 5638, the bill just passed.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

LEGISLATIVE LINE ITEM VETO ACT OF 2006

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 886, I call up the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 886, the bill is considered read.

The text of the bill is as follows:

H.R. 4890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 2006".

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) In General.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

"Part C—Legislative Line Item Veto

"Sec. 1021. (a) Proposed Rescissions.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any dollar amount of discretionary budget authority or the rescission, in whole or in part, of any item of direct spending.

"(b) Transmittal of Special Message.—

"(1) Special message.—

"(A) In general.—The President may transmit to Congress a special message proposing to rescind any dollar amount of discretionary budget authority or any item of direct spending.

"(B) Contents of special message.—Each special message shall specify, with respect to the budget authority or item of direct spending proposed to be rescinded—

"(i) the amount of budget authority or the specific item of direct spending that the President proposes be rescinded;

"(ii) any account, department, or establishment of the Government to which such budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

"(iii) the reasons why such budget authority or item of direct spending should be rescinded;

"(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or item of direct spending is provided; and

"(vi) a draft bill that, if enacted, would rescind the budget authority or item of direct spending proposed to be rescinded in that special message.

"(2) Enactment of rescission bill.—

"(A) Deficit reduction.—Amounts of budget authority or items of direct spending which are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases.

"(B) Adjustment of committee allocations.—Not later than 5 days after the date of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 302(a) to reflect the rescission, and the appropriate committees shall report revised allocations pursuant to section 302(b), as appropriate.

"(C) Adjustments to caps.—After enactment of a rescission bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act, as appropriate.

"(c) Procedures for Expedited Consideration.—

"(1) In general.—

"(A) Introduction.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) a bill to rescind the amounts of budget authority or items of direct spending, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) Referral and reporting.—The bill shall be referred to the appropriate committee. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) Final passage.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be transmitted to the other House before the close of the next day of session of that House.

"(2) Consideration in the house of representatives.—

"(A) Motion to proceed to consideration.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Limits on debate.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Application of house rules.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) Consideration in the senate.—

"(A) Motion to proceed to consideration.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) Limits on debate.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

"(C) Appeals.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

"(D) Motion to limit debate.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(E) Motion to recommit.—A motion to recommit a bill under this subsection is not in order.

"(F) Consideration of the house bill.—

"(i) In general.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

"(ii) Procedure after vote on senate bill.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

"(d) Amendments and Divisions Prohibited.—No amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) Temporary Presidential Authority To Withhold.—

"(1) In general.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall not be made available for obligation for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

"(2) Early availability.—The President may make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

"(f) Temporary Presidential Authority To Suspend.—

"(1) In general.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may suspend the execution of any item of direct spending proposed to be rescinded in that special message for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

"(2) Early availability.—The President may terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'deferral' has, with respect to any dollar amount of discretionary budget authority, the same meaning as the phrase 'deferral of budget authority' defined in section 1011(1) in part B (2 U.S.C. 682(1));

"(3) the term 'dollar amount of discretionary budget authority' means the entire dollar amount of budget authority and obligation limitations—

"(A) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority is provided in an appropriation law;

"(4) the terms 'rescind' or 'rescission' mean to modify or repeal a provision of law to prevent—

"(A) budget authority from having legal force or effect;

"(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; and

"(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect;

"(5) the term 'direct spending' means budget authority provided by law (other than an appropriation law); entitlement authority; and the food stamp program;

"(6) the term 'item of direct spending' means any specific provision of law enacted after the effective date of the Legislative Line Item Veto Act of 2006 that is estimated to result in a change in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget;

"(7) the term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop for a specified period, in whole or in part, the carrying into effect of the specific provision of law that provides such benefit; and

"(8)(A) the term 'targeted tax benefit' means—

"(i) any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

"(ii) any Federal tax provision that provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986;

"(B) a provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

"(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

"(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

"(iii) any difference in the treatment of persons is based solely on—

"(I) in the case of businesses and associations, the size or form of the business or association involved;

"(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax-return-filing status;

"(III) the amount involved; or

"(IV) a generally-available election under the Internal Revenue Code of 1986;

"(C) a provision shall not be treated as described in subparagraph (A)(ii) if—

"(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

"(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect;

"(D) for purposes of subparagraph (A)—

"(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

"(ii) all qualified plans of an employer shall be treated as a single beneficiary;

"(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

"(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

"(E) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that results in a reduction in Federal tax revenues for any one of the two following periods—

"(i) the first fiscal year for which the provision is effective; or

"(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

"(F) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

"(h) APPLICATION TO TARGETED TAX BENEFITS.—The President may propose the repeal of any targeted tax benefit in any bill that includes such a benefit, under the same conditions, and subject to the same Congressional consideration, as a proposal under this section to rescind an item of direct spending.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1017, and 1021"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1017 and 1021".

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking "Parts A and B" before "title X" and inserting "Parts A, B, and C"; and

(B) striking the last sentence and inserting at the end the following new sentence: "Part C of title X also may be cited as the 'Legislative Line Item Veto Act of 2006'.".

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

"PART C—LEGISLATIVE LINE ITEM VETO

"Sec. 1021. Expedited consideration of certain proposed rescissions.".

(d) SEVERABILITY.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 109–518, is adopted.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 4890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 2006".

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:

"PART B—LEGISLATIVE LINE ITEM VETO

"LINE ITEM VETO AUTHORITY

"SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 45 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority, item of direct spending, or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority, item of direct spending, or targeted tax benefit. If the 45 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 45 calendar days, the President may propose a cancellation under this

section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

“(b) TRANSMITTAL OF SPECIAL MESSAGE.—

“(1) SPECIAL MESSAGE.—

“(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits.

“(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the discretionary budget authority, items of direct spending proposed, or targeted tax benefits to be canceled—

“(i) the dollar amount of discretionary budget authority, the specific item of direct spending (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1017(9)), or the targeted tax benefit that the President proposes be canceled;

“(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

“(iii) the reasons why such discretionary budget authority, item of direct spending, or targeted tax benefit should be canceled;

“(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

“(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority, item of direct spending, or the targeted tax benefit is provided;

“(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority, items of direct spending, or targeted tax benefits proposed in that special message; and

“(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

“(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority, item of direct spending, or targeted tax benefit more than one time under this Act.

“(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than 5 special messages under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 10 special messages for any omnibus budget reconciliation or appropriation measure.

“(2) ENACTMENT OF APPROVAL BILL.—

“(A) DEFICIT REDUCTION.—Amounts of budget authority, items of direct spending, or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

“(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

“(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

“(D) TRUST FUNDS AND SPECIAL FUNDS.—Nothwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.”.

“PROCEDURES FOR EXPEDITED CONSIDERATION

“SEC. 1012. (a) EXPEDITED CONSIDERATION.—

“(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .

“(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

“(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

“(3) CONSIDERATION IN THE SENATE.—

“(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

“(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

“(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

“(F) CONSIDERATION OF THE HOUSE BILL.—

“(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

“(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

“PRESIDENTIAL DEFERRAL AUTHORITY

“SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

“(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND DIRECT SPENDING.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any item of direct spending proposed to be canceled in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any item of direct spending at a time earlier than the time

specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

"(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

"(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"(d) EXTENSION OF 45-DAY PERIOD.—The President may transmit to the Congress not more than one supplemental special message to extend the period to suspend the implementation of any discretionary budget authority, item of direct spending, or targeted tax benefit, as applicable, by an additional 45 calendar days. Any such supplemental message may not be transmitted to the Congress before the 40th day of the 45-day period set forth in the preceding message or later than the last day of such period.

"IDENTIFICATION OF TARGETED TAX BENEFITS

"SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the 'chairmen') shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

"(b) STATEMENT INCLUDED IN LEGISLATION.—

"(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

"(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: 'Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall ____________ apply to ____________.', with the blank spaces being filled in with—

"(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word 'only' in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the chairmen in such statement in the second blank space; or

"(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word 'not' in the first blank space and the phrase 'any provision of this Act' in the second blank space.

"(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a staement under subsection (a), the Joint Committee on Taxation shall—

"(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

"(2) in the case of a statement described in subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.".

"(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

"(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

"(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

"TREATMENT OF CANCELLATIONS

"SEC. 1015. The cancellation of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

"REPORTS BY COMPTROLLER GENERAL

"SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or item of direct spending or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

"DEFINITIONS

"SEC. 1017. As used in this part:

"(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

"(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of new direct spending, or targeted tax benefits in a special message transmitted by the President under this part and—

"(A) the title of which is as follows: 'A bill approving the proposed cancellations transmitted by the President on   ', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

"(B) which does not have a preamble; and

"(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed cancellations ________', the blank space being filled in with a list of the cancellations contained in the President's special message, 'as transmitted by the President in a special message on ________', the blank space being filled in with the appropriate date, 'regarding   .', the blank space being filled in with the public law number to which the special message relates;

"(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or items of direct spending, or that are identified as targeted tax benefits pursuant to section 1014;

"(E) if any proposed cancellation other than discretionary budget authority or targeted tax benefits is estimated by CBO to not meet the definition of item of direct spending, then the approval bill shall include at the end: 'The President shall cease the suspension of the implementation of the following under section 1013 of the Legislative Line Item Veto Act of 2006:   ', the blank space being filled in with the list of such proposed cancellations; and

"(F) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

"(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

"(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

"(A) budget authority from having legal force or effect;

"(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect;

"(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect; or

"(D) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

"(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

"(6) DIRECT SPENDING.—The term 'direct spending' means—

"(A) budget authority provided by law (other than an appropriation law);

"(B) entitlement authority; and

"(C) the food stamp program.

"(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term "dollar amount of discretionary budget authority" means the entire dollar amount of budget authority—

"(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

"(B) The term 'dollar amount of discretionary budget authority' does not include—

"(i) direct spending;

"(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

"(iii) any existing budget authority canceled in an appropriation law; or

"(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

"(8) ITEM OF DIRECT SPENDING.—The term 'item of direct spending' means any provision of law that results in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, in the first year or the 5-year period for which the item is effective. However, such item does not include an extension or reauthorization of existing direct spending, but instead only refers to provisions of law that increase such direct spending.

"(9) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

"(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term 'omnibus reconciliation or appropriation measure' means—

"(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

"(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

"(11) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to only one beneficiary (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

"(B) for purposes of subparagraph (A)—

"(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

"(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

"(iii) all employees of an employer shall be treated as a single beneficiary;

"(iv) all qualified plans of an employer shall be treated as a single beneficiary;

"(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

"(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

"(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

"(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

"(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

"(i) the first fiscal year for which the provision is effective; or

"(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

"(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

"EXPIRATION

"SEC. 1018. This title shall have no force or effect on or after October 1, 2012.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "1017" and inserting '1012"; and

(2) in subsection (d), by striking "section 1017" and inserting "section 1012".

(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting "(a)" after "402." and by adding at the end the following new subsection:

"(b) Upon the receipt of a special message under section 1011 proposing to cancel any item of direct spending, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed cancellation relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate.".

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended is amended by striking "rescinded or that is to be reserved" and insert "canceled" and by striking "1012" and inserting "1011".

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

"PART B—LEGISLATIVE LINE ITEM VETO

"Sec. 1011. Line item veto authority.
"Sec. 1012. Procedures for expedited consideration.
"Sec. 1013. Presidential deferral authority.
"Sec. 1014. Identification of targeted tax benefits.
"Sec. 1015. Treatment of cancellations.
"Sec. 1016. Reports by Comptroller General.
"Sec. 1017. Definitions.
"Sec. 1018. Expiration.
"Sec. 1019. Suits by Comptroller General.
"Sec. 1020. Proposed Deferrals of budget authority.".

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. RYAN), the chief sponsor of the bill and a member of the Budget Committee, be allowed to control the balance of my time after I speak and also be authorized to yield blocks of time to other speakers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

One of the most important obligations Congress has to be good stewards of the tax dollars is to spend it wisely, to spend it prudently, and with the Nation's best interests in mind. I think it is fair to say honoring this obligation is as important today, if not more so, than probably any time in our history.

We have made progress over the past few years in regaining control of our nonsecurity and nonemergency spending, both on the appropriations side of the budget as well as on the enormous entitlement programs. We are going to continue to build on those efforts.

With economic growth in our country and the economy, with growth of jobs, now 5 million and counting, the economy is growing. Revenues are coming into the Treasury. We are holding down spending and reforming government, and the good news is the deficit is coming down.

Each and every day on the floor we bring appropriations bills from the great committee under the leadership of JERRY LEWIS to continue that trend that we have started, and that is controlling spending, rooting out all waste, fraud and abuse. That committee is doing an excellent job, and I commend them.

But I hear criticism, and I think many Members do, when we go back home to talk to our constituents, whether it is in Iowa where I live or across the country, that they really are tired of what they hear about when it comes to this earmark or special-interest spending that goes on that sometimes only benefits a very few people.

They also tend to surprise a lot of Members in the final conference reports that come through on a number of bills, not just the appropriation bills, but across the gamut of the work Congress does.

We all know the game; and frankly, most of us play the game. Members take the opportunity to slip in a special-interest goodie for their district into these enormous spending bills; and rarely, if ever, do we take the opportunity to look at each one of those projects that affects other people's districts. As a result, we don't get to look at all of the so-called pork-barrel spending that oftentimes goes into these projects. We all know full well that many of these so-called extras or extra spending would really never survive if it was subjected to all 435 of us providing our scrutiny.

But we also know that no one person can vote against these items because doing so would mean you would have to vote against the entire bill, most of which is for legitimate purposes. So we are never going to completely eliminate the appetite on both sides of the aisle for tacking onto these large bills these special-interest projects. But what we can do and what we continue to try and do today is reform the process and minimize the impact of these wasteful items on the taxpayer.

That brings us to the bill at hand. The Legislative Line Item Veto Act of 2006 introduced by the gentleman from Wisconsin (Mr. RYAN) provides an additional effective tool for reducing wasteful spending. It is endorsed, it is supported, it is cosponsored by a bipartisan majority of this House, men and women on both sides of the aisle, that for years on both sides of the aisle in a bipartisan way have been working not only to reform the budget process, but to figure out ways to adopt a so-called line item veto.

Presidents, for time immemorial, have chided Congress for not working on this. Our President today has done the same. We need to get this done. We need to put it into law. We need to try it with a sunset attached in order to make sure that we can move this down the field and reform wasteful spending.

Don't use the excuse that this is not a perfect bill. Don't use the excuse that this is somehow the wrong time. That's an excuse in an election year when you don't want to go home and explain to your voters why every press release you said you were for it, why every time you cosponsored it, why every time you voted for it, except this time. This time somehow it is not perfect; this time somehow it is political; this time the timing just doesn't quite seem right. Those are not excuses that will hold water with the constituents back home.

We need to take this opportunity to do what is right and move the Legislative Line Item Veto Act of 2006.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I can't help but notice the juxtaposition on the estate tax bill that will decrease revenues by $823 billion over its first 10 years of implementation and this bill which comes to us wearing the mantle of fiscal responsibility, but will barely dent the addition to the deficit we just made if that bill becomes law.

Mr. Speaker, I have written and brought to the floor of this House and seen to passage at least two, maybe three, expedited rescission bills back in the 1990s. But I can't bring those bills to this floor today because the Rules Committee won't let me. They shut me out 100 percent. Every amendment I requested was rejected, even though they were serious and substantive amendments.

So I would say to others who were here on previous occasions: Look at this bill carefully because it is not the same bill we have voted upon before.

This bill allows the President a window of 45 days in which to pick items to be rescinded. It allows the President to send five rescission bills for every appropriation bill. Five times 11, there are 11 appropriation bills, equals 55. If we have a President who makes full use of this, we are inviting chaos.

The original bill and the substitute I would have offered provide the President 10 days, which is enough. Furthermore, the more time you give the President, the more apt that the cuts he makes will be for political purposes rather than budgetary purposes. Ten days is enough for a budgetary review.

Secondly, this bill allows the House, us, Congress, to vote up or down. That's it, no amendments, no way that we can cull through the list that the President sends back up here and pick out what is a worthy project and make the case for them.

The original bill which we voted upon before and my substitute allowed a Member to go get 99 others and remove a worthy spending item from the rescission list.

Next, this bill allows the President to strike something called direct spending items. That's budget talk for Social Security, Medicare, Medicaid, veterans benefits, agriculture benefits, on and on. What we have in this bill is a fast track, an expedited track to passage, summary treatment of things that the President sends up here that are supposed to be turned around in less than 30 days, and that is no way to decide substantive changes in Medicare and Social Security, but that is what this bill provides.

The original bill and my substitute have no mention of Medicare or Social Security direct spending in it. It applied to discretionary spending, as it should.

This bill allows the President to strike targeted tax benefits. So did the original bill. I offered that amendment. But this bill defines targeted tax benefits to mean those with fewer than 100 beneficiaries. That was a targeted tax benefit.

This bill defines the number down to one beneficiary and lets the Ways and Means Committee chairman be the arbiter of that. This is a sham. It is a serious deficiency in this bill, and it distinguishes this bill from the others that have come before it.

This bill allows the President to impose a 90-day impoundment on spending items for which he seeks rescission, but by the track set up in this bill, it will only take 30 days for a rescission to run its course. Why not simply confine the amount of impoundment time to something close to the amount of time it will take to consider a rescission request?

This may seem like a small point, but we are giving a substantial grant of authority to the President. If it is abused or not used in a way that we approve, then we better keep it on tight rein. This bill sunsets in 6 years. We would sunset it in 2 years. Keep it on a tight rein in case it is abused. It may be a small point, but it could be a major point as well.

There are other things that we would have proposed in amendments that we would offer that would make this bill better. The gentleman just talked about earmarks. We put earmark reforms in our substitute. You will not find the word "earmark" anywhere in this bill.

If you are going to do this, and your objective is to take down the deficit, then let's put something in here known to work toward that end, and that is the PAYGO rule. It worked so well for us in the 1990s and can work again for us. Why not use this moving vehicle in the name of fiscal responsibility to pass PAYGO as well as rescission? If we did something like that, you truly would have a bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 10 seconds to the chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I congratulate the gentleman from Wisconsin (Mr. RYAN) for the work he has done on this very important bill. We have had our differences, but in the meantime he has been more than cooperative.

Mr. Speaker, I rise in opposition to the Legislative Line Item Veto Act. My opposition is based on Congress's experience with previous efforts to give the President line item veto authority, as well as my serious concerns over what this bill would do to the balance of budgetary power between the Legislative and Executive Branches.

During 1997, President Clinton exercised his authority under the Line Item Veto Act of 1996 to cancel spending authority or tax benefits 82 times. Total cancellations of discretionary budget authority amounted to $479 million, or less than three one-hundredths of one percent of the total fiscal year 1998 Federal budget.

The cancellations made during this period were mired in controversy. On October 6, 1997, President Clinton cancelled $287 million for 38 military construction projects in 24 States. Soon after the cancellations were announced, the administration admitted, in response to bipartisan criticism, that they had used flawed information in deciding to cancel nearly half of the projects.

The administration used three criteria in making these decisions. The cancelled projects: (1) were not requested by the military; (2) could not make contributions to the national defense in fiscal year 1998; and (3) would not benefit the quality of life and well-being of military personnel. These criteria were applied by the bureaucrats within the White House and OMB without consulting either the Department of Defense or the Members of Congress who sponsored the projects.

Congress's motivation for funding many of these projects was safety. A Live Fire Command and Control Facility at Fort Irwin, CA, would enable the Army to safely train personnel in the live firing of ordnance. Renovations at White Sands Missile Range, NM, would address the absence of fire suppression systems.

Other projects provided much-needed housing. One would provide housing at Dyess Air Force Base in Texas, where there were no existing facilities to house the 13th Bomb Squadron.

Appropriations Chairman Bob Livingston singled out a particularly egregious cancellation relating to the money for Army reserve units in Utah. He said, in a letter to President Clinton, "I can only conclude that your decision was based on something other than an altruistic yearning to cut spending. Mr. President, this was an embarrassing mistake . . ."

The Clinton Administration responded to some of the criticism by stating that many of the cancelled projects would be requested in future budgets anyway. This only fueled congressional objections, however, as Members could not understand why the projects were not necessary now when they could be considered necessary in the next budget cycle.

Congress responded by passing a bill to disapprove the President's military construction cancellations. The bill was vetoed by the President. The House voted 347–69 and the Senate voted 78–20 to override the veto, enacting the bill and nullifying the cancellations.

On June 25, 1998, the Supreme Court ruled that the Line Item Veto Act violated the presentment clause of the Constitution, thus ending a divisive and contentious fight between the Executive and Legislative branches.

The experience of the original Line Item Veto Act should cause Congress to be extremely cautious about giving the President new line item veto authority. Even though implementation under H.R. 4890 differs from the 1996 Act, the proposed bill would transfer a great deal of budgetary power to the Executive Branch.

The expedited rescission authority mandated by H.R. 4890 would give new weight to the President's rescission proposals. While under current law any rescission proposal can be disregarded by Congress if it has no merit, H.R. 4890 requires votes in the House and Senate. The President, or even bureaucrats within the agencies or the Office of Management and Budget, would set the legislative agenda by deciding what rescissions to include in a bill.

A President could also structure his rescission messages with more of an eye toward politics instead of good policy. For example, a President, encouraged by his political advisors, could propose rescissions that target the projects of one political party. In this event, the debate over the bill would be blatantly political and would certainly lead to legislative stonewalling by the offended party. A President could also make deals with specific Members of Congress to further his legislative agenda. He could easily threaten to cancel an item directly benefiting a particular Member's district, and then back off his threat if that Member votes in favor of the President's program. If a President is interested in trading Members' projects for their support for expanded entitlement spending, for example, overall spending would actually increase.

H.R. 4890 could also present Congress with a procedural nightmare. Each rescission bill would use up to five hours of debate time in the House and ten hours in the Senate. The President could submit up to five rescission messages for each enacted spending or tax bill, or up to ten messages for an omnibus bill. A multiple-rescission-bill scenario could easily eat up precious legislative time when the legislative calendar is already severely limited.

A Republican Congress might tend to support a Republican President's rescission proposals. However, there may not always be a Republican President in the White House. Expedited rescission authority would provide new opportunities for conflict between a White House and Congress of differing parties. The result could be a legislative deadlock manufactured by the Executive Branch.

The experience of the Line Item Veto Act under President Clinton showed how contentious the debate could become over saving a relatively small amount of money. Congress should have serious reservations over giving the Executive Branch so much sway over the funding of congressional priorities and the framework of the legislative agenda.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I am pleased to be bringing this bill to the floor today, and I would like to explain why we are doing this, why this is needed.

Just last year, according to the CRS or Citizens Against Government Waste, whichever group you want to talk about, we had over 10,000 earmarks here, totaling almost $28 billion.

Mr. Speaker, not every one of those earmarks came in just conference reports, but many of them did.

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Mr. Speaker, we need more transparency and more accountability in how we spend the taxpayer dollars. In particular, Mr. Speaker, we ought to have the ability to be able to have votes on the individual merits of spending items, particularly those that we never have a chance to vote on, things that go into conference reports.

The earmark reform legislation that was passed earlier by this body did a lot to address bringing more transparency and accountability to the spending system as bills come to the floor. This is a perfect complement to that, the legislative line item veto, because after bills are considered, after conference reports are dealt with, we often find out that in conference a lot of things get put into those bills that we didn't get a chance to scrutinize. We ought to be able to vote on those things.

Now, how does this work?

And I want to get to the constitutional point in just a moment. Here is exactly how the process is laid out under this constitutional legislative line item veto: number one, after a bill becomes law, the President identifies an item of discretionary spending, direct spending or special interest tax break in legislation that is being signed into law. The President then submits a special message to Congress, no more than five, asking for the rescission of a spending item or items. After receiving this bill or messages, the House and the Senate have a total of 14 legislative days to bring it to the floor for an up-or-down vote. If the House and Senate pass the President's rescission request, it is sent to the President and becomes law. If either House votes against it, the rescission is not enacted.

This is far different than the earlier legislative line item veto. This is not your father's line item veto. In fact, I agree with the Supreme Court ruling that said that the earlier line item veto was unconstitutional, because that line item veto, among other things, violated the separation of powers. This protects the prerogatives of the legislative branch, specifically, because this: the action is executed by Congress, not the administration. Under the old version the administration made the decision. Line item veto. That is the end of it. If Congress didn't like it, they would have to come up with a two-thirds vote to override that. That is not how this situation works.

Under this system, the President, who already has similar existing rescission authority, sends a rescission request to the Congress, just like he can do today. Only under this situation, we simply add a fast track authority, like we do with a lot of other legislation, like trade legislation, whereby we can't duck the vote by within 14 legislative days the House and the Senate vote on this, up or down. We decide in Congress. We vote to affirm the rescission. If we choose not to pass the rescission, the rescission does not take place. The money is spent. This is constitutional to the point where the gentleman who argued against the line item veto successfully in the Supreme Court in 1998 came to testify in three different committee hearings, Charles Cooper, as to the constitutionality of this, that this does, in fact, protect the prerogatives of the legislative branch; that this is consistent with the bicameralism and presentment clause in the Constitution, and maintains the separation of powers.

Now, we have worked with a lot of parties. We have worked with Democrats, constitutional experts, Republicans, OMB. In fact, this bill has been so bipartisan in the past, similar legislation has been proposed. In 1993, H.R. 1578 received 250 votes, including 174 Democrats. In 1994, H.R. 4600 received 342 votes, an expedited rescission bill, 173 Democrats. Two years ago, Congressman Charles Stenholm and I, a Blue Dog Democrat, brought it to the floor. We got 174 votes for virtually the same legislation, where we got 45 Democrats.

Now, the gentleman from South Carolina, the ranking member, has brought a lot of good points to the table. He is a gentleman who has watched this process for many years and understands this process very, very well. In particular, he brought six items of concern to the committee 3 weeks ago, which I took very, very copious notes of, which I took to heart. And because of that, we have made six big changes to this bill to try and improve this legislation, because I think the gentleman from South Carolina made excellent suggestions.

We limited time on the President's submission of a rescission request. We limited the number of requests. We wrote a ban on duplicative requests so the President couldn't send a request over and over and over and tie us into knots. We shortened the deferral period to the minimum amount necessary. We clarified that existing entitlements are exempt. Not Medicare, not Social Security, not other entitlements. We put a sunset in here so that we can revisit this law in 6 years to make sure that the balance of power is maintained.

Why is this needed, Mr. Speaker?

I think the success of this tool will be judged more in how much wasteful spending doesn't get put into bills and less on how much wasteful spending we take out of bills. Having this deterrence, having this extra layer of accountability will bring the level of sunshine, transparency and accountability to the spending and taxing process in Congress exactly where it is needed the most.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, all this posturing about fiscal responsibility is nothing more than a side show. This legislation is not about fiscal responsibility. Look no further than the Republican estate tax bill this House just passed. Putting us nearly $1 trillion further in debt over the next 15 years for the sake of a few of our country's wealthiest families is evidence enough of where the priorities of the Bush administration and the Republican congressional leadership lie.

In fact, the line item veto has very little to do with budgeting at all. It has everything to do with power, Presidential power. The shift of constitutional power from Congress to the executive branch has greatly accelerated since the 1990s. As congressional scholars Tom Mann and Norm Ornstein observe, the Republican Congress, under the administration of George W. Bush, has featured "a general obeisance to Presidential initiative, and passivity in the face of Presidential power."

This bill would tilt the balance of power even further in the direction of the White House. Specific provisions of the bill would give the President inordinate control over the appropriations process. For example, the President could cherry-pick from among a wide range of provisions, authorizations or appropriations, discretionary or mandatory, and package them together in whatever way he saw fit, requiring Congress to vote up or down on the entire package.

This bill would give the White House unprecedented leverage over Congress by allowing the President to condition his support for our priorities on our acquiescence in his priorities. It is for this exact reason that many experts believe this bill would actually increase government spending, not reduce it.

Now, Mr. Speaker, I will take a back seat to no one in targeting bridges to nowhere and other examples of congressional waste. But I also know this: Presidents almost invariably ask for more money than Congress is willing to appropriate. And the profligacy of our current President is well documented.

The line item veto is not about spending versus saving. It is about letting the President, not Congress, decide what we are spending money on.

Mr. Speaker, if the leadership of this House were serious about getting our finances in order, it would never have abandoned the pay-as-you-go rules, which helped produce balanced budgets and even surpluses in the 1990s. And it would reinstate those rules today, as proposed by Mr. SPRATT's substitute.

The Spratt substitute would also have addressed several other key weaknesses of H.R. 4890. But once again, the House leadership has rigged the rules to deny us a vote on it. Instead, we get this fig-leaf bill designed to hide the fiscal sins of this Republican Congress from the American public.

Mr. Speaker, the House of Representatives has three fundamental powers: declaring war, conducting oversight, and the power of the purse. We have already gone a long way to sacrifice the first two to the executive branch. Do we really want to give away the only one we have got left?

I urge my colleagues to oppose this misguided legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the distinguished majority whip, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, today I come to the floor in support of this bill, the Line Item Veto Act, and I applaud Congressman PAUL RYAN for his hard work on this legislation.

The Line Item Veto Act will work to eliminate wasteful spending, safeguard against questionable appropriation decisions, and further protect taxpayers' dollars from waste, fraud and abuse. It becomes another important tool that helps us restrain spending and meets the constitutional test that the line item veto given to the President during the Clinton administration but reversed by the Supreme Court could not meet. It may not be everything that line item veto was, but I think Mr. RYAN has worked hard to make it everything it could be and meet that constitutional standard.

At the same time, it increases transparency in the process, it protects legitimate spending requests that direct funds to carry out important projects that benefit Americans, and it also gives Congress the final word in that important constitutional responsibility that the previous speaker mentioned was uniquely given to us. We bring someone else into this process in a way that helps. It will make a difference. I think it is more than barely a dent, but even a dent becomes another tool, makes a difference. I think it makes a significant difference.

Mr. RYAN has worked hard. He was given six challenges to the original proposal that he brought to this Congress. He made six significant changes.

I urge my colleagues to join him in passing this bill and giving the President and this Congress the assistance that this and future Congresses need to help us restrain spending in Washington.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I would support the proposal before this House today if there were just one additional provision, and that is something I moved during the Budget Committee last week, to reinstate and add as an amendment to this PAYGO provisions that Mr. SPRATT mentioned early.

PAYGO sounds complex. All it really is if you have a new spending proposal or a new tax cut proposal, the first section is, here is my proposal. The second provision is, here is how it will be paid for.

If we want to truly restore fiscal responsibility to this body, and to our Nation, we need to reinstate PAYGO that expired in 2002.

Over the last 5 years Congress has raised the debt limit four times by $3 trillion; raised the debt limit by $3 trillion in the last 5 years. The most recent was almost $800 billion in March of this year.

Unfortunately, our current fiscal carelessness is going to land squarely on the shoulders of our kids and grandkids. We are putting our children and grandchildren in a hole so deep they may never be able to climb out. Each person in this country now has their share of the national debt at $28,000.

This debt tax, Mr. Speaker, that we are imposing on our children and grandchildren cannot be repealed and can only be reduced if we take responsible steps now. We should and must reinstate PAYGO rules. In fact, former chairman of the Federal Reserve Board Greenspan testified in front of our Budget Committee, as did David Walker, the Comptroller General of our country, in favor of reinstating this rule.

Again, I would support line item veto if we had the addition of PAYGO rules. I think we need to take this measure now, and I urge people to look at this seriously and to reinstate PAYGO.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to say this: as a member of the Appropriations Committee, I am proud that this year the House Appropriations Committee has eliminated 95 different programs and greatly reduced the number of Member projects and earmarks. In each year we receive about 25,000 requests for earmarks. And yet, if there is another tool out there that we can use to scrutinize spending, I don't think any of us should be afraid to do it.

I support the line item veto. I think that the compromise that Mr. RYAN has crafted to get around the questions that we, as a Republican Congress, gave to the Democrat President Clinton administration, I think we should support this for any administration and leave party out of it.

It would give the President of the United States a tool, and it would give a self-imposed threat to this Chamber to make sure that anything that we put in the bill would stand the test of public scrutiny and transparency. If I have put an earmark in the appropriations bill, I ought to be able to defend it, and I ought to be able to defend it not to just any Democrat or Republican on the floor of the House, but to the President of the United States and to the folks back home.

I am not afraid of this. I think this is good fiscal policy. It builds on what the Appropriations Committee has already been doing in terms of eliminating 95 existing programs and bringing down Member earmarks tremendously. So I support this bill, and I hope that everybody else will.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I share my good friend from Wisconsin's commitment to trying to lower the budget deficit.

Mr. SPRATT. Will the gentleman suspend?

I will yield you more time.

I simply want to say to my friend from Georgia, if you want transparency as to earmarks, we offered an amendment. The Rules Committee would not make it in order. Our substitute addresses the issue of earmarks. It reinstates the earmark reforms in the Obey bill which is now languishing in conference.

I yield the gentleman 2 minutes.

Mr. BAIRD. I thank my ranking member.

The gentleman from Wisconsin is well intentioned. We all, I think, recognize the need to reduce the size of this deficit.

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But there is an irony here, and the irony is this: The gentleman spoke about the need for transparency and accountability. I absolutely agree. But I would ask my friends on the majority side, if we are talking about transparency, why is it that time after time after time you bring bills before this body, giving us less than 24 hours to read them? Ironically, this bill gives the President 45 days to look at legislation before filing a rescission, and then we have 14 legislative days to act on that. You do not give us 14 hours to read the original bills.

We offered in the Budget Committee a proposal that would give us 72 hours, a mere 3 days, to read thousands of pages, spending hundreds of billions of dollars. It is was ruled out of order. Why is it that in our effort to establish fiscal responsibility we do not take responsibility ourselves, we hand it to the President and say keep us from sinning once again?

We have the authority within this body to review legislation if we would just insist that the Rules Committee pass a 72-hour rule and enforce it, not override it with the appropriately named "martial law" rules that they do. Let us require a full two-thirds vote of this institution before any bill is brought to this floor with less than 72 hours to read.

There is a Web site people can refer to, readthebill.org, and you can check this out. It is common sense. The public supports it. If we want to start bringing this House in order, let us bring our House in order, not give the keys to the executive branch, because I fear that the Framers would not have approved that.

I thank the ranking member for his leadership.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I thank Mr. RYAN for his leadership on this issue.

What we are dealing with today is a significant piece to a puzzle. Because it is a puzzle. There is no question that in terms of having greater accountability and having fiscal responsibility, there are a number of steps we need to take as a Congress. And the piece today is talking about opening to the light of day certain earmarks that ought to be open to the light of day. And I would echo the comments of Mr. KINGSTON. If I have an earmark, I ought to be willing to put it up for an up-or-down vote. Everybody in this Congress has requested earmarks, and everyone should be comfortable defending those earmarks. And this is all about shedding the light of day on that process. And it will result, even without having a rescission, it is going to result in Members of Congress being a little more careful and being a little more substantive in the proposals they make, and it is going to make this body more accountable.

So with that in mind, I encourage my colleagues in a bipartisan way to embrace this work and to continue the work after this bill because, as I said, there are a number of steps we can take to encourage accountability and encourage greater fiscal responsibility. But this is an important piece and important step in pursuing that goal.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

I rise today in opposition to this bill, which threatens the ability of the Agriculture Committee to develop farm policy that addresses the new challenges that face American agriculture.

For 16 years I have represented a rural district in Congress, and during that time I have served on the Agriculture Committee, helping to write the last three farm bills. Those of us who serve on the Agriculture Committee have spent a lot of time learning about and talking to those involved in American agriculture. We have a responsibility to develop farm policy that is fiscally responsible and that keeps our farmers competitive and strong.

As the Agriculture Committee begins the process of writing the next farm bill, we will try to address the many emerging challenges that face American producers. As we consider priorities for agriculture, any new investments in bioenergy, conservation, specialty crops, and other programs, the farm bill will face yet a new hurdle. The farm bill has always had an uphill battle. As our country moves away from its agriculture roots, we must constantly reach out to our urban and suburban colleagues. Now we would face the real possibility that the President would veto the spending priorities that we set with input from all of agriculture, and, in my opinion, this could threaten the very delicate balance that we must maintain in the committee.

If we pass this bill and allow the President to cancel any new direct spending item, we will gut the Agriculture Committee's ability to create farm policy that addresses the new and changing world that our producers face.

In closing, I want to remind my colleagues that in 1993, when Democrats controlled the Congress and the Presidency, we reduced spending $192 billion over 5 years. Why is it that the Republicans can only hand us more deficit spending and a spiraling debt? This Line Item Veto Act is an admission, in my opinion, of the inability on the other side to control spending.

This bill fails to recognize what we should be doing: working together in Congress and with the White House to set priorities and to spend the taxpayers' money responsibly.

Mr. RYAN of Wisconsin. Mr. Speaker, I think the gentleman from Minnesota will be happy to know that under the way this bill works, you cannot go after mandatory programs in the farm bill that already exist. So you cannot go back and take a commodity program out.

Mr. Speaker, I yield 2 minutes to the distinguished Member from Florida (Mr. CRENSHAW), a member of the Budget Committee.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his hard work, working on this legislation.

I am proud to be a cosponsor of this and rise to ask my colleagues to vote in favor of this.

I cannot help but be a little bit amused when I hear some of the opponents stand up and say that they kind of think this gives too much power to the President. It is like some brand new secret idea that the Republicans dreamed up to give a Republican President more power than he ought to have.

I just want to remind everyone this is not a brand new idea. It has been around a good while. People have pointed out that 43 governors in the States around the country have the same or similar kind of power, that we passed legislation like this through the Congress before. In fact, people have said they like it, both Democrats and Republicans.

Let me read you what one of the strongest supporters of this legislation, this line item veto, said. He said: "The fresh air of public accountability will glow through the Federal budget. This law gives the President tools to cut wasteful spending, and even more important, it empowers our citizens, for the exercise of this veto or even the possibility of its exercise will throw a spotlight of public scrutiny onto the darkest corners of the Federal budget."

Do you know who said that? President Clinton said that when he signed similar legislation in 1996.

I could not say it any better. I just urge my colleagues to add this tool to our arsenal. If you are serious about getting a handle on controlling spending, you will vote in favor of this.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my good friend for yielding me this time, but also for the substitute that he was hoping to offer here today so we could have a legitimate and honest debate about the direction we need to go for fiscal responsibility in the House. Unfortunately, because of the way the rules are structured, we are prohibited from offering any amendments or this gentleman's substitute, which I think has a lot of merit.

I can understand that people with good intent, and there are many in this Chamber, can support a piece of legislation. Philosophically I agree that we need to get at the heart of earmark reform. We need to move forward on earmark reform as this session progresses because this legislation alone will not deal with the issue. And I could support a piece of legislation like that if I thought there was the institutional will here in Congress and also down on Pennsylvania Avenue to finally get serious about fiscal responsibility.

But the facts are what they are, that under the Republican leadership over the last 6 years, we have had the largest and quickest increase in national debt in our Nation's history, that this President is the first President since Thomas Jefferson who has refused to veto one spending bill during his entire administration. He is not even using the rescission powers that are already granted to him that this legislation now is meant to expedite, and that is unfortunate.

But the real issue, if we are going to get serious about getting back on fiscal track as a Nation, is we have got to go to what has proven to work. And what worked in the 1990s was something very simple called pay-as-you-go. It required tough budgeting decisions on both the spending and the revenue sides that led to 4 years of budget surpluses where we were paying down the national debt rather than increasing the debt burden for our children and grandchildren and, even more importantly, becoming more dependent on foreign countries such as China to be financing our deficits today.

I am one of the institutionalists around here who feel that we have ceded too much power, too much control, too much authority to this administration or future administrations. And if anyone in this Chamber wants to stand up and claim that we are a coequal branch of government today, they are fooling themselves. This legislation will make it even worse.

Mr. RYAN of Wisconsin. Mr. Speaker, given that my friend from Wisconsin voted for virtually the same bill 2 years ago when Charlie Stenholm and I had it on the floor, I hope we can count on his support again.

Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I thank Congressman RYAN and Ranking Member SPRATT.

I am a cosponsor of this legislation because my belief and my experience show me that this is an effective tool to restoring accountability in our government. Mr. Speaker, this legislation is a good starting point to begin the process of eliminating wasteful spending in government.

This bill gives the President the latitude to recommend that appropriations, direct spending, or tax breaks be cut. These items are commonsense in nature and cross party lines. A spending item is as eligible for cancellation as a tax break. The items that are eligible for cancellation or rescission send a clear message to our constituents that we are serious about government accountability.

Common misperception holds that the President has the final say on items that he wishes to eliminate, but this is not correct. Under this legislation Congress has the final say. The President can recommend, but it is up to Congress to vote up or down on his particular cuts. Congress retains the power to say "no." There is no threat to our constitutional powers of the purse.

To address the concerns that the line item veto is a political tool, I urge my colleagues to keep in mind that neither party has a monopoly on the executive branch. While the President is of one party today, this can certainly change tomorrow.

I urge my colleagues to vote for this bill that helps restore accountability in Washington and restores the faith of our constituents.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill has nothing to do with fiscal responsibility. If we were interested in fiscal responsibility, we would not have passed the tax bill just a few minutes ago that adds, over the course of just a few years, trillions of dollars in new deficits without any way to pay for it.

Mr. Speaker, 5 years ago we had a $5.5 trillion 10-year surplus. Now those 10 years look like they are going to come in at about a $3.5 trillion deficit, a $9 trillion reversal. If this bill had been in effect during those years and the President had used his new powers the way we might hope, we might have saved a few hundred thousand dollars, a few million, maybe even a few billion, but that is negligible compared to the $9 trillion reversal. And that is if the President used the new power in a fiscally responsible manner. Nothing in the bill prevents the President from using his new powers to coerce even more irresponsibility, such as using it as a hammer to coerce Members to support new tax cuts without paying for them.

Finally, Mr. Speaker, on the tax provisions, the bill only allows the President to veto teeny weeny, little targeted tax cuts, but does not allow him to veto huge, gargantuan, irresponsible, unpaid-for tax cuts.

Mr. Speaker, this path to fiscal responsibility is paved with hard choices. This ineffective gimmick is not one of them. We should reject the bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 20 seconds to answer what the gentleman mentioned on tax cuts.

The reason we go after tax rifle shots is we do not want to give the President the power of setting policy that Congress has. We are going after pork, tax pork, spending pork, not tax policy. That would be to abrogate our responsibility of setting policy to the executive branch, and we do not want to do that. That is why the bill was written as it is today.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Wisconsin for what he has done and for yielding.

Mr. Speaker, I would just like to add this as my own personal perspective. I was a State legislator and lieutenant governor and I was a governor. So I had this both used in a situation in which I was worried about it, in a situation in which I used it, and then I came to Congress and I actually introduced legislation on this early on and later was a cosponsor of that legislation which became law and was later overruled by the Supreme Court.

I have heard a lot of arguments today, and I have listened to this both in the rule debate and here pretty intently. And there were discussions like, oh, we are taking away revenue at the same time we are trying to do this, how can this be fiscally responsible?

This is not all that big a deal. The bottom line is it is another measure which will help us move in the direction of transparency, which will help us move in the direction of perhaps balancing the budget. This itself will never balance the budget. It is too small an item as far as that is concerned. It is similar to a rainy day fund. It is similar to earmark reform or a sunset provision or a variety of other budgetary process matters that I think that we should take up in an effort as Republicans and Democrats to do this.

□ 1645

This particular President, if people are concerned about that, will only be President 2½ more years. At some point we will have a different makeup of the Congress, a different makeup of the Presidency, and hopefully this will be around for 100 years.

But it is a very significant budgetary tool. The reason it is significant, Mr. Speaker, is because it makes people get together and talk about this, and people are very reluctant to proceed with something that may put in the light of day that which they may not want to see in the light of day. So you see a lot of restrictions.

It brings the executive branch and the legislative branch together in terms of planning where we are going to go as far as budgets are concerned. Unfortunately, that is not happening enough today. I think we are all concerned about budget deficits, we are all concerned about a lot of the problems which exist out there, and I think we need to work together to get this done.

So in my mind, adopting this is relatively simple. It is something we should be doing; it is something I would hope 100 percent of this Congress would support. I urge everyone to support it.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to address an issue that Mr. RYAN spoke to just a moment ago.

This bill does apply to new direct spending items. Now, there could be some disagreement over what that means, but direct spending is mandatory spending, it is entitlement spending, and under that broad rubric falls Medicare, Medicaid, Social Security and veterans benefits.

The reason we are very concerned about broadening the reach to include mandatory programs like that is that these are programs people depend upon; and what this bill essentially does is create a fast track, a 30-day turnaround. The President sends a bill here, we can't amend it in committee, we can't amend it on the floor, we only have an up-or-down vote, we have a limited amount of time for debate. It is a fast track with no substantive input from Congress, and I would hate to see us make an ill-advised change in Social Security or Medicare simply because it got wrapped up with other spending issues and was pushed through here on such a small fast track that we didn't realize the consequences until we woke up a month or two later.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, in the end, there are only three essential powers that make the Congress the greatest legislative body in the history of the world. The first is the power to investigate; the second is the power to declare war; and the third is the power of the purse.

This Congress has already supinely given away most of its ability to declare war. It ceded that largely to the President.

This Congress has also engaged in a pitiful amount of oversight and investigation over the past 5 years.

The only remaining power that Congress has is the power of the purse. If Members of this body want to diminish that power and further weaken the ability of the legislative body to do its job, then, by all means, vote for this underlying bill. If you think it wouldn't be a good idea to do that, then you ought to vote against it.

Can you imagine what a President like LBJ would have done with these powers to someone like Gaylord Nelson, from my own State, one of the three people who cast a vote against the original appropriation for Vietnam? LBJ would have put his arm around Gaylord's shoulder and he would have said. Gaylord, if you can't see your way through to be with me on the war, you are going to lose an awful lot of things you care about in that budget. I will make your life miserable. I will send down rescissions again and again and again, on the wilderness, on you name it.

I believe that the most pernicious aspect of this proposal is that it will further gut the ability of Congress to review a President's foreign policy initiatives in an independent fashion. God knows we have already failed in our responsibilities with respect to keeping us out of the dumbest war since the War of 1812, in Iraq, and this ill-advised proposition will simply make those matters worse.

I would urge an "aye" vote for the Spratt substitute and a "no" vote on the underlying bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time I would like to respond to something that the gentleman from South Carolina said. He said under this bill we could go after mandatory programs like Social Security, Medicare, veterans benefits.

Let me be very clear: you cannot with this program go after Social Security, Medicare and veterans benefits as we know it today. We are saying new programs. Why do we say it that way? Why new direct spending programs?

There are 5,000-plus earmarks in the transportation bill just this last year. Why should that be taken off the table? If you did that, then the Bridge to Nowhere would be exempt from the line item veto. I think most people who know this stuff think the Bridge to Nowhere ought to be one of the things that the President would want to go after under the line item veto.

We are talking about new programs, not the existing entitlement programs that we have come to know and enjoy for many of our constituents.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding, and I rise with great respect for my friends on my side of the aisle when it comes to this proposal today.

I took an interest in this starting 2 years ago when it seemed to me we needed some additional tools to bring these budget deficits under control. We have gone from surpluses to enormous deficits, and from reducing our national debt to increasing the debt tax on our children; and it is my opinion that this bill will help us begin to bring our budget back into balance.

As has been mentioned here, it follows the approach of our former colleague Charlie Stenholm, and it also mirrors what 43 Governors have, as our friend Congressman CASTLE mentioned earlier today. It also mirrors a bill that I introduced in the last Congress as well.

So, in sum, this will promote accountability. It will promote transparency. It is a small start. I believe that it balances the constitutional responsibilities between the President and the Congress; and perhaps if we pass this today, then we create some momentum so that we move toward putting PAYGO back in place and reining in the earmark situation that we now face in this Congress that in part has led us to these enormous deficits.

So let's pass this. Let's work together. Let's find a way to balance the budget and not pass on the debt tax to our children.

I thank the gentleman for yielding, and, again, I rise in support of this important piece of legislation.

Mr. Speaker, over the last 5 years we've seen a dramatic change in the Federal budget—a change for the worse.

We've gone from budget surpluses to big deficits, and from reducing the national debt to increasing the "debt tax" on our children.

There's no mystery about how this happened.

Partly, it was caused by a recession.

Partly, it was caused by the increased spending needed for national defense, homeland security, and fighting terrorism.

And in part it was caused by excessive and unbalanced tax cuts the president pushed for and Congress passed.

This bill does not directly address those major causes of our budgetary problems.

Fixing them will take long-term work on several fronts, including taxes.

And it will take stronger medicine than this—such as restoring the "PAYGO" rules that helped bring the budget into balance in the past.

That's why I thought the House should have been able to at least debate a stronger version of this bill, in the form of the substitute proposed by the gentleman from South Carolina, Mr. SPRATT.

And that's why I voted against the Republican leadership's restrictive rule that prevents even debating that substitute.

But, even so, I support this bill because it can help, at least a little, to promote transparency and accountability about spending items and tax breaks.

We have heard a lot of talk about spending "earmarks"—meaning spending based on proposals by Members of Congress instead of the Administration.

Some people are opposed to all earmarks—but I am not one of them.

I think Members of Congress know the needs of their communities, and I think Congress as a whole has the responsibility to decide how tax dollars are spent.

And earmarks can help fund nonprofits and other private-sector groups to do jobs that Federal agencies are not able to do as well.

In short, not all earmarks are bad.

In fact, I have sought earmarks for various items that have benefited Coloradans—and I intend to keep on doing that.

And a similar case can be made for targeted tax breaks, as well.

Still, we all know some bills have included spending earmarks or special tax breaks that might not have been approved if they were considered separately.

That's why the President—like his predecessors—has asked for the kind of "line-item veto" that can be used by Governors in Colorado and several other States.

And that's why about 10 years ago Congress actually passed a law intended to give President Clinton that kind of authority.

But the Supreme Court ruled in 1998 that the legislation was unconstitutional.

And I think the Court got it right.

I think trying to allow the President to in effect repeal a part of a law he has already signed—and saying it takes a two-thirds vote in both Houses of Congress to restore that part—went too far.

I think that kind of line-item veto would undermine the checks and balances between the Executive and Legislative branches of the government.

So, I could not support that kind of line-item veto.

But this bill is different.

It is a practical, effective—and, best of all, Constitutional—version of a line-item veto.

It is not unprecedented. It follows the approach of legislation passed by the House of Representatives several times during the Clinton administration under the leadership of our former colleague Charlie Stenholm and others, including Tom Carper, Tim Penny and John Kasich.

It also is similar to bills I introduced under the heading of measures to "Stimulate Leadership in Cutting Expenditures," or "SLICE."

Under this bill—as under SLICE—the President could identify specific spending items he thinks should be cut—and Congress would have to vote, up or down, on whether to cut each of them.

Current law says the President can ask Congress to rescind—that is, cancel—spending items. But Congress can ignore those requests, and often has done so.

This bill would change that.

It says if the President proposes a specific cut, Congress can't duck—it would have to vote on it, and if a majority approved the cut, that would be that.

So, it would give the President a bright spotlight of publicity he could focus on earmarks or special tax breaks, and it would force Congress to debate those items on their merits.

That would give the President a powerful tool—but it also would retain the balance between the Executive and Legislative branches.

I think that is very important, and I appreciate having had the opportunity to work with Mr. RYAN and others to fine-tune the bill while it was being considered in committee. I think the result has been to improve the bill considerably.

Mr. Speaker, under the Constitution Congress is primarily accountable to the American people for how their tax dollars are spent.

By making the taxing and spending processes more transparent and specific, this bill can promote that accountability.

Of course, without knowing what the President might propose to rescind, I don't know if I would support some, all, or any of his proposals.

But I do know that people in Colorado and across the country think there should be greater transparency about our decisions on taxing and spending.

And I know that they are also demanding that we be ready to take responsibility for those decisions.

This bill will promote both transparency and accountability, and so I urge its approval.

Mr. SPRATT. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, for 5½ years now the Republican Congress and the administration have pursued what I have said repeatedly is the most reckless fiscal policy in the history of our Nation. I believe that.

When George Bush took office, he inherited a projected 10-year budget surplus of $5.6 trillion. There is no dispute on that. George Bush said that on the floor of this House. In March of 2001, he promised the American people, "We can proceed with tax relief without fear of budget deficits, even if the economy softens."

Let's compare Republican rhetoric with reality. That projected deficit surplus has been turned into a projected budget deficit of some $4 trillion, a historical fiscal turnaround of more than $9 trillion.

Republicans have created the four largest budget deficits in American history. We Democrats have no power in this House or in the Senate or in the Presidency. It has been Republicans alone that have created these deficits.

They have raised the debt limit four times, and House Republicans have voted to increase it by an additional $653 billion, to a total of $9.6 trillion. Let me repeat: we had a $5.6 trillion surplus in January of 2001, according to President Bush; we now have an authorized debt of $9.6 trillion.

They have spent every single nickel of Social Security money. It is no wonder that former Republican House majority leader Dick Armey of Texas told the Wall Street Journal in 2004, "I'm sitting here, and I'm upset about the deficit, and I'm upset about spending. There's no way I can pin that on the Democrats. Republicans own the town now."

Given their record, I think it takes some audacity, chutzpah perhaps would be a better word, for our Republican friends to come to this floor today with this so-called Legislative Line Item Veto Act and bemoan the growth in Federal spending and the dire fiscal condition, created by whom? Created by them. Republicans, after all, own the town, as I said Dick Armey noted.

Yet the President has failed to veto one bill. We are talking about a line item veto? This President has not vetoed a bill. This President has gone a longer period of time than any President in over 195 years in this Nation and he hasn't vetoed anything. All of the spending has been marked "approved" by George W. Bush, the President of the United States. He doesn't exercise vetoes.

This Republican majority refuses to embrace the one real method of restraining spending and restoring fiscal discipline, the pay-as-you-go budget rules that applied to both spending and taxes and were adopted, I tell my Republican friends, in bipartisan votes in 1990 and again in 1997.

But you jettisoned them. Why did you jettison them? You jettisoned those rules because you knew you couldn't fit your tax cuts into them. You didn't have the courage to cut spending to meet your tax cuts. That is a fair policy. If you don't want to spend, fine. If you want to cut taxes, fine. Cut spending. That is a fair policy. You haven't done that.

You cut revenues, and you increased very substantially revenues, period. And don't talk to me about the war. You included spending very radically on entitlement programs, the biggest increase in entitlement spending since 1965 on your watch, with very little help from Democrats, who overwhelmingly voted against those increases.

As the New York Times stated on Monday: "The line item veto bill is an attempt to look tough while avoiding the tried-and-true, and truly tough, deficit fix: reinstating the original pay-as-you-go rules."

Mr. Speaker, this bill is very different from versions introduced in the 1990s. It not only fails to include PAYGO rules, but also applies to mandatory programs, including Medicare and Social Security. It gives the President 45 days to send a rescission message and fails to give Congress the power to amend the rescission package.

We are the policymakers. Article I. This Congress is the most complacent, complicit Congress perhaps in history in terms of being a lap dog for the President of the United States. We are a coequal branch. We are not a branch to ask leave of the President to take action.

The majority, unfortunately, refused to allow us to consider the substitute JOHN SPRATT wanted to offer. Don't you have the courage to argue the merits of your case and let us argue the merits of our case and have a vote? Are you so afraid of the alternatives that you won't even allow the vote?

We ought to vote this down. It is a ruse, it is a fraud, it is a sham.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Texas, I would simply like to point out I think the gentleman from Maryland said we need to cut more spending. I agree. That is why we should pass this. In fact, the gentleman from Maryland voted for similar legislation that I offered with Charlie Stenholm 2 years ago and two expedited rescission bills that the gentleman from South Carolina authored in the past. So I hope we can enjoy your support this time around.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, first I want to congratulate the gentleman from Wisconsin for his principled leadership in the area of the budget and to bring the line item veto back to the House. But watching this debate, Mr. Speaker, I find it both sad and amusing to see how many Democrats who have supported line item veto in the past now oppose it. In trying to justify their new-found opposition, we are now witnessing acrobatics and contortions that we haven't seen since the circus came to town.

□ 1700

The line item veto has been supported by such Democrats as President Bill Clinton, Vice President Al Gore, Senator JOHN KERRY. The last time it was enacted in this body and became law over two-thirds of the Democrats voted for it.

But, Mr. Speaker, it is now an election year. The Democrat leadership again says no. But no is not an agenda; no is not a vision. And by saying no to the legislative line item veto, Democrats are saying yes to more wasteful spending.

Mr. Speaker, we know that almost every Governor in America already has some form of the line item veto to help combat wasteful spending. It brings transparency and accountability into a process that sorely needs it.

Now, this bill before us is frankly a very simple one. It allows the President to highlight examples of wasteful spending, submit them to Congress on an expedited basis, and have Congress vote on it. That is all it does. Nothing more, nothing less. But what is really important, Mr. Speaker, is that the savings, the resulting savings can only go for deficit reduction. Mr. Speaker, Democrats can't have it both ways. They can't oppose the legislative line item veto and then claim to be for deficit reduction. It cannot be done.

Now, we have just been lectured about the issue of fiscal responsibility from the gentleman from Maryland, but let us examine the record of the Democrats. For the last 10 years, every time the Republicans offer a budget, our friends from the other side of the aisle offer a budget that spends even more money. They criticize our prescription drug program, yet theirs cost even more. And thanks to their stonewalling, we were not able to reform and save Social Security for future generations. Instead, there is an extra $2.5 trillion of unfunded obligations thanks to their stonewalling. That is what their record is.

Mr. Speaker, if you want to help end the railroads to nowhere, the hydroponic tomatoes, the indoor rainforest, say "yes" to the line item veto, say "yes" to our children's fiscal future, and let us vote for this legislation.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. This Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself. They are putty, look at this putty in my hand, and the President squeezed them into doing anything that he wants even if their constituents don't agree. That is why 77 percent of the public thinks this Congress is out of touch with their priorities and why 70 percent of the American public thinks President Bush is doing a terrible job.

Let me be clear. I did not vote to give President Clinton a line item veto. I certainly would not vote to give it to this President who, like no other President in the history of this country, tramples over the rights of Congress and the rights of American people, and still to this day shows nothing but contempt for the House of Representatives.

This President has spent over $450 billion on a war of choice that was based on lies.

The President turned a $5.6 trillion dollar surplus into a $3.2 trillion dollar deficit. And this is who is supposed to stop the rampant spending of this Republican-led Congress. This is a joke, and everyone here knows it.

Vote no on this bill, and let the people's House get back to doing the work that the people actually want us to do.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to yield 2 minutes to the gentleman from the Appropriations Committee from Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman from Wisconsin, my next-door neighbor to the north, for this important legislation. It is a commonsense way that budget-conscious Republicans and Democrats can come together to cut spending.

Now, this legislation is needed, because the line item veto has been used by American States since 1861 to balance their budgets, and over 40 Governors, Republicans and Democrats, have this spending control.

Now, we in Congress joined with President Clinton to enact a line item veto in the 1990s, and he used that veto 82 times to defend the taxpayer. Unfortunately, the Supreme Court struck that needed reform down. And when they did, President Clinton called that a defeat for America.

The bill before the House now is modeled after the bipartisan base closings legislation that has been used to cut hundreds of millions of wasteful spending in the military by closing down bases that the Secretary of Defense and our commanders say that they do not need.

For us at this time, I think the government spends too much, that this is a needed reform tried and true for over 120 years by our Governors to keep balanced budgets and one that we need in this Congress.

We should all be worried, in the history of democracies, that while it is the best form of government on the planet, there is a troubled record of democracies spending their way into dictatorship. This needed reform helps us control spending to make sure that the American people keep their freedom, that the democracy that they live under is responsible with the taxpayer dollars, and that we do not waste those precious resources on unneeded projects. That is why we should support this. That is why this should be bipartisan. President Clinton was right to have this power. Forty Governors are right, and it should be adopted by this House.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for the recognition. I appreciate the opportunity to speak on behalf of this legislation. I also appreciate his hard work in bringing this to the floor.

I would like to make a couple of points. One, it seems the bit twisted logic for the folks on the other side to argue that the President shouldn't have these authorities that are presented in this bill, but yet at the same time gripe that he hasn't used the veto it already has, it doesn't seem to me you can have it both ways.

I am in favor of this legislation because it does apply to all spending, both discretionary and direct, and it gives the President an opportunity to help us help ourselves in this regard.

A third point is that these savings actually will reduce the deficit. Unlike many of the opportunities that we take to try to reduce appropriations bills where that money simply stays within that pot of money and ultimately gets spent, this money would actually not get spent and therefore have a direct impact on the deficit.

The last point is that, with these powers, I can assure you that would act as a self-limiting deterrent to frivolous earmarks that might be proposed. None of us are going to want to be on the President's top 10 list when with this power he lists out the five projects in a single bill or the 10 projects in an omnibus bill. That is a distinction and a recognition that no one is going to want to have. So I think my colleagues would be much more diligent in their requests for special spending that this would address. So I rise today in favor of H.R. 4890 and urge my colleagues to vote for it.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. SPRATT. Mr. Speaker, this could be a bipartisan bill. The gentleman from Wisconsin (Mr. RYAN) has taken the bill that the President sent us, which is a classic case of overreaching, and improved it very much and I commend him for that. But it is not good enough; it is not worthy of passage, in my opinion. If it really was to be a bipartisan bill, if that is what you wanted, why did I get shut out in the Rules Committee?

I came forward with two substitutes, one germane, one nongermane, with various individual amendments, all of them serious substantive things. Sure, we could disagree about them, but I didn't get to the opportunity under the Rules Committee's provision to come here and offer those on the floor of the House.

I think in wrapping up, it is worth showing these charts to everybody again to show the path we are on, which is this path right here: a deficit this year of $300 billion to $350 billion, more than $400 billion last year; intractable, structural deficits. And, as you will see from the costs plotted by CBO, the numbers only get worse here that show the deficit sinking to almost $500 billion in 10 years.

The consequence of that? First of all, the debt ceiling, the legal limit to which we can borrow, we have seen an increase in the debt ceiling in the United States since President Bush came to office under your watch of $3.668 trillion. That is the increase in 5 fiscal years of the debt ceiling of the United States. And the total indebtedness of the United States is shown right here. The statutory debt was $5.9 trillion when President Bush took office. If we continue on the track that we are on now with his budgets, we can expect to have a debt of nearly $11.3 trillion by the year 2011. That is where we are going.

It is hard to avoid the suspicion that this bill today is sort of a diversionary tactic because, by everybody's admission, even its more ardent proponents, this won't even put a dent in the deficit. As I said, we just adopted a bill which could have an impact on revenues over 10 years, when fully implemented, of $823 billion. This will barely, barely amount to a dent in the budget, a deficit addition of that kind.

Now, the gentleman said that I have engaged in acrobatics, as if I weren't serious and sincere about the amendments I am proposing. But I have a problem with giving the President 45 days to pick through appropriation bills, because the wider the window, the more apt he will be to use it for political purposes. I have a problem with having the President send up five bills for every appropriation bill. There are 11 appropriation bills. We could have as many as 55 rescission bills here on the House floor, and then I am sure, as we take up these bills on Christmas Eve, you will be having Members ask: Who came up with these ideas?

I have a problem with direct spending that is reaching too far. If this is an experiment to start with, why not stick to discretionary spending? None of the previous bills have included that.

So for all of these reasons, this could be a much better bill. And I would offer on a motion to recommit my only opportunity a substantial improvement to the bill, and I hope every Member will seriously consider it and will also vote for it.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 4½ minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to address a few of the concerns that have been mentioned by the other side of the aisle.

First of all, this is a bipartisan bill. If you paid attention, a number of the speakers came to the floor from the other side of the well to speak in favor of this. Actually, three Democrats came to the floor in favor of this bill that we are considering right now, three Democrats I am proud to call friends and supporters and coauthors of this proposal. In fact, we took an amendment of Mr. CUELLAR of Texas to improve this bill.

Other speakers have said this gives too much power to the President. Well, let us just remember one thing: the President already has rescission authority today. Today, the President can rescind something, defer spending, and send it to Congress. Here is the problem: Congress just ignores these things. In fact, President Reagan sent $25 billion of rescissions to Congress, and they ignored every one of them.

So we want to make that process work. We are taking the existing authority he has, making it actually shorter in time frame, and we are simply guaranteeing that we are going to vote on it.

I think, if somebody sticks a wasteful pork barrel project like a $50 million rainforest museum from Iowa, a bridge to nowhere, or something like that in a bill in a conference report where we as Members of Congress have one choice, vote "yes" or "no" on the entire bill, then the President has a similar choice: sign or veto the entire bill.

That is wrong. We ought to be able to vote on that $50 million rainforest museum. This gives us the chance to do that, and this means that we can't duck those votes.

This is a bipartisan bill. It has been so bipartisan in the past that Mr. SPRATT has offered very similar legislation. We got 173 Democrats on one of them, 174 on another. Mr. Stenholm and I offered a bill very similar to this 2 years ago; we got 45 Democrats on it. I hope that we will continue to get this bipartisan support that we had been getting.

But more importantly, Mr. Speaker, the American people know we need every tool we can get our hands on to go after wasteful spending. That is why taxpayer watchdog groups are key on voting this bill. The American Conservative Union, the Americans for Prosperity, Americans for Tax Reform, Citizens Against Government Waste, the Club For Growth, Freedom Works, National Federation of Independent Businesses, National Taxpayer Union, Taxpayers for Common Sense, the U.S. Chamber of Commerce all are key voting this vote as a key vote for the taxpayer. Other groups supporting this: ALEC, the American Taxpayer Alliance, Bond Market Association, Business Roundtable, Center for Individual Freedom, Concord Coalition, Association of Wholesale Distributors, National Restaurant Association, 60 Plus, Traditional Values. The list goes on and on.

Mr. Speaker, the American people know we need this tool to go after wasteful spending, taxpayers need this tool so we can do this, and, more importantly, we need more transparency in our process here in Congress.

We passed earmark reform so that Members of Congress have to defend their earmarks when they come to the floor of the House when we write these bills in the beginning. But a lot of this stuff gets inserted at the end of the process in the conference reports; that is why we need to have this deterrent.

I think the success of this bill will be less in how much pork we get out of legislation that we line item veto out, and more in how much pork never gets put into legislation in the first place, because there will be an extra deterrent. A Member of Congress who wants to slip in some big piece of pork barrel spending that he probably couldn't otherwise justify will think twice, because he or she may have to come to the well of the House and the well of the other body to defend that pork barrel spending.

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This is good government. This is transparency. This is an added layer of accountability that is right for the taxpayer, and it is constitutional. It protects the prerogatives of the legislative branch. That is why I think this is a good bill. That is why I am pleased to call this a bipartisan bill. That is why I think we should strike this vote for the taxpayer.

With that, Mr. Speaker, I urge a "aye" vote for this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I oppose this bill because the legislative line-item veto it seeks to create is merely a gimmick to divert attention from the majority's pitiful record when it comes to fiscal management. In addition, and even more important, this so-called line item veto represents a dangerous, and in my view unconstitutional, transfer of power from the legislative branch to the Chief Executive.

Mr. Speaker, while H.R. 4890 seeks to address an important problem—the massive deficits run up by the majority and the majority's squandering of the $5 trillion projected surplus bequeathed it and the administration by the Clinton administration—their "solution" to the problem resorts to legislative gimmicks instead of tackling the problem directly.

Since one-party control of the government began in 2001, Federal spending has ballooned 42 percent; an increase of over $830 billion a year, reflecting the budgets that President Bush has submitted to Congress. During that time, the President has not vetoed a single piece of legislation. In fact, President Bush has used the veto less than any President in the past 175 years.

Yet while the proposed line-item authority would give a big new stick to the executive branch, it would do little to bring fiscal sanity back to the appropriations process. Indeed, it might actually have the opposite effect of encouraging these special-interest handouts. Conservative columnist George Will observes that the President may simply use the authority as a form of legislative horse-trading, suggesting that the administration could "buy legislators" support on other large matters in exchange for not vetoing the legislators' favorite small items."

Both the Congressional Budget Office and the Congressional Research Service have reached similar conclusions. Indeed, it seems the President's version of the line-item veto is more about transferring power to the executive branch than actually reigning in Federal spending.

That power transfer has already once been found unconstitutional by the Supreme Court. The majority decided that "the President's role in the legislative process can be altered only through the cumbersome process of amending the Constitution," and there is no reason to believe that this attempt will be met any more favorably. In fact, the House bill actually gives the executive branch more power than the previous act, allowing the President up to 45 days to exercise the authority (instead of the previous act's five) and 90 days to withhold funds even after Congress has overridden his veto.

If Congress really wants to get a handle on spending, it should reform the earmarking process, instead of resorting to legislative gimmicks. The President could also do the unthinkable—bring out the old-fashioned veto stamp for the first time in 5 years.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the H.R. 4890 legislation giving the President Line Item Veto authority.

As a cosponsor of H.R. 4890, the Legislative Line Item Veto Act of 2006, I believe it will provide more transparency and scrutiny in the funding process while reining in Federal spending. Currently, when Congress considers appropriations legislation we have the authority to closely scrutinize funding earmarks recommended by the President before deciding whether or not to fund them. The Line Item Veto legislation gives the President an opportunity to closely examine Congressional spending priorities and submit a proposal to Congress that would defund those items the President finds objectionable. The proposals by the President would be unamendable and would be subject to a simple up or down vote in the House and Senate.

While we have been working to restrain Federal spending, including voting to terminate over 95 Federal programs this year alone, this will be one more tool in the arsenal of fiscal discipline. It has the added benefit of keeping objectionable spending out of these bills in the first place as all Members of Congress would know that last minute items added to these bills will be subject to individual scrutiny through the Line Item Veto.

In 1996, Congress passed the Line Item Veto Act of 1996. This law allowed the President to veto specific spending provisions. However, on April 10, 1997, a Federal court ruled that this legislation was unconstitutional, arguing that the power of the purse must be under the control of Congress, not the President. I voted for this law because it granted the President the authority to strike funding while ensuring that Congress could override the President's line item veto with a ⅔ vote. The Supreme Court, however, ruled that this did not leave spending decisions ultimately in the hands of Congress and struck down the law. Today's bill addresses this concern while ensuring Congress has the final say on the President's line item veto recommendations by means of a simple majority vote in the House and Senate.

It is my understanding that many Democrats are going to play politics this year, and not vote for passage of the Line Item Veto. What is particularly noteworthy is that in the 103rd Congress over 170 House Democrats voted for the line item veto.

I urge a "yes" vote on this legislation.

Ms. CORRINE BROWN of Florida. Mr. Speaker, this Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself.

They are putty in the President's hands, and he squeezes them into doing anything he wants, even if their constituents don't agree.

This is why 77 percent of the American Public thinks this Congress is out of touch with their priorities, and why 70 percent of the American public thinks President Bush is doing a terrible job.

Now I didn't vote to give President Clinton a line-item veto, so I'm certainly not going to give it to the President who, more than any other president in history, has trampled over the rights of Congress and the rights of the American people, and still today shows nothing but contempt for the will of the House and Senate.

This President has spent $450 Billion dollars on a war in Iraq based on lies, and turned a $5.6 Trillion dollar surplus into a $3.2 Trillion dollar deficit, and this is who is supposed to stop the rampant spending of this Republican led Congress. This is a joke, and everyone here knows it.

Vote "no" on this bill, and let the people's House get back to doing the work that the people actually want us to do.

Mr. CANTOR. Mr. Speaker, I rise in support of the Legislative Line Item Veto Act. This bill will give Congress and the President a powerful tool to restore fiscal sanity to Washington. This bill is an important step toward reforming the Budget Act of 1974, which stripped the President of impoundment authority—effectively hobbling a vital check on the system to limit wasteful spending. Presidents Jefferson through Nixon used impoundment authority to withhold funding for wasteful spending.

In 1821 Thomas Jefferson said: "The multiplication of public offices, increase of expense beyond income, growth and entailment of a public debt, are indications soliciting the employment of the pruning knife." The legislative line item veto is the pruning knife that Jefferson envisioned.

The legislative Line Item Veto will further hold Congress accountable to the taxpayers and ensures that we continue to be good stewards of taxpayer dollars.

Mr. BLUMENAUER. Mr. Speaker, I voted against the Line-Item Veto Act of 1996 even though it was sought by a Democratic administration because I felt that it was unconstitutional and that no president either Republican or Democrat should have the unilateral power to change the law by themself. My reservations were justified when in 1998 the Supreme Court ruled this provision unconstitutional. It would be the height of irony for a Congress that already failed in its constitutional responsibility to check the inappropriate use of Federal power by this administration with a record of the largest deficits in American history to surrender even more authority.

The proposal that is being offered although called a "line item veto" is nothing of the sort. While it attempts procedurally to make it easier for the President to eliminate spending, it still may be found unconstitutional. What is especially troubling is the provision that would permit the President to withhold funding for an item in an enacted appropriation bill for up to 90 days regardless of Congressional action. This could have a devastating impact on transportation programs such as Amtrak which the administration has led a crusade to shut it down. Given the precarious financial situation that Amtrak faces, the ability to delay funding for 90 days could have the effect of pushing Amtrak over the edge in leading to its collapse.

Personally, I have been happy to vote against programs I thought were unaffordable as well as go after them on the House floor. During the 109th I have already led efforts with some of my conservative colleagues against wasteful non-priority programs such as the upper Mississippi lock and dam project and costly sugar subsidies. If Congress wants to get serious about fiscal discipline, then a few simple but important steps taken would make a significant difference.

For example, it is long past time to restore the pay-as-you-go budget procedures. This pay-as-you-go concept required Congress and the administration to adopt a sustainable budget policy where money to pay for either new spending programs or costly tax cuts would have to be provided without increasing the deficit. In addition, just letting Congress know what it's voting on would be helpful. The Republican leadership routinely overrides the requirements in our rule that provides for three days to review conference committee reports.

One of the greatest failures of Congress for the 10 years that I have been in office has been its inability to exercise fiscal discipline. During the Bush administration we have seen year after year of record-breaking deficits with the highest increases in over 50 years. If we simply commit to follow our already established rules, we would do more good and pose less harm than the budget fig leaf that is being considered today. This bill is an attempt to disguise the fact that we have a budget problem because of the administration and Republican leadership refusal to do their job and to provide the tools to help the rest of us do ours.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of fiscal responsibility.

As stewards of the taxpayers' hard-earned money, we have the obligation to ensure it is spent wisely, sensibly, and where it is needed the most.

I want to commend Speaker HASTERT and Leader BOEHNER for working hard to improve the fiscal responsibility of Congress.

TRUE SPENDING REFORM

However, if we are to truly rein in spending and restore fiscal sanity, we must do more than address the aftermath of a flawed process.

Rather than waiting to restore fiscal responsibility after we pass legislation, we must work to ensure we remain committed to it as we draft legislation.

Instead of cutting spending at the end of the budgetary process, we must start the process with an eye on fiscal discipline.

True reform means leaving future generations a Federal budget that makes sense—a budget that expends only as much as it takes in.

We must make a commitment to our children and grandchildren by improving the complete budgetary process.

WE MUST PASS A BALANCED BUDGET AMENDMENT

To reform this flawed process, we must consider and pass the Balanced Budget Amendment.

H.J. Res. 58, which I cosponsored, is the most important tool in bringing fiscal responsibility back to America.

This amendment would force Congress to spend only as much as it receives.

It would also require the President to join us in this commitment by making him submit a balanced budget to Congress.

As we work today to cut wasteful spending at the end of the process, I believe we must also commit ourselves to complete fiscal responsibility in the entire budgetary process.

As we vote today on the Legislative Line Item Veto Act, I ask my colleagues to remember that true fiscal responsibility requires a commitment to discipline the whole way through the process—it requires the Balanced Budget Amendment.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in strong support of the bipartisan Legislative Line-Item Veto Act of 2006. The line-item veto is a commonsense approach to restraining the growth in Federal spending.

The Legislative Line-Item Veto establishes an additional check against excessive, redundant, and narrowly focused spending provisions and special-interest tax breaks. This legislation would simply allow the President to identify questionable and unnecessary spending items in bills passed by Congress. It preserves Congress' power of the purse by requiring a simple up or down vote on the President's proposed rescissions. The final decision on spending or tax items remains in the hands of Congress.

With the passage of this important legislation, this Republican-led Congress continues to highlight its commitment to fiscal discipline and supporting policies that reform and reduce the growth of mandatory government programs. Necessary reform, such as a line-item veto, can help rein in unnecessary and wasteful government spending while protecting the hard-earned money of American taxpayers.

Congress must act to bring greater transparency and accountability to the budget process. A constitutionally sound line-item veto is a useful tool to eliminate government spending that contributes to the waste, fraud, and abuse of taxpayer dollars.

Many governors currently have this ability, including in my own State of Florida. This important tool serves the people well and will help save their hard-earned money.

The line-item veto legislation gives Congress and the President yet another opportunity to bring spending under control. I urge my colleagues on both sides of the aisle to match their rhetoric with action and support meaningful budget reform.

Mr. SIMPSON. Mr. Speaker, I rise today in opposition to the line-item veto measure before the House today.

I know the authors of this measure are sincere in their efforts and believe this measure will lead to a better Federal Government.

But being sincere doesn't make their efforts right, nor does it make them wise. Rather, they are fundamentally wrong.

For 200 years, the unfortunate truth is that power, slowly but surely, has been shifting from the legislative branch of Government to the executive branch. We all know this to be true.

It should come as no surprise that this President, or the prior one, want this expanded power. The real surprise would be if this Congress finally stood up and said no.

We all know that the President today has the ability to veto any bill Congress passes. And we all know he has not done so.

Some of my colleagues will argue that we make it too hard for him to veto a bill. That is nonsense.

Every day we have to vote on bills with many imperfections. They contain provisions we might support and others we strongly oppose. But we have to balance the good and the bad in each bill and then cast our vote and defend it to our constituents.

Why should the President be any different? Why should he get to undo a hard-earned compromise? I need not remind any Member of this body that many times the President has a role in that compromise—yet this measure would allow him to selectively undo that deal after the fact.

Let's talk for a minute about spending.

Even the sponsors of this measure don't really believe it will save any taxpayer money.

They talk about earmarks and equate them with wasteful spending.

In reality, there are only two types of spending—that which is congressionally directed and that which is recommended by the President. This measure places the recommendations of the President higher in importance than spending directed by the U.S. Congress.

If the authors of this measure have such faith in the administrative branch of Government, why do we have 11,000 unused FEMA trailers sitting in a field in Hope, AR?

Why were millions and millions of dollars wasted on $2,000 credit cards that didn't go to victims of Hurricanes Katrina and Rita, but were instead spent on things I ought not mention on this floor?

I could go on and on about $600 toilet seats and $400 hammers, but everyone here gets the point.

Let's be clear Mr. Speaker, the taxpayers aren't going to save a dime with the passage of this measure. Instead, we are going to weaken the Constitutional role of Congress, further strengthen the power of the executive branch, and provide a few Members of this body with the ability to go home and say they did something—however harmful it might be to the future of our Nation or inconsistent it might be with the intentions of our Nation's founders.

My mother used to tell me, "Be careful what you wish for, you just might get it." My mother's advice would be well heeded by those who believe this measure is in the best interests of our Nation.

Mr. PAUL. Mr. Speaker, H.R. 4890, the Legislative Line Item Veto Act, is not an effective means of reining in excessive government spending. In fact, H.R. 4890 would most likely increase the size of government because future presidents will use their line item veto powers to pressure members of Congress to vote for presidential priorities in order to avoid having their spending projects "line item" vetoed. In my years in Congress, I cannot recall a single instance where a president lobbied Congress to reduce spending. In fact, in 1996 Vice President Al Gore suggested that President Clinton could use his new line item veto power to force Congress to restore federal spending and programs eliminated in the 1996 welfare reform bill. Giving the president authority to pressure members of Congress to vote for new government programs in exchange for protecting members' pet spending projects is hardly a victory for fiscal responsibility or limited government.

H.R. 4890 supporters claim that this bill does not violate the Constitution. I am skeptical of this claim since giving the president the power to pick and choose which parts of legislation to sign into law transforms the president into a legislator, thus upending the Constitution's careful balance of powers between the Congress and the president. I doubt the drafters of the Constitution, who rightly saw that giving legislative power to the executive branch would undermine republican government and threaten individual liberty, would support H.R. 4890.

Mr. Speaker, it is simply not true that Congress needs to give the president the line item veto power to end excessive spending. Congress can end excessive spending simply by returning to the limitations on government power contained in the United States Constitution. The problem is a lack of will among members of Congress to rein in spending, not a lack of presidential power. Congress's failure to do its duty and cut spending is no excuse for granting new authority to the executive branch.

In conclusion, Mr. Speaker, the Legislative Line Item Veto Act upsets the constitutional balance of powers between the executive and legislative branches of government. Increasing the power of the executive branch will likely increase the size and power of the federal government. Therefore, I urge my colleagues to reject this bill and instead simply vote against all unconstitutional spending.

Ms. HARMAN. Mr. Speaker, over my years in the House, I have supported budget reforms to make the process more transparent and to eliminate excessive congressional spending. I joined many of my colleagues—on both sides of the aisle—in making the hard-fought and difficult deficit-cutting votes of the 1990s.

Now, sadly, in this new decade and century, Congress must again take steps to impose fiscal discipline and balance the federal budget. In theory, the line-item veto seems to be a sensible idea, although fraught with constitutional questions, and I have voted in favor of similar legislation in the past.

At times, I have also voted in favor of cutting or eliminating the Estate Tax. In eras of government surpluses, we could afford such tax cuts.

However, times have changed.

The Line-Item Veto bill is little more than a hand-over of Congressional authority to a White House that has already elevated overreaching to an art form.

At the same time, this new decade has seen a distinct lack of congressional oversight. In the current climate, a line-item veto is a step in the wrong direction, and cedes even more Legislative Branch power to a President accustomed to invoking extraordinary constitutional authority as needed.

To be truly effective, a line-item veto should be considered along with other measures to help restore some fiscal sanity, such as "pay-go" budget rules and earmark reform. But this transparent transfer of power to the Executive Branch is no the answer.

Ironically, on the same day that the House is considering a Line-Item Veto—purportedly in the name of budget-balancing—we are also considering a massive cut in the estate tax.

Although my family would personally benefit from a cut in the estate tax, this is the wrong tax cut, for the wrong people, at the wrong time.

We face the looming retirement of the baby boomers, a war in Iraq, and increasing obligations to our Nation's veterans. We are still inadequately prepared to respond to a terrorist attack, natural disaster or flu pandemic. Our budget deficit is spiraling out of control. And middle class Americans are being squeezed by the rising costs of healthcare, energy and education.

We cannot be so reckless with our fiscal policy.

I will oppose both initiatives.

Mr. BUYER. Mr. Speaker, I rise to speak in opposition to H.R. 4890, the Legislative Line Item Veto Act of 2006.

I will readily admit that the underlying goal of this bill is commendable. Reducing government waste and unnecessary spending is an admirable goal, one that this Congress should pursue diligently. In fact, I voted in favor of the Line Item Veto Act of 1996.

I have seen the line item veto in action . . . by President Clinton on a military construction appropriations law. Experience is a cruel, but effective teacher. That experience has shown me that the line item veto in its practical application would abrogate Congressional authority and give the executive additional power over the legislative branch, threatening the fine balance of power that our Founding Fathers wisely ensured.

Since 1996, the Supreme Court has ruled the Line Item Veto Act of 1996 unconstitutional for its violation of Article 1, Section 7, known as the Presentation Clause of the United States Constitution. Justice Kennedy stated in his opinion in Clinton v. New York, "Failure of political will does not justify unconstitutional remedies". I stand by the decision of the Court and believe that its judgment is applicable to the bill before us.

In the Supreme Court ruling on Clinton v. New York the opinion of the Court stated that the "cancellations" of the 1996 Act were not merely exercises of the President's discretionary budget authority but a violation of Article I, Sec. 7, giving the President "unilateral" power to change the language of a duly enacted statute. In plain English, the bill did not allow Congress to exercise its constitutionally invested powers.

The bill before us today, H.R. 4890, attempts to avoid this hazard by requiring an up or down vote on each rescission. While these rescissions come to Congress for forced consideration, it does not get around the objections of the Court that the President, in his rescissions, is unilaterally changing a duly enacted statute. By forcing Congress to take up rescissions I fear this measure would tip the scales of power in favor of the executive. The Clinton ruling states that "Statutory repeals must conform with Article I, (INS v. Chadha, 462 U.S. 919, 954,) but there is no constitutional authorization for the President to amend or repeal. The constitutional return is of the entire bill and takes place before it becomes law, whereas the statutory cancellations occurs after the bill becomes law and affects it only in part" (Clinton v. New York pp. 17–24).

This gets to the heart of my argument that Congress has still not addressed the objections of the Court. The ideals of the 1996 Act for fiscal restraint did not match the practical application leading me to question the ability of the executive to faithfully carry out this legislation, no matter how well intentioned. I cannot in good faith and a clear conscience hand over legislative authority to the executive branch and vote for legislation that seeks to dilute this process.

With regard to the practical aspects of the line item veto, when I voted in favor of the 1996 Act, it was my hope and likely the hope of everyone who supported the measure that the power would be used responsibly, wisely, and prudently. I saw this power abused and misused.

After signing the Military Construction Appropriations measure for Fiscal Year 1998, President Clinton used the line item veto authority for 38 construction projects. The Clinton administration cited three criteria for canceling the projects. The projects (1) were not requested by the military; (2) could not make contributions to the national defense in FY 1998; and (3) would not benefit the quality of life and well-being of military personnel. The Clinton administration did not even follow its own criteria! The Clinton administration even acknowledged that it had used erroneous data as the basis for striking 18 of the 38 projects. The overwhelming majority of the projects were on the administration's own 5-year construction plan. It cut critical funding for our Nation's Guard and Reserves.

This was a blatant use of raw executive arrogance and power. It was simply an exercise of the White House wanting its way and ignoring the spending priorities set by Congress. Furthermore, the Clinton White House made very clear that it would use the line-item veto as a matter of politics, rather than objective fiscal policy. The line item veto was being used as leverage against Congress to obtain consent to the White House's demand for both more spending and for policy positions.

The Clinton administration made illegitimate the fundamental rationale for the line-item veto . . . to reduce spending. They used the power to threaten the cutting of Members' projects to extract more spending for the administration's priorities; thereby, the line item veto was used to increase spending, not decrease spending.

Despite the need to trim federal spending, I am convinced that this legislation, if enacted, could again be misused by the executive branch, as has already been proven by the example of the Clinton administration. As Justice Kennedy wrote, "That a congressional cession of power is voluntary does not make it innocuous" (Clinton v. New York p. 4).

I am a voice for the Fourth District of Indiana. My constituents want controls on the budget and restraint in federal spending. But, neither will I have their voices muffled by an executive power grab. I took an oath to "defend the Constitution." I must protect the voice of my constituents and the power the Constitution invests in me as their representative.

Mr. MACK. Mr. Speaker, I rise today in strong support of the Legislative Line Item Veto Act of 2006, offered by my friend, Mr. RYAN of Wisconsin.

I have said time and again that America's long-term freedom, security and prosperity goes hand-in-hand with restoring fiscal discipline in Washington. The people of Southwest Florida and the rest of the nation deserve a government that taxes less, spends less and regulates less. With this legislation, we will move closer to that goal. Congress and the President will be able to work together to rein in the federal budget deficit—an anchor tethered to our otherwise strong economy that needs addressing.

Moreover, if used properly, the Line Item Veto can be a positive and important tool to help ensure taxpayer dollars are being spent wisely and on the key services people need.

Mr. Speaker, we should not be fooled by those who believe we are ceding budgetary authority over to the Executive Branch, for it is Congress that has the ultimate say on any White House proposal. Instead, we are simply increasing our avenues for ways to cut down spending. Additionally, clear limits will be placed on what the President is, and is not, allowed to do. Rest assured, the power of the purse—and its maintenance—will continue to rest solely with the United States Congress.

It is upon those principles I respectfully request my colleagues in the House stand together and take an important step in passing this bill authorizing the Line Item Veto. I look forward to the prospect of it being used in the fight to reign in the cost, size and scope of Washington.

Mr. PETRI. Mr. Speaker, I want to thank the Speaker and my good friend and colleague from Wisconsin, PAUL RYAN, for their willingness to work with the Transportation Committee to ensure that transportation trust fund budget protections will be preserved and that trust fund dollars are not used for deficit reduction or diverted to the general fund.

It is my understanding that we have a commitment that this bill, when and if it comes out of conference, will be in a form that also honors funding guarantees and that spending will not be below guaranteed levels.

I further appreciate the clarification by Congressman RYAN that it was not his intention to negatively impact the guarantees and that he supports continuing to spend the revenues coming into the trust funds.

This is so important because in 1998 and in subsequent votes, this Congress has reaffirmed the principle that user fees collected from aviation and highway users should be used only for their intended purpose—transportation improvements.

For too long, aviation and highway trust fund spending had been suppressed in order to increase spending in other areas or to mask the size of the federal deficit, to the point that we had ballooning balances in the trust funds.

The goal of the line item veto bill here today is to achieve savings—and it had originally provided that any vetoed item be used for deficit reduction. For direct spending, this would have applied not only to "earmarks," but to programs that are increased and supported by the trust funds!

This would be in direct conflict with the spending guarantees we have had in our two previous aviation and highway bills and undermined the principle that trust fund spending should be linked to trust fund revenues—it is spending that is paid for.

Using gas taxes for deficit reduction (as far as the Highway Trust Fund is concerned) was vigorously opposed by Republicans when President Clinton proposed it in 1993. It was the right position then and it is the right position today.

Again, this is not spending that contributes to the deficit—it is spending that is paid for and we should not break our promise that revenues collected will be spent on transportation.

Much as some may dispute it, programs that are supported by user fees are different—and they merit the different budget treatment that they currently have. It would be a terrible mistake to turn back the clock now, and I am glad that we are taking steps to ensure that it is not the case.

I look forward to continuing to work to fine-tune the provisions regarding the transportation trust funds in this bill.

Ms. MCCOLLUM of Minnesota. I rise in strong opposition to this sham budget proposal offered by Republican Leadership. This legislation will not reduce the deficit or spending through earmarks and will grant unprecedented power to the Executive Branch.

The line-item veto proposed today will expand Presidential power and challenge the separation of powers critical to the function of our government. It is an extreme dilution of the authority of the legislative branch if the President can hold a member's priorities hostage in order to garner votes for other initiatives. We have already seen an increase in abuse of power by the leadership in this House in order to force members to vote with the President, particularly during the debate on Medicare Part D, CAFTA, and last year's budget reconciliation bill.

Republicans today are decrying the practice of earmarking projects. However, since 1996, under the Republican watch, the number of earmarks has grown from 3,023 to 13,012 last year. As the Majority party, Republicans have had the power for the last 12 years to reduce earmarks and to add oversight to this process. But as former Reagan official Bruce Bartlett stated, "George W. Bush has turned out to be one of the most free-spending presidents on records . . . Apparently there is no pork barrel program so egregiously unjustified that he won't sign it into law".

This Republican Majority has lost all credibility on fiscal responsibility. Since President Bush took office, the Administration and Republicans in Congress have turned a $5.6 trillion surplus into a $3.2 trillion deficit. Our federal debt is $8.3 trillion—much of which is borrowed from foreign countries. In fact, this Administration has borrowed more money from foreign nations than all 42 previous U.S. Presidents combined. And under Republican rule this Congress has had to raise the debt limit four times.

A line-item veto will not solve this problem. In fact, the way this bill is written, it could actually increase spending. According to the Congressional Budget Office, giving the President this extraordinary new authority will allow the Chief Executive to pressure Members to support Administration priorities in return for promises not to cancel projects. Studies of states that have a line-item veto have documented this effect in state legislatures.

Mr. SPRATT offered a substitute measure in the Rules Committee that would have taken a real step in addressing our budget deficit. This bill would restore pay as you go rules, forcing Congress to face our spiraling deficit. It would also reduce earmarks by mandating public disclosure, and prevent reconciliation from increasing the deficit. Unfortunately, as is too often the case, the Rules Committee denied the House the opportunity to vote on this alternative. Mr. Chair, if Republicans were serious about restoring fiscal discipline we would be having a real discussion today about the Democratic substitute.

I believe strongly that it is our moral responsibility to reduce the deficit and to relieve our children and grandchildren of this reckless legacy. However, the bill on the floor today is another attempt to ask the American people to believe the Republicans are the party of fiscal responsibility, while actually making our budget situation worse. I urge my colleagues to reject this bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 886, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 2006".

TITLE I—LEGISLATIVE LINE ITEM VETO

SEC. 101. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

"PART B—LEGISLATIVE LINE ITEM VETO

"LINE ITEM VETO AUTHORITY

"SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

"(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

"(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

"(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled;

"(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority or the targeted tax benefit is provided;

"(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority or targeted tax benefits proposed in that special message; and

"(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

"(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority or targeted tax benefit more than one time under this Act.

"(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a).

"(E) PROHIBITION ON PRESIDENTIAL ABUSE OF PROPOSED CANCELLATIONS.—Neither the President nor any other executive branch official shall condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section on any vote cast or to be cast by any Member of either House of Congress.

"(2) ENACTMENT OF APPROVAL BILL.—

"(A) DEFICIT REDUCTION.—Amounts of discretionary budget authority or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

"(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

"(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

"(D) TRUST FUNDS AND SPECIAL FUNDS..—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

"(E) HIGHWAY FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

"(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the transit category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State or a designated recipient (as defined in section 5307(a)(2) of title 49, United States Code), where the authorization for the appropriation of funding was authorized in such Act or chapter.

"(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration's airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

"PROCEDURES FOR EXPEDITED CONSIDERATION

"SEC. 1012. (a) EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1016 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (B). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. There shall be not more than 5 hours of general debate equally divided and controlled by the proponent and an opponent of the bill. After general debate, the bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

"(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

"(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

"(D) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) CONSIDERATION OF THE HOUSE BILL.—

"(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

"(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill if identical to the Senate bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

"(b) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(c) CONSIDERATION OF CONFERENCE REPORTS.—(1) Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debateable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth in this section except that no amendments shall be in order in either House.

"PRESIDENTIAL DEFERRAL AUTHORITY

"SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

"(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

"(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

"(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

"(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

"(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"TREATMENT OF CANCELLATIONS

"SEC. 1014. The cancellation of any dollar amount of discretionary budget authority or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

"REPORTS BY COMPTROLLER GENERAL

"SEC. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

"DEFINITIONS

"SEC. 1016. As used in this part:

"(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation

Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) APPROVAL BILL.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

“(A) the title of which is as follows: ‘A bill approving the proposed cancellations transmitted by the President on ’, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

“(B) which does not have a preamble; and

“(C) which provides only the following after the enacting clause: ‘That the Congress approves of proposed cancellations ’, the blank space being filled in with a list of the cancellations contained in the President’s special message, ‘as transmitted by the President in a special message on ’, the blank space being filled in with the appropriate date, ‘regarding ________’, the blank space being filled in with the public law number to which the special message relates;

“(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

“(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

“(3) CALENDAR DAY.—The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

“(4) CANCEL OR CANCELLATION.—The terms ‘cancel’ or ‘cancellation’ means to prevent—

“(A) budget authority from having legal force or effect; or

“(B) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

“(5) CBO.—The term ‘CBO’ means the Director of the Congressional Budget Office.

“(6) DIRECT SPENDING.—The term ‘direct spending’ means—

“(A) budget authority provided by law (other than an appropriation law);

“(B) entitlement authority; and

“(C) the food stamp program.

“(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term “dollar amount of discretionary budget authority” means the entire dollar amount of budget authority—

“(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

“(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

“(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

“(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

“(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

“(B) The term ‘dollar amount of discretionary budget authority’ does not include—

“(i) direct spending;

“(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

“(iii) any existing budget authority canceled in an appropriation law; or

“(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

“(8) OMB.—The term ‘OMB’ means the Director of the Office of Management and Budget.

“(9) TARGETED TAX BENEFIT.—(A) The term ‘targeted tax benefit’ means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

“(B) for purposes of subparagraph (A)—

“(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

“(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

“(iii) all employees of an employer shall be treated as a single beneficiary;

“(iv) all qualified plans of an employer shall be treated as a single beneficiary;

“(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

“(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

“(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

“(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

“(C) for the purpose of this paragraph, the term ‘revenue-losing provision’ means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

“(i) the first fiscal year for which the provision is effective;

“(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

“(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

“(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

“(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

“EXPIRATION

“SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.”.

SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking “1017” and inserting ‘1012”; and

(2) in subsection (d), by striking “section 1017” and inserting “section 1012”.

(b) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking “rescinded or that is to be reserved” and inserting “canceled” and by striking “1012” and inserting “1011”.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

“PART B—LEGISLATIVE LINE ITEM VETO

“Sec. 1011. Line item veto authority.
“Sec. 1012. Procedures for expedited consideration.
“Sec. 1013. Presidential deferral authority.
“Sec. 1014. Treatment of cancellations.
“Sec. 1015. Reports by Comptroller General.
“Sec. 1016. Definitions.
“Sec. 1017. Expiration.
“Sec. 1018. Suits by Comptroller General.
“Sec. 1019. Proposed Deferrals of budget authority.”.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

TITLE II—PAY-AS-YOU-GO EXTENSION

SEC. 201. PAY-AS-YOU-GO EXTENSION.

(a) SECTION 252 AMENDMENTS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “2002” both places it appears and inserting “2011”.

(b) SECTION 275 AMENDMENT.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “2006” and inserting “2016”.

TITLE III—RECONCILIATION INSTRUCTIONS MAY NOT INCREASE THE DEFICIT

SEC. 301. DEFINITION OF RECONCILIATION.

Section 310 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(h) DEFINITION OF RECONCILIATION LEGISLATION.—As used in this Act, a reconciliation bill or reconciliation resolution is a measure that, if enacted, would reduce the deficit or increase the surplus for each fiscal year covered by such measure compared to the most recent Congressional Budget Office estimate for any such fiscal year.".

TITLE IV—EARMARK REFORM

SEC. 401. CURBING ABUSES OF POWER.

Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

"14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member's congressional district, or a limited tax benefit in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

"15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

"(1) the name of the Member, Delegate, or Resident Commissioner;

"(2) the name and address of the intended recipient of such earmark;

"(3) the purpose of such earmark; and

"(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

"(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

"(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such statement shall be made available to the general public by the Joint Committee on Taxation.".

SEC. 402. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) IN GENERAL.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a district-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).".

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(A) by striking 'or' at the end of subparagraph (1);

(B) by striking the period at the end of subparagraph (2) and inserting '; or'; and

(C) by adding at the end the following new subparagraph:

"(3) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.".

(b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking "2 hours" and inserting "24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after".

SEC. 403. FULL AND OPEN DEBATE IN CONFERENCE.

(a) NUMBERED AMENDMENTS.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "A motion to request or agree to a conference on a general appropriation bill is in order only if the Senate expresses its disagreements with the House in the form of numbered amendments.".

(b) PROMOTING OPENNESS IN DELIBERATIONS OF MANAGERS.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.".

(c) POINT OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT NOT REFLECTING RESOLUTION OF DIFFERENCES AS APPROVED.—

(1) IN GENERAL.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees' action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).".

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended above, is amended

(A) by striking 'or' at the end of subparagraph (2);

(B) by striking the period at the end of subparagraph (3) and inserting '; or'; and

(C) by adding at the end the following new subparagraph:

"(4) a rule or order that waives clause 12(a) or clause 13 of rule XXII.".

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

POINT OF ORDER

Mr. RYAN of Wisconsin. Mr. Speaker, I reluctantly raise a point of order to the motion to recommit on the grounds that the motion includes provisions that are not germane to the bill. On those grounds, that is why I raise the point of order.

The SPEAKER pro tempore. Does any other Member wish to speak?

Mr. SPRATT. Mr. Chairman, the motion to recommit concerns entirely the budget process. It is germane and completely germane to the budget process. We add to the bill or would add to the bill the so-called pay-as-you-go provisions which were the law of the land from 1990 to 2002. We reinstate that as a complement to, and it is complementary to, the other powers granted by this bill. It relates to entitlement spending. The bill relates to entitlement spending. So this is well within the ambit of the subject matter of this bill.

The SPEAKER pro tempore. Does anybody else wish to speak on the point of order?

Mr. RYAN of Wisconsin. Mr. Speaker, I will just rise to say that that is evidence of my point of order which PAYGO is outside of the germaneness of this bill. Earmark reform is outside the germaneness of the bill. It is on those grounds that I raise this point of order.

The SPEAKER pro tempore. Are there any other speakers on the point of order? Seeing none, the Chair is prepared to rule.

The gentleman from Wisconsin makes a point of order that the instructions contained in the motion to recommit are not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment. Among the central tenets of the germaneness rule are that an amendment may not introduce a subject matter not represented in the pending bill.

The test of germaneness of a motion to recommit with instructions is the relationship of those instructions to the bill as a whole, as amended by House Resolution 886.

H.R. 4890 addresses a procedure for the President to propose cancellations of certain provisions of law, and a procedure for Congress to approve such cancellations. It further provides that the President may defer the effectiveness of the provisions of law associated with such proposed cancellations pending approval or disapproval by the Congress.

The amendment contained in the motion to recommit addresses, in part, a reinstatement of sequestration procedures within the executive branch, a change in permissible reconciliation instructions contained in a concurrent resolution on the budget, and various points of order regarding House procedures.

Such provisions address subject matters not contained in H.R. 4890, as amended.

Accordingly, the Chair finds that the instructions in the motion to recommit are not germane. The point of order is sustained. The motion is not in order.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer an alternate motion to recommit, which does not contain the objectionable features.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 2006".

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

"PART B—LEGISLATIVE LINE ITEM VETO

"LINE ITEM VETO AUTHORITY

"SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

"(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

"(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

"(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled;

"(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority or the targeted tax benefit is provided;

"(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority or targeted tax benefits proposed in that special message; and

"(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

"(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority or targeted tax benefit more than one time under this Act.

"(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a).

"(E) PROHIBITION ON PRESIDENTIAL ABUSE OF PROPOSED CANCELLATIONS.—Neither the President nor any other executive branch official shall condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section on any vote cast or to be cast by any Member of either House of Congress.

"(2) ENACTMENT OF APPROVAL BILL.—

"(A) DEFICIT REDUCTION.—Amounts of discretionary budget authority or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

"(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

"(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

"(D) TRUST FUNDS AND SPECIAL FUNDS..—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

"(E) HIGHWAY FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

"(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the transit category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State or a designated recipient (as defined in section 5307(a)(2) of title 49, United States Code), where the authorization for the appropriation of funding was authorized in such Act or chapter.

"(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration's airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

"PROCEDURES FOR EXPEDITED CONSIDERATION

"SEC. 1012. (a) EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1016 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (B). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. There shall be not more than 5 hours of general debate equally divided and controlled by the proponent and an opponent of the bill. After general debate, the bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

"(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

"(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

"(D) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) CONSIDERATION OF THE HOUSE BILL.—

"(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

"(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill if identical to the Senate bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

"(b) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(c) CONSIDERATION OF CONFERENCE REPORTS.—(1) Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debateable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth in this section except that no amendments shall be in order in either House.

"PRESIDENTIAL DEFERRAL AUTHORITY

"SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

"(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

"(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

"(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

"(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

"(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

"TREATMENT OF CANCELLATIONS

"SEC. 1014. The cancellation of any dollar amount of discretionary budget authority or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

"REPORTS BY COMPTROLLER GENERAL

"SEC. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

"DEFINITIONS

"SEC. 1016. As used in this part:

"(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

"(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

"(A) the title of which is as follows: 'A bill approving the proposed cancellations transmitted by the President on ', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

"(B) which does not have a preamble; and

"(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed cancellations ______', the blank space being filled in with a list of the cancellations contained in the President's special message, 'as transmitted by the President in a special message on ', the blank space being filled in with the appropriate date, 'regarding .', the blank space being filled in with the public law number to which the special message relates;

"(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

"(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

"(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

"(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

"(A) budget authority from having legal force or effect; or

"(B) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

"(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

"(6) DIRECT SPENDING.—The term 'direct spending' means—

"(A) budget authority provided by law (other than an appropriation law);

"(B) entitlement authority; and

"(C) the food stamp program.

"(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term "dollar amount of discretionary budget authority" means the entire dollar amount of budget authority—

"(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

"(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

"(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

"(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

"(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

"(B) The term 'dollar amount of discretionary budget authority' does not include—

"(i) direct spending;

"(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

"(iii) any existing budget authority canceled in an appropriation law; or

"(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

"(8) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

"(9) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

"(B) for purposes of subparagraph (A)—

"(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

"(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

"(iii) all employees of an employer shall be treated as a single beneficiary;

"(iv) all qualified plans of an employer shall be treated as a single beneficiary;

"(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

"(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

"(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

"(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

"(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

"(i) the first fiscal year for which the provision is effective;

"(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

"(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

"(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

"(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

"EXPIRATION

"SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "1017" and inserting '1012"; and

(2) in subsection (d), by striking "section 1017" and inserting "section 1012".

(b) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking "rescinded or that is to be reserved" and inserting "canceled" and by striking "1012" and inserting "1011".

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

"PART B—LEGISLATIVE LINE ITEM VETO

"Sec. 1011. Line item veto authority.
"Sec. 1012. Procedures for expedited consideration.
"Sec. 1013. Presidential deferral authority.
"Sec. 1014. Treatment of cancellations.
"Sec. 1015. Reports by Comptroller General.
"Sec. 1016. Definitions.
"Sec. 1017. Expiration.
"Sec. 1018. Suits by Comptroller General.
"Sec. 1019. Proposed Deferrals of budget authority.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, let me just tell you quickly, by laundry-list fashion, the changes that this amendment would add to the bill.

First of all, we have followed the model of similar bills, the bills that were passed by this House in 1993 and 1994. We have gone back to those to create expedited rescission authority.

Secondly, we have prohibited the President or any other officer of the executive branch from using the rescission authority, that power, as a bargaining tool to extract votes on other unrelated legislation.

Number three, we have provided that during the consideration of a rescission request by the President, there is to be a motion to strike; in other words, a provision by which 100 Members of the House could ask for a separate vote on a separate item which they deem worthy, and they could have an opportunity in the well of the House to make the case for this worthy spending item.

Number four, we have limited the number of cancellation proposals that the President can send up to one appropriation bill, which is an entirely sensible change to the bill. Otherwise, under the terms of the bill, the President will be able to send 5 different rescission requests on 11 different appropriations bills, in total 55 bills, which could wreak havoc with the process and in this place. It invites chaos. It is not necessary. It was not in previous bills. It does not need to be in this bill.

Number five, we have reduced the amount of time the President has to propose a cancellation or rescission after signing a bill from 45 days to 10 days. Why is that? We think that 10 days is more than enough. The original bills passed by the House provided only

3 days. We have extended it to 10 days, but 10 days give the President all the time he needs for a budgetary scrubdown of the budget. Forty-five days is apt to cause him to look for political applications as opposed to budgetary applications.

Number six, we have reduced the amount of time that the President can withhold funds, impound funds when he proposes a rescission or cancellation from 90 days, as in the bill, to 30 days and 7 days for emergency spending. We think that is reasonable. That is roughly the time it would take for a rescission to run its course.

Then we think this is extremely important, not just reasonable, but critically important. This is a major experiment. Let us not extend it to entitlement spending. Americans depend upon Social Security and Medicare and veterans benefits. Are we going to take something that important from which people depend and put it on the fast track, the up-or-down vote process that this vote calls for? I would hope not. This particular amendment would put Social Security and Medicare and veterans benefits beyond the reach of the President's rescission power, fast-track rescission powers.

This then defines tax benefits the way we originally defined it. One of the evolutions in the history of this bill was for us to go back and say a lot of money is spent through tax expenditures in the Tax Code. There are a lot of earmarks in the Tax Code, as well as in the appropriation bills. So let us call attention to something called the targeted tax benefits that have fewer than 100 intended beneficiaries, and let us provide as to these earmarks in the tax bill the President will have the same authority. This bill has been changed significantly from 100 beneficiaries to 1 beneficiary, which guts the meaning of that original provision.

Finally, this is an experiment. We are ceding a lot of authority to the President of the United States that the Congress has under Article I of the Constitution. In order to make sure that this authority is not misused or abused or manipulated, we are providing simply that we have a sunset of 2 years. Two full years would mean President Bush would have this authority for 2 fiscal years, but that we would review it and decide whether or not we should go forward with it or make major changes.

These are all serious, substantive amendments. They are not tilted in any direction at all except in the direction of getting a better bill which we can vote upon.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to commend the gentleman for a very substantive motion to recommit. I would like to go through a number of the provisions he raises and some of the concerns I have with them and why I have to rise in opposition.

Number one, Mr. Speaker, he excludes direct spending from the line item veto. A case in point. When we do the transportation reauthorization bill, that thing contains something like 5,000 earmarks. The bridge to nowhere is one of the most prolific examples of such things. I do not think those things should be exempt from this line item veto tool.

Number two, he reduces the number of messages from five to one. My fear with this change is that it will reduce the effectiveness of this tool. If the President only has one bite at the apple, only one bill he can send, he will only go after one or two earmarks. What if a bill has 5,000 earmarks? What if a bill has 500 earmarks? The President ought to be able to send us more votes so we can go after more earmarks and cut out more wasteful spending. If he only gets to send 1 bill, and he puts 50 pieces in that bill, then the President will be growing his vote coalition against it. Fifty State delegations also vote against it. So I think if you just do one bill, you are going to make this tool very, very small. It will not be nearly as effective because the President will be disincentivized from putting many earmarks in it because they will fall under their own weight. That is why we put five bills so we can go after a great number of earmarks so that we can get maximum output for this.

Now, the other thing, it permits amendments to strike. I understand the intent of this. I think it is valuable, but the problem I have with permitting amendments to strike is that then you are going to ping-pong back and forth with the House and Senate. You will see no end to this.

The reason why we do not allow amendments to conference reports is because conference reports represent a conclusion of a legislative process, the end of a legislative process before a bill becomes law. But that is where a lot of mischief happens, and mischief occurs because people insert earmarks in conference reports. I think by doing this you are going to encourage that. Even if you try to come up with language to streamline the conference report process, I still think this produces those problems.

Lastly, Mr. Speaker, the tax provision. This is one that is worthy of very good debate. Mr. SPRATT wants to limit the number of tax beneficiaries from 100 to 10. Let me give you an example. We chose to do it the way we did it so we would go after tax pork, rifleshot tax policy, you know, this tax cut for this person, this tax entity, instead of tax policy. Let me just give you one example. The orphan drug tax credit.

We have the orphan drug tax credit in tax law today because there are a lot of small diseases that do not have a lot of constituencies, that do not have a lot of people—lupus, Duchenne's disease, and you are not going to see pharmaceutical companies engaging in committing millions of dollars in research to cure such small diseases, but we want cures for these smaller diseases, these rare diseases. So we created the orphan drug tax credit. How many people utilize this orphan drug tax credit? Very few, surely not 100, maybe 3, 4 companies. Researchers will research a cure for a rare disease, but if they do the research, they qualify for the tax credit. That is tax policy. Fewer than 100 beneficiaries get it, but we wanted to have a tax incentive so that researchers will commit their dollars to researching and finding cures for rare diseases. That is just one example of how broadening the scope of this goes into tax policy.

The goal of this is not to give the President the power to rewrite policy, to rewrite entitlement policy, to rewrite tax policy. The goal of the legislative line item vote is to give us the tool to go after pork, tax pork.

□ 1730

Now, what we want to accomplish with this, Mr. Speaker, is to give us the tools to go after wasteful spending, wasteful direct spending, wasteful discretionary spending, and wasteful tax pork. The key thing is that we reserve the power. The Executive can give us the bill; the Executive, the President, can pull the pork out; but who makes the decision is Congress. Congress and Congress alone, the legislative branch, are the ones who execute the action.

I think the compromise we have come up with, the base bill, is the right way to go.

And the last point I will make is the gentleman reduces the deferral period to 30 days. Here is the problem with that. That means Congress can pass a huge omnibus appropriations bill in October, as we often do, and then leave for recess until January 20, when the President has the State of the Union address. He is out of session for 3 months and Congress cannot waive the deferral period.

I urge a "no" vote on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, if ordered, and the motion to suspend the rules on House Resolution 323.

The vote was taken by electronic device, and there were—ayes 170, noes 249, not voting 14, as follows:

[Roll No. 316]

AYES—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Otter
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wynn

NOES—249

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Conyers
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Honda
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—14

Berkley
Berman
Davis (FL)
Doggett
Evans
Jefferson
Johnson, Sam
Miller, George
Owens
Oxley
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1753

Messrs. NORWOOD, GOODLATTE, RANGEL, KUCINICH, RYAN of Ohio, DICKS, LARSON of Connecticut, Ms. SCHWARTZ of Pennsylvania, Ms. SOLIS, and Ms. WOOLSEY changed their vote from "aye" to "no."

Messrs. BISHOP of Georgia, OTTER, and SHERMAN changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 172, not voting 14, as follows:

[Roll No. 317]

AYES—247

Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt

Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—172

Abercrombie
Ackerman
Aderholt
Allen
Baca
Baird
Baldwin
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doyle
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Otter
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Rogers (KY)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Simmons
Simpson
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—14

Berkley
Berman
Davis (FL)
Doggett
Evans
Jefferson
Johnson, Sam
Miller, George
Owens
Oxley
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority".

A motion to reconsider was laid on the table.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 323, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 323, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 318]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
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Osborne
Otter
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Pascrell
Pastor
Paul
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Pearce
Pelosi
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Peterson (MN)
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Platts
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Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
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Stark
Stearns
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Taylor (MS)
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Thompson (CA)
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Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
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Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Berkley
Berman
Blumenauer
Bono
Butterfield
Clay
Costa
Davis (FL)
Delahunt
Doggett
Emanuel
Evans
Ford
Gallegly
Hayes
Hooley
Jefferson
Johnson, Sam
Kaptur
Kilpatrick (MI)
LaHood
Lynch
McMorris
Miller, Gary
Miller, George
Murtha
Owens
Oxley
Peterson (PA)
Pickering
Pitts
Radanovich
Serrano
Shays
Souder
Taylor (NC)
Turner
Velázquez
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1808

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on June 22, 2006, I traveled to Connecticut to deliver a high school graduation address and, therefore, missed 11 recorded votes.

I take my voting responsibility very seriously. Had I been present, I would have voted "yes" on recorded vote No. 308, "yes" on recorded vote 309, "yes" on recorded vote 310, "yes" on recorded vote 311, "yes" on recorded vote 312, "yes" on recorded vote 313, "no" on recorded vote 314, "yes" on recorded vote 315, "no" on recorded vote 316, "yes" on recorded vote 317, and "yes" on recorded vote 318.

REPORT ON H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–520) on the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON HOMELAND SECURITY TO HAVE UNTIL MIDNIGHT, JUNE 23, 2006, TO FILE REPORT ON H.R. 5351, NATIONAL EMERGENCY MANAGEMENT REFORM AND ENHANCEMENT ACT OF 2006

Mr. REICHERT. Mr. Speaker, I ask unanimous consent that the Committee on Homeland Security have until midnight tomorrow night to file a report on H.R. 5351.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, at this time I yield to my friend, Mr. BOEHNER, the majority leader, for the purposes of inquiring about the schedule for the week to come.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour, and 2 p.m. for legislative business. We will have some suspensions on the floor on Monday. A final list of those bills will be distributed by the end of the week.

For the balance of the week, the House will consider, on Tuesday, the flood insurance reform program. We are hopeful that the State, Science, Justice and Commerce appropriations bill could come up as early as Tuesday evening.

The rest of the week, H.R. 4761, the Deep Ocean Energy Resources Act, and any possible conference reports that might be available.

I don't want anyone to misinterpret what I am going to say about next week's schedule. I am trying my best to make sure that we are finished by next Thursday evening. I think the congressional baseball game is next Thursday evening. I would like for us to complete our work before then.

Now, I want to make it perfectly clear that I am not committing myself to that. We have work that we need to get finished next week, but I am hopeful that our work leading into the July 4 District Work Period will be completed by then.

Mr. HOYER. I thank the gentleman. Reclaiming my time, you did not mention the time at which we will have votes on Monday night, but I presume it is 6:30. Is that accurate?

Mr. BOEHNER. That is correct.

Mr. HOYER. Okay. And you have just answered my question on Friday.

Let me ask you, we are talking about Fridays, after the July 4 work period, the schedule tentatively has on there working Monday through Friday on the 3 weeks in July. We have been pretty efficient in getting the appropriations bills through. We have two left. I will ask you about a couple of those.

But is it still your expectation, given that the appropriations bills will probably, hopefully, all be done by that time, that we would still schedule 5-day weeks?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

I can announce to the House that we do not expect to have votes on Friday, July 14. We will have votes on that Monday preceding that, but I expect that we will have no votes on the 14th.

It is also my expectation that by the close of business next Thursday we will have a firmed-up schedule for July. The schedule that we are operating under was developed last December, and I think it is incumbent upon us to review that. And so by the end of next week, we will have a revised schedule. If there are any other times available, we will have that out to Members by the end of next week.

Mr. HOYER. I thank the gentleman. And I know the Members will appreciate a more definite schedule when you are able to give that.

Mr. Leader, we had expected that the Voting Rights Act would be on the floor this week. I think you had expected that as well.

Mr. BOEHNER. I sure did.

Mr. HOYER. This is obviously, from our perspective, I think from your perspective, a very important bill and we thought we had bipartisan agreement on the bill. It came out of committee, as you know, in an overwhelming bipartisan vote. Do you have an expectation of when we might see that bill on the floor?

I yield to my friend.

Mr. BOEHNER. The Voting Rights Act is a very important piece of legislation. It is a very important piece of the legislation done in the 1960s. It is an important part of our civil rights protections. As we reauthorize this bill, I think we need to remember it is not due to expire until July of next year. And we have Members who have different interpretations of what some of the words say in the bill that came out of committee. There has been some concerns raised. We are trying to clarify some issues for Members.

□ 1815

When we get it resolved, we will bring it to the floor.

I would just say, having been my open and honest self so many times here on time frames and then to have them come back and bite me, I am a bit reluctant to suggest to you when this will occur, but as soon as we clarify these issues to the satisfaction of Members, we will bring it up.

Mr. HOYER. I appreciate the gentleman's comments. Obviously we share the view that this is an important bill. We understand that the act has some time before reauthorization needs to be done, but in light of the fact that it came out of committee with very bipartisan support, and Mr. SENSENBRENNER, Mr. WATT, and others worked very hard on this bill, we are hopeful it can move as soon as possible so the Senate can itself consider it.

The next bill that we had thought was going to be on the calendar last week, the Labor-Health bill, is not listed for this coming week. I have noted some of your comments in the papers, but obviously this bill, as you know, includes an increase in the minimum wage, which was voted out of committee on a bipartisan vote, and we believe that if it is brought to the floor, it will be approved on a bipartisan vote.

But can the gentleman tell me what the expectations are for the Labor-Health bill?

I yield to my friend.

Mr. BOEHNER. It is not on the schedule next week.

Mr. HOYER. You have no expectations, then?

Mr. BOEHNER. I didn't say that. It is just not on the schedule next week.

Mr. HOYER. Clearly the appropriation bills have been bills which I know the majority wanted to move, and I would hope, notwithstanding the fact that there is a provision that the committee approved, that we would not subject that to a majority vote on the floor.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I will be glad to yield.

Mr. BOEHNER. Yes. The bill came out of committee, but typically the rules of the House don't allow Members to legislate on an appropriation bill, and I think there are a lot of people who believe that is legislation on an appropriation bill. So there are some concerns about it. And let me be fair. There are other issues with the bill beyond the provision that was authored by my friend from Maryland.

Mr. HOYER. Reclaiming my time, that was my assumption as well, that there are other issues. But in terms of the gentleman's observation regarding the rules, just as typically it has been our observation that if the majority wanted something on the floor, they simply waived the rules, and they have done so on a very frequent basis. We are just hopeful that you would see your way clear to doing that just one more time.

Mr. BOEHNER. I will take that into consideration.

Mr. HOYER. I thought you would.

Mr. Leader, the Health IT bill and other health care-related bills, I know this was supposed to be Health Care Week. I may have missed it, but in any event, if it went by me, it is Health Care Week.

Can you tell me whether or not the IT bill might come at some point in time?

I yield to my friend

Mr. BOEHNER. Do these questions get any easier?

The Health IT bill has shared jurisdiction between the Ways and Means Committee and the Energy and Commerce Committee. There are some issues. They are trying to resolve those issues. The chairman of the Ways and Means Committee, as you are probably aware, was preoccupied with two other projects this week, and I do not believe that the issues have been resolved. I do expect it will be up early in July, but I am not sure that we are going to be able to resolve those differences by next week.

Mr. HOYER. I thank the gentleman for that information.

Lastly, Mr. Leader, there has been a lot of talk on it, and we have voted on it numerous times, the so-called pledge protection bill. Do you know whether that might be on the floor next week?

I yield to my friend.

Mr. BOEHNER. If it does come up, it will be under suspension of the rules. I would like to see it on the floor next week, and we are discussing that with Chairman SENSENBRENNER. I would hope that it is up next week.

If I could continue, the gentleman was kind enough not to ask me the question that he has asked me for the last 3 months, and that is the status of the pension bill, so I thought I would just do it on my own.

We have made a lot of progress this week, and I have talked to Democrat Members here in the House and in the Senate, as well as my Republican colleagues. We are very close, I believe, to an agreement that will receive the kind of broad bipartisan support we saw of the pension bill when it left the House and the Senate last year. So I am not sure that the conference report will be ready for the floor next week, but it is possible.

Mr. HOYER. I thank the gentleman for that information. He and I share the view that the pension bill is a very important bill for employees and for employers. I know the gentleman has been working hard on it.

But in light of the fact you did bring it up, last week we talked about the inclusion of both parties in the deliberations. After our conversation, I had the opportunity to check with Mr. RANGEL, and I don't think he has been included. I do believe that Senator KENNEDY and Senator BAUCUS have been included, and there was a lot of discussion, but I will tell my friend that the information I have, which may be incorrect, is that at least in terms of this House, the ranking member has not been included in the deliberations. I think that would really be helpful when it comes back out so that our Members would be able to have the information from our ranking member as to his insights into what has been done, and I would hope that could occur.

ADJOURNMENT TO MONDAY, JUNE 26, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMEMORATING THE 60TH ANNIVERSARY OF THE ASCENSION TO THE THRONE OF HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. LEACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 409) commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Amend the preamble as follows:

Page 2, unnumbered line 4, strike out "Agency" and insert "Program".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, JUNE 23, 2006, TO FILE REPORT ON H.R. 5316, RESPOND ACT OF 2006

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Friday, June 23, 2006, to file a report to accompany the bill, H.R. 5316, the RESPOND Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CALLING FOR AN INCREASE IN THE MINIMUM WAGE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, this week again, Mr. Speaker, the House and the Senate failed to increase the minimum wage in our country. For 10 years the minimum wage has been stuck at $5.15 an hour. In my State of Ohio, if we would raise the minimum wage to $6.85 an hour, as many people want to through a ballot initiative, 500,000 individual Ohioans with 200,000 children in those households would get a raise. It would help their standard of living. It would put more money into our economy. It would be good for our State and good for all of us.

This Congress, instead of passing a minimum wage increase, continues to give tax breaks to people who make more than $1 million a year. They get hundreds of millions of dollars. The CEO of Exxon makes $18,000 an hour. A woman in Girard, Ohio, who fills her tank with gasoline from ExxonMobil that lives on the minimum wage makes $11,000 a year.

IT IS UP TO CONGRESS TO BE FISCALLY CONSERVATIVE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the House took several measures that I believe it is important for the American people to understand. Of course, it sounds like the estate tax potential has great merit for many who believe that they are either engaged in family farming or small businesses. Might I say that the existing relief under estate tax actually gives those whose estates are $7 million absolute relief.

So at this time when we are at war, to give another $800 billion giveaway really is unreasonable. And, therefore, even though I have in the past supported the estate tax, this is not the time. And the reason is because, of course, the minimum wage has not been raised for the past 6 years. In fact, it is at a rate that shows that it is as low as it was 50 years ago in today's dollars. When are we going to see relief for those single parents and hard-working families who can barely make ends meet on $5.15?

Then we want to give the President a line item veto, which has already proven to be unconstitutional.

It is up to this Congress to be fiscally conservative, not rely on an unconstitutional law such as line item veto.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–117)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 24, 2005, 70 FR 36803.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2006*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE ESTATE TAX AND MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, so today the United States House of Representatives voted in the next decade, the coming decade with the retirement of the baby boomers looming before us, to borrow, borrow $762 billion so the wealthiest among us can escape taxation and helping to carry the burden of the United States. On the same day the Republican leaders refused to allow any vote on an increase in the minimum wage, $5.15 an hour, the Federal minimum wage. Fairly extraordinary, but it says a lot about priorities.

On my side of the aisle there was near unanimity on increasing the minimum wage, and a large majority voted against borrowing $762 billion so we can give massive tax cuts to estates, for the most part, worth more than $25 million.

It is not about small business, family farms, tree farmers. There will be in 2009 an exemption of $7 million per family. That will take care of most small businesses, family farms, and tree farms that I am aware of. No. This is about the massive accumulation of wealth, some of it unearned.

□ 1830

For instance, let's take Lee Raymond, a wonderful gentleman, recently the CEO of ExxonMobil. We all know them well. They made $100 million a day last year. ExxonMobil made $100 million a day last year extorting the American public, the driving public, through price gouging and extraordinary profiteering.

Now, Mr. Raymond, who held the helm until recently, was rewarded fairly handsomely for doing that, a $400 million retirement payout. So this one gentleman, one gentleman, of course, he really worked hard to earn that $400 million, and he is going to have to limp through his retirement on $400 million, although I think he still gets to use the corporate jet, and they still would have to provide him some other emoluments suitable to his status.

But, in any case, this one change in the Tax Code is going to be worth an approximately $160 million tax break to Mr. Raymond. So while ExxonMobil is fleecing the consumers over here, Mr. Raymond gets a $400 million windfall pension, and then he gets from the Republican leadership a $160 million tax break.

Now, that might be kind of okay, except they are going to borrow the money to give him the tax break. We are borrowing right now $1.3 billion a day to run the Government of the United States, and with this new tax break for the richest among us, estates worth more than $25 million, we are going to borrow another $210 million a day. Our credit is good. Isn't that great? That is the good news, they would say, our credit is good.

Unfortunately, the bill isn't going to go to Mr. Raymond. The bill is going to go to people who work for wages and salaries. Under the bill that passed here today, a schoolteacher will pay a higher rate of taxation on their salary than Mr. Raymond will on his windfall from ExxonMobil. Now, that is fair in their world. It is not fair in my world, and it is not fair to the people I represent.

You can look at it another way. The next decade, as the Social Security annual surplus diminishes down toward zero toward the end of the decade, roughly the surplus during that decade will be about $780 billion. So we are going to borrow the entire surplus collected to pay the benefits of retired

Americans: of course, not Mr. Raymond, he is not too worried about it, but other Americans, and we are going to give that as a tax break to people who have estates worth more than $25 million.

Isn't that great? And they say this is about small business and family farms. No, it is about feeding those who have given so generously to you. This is the contributor class that we are talking about here, and the contributor class is awfully generous and has been incredibly generous to George Bush over his political career and extraordinarily generous to the Republican majority here in Congress.

So, it is not too much to ask that they should pass a bill that gives them a $762 billion windfall, hands the bill to working Americans, and they hope to stay in power. A very sad day for the United States House of Representatives.

PUERTO RICO'S BORDER WAR

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, more news from the front. The border war continues, and today this dispatch comes from the weakest 272 miles on the second border of our Nation.

This could be a postcard from that front, snapshots of illegals all across the beaches here running ashore, coming from this boat called a yola. We see here a Blackhawk helicopter.

This invasion started in one Caribbean island and lands on another Caribbean island. This boat is packed with hundreds of illegals. They ride the waves that carry them to a new existence in these primitive boats. They wash ashore on the most advanced country in the world, a superpower.

Mr. Speaker, this looks like a naval invasion from World War II in one the Pacific islands.

This boat was spotted by the Border Patrol, and even though there may be 100 or 150 individuals that are illegally entering Puerto Rico, only 10 to 12 of them will actually be arrested. Sometimes the Border Patrol is not this lucky and doesn't find any of these individuals.

I have spoken to border agents who patrol Puerto Rico, and they have arrested individuals. Recently they arrested an individual of Middle Eastern descent. He was actually swimming ashore. And when he was questioned about what he was doing on American soil, he replied with answers like, "Allah is great," and, "Bush is the devil," and that is all he would say.

Stories like this prove the same warfare that let us conquer the Japanese islands in World War II is in play on our shores. It was called island hopping back in World War II, when the American marines would go from island to island getting ever closer to the Japanese homeland. Island hopping.

But after marines were sent to capture an island in the Pacific, they would move on to the next island, getting closer, and it worked, and it worked in the Pacific. But now this strategy is being used against the United States, and the invasion of Puerto Rico poses a national security issue, 272 miles of a border that needs to be protected.

But another island is being targeted first by these island-hopping invaders. It is called Mona Island. That is also a part of the United States, part of Puerto Rico. It is right here, Mr. Speaker, next to the Dominican Republic, Haiti, and then you see this little island called the Mona Island, very close to Puerto Rico.

This island is inhabited basically by a bunch of botanists, for lack of a better phrase, and they are investigating whatever nature resources there are there. It is a 25-mile nature preserve. And the biologists and naturalists that are there aren't the only people there. It is a breeding ground for illegals.

You see, what happens, Mr. Speaker, illegals stop off at Mona Island. They are Cubans, Chinese, Dominicans, Middle Easterners, South Americans and any other illegals from around the world.

They land on Mona Island, the first island-hopping stop in their Caribbean trip, and then they move over to the mainland of Puerto Rico. They make their way to Puerto Rico, where, at any given time, there are only four Border Patrol agents on patrol for 272 miles of border or coastline.

Then when illegals get to Puerto Rico, once they land, what they do is they find someone to sell them a fake American driver's license, pretend to be a U.S. citizen, and then catch an airplane to the heartland of America.

Mr. Speaker, we are being invaded by land and by sea. The obligation of the U.S. Government is to protect its citizens. That is the number one obligation of this government. We must protect our citizens from invasion from all foreign nations by any means. The border war includes the American held island of Puerto Rico and Mona Island.

Mr. Speaker, while we are sending more Border Patrol and National Guard to our southern border, we are losing ground in Puerto Rico. This island hopping must stop.

Why aren't we using the resources of the Coast Guard to protect our coasts from this unlawful invasion into Puerto Rico? There is a concentrated effort by other nations to infiltrate our national borders. It also happens to be illegal.

The government must have the will to protect our borders like we protect the borders of other nations throughout the world. Meanwhile, the battle for the border continues on the homeland, the second front.

That's just the way it is.

SUPPORT THE DECENT WORKING CONDITIONS AND FAIR COMPETITION ACT

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to replace Mr. PALLONE.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, if you live in Toledo or Dayton or Youngstown, or if you live in Mansfield, Ohio, or Hamilton, Ohio, or Lima, Ohio, you know that the Federal Government's trade policies are undermining American manufacturers. And if you live in Marion or Portsmouth or Springfield, Ohio, you know that our trade policies are encouraging the spread of abusive sweatshop practices.

China is the world's sweatshop leader, with repressive labor policies resulting in wage suppression of as much as 85 percent. We all know that American workers can compete in a global economy on a level playing field, but no one can compete with prison labor, child labor or sweatshop labor. The result, a U.S. trade deficit with China that breaks records year after year, an increasing loss of U.S. manufacturing jobs to China. In my State alone, in Ohio, 42,000 jobs have been lost to China since the year 2001. Much of that job loss has been as a result of China's unfair trade practices. Yet America's trade agreements are actually encouraging the development of new sweatshops.

All of us in this body supported the U.S.-Jordan Free Trade Agreement because Jordan's labor protections were seen as meeting international standards. But the New York Times reported just last month that in the few years since the Jordan Free Trade Agreement took effect, lax enforcement and an abusive guest worker system have made Jordan the new haven for some of the world's most brutal sweatshops.

Senator BYRON DORGAN and I have introduced the Decent Working Conditions and Fair Competition Act to end sweatshop profiteering. The bill bars the importation, the exportation or the sale of goods made with prisoner sweatshop labor. In other words, if a product is made by child labor or by forced prison camp labor, you can't import it into the United States, you can't sell it in the United States.

The bill charges the Federal Trade Commission with enforcement, and gives manufacturers, competitors, retailers and shareholders a right to hold violators accountable. The bill prohibits Federal Government agencies from buying goods made with prison or sweatshop labor.

We cannot afford to continue to turn a blind eye to these abuses. Sweatshop imports are a moral crime. They violate the values of our families, of our faith and of the history of this country. They are a moral crime against the working men and women, and, I am afraid, working children of the developing nations.

Sweatshop imports are economic suicide for our country. As we import sweatshop goods, we export American jobs, we weaken the bargaining position of U.S. workers fighting for wages with which they can actually support their families.

The heart of America's economy has always been a vigorous middle-income consumer class. Henry Ford knew that. That is why he paid his workers a wage that would allow them to buy the cars that they made, to share the wealth they create, to buy the cars that they made.

By driving U.S. wages down, we weaken the American consumer market, we undercut our greatest economic power, and we lose jobs in so many of our communities. And when we lose jobs in places like Marion, Ohio, and Zanesville, Ohio, we hurt our communities, we hurt our families, we lay off police officers, we cut back on the fire department, our classrooms get larger as teachers get laid off. It hurts our communities, and it is wrong for our country.

I ask my fellow Members of the House to please support the legislation that I mentioned tonight, the Decent Working Conditions and Fair Competition Act.

AGREEING TO TALK TO IRAN UNCONDITIONALLY

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim my 5 minutes at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. PAUL. Mr. Speaker, I am encouraged by recent news that the administration has offered to put an end to our 26-year-old policy of refusing to speak with the Iranians. While this is a positive move, I am still concerned about the preconditions set by the administration before it will agree to begin talks.

Unfortunately, the main U.S. precondition is that the Iranians abandon their uranium enrichment program. But this is exactly what the negotiations are meant to discuss. How can a meaningful dialogue take place when one side demands that the other side abandon its position before the talks begin?

Is this offer designed to fail so as to clear the way for military action while being able to claim that diplomacy was attempted? If the administration wishes to avoid this perception, it would be wiser to abandon preconditions and simply agree to talk to Iran.

By demanding that Iran give up its uranium enrichment program, the United States is unilaterally changing the terms of the Nuclear Nonproliferation Treaty. We must remember that Iran has never been found in violation of the Nonproliferation Treaty. U.N. inspectors have been in Iran for years, and International Atomic Energy Agency Director ElBaradei has repeatedly reported that he can find no indication of diversion of source or special nuclear material to a military purpose.

As a signatory of the Nonproliferation Treaty, Iran has, according to the treaty, the "inalienable right to the development, research and production of nuclear energy for peaceful purposes without discrimination."

☐ 1845

Yet, the United States is demanding that Iran give up that right even though, after years of monitoring, Iran has never been found to have diverted nuclear material from peaceful to military use.

As my colleagues are well aware, I am strongly opposed to the United Nations and our participation in that organization. Every Congress I introduce a bill to get us out of the U.N., but I also recognize problems with our demanding to have it both ways. On one hand, we pretend to abide by the U.N. and international laws, such as when Congress cited the U.N. on numerous occasions in its resolution authorizing the President to initiate war against Iraq. On the other hand, we feel free to completely ignore the terms of treaties, and even unilaterally demand a change in the terms of the treaties without hesitation. This leads to an increasing perception around the world that we are no longer an honest broker, that we are not to be trusted. Is this the message we want to send at this critical time?

So some may argue that it does not matter whether the U.S. operates under double standards. We are the lone superpower, and we can do as we wish, they argue. But this is a problem of the rule of law. Are we a Nation that respects the rule of law? What example does it set for the rest of the world, including rising powers like China and Russia, when we change the rules of the game whenever we see it? Won't this come back to haunt us?

We need to remember that decision-making power under Iran's Government is not entirely concentrated in the President. We are all familiar with the inflammatory rhetoric of President Ahmadinejad, but there are others, government bodies in Iran, that are more moderate and eager for dialogue. We have already spent hundreds of billions of dollars on a war in the Middle East. We cannot afford to continue on the path of conflict over dialogue and peaceful resolution. Unnecessarily threatening Iran is not in the interest of the United States and is not in the interest of world peace.

I am worried about pre-conditions that may well be designed to ensure that the talks fail before they start. Let us remember how high the stakes are and urge the administration to choose dialogue over military conflict.

IRAQ AND THE PATH TO WAR

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, stop the presses; we found Iraq's weapons of mass destruction. Or at least that is what some Members of Congress would have the American public believe. They stake this claim on an unclassified portion of an intelligence report that addressed the finding of 500 weapons shells of old, inert chemical agents from the Iran-Iraq war in the 1980s. The shells had been buried deep within the ground near the Iranian border and forgotten by Iraqi soldiers.

Yesterday, intelligence officials made clear that these deactivated shells were not the so-called weapons of mass destruction that the Bush administration used as the basis for going to war in Iraq. Mr. Speaker, a few weapons shells from a two-decade-old war does not a weapons of mass destruction program make.

No matter how you slice it, no matter how you package the story, Saddam Hussein simply didn't have a weapons of mass destruction program in Iraq; yet, there are those who would stop at nothing to prove they existed. It is as if finding the weapons of mass destruction would somehow validate an unjust and unnecessary war that has been mismanaged from the day it was first shamefully conceived.

Mr. Speaker, do a few weapons shells from a two-decade-old war justify the 2,511 American soldiers who have been killed in Iraq? Do they justify the more than 18,000 soldiers who have been wounded forever? How about the countless others who have been traumatized by psychological and physical injuries or the tens of thousands of Iraqi civilians who have been killed?

Speaking of U.S. troops killed in Iraq, the President's new press secretary recently called the 2,500th American casualty "just a number."

But the American people know that this soldier and the other 2,510 soldiers who have been killed aren't just numbers; they are sons, they are daughters, they are husbands and wives, they are fathers, they are mothers; and each of them was willing to lay down their own life for what they believed to be their duty as part of the U.S. military.

These brave men and women deserve a foreign policy worthy of their sacrifice. Unfortunately, their civilian superiors at the Pentagon and at the White House have let them down in many ways, but particularly by referring to any troop, dead or alive, as just a number.

Instead of trying to justify a tremendously wrong-headed war by pointing to decades-old shells buried in the ground, the Bush administration ought to start engaging in a little something called diplomacy. By going on a diplomatic offensive, the United States will shift its role from that of Iraq's military occupier to its reconstruction partner. We need to engage the United Nations to oversee Iraq's economic and humanitarian needs. At the same time, we must publicly renounce any desire to control Iraqi oil and ensure that the United States does not maintain lasting military bases.

Engaging in diplomacy will give Iraq back to the Iraqi people, helping them rebuild their economic and physical infrastructure, creating Iraqi jobs, and ending the humiliation that corresponds with another country maintaining 130,000 plus occupying troops on their soil.

A strategy emphasizing the diplomacy is in line with an approach I call SMART security. SMART stands for Sensible, Multi-Lateral, American Response to Terrorism. Instead of throwing our military weight around the world, SMART security utilizes multilateral partnerships, regional security arrangements, and robust inspection programs to address the threats of weapons of mass destruction.

Mr. Speaker, to be able to address the true threats we face as a Nation, we need to retract ourselves from the very conflict that is damaging our national security on a daily basis, and there is one and only one, important way to begin this process. For the sake of our soldiers, for the sake of their families, for the sake of our very own national security, it is time to stop sacrificing lives and limbs. It is time to stop spending billions of dollars on this war, and it is time to bring our troops home.

PROPERTY RIGHTS IN AMERICA (ON THE ANNIVERSARY OF THE KELO DECISION)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, I rise today to mark the first anniversary of Kelo v. New London, the Supreme Court's misguided interpretation of the fifth amendment's restrictions on the taking of private property rights.

Both the Old Testament and Greek literature contain references to the government's ability to take private lands. However, in modern times, the exercise of eminent domain has been very limited and only used in public projects such as roads or the provision of electricity and telephone services.

Yet, nearly a year ago this week, the Supreme Court struck a devastating blow to this Nation's homeowners and small businesses when it ruled that government may seize private property and transfer it to another private owner under the guise of promoting community improvement for so-called economic development. As Justice Sandra Day O'Connor said, "The specter of condemnation now hangs over all property."

The Kelo ruling inspired citizens and legislators in more than 30 States, including Florida, to enact laws to limit the scope of eminent domain. Their outrage was echoed in the words and actions of many of us here in Congress, and last November the House of Representatives overwhelmingly passed H.R. 4128, the Private Property Rights Protection Act of 2005.

Yet, as quickly as our voices were raised in defense of our fundamental rights, they now seem to have fallen silent. H.R. 4128 lingers in legislative limbo.

In Riviera Beach, Florida, a poor, predominantly African American coastal community, city officials plan to use eminent domain to seize 400 acres of land to build a $1 billion waterfront yachting and housing complex, displacing about 6,000 local residents. Surely this is not what the Founding Fathers meant by public use.

Are we to tell the American people that private property is no longer guaranteed under the Constitution?

Mr. Speaker, the battle of individual rights and liberties cannot be a part-time engagement. The expropriation of private property for private transfer in the name of economic development is not an act that speaks to the tradition of Robin Hood; it is one that betrays our fundamental constitutional rights.

As James Madison eloquently wrote in the Federalist Papers, private property rights lie at the foundation of our Constitution. "Government is instituted no less for the protection of property than of the persons of individuals."

The Kelo case illustrates only one front in a broader battle to preserve the individual rights granted to all citizens under the Constitution. We must apply equal vigilance to protecting intellectual property rights. Safeguarding property such as artistic, musical, and literary works, as well as the commercial branding tools, promotes entrepreneurship and creativity, and incentivizes honest innovation. Moreover, protection for intellectual property plays an ever increasingly prominent role in today's global economy, promoting trade and influencing foreign direct investment. American explorers rely on intellectual property protection.

Mr. Speaker, property rights are basic principles of individual freedom, whether it is real property or intellectual property of which we speak. Today, I rise to marshal my colleagues in defense of this fundamental right of property ownership for every individual in every district that we are honored to represent from homeowners to entrepreneurs.

THE DEBT AND THE DEFICIT

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, today we granted a tax break of nearly $800 billion over the next 10 years to the wealthiest among us, and it made me think about a quote from children's literature, which I think is a good place sometimes to learn what we really ought to know.

We all know about the morality tale called the "Lord of the Rings"; and one of them is called "The Return of the King," and the main character is Gandalf, the magician. The children asked Gandalf what they are supposed to do, and he says, "It is not our part to master all the tides of the world, but to do what is in us for the succor of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clear earth to till. What weather they shall have is not ours to rule."

Now, we stand out here on this floor very frequently and talk about our children and what kind of a world we are leaving to our children, and we are leaving a world of debt to our children. The June 11 issue of the New York Times magazine says, "Debt," and the subtitle is, "America's Scariest Addiction is Getting Even Scarier." Well, we added to the debt today.

Now, the question is, What does it mean when a country goes into debt? It means that we do not tax the people sufficiently for what services they expect, so we have to borrow the money. This year, we are borrowing from the Chinese the entire debt that we are creating in this year, some $300-some-odd billion that we did not raise in taxes, that we gave away this afternoon. We are going to go to the Chinese tomorrow and borrow that money.

Now, what difference does that make? Well, ultimately you have to deal with debt. You all have credit cards. You understand what you have to do with a credit card: you either pay it off, which means we have to raise taxes, or stop giving it away. Or in the case of a country, we can devalue our money.

□ 1900

You say, well, why, what difference does that make? Well, if our money, if the Chinese borrowed a dollar that was worth this amount, and we now drop it down by 50 percent, they have lost 50 percent of what they lent us. How do you think they feel when we do something like that? Well, the next time we come to lend, they say, give us a higher interest rate. Now, lowering the value of the dollar, which happened in 1983, 1985, some people remember when our money went down, and people lost a lot of money. That was a devaluation, and we are heading for another devaluation in this country.

When it happens, we will also have inflation because with the cheaper dollar we can buy more, and it is easier to buy foreign goods. So we will buy more, and they will buy our goods, and they will demand higher interest rates.

Now, the Feds try to control inflation by driving up interest rates. Some may even remember when our interest rates were 22 percent, when buying a house was absolutely impossible. Well, then interest rates came down because we changed our fiscal policy. We paid our debt. We started borrowing. Under Mr. Clinton we actually went into a positive state. We no longer were borrowing. We were actually taking in more and paying down some of that debt. But in the last years since 2000, we have just gone on a wild spree, and we have gotten ourselves deeper and deeper in debt. People like me worry about that because my children are going to pay for it, not me. In fact, it may be my grandchildren that pay for it.

There are two categories of debt that you have to worry about. One, of course, in this country is personal debt. Now, lots of people bought houses in the last year, last years, 5, 6 years, and they have been buying houses because the interest rates were low. They were buying on interest only, or they were buying on ARM, that means adjustable rate mortgages, and all of those had a term, an adjustable rate of 4 or 5 years, and those ARMs are coming due now.

Because of what is happening in terms of the dollar and in terms of inflation, the Feds are raising it every month. Since March of 2004, the ARM rate has gone up 59 percent, and it could easily jump 50 percent when these adjustable rates happen. Some people are going to lose their houses. Listen to the children.

WITHDRAWAL FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, last week the House entertained 10 hours of debate on the Iraq war. The unamendable resolution which formed the basis of the debate was a partisan measure crafted to be a simple endorsement of our troops, a subject upon which all Americans are united. But the resolution also scoffed at the notion of establishing time lines for withdrawal and thus implicitly sanctioned a prolonged engagement, implying that it might be considered a 21st century version of Lyndon Johnson's Gulf of Tonkin resolution.

During the debate, several of us suggested that the longer we stay in Iraq, the greater the prospect that forces of anarchy will multiply and spread, perhaps across oceans. I would like to amplify on this concern.

From an American perspective, the two central issues in our Iraq policy are how best to advance our long-term national interests and how best to protect our troops. At issue is whether a prolonged engagement makes better sense than a time-lined withdrawal policy.

The case for a prolonged engagement involves a neocon objective of establishing semipermanent bases in Iraq and neighboring emirates from which American military power, or the threat thereof, can be readily projected against Syria or Iran, or potentially Saudi Arabia if it were to become radicalized. It also allows greater flexibility in support of the new Iraqi Government. On the other hand, there is a thin line between being a liberating and an occupying power that many in the Muslim world either do not accept or think has been crossed.

Sometimes it is as hard to determine when to end a war as when to start one. It may have been a mistake to intervene in Iraq in the first place, but clearly a precipitous departure after our initial engagement would have been an error. By the same token, prolonging our involvement runs the risk of causing American forces supporting the Shi'a majority government to be seen by Sunnis as favoring one side in an intrareligious conflict. Worse yet, the longer we stay, the more we will be seen as an occupying force, embarrassing to the Muslim world, causing the prospect of a long-lasting conflict between the Judeo-Christian and Muslim civilizations to increase in likelihood.

It is important to give momentum to and solidify Iraqi democracy, but there are tipping points in all struggles. We are at a point where action/reaction engagements could all too easily and rapidly intensify in asymmetric and multigeographic ways if the struggle to build a new Iraq comes to be perceived as an imperial American imposition on Iraqi sovereignty instead of an effort by Iraqis working to shape their own future.

This is why it is so important that we reframe the discourse away from WMD and 9/11 concerns and define instead the establishment of democracy as our principal reason for intervention, and thus the logical basis for disengagement. Now that a Constitution has been written, elections held, and a government formed, we should forthrightly announce that we are prepared to draw down our troops in a measured, orderly way. A hasty departure would be imprudent, but the sooner the disengagement process begins, the better. Our goal may be to fight anarchistic forces over there rather than here, but we must understand that prolonging our involvement over there could precipitate a gathering storm of resentment which could make violence here more rather than less likely.

With regard to protecting our troops, it is impressive that in polling data reported by the Brookings Institute, 47 percent of Iraqis favor attacking American forces, and 87 percent favor time lines for withdrawal. Occupation is neither the American way, nor is it tolerable for Muslims. While precipitous withdrawal after our intervention might have led to civil war and a breakup of the Iraqi state, the logic of these polling statistics would seem to indicate that Iraqis have become weary of and humiliated by a foreign occupying presence.

The rationale for attacks against American forces would be undercut if Muslims had confidence that we were committed to an orderly and timely withdrawal policy. If we do not begin to leave Iraq now that democratic institutions have been put in place, anarchistic acts will continue, and the other side may be in a position to say when we eventually draw down our forces that they have somehow forced us out. Little would be worse for the American national interest or more demoralizing for all those who have served so valiantly in combat there than such a preposterous claim.

This is why the implications of slogans like the need to stay the course can be so misleading. There is nothing more disadvantageous for our national security or more dangerous for our troops in the field than overstaying our presence.

The longer this war goes on, the greater the likelihood that anger will intensify in the Muslim world as well as among Muslims in the West, including the United States. The recent arrest of 17 young Muslims in Canada is a case in point. From news accounts it would appear that an accumulation of U.S. actions with which Canada was considered complicit triggered perfectly normal youngsters to consider violent and profoundly anti-democratic actions, including a plot to kidnap Canadian legislators and slit the throat of the Prime Minister.

As long as the conflict in Iraq continues and the Israeli-Palestinian issue remains unresolved it is only a question of time before other 9/11 type events or series of violent acts will occur in various parts of the world. Bringing the occupation to an end and resolving other Middle Eastern issues will not ensure against future violence but it could dampen the anger of millions of Muslims and reduce the prospect of a clash of civilizations.

The challenge for the administration is to determine when the new Iraqi Government is strong enough to stand on its own. Our presence is dual edged. We have helped train a new army, perhaps erring along the way in disbanding the Iraqi armed forces after the capture of Baghdad. But we also are the subject of anger and humiliation for many Muslims in and out of Iraq. The opposition continues for an assortment of reasons. Some relate to the centuries-old antagonism between Sunnis and Shi'a, complicated by the nationalist ambitions of the Kurds. Some relate to the millennia-old implication of the Crusades, memories of which hang over the Middle East the way the Civil War did for a century in the American South. And some relate to current events—the Palestinian-Israeli confrontation, the occupation of Iraq and, to a far lesser extent, the more understandable U.S. intervention in Afghanistan, as well as problems attendant to the unforeseen—Guantanamo, Abu Ghraib, Haditha.

We are in unprecedented times. But there are parallels from recent history that might provide glimmers of guidance for policy makers today. One from the Reagan era that I have always assumed stemmed as much from the President's wife, Nancy, the closet moderate within that administration, as any geostrategic planner relates to an attitudinal shift away from confrontation to diplomacy. In Reagan's first term he postured firmly in the anti-multilateralist, anti-arms control camp, objecting to negotiations with the evil empire. At the U.N., he ordered a U.S. withdrawal from UNESCO, one of the more financially bloated but least dangerous international organizations ever created. In reaction to a perceived anti-progressivism in his first term, two movements of educated citizens mushroomed in size. One, the environmental movement, was concerned with the confrontational policies of the Secretary of the Interior, Jim Watt; the other, which paralleled it in foreign policy, was the arms control movement. Thousands of fledgling advocates came to support the concept of a nuclear freeze in the context of SALT—strategic arms limitation talks. This movement gained so much currency that a poll of delegates to the 1984 Republican National Convention which renominated Reagan found that the majority favored a nuclear freeze rather than the intransigent negotiating policy then in vogue.

But the President, in a remarkable policy shift early in his second term upstaged his opposition by out-radicalizing it. Instead of pushing for a "status quo" SALT approach which would halt the arms race, he threw his support behind a more imaginative START initiative—a strategic arms reduction treaty—which would reverse it. The implication was a strategic oxymoron: America had to build up military might in order to reduce it.

An inconsistent geo-strategic policy was adroitly presented as consistency. In part because of the wisdom of the policy reversal, in part because of Reagan's unique personal capacity to persuade, in part because the persuader spoke from the bully pulpit of the Presidency, America began to lead the world as a force both of resolve and restraint.

A progressive might presumptuously hope today that on issues as diverse as North Korea, Iraq and potentially the Israeli-Palestinian challenge the Reagan policy-shift model beckons this President.

Since John Kennedy, all American Presidents have been obsessed with what their place in history may be. In most circumstances I cannot envision a more worthwhile or uplifting motivation. I am concerned, however, that an unnecessarily sticky situation may be developing with this presidency. My sense is that advisors are telling the President that his administration will be judged on the steadfastness of his commitment to a policy of continued military engagement in Iraq and, quite possibly, following through with a military confrontation with Iran. But might not the Reagan "consistent inconsistency" model be fortuitously adapted? Instead of following one military action with another, what if the President were to commence drawing down forces as democratic institutions take hold in Iraq? And having proven that he is willing to use force—as Reagan proved his willingness to escalate defense spending—the President could then plausibly point out that he is now prepared to negotiate from a position of strength with Iran and North Korea. But for such a change in emphasis—use of diplomacy instead of force—to take place, the administration cannot continue to fritter away time and opportunity. If it continues to refuse to offer the respectful attention that direct negotiations imply with countries like Iran and North Korea, our adversaries could wait us out, or tempt the administration into a highly dangerous confrontation.

The other historical model that gets little attention, except to serve as an apparent warning not to get too involved in African civil wars, is Somalia. Under this President's father, U.S. Armed Forces were deployed in a unique humanitarian intervention. The logistical capacities of the U.S. military were used to bring food and medical help to a war-torn society. This might have been a model of success rather than failure had events in the field not gotten out of hand. But over time, as one administration folded into the next, American forces in their efforts to provide assistance to starving people found it necessary to try to stabilize internal relations and thus do battle with anarchistic elements of Somali society. For many in Somalia this came to be perceived as siding with one side in an internal conflict. The disastrous consequence of becoming militarily engaged instead of simply humanitarianly involved may have relevance in a very different setting today—Iraq. Good intentions and heroic deeds can backfire.

In this context, one of the most constitutionally awkward pronouncements of the civilian side of this administration deserves review. The President and Secretary of Defense have repeatedly suggested that troop-level determinations in Iraq will be made by the commander in the field. This articulation, which at first blush seems indisputedly prudent, is perhaps related to the hammering the administration has taken, especially from supporters in the press and on Capitol Hill of the intervention, who hold that there would be far fewer problems in Iraq today if more troops had been committed at the outset. According to this reasoning, the mistake for any failure of policy rests not with the judgment call on going to war, but with the implementation of the decision.

It may be, as Colin Powell has implied, that once the decision to intervene had been made, it would have been wiser to follow the overwhelming force doctrine that is derived from military history but in recent times has come to bear the former Secretary's name. In any regard, whether or not the commitment of more troops would have made a significant difference in sealing Iraqi borders or bringing greater stability to Baghdad, both the military and civilian side of government have to think through the issue of who responds to whom on troop-level questions.

There are distinctions between tactical decision-making and strategic judgments. The former should be disproportionately military; the latter require greater and, at some point, total civilian involvement. In a historical sense it is worth remembering, for instance, that Harry Truman stood down the most popular military officer of the 20th century when GEN Douglas MacArthur attempted to widen the war in Korea. Decisions to end as well as begin wars are constitutionally proscribed.

The constitutional dimension of modern war making is not as clear-cut as the Founders might have surmised. This is the case because modern warfare, for a variety of reasons, is conducted without a formal declaration of war from Congress and because the law of the land, despite being unlikely to pass constitutional muster if tested in the courts, is the War Powers Act. Whether one approves or disapproves of the decision to intervene in Iraq, there is no question that because of a congressional vote to authorize the use of force, this war is legal. A strike without a precise Congressional authorization on Iran is more conjectural, but the War Powers Act which gives the President 60 days discretion on use of force as well as other war against terror resolutions, the NPT and possible future Security Council resolutions would presumably be used by the administration to justify executive discretion. Others might suggest that lacking an imminent threat rationale, the Constitution would seem to envision the need for congressional concurrence.

As one who is doubtful of the wisdom of intervention against Iran, I was disappointed that an effort to amend the DOD appropriations bill this week to require prior congressional consent for a strike against Iran was defeated. In any regard, the executive branch, possibly with congressional advice, has two profound judgment calls to make in the near future: whether and how to end the Iraq war and whether and how to engage Iran. And here—based on public commentary within the civilian side of our government and the private observations of former generals—my sense is that it is quite conceivable that a rift could develop between the military and civilian elements of our government which would be the reverse image of the MacArthur/Truman confrontation. The professional military seems far more skeptical than the White House of the judgment of the neo-cons who drove the decision to intervene in Iraq and far more dubious than many on Capitol Hill about the wisdom of a preemptive strike against Iran.

With regard to Iran, I am impressed how congressional leadership of both parties, at least on the House side, remains confrontational. This is one reason I feel that it is important to emphasize the appropriateness of bipartisan criticism as well as bipartisan support for executive branch foreign policies. Partisanship should stop at the water's edge; but judgmental capitulation must never occur. Closed-mindedness is the enemy. Members are obligated to review decisions made and oversee actions taken by the Executive. It is the question of motivation that must be above partisan reproach. The only motivation consistent with our pledge to uphold and defend the Constitution is to concern ourselves exclusively with the national interest. Neither concerns for political party advantage nor individual ambition should play a role in foreign policy judgments.

Over the years I have become impressed by how within Republican administrations there is a tendency of political appointees, particularly in the White House, to advocate confrontation over diplomacy. My sense is that there is a lot of frustration within high levels of the military with what might be described as an immature, ideological machismo among key political appointees. It would not be surprising to me if in the next couple of years it falls to the professional military and career CIA and foreign service officers to raise cautionary flags about various policy options.

In conclusion, as a representative of a State which has disproportionately provided Reserve and National Guard forces for the Iraqi conflict, I am struck by an extraordinarily impressive aspect of America's involvement in Iraq. In one of the most psychologically and militarily difficult settings ever to confront U.S. Armed Forces, the morale of our troops and their families at home has never ebbed and the patriotism of volunteer soldiers has never been challenged. This reflects well on their character as well as on their dedication to duty. There may be question whether intervention should have occurred, but once our troops were committed there is no question that it is in the national interest that they succeed.

What remains at issue is whether longevity of commitment contributes to or undermines the success of the mission; whether IED attacks and skirmishes at the field level escalate or diminish; and whether diplomacy or lack thereof leads to a more peaceful or violent world.

NATIONAL FLOOD INSURANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have the great fortune to represent the people of south Mississippi, and on behalf of the people of south Mississippi that suffered substantially in the loss of about 40,000 houses in late August of last year to Hurricane Katrina, I want to thank my fellow Americans for all the wonderful things they have done for us, for their financial help; for their college kids who came down and gave up their spring breaks to help out people; the church groups, the Rotarians, and individuals who came to provide medical care. There was a tremendous showing of generosity, of support to some people who needed it, and I hope I will never fail to thank the American people properly.

Mr. Speaker, I also want to, on behalf of the people of south Mississippi, express an outrage on the handful of southern Mississippians and southern Louisianans who abused that generosity. I do not think anyone wanted to see that happen, and certainly those who have broken the law should be prosecuted to the full extent of the law. I am sure the people who have read that their tax dollars were used to help somebody go to a gentleman's club or get someone get a sex change, they should be justifiably angry.

But let me tell you what the biggest Katrina fraud of all was. It was not done by a guy living in a FEMA trailer. It was not someone down on their luck. It was by corporate America and, in particular, the insurance industry in America, and next week this House will have an opportunity to do something about it.

Mr. Speaker, because of the unprecedented amount of losses because of Hurricane Katrina, our Nation will have to put $25 billion into the National Flood Insurance Program. I am going to vote for that. It is important. It is going to help a lot of people, but I would hope that my colleagues, when they do that, would amend that bill to require an investigation by the insurance industry in the post-Katrina world, and let me tell you what I know to have happened and what I think a Justice Department investigation will prove.

Mr. Speaker, when Congress wrote the National Flood Insurance Plan way back in the late 1960s, they called for the insurance industry to write the policy, even though it is a Federal flood insurance policy, but also to adjudicate the claim, to send their adjusters out to decide what happened to that dwelling and how much was it hurt and what would it cost to fix it.

The immediate conflict that was drawn in there was that person who may work for State Farm or Allstate or Nationwide, who may have stock in their company, who hopes to get promoted with that company, who may be looking for a Christmas bonus, is suddenly in a position when he walks to one of the 40,000 slabs in south Mississippi that are there in the days after the storm, he has got to decide whether the wind did it, and therefore, State Farm is going to pay, or the water did it, and the taxpayers are going to pay.

Let me tell you about an interesting coincidence in America. Last year, the private insurance industry had a profit of $44 billion. The National Flood Insurance Program lost $25 billion, the same year. How does this happen? Well, let me tell you what happened.

That insurance adjuster who works for State Farm or Allstate or Nationwide walked out, and in every instance blamed all the damage on the water, but that is completely contrary to what the Navy Oceanographic Command says. The Navy Oceanographic Command tells us in south Mississippi we had hurricane-force winds for 6 hours before the water ever showed up.

So what does this do? For the individual homeowner who had a flood insurance policy and a wind policy, they have been denied across the board. We have a U.S. Federal judge who cannot hear these cases of people who feel like they have been wronged because he, too, is suing his insurance company. In the other body, Senator LOTT, who has been extremely supportive of the insurance industry during his entire congressional and senatorial career, is filing suit against his insurance company.

So if the insurance company is willing to take on U.S. Senators, if they are willing to take on Federal judges, what do you think the moms and dads and grandmas and grandpas of south Mississippi, what kind of chance do they have?

So it is wrong on an individual case, but let me tell you why it is wrong for all of you.

Remember, every time they said the water did it and not wind, the taxpayer paid the claim, and so now we have to raise $25 billion, probably of borrowed money, to pay claims that should have been paid by companies that had a profit of $44 billion. There is no Federal regulation of the insurance industry, but there is a law called the Fair Claims Act.

The biggest abuse, the biggest fraud that has occurred since Hurricane Katrina has been by the American insurance industry. Next week this House will have an opportunity to look into what I have just told you, the allegations that billions of dollars that should have been paid by the private insurance industry were instead paid by the American taxpayer.

How is it that during the same storm season the private industry makes $44 billion while the taxpayers lose $25 billion? Under the Federal False Claims Act, if indeed these companies did that, then they will be fined millions of dollars, and their corporate executives will go to jail, a fate they richly deserve.

So, Mr. Speaker, I am asking for two things: Next week, when the National Flood Insurance Renewal Program comes before the House, I am asking for an inspector general investigation of the insurance industry to see whether or not claims that should have been paid by the private sector insurance industry were wrongly stuck on the American taxpayer. And I am asking for your support.

Mr. Speaker, I will note that two of those insurance industries that I think were the biggest culprits reside in Illinois. But I also note that two-thirds of all the campaign contributions from the insurance industry went to your political party. So the real question is, Mr. Speaker, are we going to look out for the American people, or are we going to look out for your contributors?

That decision will be made next Tuesday.

HONORING MYLDRED E. JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, I rise today to pay tribute to an exceptional woman from my district, Myldred E. Jones, a resident of Los Alamitos, California, for 38 years, a retired Navy lieutenant commander, and founder of Casa Youth Shelter, and she passed away at the age of 96 on Monday, June 19.

She was a consultant for Youth Affairs for former Governor Ronald Reagan, and during that time, she recognized the desperate need to shelter runaway and throwaway teens who faced danger on the streets. So she cofounded the first adolescent hotline, which quickly spread across the Nation and is now international in scope. She founded We Care and Hotline of Southern California, dedicated to youth in crisis.

□ 1915

At the age of 69, when most people are settled into retirement, Myldred sold her home to finance another nonprofit corporation, Casa Youth Shelter. Her vision and dream of helping children in need became a reality, and the woman who began by sacrificing marriage and children for service to country, dedicated 29 years to accepting and loving and sheltering at-risk youth.

She was born in Philadelphia, the second of four children. She earned her B.A. at Wittenberg College in Springfield, Ohio. She did her graduate studies at UCLA. In 1942, the wartime call to service led her into the Navy as part of the first contingent of California WAVES to be called to active duty. She served with distinction during World War II and the Korean War, rising to the rank of lieutenant commander, and she was the first female faculty member in the Armed Forces Graduate School of Information. She served as assistant director of the Department of Welfare-Navy Relief Society and as the naval liaison to both the United Nations and the American Red Cross. After her military discharge, she was active in the civil rights movement, marching with Martin Luther King from Selma to Montgomery. She also joined with Cesar Chavez on his marches for the United Farm Workers.

Myldred's military and humanitarian accomplishments were recognized by five of our United States Presidents, and I am very honored to stand before you today to remember the life of such a caring and compassionate social-entrepreneur citizen and patriot. She will be remembered and truly missed for her lifelong dedication and service.

IN HONOR AND REMEMBRANCE OF COLONEL YOUNG OAK KIM

Mr. Speaker, this month marks the 56th anniversary of the outbreak of the Korean War, and I am saddened to report that Colonel Young Oak Kim, an American hero in the Korean struggle, passed away on December 29, 2005.

Colonel Kim served admirably in the United States Army since January of 1941, during World War II. He was assigned to the 100th Infantry Battalion, a segregated unit of Japanese Americans. When asked by his commanding officer if he would like to transfer, knowing the historical conflicts between Koreans and Japanese, Kim stated they were all Americans and they would fight together.

Kim is remembered for the Battle of Anzio, in which he volunteered to capture German soldiers for intelligence information. He crawled over 600 yards under German observation posts with no cover. He captured two prisoners and obtained information that contributed to the fall of Rome. Consequently, he was awarded the Distinguished Service Cross. He reenlisted in the Army in 1950 and entered the Korean conflict with poise and bravery. He took part in the U.N. Forces drive into the north, leading a battalion, and was awarded a second Silver Star and a Bronze Star for his relentless efforts in a series of battles which pushed the final DMZ north.

Colonel Kim's successes on the battlefield came with a price. Both of his legs were seriously injured, but retiring from the Army only energized his continuous dedication to walk on the path of democracy and freedom. He dedicated the rest of his life to founding many Asian American civic organizations and serving on the board of the Go For Broke Educational Foundation which keeps alive the American values of courage, honor, determination, loyalty, and justice for all.

Colonel Kim was the recipient of three Purple Hearts, the National Order of the Legion of Honor, the highest military honor in France, for his efforts in taking French towns, and the Knight Grand Cross Military Order of Italy, the highest military honor there, recognitions that underscore the courage Colonel Kim embodied that eventually contributed to the defeat of fascism in Europe and the containment of communism in East Asia.

There is no doubt that his courage and sacrifice is to be treasured, and sometimes it is through bitter conflicts that the best of our country shine bright amidst the seeming darkness and despair that this 56th anniversary may remind us of. It is through times like these that we reflect on the unity, the unity of our countrymen and the unity between the United States and South Korea, that will lead to better global cooperation and peace in the years to come.

Mr. Speaker, in conclusion, I would like to join our united country in saluting Colonel Young Oak Kim, a genuine American hero.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, I want to start by commenting about a previous 5-minute speech given by Mr. TAYLOR of Mississippi, and I want him to know how much I appreciate his representation of his district and sharing with the House some very vital and important information. As he mentioned, we will be considering legislation that will be dealing with the issues that he pointed out.

Mr. Speaker, again, we are glad to be here, the 30-something Working Group, to come to the floor with the help of so many of our colleagues. Tonight we have a special guest, Mr. RYAN.

Mr. RYAN of Ohio. Tonight is a great night. Tonight is like super 30-something night. This is like great stuff. I mean, I am excited. I may need to sit a couple plays out tonight, because not only do we have the chief Blue Dog, we are hoping that at some point during the course of the night that he will deputize us as maybe Blue Pups tonight. I want to be a Blue Pup tonight.

Mr. MEEK of Florida. Well, reclaiming, sir.

Mr. RYAN of Ohio. Please.

Mr. MEEK of Florida. I am glad to be with Mr. TANNER and also his colleague from Ohio, Mrs. STEPHANIE TUBBS JONES. Mr. TANNER of Tennessee has really been the leader in the House as it relates to accountability, as it relates to working with Mr. SPRATT on pay-as-we-go. He was around when we balanced the budget and we did some of the things that we needed to do on behalf of this country.

So we are so glad he is here tonight to share with the 30-something Group and also with the Members of the House on what we should be doing versus what we are doing right now.

I yield to Mr. TANNER.

Mr. TANNER. Well, I thank you, you fellas. The 30-something Group is rendering great service to our country. It is about the only way I know to turn the clock back and be youthful again is to associate with the 30-something hour. I want to speak for all of us who admire your work here and thank you very much for what you do to try to alert the American public and your generation to what I believe will be disastrous consequences for our country and our citizens if we continue on the course that we have embarked on for the last 60 months or so.

I wish I was making up what I am about to say, because when I tell people about the financial mismanagement and irresponsibility here in Washington that has gone on for the last few years and is continuing, people have a hard time comprehending that.

When I tell them that the GAO, the General Accounting Office, reports that 19 of 24 Federal agencies can't produce an acceptable audit, in other words they can't tell you what happened to the money that the Congress involuntarily removed from the taxpayers' pockets and appropriated to the administration, 19 of 24 Federal agencies can't tell you what happened to it. They can't produce an audit. People are amazed.

It is a function of the Congress to oversee the monies appropriated to any administration, and this Congress has abdicated that constitutional responsibility to the American people. I mean, no private enterprise in this country would tolerate what all of us are tolerating in our public lives. Can you imagine a private company, a CEO, or just anyone going to the treasurer or to the comptroller and saying, here is an expenditure of $10,000, do you know what it is for? What happened to it? And the answer is, well, I don't know. I can't find it, I couldn't tell you.

Nobody in private enterprise in this country would put up with that, yet that is exactly what has been going on here in this one-party political town. You have a compliant Congress, a friendly administration, and so not only is Congress not asking the administration what happened to the money, if they ask them, they can't tell them.

So what we have done is introduced House Resolution 841; that basically says what all of us believe ought to happen in our own private businesses and what happens here in our public business that affects everybody. It simply says this: When an Inspector General report comes back from any of these agencies and says either, number one, we can't find the money that has been appropriated; or, number two, this program, in government talk, is a high-risk program, and what that means really is that this program is not working like Congress intended for it to when it passed it to begin with, when those two things occur, House Resolution 841 provides that by law Congress must hold a hearing.

Right now these Inspector General reports are just gathering dust. There are no hearings on what has happened to the money. So we are putting into law, hopefully, if we get enough votes to pass it, we are just telling Congress you ought to do your job. You ought to oversee this spending that is going on.

I mean, I can't imagine anyone who would argue that it is not a good idea that we audit the books every now and then and see where the money is going that is being removed involuntarily from taxpayers. Who would be against finding out where the money went? I just can't imagine.

Mr. MEEK of Florida. If you would yield a moment, Mr. TANNER, I can tell you right now that there are a lot of things we should be doing, or the Republican majority should be doing but they are not doing, and we don't have the opportunity to do it because we are in the minority.

Again, it is good having you and Mrs. STEPHANIE TUBBS JONES, especially from the Ways and Means Committee, talking about the accountability and the ways and means of doing things. I am glad that you have this bill filed. And I am happy to know about it, because I am writing here a note to my folks that I need to be a part of this, because that is what we are talking about here almost every night, accountability, with these Inspector General reports stacking up.

As you also know, Mr. TANNER, the head person of the GAO has this working group moving around the country talking about what is happening in this government, the lack of accountability, the lack of oversight. Mr. RYAN and I met with him in the office. And this is bipartisan conservative and "liberal groups" going around. They have come together on behalf of the country because all this money is being spent with very little accountability.

□ 1930

Mrs. JONES of Ohio. Mr. Speaker, I am happy to be on the floor with the 30-somethings. I am 30 plus almost 27. I am proud to admit that I am 56, and I think I am doing all right. I am glad to be here with my sons, as I call KENDRICK MEEK and TIM RYAN, an my colleague on Ways and Means.

The most interesting thing is, if you think about it, remember when the Iraq war began, and there are millions of dollars that they can't account for. They said it was so crazy over there, they couldn't figure out where the money went. And the most recent reports about FEMA, about moneys that should have gone to help Katrina victims, they can't account for.

So I am with my colleague, Mr. MEEK, saying Mr. TANNER, great piece of legislation. Keep on pushing it. We are going to help you make sure that the Members of Congress, both Democrat and Republican, say to the people of America, we are going to account for the dollars. The Ways and Means Committee, we raise the means to do things, and here we have people messing with the dollars we have expended. I am pleased, Mr. TANNER, to be here with you tonight.

Mr. RYAN of Ohio. The point I would like to make, and this is why I am such a big fan of Mr. TANNER, I think this helps us convince the American people and shift our party into a direction that says we don't want to go and tax people. We know that they struggle with health care and gas prices, college tuition, all of the costs we review here every night, increased by 40 and 50 percent.

What Democrats in 2006 are saying, following the lead of the Blue Dogs, is that there is waste in the government. We need to audit and find out where that money is so we can take that money and invest that money in education and invest that in health care and invest that into all of the programs that we believe in, our priorities.

This is for me, personally, 32, 33 years old and a new Democrat in many ways, this is a beautiful thing because this is the vehicle, your piece of legislation, that I think changes our party in 2006 and gets us ready for the next century to say that we don't want to tax anybody any more than we need to run the government, but we can never go back to the taxpayer until we first say we are spending your money responsibly.

Mr. TANNER. Mr. Speaker, people say all the time why can't government run more like a business? As I said earlier, no business would tolerate what we are tolerating here with this abdication of Congress' responsibility to keep up with the money. The very least the American people should expect from Congress is for Congress to oversee the money they remove from people involuntarily through taxes. The very least we ought to be able to do is tell them what happened to it.

The other part that this resolution addresses is, one, when they can't tell us what happened to the money; two, when the program is identified as high risk, that means it is not working; and three, when the auditors disclaim the audit report.

I want to read what the auditors said when they tried to audit the Department of Defense. "We are unable to give an opinion on the fiscal year 2005 DOD financial statements because of limitations on the scope of our work. Thus, the financial statements may be unreliable. Therefore, we are unable to express and we do not express an opinion on these financial statements."

That is on the first page of the audit. What they are saying is we don't know whether what you are about to read is true or not.

Listen to this from the Department of Energy. "Audit work performed by the contract auditor identified significant deficiencies in financial management and reporting controls related to the Department's fiscal year 2005 consolidated financial statements. Specifically, the Department was unable to correct previously described weaknesses and could not provide a number of supporting documents required for audit."

What they are saying is here is this report, but read it at your own risk, we don't know whether it is true or not.

Homeland Security. "Unfortunately, the Department made little or no progress to improve its overall financial reporting during fiscal year 2005. The auditor was unable to provide an opinion on the Department's balance sheet."

If that were in private business, the CEO of those businesses would be going to jail under the SEC rules if their stock traded on the exchange.

This is not rocket science. The least the American people ought to expect from this Congress or any other Congress is to be able to account for the money that we take away from the citizens in the form of taxes. These people are not doing their job. This is replete.

I have gone through some of these reports, it is unbelievable. There is not a hearing from Congress. There is nobody being subpoenaed up here saying, what happened to the $10 million that is here that the auditor said they can't find? Nobody is asking those questions. Congress is not asking it. If they asked it, they couldn't tell them. That is wrong. It is wrong to the taxpayers. It is wrong for this Congress to allow this to continue to go on.

I hope we can get H. Res. 841. The gentleman from California (Mr. CARDOZA), another Blue Dog, has H.R. 5315, and he says basically in that bill that when a Cabinet Secretary's department cannot produce an audit after 2 years, they have to go back before the Senate and be reconfirmed. In other words, you are in charge of this department; what happened to the money that was removed from the taxpayers' pockets and we gave it to you to spend? Where is it?

I can't tell you.

The second time he comes up here and says, "I can't tell you what happened to the money," he has to be reconfirmed because he is obviously incompetent because he can't do his job, or her job.

This is just basic good government. It has nothing to do with politics, it has to do with running the government's business like we would run our own. That is what people send us here to do, and that is what is not being done, and that is why it is so wrong.

Mrs. JONES of Ohio. I am reminded of one of the hearings in the Ways and Means Committee where then-Secretary Snow was before the committee. This was before we actually got into the Iraq war.

I said, Mr. Secretary, you used to run a business. Tell me what trustees or board of directors of any business would say to you that you can have a supplemental outside of the budget that would increase significantly the deficit, and you don't have to include it in the amount of dollars we are expending?

He said to me that the President doesn't want to go to war, so it is not part of the budget.

I said, wait a minute. I know that there are tankers over there, there are men and women over there, there are arms over there, and we are spending dollars to feed and clothe them. That ought to be part of the budget. The American people should know what kind of money we are spending and not have it off side.

That is what this administration has been so good at in all of these supplementals. Many of us vote for the supplementals because we want to support the troops in Iraq and Afghanistan, but it is bad budgeting. I know if Secretary Snow ran his business like he ran the government, and he is gone now, but he would be put out of business if he ran a business like this.

Mr. TANNER. If the United States of America were a business, it would be classified as a failing business enterprise, and I hate to say this about my country. We are now in a structural deficit situation. In the business world where I come from, you can handle a cyclical deficit. That is if you have a bad year, if you had a bad year and so forth.

Under this scenario of this regime running the Congress and running our country and running the White House, we have a structural deficit. It never balances. Anybody in business knows that is unsustainable. That will not go on forever. Unless they figure out how to repeal the laws of arithmetic, we are in a structural deficit situation that cannot continue.

What does one do when one takes over a failing business? The first thing one does is find out where is the money coming from and where is it going. The first thing I want to do, we know we can pretty well figure out where the money is coming from from Treasury because they can tell you who is paying taxes. We can't tell where it is going. That is why we need this bill. We need accountability, and we need this bill.

When we appropriate money to anybody, any administration, if they can't tell us what they did with it, they ought not to get it next year. That is what you would do in your private business; that is what we ought to do as Members of Congress with the public business.

Mr. MEEK of Florida. Mr. TANNER, I am pulling this information from the Heritage Foundation, which is one of the most conservative foundations in Washington, D.C., if not the leading. In fiscal year 2003, $25 billion of taxpayer money went unaccounted for according to the Department of Treasury, again a third-party validator.

Basically they are saying that $25 billion can fund a full year at the Justice Department, according to the Heritage Foundation. So this is real money that is missing. Taxpayers dollars can go into funding an entire Justice Department, which has a number of employees and is charged with carrying out a great deal of responsibility on behalf of the American people.

Mr. RYAN of Ohio. And what is the end result of all of this wasteful spending? I think it is important to point out what the long-term effects are.

When President Bush took office, our debt limit was $5.9 trillion. As you can see, and these charts are on HouseDemocrats.gov/30something, in June of 2002, it increased by half a trillion dollars.

May of 2003, another debt limit increase. November of 2004, another one. March 2006, another one. The budget this year for 2007, the budget resolution will raise our debt limit to $9.62 trillion. By 2011, the debt limit under the Republicans will almost double from when President Bush took office.

Now we are trying to say that we want to audit the government and save money and make sure that we invest it properly into our priorities that will lead to economic development, and it is clear that the Republican majority, which controls the House, Senate and White House, has been fiscally irresponsible not only with the way they lack enforcement, they don't audit and pay attention to where the money goes, and then they turn around and borrow it from China and Japan and OPEC and all of these other countries and run us into this huge structural debt that hurts the economy long term.

Mr. MEEK of Florida. Mr. RYAN, there is a chart which shows the priorities of the majority, and I wish you would share that chart.

Mr. RYAN of Ohio. This is the interest payments on the debt. This is the 2007 budget of what we are going to pay. It is about $230 billion just on interest on the debt. So all of those numbers we were showing, this is big time.

Mrs. JONES of Ohio. It is like a bad credit card bill.

Mr. RYAN of Ohio. To make a point, when we were talking about what we have control over in our own government and how we can streamline and do the audit and make sure that everybody is held accountable, I bet we know exactly where every single one of these dollars goes. There is someone in China on the other end saying, you owe me another 10-, and I want it here right now. They are not waiting around to say where did that $10 million go? We know where all of this $230 billion went.

Mr. MEEK of Florida. I know this is along the line of accountability, and I think this chart is a testimonial to the lack of accountability and the spending that has been going on in this House by the Republican majority. I think it is important when you say a charitable House of Representatives as it relates to the policies coming out of the White House, this is what happens. $1.05 trillion has been borrowed in the last 4 years, which is record-breaking in many ways, and historical in the wrong ways as it relates to what the President and the Republican majority has done.

And the $0.1 trillion over 224 years borrowed from 42 Presidents, that is all they were able to muster up. World War I, World War II, a number of other conflicts, the Great Depression, still record-breaking and borrowing money in an irresponsible way.

Mr. RYAN also mentioned who is buying all of this debt. I am not blaming the American taxpayers. They don't have a voting card. They have representatives up here, but they don't have a voting card. Japan has borrowed $682.8 billion of our debt and counting. They own a piece of the American apple pie, and it pains me to see these countries over the silhouette of the continental United States, but this is exactly what's happening, and this is the way we need to break it down.

China, $249.8 billion of the American apple pie, not because of the American people, but because of the Republican policies.

Mr. TANNER. If you add Hong Kong, that is over $300 billion that China controls of our paper.

Mr. MEEK of Florida. I am glad you are here to share that information, and you are 110 percent right.

The U.K., $223.2 billion.

The Caribbean, $115.3 billion.

Taiwan and counting, $71.3 billion of our debt.

Again, this is not the American taxpayer, this is what a charitable Congress has done with the President's policies.

And you let some individuals tell it on the other side of the aisle, they will say we are doing great.

For the first time in the history of the country, these countries have had their hands in the pockets of the American taxpayer, and having us pay with interest. Like Mrs. JONES mentioned, it is like borrowing on a credit card.

OPEC nations, you are talking about Iran, Saudi Arabia, a number of the countries that many Americans have questions about, oil-producing countries, they are in on the game. Not only are we paying through the nose for petroleum, they own $67.8 billion.

□ 1945

Germany, $65.7 billion; Korea, $66.5 billion; and Canada, just north of us, $53.8 billion. They are in on this feeding frenzy. And the reason why we have this silhouetted Continental United States and the American flag, we want to get back to this.

Mr. Speaker, we are the only party here in this Chamber, including, we would add, the one Independent that actually votes with the Democrats on this side. If we want to get back to a debt-free America, then we have to go on pay-as-you-go policies, which just today, just today, just today, Mr. TANNER, just today, Mrs. STEPHANIE TUBBS JONES, there was a vote on this floor to move in a pay-as-you-go policy, and the Republicans voted against it. United voting against paying as you go. That means if you are going to spend the money, you have got to show where you pay for it. And still that policy is not in place.

And, Mr. TANNER, I know that you have worked day in and day out. I have watched you here on this floor. I watch Mrs. TUBBS JONES in Ways and Means talking about, if we are going to do it, what are the means? How are we going to do it? And it is continuing to be placed on a credit card.

We usually use old charts, but today I think it is important for us to say that just today, on this floor, Republicans continue to move in the direction, I would say the leadership, continues to move in the direction of allowing these countries to have their hands in the pockets of the American taxpayers.

And it goes simultaneously with the two pieces of legislation that you have shared with the Members and the American people today, House Resolution 841, that you have offered and also Mr. CARDOZA's legislation as it relates to House Resolution 5315, that talks about this kind of accountability, forcing the Congress to carry out section 1, article I of the U.S. Constitution, which is boiler plate.

Mr. TANNER. Well, I am going to have to go, but I want to thank you all again for letting an old guy like me pretend I am 30-something again. It is a real thrill to do that, because your generation, I have two children in their 30s, and I have two grandchildren, one on the way. And when I see this country in an unsustainable financial downward spiral, I feel great remorse from my generation's standpoint, because we are not doing what our forebears did. To allow a situation to go on where there is no accountability, where Congress is not asking any administration, this has nothing to do with politics, it has to do with good business principles in the public sector, which I think all citizens of this country not only expect but deserve, and that is, this Congress ought to, at a minimum, be able to tell the American people what happened to the money. And they are not even asking this administration. And if they did, they couldn't tell them. That is just plain wrong.

And these bills, I hope some of our Republican colleagues will sign on. It seems to me like they would want to audit the books as much as we do. I mean, I just hope that this is the first step of accountability into the public sector so that when we get an audit from any Department, the auditors can identify what happened to the money, whether or not the program is working, and so we don't get these disclaimers that say, everything you are about to read in this audit we have no idea of. We don't know whether it is true or not. Go ahead, be my guest and read it, but we can't vouch for any of it because we don't know, and they can't tell us. That is just, it is not only grossly irresponsible for this Congress to let that go on, it is really a generational mugging. And you 30-something guys, I appreciate you and your group, because you all will ultimately bear the terrible consequences of continuing down this road of no accountability in the Federal Government. And so I thank you again for allowing me to be here.

Mrs. JONES of Ohio. I am laughing, Mr. TANNER. Remember when we had the IRS hearing, and the IRS decided that they were going to go look for waste, fraud and abuse in Earned Income Tax Credit instead of looking for waste, fraud and abuse in the larger corporation and what they were doing with the Tax Code?

I am not against business. Democrats are pro-business. We know that if we have business, people have jobs. But the reality is when you want to look for waste, fraud and abuse, you don't look for somebody that is paying a dollar in taxes. You look for somebody who is paying a whole bunch of dollars or who is getting a whole bunch of dollars from the American public to do a job and they don't do the job.

Mr. TANNER. You can look around. I could hit a driver and a 3-wood most of these places. They could start right here in this town just trying to find out what did you do with the money we gave you.

Mr. RYAN of Ohio. That is probably a driver, a 3-wood and a 7-iron for you.

Mr. TANNER. And a pitching wedge to boot. Thank you all.

Mr. MEEK of Florida. Thank you, Mr. TANNER. We definitely appreciate your contributions. And I like this whole generational mugging piece. You are going to hear that again. That is a great one. And it is so good, Mr. RYAN, to have Members of the Ways and Means Committee here, because they hear this constantly, and the policies are passed through that committee as it relates to how we tax Americans, corporations, what have you. And to see the waste on the other side of the ball, on the government, which we are supposed to oversee, and make sure that those dollars that are being collected from the American taxpayer or the American corporation or whatever it may be, that it is spent in an appropriate way and that we are accountable for it.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. Sure I would yield.

Mr. RYAN of Ohio. We had a wonderful, and I am going to share this with the Speaker and the House, we had a wonderful conversation about three weeks ago with Alvin Toffler, who wrote "Future Shock," and then wrote this new book, "Revolutionary Wealth." And he goes into how civilization during the Industrial Age was much different than it is now.

He used the example of 9/11, about how this decentralized, information-based, cells popping up al Qaeda, basically a private group, moved money and information around the world on cell phones and very decentralized, attacked us. And our response was to build a 20th-century pyramid bureaucracy called the Department of Homeland Security because that is what we know how to do. We know how to build these bureaucracies. And how we are living in an age that no longer represents, those kind of bureaucracies no longer address the needs of the American people.

So this audit and what Mr. TANNER and Mr. CARDOZA are trying to do is squeeze this government, squeeze these bureaucracies, get the fat out of them and find out where we can gain resources and invest them into the new programs, the new technologies, the new ways of doing things. And Democrats are for this. And I am excited about this summer and this fall for us to go around the country and talk about this new approach that we have because people say, oh, the Democrats aren't going to do it.

We are experiencing the implementation of the neoconservative agenda right now. They haven't done anything. They are spending like drunken sailors. We are running huge budget deficits. We are spending $230 billion a year, just paying interest on the debt. We are borrowing money from China and Japan and all of these other countries and funding these long-term structural deficits that we have.

We need an opportunity to take over this government, and let us start auditing this thing. This is a new Democratic Party, Mr. Speaker, that wants to squeeze the fat out of this government.

The Republicans had a lot of good talk in 1994. But even their own leader, Mr. Gingrich, Speaker Gingrich is saying now they are in charge, they are seen as in charge of a government that can't function.

Mrs. JONES of Ohio. Perfect example was today when we started talking about the estate tax. And there are different views on the importance of the estate tax. But reducing the estate tax puts in place, how do we pay for what was covered by the estate tax? And how do we pay for it? They don't even account for it. They just reduce it or get rid of the estate tax and say, okay, I am going to leave you to fend for yourself as to how you cover it.

Pay-as-you-go, they fussed at us. Well, if you want to increase college loans, or if you want to increase money for Social Security, or if you want to increase money so that seniors can get a prescription drug benefit, or you want to increase it so seniors can be covered with Medicaid, pay for it. But they don't ever talk about paying for it and a reduction of taxes.

And there are a lot of Democrats who certainly believe that we should not reduce taxes. But regardless of where you are, pay-as-you-go is language that everybody understands. My father used to say, if I have $5 and beef costs $5, I am going to buy me a pound of beef for $5.

Mr. MEEK of Florida. Mr. RYAN, I think, and also Mrs. TUBBS JONES, I think it is important that we look at this issue of the irresponsibility of the Republican majority. They are being very irresponsible. And to say that that is fine, we will give you what you want, of course, Mr. Speaker, I think we are going to see more of that kind of action by the Republican majority to say that, oh, we are with you, even if we are running the country into the ground.

We know better. We know that we have foreign countries that we are borrowing from because we can't even borrow from ourselves anymore because we have done such a bad job. We know we have raised the debt ceiling time after time after time again. Meanwhile, we come to the floor and say our policies are working.

We know that there are things we should not be doing because you are working every day or you are running your business every day. You may not be paying attention to everything that is going on. Not only are we elected but we are paid to watch out for your best interest and also for future generations' best interests. And they are doing it.

And I think that the paradigm shift as it relates to the American people paying attention to what they are doing in a way, from a fiscal way, I think, will take place between now and November.

And so what is so unfortunate about this whole situation, Mr. Speaker, is that we are supposed to be responsible policymakers on a bipartisan basis. And that is not happening right now. That is just not happening. The American taxpayers are getting mugged, knocked down and kicked by this Republican majority and the rubber stamp, or the rubber-stamp Congress, Republican majority that is here.

Now, one other thing I want to mention here, which I think is very, very important, just today, Mr. RYAN, Mrs. TUBBS JONES, we don't have to go back, Mr. Speaker, to weeks or months or 2 years ago or 3 years ago. We had a pay-as-you-go provision here. Individuals decided not to take it up.

We had an opportunity to raise the minimum wage on behalf of the American taxpayers. The Republican majority rejected an opportunity to raise the minimum wage for everyday working Americans.

As a matter of fact, Mr. RYAN, one of the Republican leaders said, I haven't voted in 25 years, Mr. Speaker, to raise the minimum wage. And if he would have had his way, the minimum wage would still be $3.35 versus $5.15.

I am so glad that my State joined 21 other States in raising the minimum wage. Meanwhile, we are still here with chisel and hammer in hand as Neanderthals on the Republican side of the ball and saying, oh, we don't have to raise the minimum wage. We are so indebted to the special interests that we don't even want to bother them of having an American public that is able to pay the rent or pay for their house mortgage or to be able to put gas in their tank. We are so invested in the K Street Project, we are so invested in so many other things that we are willing to allow these individuals to suffer.

But guess what? Those are the same individuals that are making America America. And there are millions of Americans that are there.

And so what is very, very unfortunate here, Mr. Speaker, is the fact that the Republican majority is still boasting about, you know, we are in charge. We are going to continue to keep our foot on the necks of everyday Americans that are going in, punching in and punching out every day, 5 days a week, sometimes 6, because they have to work overtime; those Americans that know what it means to take a 15-minute break in the morning and a 15-minute break in the afternoon, and a solid 30 minutes of lunch, if they get that, and they better not be a minute late. Those kind of individuals, I think, are going to go to the polls this November and say, no more. They are going to go to the polls and say, we are willing to fight for the kind of accountability that we need from this government.

I am so proud, Mr. Speaker, of the 30-something Working Group and the Members that come down here and the Democratic Members that file legislation on behalf of the American people, not on behalf of the Democratic Party, not even on behalf of the Democratic Caucus, not on behalf of our leadership, but on behalf of the individuals that they represent who woke up early one Tuesday morning and voted for representation in this U.S. House of Representatives, and I must add, Mr.

Speaker, the only Chamber that you have to be elected to, that you can't be appointed to. All due respect to the Senate, but Senators can be appointed by Governors. If a Senator was to say, hey, you know, I have had enough. I want to go home, I want to take care of my grandkids, a Governor can appoint a Senator.

But in democracy, in this Chamber, in the U.S. House, if one Member were to say, hey, I want to take care of my grandkids, I want to spend more time with my kids, they have to run for office. They have to run for office, and they have to be replaced by the people.

So we have a greater responsibility. We have a greater responsibility than the White House, than the Senate or the Supreme Court, when you look at the three branches government, to the American people.

The oversight, House Resolution 841, and Mr. CARDOZA's legislation that calls for the calling in those administrators that are not accountable to taxpayers' dollars, these are the kind of bills that we must pass.

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One thing I can say, Mr. RYAN, which is so very important on our side of the ball of saying we want to take this country in a new direction, is the fact that we said we will increase the minimum wage. We will make our country more energy-independent within 10 years. We will implement the 9/11 recommendations to be able to make sure that we can fight terrorism here and make sure that local communities have what they need.

These are not "if" or "if we get around to it" statements. These are statements that we said wholeheartedly that we would carry out.

The last point, anybody who wants to get this information as it relates to an innovation agenda: housedemocrats.gov. Right here, this is what it looks like. You can download this information. Again, safeguarding, making sure that we have the real security here in America, our Democratic plan: housedemocrats.gov. And, again, here as it relates to the working group that we have dealing with investing in the Midwest versus the Middle East: housedemocrats.gov. Mr. RYAN said all of the charts that you see here tonight you can get on housedemocrats.gov/30something.

Mr. Speaker, I do not even waste my time anymore, as a Member of this House, talking about working in a bipartisan way because the only way we can work in a bipartisan way, Mrs. TUBBS JONES, and you know because you are the most senior Member on the floor right now, is that the majority allows it to happen. The majority calls the conference committee, and this happens a lot in the Ways and Means Committee.

Mrs. JONES of Ohio. A whole lot.

Mr. MEEK of Florida. A lot in the Ways and Means Committee. They will have about tax law, about accountability or what have you, trying to find the ways and the means of bills that come through that committee, and the Democratic Members are not even called. A conference report comes to the floor, and they have not even seen it. Not that they weren't willing to sit down with the Republican majority, saying, We want to work with you and see how we can work in a bipartisan way. They don't even get the notice for the meeting. So the meeting takes place, it comes to the floor, and the rules that are in the House rules, it smacks the theme of the rules and also the spirit of the rules and the rules, period, about the minority party's being informed about these meetings.

So one thing that our leader has said: When we take control, there will be a bipartisan spirit in this House, and we will work together with the Republican minority, if the American people see to it.

Mr. RYAN of Ohio. Because it is not about us. It is not about the Democrats; it is not about the Republicans. It is about fixing the problems. I mean, we have got real problems in this country, serious, structural problems. And we do not have time to be nitpicking with each other to say, Well, that is a good idea, but you are a Republican, so forget about it. Give us all the ideas.

Mrs. JONES of Ohio. It is very important to understand that there are 41 members on the Ways and Means Committee. As a result of that 41, there are 24 Republicans and 17 Democrats. And the Democrats, 17 members, beginning with our ranking member, CHARLIE RANGEL, and going on to PETE STARK and on down the line, are people who can bring leadership and knowledge to a discussion about legislation. But, unfortunately, as the committee is currently constituted, we do not have the opportunity to sit at the table and truly legislate. Even one day the police called on us, trying to pull us out of the Ways and Means library room.

The reality is that we are willing and ready, ready and able, to provide import to the legislation on taxing and raising revenue for the United States of America. But, unfortunately, we do not have the opportunity. Unfortunately, we, as Democrats and Republicans, do not have the opportunity to sit at the table, talk it over, figure it out, and come to the floor with legislation that can make a difference on behalf of all Americans.

If you look back in history, every year we were in, there was legislation that really worked for America. It was legislation that was done on a bipartisan basis. This chairman talks about being a member of the willing, something like the Iraq war, if you weren't a member of the willing and you didn't go to war, you do not get counted in. We are, hopefully, not at war right here in the House of Representatives, although some days I think that we are, that we can have the opportunity to sit at table, legislate, and make a difference on behalf of the people of America. The people of America expect it from us. They do not send us here to argue back and forth with one another about issues. They want us to work it out, and that is why we were elected as representatives.

Mr. RYAN of Ohio. Do you know what this comes down to? This is just boiling all this down, regardless of the issues that you are talking about: What do we believe in as a country? What do we want our country to be? The great thing about being an American is we get to decide. We do not have 30 or 40 people in the upper echelons of government telling us what we want the country to be like. We get to vote on it, and the American people get to express themselves at the ballot box and decide what we want this country to be like.

Now, what we have had here over the past 5 years with a Republican House, Republican Senate, and Republican White House is tremendous deficits, borrowing more money from foreign interests in the last 4 or 5 years than we have borrowed in the last 224 years.

Do you believe in a government that should put everything on a credit card? Do you believe in a government that should give tax breaks to millionaires and then never raise the minimum wage? Do you believe in a government that should have a $1 trillion prescription drug benefit and not do anything to contain the cost because the pharmaceutical industry may not like it? If you believe in that kind of government, then you want to continue with what we are doing right now.

But if you believe in a government that is for the common good and the common defense and uses common sense, then you want to vote for the Democrats. If you want to raise the minimum wage by a couple bucks an hour, then you want to vote for the Democrats. If you want to reduce the cost of prescription drugs by using the bargaining power of the United States Government and the Medicare recipients, then you want to vote for the Democrats. If you want to take some of this money that we are going to squeeze out of the government because we are auditing and finding the waste and abuse in our government and invest that money in the Pell Grants, then you want to vote for the Democrats.

I mean, this is very simple. They have their beliefs; we have our beliefs. And we need the American people to affirm those beliefs at the ballot box. And I believe in November, Ms. TUBBS JONES and Mr. MEEK, that the American people are going to affirm the beliefs of the Democratic Party because we are ready, willing, and able. We have the will and the desire to go out and lead. Put us in coach. We are ready to rock and roll.

Mr. MEEK of Florida. Reclaiming my time, it is very interesting. And, Mr. RYAN and Mrs. TUBBS JONES, I think you hit the nail right on the head in talking about the reality of serving in this Republican majority right now, what is not only happening to the Members of this body on the minority side and the one Independent that is a part of this House, but also what is happening to the American taxpayer. And accountability is on our side. We balanced the budget. The bottom line is there wasn't a deficit. There were surpluses as far as the eye can see when the Republican majority took over. And now we find ourselves in a fiscal crisis.

And I want to share this information and make sure, Mr. Speaker, that all the Members, hopefully, go back to their districts and, before they see an increase in the interest rates of student loans, to share with their constituents, and we are sharing it with our constituents, to consolidate their loans before July 1, because afterwards they are going to be paying, I believe, a 2 percent increase in interest rates and climbing, not because the companies said they want to go up on the interest rate, but because the Congress allowed these companies to go up on the interest rate, meanwhile providing more tax breaks for the superwealthy Americans that are here.

So as we continue to speak, we are not here speaking into the CONGRESSIONAL RECORD, Members, just to say we want to be on the record about what is happening to America. We are saying that we are ready, set, go. We have our chinstrap buckled and our mouthpiece in. Since football season is coming up in August, let it be known that we are ready to hit the field. We are ready to hit the field on behalf of the American people; not willing hit the field on behalf of Democrats, not willing to hit the field on behalf of just children, but on behalf of all the American people. That is Republicans, Independents, Green Party.

If you are not even voting, and you are so mad, and you are tired of this mess here in Washington, DC, we are doing this for you. We want to make sure that this democracy that some talk about that we are fighting in foreign lands to guarantee a democracy over there, we want to make sure that we can celebrate a democracy right here, making sure that individuals do not have to find a way out of no way, and making sure that we come up with ways that we can become energy-independent and not just running around here saying, well, we need to go to war in foreign lands to be able to attract oil when we have resources right here.

Mrs. JONES of Ohio. If the gentleman would yield, you know what is interesting as we debate on the floor, let us talk about, just for a moment, the minimum wage. And there is always the discussion that the people who pay the most tax ought to get the most return on their taxes. And I cry and scream on behalf of the unemployed in my district: Give them a job, and they will gladly pay taxes. Give them a job and a living wage, and they will be glad to pay taxes. They will be able to take care of their families. They will come off of government rolls.

But the reality is most people working at $5.25 an hour cannot be successful. They cannot be part of the American dream because they cannot buy milk, $3 a gallon of gas, and take care of their families. And the reality is that the Democratic Party is the only party talking about raising the minimum wage.

And there has been an argument that we do not want to raise the minimum wage because it impacts business, but there is statistical information very recently that just came from Ohio that says if you raise the minimum wage, businesses are doing better. It is not that if you raise it, they will go into debt. The reality is that if you have got a better worker making a better salary, then you have got a better business. And that is what we need to have happen in Ohio and across this country.

Mr. MEEK of Florida. Mr. Speaker, the last time the minimum wage was raised, it was a zero impact on businesses. Zero impact. So when folks are saying if we raise the minimum wage, people are going to go out of business, please. Okay? And when folks start talking about, Well, I am here to protect the business community, the last time I checked, there were individuals that went to vote to elect me and everyone else here to the United States Congress, to the House of Representatives. I didn't see major corporations going up with a voting card saying, I am representing corporation one, two, three, and I am here to vote on behalf of KENDRICK MEEK for Congress. There were individuals that voted for us.

So, Mrs. TUBBS JONES, I think you are 110 percent right, just not on behalf of the people of the great State of Ohio, but on behalf of the American people. People are working every day, but they cannot even put gas in their tank. How can you live?

Oprah just did a story on this as it relates to individuals that are making minimum wage. And they put individuals who were making above the minimum wage on a minimum wage, and they could not survive.

Mrs. JONES of Ohio. They say that if you look at inflation and apply it to minimum wage, the minimum wage today should be $9.08. And even in our proposals we are only asking for $7.25. Give people an opportunity to make a living and be proud of themselves making a living wage.

Mr. RYAN of Ohio. And whatever business you have, your customers are going to have more money to go and spend. This is the basic difference that we have between what the first President Bush called "voodoo economics," which is the current system we are in right now, the implementation of the neoconservative agenda. That is what is happening right now. And if you are happy with what this system is yielding for you and your family, then you need to continue to vote for the Republican Party. But if it is not effective for you and your family, then you need to look for alternatives, and that is what we are doing here.

But the Democratic Party is saying raise that minimum wage and give these small businesses more customers to go out and purchase their products.

Mr. MEEK of Florida. I was just looking for this, and I am so glad that I found it because I think it is important to be able to share the facts where they are. Third-party validators, Mr. Speaker, once again, there is just a line of them as it relates to the things we bring up.

This is a message from my Democratic Caucus Chair, who is JAMES D. CLYBURN, that is talking about priorities of the Democratic Caucus. It is not talking about something we just came up with a couple days ago, but the priorities of the Democratic Caucus and the American people. Five dollars and fifteen cents is the minimum wage. Fifty years, the last time the minimum wage has been this low as it relates to the inflation that you just spoke about. It should be $9 and some change. 1997 was the last time that the Congress raised the minimum wage. That is almost 10 years ago. It is about to be 10 years ago. Six point six million people, the number of people who would benefit from an increase in the minimum wage. Six point six million individuals, roughly three-quarters of minimum-wage workers, adults over the age of 20, many of whom are responsible for half of their families' income. One day it takes to be able to make money to buy one tank of gas working on the minimum wage.

Again, Mrs. TUBBS JONES, a zero jobs loss. Studies have shown that there is no evidence of jobs lost after passing a minimum wage increase.

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Here is another one. Eighty-six percent of the American people support an increase in the minimum wage, and I must say 22 States have already headed in that direction through constitutional measures or legislative measures to increase the minimum wage to help their State's economy, because they know these individuals are consumers and these individuals that are on minimum wage will help their State's economy.

So I just wanted to share that information, because it is important that we share that. But again, the Republican majority is saying no. We are saying if we become the majority, if they become the minority come this November, it is not "if we can, we may get around to it." It will be one of the first things that the Democratic Caucus does. A done deal. We don't even have to talk about it, that the American people will see an increase in the minimum wage.

Mr. RYAN of Ohio. I would like to make a point, because when you raise the minimum wage, you raise the wages for all people who are participating in the labor market.

Let's take for example our friends at Wal-Mart, okay? If you raise the minimum wage, now, if you don't work at Wal-Mart or somewhere else of that caliber of a store that hires so many millions of people around the country, they are all going to get a boost. So instead of companies like Wal-Mart making billions and billions and billions in profits, some of that money will make its way back to the workers, so all the workers will get a couple dollars more an hour, which means you are going to have consumers with more money in their pocket so they can pull it out and go buy more goods, which will stimulate the economy.

The American people right now are feeling they are not benefiting from what is happening. I think a raise in the minimum wage would do that, it would accomplish that, it would give demand a spark, which is obviously what we want to do.

Then, like we have talked about here, investing in sewers and roads and bridges and infrastructure and get this country back where it needs to be with our infrastructure, so that we could build industrial parks and roads and bridges and increase commerce in the United States, extend broadband. All of these things will stimulate the economy here in the United States of America, educate our kids, get information into the households, and, at the end of the day, you have got a strong country.

Mrs. JONES of Ohio. I know that my good friend Kendrick Meek is going to close out on a New Direction for America, but I want to talk again about the minimum wage.

Consider that if the minimum wage had increased with inflation, it would be $9.08. Well, think about it like this. Family health care insurance is up 70 percent. The increase in minimum wage would help 7.5 million. Gas prices have doubled. So if the minimum wage doubled, it would be $10, and we would be able to do it. Record surplus has been turned to record deficits. And then college costs are up. There have been $12 billion in student aid cuts under this administration and Republican Congress.

It is time for Democrats to take control of the House so that we have an opportunity to serve the people and put America in a new direction.

I yield back to our leader.

Mr. MEEK of Florida. Let me just say this. You can go ahead and give the website out, sir, and I will close out.

Mr. RYAN of Ohio. Are you talking to me?

Mr. MEEK of Florida. I am talking to you, sir, Mr. RYAN.

Mr. RYAN of Ohio. I appreciate you letting me do this. Www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Thank you, Mr. RYAN.

Mr. RYAN of Ohio. Thank you, Mr. MEEK.

Mr. MEEK of Florida. I want to thank Ms. TUBBS JONES and also you, Mr. RYAN, and Mr. TANNER and Mr. TAYLOR, who was here at the beginning finishing off his 5-minute speech for joining us tonight.

As Mrs. TUBBS JONES mentioned, as Democrats, we want to take this House in a New Direction for America. I think it is important, and we will let it be known that we will implement on day one, or days within being in the majority, if the American people see fit, a real security plan that will implement the full 9/11 Committee report, work on affordable health care, to fix not only the prescription drug law, but a series of seniors' issues as it relates to health care and also health care for the American people, from GM down to the small mom and pop business. Also make sure we have good paying jobs and stop sending jobs overseas and raising the minimum wage. Reversing all the things that the Republicans have done to Americans as it relates to higher interest rates for students and making college affordable. Also with tax deductions, and also energizing America by making sure we have investment in the Midwest versus the Middle East. And ensuring dignity as it relates to no privatization of Social Security.

With that, Mr. Speaker, it was an honor addressing the House. We would like to thank the Democratic leadership for the time.

AN OPTIMISTIC VIEW OF CONDITIONS IN AMERICA

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. I thank the Speaker for the privilege to address this House of Representatives.

I came to the floor here to speak about a number of issues, but the subject matter, as often happens when I arrive here and listen to the preceding speakers, that subject matter does change, and I would just take it from the top.

Gas prices. Mr. Speaker, gas prices are exactly the same that they would be if we had Democrats in charge of this Congress rather than Republicans. The difference is people have a lot more money in their pockets to buy the gas with, because Democrats would raise the taxes, take the money out of the pockets of the working people and gas prices would not have changed.

We need to do more with energy supply, and I am for that. We can't get past some of the Republicans in here. But there aren't Democrats that I know of that will support us expanding the supply of energy.

We need to drill in ANWR. We need to drill on the Outer Continental Shelf. I am hopeful we will be able to bring out a bill within the next few days of proceedings in the House so that we can drill on the Outer Continental Shelf for gas and oil, within reasonable limits that we can work out with the States.

So, gas prices are the same as what they would be. It is just that people have more money in their pockets under Republicans to pay for this gas.

This is also a global market. It isn't a United States market. We are not able to drill for oil in places where we know we have reserves because the environmentalist coalition blocks that drilling in the United States of America, especially the Outer Continental Shelf and other places, our non-national park public lands. We have a tremendous supply of natural gas and oil. We are not able to get into that.

That is focused over on that side of the aisle, Mr. Speaker, not this side of the aisle. We need a far greater supply of energy, and you will have less energy, not more, if you listen to the advice of the people that spoke ahead of me.

With regard to the tax issues that came here today, the estate tax, most of the money that is taxed in an estate tax has already had the tax paid on it. Most of that is earnings that have already had the taxes paid.

So if you go out and you earn $100,000 over a year or a lifetime and you pay the income tax on that and that becomes savings that you invest, when that portion of that capital is taxed at your death, much of that, the core of it, the equity of it, the basis of it will be taxed a second time, not a first time.

How many bites at the equity apple does government need? Does government need to tax people on death? Does government in fact need to tax people for their productivity? My answer is no.

I would take all tax off of all productivity. I would put it on consumption. Then if people inherit a few million or a few billion dollars, when they spend that money, they would pay the tax and no one would escape it. But as we have it today, attorneys, and especially large corporations sometimes have whole floors of tax attorneys whose jobs it is is tax avoidance. So very wealthy people avoid the tax, and very poor people don't pay tax. In fact, even lower-middle income people don't pay very much, and sometimes not at all. It is those middle people in there that have earned a reasonable nest egg that get taxed, but they can't afford the attorneys or they don't do the planning because it is that marginal kind of an equation.

But we need to quit taxing people upon death. No taxation without respiration. This bill that we brought out here today doesn't go far enough, in my opinion. And I am not one who is full of class envy. I believe I am the poorest delegate out of the Iowa delegation from a cash-in-the-bank standpoint at least. I am one of the richest on the part of family and those kind of blessings. But I don't envy anyone the wealth that they have earned. In fact, I am proud of them. I encourage them. Keep doing that.

People that build equity, their capital, if it is invested in a bank or in stocks or wherever it might be, finds its way into the hands of people that are reusing that money to create jobs. We have to have wealth in this country to create jobs. That is why we have jobs. This idea that we can raise the minimum wage and somehow or another it is going to make the world a better place for people just belies the simple fact that labor is a commodity, like corn or soybeans or gold or the oil that we talked about, and the value of labor is determined by supply and demand in the marketplace.

That is why it is $8.50 an hour or more to flip burgers at the burger stand in the Midwest. That is why very few people are working for minimum wage today, is because the supply of labor has not driven the price of wages down low enough that the minimum wage kicks in. The standard is higher.

So now the people on this side of the aisle want to raise the minimum wage a couple bucks an hour to try to catch up with what the economy has already done. If the argument ever was there that we should raise the minimum wage, no, the markets have already raised the minimum wage. That is what we ought to have as markets.

Sometimes people go to work for a minimum wage and then they realize, I don't like living here. I don't like this low wage that I am getting for the work that I am doing, so I am going to go get an education or I am going to train for a skill, because I want to upgrade this world that I am living in.

That should happen to most of us that start out into the working world. It certainly happened to me, and it happens throughout the process. If an entry level wage is what the minimum wage is today, most people aren't there very long before they move on up the line.

But if we can legislate a minimum wage without costing jobs, if people don't get laid off when the wage gets pushed higher by a potential Federal increase in the minimum wage, if we can legislate a minimum wage, Mr. Speaker, we can then legislate a living wage; and if we can legislate a living wage, enough money to live on, maybe raise a family on, maybe buy a modest house on, if we can do that, Mr. Speaker, without costing jobs, without reducing the number of opportunities for Americans, if we could take this $7.50 minimum wage proposal that perhaps takes it from $5.15 cents an hour, up a couple of bucks up to $7 and something, if we can do that without costing us jobs, why not take it up to a living wage? Why not take it up to $12, $13 or $14 an hour and call that a living wage, so that people could earn that much money and go buy their modest house and raise their family, and maybe they could do it on 40 hours a week.

But I will submit that we don't do that because we know if you raise that wage to that level, it certainly will cost jobs. And if we raise the minimum wage, if you have a minimum wage at all, it costs jobs. We should let the marketplace determine.

But the philosophy over on this side of the aisle says no, we have to legislate that at the Federal Government because it is a political kick for them, not because it is a rational economic one, Mr. Speaker. And I will submit that if we can legislate a minimum wage without a penalty to jobs in this economy, we can legislate a living wage at $12, $13 or $14 an hour without a penalty to the economy in this country. And if we can legislate a living wage, there is no rational reason by the rationale of the people on this side of the aisle that we can't just simply legislate prosperity.

If we are going to do this and do it at all, then let's legislate prosperity so we can all live in opulent mansions and we won't have to work and work our way up from the bottom at all.

What a wonderful country this would be if we could follow the rationale of the people on the other side of the aisle, who say that they don't even worry about partisanship. They don't worry about being bipartisan, about working with Republicans on this side of the aisle. But they say put me in, coach; elect those other people out and put me in, because I want to run this country.

But it is night after night after night, 60 minutes, sometimes 120 minutes, of the most pessimistic message anyone could ever hear on any television show anywhere in America on any given night. I mean, if I had that kind of an attitude, I would not want to get out of bed in the morning. I would be afraid to walk over a bridge for fear I would jump off of it.

No, this is an optimistic nation. That is not the right tone for America. This is an optimistic nation, Mr. Speaker. We have freedom. We have a freedom that was granted to us from God, that flows through the Declaration into the Constitution, the sacred covenant we have with God delivered to us through our Founding Fathers that he put on this Earth to guarantee us these rights. And we have these guarantees that flow through the Declaration and the Constitution; the freedom of speech, press, assembly, religion, guaranteed property rights. Not what they were before Kilo, I will admit, but guaranteed property rights. The freedom to be safe in our persons and freedom to be judged only once before a court of law. We have equal opportunity under the law, guaranteed under the 14th Amendment and also I believe the 15th Amendment, Mr. Speaker. We all ought to take advantage of that opportunity.

We should recognize that on the day that we are born, our glass is half full. In America your chance to fill your glass the rest of the way up is greater than it is anyplace else on this planet.

If you have a negative attitude and say your glass is only half empty, and you get this almost terminal case of the "poor me's" when you think about what it is like to have to go out and earn your share of the prosperity that is totally available in this country, if that drags you down, then I guess that is the motivation that brings you over here to the floor of the Congress, Mr. Speaker, and that is the motivation that just continually goes into this never-ending series of lamentations that we have heard now for, oh, maybe a year-and-a-half or so.

□ 2030

I know that a lot of Americans just turn the channel on that. Well, that is good advice, America.

But I am going to talk to you about some other things that are important in bringing out an optimistic message. I would submit, also, that there are bipartisan bills in this Congress and there are many of them. Any time that anyone wants to come into this gallery, Mr. Speaker, or watch this on C-SPAN and watch the votes or look them up on the Internet to see what the votes are, you will often see that there are significant votes up here where maybe almost all of us agree. Time after time after time, it is all green lights up here or all but three or four green lights up here on the board behind where I stand, Mr. Speaker. Those are bipartisan bills.

There are bipartisan bills that come to this floor day after day after day. Often for the first day of the week whether it has a Monday or a Tuesday for votes, those votes that come up that night are under suspension because there isn't dissension. We have found issues that we agree upon. We have bipartisanship and we reach across to the other side of the aisle. It is just that sometimes that attitude of

"I don't even worry about bipartisanship" that were heard over here from Mr. MEEKS tonight, sometimes the hand that reaches across for bipartisanship gets bitten and then that causes the person to pull back again and think, well, all right, I guess maybe there are 232 Republicans and I guess we only need 218 votes to pass legislation, so is it worth the effort to have bipartisan legislation.

I will submit, I do believe it is worth the effort. Issues come through the committee better. They come through more smoothly. They come to the floor. They pass more smoothly. In fact, there are times when the conscience of the left calls into check the conscience of the right. I am on the right. I am making this confession. We have bipartisan efforts and we need to have partisanship in this Congress. The reason we need to have it is so that we have viewpoints from both ends of the political spectrum so we can come together with a policy that is best for America. That is the mission and that is the vision.

I didn't listen enough tonight to know if the people on the other side of the aisle, the lamentations group, have actually spoken about some of the other issues, about the national security. I suspect they have. That is part of the repertoire for every night. But regardless, I am going to rebut that as well.

I would point out, Mr. Speaker, that we have some things going on around the world. We are involved in a global war on terror. We know that there is a battleground in Afghanistan and there is a battleground in Iraq. The argument that somehow we went there for the wrong reasons just astonishes me, and I am waiting to hear, maybe ever so faint from the other side of the aisle, the apology for being utterly wrong on weapons of mass destruction. I have not heard that apology from anyone over there, Mr. Speaker. Yet it is true. They have been utterly wrong. I have stood on this floor continually, and I said the law of physics is this. Matter can neither be created nor destroyed.

Now, we knew that Saddam had weapons of mass destruction. He admitted he had weapons of mass destruction. He said that he destroyed them and got rid of them, but we could, of course, not believe him. We sent the inspectors in. He had the inspectors running around in circles. Anyone who has listened to the tapes of Saddam and some of his henchmen there knows very well that they knew where the inspectors were at all times and they were giving them the runaround. They talked about it on the tapes. There are 12 hours of tapes there that say so. That material, that information, is available to the public today.

And so we know that he had weapons of mass destruction. And we know that he was pulling the wool over the inspectors' eyes. And we know that he used them on his own people. In one instance with only three of the weapons, only three of the canisters for gas, he killed 5,000 of his own people up in Kurdistan. 5,000 people with only three.

We got the news. We got the news a couple of days ago, Mr. Speaker. The information about the collection and the gathering of the finding of the weapons of mass destruction had finally been declassified by the Pentagon. When it was declassified then, we saw Senator SANTORUM and Chairman PETE HOEKSTRA go before the world and say, We have found weapons of mass destruction. Since 2003, we've accumulated 500 of the weapons of mass destruction.

Now, there isn't very much information that is available to the public that has been declassified, and I will confine my remarks to the declassified information that is there. But I would submit, Mr. Speaker, the facts are that we have found over 500 weapons of mass destruction and among those are mustard and sarin gas and that they are lethal and the warning that comes out from the Pentagon is that they remain lethal. And so whether these were pre-1991 or post-1991, nobody on that side said, well, he had them up till 1991, then they're gone again. That wasn't a condition. In fact, they are going to find a way to put conditions on it. No matter how much we come up with, no matter what the reality is, they will never make an admission that Saddam had weapons of mass destruction when we went in.

And so they were found. They were found perhaps in various locations around Iraq, and the cumulative total right now is 500. We are confident that we will continue to find more. I would submit, Mr. Speaker, that if we do not find them and if the terrorists do find them, they will find a way to use them on coalition troops, on Americans. They will use them on their own people if they think they can create the kind of chaos that would melt that country down, get us to pull out and turn that into a training center and a mission operations control center for al Qaeda and for their side of this global war on terror.

No, Mr. Speaker, Saddam had weapons of mass destruction, he had significant quantities of weapons of mass destruction, and the fact that we didn't end up with great huge warehouses full sitting there waiting for us to ride in on doesn't prove that they don't exist. It has been proven and admitted and no one denies they did exist. Saddam had them. He used them.

And so what I have said is, either you have to believe that Saddam Hussein used his last canister of gas on the Kurds and simply ran out of inventory. And so there he was, his warehouses were empty, and we came in to liberate the Iraqis and he simply had used up his supply of chemical weapons. Either you have to believe that or you have to believe that those weapons that we know existed are somewhere. Matter can neither be created nor destroyed. So the King version of that is, everything has to be someplace, Mr. Speaker, and we found 500 of them and there are many more someplace, whether they were hauled across the border by the Russians and whether they were buried in Syria, whether they are buried in Iraq.

But I would ask the people on the other side of the aisle, this group of lamenting pessimists that we hear every night, if you will confess that there are 500 different pieces of weapons of mass destruction, then you can make your arguments about how much that means to you. It means a lot to the American people. It means a lot to this war effort. But I would ask, then, if they happen to be something that the Iraqis forgot about, which one wag actually said, how do you forget about 500 pieces of weapons of mass destruction, if that is the case and you think they don't exist, where did we come up with these MiG–29s that were buried in the Iraqi desert, fully operational MiG–29s. They were ordered to be buried by Saddam Hussein. We found that out. Did we find these jets by having some kind of a United Nations weapons inspector walking around with a metal detector in the desert? No. Did we find them by using intelligence having someone who said, all right, I know what we did, we dug a hole and we buried these MiG–29s, scattered them around the desert. Here's where they are. Here are the GPS coordinates. Go dig them up. They're operational. You can dust the sand off, fuel them up, and fly them out of here.

That didn't happen either, Mr. Speaker. What happened was the wind blew the sand off the tail section of a MiG. Some people looked over there and thought, That's funny. That looks a lot like the tail section of a jet. Let's dig down and see what we have got. They dug down and found out, a MiG–29 sitting there, fully operational, buried in the desert. If they can bury an airplane and we can't find the airplane except by happenstance, weather and good luck, tell me why anyone would think that they couldn't have buried weapons of mass destruction there when we know that they exist, we know that he used them on his own people, we know that he only took three of them to kill 5,000 people and we found 500 of them. And think what kind of devastation that could have been on the American troops and then think about how many others are there somewhere that might fall into the hands of the enemy and be used on Americans, coalition forces, or the brave Iraqis themselves that are in uniform today defending Iraqis to the tune now and the strength of 267,000 Iraqis in uniform defending Iraqis, performing well, fighting well, carrying on operations, taking over security of the country and providing that next level of safety, security and freedom for the Iraqi people.

Mr. Speaker, this has been distorted so far that I don't know if I can express my disappointment with the message that the American people have been getting, having gone to Iraq a number of times myself, having looked our soldiers in the eye, having sat down and been briefed by our commanding officers, including General Casey and General Abazaid, having a working relationship with Secretary Rumsfeld on this and knowing that from the lowest ranking foot soldier or marine to the highest ranking officer in our military, to the Secretary of Defense and to the President himself, everyone's message indexes up and down the line, the message that comes out of there is, we are winning, Mr. Speaker, and we are scoring points, and we are providing more security in Iraq, not less, and the future is getting brighter by the day and the enemy is giving up more and more people and more and more equipment and more and more ability to carry out operations. Their will to fight is being destroyed, Mr. Speaker, and it is being destroyed systematically.

So, Mr. Speaker, I submit to you that poster of Abu Masab al Zarqawi. Zarqawi was the leader of al Qaeda in Iraq. He was pretty difficult to find for a couple of years. He pledged his allegiance to Osama bin Laden, and he was an inspiration and a recruiting force and probably the most evil, diabolical person that we have seen on this globe in my lifetime. He is the person that devised the most brutal ways to slaughter people. He is the one who made sure that he was on a videotape beheading Americans. The torture deaths, the burning deaths, those who were killed, a child killed and had bombs planted inside the cavity of the child and have that detonate when the family comes to collect the body. That is the kind of diabolical evil that Zarqawi was.

Now, it is ironic, I think, that he said these things about Americans. Zarqawi said, Americans are the most cowardly of God's creatures. They are an easy quarry. Praise be to God. We ask God to enable us to kill and capture them.

"Americans are the most cowardly of God's creatures." That is the last thing I have seen out of Americans. I have not seen any of that out of Americans in Iraq or anywhere else when they put on the uniform. They are the most courageous, the most noble, certainly not the most cowardly, and are far from an easy quarry, Zarqawi.

Zarqawi was in a safe house. I appreciate myself and I think, Mr. Speaker, Americans will appreciate the irony of Abu al Zarqawi being in a safe house. That safe house didn't turn out to be too safe for him and the pictures of that house after it was blown to smithereens by two 500-pound bombs that came from a pair of F-16s would tell the world how unsafe it is to be the number one enemy of the United States of America, of the coalition forces, of the Iraqi people and of the free world.

And so Zarqawi went to meet his maker and checked into the next life. What has met him there, Zarqawi knows today. But if there is a place for evil people where they burn in infinity, I have to believe that Zarqawi is there. I have never seen such evil out of anyone anyplace on the planet in my lifetime.

This is the individual that was the inspiring spirit of al Qaeda in Iraq and pledged his allegiance to Osama bin Laden. Zarqawi was the individual who was the inspiring part that recruited enemy soldiers to work for him. He is the one that organized the funding effort and the military munitions and the equipment that they needed in order to attack coalition forces and the Iraqi military and the Iraqi people, women and children included, where the only discrimination he made was occasionally he would spare the lives of some Sunnis because he had a preference to the Sunnis. This man is now dead and he is gone. In the aftermath of the detonation, the blowing to smithereens of the safe house, there were a lot of data that was gathered there, computer hard drive data and paper documents. And those paper documents and the hard dive data, Mr. Speaker, indexed with a lot of other intelligence that had been gathered around Iraq and other places that were indexed into that location in the world. All of that data that has been pored through now, and I mean all of it, Mr. Speaker, points to one thing: the enemy, the terrorists in Iraq are losing. They are having great difficulty recruiting fighters. They are having difficulty finding funds. They are having difficulty pulling together weapons and they are having difficulty finding the material to improvise explosive devices with.

□ 2045

They are having difficulty logistically because security in Iraq is getting tighter and tighter and tighter and moving from section to city, from city to section, and from city to city. It is ever more dangerous than it was before.

They are getting demoralized and dispirited. The very thing that some of the people on the left would like to have the enemy think about the United States is actually happening to al Qaeda and the terrorists in Iraq. We are very close to putting this thing away.

Their spirit is weak and Von Clausewitz wrote a book, and the name of the book was "On War," and Von Clausewitz's statement on war was the object of war was to destroy the enemy's will and ability to conduct war, and that seems to be a little bit obvious, but I think it is something that bears repeating.

We should all be in the same effort here. We should be in the effort of destroying the enemy's ability to conduct war, and that means we need to turn our military loose on them with a ferocity that we can bring to bear, and we have been doing that. We have been doing a great job, both in Afghanistan and also in Iraq, but additionally to that, we need to be destroying the enemy's will to carry out war, to conduct those acts of war, and that means they need to understand that our will will not be shaken. We will not let up. We will provide all of the troops and all of the support for the troops and all of the equipment and the training and the munitions and the weapons and the tactics and the technology necessary to take them out until this is over because the stakes are far too high. We cannot tolerate stepping back from this confrontation.

We made a commitment to go in there, and there is only one option, and that option is victory, Mr. Speaker. There is no option to any phased pullout or any drawdown unless it is something that it is no longer necessary to have troops there.

There is also an option to escalate if we need to do that, if we see the need to do that, but if we need to do that, that option is on the table. If we needed to double the troops there, that is what would happen, if that is what the generals asked for because this enemy, this one is dead. The ones beneath him, some of them, many of them are actually dead, and the one who follows will soon be. Those that are part of the officers will be sent into the next life as well, but at some point, they are going to understand that they cannot carry on this fight, that it is absolutely hopeless.

The best part of it is, Mr. Speaker, it will be hopeless when the political solution in Iraq is fully manifested. Now they have a prime minister. Now they have a fully operational Cabinet, one that was carefully chosen and it was a little bit of a struggle to get to that agreement, but their minister of defense and the minister of the interior, in particular, are very, very important cabinet positions. Those positions are now filled with good people. People that are going to have the best interests of the future of Iraq in mind, not their best interests in mind, but the best interests of the future of Iraq.

That means that the minister of defense is going to continue aggressively taking out the enemy. We have seen that kind of leadership out of the prime minister, and we will see that kind of leadership out of the minister of defense.

The minister of the interior is going to be looking at their national resources and thinking how do we convert this oil into cash, and they will set up a formula to do that. When that cash starts to flow into Iraq, prosperity begins, and it will take a little while, but it will take root. When prosperity takes root, the root that is there now for freedom goes deeper and wider. It has something to nourish itself, and that will be the profit that comes from marketing the national resources called oil, and the wealth of that will generate the many layers and the cycles and the interconnectivity of the economy.

That is all going to take place. That is going to take place because the Iraqi people see themselves as Iraqis first and Shi'ias, Sunnis and Kurds second. They understand that they have one chance at freedom, and that is as a unified Nation, and they are fighting together to do that, and we need to stand with them. We made that pledge.

Our commander-in-chief is the commander-in-chief. The President of the United States has that constitutional duty and responsibility, Mr. Speaker, and we need to stand with him.

When I see amendments come out here on this floor that undermine the President's authority to conduct this military operation as he sees fit, then that is unnecessary interference. If there is anything that takes away a tool from the battlefield, if there is anything that undermines our ability to do negotiations to work with and cooperate with the Iraqis, that is undermining the war effort, and that should not ever happen out of this Congress.

We committed to this task. This Congress voted to commit to this task, and we put up at least two resolutions since then committed to this task. We will, Mr. Speaker, stay committed to this task, and those who work against it are working on the side, and this is what makes this guy, what made him smile was when our left-handed leaders here stand up and say we cannot win: wrong war, wrong place, wrong time.

Some say that the American soldiers are carrying out operations that are not becoming of American soldiers. Things happen in war, but our soldiers are conducting themselves with honor and with dignity.

Zarqawi, Mr. Speaker, is now gone, checked into the next life. I will tell you, then we have another leader in the other side of the theater in Afghanistan that ran a tape just other the day. This, Mr. Speaker, is Ayman al Zawahiri. He would be second-in-command among the al Qaeda and operating, we think, out of the border area between Afghanistan and Pakistan. He has put out a tape, and let me see, it is kind of interesting to watch how they do this when they take some serious blows, as they did when Zarqawi was killed by those American bombs.

As we see the intelligence that they are operating out of desperation and despair, that every bit of that intelligence says that they are losing the war, and when we see these weapons of mass destruction have been discovered and accumulated since 2003, when the people on the other side of the aisle say, well, that is not really any big deal, killing Zarqawi was not that big a deal and finding the weapons of mass destruction is not that big a deal and the intelligence is there that says that they are dispirited and they are running out of resources and they are having trouble recruiting, that is not that big a deal.

Then we have Zawahiri who does about a 3½ minute video. He is calling out also I think in desperation, and he says I am calling upon the Muslims in Kabul, in particular, and in all Afghanistan, in general, and for the sake of God to stand in the face of the infidel forces that are invading Muslim lands.

Well, I do not know that we have invaded Muslim lands, and I am surely convinced that there is a lot of strong Christians there. That would be a definition, by my definition, would mean they are not infidels. He also calls out to Egyptians. He is an Egyptian-born fugitive, Zawahiri, who says, here is his operation. The collapse of American power in Vietnam, they ran and left. He thinks that is going to happen in Afghanistan. He thinks it is going to happen in Iraq.

Americans did not run and leave, but they were deployed out of Vietnam by the direction of this Congress. This Congress lost their will, and losing our will back in 1974, Mr. Speaker, has given inspiration to a man like this in 2006. It is costing American lives today, coalition lives today in Iraqi, and innocent and civilian lives today because that has been what has inspired this Egyptian-born fugitive who also said in his tape, the young men of Islam in the universities and schools of Kabul should carry out their duties and essentially go volunteer for Jihad.

But we have a prime minister in Afghanistan. They are a free country. They are a sovereign nation, Mr. Speaker, and people went to the polls in Afghanistan for the first time with those routes to the polls and the polling places being guarded by American soldiers, by coalition soldiers, and for the first time in that place on this planet, free people went to the polls and elected their national leaders, chose and helped direct their national destiny, the first time ever in Afghanistan in the history of the world that that has happened. They elected Karzai.

So he says, of Zawahiri, the truly elected leader, the leader of the Afghan people says, Zawahiri is the first enemy of the Afghan people, the first enemy, and then the enemy of the rest of the world, says Karzai during his press conference. He killed Afghans for years, thousands, and then he went to America and destroyed the twin towers.

Mr. Speaker, Karzai went on to say we and Afghanistan want him arrested and put before justice. Well, Mr. Speaker, many of Zawahiri's supporters have been delivered to justice, perhaps 600 of them in these last operations. Coalition forces, Afghani troops and Americans are serving well in Afghanistan in some of the most intense operations that we have seen over there in some time, and they are serving effectively over there, Mr. Speaker. They are going to preserve and protect the freedom of Afghanistan.

I just have not heard the criticism of the other side of the aisle with respect to Afghanistan as I have with Iraq. I am wondering why that is. Twenty-five million people freed in Afghanistan; 25 million people freed in Iraq. It takes a little longer in Iraq than Afghanistan. Fewer casualties in Afghanistan. There are more in Iraq certainly, and it is sad and it is a tragedy for every family. It is a tragedy for every family, but they can take great pride in knowing that that sacrifice has great value, frees people around the globe, and it is not just the freedom of the Iraqi people or just the freedom of the Afghan people.

This is an inspiration of freedom that will one day free every Arab in the world. Everyone through the Middle East will one day breathe free and perhaps even in my lifetime we will see that happen.

The return for that sacrifice does not just do that. Some may think why do I care about freedom for an Arab people. I will submit, Mr. Speaker, that to the extent that the globe is free, we can also be more free in this country, safer in this country, Mr. Speaker, because wherever there are free people, they are not plotting and scheming to go to war against us.

The United States of America has never gone to war against another free people. We work out our differences in a democratic process. To the extent that the globe becomes entirely free, with people who can have their differences in the voting booth instead of on the battlefield, is also the extent that the world becomes a safer place. Even though we have had ongoing conflicts going on around the world, it seems like it never ends, and in fact, Mr. Speaker, it does not end. It has been a long, long time since we have had conflict that took lives by the millions as opposed to lives by the thousands or even the hundreds.

That means that millions of lives, I believe, have been saved, and if this inspiration for the Arab people, if Afghanistan and if Iraq become the lodestars of inspiration for a free people, that echoes across the Arab world the same way that freedom echoed across Eastern Europe, Mr. Speaker, that is the formula for victory in this war. We can get there. We are getting there.

Freedom has never been easy and it has never been without price, but freedom is priceless, Mr. Speaker, and it is a profound honor for those who have given their lives also, for those who have given their limbs and other parts of their bodies or a year out of their life to give the Iraqi people a chance at freedom and to help ensure safety and freedom for the American people for perhaps a long time to come, and that, Mr. Speaker, is the reason why we fight.

Now, there is another subject matter that needs to be brought up because I hear from the other side of the aisle that it is intolerable. It is intolerable to have the level of violence in Iraq that we have. It is intolerable to have the level of casualties in Iraq that we have. So, therefore, we should cut and run, Mr. Speaker, and that is almost the words that get used, and sometimes they actually do get used.

Well, the ranking member of the Defense Subcommittee came here on the floor some months ago, and in news conferences around the country and nationally, and then globally it got picked up and certainly by Al Jazeera and Arab TV that we should pull out of Iraq immediately. Here we are holding together this country and nurturing and training troops, and we have someone who is viewed as a leader in the armed services in this Congress who says we should immediately pull out and pull back to the horizon. That was much discussed around America, and sure it was discussed in the Middle East. I am sure it was a great inspiration to people like Zawahiri. In fact, it was a great inspiration to Zarqawi. He was alive then.

But Mr. Speaker, if we should pull out to the horizon, the horizon to me would be some place in range, someplace where kind of the top of the hills so you look down in the valley and shoot down in there if you need to or rush down there if you have to. No. We found out where that horizon was in this past week, Mr. Speaker, when that Member, the representative from Pennsylvania, said, no, we should immediately redeploy to Okinawa. Now, how many people in America could have gotten that multiple choice question right? I would have missed it, Mr. Speaker. If you would have given me two answers, if you would have said Okinawa and let me see if I can pick another one, Australia, I would have gotten it wrong. I would have picked Australia. If you had given me 10 choices across there, I think you maybe could have picked two or three, I could have, as being more likely or less likely but Okinawa? I would have never done that in an essay question or a fill-in-the-blank.

I do not know where he came up with Okinawa as a place to deploy all of our troops over to. It is not a tactical thing that makes any sense. It is not a political thing that makes any sense to take our troops and say we are going to take you out of Iraq and we are going to put you in the barracks in Okinawa where you can train, let us say train beach landings in Okinawa to get ready to one day go back and fight in the desert in urban warfare. Does not make sense to me? Now, if he said let us deploy them down to the border, to the illegals that are coming across this border, that would have made sense, but Okinawa? To say we are going to mount military operations out of Okinawa to go into Iraq in case there is some civil unrest where you have to be there quickly, where you have to have boots on the ground, when our troops, our coalition troops and Iraqis have to understand the neighborhood, have to know the people, have to have relationships there in order to be effective? Okinawa?

□ 2100

Okinawa? Okinawa? I don't think that there is anybody in America that can, with a straight face, defend such a proposal. And it causes me some concern about the foundation of where that came from.

I would like to know. I would like to know if this is kind of a mental equation where you take a kaleidoscope and you bump it and it looks a certain way; and then you leave it like that for a while and you say, this is the way it is. And then over time, you bump it again and it cracks a little differently and you get a different picture entirely. I think that is how we come up with Okinawa. It can't be a rational, deductive reasoning path that gets you there.

Even the argument that you can mount air missions out of Okinawa to come into Iraq and somehow they can be effective from there, no, Mr. Speaker, we have many bases a lot closer to Iraq. If there was the idea we would run out of those bases or fly out of those bases, it would not be out of Okinawa.

But I would submit, Mr. Speaker, that we do have a base agreement there in Okinawa. We do that in the aftermath of any of our military operations. We have open discussions with the sovereign nations that control those territories and we enter into those agreements so that we can have better security and be better positioned militarily. We have bases in Germany and we have them scattered around in other places around the globe. We have Gitmo down in Cuba that is a legacy left over from the Spanish American War of 1898. So that is something that a sovereign nation must do, Mr. Speaker.

So I think we have covered some of this with regard to the enemy, but the issue of the casualties being too great needs to be raised, Mr. Speaker. So I am going to submit something.

I was asking the question on how dangerous is it for a regular civilian in Iraq. How dangerous is it? What would it be like when I see violence on television day after day after day? I think sometimes they must announce to the television cameras there is going to be a detonation of an IED so they can set their cameras up and be homed in on the site so they can see the dust and the smoke from the explosion and the flying parts that come out of there.

How else would they know to have a video camera set up down there? And I know some of that film comes from the enemy. They set the cameras up and make sure it gets to the news. But we see it day after day after day, something that would appear to be an intolerable level of violence, and something that the people on the other side of the aisle surely can't stand to see, because they come down here on a daily basis and say, bring them home, Mr. President, we can't tolerate this type of violence.

But what must it be like for a regular Iraqi citizen, an average citizen that could be living in a random place in Iraq? They might live in a small town or city somewhere. But what are the odds that you are going to be killed in an explosion of a suicide bomber or the detonation of an improvised explosive device?

I thought I would look into that, Mr. Speaker, and I came up with some very interesting statistics, and I have them here.

This is a little example that tells us about the violent death rate across some countries, some of them selected for their high rates of violence and some selected for their low rates of violence, like the United States; but it is designed to tell us about how dangerous it is to be a regular citizen in Iraq, Mr. Speaker.

We went to a couple of Web pages and pulled the most reliable information that is available. This is the information that is used by Congressional Research Service people who provide us factual data to be used here on the floor of this Congress, Mr. Speaker, and in committees. This is the factual data that is used as a foundation for the decisions that are made in Congress. That factual data came up with these numbers for us.

The violent death rates for civilians are rated in the per 100,000 category. So here is the United States: 4.28. That means out of every 100,000 Americans each year, 4.28 of them, on average, meet a violent death. That is considered, in the civilized world, a relatively low violent death rate. There are other countries that have lower rates, certainly. Many of the States have lower violent death rates, including Iowa, I might add.

But 4.28 is compared to Mexico, with a rate that is more than three times higher. About three times higher. The violent death rate in Mexico is 13.02 per 100,000.

Now, Mr. Speaker, I take us to where Iraq is. This is our subject here, Iraq's violent death rates. An average citizen in Iraq is going to be faced with this statistical reality, that 27.51 Iraqis will die a violent death out of every 100,000.

Now, keep in mind, there are 25 million of them. So you can calculate what this number is, and I just haven't done this for this survey. But what does that compare nation to nation? Well, it is clear that Iraq is about twice as dangerous as Mexico, 27.51 compared to 13.02.

So you are about twice as likely to die a violent death in Iraq as an average citizen as you are in Mexico. But as you can see here, about seven times more likely, 6-point-something times more likely to die a violent death in Iraq than you are in the United States.

So it is not so safe by that standard, Mr. Speaker. But when we look down the line on some of these other representative countries, for example, Venezuela, with Hugo Chavez down there, who is really running a tight ship down there, I hear, with 31.61 violent deaths per 100,000.

It is more dangerous to be an average citizen in Venezuela than it is an average citizen in Iraq, Mr. Speaker. And even more dangerous yet in Jamaica, only by a little bit, with 32.42 violent deaths per 100,000.

So there is your comparison. It gets a little more dangerous as we go down the line: Iraq at 27.51, Jamaica at 32.42. But South Africa, Mr. Speaker, has 49.6 violent deaths per 100,000. Significantly more dangerous to be an average citizen in South Africa, in the nation of South Africa, than it is to be an average citizen in Iraq. Not quite twice, but moving up the line along in that direction.

Then we go to Colombia, almost a neighboring country down there. They produce a lot of drugs down there that come up into the United States. There is a drug culture down there and it is violent there, and the death rate is 61.78 violent deaths per 100,000. Clearly more than twice as high a death rate in Colombia as there is in Iraq.

Now, that seems to be a little bit shocking, but when you go to Swaziland, 88.61 violent deaths per 100,000. So you are up there a good solid 2½ times more dangerous to be walking around in Swaziland as a regular citizen than it is to be walking around in Iraq as a regular citizen.

That gives us a sense of the level of violence that is there. Can they tolerate that level of violence? Can they be a sovereign nation with that level of violence? If it never diminishes from where it is today, can they still continue to move on and have a civil society; and could they still produce and deliver electricity and goods and services and have shops open up and close down at the end of the day and people could go on with commerce?

The answer to that is, well, they are doing it, Mr. Speaker, in Venezuela, in Jamaica, South Africa, Colombia and Swaziland every day, and we are not hearing a word about that in the news. But every day we see the violence in Iraq that the cameras have been trained on before it happens, Mr. Speaker, and it is a distorted viewpoint.

Safe in the United States, three times more dangerous in Mexico than in the United States. They have a drug culture down there too that is coming at us at a rated of $65 billion worth of illegal drugs a year, but almost seven times more dangerous in Iraq than it is in the United States, but then incrementally more dangerous in Venezuela, Jamaica, South Africa, Colombia, and Swaziland.

I think I made my point on that, Mr. Speaker.

So, then, okay we are talking nation to nation, Iraq compared to other nations. But what is it like for those of us who live in cities? We have a sense of what it is like here, for example, in Washington, D.C. Well, I just happen to have, Mr. Speaker, this little chart right here that lays out the relative violent death rate for civilians in the cities.

Now, I would point out that we have exempted military deaths in Iraq and police deaths in Iraq, and done so because they are involved in combat over there in a war against the terrorists. So they are faced with running into that on a daily basis and those casualties will certainly be higher. But we are comparing an average civilian to an average civilian in some of these other places in the world.

So we will start out here. Let us go to the low side of this, with 27.51 deaths in Iraq. Now, we could not find any reliable statistics for city-by-city data of violent deaths in Iraq, so I can't give you Mozul, I can't give you, Mr. Speaker, Kirkuk, or Basra, or Tikrit, or any of those places. That information is not available by the CRS research that has been done on these Web pages that provided this data. If it doesn't come through CRS, I don't have enough confidence in it being reliable. In fact, we just simply could not find it, so we put out what we have.

An average citizen anywhere in Iraq, to give you a sense of what it must feel like to live there, compared to Oakland, California, it is a little bit safer in Oakland, California, with 27.51 deaths per hundred thousand in Iraq and 26.1 in Oakland, California. So if you are walking the streets of Oakland, California, and you are wondering whether it is dangerous or not for you there, you should have about the same kind of feeling if you are living in a random place in Iraq.

That doesn't mean there are not highly violent locations in Iraq, but it just means that overall average citizens feel about the same as in Oakland, California.

But St. Louis is a little more dangerous than Iraq, on average, with 34.4 deaths per 100,000. Atlanta is more dangerous yet than Iraq, at 34.9 violent civilian deaths per 100,000.

Someone said, well, you didn't include the policemen's deaths in these cities. They are not included in this data. And I can't tell you actually whether they are or whether they aren't, but I went back and looked at the level of deaths that we had in the last year, one in Atlanta, and none in Washington, D.C., so you can see statistically it just simply is not relevant. So that issue doesn't really matter to this debate.

So we have 27.51 deaths per 100,000 in Iraq, average citizen; Baltimore, 37.7. If you feel safe in Baltimore, you ought to feel safe in Iraq. Detroit, 41.8. The rate is going up. If you feel safe in Detroit, you ought to feel safe in Iraq. Washington, D.C., 45.9 violent civilian deaths per 100,000, and 27.51 in Iraq.

Now we are getting up there to that number that is approaching twice as dangerous in Washington, D.C. as it is for an average citizen in a random place in Iraq. If you feel safe in Washington, D.C., you should feel equally safe in a random place in Iraq. There are many places more dangerous than that, but a random place in Iraq.

Now, when you get to New Orleans, and this number is pre-Katrina, 53.1 violent deaths per 100,000. And guess what, Mr. Speaker? They called out the National Guard and deployed troops down to New Orleans because the level of violence got so high down there, even with the diminished population. There was a violent murderous event down there, and so the Governor called out the National Guard to deploy them on the streets of New Orleans to get control of that city.

Is anyone on that side of the aisle talking about that, about calling the troops up and mobilizing the National Guard to go to New Orleans because of the crime rate? Well, it has finally happened, Mr. Speaker. This crime rate of 53.1, that is almost twice as high as the crime rate in Iraq, might well be higher than twice the crime rate in Iraq after this last flurry of crime they have had, where there were five people that were executed in one vehicle. We don't know whether it was over drugs or a grudge or both, but likely that would be the foundational excuse. There would never be a reason for doing something that horrible, Mr. Speaker.

So the Governor called out the National Guard. And the people on this side of the aisle, they are not saying, what is your exit strategy, Governor Blanco? When are you going to get the National Guard out of New Orleans? We don't need to have troops deployed there, in an American city that ought to be a civilized place. They are not calling for pulling the troops out. They are not calling for an exit strategy.

They are not objecting to troops being deployed to New Orleans to keep order for a simple crime rather than the kind of violence that comes in Iraq from the terrorists that are trying to turn that society into an uncivil society, Mr. Speaker, the terrorists that are attempting to break that country up and start a civil war; the terrorists that think if they just kill enough people, maim enough people, if they can kill enough people in a heinous enough fashion, sooner or later everyone will say, enough, I can't take it any more. Will you please just stop killing us in the brutal fashion that you are.

Why would anybody think they would ever stop? That is their religious belief. That is their religious mission. They think somehow their path to salvation is brutally killing us; killing people who are not like them. And I would submit, Mr. Speaker, that they kill more Muslims than they do Christians or Jews. Not that they are their preferred target, but it is just simply, I think, because they are handier.

Those who announce that there is a civil war in Iraq, that resolution that has been introduced over in the Senate and I believe a resolution that may have been introduced here in the House that says there is a civil war in Iraq, how can they come to such a conclusion, Mr. Speaker?

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I will define a civil war in Iraq so folks can have a measurement to go by, and that is this: 267,000 Iraqis in uniform defending Iraqis trained on the job today, taking over more than 30 bases, covering a high percentage of the real estate in Iraq, Mr. Speaker, and these Iraqis are recruited, and they are mixed up. They are not sorted out by Kurds and Shi'as and Sunnis. They are blended together in one force.

When those Iraqis choose up sides and start shooting at each other wearing the same uniform, Mr. Speaker, that will be the definition of a civil war.

So great strides have been made. There is a great reason for optimism. There will be a successful conclusion. This Nation will not blink. This Nation will not retreat. This Nation will stand forward until victory. There is no alternative but victory, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. PELOSI) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. POE, for 5 minutes, June 29.

Ms. HARRIS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 26, 27, 28, and 29.

Mr. LEACH, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, June 26, 2006, at 12:30 p.m., for morning hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuno, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raul M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Ruben Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John R. "Randy" Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert

Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sanchez, Linda T. Sánchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, John J. H. "Joe" Schwarz, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8210. A letter from the Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the Economics and Statistics Administration (ESA) of the Department of Commerce, Revolving Fund account 13X4324, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8211. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Small and Disadvantaged Business Utilization Office (SADBU), Case Number 05-04, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8212. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-19, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8213. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-16, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8214. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-13, pursuant to 31 U.S.C. 1517(b) and 1351; to the Committee on Appropriations.

8215. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 03-03, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8216. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8217. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8218. A letter from the Secretary, Department of Transportation, transmitting a report of a violation of the Antideficiency Act by the Research and Innovative Technology Administration (RITA) of the Department of Transportation, Research and Development Account (69X1730), pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8219. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003,and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

8220. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

8221. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute in Taiwan on December 15, 2005 and March 8, 2006, pursuant to 22 U.S.C. 3301 et seq.; to the Committee on International Relations.

8222. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-27, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services; to the Committee on International Relations.

8223. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended,and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108-447, notification that the Department intends to increase funding for IMET; jointly to the Committees on International Relations and Appropriations.

8224. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report of intention to impose new foreign policy-based export controls on exports of items for chemical and biological weapon end-uses, under the authority of Section 6 of the Export Administration Act of 1979, as amended and Executive Order 13222 of August 17, 2001, and extended by the Notice of August 7, 2003; to the Committee on International Relations.

8225. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to amend foreign policy-based export controls on exports of certain items under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 7, 2003; to the Committee on International Relations.

8226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 009-06); to the Committee on International Relations.

8227. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of updates to the regulations of the Chemical Weapons Convention Implementation Act of 1998; to the Committee on International Relations.

8228. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the intent to obligate Fiscal Year 2006 funds on behalf of the Bureau of Oceans and International Environmental and Scientific Affairs; to the Committee on International Relations.

8229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 062-05); to the Committee on International Relations.

8230. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

8231. A letter from the President, Eurasia Foundation, transmitting the Foundation's 2005 Annual Report entitled, "Beyond Transition"; to the Committee on International Relations.

8232. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2006-07 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AT98) received June 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8233. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [Docket No. TX-054-FOR] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8234. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Status for 12 Species of Picture-wing Flies from the Hawaiian Islands (RIN: 1018-AG23) received June 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8235. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrations' final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Reopening of Directed Fishery for Loligo Squid [Docket No. 051209329-5329-01; I.D. 042606C] received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8236. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Total Allowable Catches for the Northeast Multispecies Fishery for Fishing Year 2006 [Docket No. 060301058-6109-02; I.D. 022306A] (RIN: 0648-AU13) received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8237. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program [Docket No. 050722198-6084-02; I.D. 071805B] (RIN: 0648-AS93) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30487; Amdt. No. 3160] received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2005-22632; Directorate Identifier 2005-NM-158-AD; Amendment 39-14486; AD 2006-04-05] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2005-22872; Directorate Identifier 2005-NM-198-AD; Amendment 39-14490; AD 2006-04-09] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 500, 550, S550, 560, 560XL, and 750 Airplanes [Docket No. FAA-2005-22558; Directorate Identifier 2005-NM-107-AD; Amendment 39-14491; AD 2006-04-10] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Meggitt Model 602 Smoke Detectors Approved Under Technical Standard Order (TSO) TSO-C1C and Installed on Various Transport Category Airplanes, Including But Not Limited to Aerospatiale Model ATR42 and ATR72 Airplanes; Boeing Model 727 and 737 Airplanes; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30 and DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10-F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. FAA-2005-22031; Directorate Identifier 2004-NM-259-AD; Amendment 39-14885; AD 2006-04-04] (RIN: 2120-AA64) Received April 21, 2006, pursuant to 5 to the Committee on Transportation and Infrastructure.

8243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. 2002-NM-172-AD; Amendment 39-14488; AD 2006-04-07] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model 340-541 and -642 Airplanes [Docket No. 2003-NM-211-AD; Amendment 39-14484; AD 2006-04-03] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 Series Airplanes; Model A300 B4 Series Airplanes; Model A300 B4 Series Airplanes; Model A300 B4-600 Series Airplanes; Model A300 B4-600R Airplanes; Model A300 F4 600R Series Airplanes; Model A300 C4-605R Variant F Airplanes; and Model A310-200 Series Airplanes; and Model A310-300 Series Airplanes [Docket No. FAA-2005-22411; Directorate Identifier 2005-NM-074-AD; Amendment 39-14482; AD 2006-04-01] (RIN: 2120-AA64) Received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8246. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100 Series Airplanes, Model A319-100 Series Airplanes, Model A320-111 Airplanes; Model A320-200 Series Airplanes, and Model A321-100 Series Airplanes [Docket No. FAA-2005-23143; Directorate Identifier 2005-NM-177-AD; Amendment 39-14487; AD 2006-04-06] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8247. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-300 Series Airplanes [Docket No. FAA-2005-22455; Directorate Identifier 2005-NM-095-AD; Amendment 39-14489; AD 2006-04-08] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8248. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines [Docket No. FAA-2006-23594; Directorate Identifier 2005-NE-54-AD; Amendment 39-14497; AD 2006-04-15] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8249. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GIV-X and GV-SP Series Airplanes [Docket No. FAA-2006-23966; Directorate Identifier 2006-NM-024-AD; Amendment 39-14495; AD 2006-04-13] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8250. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 500, 700 and 800 Series Turbofan Engines [Docket No. FAA-2006-23604; Directorate Identifier 2005-NE-49-AD; Amendment 39-14498; AD 2006-05-01] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8251. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule — Recreation Fees (RIN: 0596-AC35) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Resources.

8252. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 5316. A bill to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes; with amendments (Rept. 109–519 pt. 1). Ordered to be printed.

Mr. WOLF: Committee on Appropriations. H.R. 5672. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–520). Referred to the Committee of the Whole House on the State of the Union.

Mr. BUYER: Committee on Veterans' Affairs. H.R. 4843. A bill to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; with amendments (Rept. 109–521). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5318. A bill to amend title 18, United States Code, to better assure cyber-security, and for other purposes; with an amendment (Rept. 109-522). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5337. A bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; with an amendment (Rept. 109–523 Pt. 1). Ordered to be printed.

Mr. BOEHLERT: Committee on Science. H.R. 5358. A bill to authorize programs relating to science, mathematics, engineering, and technology education at the National Science Foundation and the Department of Energy Office of Science, and for other purposes; (Rept. 109–524). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 5356. A bill to authorize the National Science Foundation and the Department of Energy Office of Science to provide grants to early career researchers to establish innovative research programs and integrate education and research, and for other purposes; with amendments (Rept. 109–525). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5337. Referral to the Committees on Energy and Commerce and International Relations extended for a period ending not later than July 17, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN of South Carolina (for himself, Mr. MICHAUD, Mr. WELDON of Pennsylvania, and Mr. MILLER of Florida):

H.R. 5669. A bill to amend title 38, United States Code, to increase to $2,000 the amount of the Medal of Honor special pension under that title and to provide for payment of that pension to the surviving spouse of a deceased Medal of Honor recipient; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts:

H.R. 5670. A bill to repeal the Cuban Adjustment Act, Public Law 89-732; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire (for himself, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. NEAL of Massachusetts, Mr. SIMMONS, and Mr. GARRETT of New Jersey):

H.R. 5671. A bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long term care provided to veterans in State veterans homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHABOT (for himself, Mr. POE, Mr. GOHMERT, and Mr. GINGREY):

H.R. 5673. A bill to amend title 18, United States Code, to make restitution mandatory for Federal crimes, and to simplify and streamline its procedures, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. LEACH, Mr. LANTOS, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. PAYNE, Mr. GUTIERREZ, Ms. NORTON, Mr. HONDA, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. CONYERS, Mr. WAXMAN, Mr. BERMAN, Ms. WOOLSEY, Ms. WATERS, Mr. MCGOVERN, Mr. CROWLEY, Mr. BROWN of Ohio, Mrs. MCCARTHY, Mr. WEXLER, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. SHAYS, Mr. PALLONE, Mrs. CAPPS, Mr. BLUMENAUER, Ms. MCKINNEY, Mr. OWENS, Mr. CUMMINGS, Mr. CARNAHAN, Mr. WYNN, Ms. SOLIS, Mr. NADLER, Mr. DAVIS of Illinois, Mr. STARK, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. DELAHUNT, Ms. KILPATRICK of Michigan, Mr. SANDERS, Ms. WATSON, Mr. RUSH, Mr. KUCINICH, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mrs. TAUSCHER, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Ms. CARSON, and Ms. HARMAN):

H.R. 5674. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Mr. REHBERG:

H.R. 5675. A bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 5676. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 5677. A bill to provide for ethics and lobbying reform; to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. MURTHA, Mr. SKELTON, Mr. LANTOS, Mr. ABERCROMBIE, Mr. TANNER, Ms. DELAURO, Mr. STUPAK, Ms. MCCOLLUM of Minnesota, Mr. ETHERIDGE, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. KILDEE, Mrs. DAVIS of California, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. HOLT, Mrs. NAPOLITANO, Ms. MATSUI, Mrs. MCCARTHY, Mr. DICKS, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. BERRY, Mr. CARDOZA, Mr. CUMMINGS, Mr. REYES, Mrs. MALONEY, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. STRICKLAND, Mr. HASTINGS of Florida, Mr. OLVER, Mr. BISHOP of New York, Mr. TOWNS, Ms. LINDA T. SÁNCHEZ of California, Mr. POMEROY, Mr. PETERSON of Minnesota, Ms. SLAUGHTER, Mrs. TAUSCHER, Ms. ROYBAL-ALLARD, Mr. WEINER, Mr. NADLER, Mr. MILLER of North Carolina, Mr. LEVIN, and Mr. CARDIN):

H.J. Res. 90. A joint resolution disapproving the granting of amnesty by the Government of Iraq to persons known to have attacked, kidnapped, wounded, or killed members of the Armed Forces of the United States or citizens of the United States in Iraq; to the Committee on International Relations.

By Ms. BORDALLO (for herself and Mr. MCCOTTER):

H. Con. Res. 432. Concurrent resolution calling on the Government of North Korea to cease all production of weapons of mass destruction, to cease proliferation of ballistic missiles, and to uphold its 1999 pledge to refrain from intercontinental ballistic missile testing, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. HONDA, Mrs. CHRISTENSEN, and Ms. SOLIS):

H. Con. Res. 433. Concurrent resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROTHMAN:

H. Con. Res. 434. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Varian Fry, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, Mr. FOLEY, Ms. CORRINE BROWN of Florida, Mr. BOYD, Mr. DAVIS of Florida, Mr. STEARNS, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. SHAW, and Ms. HARRIS):

H. Res. 887. A resolution congratulating the Miami Heat for winning the 2006 NBA Championship; to the Committee on Government Reform.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. FOLEY, Mrs. MALONEY, Mr. LEACH, Mr. DELAHUNT, Mr. BACHUS, Ms. LEE, Mr. PAYNE, Mr. ENGEL, Mr. CONYERS, and Mr. RANGEL):

H. Res. 888. A resolution urging multilateral financial institutions to cancel Haiti's debts to such institutions under the Enhanced Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative immediately, and for other purposes; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. POE, Mr. COSTA, and Mr. STRICKLAND):

H. Res. 889. A resolution supporting the National Sexual Assault Hotline (the "Hotline") and commending the Hotline for counseling and supporting 1,000,000 callers; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. BILBRAY.

H.R. 65: Mr. SIMMONS.

H.R. 98: Mr. BILBRAY.

H.R. 131: Mr. LATOURETTE.

H.R. 354: Mrs. MYRICK and Mr. HOLT.

H.R. 503: Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Mr. REGULA, Mr. MEEKS of New York, Ms. DEGETTE, Mr. RAMSTAD, Mr. DAVIS of Illinois, Mr. ADERHOLT, and Mr. LOBIONDO.

H.R. 676: Mr. VISCLOSKY.

H.R. 698: Mr. BILBRAY.

H.R. 864: Ms. JACKSON-LEE of Texas and Ms. KAPTUR.

H.R. 881: Mr. STARK.

H.R. 998: Mr. HASTINGS of Washington.

H.R. 1000: Mr. COBLE.

H.R. 1245: Mr. SKELTON and Mr. UPTON.

H.R. 1298: Mr. DEFAZIO and Mr. MCHENRY.

H.R. 1356: Ms. ROYBAL-ALLARD.

H.R. 1366: Mr. CHANDLER.

H.R. 1370: Miss MCMORRIS, and Mr. BURTON of Indiana.

H.R. 1384: Ms. HARRIS.

H.R. 1438: Mr. BILBRAY.

H.R. 1494: Mr. STUPAK.

H.R. 1545: Mr. WELDON of Florida.

H.R. 1574: Mr. CARNAHAN.

H.R. 1577: Mr. LARSON of Connecticut.

H.R. 1632: Mr. MCGOVERN.

H.R. 1671: Mr. CAPUANO.

H.R. 1898: Mr. MCKEON and Ms. MCKINNEY.

H.R. 1902: Ms. ZOE LOFGREN of California.

H.R. 1951: Mr. GONZALEZ and Mrs. MUSGRAVE.

H.R. 1986: Mr. BILBRAY.

H.R. 2048: Mr. DELAHUNT.

H.R. 2088: Mr. CONAWAY and Mr. SMITH of Texas.

H.R. 2089: Mr. GOHMERT.

H.R. 2177: Mr. CHABOT.

H.R. 2239: Mr. SAXTON and Mr. SHUSTER.

H.R. 2553: Mr. SHAYS.

H.R. 2564: Mr. WOLF.

H.R. 2717: Mrs. JONES of Ohio.

H.R. 2730: Mr. LEWIS of Georgia.

H.R. 2808: Mr. BLUMENAUER, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BOSWELL, Mr. MARCHANT, Mr. MCGOVERN, Mr. SCOTT of Virginia, Mr. RADANOVICH, Mr. BECERRA, Mr. NEAL of Massachusetts, Mr. FRANKS of Arizona, Mrs. NAPOLITANO, Ms. KILPATRICK of Michigan, Mr. LEACH, Mr. TAYLOR of Mississippi, and Ms. MCCOLLUM of Minnesota.

H.R. 3137: Mr. BILBRAY.

H.R. 3159: Mr. MARSHALL.

H.R. 3352: Mr. BUYER.

H.R. 3360: Mr. PETERSON of Minnesota.

H.R. 3449: Ms. CARSON.

H.R. 3478: Mr. WEXLER and Mr. WOLF.

H.R. 3559: Mr. TERRY and Mr. CARDIN.

H.R. 3762: Mr. MCGOVERN, Mr. WAXMAN, Mr. STARK, and Ms. MCCOLLUM of Minnesota.

H.R. 3795: Mr. CLYBURN, Mr. MCDERMOTT, and Mr. ISRAEL.

H.R. 3817: Mrs. WILSON of New Mexico.

H.R. 3861: Mr. CRAMER.

H.R. 3938: Mr. BILBRAY.

H.R. 4005: Mr. DEFAZIO and Mr. BASS.

H.R. 4033: Mr. PETERSON of Minnesota, Mr. WALDEN of Oregon, Mr. CLYBURN, and Mr. MATHESON.

H.R. 4079: Mr. BILBRAY.

H.R. 4083: Mr. BILBRAY.

H.R. 4188: Mrs. MCCARTHY.

H.R. 4341: Mr. PRICE of Georgia and Mr. POE.

H.R. 4460: Mr. HASTINGS of Florida.

H.R. 4621: Mr. REHBERG.

H.R. 4704: Mr. ALLEN.

H.R. 4712: Mr. BERRY.

H.R. 4760: Mr. SCOTT of Virginia.

H.R. 4761: Mr. ABERCROMBIE.

H.R. 4773: Ms. DELAURO, Mr. GRIJALVA, Mr. STARK, and Ms. JACKSON-LEE of Texas.

H.R. 4824: Mr. MARSHALL.

H.R. 4843: Mr. BRADY of Pennsylvania Mr. HOLDEN, Ms. HOOLEY, Mr. SNYDER, Mr. UDALL of New Mexico, and Mr. GONZALEZ.

H.R. 4873: Mr. ENGLISH of Pennsylvania and Mr. RAHALL.

H.R. 4962: Ms. SLAUGHTER, Mr. SWEENEY, and Mrs. LOWEY.

H.R. 4974: Mr. MOLLOHAN.

H.R. 4976: Mr. JONES of North Carolina and Mr. VAN HOLLEN.

H.R. 4980 Ms. MCKINNEY.

H.R. 4992: Mr. PORTER.

H.R. 4997: Ms. MCKINNEY.

H.R. 5005: Mr. DUNCAN and Mr. ROSS.

H.R. 5058: Mr. DELAHUNT.

H.R. 5070: Mr. BLUMENAUER.

H.R. 5072: Mr. RADANOVICH.

H.R. 5120: Mr. BACHUS.

H.R. 5121: Mr. OTTER, Mr. CLYBURN, Mr. FOSSELLA, Mr. ROTHMAN, Mr. DAVIS of Tennessee, Mr. LARSEN of Washington, and Mrs. BLACKBURN.

H.R. 5134: Mr. PETERSON of Minnesota.

H.R. 5137: Mr. CLAY.

H.R. 5150: Mrs. LOWEY.

H.R. 5161: Mr. GRIJALVA, Mr. BECERRA, Ms. SCHAKOWSKY, and Ms. ROYBAL-ALLARD.

H.R. 5167: Mr. YOUNG of Alaska.

H.R. 5171: Mr. DEFAZIO and Ms. MCKINNEY.

H.R. 5182: Mr. HAYES, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVIS of Tennessee, Mr. MELANCON, Mrs. CAPPS, and Mr. PRICE of Georgia.

H.R. 5185: Mr. SNYDER.

H.R. 5195: Mr. RUPPERSBERGER, Ms. SCHWARTZ of Pennsylvania, and Mr. MCCOTTER.

H.R. 5212: Mr. TIERNEY.

H.R. 5229: Mr. WYNN, Mr. LYNCH, Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. MCHUGH, and Mr. LOBIONDO.

H.R. 5262: Mr. LINDER.

H.R. 5278: Mr. POE.

H.R. 5290: Ms. DELAURO.

H.R. 5312: Mr. MICHAUD.

H.R. 5315: Mr. MCINTYRE and Mrs. MCCARTHY.

H.R. 5316: Ms. DELAURO.

H.R. 5319: Mr. DOOLITTLE.

H.R. 5321: Mr. CLYBURN.

H.R. 5333: Mrs. TAUSCHER.

H.R. 5337: Mr. KUHL of New York and Mr. SULLIVAN.

H.R. 5348: Mr. CLEAVER.

H.R. 5351: Mr. BRADY of Pennsylvania, Mr. BISHOP of Georgia, and Mrs. WILSON of New Mexico.

H.R. 5356: Mr. MARIO DIAZ-BALART of Florida.

H.R. 5358: Mr. MARIO DIAZ-BALART of Florida.

H.R. 5363: Mr. OSBORNE.

H.R. 5371: Mr. DOGGETT, Ms. BALDWIN, Ms. WOOLSEY, Mrs. DAVIS of California, and Mr. HINCHEY.

H.R. 5372: Mr. MARSHALL, Ms. MATSUI, and Mr. MILLER of North Carolina.

H.R. 5397: Mr. BROWN of Ohio, Mr. JEFFERSON, and Mr. MOORE of Kansas.

H.R. 5416: Mr. POMBO.

H.R. 5452: Mr. CALVERT.

H.R. 5453: Mr. GORDON and Mr. PITTS.

H.R. 5457: Mr. BUYER, Mr. POE, and Mrs. JO ANN DAVIS of Virginia.

H.R. 5466: Mr. PITTS.

H.R. 5478: Mr. COBLE.

H.R. 5496: Mr. ANDREWS and Mr. PALLONE.

H.R. 5509: Mr. THOMPSON of California.

H.R. 5513: Mr. GERLACH, Mr. HOLDEN, Mrs. MCCARTHY, Mr. GILLMOR, and Mr. MCNULTY.

H.R. 5528: Mrs. MYRICK.

H.R. 5529: Mr. MURPHY and Mr. BONNER.

H.R. 5534: Mr. KINGSTON, Mr. HAYES, Mr. ROGERS of Alabama, and Mr. SOUDER.

H.R. 5536: Mr. KILDEE, Mr. CROWLEY, Mr. MCNULTY, and Ms. SCHAKOWSKY.

H.R. 5550: Ms. MCCOLLUM of Minnesota, Mr. HONDA, and Ms. SCHAKOWSKY.

H.R. 5556: Mr. MCCOTTER.

H.R. 5558: Mr. POMEROY and Mr. GRAVES.

H.R. 5562: Ms. MATSUI, Mr. SIMMONS, Mr. WOLF, Mr. BROWN of South Carolina, Mr. LANTOS, and Mr. BROWN of Ohio.

H.R. 5563: Mr. LEWIS of Georgia.

H.R. 5579: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mrs. MCCARTHY, and Mrs. MALONEY.

H.R. 5588: Mr. DOGGETT and Mr. LEVIN.

H.R. 5596: Mr. HOBSON.

H.R. 5636: Mr. GILLMOR.

H.R. 5638: Mr. KENNEDY of Minnesota, Mr. MANZULLO, Mr. SESSIONS, Mr. CANNON, Ms. GINNY BROWN-WAITE of Florida, Mr. DUNCAN, Mr. PAUL, Mr. JONES of North Carolina, Mr. SMITH of Texas, Mr. KUHL of New York, Mr. ROGERS of Alabama, Mr. CALVERT, Mr. MICA, Mrs. DRAKE, Mr. GIBBONS, Mrs. BIGGERT, Mr. MCCAUL of Texas, Mr. DREIER, Mr. AKIN, Mr. PUTNAM, Mr. LATHAM, Mr. JOHNSON of Illinois, Mr. WOLF, Mr. INGLIS of South Carolina, Mr. CAMPBELL of California, Mr. KLINE, Mr. SULLIVAN, Mr. CAMP of Michigan, Mr. ADERHOLT, Mr. POE, and Mr. BONILLA.

H.R. 5640: Mr. FOLEY.

H.R. 5652: Ms. WATSON.

H.J. Res. 3: Ms. HARRIS.

H.J. Res. 58: Mr. CAMPBELL of California.

H.J. Res. 88: Mr. HYDE, Mr. BLUNT, Mr. PRICE of Georgia, and Mr. BOEHNER.

H. Con. Res. 137: Mrs. CAPPS.

H. Con. Res. 277: Mr. OXLEY and Mr. MILLER of Florida.

H. Con. Res. 391: Mr. ROTHMAN.

H. Con. Res. 415: Mr. LEWIS of Georgia and Mr. MILLER of North Carolina.

H. Con. Res. 424: Mr. SODREL, Mr. ROGERS of Alabama, Mr. OSBORNE, Mr. EVERETT, and Mr. PENCE.

H. Con. Res. 425: Mr. MORAN of Virginia.

H. Res. 415: Mr. WILSON of South Carolina, Mr. KING of New York, Mr. ISSA, Ms. WATSON, Mrs. NAPOLITANO, Mr. CROWLEY, and Mr. CARDOZA.

H. Res. 533: Mr. COSTA, Mr. ROHRABACHER, Mr. BLUMENAUER, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 603: Mrs. CAPPS and Mr. FILNER.

H. Res. 735: Mr. SNYDER, Mr. MORAN of Virginia, Mr. HIGGINS, and Mr. PRICE of North Carolina.

H. Res. 745: Mr. UPTON.

H. Res. 773: Mr. MARCHANT.

H. Res. 787: Ms. ZOE LOFGREN of California, Ms. HARMAN, Mr. BACA, Mr. BECERRA, Mr. GONZALEZ, Mr. CARDOZA, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, and Mr. PASTOR.

H. Res. 823: Mr. BOUSTANY, Mr. FORD, Mr. PICKERING, Mr. EHLERS, Mr. MCINTYRE, Mr. PETRI, Mr. PAUL, Mr. TAYLOR of Mississippi, and Mr. SOUDER.

H. Res. 825: Mr. OBERSTAR and Mr. BROWN of Ohio.

H. Res. 838: Mr. WELLER, Mr. MCHUGH, Mr. SWEENEY, Mrs. MYRICK, Mr. WALSH, Mrs. LOWEY, and Mr. GIBBONS.

H. Res. 854: Mr. WYNN, Mr. STRICKLAND, Mr. PEARCE, Mr. CALVERT, Mr. PAYNE, Mrs. DRAKE, Mr. DAVIS of Kentucky, Mr. MEEKS of New York, Mr. MCINTYRE, Ms. PRYCE of Ohio, Mr. GRIJALVA, Mr. GOODE, Mr. AL GREEN of Texas, and Ms. ROYBAL-ALLARD.

H. Res. 858: Ms. HARMAN, Mr. LEWIS of Georgia, and Mr. LEVIN.

H. Res. 860: Mr. LYNCH, Ms. ZOE LOFGREN of California, and Mrs. MALONEY.

H. Res. 863: Mr. HOLDEN, Mrs. MCCARTHY, and Mr. DAVIS of Tennessee.

H. Res. 875: Ms. MATSUI and Mr. CLAY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mr. MARKEY on the bill H.R. 4263: Lois Capps.

Petition 11 by Mr. BARROW on House Resolution 614: John M. Spratt, Jr.

SENATE—*Thursday, June 22, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, open our hands today. Help us to use them to relieve suffering, to convey friendship, and to serve others. Open our eyes, O God, to see Your plan. Teach us Your precepts so that we will honor Your Name. Open our minds, Lord. Make us relentless in searching for Your truth.

Strengthen our lawmakers for today's challenges. Infuse them with patience and give them a vision of Your purposes for our world. Keep them from making judgments without examining the facts and weighing the evidence.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will be resuming debate on a couple of pending amendments to the Defense authorization bill. Under the agreement, we will have 60 minutes of debate and closing remarks in relation to the Levin amendment and the Kerry amendment related to Iraq. Following that 60 minutes, the two leaders will have up to 30 minutes total for final remarks. After those statements, we will proceed to three rollcall votes. The first vote will be on the Levin amendment, to be followed by the Kerry amendment, to be followed by a vote on cloture on the bill.

If cloture is invoked, the two managers will then be in a better position to indicate how much work remains on the Defense bill. It is our intent to continue to work toward final passage, and therefore Senators should expect votes throughout the day and into the evening. I will have an update for Members early this afternoon after we conclude the votes and I consult with the Democratic leader and the bill managers.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

WOMEN SENATORS

Mr. REID. Mr. President, the night before last, I went home and my wife told me: You have to be home tomorrow—that is, Wednesday night—because at 9 o'clock all nine Democratic women Senators will be on "Larry King." I did get home in time to watch the nine Democratic women Senators on "Larry King."

When I came to the House of Representatives, there were 22 women in that huge 435-Member body. Now I think there are 62 or something like that. I don't know the exact number.

I was elected to the Senate in 1986 with BARBARA MIKULSKI. As indicated last night, she is the dean of the Senate women. She is certainly the dean of those nine Democratic Senators there.

Having experienced the Senate, a body of 100, with hardly any women, I know how much better the Senate is because of having women in the Senate. It has improved the Senate. It has improved our country.

I was so proud of those nine women last night, proud of what our country has done and what it has come to. These women have not made the Senate better simply because they work on issues relating to women. That has only been part of their talent. They have worked on wide-ranging issues. Senator MIKULSKI, for example, spent tremendous time on health. The National Institutes of Health are located in her State. Senator FEINSTEIN, for example, was the ranking member and chair of the Military Construction Subcommittee responsible for billions of dollars. She has done an outstanding job.

I am not going to run through the talents of all nine, but they have made the Senate a much better place. Even though I, as the Democratic leader, was so very proud of those nine women last night, it didn't matter what their party affiliation was. This was good for the country to see these women there on national television, talking about issues they believe are important. The Senate will get better with more women. It is a unique body, and we are all very fortunate to be able to serve in the Senate. But just speaking from personal experience, the Senate, I repeat, is a much better place because of the women who serve in the Senate.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2766) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the Act after John Warner, a Senator from Virginia.

Levin amendment No. 4320, to state the sense of Congress on the United States policy on Iraq.

Kerry amendment No. 4442, to require the redeployment of United States Armed Forces from Iraq in order to further a political solution in Iraq, encourage the people of Iraq to provide for their own security, and achieve victory in the war on terror.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate, divided as follows: Senator WARNER, 30 minutes; Senator LEVIN, 15 minutes; and Senator KERRY, 15 minutes.

Who yields time? The Senator from Arizona.

Mr. KYL. Mr. President, on behalf of Senator WARNER, would the Chair

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

please advise me when I have consumed 10 minutes?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, since last Tuesday, scores of my constituents have called my office and otherwise communicated with us, asking a very poignant question. Since last Tuesday, this country has mourned the deaths of two brave soldiers who were kidnapped and mutilated and killed, both Army PFC Kristian Menchaca, from Texas, and Thomas Tucker, of Oregon. The question my constituents are asking me is, How on Earth could the Senate be debating resolutions of withdrawal from Iraq in the same week that we discovered the mutilated bodies of these two American soldiers? Shouldn't our debate, rather, recall the famous words of Abraham Lincoln in his Gettysburg address, "That they shall not have died in vain," and motivate us to redouble our efforts to support our troops in carrying out the unfinished business that remains in Iraq?

There is unfinished business there, to bring to justice the people who committed these heinous acts and to rid that country and the region once and for all of the evildoers who support that kind of violence against both Americans and Iraqis and who promise in the future to commit that same kind of violence against us until they have become victorious. These are the terrorists.

I found it interesting that one of our colleagues was arguing, wrongly, that there were no terrorists in Iraq before we invaded the country and eliminated Saddam Hussein. The evidence is overwhelming that is not true. But in any event, of what importance is it, given the fact that they are there now, mutilating and killing American soldiers and Iraqi citizens? What do the terrorists have in mind if we pull out?

The President recently and succinctly described the plans of the terrorists, directly quoting from a letter that Ayman al-Zawahiri, who is the second in command of al-Qaida behind Osama bin Laden, wrote to Abu Mus'ab al-Zarqawi, who recently, of course, was brought to justice by American troops and was bin Laden's designated leader of al-Qaida in Iraq:

> Their objective is to drive the United States and coalition forces out of Iraq, and use the vacuum that would be created by an American retreat to gain control of that country. They would then use Iraq as a base from which to launch attacks against America, and overthrow moderate governments in the Middle East, and try to establish a totalitarian Islamic empire.

In that same letter, Zawahiri stated that the battle in Iraq "is now the place for the greatest battle of Islam in this era."

It doesn't matter if we are fighting them. They are going to fight us. The point is, they are going to fight us wherever the point of the battle is, based upon their choosing. Today they chose that battle to be in Iraq. In some respects, given the quality of American forces, that is a better place for us to be confronting this enemy, these evildoers, than waiting for them to come back and attack us in the United States. That is why we owe so much to the soldiers and to the sailors and to the airmen and to the Marines whom we have sent into harm's way to confront the enemy there. We owe them not just the best training and the best equipment and the best planning in the world to enable them to carry out their missions but support here at home.

The question my constituents are asking me is, What message does it send to our troops, to our allies, and to our enemies, when we begin talk of withdrawal? You can sugarcoat it all you want. You can call it phased withdrawal, you can call it timelines, but whatever you call it, it pretty much amounts to the same thing.

The distinguished minority leader, as a matter of fact, said just a couple of days ago, and I am quoting:

> I think that even though we have at least two positions, I think if you look at them closely, they're both basically the same, that there should be redeployment of troops. It's a question of when.

Indeed. One resolution says: Right away; it has to be done this year. That is a time certain, this year. And another one talks about submission of a plan with estimated dates. Dates, of course, are times certain. Whenever they are established, you have a specific time within which the withdrawal is to occur, whether it is in a phased way or all at once, right next door or 1,000 miles away. The bottom line, whatever you want to call it, is withdrawal of American troops within certain timeframes to no longer be able to perform their mission there.

Why would you take that kind of position when there is work yet to be done? It has to be based upon the guess that by the time that time comes the work will be finished, that we will have done sufficient work in Iraq and training up the Iraqi soldiers and performing, ourselves, that we will no longer be needed. But nobody supporting these resolutions knows that. The military commanders on the ground will tell you that they do not know it. No one can know what the circumstances on the ground will be by the end of 2006 or by the middle of 2007.

All wars are based upon the circumstances at a given time on the ground. It would have been folly, for example, simply because we were losing significant numbers of American soldiers in World War II, for the U.S. Congress to pass a resolution, sending it to President Roosevelt, saying you have to be out of Germany by a date certain and you have to begin a phased withdrawal of our Pacific troops by a date certain.

At that time, America was committed to performing the mission, to getting the job done, to winning the war. What should the condition for withdrawal be? Victory; the ability to say we have accomplished our mission, we have pacified the country to a sufficient extent that we can leave without creating a power vacuum into which the Iranians and the Syrians and perhaps the Turks or others might come into Iraq because of their interests in the area, not sending a message to our allies in the region that, instead of being on the winning side, it turned out that they chose the wrong side, the side that wanted to leave the battlefield before the battle was won.

Think about the Iraqis who are supplying intelligence to us right now. They have calculated that we are the winning side and that they can give us information to help get these evildoers without fear of retribution—that when we leave they are going to be vulnerable to attacks by the insurgents and the terrorists who remain. They calculate that we will stay long enough to do the job. The same thing for the 12 million Iraqi people who elected their Government and the same thing for the Government that has now stood up in that country that does not want us to leave precipitously. Yes, of course they get the message that they have to eventually be responsible for their own security. Yes, of course they are participating in the training of their army so that they can eventually do this job themselves. They don't need to receive a message from the United States that this is ultimately going to be their responsibility.

They understand that. What we cannot do is send to the Iraqi people, who are now very increasingly cooperating with us, send a message to our allies in the region that they chose the wrong side, and send a message to our American troops that we are not willing to back them all the way to victory.

That would be the way to lose this war. It has been said many times that the insurgents and terrorists cannot defeat our troops. The only way they can win the conflict is if they defeat us here at home by undermining our confidence, by undermining our credibility, and by undermining our support for our troops.

Mr. President, this is the most serious business that the Senate could be debating. It has to do not just with the freedom of Iraqis in the future, or the lives of American soldiers, important as they are; it has to do with the security of the people of the United States of America from terrorists who are seeking places in the world from which to operate. We need to deny them that territory and that support and, in the process, persuade the neighbors of Iraq in the region that they need to stay with us, to continue to get the terrorists out of their country, continue to stop funding the terrorists, and to continue to support our efforts, so that the words of Osama bin Laden will be demonstrated as absolutely false. Remember what he said—that we are the weak horse, he's the strong horse. Where did he get that idea? Because of previous times in which we have withdrawn.

We cannot make that same mistake again. I urge my colleagues to defeat both of these amendments when they are presented this morning.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I yield to myself such time as I may require. I thank the Senator from Arizona. He has been a very strong voice, not only in this debate but all debates.

Once again, to me, the debate today hinges around getting this new Government, in which we have invested an awful lot over these 18 months in life and limb, dollars, and in every other way, up and running. It is now running, Mr. President. I have just left a meeting with the Secretary of Defense, the chairman of the Joint Chiefs, and General Casey, the field commander in Iraq, who were briefing a few of us this morning. Clearly, that Government is setting down its roots, getting stabilized, operating as a sovereign entity. We must give them that support and not send a signal that we are going to pull, possibly, the rug out from under them because it is our security environment, together with the coalition partners, that is enabling that Government to function.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. REED. Mr. President, I yield myself 5 minutes from the time allotted.

Mr. President, we should take heed of what the Government of Iraq is doing and saying. We should take heed of the fact that it has made progress in establishing itself and making significant steps forward. In this context, let me again remind my colleagues of what the National Security Adviser for Iraq has said. He suggested we should begin withdrawing troops by the end of this year. That is what the Reed-Levin amendment would require. He also suggests and predicts that by the end of 2007 most American combat forces would be out of the country. He says, in his words:

> The eventual removal of coalition troops from Iraqi streets will help the Iraqis, who now see foreign troops as occupiers rather than the liberators they were meant to be. Moreover, the removal of foreign troops will legitimize Iraq's government in the eyes of the people.

I concur with Senator WARNER that we should support the Iraqi Government, pay attention to what they are saying. I think we should pay particular attention to what Iraq's security advisor has said. This was not a casual off-the-cuff remark. He said it first on CNN, where he knew he was speaking to a world audience, particularly an American one. Then he crafted a very careful op ed opinion for the Washington Post. If that is what one of the key leaders of the Iraqi Government is saying, then I think that supports our efforts for the Reed-Levin amendment.

Also, this amendment has been mischaracterized grotesquely. This is not some arbitrary fixed timetable. This is not something where dates mean dates specific. We say precisely that the President shall submit to the Congress a plan by the end of 2006, with estimated dates for the continued, phased redeployment of U.S. forces, with the understanding that unexpected contingencies may arise. I think my colleagues demonstrate a lack of confidence in the ability of the President, listening to his commanders in the field to prepare an estimate of our posture in Iraq over the next several years. There is no end point in our amendment because we recognize, as so many others, that this process could take an indefinite time but a time that at least could be estimated by the President.

Let me also suggest that the Levin-Reed amendment recognizes there will be a residual force in Iraq of American trainers, American logisticians, and of special operations troops to seek out these terrorists, rather than having young Americans at checkpoints who are subject, because of a lack, apparently, of coordinated support, to being attacked successfully by Iraqis. That mission should be done by the Iraqis. But we cannot give up the right and capability of striking at terrorists in Iraq. This amendment clearly states that. It is something else, too, because we have a lot of people coming to the floor talking about we are going to stay the course and we are going to support them.

We have done nothing virtually with respect to nonmilitary support, effectively, for Iraq. Where are the State Department teams? Months ago, with great fanfare, the President announced we are going to develop eventual reconstruction teams and put them in the provinces of Iraq. There are only four. They lack resources, they lack personnel, and they lack real support and emphasis. Unless we can fix some nonmilitary aspects of the reconstruction, redevelopment, political mentoring, our military efforts will buy us time that we will squander, as we have squandered to date.

Now, the real test of the other side is not the rhetoric on the floor and the slogans that you cannot "cut and run" and appropriately recognizing the great sacrifices of our forces. It is coming down here with a plan—over many years, according to them—and the resources to support that plan—the billions and billions of dollars that we will need over the next several years, the personnel we need in the country, not just from our military forces but from our State Department, our Agency for International Development, and our Justice Department. If we are truly committed to this concept of complete victory, we need a plan. The President has to deliver such a plan. This amendment will require him, we hope, to sketch out that plan.

At the heart of this, it is not about satisfying the Congress, it is about confiding in, with candor, the American people, telling them what the risks are, what the costs are and how we are going to pay for it. It is easy to come down here and say we are going to support our troops and do all these things. But then 2 weeks from today, or a week from today, we will have a bill to cut the estate tax. How do we pay for these troops and give them equipment and reset our equipment? How do we give resources for troops in the field and support this new Iraqi Government? With what?

The real test of the other side will be when they come up with a plan and with money and with resources. I believe this approach is the most sound tactically, strategically, and politically, not to surrender but to succeed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HATCH. Mr. President, I am disappointed that we are considering legislation that would force the United States to withdraw our troops before we have finished the job in Iraq.

It is ironic. Some of my friends on the other side of the aisle fight over judicial nominations, they fight the President while he is trying to protect our country, and they fight each other. Just about the only thing they are unwilling to fight is an actual war.

Let me be clear: We got into the war committed to success, and I am never going to allow us to cut and run.

Let me remind everyone that bin Laden inspired his followers with his view that America was easy to defeat. Let's not do anything to confirm his skewed vision. When we leave Iraq, let's make sure it is stable and secure enough to defend itself.

Last Thursday, we had our first vote on pulling out the troops. We voted on a proposal by the distinguished Senator from Massachusetts who seeks to require the President to set a date for withdrawal by December 31, 2006. Wisely, my colleagues voted down the proposal by a 93 to 6 vote. Now that is a pretty telling vote in today's partisan atmosphere.

The minority is now seeking a scheduled phaseout withdrawal, which would set an artificial deadline that would only encourage and embolden our Nation's enemies. I am sure this will get more votes than the previous proposal.

but it clearly doesn't have the votes to pass, and it shouldn't. The enemy will use this estimate and tell the Iraqi population that the United States is leaving. This could have tremendously harmful repercussions.

The United States clearly has a strategy for meeting this difficult challenge in Iraq. Some of those on the other side insist on focusing on the difficulties, while asserting that we have no strategy.

Our goal is to stay in Iraq as long as necessary, but not one day longer.

Our strategy is to ensure that the Iraqi people have developed a secure constitutional government that embodies a national compact between all Iraqi groups.

And it is training their forces to provide for their own security.

We have made significant progress. The Iraqis have formed a national government, and they are taking more and more responsibility for their security.

In fact, Iraq has nearly 265,000 trained security forces now—including 115,000 for defense—and that is building daily. Our troops are serving with Iraqi units and running joint combat operations.

We also have—in conjunction with Iraqis—put Al-Qaida, the Saddamites and the Sunni insurgents on the defensive. They spend more time running from us than they do attacking us, although we all agree they are still lethal.

I think it is shameful that we are even considering proposals to withdraw our troops before the job is done in Iraq.

We have seen the cost of U.S. withdrawal before, and we should learn from our past history.

If our Nation sets an artificial deadline for the removal of our forces, all our adversaries need to do is husband their resources until we leave and then emerge, possibly destroying all of the accomplishments to date.

That is not a plan for success—that is a plan for failure.

Mr. NELSON of Florida. Mr. President, the Senate's debate on U.S. policy with respect to the war in Iraq has been healthy. There is no question but that every Member of this Chamber is deeply proud of America's men and women in uniform and the magnificent job they have done and continue to do to bring peace and stability to that troubled land. Like all my colleagues, I want them all to come home to their loved ones and this grateful Nation as soon as possible. But our departure from Iraq must not leave a greater risk of terror taking hold there. We cannot afford to leave Iraq in a condition that terrorists could take over the country, as they did in Afghanistan before September 11.

I have given the views of my colleagues on all sides of today's votes careful consideration. I have concluded that I cannot support any policy that would set an arbitrary timeline for the start, rate, or conclusion of the withdrawal of U.S. forces from Iraq.

The decision to drawdown American forces must be based on the application of our military commanders' professional judgment assessing actual security conditions on the ground. Withdrawal of U.S. forces must be based on the objective criteria of local stability and the capability of Iraqi forces.

Setting a timeline for withdrawal limits our Commander in Chief's strategic options and denies our local commanders the operational flexibility necessary to sustain progress to stability and reduce the risks of the insurgency taking any tactical advantage.

We all pray for the safe return of every one of our men and women in uniform, as soon as the mission of leaving Iraq in the hands of a stable government can be accomplished.

Mr. JEFFORDS. Mr. President, all of Vermont is breathing a sigh of relief with the return from Iraq of 350 members of the Vermont National Guard, many of whom have spent most of the past year in Al Ramadi, one of the hot spots of the war. We are terribly proud of the outstanding job they have done, working in a dangerous area, attempting to root out insurgents, bring stability to the region, and provide a climate that will permit reconstruction and development. These brave men and women have set their private lives on hold for a year and a half, risking injury or death, in order to give Iraqi citizens a chance at a better life. I thank them and all Vermonters who have served and continue to serve in Iraq, Afghanistan and Kuwait.

Vermont has lost 23 sons in the Iraq war, one of the highest per capita casualty rates of any State. As Task Force Saber returns, we hold particularly close the families of those members who are not returning: MSG Chris Chapin of Proctor, 1LT Mark Dooley of Wilmington, SPC Scott McLaughlin of Hardwick; 2LT Mark Procopio of Burlington; SGT Joshua Allen Johnson of Richford and SPC Christopher Merchant of Hardwick. My thoughts and prayers are with them.

Vermont soldiers have performed admirably the job that was asked of them. Now it is incumbent upon us to determine what our role in Iraq should be and how that role should be carried out in the coming year.

I opposed this war from the very beginning. I did not believe the administration's claims that Saddam Hussein was an immediate threat to the United States, and I believed that working through the United Nations would more effectively curtail Saddam Hussein's regime. At the start, in 2003, our presence was welcome, and we had an important obligation to the Iraqi people. But now we find that our presence is in part feeding the cycle of violence that is tearing Iraq apart. Foreign terrorists continue to be recruited to Iraq because that is where they can attack Americans. Iraqi groups are polarized over the American presence and how and when American forces should leave. American military actions continue to be controversial and continue to radicalize certain elements of the population. The newly established permanent Government of Iraq struggles to assert its sovereignty in the face of the heavy American military presence.

It is time that we step back and hand more of the security functions over to the Iraqi security forces. We have been training Iraqi military and police for 3 years. Finally, significant numbers of Iraqi units are able to take over for American units and are doing so in many places across the country. We owe it to them to train, equip, and support Iraqi security forces. But the Iraqi security forces deserve the chance to independently establish the security required for reconstruction and development.

Sectarian violence across Iraq seems to be exacerbated by the U.S. military presence. The presence of American forces makes it more difficult for moderates on all sides to keep out foreign jihadists who are anxious to alter the traditional secular orientation of Iraqi society. The presence of American forces makes it more difficult to shift the Iraqi national debate from conflict to the formation of a unified and effective government. The ongoing presence of American forces makes it harder for the new Iraqi government to take on primary responsibility for countering insurgents in the future.

Ultimately, it must be the Iraqi people, working through their new institutions of government, who find solutions to the religious, ethnic, and cultural divisions that threaten to tear Iraq apart. The Shiite majority must realize that unless it incorporates strong Sunni representation into the new Government, Sunni minorities will not feel that they can count on the protection of the Government. Kurdish groups want guarantees that their autonomy will be respected. Smaller ethnic and religious groups are worried that democracy means tyranny by the majority over minority populations. The Iraqi people must devise the solutions to these complex problems. They are not likely to look like American solutions. Some of these solutions may not even feel right to us. But our troops have fought for the right of the Iraqi people to decide these things for themselves. We must step back and let them do that.

Getting American troops off the streets of Iraq will remove the sense of occupation that currently pervades parts of Iraq and makes Iraqis feel that their fate is not in their own hands. We may also increase our own security by reducing our visibility in Iraq. Images of American troops patrolling Iraqi streets continue to inflame conservative Arab elements all over the world. The struggle against American occupation is one of the biggest recruiting slogans for radical Muslim groups. If we are serious about fighting terrorism, then we must be mindful of where our own actions foster radicalism and strengthen the enemy.

I will vote for the amendment by the Senator from Massachusetts, Mr. KERRY. The Kerry amendment calls for the withdrawal of the majority of American troops by this time next year, leaving in place those troops necessary to train Iraqi security forces, to conduct specialized counterterrorism operations, or to protect American facilities and personnel. This language would allow U.S. troops to stay in Iraq where absolutely necessary but would bring the bulk of our troops home.

I will also support the Levin amendment, which requires that withdrawal of U.S. forces begin before the end of this year. It calls upon the administration to set up a timetable for the phased redeployment of U.S. troops. It makes clear to the Iraqi Government, the Bush administration, and the American people that we must start getting out of Iraq. While this amendment is not as firm as the Kerry amendment, I believe it is an improvement over the current policy of just staying the course with no clear guidance on withdrawal.

Mr. President, we owe it to the men and women who are serving so nobly in Iraq to not leave them in harm's way 1 day longer than is necessary. We can and we must start drawing down the number of troops in Iraq and bringing our people home. This is the right move for our troops, and it is the right move for the Iraqi people. It takes political courage to change course. It is time the Congress showed a little courage in the face of the daily acts of valor displayed by our troops under fire. I call upon my colleagues to rise to the occasion and do what needs to be done. It is time to end a bad policy and focus our efforts on the reconstruction and development of Iraq.

Mr. SARBANES. Mr. President, the Department of Defense authorization bill for fiscal year 2007 has now been under consideration on the Senate floor for more than a week. Much of that time has been devoted to discussion of Iraq, which casts a long shadow over every decision we are called to make. I regret that there has been such great unwillingness, until now, to have this issue freely debated on the floor of the Senate, and I commend the floor managers for allowing us to fulfill our constitutional responsibility. If ever there was a time for a resolute and reasoned assessment of our policy in Iraq, this is it.

In undertaking unilateral military action to remove Saddam, the administration chose to pursue a costly policy that has seriously undermined our ability to focus on and deal effectively with the urgent national-security challenges we face. Turning its back on 50 years of bipartisan consensus on the need to work collectively and cooperatively through multilateral institutions—a consensus that carried us through the darkest years of the Cold War—this administration insisted on a go-it-alone strategy that made only minimal gestures toward diplomacy. Pushing aside the many diplomatic, economic and political resources at his disposal, the President squandered the vast outpouring of support that resulted from the tragic events of 9/11. His policies have divided us not only from the vast population of the Muslim and developing world, whose support is more important now than ever in the fight against terrorism, but also from many of our traditional friends and allies in Europe and Asia.

More than 3 years ago I took the Senate floor and posed this question: "Are we going to seek to exercise our power in cooperation, in coordination with others, which in the current context means working through the United Nations; or are we going to move down the path of asserting a unilateral preemptive prerogative, in effect, asserting our right to do what we want anywhere, anytime, to anyone?" I say now that the administration made a grievous mistake in pursuing the second path, and thus today we find ourselves forced to deal with the consequences. Mr. President, I call to the attention of my colleagues my remarks of October 9, 2002.

Had the United States taken that more prudent course, we would find ourselves in a different, and, I would argue, immeasurably stronger position than we are in today. Before the invasion began, we had investigators from the International Atomic Energy Agency on the ground in Iraq, where they were tracking down and following up all reports of weapons of mass destruction. U.S. and British aircraft were enforcing two U.N.-backed no-fly zones, one to protect the Kurds in the north, and another to protect Shiites in the south. In effect, we had Saddam Hussein in a corner, and we were keeping him there with the blessing of the international community.

The President chose instead to take a reckless and irresponsible gamble. We can count up the number of deaths, we can count up the number of dollars, we can count up the number of injuries from which people will never recover, but none of this begins to account for the true costs to our Nation. We have lost more than 2,500 courageous and dedicated men and women—a tragedy for them and their families, and also for the nation, because they represented the promise and hope of our future. This is not to mention the tens of thousands of innocent Iraqi civilians, women and children alike, who were caught in the crossfire. We have diminished our standing in the eyes of the world, and having declined to use the tools of diplomacy at our disposal, we now find their effectiveness diminished. This military action has clouded our vision and distorted our priorities to the point that the entire question of national security must now be debated through the prism of Iraq.

With our diplomatic resources focused overwhelmingly on Iraq, we have undermined our ability to achieve national security objectives we know to be critical. Today the challenge in Afghanistan is growing, not receding. More than in the past, al Qaida is an international phenomenon that adapts to local conditions, making its detection and destruction ever more difficult. The nuclear challenge posed by Iran is gaining momentum at the same time that our presence in Iraq immeasurably complicates the problems of dealing effectively with Iran, and North Korea has raised its own nuclear challenge to a new level.

Our country's standing in the world community has been diminished on numerous fronts by the profoundly misguided invasion of Iraq and our continuing failure to meet the goals we set for ourselves. We have seriously undermined working relations with our traditional partners and allies, which the President's trip to Vienna has yet again put on vivid display. Sixteen of the original 37 members of the coalition which the administration touted have withdrawn their troops, Japan being only the most recent to announce its departure. Of those who remain, only the United Kingdom has more than 5,000 soldiers on the ground.

This is to say nothing of the toll Iraq has taken at home. There are thousands who have been disabled by serious war-related injuries and trauma. Hundreds of thousands of families have been torn apart by lengthy and unplanned Guard and reserve duty, often creating substantial financial hardship. Our National Guard, thus stretched, is less able to render assistance in the situations it was designed to address. We have had to divert hard-pressed resources from urgent domestic priorities, the recovery from Hurricane Katrina among them.

Yet the administration refuses to face these realities. When at a hearing of the Senate Foreign Relations Committee last fall I asked Secretary of State Condoleezza Rice, referring to Iraq, "Do you think five years from now, some American forces will have come out?" She said, "Senator, I don't want to speculate." Even when asked, "What about 10 years from now?" she refused to rule out the prospect that our troops would still be on the ground in Iraq. Her response revealed the administration's adamant refusal to think through to the consequences of the action, which has characterized our policy in Iraq from the beginning.

It is long past time to face the situation squarely and undertake a fundamental redirection of the policy before more damage is done. The war not only has taken a terrible toll in terms of lives and hopes for the future; it has diverted our attention from the real and urgent threats to our national security and compromised our ability to deal with them. We should not be pursuing an open-ended commitment in Iraq. It was a war that need never have begun. By failing to offer to a viable strategy to bring it to an end, the administration does a grave disservice to our Nation.

Mr. WARNER. Mr. President, in fairness, we should give the sponsors of the Kerry-Feingold amendment the opportunity to speak to the Senate.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, I ask to be informed when I have consumed up to 7 minutes.

Mr. President, I thank my colleague from Massachusetts, Senator KERRY, for working together with me so well on this very important amendment. We understand that we are not going to get a majority. We know we are not going to get anywhere near a majority. The Senator and I know we represent the view of a majority of the American people, which has clearly been demonstrated in every indication, whether it be conversation, polling, or town meetings that I hold in Wisconsin. The people of this country know that we have to finish this Iraq mission, that it cannot be open-ended.

To me, the most touching moment of the debate came when the senior Senator from Massachusetts quoted his own brother, Robert Kennedy, who for many of us was a central figure who inspired us to go into politics. I hope he doesn't mind my repeating Robert Kennedy's words in 1968:

> Past error is no excuse for its own perpetuation.

That is what the Iraq situation represents. Let's be clear. Every one of us, as the Senator from Massachusetts pointed out last night, voted for the Afghanistan invasion. We did not think that was a mistake. I ask my colleagues on the other side, if they believe we believe in cut-and-run, why aren't we trying to cut-and-run from Afghanistan? Why is no Senator saying: Let's get the troops out of Afghanistan, as difficult as it is? Because that was not a mistake, because that was essential, because we had to go after the Taliban and al-Qaida. It was not a mistake.

What is a mistake, though, is to continue indefinitely the Iraq invasion and Iraq situation with some 138,000 troops, without any realization or recognition that it is sapping our strength, it is sapping our credibility around the world, and it is sapping the resources of our military. It is sapping the recruitment ability of our military. In other words, it is weakening America.

At the same time, as I mentioned on the floor yesterday, the situation appears to be slipping in places where we know al-Qaida was operating—such as Somalia or Mogadishu, now taken over by a radical Islamic government. We are trying to work with Indonesia's Government, but the fact is, in the area between the Philippines and Malaysia and Indonesia, there is an ungoverned area where groups sympathetic to al-Qaida are operating. This is a threat of the exact kind that 9/11 represents, and we know they have successfully pulled off attacks in Indonesia.

Perhaps most compelling to me is the fact that we are losing ground in Afghanistan because we have stopped paying attention to the No. 1 priority in the fight against terrorism.

Let me quote from the Washington Post article from June 20, entitled "In Tribal Pakistan a Tide of Militancy." It says:

> In north Waziristan, barbers are ordered not to shave off beards, and thieves have been swiftly beheaded. In Swat, television sets and VCRs have been burned in public. In Dir, religious groups openly recruit teenagers to fight U.S. forces in Afghanistan. In the Khyber area, armed squads have burst into rooming houses, forcing people to pledge to obey Islamic law.
>
> . . . A tide of Islamic militancy is spreading across and beyond the semiautonomous tribal areas of northwest Pakistan, that hug the Afghan border.
>
> . . . Observers say the army's aggressive efforts since 2004 have backfired, alienating the populace with heavy-handed tactics and undermining the traditional authority of tribal elders and officials.

How did we lose focus on those who attacked us on 9/11? Does it make sense to continue to pour virtually all our resources into an Iraq war that is not working? It is time to tell the Iraqis that we have done what we can do militarily, that we will continue to help them in many ways, and we will continue to have special operations forces capacity in that region to take on situations, such as the al-Zarqawi situation. But the notion of continuing to put all of these resources just into Iraq on the absurd notion that that is the key to the fight against al-Qaida is one of the worst mistakes in American foreign policy history. This is an enormous disservice to the American people, and it is especially a disservice to the families of those who have died, those who have been injured, and those who continue to serve. We owe it to those families to not be standing here when No. 3,000 soldier has died. It doesn't have to happen. It doesn't have to be. What is happening now is a horrible situation, not the imagined problems that the other side continually suggests will occur if we have a reasonable program to bring this to a conclusion within the coming year.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. The Senator has consumed 5 minutes.

Mr. FEINGOLD. Mr. President, I have been a legislator for almost 25 years now. I must say, this is one of the toughest moments of my career, to see the Senate not recognize that we were falsely led into a war, that we falsely led the American people into believing this had something to do with 9/11, and that many of the things that have happened simply didn't have to happen. That is water over the dam.

What has happened after the mistake was made is that mistake after mistake has been compounded. Every day this myth that somehow Iraq is the central focus of the war on terrorism is being used as an excuse to send more and more Americans into harm's way, which is not necessary.

Iraq is not the be all and end all of our national security. Iraq is not the situation that led to 9/11. The American people know it. It is time for this body to catch up and have a reasonable plan to finish the Iraq mission so we can focus on those who attacked us on 9/11.

I reserve the remainder of our time.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. There is 8 minutes 15 seconds remaining.

Mr. LEVIN. How about Senator WARNER's time?

The PRESIDING OFFICER. Senator WARNER has 18½ minutes remaining.

Mr. LEVIN. Senator KERRY will go next.

Mr. WARNER. My understanding, Madam President, is that Senator KERRY has approximately 7½ minutes; is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 15 seconds.

The Senator from Massachusetts.

Mr. KERRY. Madam President, this is obviously the most important issue facing the country today. I listened to my colleagues on the other side try to make this a debate about something that it is not about.

All of us support the troops. The only question here is how do we most effectively support them. The best way to support the troops is to get this policy right. That is how we support the troops.

There is nothing more disappointing than being a troop in the field and see you are doing missions that don't make sense or that the overall strategy doesn't make sense. And the record here—as the Senator from Wisconsin has said in quoting Robert Kennedy about past error justifying a perpetuation of the same—the record here is not good.

Prediction after prediction after prediction has been wrong. Policy choice after policy choice after policy choice has been wrong. Young men and women in the U.S. Armed Forces have been wounded and killed because of bad policy decisions, and it is not enough to come to the floor of the Senate and insist: Oh, we have to stay the course because otherwise what our troops are doing would be lost or be in vain.

What would be lost and be in vain is not to look at and think about what is happening over there and to adjust appropriately. Our troops want us and deserve for us to get this policy right.

What Senator FEINGOLD and I are offering, along with Senator LEAHY and Senator BOXER, is a plan that gets it right, that helps us get on a path where we demand accountability and where we still support Iraq.

Sure, we can muddle along on this course. None of us have come to the floor and said the cause is lost. None of us have suggested that we just have to walk away and leave chaos. That is not what this plan does. This plan honors the investment of our troops, and, in fact, what it does is provide a better way of not only empowering the Iraqis but of empowering the United States of America to fight a more effective war on terror.

Let me say it plainly. Redeploying U.S. troops is necessary for success in Iraq, and it is necessary to be able to fight a more effective war on terror. That is why we put this program forward.

Our amendment requires redeployment of American combat forces with important exceptions. At the end of the year, if, in fact, it is necessary to continue to train in order to stand up the Iraqis, we allow for that. If we need to continue to fight al-Qaida because we haven't destroyed it completely in the next year, we allow for that. And we allow, obviously, for the protection of American facilities and forces. There is no other reason to be in Iraq a year from now, other than standing up the Iraqi forces or chasing al-Qaida or protecting our facilities.

So, in fact, what we are providing for is exactly what our policy ought to be, but it begins the redeployment because the fact is—and our generals have said it and every expert has said it—the large presence of American forces in Iraq is contributing to the insurgency.

Why on Earth would Senators want to come to the floor and argue, Let's just stay the course and do the same old thing, when our own generals have told us the same old thing is part of the problem, the same old thing is attracting terrorists, the same old thing is losing us allies, the same old thing is costing us unbelievable sums of money and costing us lives unnecessarily?

Our plan believes there is a better way to fight the war on terror and a better way to be successful in Iraq. It is different from what Senator LEVIN and others are offering, but it is not different in that it has every component of the plan they offer.

I have heard some Senators say we don't have a plan. We have exactly the same plan that is in the Levin amendment except we go further. We maintain an over-the-horizon force to protect our security interests in the region.

In addition to that, we have a date, and it is binding. I don't believe at this point in time that our troops are well served by only having a sense-of-the-Senate resolution. We ought to make policy. We helped make policy that put them there, and we ought to help make the policy to help get them out of there.

Let me also be clear about this, Madam President: This plan continues support for Iraq. There is no drop dead, no depart, no ultimatum. It gives them a deadline to stand up, but it provides the President the ability to continue to train if that hasn't completely happened. The fact is, this amendment permits us to accomplish the job.

General Casey has said—how many times does the commanding general have to say it?—this war cannot be won militarily. The only way to do this is to bring parties together and resolve the political differences that are feeding the insurgency.

How much time do I have remaining?

The PRESIDING OFFICER. There is 2½ minutes remaining.

Mr. KERRY. Madam President, the National Security Adviser of Iraq said it this week. How many of our colleagues came over to the Senate the other day and argued about the sovereignty of Iraq? I am for the sovereignty of Iraq. The sovereignty of Iraq is respected by respecting what they are saying about themselves.

Prime Minister Maliki says they will be able to take the security of 16 out of 18 provinces by the end of this year. Let's honor that. Prime Minister Maliki said getting our troops out will, in fact, legitimize the Government, it will help them. Other Iraqis and Sunnis have said that. Madam President, 94 percent of the Sunnis say the United States should set a timetable; 90 percent of the Shia say the United States should set a timetable. Are the Iraqis cutting and running on themselves by saying that? Of course not.

All these comparisons with World War II are absolutely ridiculous. Of course we wouldn't set a date when we are fighting a uniformed force that has invaded other countries and we can understand how to do it. But this is not a uniformed force. These are terrorists and these are insurgents and these are criminals. These are people whom we need to fight differently. And when our own presence is adding to their ability to recruit, if we are going to be smart, we ought to think about how we are going to turn around and fight differently.

I remember what it was like when we fought in a war where we were bound by a policy without thinking about how we could change it and be more effective. An awful lot of lives were lost as a result of that when policy leaders failed to change the policy and do what was necessary to win.

If the Iraqis themselves keep talking about a timetable and only deadlines have worked up until this point—the deadline for the transfer of authority for the provisional government, a deadline for the Constitution. The Iraqis wanted to let it slip. We said no. We held their feet to the fire. They did the Constitution. It was the same thing with the elections. We set a deadline. We said the date will be now. They wanted to let it slide. We said no. They held the elections.

I believe it is a more effective way to put America in a position of strength, in a position to fight the war on terror in Somalia, in Afghanistan, and in the other places of the world where al-Qaida is growing. Iraq has been a diversion from the real war on terror, and Iraq has weakened the United States in the world. We deserve to take a position that supports our troops by getting this policy right.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Virginia.

Mr. WARNER. Madam President, before we start on the next speaker, as I understand it, the standing order recites that the Levin amendment would be the first vote. If I understand the request of the distinguished colleague from Michigan, there is a preference to have it switched so that the Kerry vote will be first. Is that a request being propounded?

Mr. LEVIN. The Senator is correct. I asked both Senators KERRY and FEINGOLD as to what their preference is. They do prefer to go first. That is fine with me, if it is OK with the manager of the bill.

Mr. WARNER. Madam President, there will be no objection on this side to that request. So for the advice of all Senators, the first vote that will occur will be on the Kerry-Feingold amendment to be followed by the Levin-Reed amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. WARNER. I yield such time as the distinguished Senator requires.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I rise once again to oppose the amendment offered by the Senators from Michigan and Rhode Island and the amendment offered by the Senators from Massachusetts and Wisconsin.

Before I speak about the problems I believe to be inherent in these amendments, I would like for a moment to discuss the nature of the debate upon which this body is engaged.

The discussion over this war is perhaps the most consequential debate the Senate will engage in this year or perhaps in several years. The outcome of the war will impact the stability of the Middle East and the nature of U.S. foreign policy for a generation. It is that important.

So our debate in this Chamber should be a serious weighing of the arguments. Sometimes, unfortunately, the debate seems to have deteriorated into sloganeering, but overall, I think this debate has been very helpful.

I reiterate the fact that we should respect the views of those who disagree with us. I respect and have known my colleagues who are sponsors of these amendments, and I believe that a good, healthy, strong debate is what this Nation needs. In that spirit, I would like to discuss again my strong opposition to the two amendments.

By calling for a withdrawal of American troops tied to arbitrary timetables rather than conditions in country, these amendments literally risk disaster for our intervention in Iraq.

Madam President, the Iraqi security forces, I say to my friends, are clearly unable to maintain security on their own. All one has to do is look at every news story every morning or every evening. Even with the presence of coalition forces in Iraq today, the violence and instability remain at unacceptably high levels. To abandon the fledgling Iraqi Army and police to the insurgents, the militias and the terrorists would risk chaos in Iraq, and chaos in Iraq would mean disaster.

Madam President, there is an old line about those of us who ignore the lessons and mistakes of history are doomed to repeat them. Afghanistan is the classic example of what could happen in Iraq. After years and years of incredible assistance to those who were seeking freedom from the then-Soviet Union occupation of Afghanistan, the Russians were driven out. Then, incredibly, the United States of America totally disengaged—totally disengaged—from Afghanistan. I commend to my colleagues a book called "Ghost Wars" by Steve Coll which won a Pulitzer prize. And in that vacuum, of course, came the Taliban, and the Taliban then obviously was not only a terribly oppressive, brutal, and cruel regime but became a hotbed of training for terrorists, al-Qaida and others.

It is clear to me that if we abandon Iraq to that same chaos, there is no doubt who would come to power, at least in some parts of Iraq, and the consequences we would pay for that.

We watched Afghanistan descend into chaos. There continues to be much debate about Saddam Hussein's connections to terrorists before our invasion, but there can be no doubt about the centrality of this conflict on the war on terror today. A failed state in Iraq would pose a clear, present, and enduring danger to the security of our country.

Now, the sponsors of these amendments seem to base them on a premise that if we begin withdrawing, the Iraqi Government will somehow get serious and fight the insurgency on its own without our help. That makes the assumption, incredibly, that the present Government in Iraq and the military who are out there fighting all the time and their police are somehow not serious. Of course they are serious. They are just not capable. It is going to take more time and more effort and, I am sorry to say, more American sacrifice before they are capable of assuming those responsibilities. Rather than inducing the Government to crack down on the insurgency, beginning a U.S. withdrawal is more likely to induce average Iraqis to join a militia for protection rather than cast their lots with the Government.

I would also ask the sponsors of the amendments what they advocate if we withdraw and the violence actually worsens and full-scale civil war ensues or terrorists then enjoy a safe haven to plan attacks against Americans and our friends. Do we then face the options only of tolerating this situation in perpetuity or reinvading the country?

We have just one choice in Iraq, and that is to see our mission there through to victory. What does victory mean? It is the classic reduction and eventual elimination of any insurgency, an economy that works, a government that functions, and a military and police that are able to come back and eventually eliminate and destroy an insurgency. That is the way every insurgency in history was put down. There is no peace signing on board the USS *Missouri*. There are no Paris peace talks. It is an insurgency that has to be surrounded, contained, and eliminated.

That is not to say this victory will be quick and easy. It is long and it is hard and it is tough, and many mistakes have been made and all of us have been frustrated by those mistakes. Many of us have been terribly frustrated by the inflated estimates and over-optimistic statements that so frustrated us and the American people when the conditions don't warrant it. It is still tough today. We can't fall prey to wishful thinking, that we can put the costs and the difficulties and the frustrations aside by ignoring our challenges and responsibilities. That is something we cannot do.

Madam President, I congratulate my colleagues for their participation in this debate. The American people expect nothing less of us. I hope we are a better informed nation and a better informed body when we vote. It will probably not be the last time we address this issue, but I think it has been done in a comprehensive fashion.

I would close by reminding my colleagues that it was the United States that led the invasion of Iraq, the United States led the occupation, and the United States, with our Iraqi partners, has the responsibility to see this through. It will take more time, more commitment, more support, and more brave Americans who will lose their lives in the service of this great cause. Despite our cajoling, nagging, and pleading, few other countries around the world will share much of our burden. Iraq is for [redacted] win or lose, for [redacted] suffer the consequences or share in the benefits. But in the end, there is only one United States of America, and it is to us that history will look for courage and commitment.

I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I commend my longtime friend from Arizona. He in a very succinct way looked at this debate in the context of what is going on today and tomorrow and the weeks and months to come in Iraq, but he is also looking at it in the context of the future, how generations that follow us will look back on this chapter and moment in history and how the Congress of the United States, hopefully, has given support to the Commander in Chief under the Constitution—our President—to direct the operations of the current conflicts.

The Senator also touched on how we have conducted this debate. I wish to just repeat a few remarks of my opening remarks yesterday with respect to my colleague from Michigan in addressing his amendment. I said that I have studied it carefully. I did not denounce the amendment; I said it was a serious amendment, and it is a serious amendment. It deserves serious thought, and I, and I think others, have given that serious thought to our colleague on his amendment. But I strongly oppose it.

Unlike last year where I sat down and was able to work out with him a conciliatory, bipartisan amendment which got three-quarters of the votes of the Senate, it just, in the form he presented it, was not an option this time. Therefore, regrettably, we approach these critically important votes with far greater partisanship than I had hoped. I had hoped we would have greater bipartisanship.

But my basic message to America and to my colleagues is that we have put an enormous investment into these conflicts, both in Iraq and in Afghanistan. We are focusing today on Iraq, but we have to look at the others.

Madam President, 2,500-plus Americans have lost their lives and left families and loved ones grieving, and 18,000 have survived their wounds and are working to reestablish themselves, many going back into uniform or having never left uniform, but remaining in, which is to their everlasting credit, but others receiving the love and the care of their families and their communities in which they live. There has been enormous sacrifice. We have dollars incalculable in amounts.

Also, what we have on the line is the credibility of the United States of America. The voice of this Senate will be recorded momentarily. I am optimistic it will be recorded in a way to support the President and his statements that we are there to work with the Iraqi people, to establish their democracy, which they have worked on these 18 months, now with a permanent, unified government, and to try to let this Government of only weeks establish itself, send its roots into the ground, derive its strength, and begin to govern and govern fully a sovereign nation and take on all of the responsibilities.

Both of these amendments, the amendment of the Senator from Michigan and the amendment of the Senator from Massachusetts, would send a message which would indicate there is some wavering, some equivocation here at home in supporting our President, the Commander in Chief, and that goes to the basic credibility of the United States of America, which is on the line in these votes.

There is not one of us here who doesn't desire to have our forces brought home at the earliest possible date, but the formulation by which they can come home rests on the ability of this Government to seize those reins, to establish that security, to rebuild that infrastructure, and gain the confidence and the respect of the Iraqi people. That is a tough job, given the strong dissent between the various religious factions, but this Government appears to be up to it. It must be given a chance. It cannot be crippled at this earliest stage by messages coming from this Chamber and elsewhere that we have less than full confidence in their ability to achieve the goals of a full democracy in Iraq, and they are taking the reins to direct their people. Our credibility is on the line, Madam President.

So I say to my colleagues as you approach this vote, it will be one of the most important that you have ever cast. Future generations of Americans will look back upon this very moment to determine if two branches of our Government, the executive and the legislative, stood side by side in honoring those who have given their lives, their wounds, and the 1 million other men and women of the Armed Forces, plus untold American citizens who, in the years of the Iraqi conflict, have gone over and accepted the risks of serving there, be that in the military or civilian capacities. This is a very heavy investment which has been made by many thousands of courageous Americans to see that we have gotten to where we are today; namely, a new government, a unity government, and to give that government a chance to function without in any way jeopardizing that by sending a signal that we have less than full confidence in their ability to achieve their goals.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There is 3½ minutes remaining.

Mr. WARNER. I reserve the remainder of the time.

Mr. LEVIN. Madam President, I yield 3½ minutes to the Senator from North Dakota.

Mr. CONRAD. Madam President, I do not believe it is a wise policy to set a specific date for withdrawal from Iraq. I do believe it makes sense to begin to redeploy our forces sometime this year. Therefore, I will support the Levin amendment. I believe that is the right policy for the following reasons:

No. 1, our military commanders have made clear that is their intention. In fact, the news this morning says in a headline: "U.S. Military to Send Equipment Home." The story goes on to say that the U.S. military has begun sending thousands of Humvees and other war equipment home as more Iraqi units join the fight. The move also anticipates that the number of American troops in Iraq will decline.

Is anybody suggesting our military is engaged in a cut-and-run strategy? I don't think so. It is not a cut-and-run strategy. It has been the long-term plan to begin to redeploy this year.

No. 2, the President has repeatedly said: We will stand down as the Iraqis stand up. Well, according to the administration, tens of thousands, even hundreds of thousands of Iraqis have now stood up. It is time for us to begin to redeploy. That does not constitute a cut-and-run approach but simply common sense.

No. 3, Iraq is ultimately the responsibility of the Iraqis. We cannot forever do the job for them. They must defend their own freedom.

No. 4, there are other priority threats that require our attention, including the worldwide al-Qaida conspiracy, North Korea nuclear weapons and missile development, and Iranian nuclear development.

For those reasons, I support a policy of beginning to redeploy our forces in Iraq this year but without a specific timetable or an arbitrary pace for reducing those troop commitments. That is the right policy. That is the policy outlined in the Levin amendment.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I had intended to reserve a brief period of time for the President pro tempore, Mr. STEVENS, but in his absence, I will just once again conclude.

The message today is whether we are here to uphold the credibility of the United States of America, as stated most eloquently by our President, as we have come to establish a new government in Iraq. That has been achieved. It has now been 18 months since the beginning of their elections, brave elections, followed by the establishment of a unity government. That Government is functioning, and we must give it an opportunity to govern.

Our President said it most succinctly upon his return from Iraq:

> My message to the Iraqi people is this: Seize the moment. Seize this opportunity to develop a government of and by and for the people. And I also have a message to the Iraqi people, that when America gives a commitment, America keeps its commitment.

I yield the floor and yield back any time remaining.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the credibility of the United States has been proven with the loss of lives and the number of wounded we have suffered in Iraq. We have proven our credibility over 2,500 times because we have lost more than 2,500 of our troops. We have proven our credibility over 17,000 times in terms of the number of people who have been wounded in Iraq. We have proven our credibility with hundreds of billions of dollars to give the Iraqis an opportunity to have a nation. It is up to them to seize that opportunity. It is up to them to decide to make a choice. Do they want a civil war? Do they want to engage in more sectarian battles? Or do they want to reach the kind of political compromises which are essential if they are going to have a nation and end the insurgency and avoid an all-out civil war?

Our credibility has been proven thousands of times and with billions of dollars. We have given a people an opportunity that is extraordinary. We cannot make the decision for them, whether they will seize that opportunity. Only they can make that decision.

Last year we adopted, by an overwhelming vote, an amendment which said that 2006 would be a year of significant transition, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for a phased redeployment of U.S. forces in Iraq. Similar to last year's sense of the Congress, this year's sense of the Congress that we are offering is an attempt to change our policy from one of an open-ended commitment—a policy that, as the Secretary of State put it, we are there as long as they need us; as the President of Iraq, Mr. Talabani, put it, the Americans will stay with all the forces that we want for as long as we want them. That is a recipe, a formula for dependency. It is not the way in which Iraq can learn that it must, on its own, in a reasonable period of time, with reasonable notice and consultation, begin to ween itself, as General Casey put it, from overdependence on the American military.

That is the issue. That is what our amendment would urge the President to do. Our amendment does not order the President, as some on that side have actually put it. This is a sense of the Senate. This is something where we, the authors of this amendment, believe that we have a responsibility to use our best efforts to give our best advice as to what our policy should be. It is not a policy of immediately redeploying forces. There is not a precipitous nature to this amendment. It says by the end of this year, in the next 6 months, to begin the phased redeployment of American forces from Iraq.

That is what the Iraqis say their policy is. That is what their security adviser says their policy is. Their own security adviser, Mr. Rubaie, in the Washington Post 2 days ago said: We envisage the U.S. troop presence by year's end to be under 100,000. That is a redeployment of 30,000 troops. Our amendment tells the Iraqis: Stay with that. Stick to that policy. It is the right policy. You must take over your own nation and make it work and make it happen.

Then Mr. Rubaie, the National Security Adviser of Iraq, in a written document presented to the American people through our newspaper, says that "the removal of coalition troops from Iraqi streets will help the Iraqis who now see foreign troops as occupiers rather than liberators." He says, "The removal of foreign troops will legitimize Iraq's government in the eyes of its people."

Our amendment urging the President to end an open-ended commitment of our troops to Iraq and to begin the redeployment by year's end is a way of implementing what the Iraqis themselves have said they plan on doing.

All Senators want Iraq to end as a success story, every one of us. There is not one Senator who wants anything other than to maximize the chances of success in Iraq. No matter how we voted on the original resolution authorizing force, every one of the 25 or so Senators who voted against that resolution—and I am one of them—wants to maximize the chances of success in Iraq. But to do that, we must prod the Iraqis to take the responsibility for their own nation.

I thank the Presiding Officer and my dear friend from Virginia for the way in which this debate has proceeded. I hope we have made a contribution to the Senate and to the Nation.

Mr. WARNER. Madam President, the order requires that the votes be taken. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Without objection, it is in order to seek the yeas and nays on both amendments.

Is there a sufficient second?

There is a sufficient second with respect to both amendments.

The yeas and nays were ordered.

Mr. WARNER. At this time, the parliamentary situation is leader time, and I yield the floor to the distinguished Democratic leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Madam President, I would be certainly amiss if I didn't extend my appreciation for the civil nature of this debate to two of the Senate's finest, the distinguished Senator from Virginia and the distinguished Senator from Michigan, two of the finest the Senate has ever had. I thank them both very much for the civil nature of this very contentious debate.

Mr. WARNER. I thank our colleague.

Mr. REID. "That we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American people." Let me repeat that. "That we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American people."

That was Republican President Theodore Roosevelt who said that. It is an appropriate quote for the Senate to hear before we vote.

Today we will decide on a way to move forward in Iraq. I speak in support of the Levin-Reed amendment. I believe it is long past time to change course in Iraq and start to end the President's open-ended commitment. It is time for sound policy, not more tired slogans designed to distort the facts and divide the American people. It is time for a strategy that honors the brave service of our troops. A majority of Americans recognize that we need a new strategy in Iraq. I am hopeful a bipartisan majority of this body will agree.

Almost 4 years ago, we stood in this Chamber debating whether to give the President the authority to go to war in Iraq. Much has happened in Iraq since that fateful day, at a great price to our troops, our taxpayers, our country, and our security. The Iraq war will soon become the longest conflict in this Nation's history, longer than World War II, a war in which we fought across Europe, North Africa, and the Pacific. My own State of Nevada, a small, sparsely populated State, has paid an enormous price in this war. We have lost 39 soldiers in Iraq and Afghanistan, most of them in Iraq. That is 39 fathers, brothers, uncles, sons, daughters, and aunts who will never come home. Thousands of other Nevadans have sacrificed as well. Last year 70 percent of the National Guard of Nevada was deployed. These Nevadans deserve to know their sacrifices will be honored. They deserve to know their Government has a plan for success in Iraq that honors our troops and completes the mission. Just as important, they deserve an honest debate, not political slogans and not a President and a Republican Congress content with no plan and no end in sight.

Today the real choice facing this body is a choice between doing nothing, the so-called "stay the course" option the President and his supporters advocate, or changing the course and providing our troops and the Iraqi people a way forward. After 4 long years, more than 2,500 Americans have died, thousands have been grievously wounded. Hundreds of billions of dollars have been spent and threats ignored around the globe. Congress needs to offer a new direction. I believe we need to signal to the Iraqi Government that our patience and our presence in Iraq are not unlimited. We need to say to President Bush: You need a plan for the Iraqis to take responsibility for their own country, their own security, so that the phased redeployment of U.S. troops from Iraq can begin by year's end.

Robert Taft, a great Republican Senator, said:

> Criticism in time of war is essential to the maintenance of any kind of democratic government.

Senator Taft was talking about World War II. But his words still ring true. There is nothing careless about pointing to the President's mistakes and missteps in Iraq. In fact, we must. His misjudgments have made America less safe. From the outset, administration blunders increased the costs and risks of confronting Saddam Hussein and securing Iraq: The administration built its case for war on faulty and cherry-picked intelligence. Smoking guns would become mushroom clouds. Al-Qaida and Saddam had a dangerous alliance. Nuclear weapons materials were flowing into Iraq from Africa. We could invade Iraq without diverting resources from the ongoing war on terror. The Iraq war would be over quickly, and the costs would be covered by the proceeds from Iraqi oil sales.

All these assertions, every one of them, turned out to be false. By the start of 2003, U.S. troops and intelligence assets had already been diverted from the hunt for Osama bin Laden in order to prepare for an attack on Iraq. The President's war plan turned out to be as deficient as the prewar intelligence. He rejected the Powell Doctrine's key tenets: No. 1, that military force should be used as a last resort; No. 2, that force, when used, should be overwhelming; and No. 3, that there must be a clear exit strategy from the conflict. And he rejected the advice of his senior military commanders who called for 4 to 500,000 troops, a recommendation that was based on years of hard-learned and costly lessons.

As a result, after the Iraqi Government fell, there were not enough forces to pacify the country, to control looting, to guard the ammo dumps, to secure the borders, and to restore civility. The seeds for the insurgency and the sectarian warfare that would soon plague Iraq had been sown. But this didn't stop the President from donning a flight suit and landing on an aircraft carrier to declare "mission accomplished" in May of 2003, more than 2 years ago.

Since that date, 95 percent of our casualties have occurred in Iraq—since the "mission accomplished" performance on that aircraft carrier.

Meanwhile, his viceroy in Baghdad continued to execute a series of disastrous decisions, including disbanding the Iraqi Army, purging the Government of all Baath Party officials, and delaying the training of Iraqi security forces. These early missteps had far-reaching consequences that our troops must live with.

Three and a half years after the start of the war, there is still not a single Iraq Army battalion that can operate independently—not one. On the reconstruction front, things aren't any better. The President who campaigned on the pledge not to do nation building unfortunately stuck to that pledge. From the start, the rebuilding effort was plagued in Iraq by massive corruption and contracting abuses. The American taxpayer and the Iraqi people have paid the price.

Power, water, and oil production all soon slipped below prewar levels. Today, oil production is still 400,000 barrels per day below prewar levels. And the availability of electricity in Baghdad dropped from 16 hours a day prior to the war to its current average of 4 hours a day.

These Bush administration missteps have reduced Iraqi support for our presence and fueled anti-American sentiments and insurgent activity. As a result, the mission of our troops has become more difficult and certainly more dangerous.

At the same time the President was sending too few troops for the mission in Iraq, he even failed to provide those he did send—those valiant troops—with armor and equipment which they need to do the job. Military families already stretched and burdened from multiple deployments were forced to buy armor and ship it to their loved ones serving in Iraq.

They went out and bought equipment and sent it to their loved ones because the military wasn't providing it. Combat units had to jury-rig vehicles with scrap metal in order to get some extra degree of protection from the improvised explosive devices—and understandably so.

A study by the Marine Corps last year found that 80 percent of upper-body fatalities could have been prevented with proper armor. The greatest military in the world should not have to depend on scrap metal from Iraqi junk yards to protect its troops.

Meanwhile, security problems in Iraq grow more dangerous every day. In April and May of this year alone, more than 160 U.S. troops have been killed in Iraq. Weekly insurgent attacks are higher than they have ever been. At least five troops were killed in Iraq yesterday. We don't know the exact number, but at least five were killed yesterday.

The country has become what is was not before the war—a training ground and a launching pad for acts of international terror.

The killing of terrorist Zarqawi was a step forward. But as we have seen, the killings have not ended. Sectarian violence has not ceased because the Iraqi Government has failed to make the political compromises necessary to create a stable government that can provide for the security of its people—people taken from buses, kidnapped, and likely will be killed.

That is only part of what happened last night in Iraq. I recall vividly when the Senate paused for a moment of silence when we reached the grim milestone of 2,000 U.S. military killed in Iraq. But just last week on a date that arrived far too quickly, we paused again to honor the now 2,500 who have given their lives. And, of course, that figure has since passed and there is more.

The Senate has an obligation to our troops and their families to do everything we can to delay indefinitely the next milestone. Are we going to have a moment of silence for 3,000 of our best?

Twenty-five hundred dead Americans is not "just a number," as Tony Snowe, the President's spokesman, said. These 2,500 are sons, daughters, mothers, fathers, husbands, and wives. They are PFC Thomas Tucker and PFC Kristian Menchaca, whose mutilated bodies were found in Iraq yesterday. These aren't just numbers.

We owe it to these troops and all of our forces serving in Iraq to develop a sound policy. We hear a lot of rhetoric about "supporting the troops." But the best way we can support them is with a smart strategy—not with more rhetoric or slogans. That is why the Levin-Reed amendment is so important.

The Levin-Reed amendment recognizes that it is time to transform the U.S. mission in Iraq and to begin the responsible redeployment of U.S. forces this year. It builds upon the bipartisan Senate amendment which we passed overwhelmingly last year calling for "2006 to be a year of significant transition in Iraq." With the midpoint of 2006 upon us, that transition must begin.

The open-ended commitment advocated by the President and the majority—that is the Republicans in this body—is not the way to get the Iraqis to assume responsibility for governing and securing their country. They have trained 287,000 troops.

The Levin-Reed amendment recognizes that there are only political solutions remaining in Iraq, not military solutions. This amendment rightfully focuses on the need to reconcile the sectarian differences, to regionalize the U.S. strategy, and to revitalize reconstruction efforts.

Passage of this amendment would chart a new course, one that is well balanced between the military, the political, the regional, and the international solutions. An open-ended commitment is not sustainable, and the American people know that.

The war is now costing the American people every month upwards of $2 billion—$500 million each week. The military has been stretched so thin, with every available combat unit of the Army and Marine Corps serving multiple tours in Iraq.

This war is not a matter for "future Presidents" as President Bush said. It is his war. It is the war of President George Bush. And the time to act is now, for as we are bogged down in Iraq, the threats to our freedom around the world only grow.

An open-ended commitment in Iraq hurts our ability to address other national security challenges around the world. While beginning the phased redeployment this year will allow many of our troops to come home, it will also permit the President to redeploy forces so they can deal with other crises such as we now have in Afghanistan—where four or five were killed yesterday—where the resurgent Taliban threat must be eliminated and Osama bin Laden must be finally captured or killed.

I watched the floor debate yesterday. The majority, instead of offering their vision for the future in Iraq, or even speaking to the merits of the Levin-Reed amendment, chose to resort to a familiar playbook straight from Karl Rove's book of partisan political tricks. They have engaged in these cheap political attacks saying Democrats want to "surrender" and "cut and run." Not only are these attacks baseless, but they won't help Iraqis—and they certainly won't help our troops who are right now lugging 70-pound packs in 100-degree heat while trying to avoid roadside bombs and snipers.

The Republicans in the Senate stand alone, insisting on "no plan and no end." It isn't a position shared by the American people, and it isn't even a position shared by our military leaders.

On today's morning news, it is reported that General Casey, commander of U.S. forces in Iraq, has stated that thousands of troops will likely be redeployed by year's end. That is General Casey.

To my Republican colleagues, is General Casey surrendering? To my Republican colleagues, is General Casey cutting and running? To my Republican colleagues, is General Casey admitting defeat? I think not.

Over at the White House, we see similar partisan games. The administration continues to mislead the American people. The Vice President continues to insist the insurgency is in its "last throes," despite the headlines we read every day. The President continues to insist that we will "stand down when Iraqis stand up." That has yet to occur.

It is time to change from the slogans, the attacks, and the continual misleading nature of this administration as it relates to the war in Iraq. Demanding a change of course is not irresponsible, it is not unpatriotic, it is the right thing to do.

Edward R. Murrow said:

> We must not confuse dissent with disloyalty. When the loyal opposition dies, I think the soul of America dies with it.

For all of those troops who are serving on their third and fourth tours of duty, for those who have served on their first and second tours of duty, for all those Iraqis who want to see an end to the civil war plaguing their nation, for all those people who want Iraq to succeed in delivering a free and democratic way of life, for those who believe we need to refocus on the larger global war on terror, we must vote for a change in policy and a change in direction. We must reject the "stay the course" doctrine of the Bush administration. We must vote for the Levin-Reed amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Madam President, I thank both managers for a superb debate and discussion over the course of the last several days—and really the last several weeks—as we have focused on an issue that is no more important to the American people than the safety and security of the American people.

We can take great pride in what our Nation and our military men and women have accomplished in Iraq. We thank them. We thank their families for their commitment and for their dedication. But we did not go into Iraq in pursuit of oil or riches or some other national advantage. We went as a volunteer—as a nation willing to enforce the mandates of the you U.N. Security Council when others were content to allow Saddam Hussein to defy those mandates.

Some critics accused us at the time of "unilateralism," but in fact we acted to vindicate multilateralism—most importantly, the authority of the Security Council and the credibility of many resolutions it adopted with respect to Iraq between 1991 and 2003.

We went into Iraq to end a cruel dictatorship and free a people that was no less deserving of freedom than any other. As a result of our efforts, the dictatorship has ended, and the people of Iraq are now embarked on a grand democratic project, seeking to build a pluralistic, multiethnic, multireligious democracy in the heart of the Arab world.

This is a project without precedent in the Arab world. And because it is so novel, it has come under assault from religious fundamentalists, Sunni and Shiite extremists, and others whose narrow agendas are threatened by the prospect of democracy in that part of the world.

We have made an enormous investment in the success of this project. It would be foolish to squander that investment just as we are seeing success.

Last year, millions of Iraqis—half of them women—defied the threats of the terrorists and streamed to the polls in three national elections. Iraq's Sunni population participated in greater numbers each time.

On June 8—just a couple of weeks ago—the new democratically elected Prime Minister Jawad al-Maliki named the last three Cabinet members, the Ministers of Defense, Interior, and Security, thereby completing formation of his unity government.

That same day, the death of the foremost terrorist in Iraq, Abu Musab al-Zarqawi, was announced in Baghdad. That was huge progress.

We made a commitment to the new government of Prime Minister Maliki, and it would be impossible to imagine a worse time than now, just 2 weeks after that government was fully formed and its most ferocious enemy eliminated, to turn our backs on it.

None of us know for sure exactly how the democratic reform in Iraq will turn out, as we stay committed, but we do know it will fail if it is abandoned prematurely by the United States.

Withdrawal is not an option. Surrender is not a solution. Every Senator must make his own decision and live with his own conscience, but this Senator will not be responsible for condemning the 26 million people of Iraq to decades more of violence and repression—not when there is a democratic alternative before us that is so manifestly committed to creating the kind of pluralistic society that until now has been absent from the Arab world.

Another reason we went into Iraq was because we were convinced that Saddam Hussein was continuing his pursuit of weapons of mass destruction—chemical weapons that he had developed and used before.

And the events of 9/11 had taught us that there is no greater threat to us today than that posed by state sponsors of terrorism—such as Iraq under Saddam Hussein—working to acquire such weapons.

After the war, of course, there emerged a big debate over whether Saddam Hussein really was working on weapons of mass destruction in 2003.

But there is no debate that there was a strong international consensus prior to 2003 that Saddam Hussein must be pursuing weapons of mass destruction.

This was the view not only of the Bush administration, but also of the Clinton administration, as well as the opinion of most other governments around the world.

It made sense for two reasons.

First, Saddam Hussein had a long track record of not only seeking, but also of using, chemical weapons. He had used chemical weapons against his own people in the 1980s. And at the end of the first Persian Gulf war in 1991 he was found to have an advanced nuclear weapons program—a program that may have only been 1 to 2 years away from producing a nuclear weapon.

Second, Saddam Hussein was acting like a man who had something to hide; he was obstructing the U.N.'s weapons inspectors and repeatedly defying U.S. disarmament mandates. No one can explain why Saddam acted this way if he in fact had no weapons of mass destruction programs to hide.

And it is certainly true that if Saddam Hussein were still in power today, Iraq would remain on the list with Iran and North Korea of countries that we fear will develop weapons of mass destruction and pass them to terrorists.

Because Saddam Hussein has been removed from power, Iraq is no longer on that list.

But we must remember that many of Saddam's weapons scientist—those who produced the chemical weapons he used against the Kurds in the 1980s and who came close to producing nuclear weapons in the early 1990s—are still in Iraq.

However, in a democratic Iraq these scientists pose no threat because a democratic Iraq would never seek to revive Saddam Hussein's weapons programs.

If we were to cut and run from Iraq, and risk letting the terrorists take power, we would again have to fear that these scientists, and what remains of Saddam's weapons infrastructure, would once again be put to work producing weapons that in the hands of international terrorists could destroy our cities and decimate our population.

Again, every Senator must live with his own conscience, but this Senator does not want to be complicit in a decision that could reverse the success we've achieved since 9/11 in keeping terrorism from our shores and weapons of mass destruction out of the hands of terrorists.

The amendments before us are intentionally misleading. They are written in soft language and wrapped in reassuring concepts.

They don't use such terms as "retreat" or "withdrawal," but instead call for "redeployment" of our Armed Forces from Iraq.

They don't say that the withdrawal should take place on an artificial timetable and be concluded by an arbitrary date. Instead, they say that the "redeployment" should take place under a "schedule," that the "schedule" should be "planned," that the "plan" should be "coordinated" with the Government of Iraq, and that the Congress should be "consulted" at every stage.

None of this artful language, however, can conceal what is really proposed and what really at stake.

The proponents of these amendments want us to tell the new Government of Iraq that we're leaving—no matter what the implications for the future of their country; no matter how much they plead with us to stay; no matter how great the risk that the investment that we and they have made to date in building a new Iraq will be squandered and turned to naught.

The amendments may differ in some of the details—how long we'll wait until we actually leave, how emphatically we tell the Iraqi people we really care about them as we walk out the door, but the bottom line is the same.

The amendments tell us to set a deadline and leave by the deadline.

This would be a dangerous policy, a reckless policy, and a shameful policy.

The time to leave Iraq is when we have achieved our objectives. If we knew our objectives were unachievable then these amendments might make sense. But our objectives are achievable and we are achieving them.

The brave men and women of our Armed Forces are fighting daily to win victory in Iraq, and it would dishonor them, to say nothing of their fallen comrades, to cut and run at a time as promising as now.

The spirit of these amendments is the spirit of defeatism and surrender.

This is not the spirit that made America the great Nation it is today, and I trust that when we vote we will send the message that there is no room for defeatism in the United States.

The PRESIDING OFFICER (Mr. ENSIGN). The question is on agreeing to the amendment No. 4442 offered by the Senator from Massachusetts.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 13, nays 86, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—13

Akaka
Boxer
Durbin
Feingold
Harkin
Inouye
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Menendez
Wyden

NAYS—86

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Rockefeller

The amendment (No. 4442) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, the following two votes will each be 10 minutes in duration.

The PRESIDING OFFICER. The question is on agreeing to the Levin amendment No. 4320.

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—39

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lincoln
Menendez
Mikulski
Murray
Obama
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—60

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Rockefeller

The amendment (No. 4320) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I oppose cutting off debate on this important bill prematurely. I have two amendments that have not been considered by the Senate—one to help service members called to active duty, the other to cancel this year's automatic pay raise for Members of Congress—that will be shut out if we invoke cloture. We should be doing all that we can to help members of our armed services who are serving so courageously. And, with the Nation's deficits and the tab for the Iraq war at alarming levels, we should not be accepting another backdoor payraise. At a minimum, the Senate should consider and vote on those worthy amendments before completing work on the Defense authorization bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2766, the National Defense Authorization Act for fiscal year 2007.

Bill Frist, John W. Warner, John E. Sununu, Jim Bunning, George Allen, Lamar Alexander, Craig Thomas, Kay Bailey Hutchison, Chuck Hagel, Ted Stevens, Judd Gregg, Robert F. Bennett, Thad Cochran, Pat Roberts, Pete Domenici, Jim Inhofe, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2766, the National Defense Authorization Act for fiscal year 2007, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 1, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—1

Feingold

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, first, on behalf of Senator LEVIN and myself, I thank all the Members for the strong cooperation to procedurally move this series of amendments and to proceed with the bill. Speaking just for myself—my ranking member is absent for a moment—I believe very strongly that this bill can be completed today before sunset. Of course, this is one of the longest days of the year, so that might be a little longer than some might wish, but I do think it is achievable. I say that most respectfully.

What we recommend to be done now—and I will ask unanimous consent—is the Senate now turn to an amendment by the distinguished Senator from Texas, and I am told by the Senator that she will seek a voice vote. That has been cleared on both sides. The next amendment will be offered by our distinguished colleague from Georgia, a member of the committee, Mr. CHAMBLISS. That will take perhaps an hour or more and will require a record vote. Thereafter, I ask unanimous consent that the Senate then recognize the Senator from Minnesota, Mr. DAYTON, to address the Senate with regard to amendments and the bill as a whole.

I would also say to colleagues, subject to confirmation by the leadership, that I am recommending there be no votes from now until 3:30. There are two very serious functions taking place, both of a religious nature, in our city, and Members are attending either the last rites of Philip Merrill, a personal friend of mine, a wonderful man who recently lost his life on the Chesapeake Bay, and then I understand a distinguished archbishop of the Catholic Church is being installed with a ceremony today.

Therefore, the bill will continue its momentum in this period of time, and following those votes, I am certain the leadership will give the managers such guidance as to when we can conclude this bill, which again I hope will be today.

So at this time, I yield the floor.

Mr. McCAIN. Mr. President, if the chairman will yield just for a second, we don't need an hour on this amendment, I say to my friend from Virginia. I think 40 minutes equally divided would be sufficient for my purposes. I don't know about the author of the amendment; he might want more time.

Mr. CHAMBLISS. Mr. President, the only thing I would say is I have several folks who want to speak on it. If we could get an hour equally divided, my guess is we won't use it.

Mr. WARNER. Mr. President, I ask unanimous consent that there be an hour equally divided between the distinguished Senators from Georgia and Arizona on the Chambliss amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We have covered as much ground as we can procedurally at this point, and I yield the floor.

AMENDMENT NO. 4377

Mrs. HUTCHISON. I call up amendment No. 4377 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 4377.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include a delineation of the homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review)

At the end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

"(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.".

Mrs. HUTCHISON. Mr. President, this amendment would require the Department of Defense to clarify in the Quadrennial Defense Review the homeland defense and civil support missions of the National Guard and Reserves.

The QDR is a comprehensive examination of national defense strategy, force structure, force mobilization, and modernization plans, infrastructure, budget plans—all elements of the defense program. It is the planning that goes on every 4 years. The QDR is in process now for the next 4 years. The goal of the QDR is to determine the defense strategy of the United States and its established defense programs for the next 20 years, and it is updated every 4 years.

For decades, homeland defense has been a mission of the Department of Defense. However, only after the 9/11 attacks in 2001 did this very important mission really come to the forefront in defense planning. Unfortunately, the present QDR lacks sufficient guidance for the Guard and Reserve components in this very important mission they have.

The amendment I am proposing would require the Department of Defense to include in the QDR a definition of the homeland defense and civil support missions of the National Guard and Reserves. The Department has not really formalized the requirements for the role of the National Guard and Reserve in homeland security. We know the President has ordered the deployment of Guard and Reserve to our borders to try to secure our borders, so we need a really comprehensive look and guidance for the Reserve component, particularly the Guard, concerning their roles and how they will be able to train and equip for homeland security missions.

Today, the National Guard and Reserve must debate the merits of their initiatives and their equipment procurement. That is not the way it should be. Our Guard and Reserve do a fabulous job. They are on active duty in Iraq and Afghanistan today. They have gone through several cycles of deployment to Iraq and Afghanistan. There is a Texas Guard unit in Bosnia in command and control today, continuing the peacekeeping mission there. They are doing their jobs, they are being called up at a level that is very high, but ambiguities remain in their homeland security mission.

Competition for resources continues, and there is a lack of clarity about what role the Department actually expects them to have. This omission was painfully obvious after 9/11. After Hurricanes Rita and Katrina and now with the deployment to the border, which I totally support, their mission is once again expanding. This amendment will provide the DOD with the information it needs to determine the role the National Guard and Reserves should have, must have, and will continue to have, but with more clarification, in the defense of our country.

This is a very important amendment. I believe it will add to their responsibilities, and they will be able to get the equipment and the training they need to do the jobs we are asking them to do in homeland defense and for the other civil emergencies we have.

Mr. President, I ask for the support of my colleagues for this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mrs. HUTCHISON. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 4377) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we will turn to the distinguished Senator from Georgia for his amendment, with 1 hour equally divided.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 4261

Mr. CHAMBLISS. I rise today to call up amendment No. 4261 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself, Mr. HATCH, Mr. ISAKSON, Mr. INHOFE, Mr. LIEBERMAN, Mr. CORNYN, Mr. THUNE, Mr. BENNETT and Mr. STEVENS, proposes an amendment numbered 4261.

Mr. CHAMBLISS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize multiyear procurement of F-22A fighter aircraft and F-119 engines)

On page 29, strike lines 6 through 15 and insert the following:

SEC. 146. FUNDING FOR PROCUREMENT OF F-22A FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A fighter aircraft.

(b) MULTIYEAR PROCUREMENT.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of not more than 60 F-22A fighter aircraft.

SEC. 147. MULTIYEAR PROCUREMENT OF F-119 ENGINES FOR F–22A FIGHTER AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of the following:

(1) Not more than 120 F-119 engines for F-22A fighter aircraft.

(2) Not more than 13 spare F-119 engines for F–22A fighter aircraft.

Mr. CHAMBLISS. Let me say, it is very difficult, any time you have to oppose your subcommittee chairman—and in this case the full committee chairman—on an issue, particularly two Senators whom I hold in such high esteem. But we do have a disagreement in a very professional way on this issue. At the end of the day, all of us intend to do what is in the best interests of the men and women who fight for America.

The F-22A Raptor is the U.S. Air Force's top priority for providing a joint force with air dominance, operational access, homeland and cruise missile defense for the next 20-plus years. The F–22A is a first-of-a-kind multimission fighter aircraft that combines Stealth, supercruise, advanced maneuverability, and integrated avionics to make it the world's most capable combat aircraft.

This amendment authorizes a 3-year multiyear procurement contract for the F-22. This is not about spending money, it is about saving money, and it is about good acquisition practices and policy.

This amendment will save approximately $235 million as a minimum amount, allowing DOD to use this money for other priorities or allow us, the Congress, to return these dollars to the taxpayers.

An independent study, commissioned by the Office of the Secretary of Defense, is the only independent study yet to be done for the F-22 multiyear contract. In that study, the Institute for Defense Analysis, or IDA, concluded that the proposed F-22A multiyear contract, first of all, meets all the criteria provided in the law and does, in fact, save the taxpayer a minimum of $235 million over the next 3 years.

The study was not completed in time for the Senate Armed Services Committee markup back in early May, which is why it was not included in the Senate bill at that time, or at least we didn't have an amendment at that time. However, the study was submitted to the Armed Services Committee on the 16th of May.

Since I have been on this committee, we have been talking about the need to conduct acquisitions better, cheaper, and more efficiently. This amendment does exactly that. We know we are going to buy 60 F-22s over the next 3 years. That is the current plan. The DOD budget provides for the funding, and I have heard no one in Congress question the need for the airplane. As a matter of fact, this airplane today is flying in rotation around the country and soon will be flying around the world as it is scheduled to go into rotation to Iraq shortly. As we are sitting here today, I suspect there is an F-22 flying over Washington, DC, protecting the skies over our Nation's Capital.

The only question is how are we going to buy these airplanes? Are we going to buy them with 3 1-year contracts and pay more money, or are we going to buy them with a 3-year multiyear contract and save a quarter of a billion dollars?

We need to have a high standard for what qualifies for a multiyear contract. As a matter of comparison, the F-414 engine for the F-18 saved 2.8 percent and $51 million. The multiyear contract for two previous F-16 multiyears saved $246 million and $262 million respectively.

By comparison, the proposed F-22A multiyear contract saves 2.6 percent and a minimum of $235 million.

The point is that the F-22 multiyear is in the same category in terms of percent savings and total savings of multiyear contracts that this body has previously approved.

Also, the per-plane savings on the F-22 multiyear will be identical to the per-plane savings on the F/A–18 multiyear, that being $3.8 million per plane. That is why the authors of the independent business case analysis at IDA judge this multiyear to have significant savings, and I agree with them.

Much has been made over the old criteria for multiyear savings, which was a minimum of 10 percent. But, frankly, that was changed early on in law and now, instead of 10 percent the statute does say, "substantial savings."

The 2005 QDR, which was provided to Congress in concert with the fiscal year 2007 budget request, restructures the F–22A program to extend production through the fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth-generation Stealth capabilities. To obtain a more favorable cost, DOD's strategy requested authority for a 3-year multiyear procurement contract to buy 60 F-22s, 20 in each of the years 2007 through 2009. This strategy was outlined in a letter from Undersecretary of Defense Ken Krieg in a letter to the Senate Armed Services Committee on February 13, 2006.

Mr. President, I ask unanimous consent to print that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE
FOR ACQUISITION, TECHNOLOGY
AND LOGISTICS,
Washington, DC, February 13, 2006.
Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Consistent with the Conference Report on the Department of Defense Appropriations Act, 2006, Public Law, 109–148, the Department has studied alternatives for the continued acquisition of the F-22A aircraft beyond Fiscal Year (FY) 2008. This has culminated in the procurement strategy identified in the President's Budget for FY 2007 (PB07).

The Quadrennial Defense Review Joint Air Dominance study and budget deliberations addressed alternative procurement quantities, rates, and force structure mixes. The Department's PB07 plan provides for procurement of F-22A aircraft through FY 2010. To obtain a favorable cost, the strategy employs multiyear procurement of 20 aircraft each, in Lots 7, 8, and 9, beginning in FY 2008, providing a total force structure of 183 aircraft. FY 2007 funds will be used to contract for delivery of economic-order-quantity items, sub-assemblies and material required for Lot 7, advance procurement for Lot 8 aircraft, and for other allowable costs including, sustainment support, production engineering, laboratories and combined test force infrastructure. This strategy also procures titanium one-year earlier than normal advanced procurement to accommodate the long-lead now required to buy titanium. This plan substantially reduces the F-22A procurement funds required by the Department in FY 2007, allowing the Department to meet other high-priority requirements.

Continuing the F-22A procurement through FY 2010 retains fifth-generation tactical aircraft procurement options in the event of delays in the Joint Strike Fighter (JSF) program. These actions also benefit the JSF program by helping to reduce overhead rates and by retaining technical expertise across the tactical aircraft industrial base, including the prime contractor, subcontractors, and suppliers.

The Department is preparing the business case cost comparison of multiyear and successive annual procurements required by subsection 2306b(a)(1) of title 10, United States Code. We intend to make the business case available to the congressional defense committees by May 15, 2006, to support FY 2007 Congressional budget deliberations.

I appreciate the foresight of the Congress in directing the Department to study alternatives for the continued acquisition of the F-22A. I believe that we have developed a fiscally responsible strategy that will allow us to sustain this viable tactical aircraft production line.

Similar letters have been sent to the chairmen and ranking members of the other Congressional defense committees.

Sincerely,

KENNETH J. KRIEG.

Mr. CHAMBLISS. The business case for the F–22 is clear and was validated during the QDR by the Joint Army Dominance Study. This study included any number of options of tactical air mixes, including various combinations of F–22s, FA–18s, and joint strike fighter and other airborne weapons systems, so we are not proceeding with a random plan but one that has been validated by careful analysis.

The business plan was also validated by the IDA study, again the only independent organization that has looked at this multiyear plan.

There are six criteria for meeting a multiyear contract. The independent IDA business case analysis judges the F–22 program according to each of these six criteria. I mention this because there is a GAO study that came out, coincidentally, this week relative to the multiyear procurement of the F–22. It is critical of the multiyear contract.

The GAO study, though, contains, frankly, false factual information. For example, in the GAO study they talk about the cost of the airplane actually increasing under the multiyear contract. But what they fail to take into consideration is that originally, before the reprogramming to do 20 airplanes this year and 20 in the next budget and 20 in the next budget, the Air Force was going to ask for 29 planes in the next budget and 27 in the following budget.

If you build 29 versus 20, it is going to be cheaper. But that is the factual information that the GAO plugged into their numbers—29 instead of 20. That is why there is a higher price cost that the GAO came up with.

Second, the GAO report talks about the fact that under the Air Force proposal, there is not enough funding in the budget to pay for these airplanes. We are going to have to use what is called incremental funding.

That was talked about early on in the process but abandoned. Here we are in the end of June of this year. The reprogramming took place the end of last year and the early part of this year. The facts were known at that time. GAO ignored those facts.

Second, the incremental funding issue that was talked about early on was abandoned early in the year. GAO ignored that and included those false facts in its report. So the GAO study, frankly, is not correct because it is not based on the actual, as we say in the law—the facts in evidence.

There is one other issue relative to the GAO that I am going to conclude with and that is this. It gives a list of the factors that it took into consideration in doing its report. There is one glaring factual statement, one factual provision that is left out of consideration by the GAO. That is talking to pilots that fly this airplane.

I have talked to several of those guys. We had a red flag operation that was done several weeks ago by the Air Force. In talking to a couple of those pilots afterward, it was unbelievable what they had to say about flying the F–22.

One of them said this:

> In the United States Air Force, we don't look to win 51–49. We look to win 100-nothing, and that is what the Raptor gives us.

The Raptor is the follow-on for the F–15 and F–16. It is the fifth-generation fighter. It is going to allow us to continue air superiority and air dominance against any potential threat that might be forthcoming. I urge my colleagues to support the multiyear proposal that is included in the President's budget, that is included in the authorization bill that comes to the Senate from the House, that will go into conference. We will save the taxpayer a minimum of $225 million over the next 3 years. I reserve the remainder of my time.

Mr. DOMENICI. Will the Senator yield 5 minutes to the Senator from New Mexico?

Mr. CHAMBLISS. I will be happy to yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator MCCAIN, I understand he wants to speak in opposition to the amendment. I will not be long.

Mr. MCCAIN. No problem.

Mr. DOMENICI. Understand, we will each speak our piece here. It is not a pleasure to come and oppose my colleague. Nonetheless, I must say that it seems to me we are always talking in the Senate about trying to do things that are more efficient; trying to do good business, do things in a way they ought to be done. Here we have an opportunity to do that.

We have a situation where the new fighter, the world-class F–22—but I am not going to take the Senate's time praising its qualities. We have heard some of that from the distinguished Senator from Georgia. We could spend all afternoon talking about what a fantastic airplane it is. That is not the issue before us.

The issue before us is that the Defense Department needs a multiyear procurement authority to acquire these airplanes. The administration requested a multiyear procurement authority for the F–22s. The House Defense Authorization bill granted the request. It makes plain, good business sense that the Senate do the same—that we give the Department what it needs.

I also support this because, as indicated by the principal sponsor of the amendment, the distinguished senior Senator from Georgia, this authority will save money.

We are going to hear something to the contrary, but the contrary evidence is from reports that do not apply to the 20-per-year acquisition of the F–22. That is what we are trying to do. That is what the Defense Department's final studies were based upon—acquisition of 20 per year, for multiple years. A multiyear procurement of this nature would net a savings of between $225 million and $325 million.

It seems to this Senator that this is precisely what we ought to be doing. We ought to be doing more of this, not less. Is anybody doubting we are going to buy this many of these Raptors? I don't hear that talk. I thought I was going to hear it 6 or 8 months ago when we were talking about a number of systems, some of which are on hold, but this one is not.

Therefore, we ought to proceed and save millions of dollars that can be used for other needs. $300 million, for example, would pay for 4,200 National Guard troops in active duty for 1 year. That is a lot of money. This is a monster bill, and one might say what is the difference here? $225 million to $325 million in savings doesn't amount to much. I submit it is a pretty big amount.

There has been some talk this week about a new GAO report that is critical of this multiyear procurement. But this report rehashes old arguments and uses old data that is not relevant to the Department's data regarding the multiyear acquisition, which has been stated in detail by the senior Senator from Georgia.

Therefore, I submit that the airplane we are going to rely on—which without question the Quadrennial Defense Review says we must have—we ought to go ahead and procure on a multiyear basis today when we vote on this amendment.

I thank the Senator for yielding time. I believe he has a compelling argument, and I hope the Senate will follow his lead.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague from Georgia and my colleague from Arizona.

What is the bottom line here? Simply put, Senator CHAMBLISS has offered an amendment that is supported by the ministration that will enable the Air Force to buy 20 F-22s Raptors a year for the next 3 years. By entering into this multiple year contract, the independent Institute for Defense Analysis believes that the American taxpayer will save at least $225 million.

Why are we buying the F-22? Because it is a war-winner. This fighter, which is also a very capable bomber, is now operational with the 1st Fighter Wing. The Raptor is stealthier than the famous F-117 Nighthawk, which dropped the first bombs during the first gulf war. But unlike the Nighthawk, that must fly at night in order to survive in a combat environment, the F-22 brings stealth capability out of the night, enabling operations in high threat areas 24 hours a day 7 days a week.

I have been to the Air Force base where I have talked with the pilots and have seen this plane and have seen it fly. It is a marvel.

The Raptor is the world's most lethal and maneuverable fighter aircraft. This is accomplished in no small part by its supercruise engines. Supercruise engines do not need to go to after-burner in order to achieve supersonic flight. This provides the F-22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to after-burner to achieve supersonic speeds. This consumes a tremendous amount of fuel and greatly limits an aircraft's range.

Another legitimate question is why not just rely on the aircraft we have today? Over the past 30 years, the United States has been able to maintain air superiority in every conflict largely due to the F-15C. However, with the great advancements in technology over the past several years, the F-15 has struggled to keep pace. For example, the F-15 is not a stealth aircraft and its computer systems are based on obsolete technology. My colleagues should remember that the F-15 first flew in the early 1970s. During the ensuing years, nations have been consistently developing new aircraft and missile systems to defeat this fighter.

Obviously, we need the F-22 and we have identified a means to save money while we are buying it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I don't oppose the F-22 program. In fact, the Armed Services subcommittee provided and the Senate Armed Services Committee marked down an additional $1.4 billion for 20 F-22s.

The issue is not, frankly, whether we support the F-22. Rightly or wrongly, we all do—and every member of the committee does. The question is, Are we going to act responsibly? The question is, Are we going to authorize a multiyear procurement of an aircraft that has—and it is not unusual—experienced time after time dramatic delays and cost overruns? Are we ready to do that? Not according to the GAO, not according to the OMB, not according to the Congressional Research Service, and not according to every outside observer of this program.

Let me give a small example. The F-22 experienced an initial operational capability delay of 9 years 9 months; initial operational test and evaluation delayed 5 years 3 months; full rate production delay of 5 years 3 months; low rate initial production, 4 years 9 months; first delivery of operational aircraft delayed 4 years 7 months; first flight delayed 2 years; and completion of critical design review delayed 1 year 4 months. The record is not good. In fact, the record is terrible. In 1991, the estimated cost, according to the U.S. Air Force, for the aircraft was going to be $114 million—in then-year dollars; now, $354 million per copy.

This program—not atypically—has experienced significant delays and cost overruns, which, by the way, maybe we will get into at some point. Then they received incentive bonuses, even for violations of Nunn-McCurdy. We are not talking about the purchase of F-22s. What we are talking about is, are we going to violate the basic principles and the law which requires certain criteria to be met before multiyear acquisition of these aircraft? The report prepared by the Comptroller General of the United States clearly states that four of the six criteria set forth in the law have not been met by the Air Force. They have not been met. Yet here we are debating a measure that would effectively permit the Air Force to be held unaccountable, to end run a good Government provision in Federal law that is specifically designed to ensure accountability in our Government.

There have been two Nunn-McCurdy violations, according to the Comptroller General. Since its inception, this program has been subject to 2 Nunn-McCurdy violations and has been rebaselined 14 times just to avoid additional breaches. Fourteen times they have rebaselined the cost of this weapons system. We all know the game. They come and they say: This weapons system is going to cost X. They get it authorized, then we get it, and guess what happens. It ends up costing dramatically more money—in the case of this aircraft, from $114 million each to $354 million each, and it is still in a relatively embryonic stage.

The Air Force, I am sorry to say, has misrepresented several things, including the termination cost of the C-130J.

The Air Force—a September 28, 2005, Defense Contract Audit Agency report points out that Lockheed-Martin earned a profit of almost 27 percent—$643 million—on a $2.4 billion, 60-aircraft, multiprocurement for C-130 aircraft. The estimate on the actual multiyear procurement cost savings for the F-22—the Air Force acquisition officers misrepresented the F-22 program as a stably funded program. Last year, Congress authorized and appropriated enough money for 24 F-22 aircraft. The Air Force bought 22. We have been asking them: What happened to the other two airplanes? We still haven't gotten a response. How we buy the F-22 is not subject to unfettered discretion. If we choose to buy them under a multiyear contract, we must do so in compliance with the law. This amendment does not.

The Congressional Research Service points out the many ongoing technical problems with the F-22—avionics problems, airframe problems, engine problems. The F-119 engine fuel consumption has been unsatisfactory, and problems were experienced with the engine's core combustor, which did not demonstrate desired temperature levels. The F-22's cockpit canopy experienced ongoing challenges, including cracking and reliability. It goes on and on. Many of these things are associated with the development of a new weapons system.

By the way, I have never met a pilot who didn't like to fly a new weapons system, but the fact is that it is not ready for multiyear procurement. That was the subject of extensive hearings in the subcommittee and consideration in the full committee. I don't expect this body to rubberstamp everything the committee does, but I can tell you that extensive analysis and study was done on it.

I also point out that literally every outside group, including the IDA, had concerns about it, even though they alleged that there would be significant cost savings. But the fact is that even the IDA, which my friend from Georgia points out—this form of contracting bears significant risks. Multiyear procurement reduces Congressional budgetary flexibility, both for the instant program and across other programs within the Defense portfolio.

I urge my colleagues who consider supporting this amendment—and we know very well that there will be reductions in defense spending. It happens historically as wars wind down. Already on the House side, there has been a proposal for significant reductions in defense spending, which I do not support but apparently may be the final product for next year from the House Appropriations Committee.

We are going to lock in multiyear procurement for a weapons system that has experienced dramatic cost overruns. And I am not saying we shouldn't procure this aircraft. I am saying we should. I am not totally convinced that it would actually meet the challenges of the war on terrorism, but I strongly support it. But before we give them a blank check, I think we should regard what we are doing here—locking in, in a multiyear fashion, the procurement of a weapons system that has gone from $100-and-some million per copy to over $300 million per copy which still has very significant technical problems associated with it. I would caution and urge my colleagues to understand this in the larger context.

Finally, we have a responsibility of oversight in the committee and as a body. If we allow multiyear procurement, we basically give up those oversight responsibilities. And when we talk about a couple hundred million dollars, which is big money, and cost savings, look at the overruns, the billions in cost overruns they have already experienced, and we still haven't got a fully tested, completed, and operational product.

I understand the desire of my friend from Georgia to make sure this program is basically locked in, which is what this amendment will do. I don't think we are ready for it. Every outfit outside of the U.S. Air Force—and even the IDA, with a qualified endorsement—the Congressional Research Service, OMB, GAO, and all the others concur in that conclusion.

I hope we will reject this amendment, but I certainly understand and respect the position of my friend from Georgia.

Mr. WARNER. Mr. President, I find myself, as chairman, having to live up to my responsibilities. Not only do I have the highest regard for our colleague from Georgia, I have a high regard for this airplane. These airplanes are stationed in Virginia. I am supporting the position taken by Senator McCAIN against the constituent interests in my own State because I feel ever so importantly the statements made by Senator McCAIN—namely, that the oversight which our committee tries to provide should be respected in this Chamber. It is our collective judgment. The majority of the Senators, having voted on this in various ways in our committee, believe that we should not go to this multiyear procurement at this time for reasons eloquently stated by the Senator from Arizona.

I regret deeply to be in opposition to one of our most valued Members, the Senator from Georgia, but let me point this out: You have to sometimes stand apart from constituent interests, State interests, and do what you believe is in the best interests of this country.

I say this with a sense of humility. I walked into the Pentagon in February of 1969 as then-Under Secretary of the Navy. The halls of the building were filled with the wreckage of a plane called TFX in which this country had invested billions of dollars to build and it was finally concluded that, for a number of reasons, the contract shouldn't go forward. Thereafter, in the positions as Under Secretary and Secretary of the Navy, I worked with the S-3, a new AFW airplane, bringing that along. I worked with the F-14. As a matter of fact, this distinguished aide of the Armed Services Committee was an F-14 pilot and has reminisced with me many times—thank you for putting two engines on that plane—because many a time he landed on a carrier with one engine.

The planes are complicated situations, and they are becoming more and more complicated each year, and it is the collective judgment of the members of the Senate Armed Services Committee that we should not abdicate our oversight and jump into this multiyear procurement.

I support the airplane. I am hopefully getting additional aircraft at my base in Virginia. I am proud of that. But I am going to support what I think is a proper management decision. To support the Chambliss amendment would be, frankly, a violation of statute on the books, the law of the land. Subsection A(1) through subsection 6 of section 2306(b) of title 10, United States Code, establishes the conditions for entering into a multiyear procurement contract. The statute requires the use of such a contract resulting in a substantial savings. This multiyear procurement proposal under this amendment would not provide substantial savings—some savings but not substantial. The statute also requires that the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic.

Just listen to what Senator McCAIN said. The estimates are not realistic. The Air Force had budgeted for 24 F-22A aircraft in fiscal year 2006 but will only be able to buy 22 or 23 aircraft with the available funds.

Mr. President, the statute also requires that there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation. There is no reasonable expectation that the level of funding required to avoid contract cancellation will be met. The multiyear justification package sent to Congress on May 16, 2006 presented a program that was underfunded by $674 million.

By statute, I say to colleagues, this amendment cannot be supported. By statute, by the majority of the members of the Committee of the Armed Services having examined it carefully, through subcommittee and full committee review, it cannot be supported. I say most respectfully to the Senator from Georgia, we are facing here a rather interesting chapter of a very significant and important defense contractor trying to get through this body a decision which is in violation of statute and overrides the judgment of the majority of the members of the Armed Services Committee. I urge Senators not to support this amendment.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I yield 3 minutes to my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank my distinguished colleague, the senior Senator from Georgia, SAXBY CHAMBLISS, for offering this amendment. I have the greatest regard for the committee and subcommittee chairmen. Senators WARNER and McCAIN are outstanding Members of this body. I beg to differ with them, and I want to focus my debate on two critical areas.

One is Senator CHAMBLISS presents as a selling point of this amendment that $235 million in savings that a multiyear contract brings would not happen if you were doing annual contracts. The distinguished Senator from Arizona acknowledged, did not argue that that number was not correct. The distinguished Senator from Virginia also did not argue that number wasn't correct but made the following statement, that that is not a substantial savings. That is at best a subjective judgment, but I would call $235 million substantial any time.

Secondly, I would like to quote from a letter—and I ask unanimous consent to have this letter printed in the RECORD—dated June 8 from James Finley, Deputy Under Secretary of Defense, to the GAO.

Over the past several procurement lots, the Air Force has been very successfully working with the prime contractor to drive down cost. Unit flyaway costs have come down 35 percent between Lot 1 and Lot 5. If stopped, production re-start would be very costly and difficult to resume, breaking this positive trend.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPUTY UNDER SECRETARY OF DEFENSE,
Washington, DC, June 8, 2006.

Mr. DAVID M. WALKER,
Comptroller General of the United States, U.S. Government Accountability Office, Washington, DC.

DEAR MR. WALKER: This is the Department of Defense (DoD) response to the GAO draft report, "Tactical Aircraft: DOD Should Present a New F-22 Business Case Before Making Further Investments," dated May 8, 2006 (GAO Code 120474/GAO–06–455R).

The Department does not agree with draft GAO report's recommendation to delay further investment in the F-22. While the Department agrees with the GAO's emphasis on the importance of supporting our procurement decisions with appropriate "Business Case" analysis, we have performed such analysis to support F–22 and tactical aircraft force structure decisions, and will continue to do so. Additional information and rationale for the Department's position is summarized below.

Implementing the GAO's recommendation to delay investment in the F-22 would disrupt production and create program instability. This instability would be detrimental to our nation's defense capabilities and our tactical aircraft industrial base. Over the past several procurement lots, the Air Force has been very successfully working with the prime contractor to drive down costs. Unit flyaway costs have come down 35% between Lot 1 and Lot 5. If stopped, production restart would be very costly and difficult to resume, breaking this positive trend. Likewise, there is considerable modernization work ongoing. To stop this work would result in large termination costs and would be very costly to resume. Multiple GAO reports have noted the negative impact that program instability has on program cost, schedule, and performance.

The assumptions on which the GAO's recommendations are based were not understood. The quantity and mix of tactical aircraft to be procured by the Department has been and remains an area of significant "Business Case" analysis. As the geopolitical and fiscal environment changes, we continually reassess national security requirements and adjust our force structure as needed. Keeping the F–22 production line active, preserves the Department's options and sustains the industrial base for efficient transition to Joint Strike fighter production.

To support the Quadrennial Defense Review and preparation of the President's Fiscal Year 2007 Budget (PB07), the Department performed a Joint Air Dominance (JAD) Study. The JAD Study examined options for varying levels within the strike fighter mix. The Department looked at the war scenarios and cost implications of buying fewer variants of Joint Strike Fighters, increasing and decreasing the number of F–22s, and buying more legacy aircraft at the expense of fewer fifth generation platforms. The results of these analyses are reflected in PB07, which sets forth a balanced portfolio of tactical aircraft assets, including Joint Strike Fighter, F–22 and F/A–18E/F. The draft GAO report makes note of, "the large disparity between what the Air Force wants for the F–22A program and what OSD has committed to fund, there is a significant break in the business case to justify buying more F–22As." The 381 aircraft the Air Force analysis indicates are required is a fiscally unconstrained projection of Service needs. The QDR analysis reflects fiscal realities and the need to address competing defense priorities. The JAD analysis showed that a balanced force structure mix of fifth generation fighters, with legacy F/A–18E/Fs, F-15Es and conventionally armed bombers, best met our requirements. Buying fifth generation tactical aircraft assets (F-22 and JSF), for both the Air Force and the Department of the Navy, optimized capability, affordability, and mitigated risk better than other options.

A detailed response is attached.

Thank you for the opportunity to respond to this draft report.

JAMES I. FINLEY.

Mr. ISAKSON. Mr. President, I was in business—didn't build airplanes but built houses—and I know a little bit about R&D development costs, but I know what the Raptor does.

Many of the things that were referred to as difficulties were predictable experiences in the development of a weapons system. The Raptor is the finest airplane ever built by any government anywhere any time, and the pilots who fly it attest this meets and exceeds every specification.

For me as a Senator, the other specification I want to meet is saving the taxpayers of the United States of America money; $235 million is a substantial savings. The Senator from Georgia, Mr. CHAMBLISS, is right. This amendment establishes a 3-year multiyear contract for the F-22 is right, and I urge my colleagues to support it in the Chamber.

I yield back the time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I yield 3 minutes to the Senator from South Dakota, Mr. THUNE.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, the Chambliss amendment will remove the prohibition on multiyear contract authority for the purchase of the F–22A aircraft and in so doing give the DOD the flexibility it needs to purchase 60 F–22A aircraft over a 3-year period in installments of 20.

The multiyear contract will save the Government, as has been noted by Senator ISAKSON, over $200 million over the 3-year period and allow for a rational and steady flow of F–22s.

Mr. President, I also want to note one thing about the GAO study that has been referenced here today and the funding for the F–22A. The statement is made in the GAO study that the funding for the F–22 could be better spent on fighting the war on terror. The problem with that is it assumes that America faces threats from only irregular forces or subnational groups.

North Korea's threat to launch a multistage missile that can hit Hawaii, Iranian nuclear ambitions, and the expansion and modernization of the Chinese military are patent examples of substantial threats from independent nation states.

The air superiority gap America once enjoyed has dramatically closed. The F–15, F–16, or F–18 are no longer without competition on the world stage. Since the late 1970s, for example, the Russian Air Force has been continually improving its air fleet. Planes like the MiG–29, Su-27, Su-35, and the addition of the Su-37 super-flanker have evened the playing field. The Chinese are now making their own version of the Su-27 under the designation J–11. Both Russia and China are eyeing foreign buyers for these formidable aircraft.

Further technology and modern air defenses have grown significantly, and Legacy aircraft are vulnerable to increased anti-aircraft threats and technology.

Congressional inaction on this matter is creating a situation where American pilots will be flying aging Legacy aircraft against comparable enemy aircraft.

DOD states that the F–22As as fifth-generation fighters is needed to neutralize advanced air defenses, thus opening the door for follow-on joint forces to include nonstealthy Legacy aircraft and long-range strike capabilities.

We need the F–22. The QDR supports this notion. The QDR focuses on the ability to quickly and effectively penetrate enemy airspace and exploit stealth and electronic warfare capabilities. The F–22A excels at all these missions and helps America take a step ahead against emerging technologies and threats we face.

Mr. President, I urge my colleagues to support the Chambliss amendment and allow the Air Force to move forward in a way that will enable us to save the taxpayers money and to meet the needs that we face for this country as we go forward.

I yield back the remainder of my time.

Mr. CHAMBLISS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. CHAMBLISS. I yield such time as he may consume to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator from Georgia. I think this is a very serious thing we are getting into. I have five very important points I plan to make to respond to statements that have been made in the Chamber here. One is I think the Chairman is right when he talks about the information wasn't there, wasn't adequately discussed during the markup. One of the reasons for that is the IDA study didn't even come out until May 15, and because of that, that was not a part of the conversation.

Let me say one thing about the GAO study. I agree with the Senator from South Dakota. I am always leery of a new study that comes out the same day that an amendment is discussed and brought up in the Chamber, and that happened to be 3 days ago. I think it is quite a coincidence it came out at the same time. Having looked at the IDA study, we are on solid ground for pursuing this multiyear effort.

Let me respond to our good friend, the Senator from Arizona, on the cost overruns and the delays. I cannot remember—I have been on this Armed Services Committee for 12 years and in the House for 8 years—one system that did not go through this same thing. In the Navy alone, they had many cost overruns. The joint strike fighter, now recognized as something we desperately need and are using, probably had more cost overruns. We had the Black Hawk upgrades, the same thing there.

But the thing I remember the most is the C–17s because I was in the House at that time. It was delay after delay after delay, and stop and think, if we had at that point junked that, where would we be? Where would we have gone in Bosnia, Kosovo? Things were anticipated where we would desperately need it.

Right now we need to increase the number of planes. That I think we all know. And then we know what is happening to the C–130–R program. This is something that has been happening for a long period of time.

The third thing I want to mention is the savings. I know one of the six criteria is called substantial savings. I don't know if there is anyone who is going to be looking at this budget and accepting the fact that a quarter of a billion dollars is not substantial. But there seems to be some doubt by Senators as to whether or not these savings would actually be achieved. And if you really ask questions about it, if we really had to do this, I say to my friend from Georgia, we could write that in and say at any point when it looks like we cannot anticipate these savings, we would go back to the other type of procurement. That could be done.

Quite frankly, I think the Air Force would be willing to do that. And the figure of $225 million they and others believe and I believe is a conservative figure. So I think that would be one way to offset it.

When you look at title 10 criteria, substantial savings, we have talked about that; stability, we have talked about that, stability of funding, stability of design, we all know these things and where we are with the program.

And so I have come to the conclusion after looking at this that it does qualify for all of these criteria, but there is one thing that has not been said, quite frankly, in the right wing over here, and that is, during the 1990s I can remember standing on this floor and saying we are going to have to do something about what is happening to the modernization program because it is not just the aircraft and artillery pieces, the most modern thing we have for the artillery is the Palladin, which is World War II technology, where you have to get out and swab the breach after each shot. There are five countries, including South Africa, making a better artillery piece than we are sending out with our kids.

Then we look at the F–15 and F–16, great vehicles. We understand that. But one of the proudest moments I have had was in 1998 when we were cutting a lot of the Defense budget at that time. We had two-star general John Jumper, who stood up and said publicly: Now we are sending our kids out with equipment that is not as good as the Russians are making. At that time, they had the Su-27; the Su-30 was not actually deployed yet, now the Su-35. And we know in one purchase—I say to my friend from South Dakota because he mentioned other countries that are buying these things—in one purchase, the Chinese purchased 230 of these vehicles. We think they are Su-30s, but we don't know.

Consequently, if you assess the judgment as someone I think we will have to accept, and that is General John Jumpers, their Su series in many ways is better than our best strike vehicles, the F–15 and F–16. That has to concern Americans.

So I think if that were the only reason to keep this on schedule, and go to a multiyear program where we enjoy the savings, that would be reason enough. As long as I am here, I am going to try to put America in a position where we have the very best of equipment with which we send our kids to battle. That is not the case today. So I strongly support the amendment and believe we should get on with it.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may use.

I think we ought to try to go back to what this amendment is about. This amendment is not to cure any delay. The fact is, we have in this authorization 20 F–22s, with $1.4 billion over what was in the budget—20 of them. And then, next year, I would imagine we will authorize another 20; and the year after that, another 20. This is not about any delay. This is about congressional oversight. This is whether we should go to multiyear funding and lock us into a weapons system which has not been proven yet.

I say to my friend from Georgia, no matter how this amendment comes out because of the differences of opinion we have within the committee, in July I would like to schedule a hearing, and we will get all the players over again. Whether this amendment goes up or down, in July we will schedule a hearing in the subcommittee and have another look at the pluses and minuses. The Senator from Oklahoma mentioned that several studies have come in. The IDAs came in on the 20th. The GAO one came in yesterday or the day before.

So I will be glad—no matter how the vote ends up—to have another hearing on this issue because we are talking about, obviously, really large sums of money. So this Senator does not want to delay the procurement of the F–22. But I certainly want to maintain our ability to oversight the program rather than locking us in. So it is not about whether we delay or not.

Finally, on the issue of saving $225 million: from what? Because the Air Force, on May 16, 2006, stated that an additional $674 million is needed to fully fund the multiyear program being proposed. So is that savings of $225 million out of the $674 million of additional costs or does it mean there really isn't an additional $674 million, that they sent over, that they need? So that has to be sorted out as well.

So again, I restate to my colleagues that literally every outside organization—CRS, CBO, GAO—all of them believe not that this weapons system needs to be canceled, not that it needs to be delayed, but we do not need to embark on a multiyear lock-in acquisition of this weapons system, which no doubt has very great value.

I hope my colleagues will agree with the distinguished chairman and me that this amendment should be rejected at this time.

Mr. President, does the Senator from Michigan wish to speak on this?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I will be opposing the Chambliss amendment, although I am both a supporter of the F–22 and a supporter, generally, of multiyear contracts. Where they meet the criteria for multiyear contracts, I am very supportive of them because of, mainly, the money that can be saved.

I oppose this amendment with some reluctance. Again, I very much support, and have supported, the airplane.

And I, in general, like the multiyear approach, where it meets the criteria. But some of the criteria have not been adequately met; for instance, whether the multiyear contract would result in substantial savings compared to using annual contracts. The studies are that the savings would be, I would say, very modest and not substantial. There are some savings, but I could not say they are substantial savings.

Another criteria is whether the contract is for a number which is expected to remain substantially unchanged during the contemplated contract period in terms of both numbers, production rate, procurement rate, and, again, total quantities. The F–22 total program quantities are likely to increase before the end of production.

There is also a requirement that there be a stable design for the property to be acquired and that the technical risks associated with the purchase are not excessive. There are some unresolved operational test deficiencies, and there are what I think can fairly be called major modifications that are planned for providing more robust air-to-ground capability.

There is also a question as to whether the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic. Cost estimates are still problematic. The 2006 contract itself, we understand, has still not been signed. So it does not meet that criteria either.

I would hope that, perhaps next year, a multiyear would indeed meet the criteria so we could utilize a multiyear approach next year. But I do not believe this year it does meet the criteria for a multiyear contract. I, therefore, will be opposing the Chambliss amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I respond to the distinguished Senator from Michigan that all of this which he raised has been addressed in the IDA report and has been answered. The criteria set forth in the statute has been validated and verified. I don't know of any technical problems with the airplane today because, as I said earlier, we have 32 at Langley currently. We have other airplanes stationed at a couple of other bases around. They are flying over us as we speak, protecting our Nation's Capitol. They are in rotation to go to Iraq. If there were any deficiencies, obviously, we would not have those airplanes put in that rotation, engaging in what may be combat.

I will close by finally saying there has been a lot of conversation about the way the cost of this airplane has increased. I think the mission of the airplane actually has changed over the 19 years since this airplane was first authorized. It was initially an air-to-air airplane. Air-to-ground was added to it, which caused delays. What the Senator from Arizona alluded to, relative to issues of the airplane is exactly correct. But all of those have been addressed. And the cost, the flyaway costs of this airplane for the last three lots have decreased by 16 percent, 11 percent, and 14 percent respectively.

So it is an expensive airplane. There is no question about that. But the capability of the airplane is also not questioned. It is a good deal for the taxpayers. It is a good deal for the folks who are going to be called on to fly this airplane in defense of this country. I encourage my colleagues to support the amendment.

Mr. HATCH. Mr. President, today I rise as an ardent supporter of the F–22A Raptor. I am very pleased that the Armed Services Committee has modified the Department of Defense's budget request and authorized the procurement of 20 F–22s during the next fiscal year.

That being said, I must express my disappointment that the committee did not include in this legislation language authorizing the Secretary of the Air Force to enter into a multiyear procurement contract to purchase 20 Raptors a year for the next 3 years. Under such a contract, the Institute for Defense Analyses estimates that we will save the taxpayer at least $225 million. Therefore, I am proud to join Senator CHAMBLISS and cosponsor this important amendment along with Senators INHOFE, LIEBERMAN, BINGAMAN, CORNYN, THUNE, BENNETT, ISAKSON, DOMENICI, BAUCUS, DODD, HUTCHISON, COLLINS, BEN NELSON, FEINSTEIN and STEVENS. Our amendment only strengthens the procurement plan for this vital aircraft.

I am also troubled that this bill does not increase above the 183 currently planned the number of F–22s that the Air Force is authorized to procure. My trepidation that our Nation will not build a sufficient number of aircraft is based on careful study of our Nation's needs and on the advice and counsel of senior Air Force officers who have been unanimous in their expert opinion that if the Air Force is to meet its responsibilities under the National Military Strategy, the Nation requires 381 Raptors.

I have seen first-hand the capabilities of this extraordinary aircraft, first at Tyndall Air Force Base, FL, where our pilots are learning to fly the Raptor, and second at Langley Air Force, VA, where the first operational F–22s are based. As a result of these meetings with pilots and ground personnel and several other briefings on our future preparations, I have come to the conclusion that purchasing sufficient numbers of Raptors is absolutely vital to our national security.

Over the past 30 years, the United States has been able to maintain air superiority in every conflict largely due to the F–15C. However, with the great advancements in technology over the past several years, the F–15 has struggled to keep pace. For example, the F–15 is not a stealth aircraft and its computer systems are based on obsolete technology. My colleagues should remember that the F–15 first flew in the early 1970s. During the ensuing years, nations have been consistently developing new aircraft and missile systems to defeat this fighter.

Realizing that the F–15 would need a replacement, the Air Force developed the F–22. The F–22's combination of stealth, supersonic cruise, advanced maneuverability, and sensor-fused avionics makes this aircraft a powerful deterrent to countries contemplating a challenge to U.S. interests, and defines the essence of a true fifth generation fighter.

So far during the current exercise Northern Edge in Alaska, the F–22A has achieved a kill ratio of 144:0. Not one F–22 has been simulated "shot down" while 14 legacy F–15s and F–18s in the exercise have been simulated "shot down." One-hundred-and-forty-four to zero, that is the way American forces should go to war.

The F–22 has the greatest stealth capabilities of any aircraft currently flying or under design. This is a powerful attribute when one remembers that it was the F–117 Nighthawk's stealth characteristics that enabled that aircraft to penetrate the integrated air defenses of Baghdad during the first night of the 1991 gulf war. The F–22 brings stealth capability out of the night, enabling operations in high threat areas at the place and time chosen by combatant commanders, 24 hours a day seven days a week.

The Raptor is also equipped with supercruise engines. These engines do not need to go to after-burner in order to achieve supersonic flight. This provides the F–22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to afterburner to achieve supersonic speeds. This consumes a tremendous amount of fuel and greatly limits an aircraft's range.

The F–22 is also the most maneuverable fighter flying today. This is of particular importance when encountering newer Russian-made aircraft and surface-to-air missile systems, both of which boast advanced, highly impressive capabilities against our legacy F–15, F–18, and F–16 aircraft.

Yet, a further advantage resides in the F–22's radar and avionics. When entering hostile airspace, the sensor-fused avionics of the F–22 can detect and engage enemy aircraft and surface threats far before an enemy can hope to engage the F–22. At the same time its advanced sensors enable the F–22 to be a forward surveillance platform gathering crucial intelligence on the enemy.

However, one of the most important capabilities of the Raptor is often the most misunderstood. Many critics of the program state that, since much of the design work for this aircraft was performed during the Cold War, it does not meet the requirements of the future.

I believe this criticism is misplaced. The F-22 is more than just a fighter—it is also a bomber. In its existing configuration it is able to carry two 1,000 pound GPS-guided JDAM bombs and will undergo an upgrade to carry eight small diameter bombs in the near future. In 2008, the F-22's radar system will be enhanced with advanced air-to-ground modes, enabling the Raptor to hunt independently and destroy targets on the ground.

All of these capabilities are necessary to fight what is quickly emerging as the threat of the future—the anti-access integrated air defense system. Integrated air defenses include both surface-to-air missiles and fighters deployed in such a fashion as to leverage the strengths of both systems. Such a system could pose a very real possibility of denying U.S. aircraft access to strategically important regions during future conflicts.

It should also be noted that—for a comparably cheap price—an adversary can purchase the Russian SA-20, surface-to-air missile. This system has an effective range of approximately 120 nautical miles and can engage targets at greater then 100,000 feet, much higher than the service ceiling of any existing American fighter or bomber. Surface-to-air missiles, with similar capabilities, have been sold to Iran. The Russians have also developed a family of highly maneuverable fighters, the SU-30 and 35s, which have been sold to such nations as China. Of further import, 59 other nations have fourth generation fighters.

It has also been widely reported in the aviation media that the F-15C, our current air superiority fighter, is not as maneuverable as newer Russian aircraft, especially the SU-35. However, the F-22 is designed to defeat an integrated air defense system. By utilizing its stealth capability, the F-22 can penetrate an enemy's airspace undetected and, when modified, independently hunt for mobile surface to air missile systems. Once detected, the F-22 would then be able to drop bombs on those targets. Some correctly state that the B-2 bomber and the F-117 could handle these assignments during night only operations. However, the F-22 offers the additional capability of being able to engage an enemy's air superiority fighters, such as the widely proficient SU-35. Therefore, the Raptor will be able to defeat, almost simultaneously, two very different threats, 24 hours a day, that until now have been handled by two different types of aircraft.

I should like to point out that these potential threats are not just future concerns, but they are here today. For example, over the last 2 years, the Air Force has conducted exercises with the Indian Air Force as part of our effort to strengthen relations with that nation. The Indian Air Force has a number of SU-30 MKKs, an aircraft which is very similar to a version of aircraft sold in large quantities to the People's Republic of China. During these exercises, it has been widely reported in the aviation and defense media that the Indian Air Force's SU-30s won a number of engagements when training against our Air Force's F-15s.

So let me be clear on this point: a developing nation's air force was able to defeat the F-15. This was a stunning event and one that requires our immediate attention.

Now that this fact has been established, the question that we must ask ourselves is: How do we remedy this national security concern? The F-22 provides the answer.

Though the F-22 may be the solution to these problems, if the Nation does not purchase a sufficient number of these aircraft our service members could face unnecessary dangers and risks. Many others and I have come to this conclusion after closely listening to our service members when they have outlined their equipment requirements based upon the national security goals our Government has outlined. What is their professional opinion? That if the Air Force is to succeed in the tasks outlined in our National Defense Strategy, our airmen and women require 381 F-22s, far more then the 184 aircraft currently planned.

However, another important consideration is cost. In a period of runaway procurement costs, we are not only concerned about the effort to procure the correct number of F-22s but to procure them at a reasonable price. That is exactly what this amendment achieves. It authorizes a multiyear procurement plan for the Raptor, in which 20 aircraft a year over 3 years will be purchased. This will result in the taxpayer saving approximately $225 million under the existing plan to purchase 184 aircraft.

Introducing innovative plans to save funds is nothing new to the F-22 program. In fact, since production first began on this aircraft, the "fly-away" cost has been reduced by 35 percent. However, we must take advantage of any opportunity that will result in additional savings while increasing our military capabilities. A multiyear F-22 procurement plan achieves that goal.

If this amendment is adopted, the Air Force will be permitted to enter into a multiyear procurement contract. However, some of our colleagues argue that the F-22 does not meet the six-point requirements for multiyear procurement under existing law. I, on the other hand, believe these criteria have been met and the amendment before us should be seen as reinforcing that fact.

Specifically, the first requirement to authorize a multiyear contract under the existing statute is the determination that substantial savings will result from the contract. The Institute for Defense Analysis estimates that a multiyear contract will result in at least $225 million in savings.

The second criterion states there must be a "minimum need" for the aircraft. I believe that my address today has shown the urgent need to deploy the Raptor in order to counter the deployment of fourth generation fighters and new antiaccess systems.

As far as a minimum need is concerned, as a result of the Joint Air Dominance Study the Secretary of Defense stated that a minimum requirement for 183 Raptors existed. Under the administration's proposal, which this amendment is based upon, the production rate, procurement rate and the total quantities of the Raptor purchased will be substantially unchanged during the contract period. Remember, the contract calls for the purchase of 20 Raptors a year over the next 3 years.

The third requirement insists that the Raptor be a program with stable funding. The Armed Services Committee has added additional funds for this year and the Department of Defense's future budgets will also contain funding requests since the purchase of F-22s under a multiyear procurement contract was called for in the Quadrennial Defense Review.

Fourth, the aircraft's design must be stable. This is probably the most controversial requirement. Yes, the F-22 has had its problems during the development and production process, but I challenge anyone to identify another strike aircraft that hasn't. Remember, the F-22 is now operational. That means the Raptor will deploy in support of our service members and it has satisfactorily completed the engineering and manufacturing development phase as well as its follow-on operational test and evaluation.

It is important to note that any upgrades to the Raptor will not result in significant structural changes. Some might argue, correctly, that a potential problem with the forward boom frame heat-treating has been identified on up to 91 aircraft. It is important to note that this was not an aircraft design problem, but an issue of a manufacturer not following the prescribed manufacturing process. In reality, testing has so far shown that 92 percent of the suspect frames tested did in fact undergo an adequate manufacturing process. I have been advised that neither a redesign nor a refit are planned or expected. Regardless, the manufacturer has been replaced and all aircraft procured under a multiyear agreement will not have this problem.

Fifth, a program must show that its cost estimates are realistic. The Air Force has gone above and beyond the call of duty in providing the Congress with independent cost analysis. The Institute for Defense Analysis provided an Independent Cost Estimate in 2005 and with a multiyear procurement business case analysis in May of this year.

Finally, the last requirement of a multiyear procurement plan is the determination that the program is important to the national security of the United States. I believe that we have already established conclusively that the Raptor is the answer to the present and future threats posed by antiaccess systems.

Therefore, I believe that the Raptor qualifies for a multiyear procurement contract under the existing statute. However, to ensure there is no doubt on this subject, I strongly recommend this amendment to my colleagues.

Our Nation stands at a crossroads.

In a wide variety of policy arenas, the Senate is being asked to make investments that will reap rewards for our children and our grandchildren.

The F-22 is one of these investments. It will guarantee America's dominance of the skies for the next half century. All that is required is that we make a commitment now to ensure that future. By purchasing adequate numbers of F-22 Raptors we are meeting the threats of today and tomorrow and we are doing so in such a way as to maximize the savings of the American taxpayer.

I thank Senator CHAMBLISS for offering this important amendment, and I urge my colleagues to join my fellow cosponsors, Senators INHOFE, LIEBERMAN, BINGAMAN, CORNYN, THUNE, BENNETT, ISAKSON, DOMENICI, BAUCUS, DODD, HUTCHISON, COLLINS, BEN NELSON, FEINSTEIN and STEVENS in supporting this amendment.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the amendment to authorize a multiyear procurement for the F-22 fighter—amendment No. 4261 I am proud to cosponsor. I thank my friend and colleague, the Senator from Georgia, Mr. CHAMBLISS, for his leadership in offering this amendment. I believe he has very ably and comprehensively argued the case for this multiyear and has persuasively rebutted the personal arguments against taking this action. But I want to add some thoughts about why I think this is a prudent act by this body.

The F-22 has had developmental problems and it has had cost increases. But all this is old news. There are few, if any, programs that have had more oversight by the Senate Armed Services Committee than this program. We have examined it in great detail in hearings each year from concept to procurement. We have examined the technology, the acquisition plan, the development process, and the production issue. And we have examined the costs in substantial detail. In some years we have put on cost caps to force spending discipline, and in other years we have slowed down production to align the request with the reality of the backlog. But despite the challenges of building the world's most capable fighter, we have decided, and the full Senate has decided, that this is a critical program that should and must continue. And the U.S. Air Force has argued it needs the F-22 to continue.

There is a very compelling reason for this decision. Air dominance is absolutely essential to American military dominance and American security in the 21st century. Our military has had that dominance since World War II. If we were ever to lose it, or even allow it to be seriously challenged, the global strategic environment would fundamentally change for the United States. The F–22 is the way we prevent that from happening for the next generation maybe more. Much has been said about the cutting-edge technologies that are included in this airplane that will ensure we maintain that air dominance. I need not repeat that now. But it is the reason that we have voted to continue procuring the F–22 and it is reason that we will continue to do so.

I believe the problems with the F–22 that some of my colleagues have reminded us about have been substantially solved. The F–22 business case was validated by DOD during the QDR and the Air Dominance Study. The long debate over the number we will procure is about over. I am convinced that it will not be lower than the 183 validated by the QDR. In fact if there are now to be changes in that number, it will be increased, not decreased. So I believe that we will build the additional 60 contemplated in this amendment. The decision to procure these 60 over 3 years instead of 2 years is sound. We should not have a break in the production line before we begin building the F–35 the JSF. Those 60 aircraft can be built for about $250 million less with the multiyear buy provided for by this amendment.

The Senate Armed Services Committee, and the Airland Subcommittee, has spent much time focusing on our acquisition system because we are concerned that the weapons we are buying are taking too long to field and are costing too much. We believe the American people should not pay more than they have to. But we also believe our Armed Forces should get the weapons they need to defend our security. SACS have concluded we need this fighter. We recommended full funding this year for 20. I believe we will do that next year and the year after that until we have procured 183 F–22 fighters. Authorizing a multiyear will cost the American people $250 million less than if we authorize these fighters year by year. That is good acquisition policy. Our Armed Force needs this fighter, and we should not pay $250 million more to get it than we have to. That is why I urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, I yield back the remainder of my time.

Mr. CHAMBLISS. Mr. President, I yield back the remainder of my time.

Mr. LEVIN. Mr. President, if the Senator from Arizona will yield 1 minute?

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. LEVIN. Mr. President, I want to put in the RECORD a chart from the Institute for Defense Analysis. It compares savings on various programs, showing savings with the F/A–18, multiyear, from 7 to 11 percent; the C-17 airplane, of 10 percent; the C-130J, multiyear, of 10 percent; and the comparison to the F–22, which they estimate at 2.6 percent. I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 4.—CHARACTERISTICS OF OTHER RELEVANT MYP PROGRAMS

Program	Savings (%)	Savings (TY$M)	Prior lots/ units	Period of performance (years)	Procurement timeframe	Quantity procured	Amount of CRI funding ($M)	Amount of EOQ funding ($M)	FAR	TINA waiver
F/A–18E/F Air Vehicle (MYP–1)	7.4	$850	3/62	5	FY00–04	222	$200	$85	15	No
F414 Engine (MYP–1)	2.8	51	5/682	5	FY02–06	454	0	0	15	No
F/A–18E/F/G Air Vehicle (MYP–2)	10.95	1,052	8/284	5	FY05–09	210	100	0	15	Yes
C–17A Airframe (MYP–1)	5.0	760	8/40	7	FY97–03	80	350	300	15	No
C–17A Engine (F117–PW–100)	6.0	122	4/160	7	FY97–03	320	0	0	12	No
C–17A Airframe (MYP–1)	10.8	1,211	14/112	5	FY03–07	60	0	645	12	Yes
C–17A Engine (F117–PW–100)	5.7	92	14/448	5	FY03–07	267	0	0	12	No
C–130J/KC–130J	10.9	513	9/37	6	FY03–08	62	0	140	12	No
C–130J (Air Force)	10.9	340		6	FY03–08	42	0	unknown	12	No
KC–130J (Marine Corps)	13.1	173		6	FY03–08	20	0	unknown	12	No
F–16A/B/C/D Air Vehicle (MYP–1)	7.7	246	4/605	4	FY82–85	450	unknown	unknown	15	No

TABLE 4.—CHARACTERISTICS OF OTHER RELEVANT MYP PROGRAMS—Continued

Program	Savings (%)	Savings (TY$M)	Prior lots/ units	Period of performance (years)	Procurement timeframe	Quantity procured	Amount of CRI funding ($M)	Amount of EOQ funding ($M)	FAR	TINA waiver
F-16C/D Air Vehicle (MYP-2)	10.1	467	8/1139	4	FY86-89	720	unknown	unknown	15	No
F-16C/D Air Vehicle (MYP-3)	5.7	262	12/1859	4	FY90-93	630	unknown	unknown	15	No
Average	8.00	469	....	5.25	N/A	292	N/A	N/A		
F-122A Air Vehicle	2.6	203	8[a]122	3	FY07-09	60	0	255	15	No
F-122A Engine (F119-PW-100)	2.7	32	8[b]244	3	FY07-09	120	0	45	15	No

[a] Include Production Representative Test Vehicle (PRTV) lot and units.

[b] Include PRTV lot and units and Replacement Test Aircraft (RTA); installed engines only.

Mr. LEVIN. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. CHAMBLISS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. DAYTON. Thank you, Mr. President.

AMENDMENT NO. 4241

Mr. President, I am a proud cosponsor of Senator MCCAIN's proposal to name this legislation after the great chairman of the Senate Armed Services Committee, Senator WARNER.

I have had the privilege during my term in the Senate to serve on the Armed Services Committee under two tremendous chairmen, outstanding Senators, and terrific human beings—JOHN WARNER and CARL LEVIN.

Our Senate, our military, and our country have been fortunate to have their extraordinary leadership during these critical years.

Chairman WARNER, for whom this legislation would be named, is more than deserving of that honor. He is greatly respected by our committee members on both sides of the aisle and, indeed, by the entire Senate. He has been unfailingly fair to all points of view, while leading us with a firm hand and resolute gaze, that he learned during his own military service and as Secretary of the Navy.

When he picks up his committee gavel, all of us—members, staff, military officers, and other interested parties—all know we have a leader well prepared in all respects for that enormous responsibility.

Our Senate and our Nation are indebted to Senator WARNER and to Senator LEVIN for their superb public service.

Mr. President, I have listened to many of my colleagues express their views on Iraq during the past week and have waited for this opportunity to express my own.

My colleagues reflect sincere differences and I believe sincere desires to uphold the best interests of our great country in a very difficult and complicated situation. We are all patriotic Americans first and foremost and partisan politicians later.

I voted against the Iraq war resolution in October 2002, despite being presented with incorrect and misleading information by very high officials in the Bush administration, which purported to prove that Saddam Hussein was developing nuclear weapons. I questioned the veracity of that information. And I had grave concerns that an unwarranted invasion of Iraq, if no weapons of mass destruction were found, would ultimately weaken, not strengthen, the national security of the United States by seriously damaging our standing and our alliances throughout the world.

I also voted against the Iraq war resolution because I believed that such a decision by the Congress at that time was premature. President Bush was not asking Congress for a declaration of war, as the U.S. Constitution requires. He was asking for a congressional resolution authorizing him to declare war, if he determined it necessary at some later date. I do not fault the President for asking for that blank check. I fault the Congress for giving it to him. In fact, it was over 6 months later that the President made his final decision to commence military action against Iraq.

In a similar vein, I believe that both the Levin-Reed amendment and the Kerry-Feingold amendment were premature. One called for the redeployment of U.S. troops from Iraq to begin within 6 months. The other required the almost complete withdrawal of those troops within a year.

I believe it is impossible to foresee at this time whether either of those actions would be in the best national security and foreign policy interests of the United States 6 months or 1 year from now. The situation in Iraq is too uncertain and too unpredictable to do so. That uncertainty and unpredictability evidence the failures of the Bush administration's conduct of this war effort.

It is now over 3 years since the U.S. military swept from the Iraqi border to Baghdad in only 3 weeks, overthrew Saddam Hussein and his evil regime, and liberated the Iraqi people. Yet after that swift and decisive military victory was won, the Bush administration has failed to secure it.

Administration officials ignored the advice of their own top military commanders—and this is an important lesson for us—and failed to commit enough U.S. troops to secure the country. Other mistakes followed, leaving security and political vacuums that were filled by foreign terrorists and domestic insurgents.

During the past 3 years, violence in Iraq has steadily increased and still threatens to rip the country apart. Like it or not, our courageous troops remain the only effective protections of the Iraqi people from civil war or anarchy and a lawless bloodbath.

Unfortunately, the bad conditions in Iraq today can become even worse—much worse—if our troops begin or complete their withdrawals before Iraqi forces are able to take their place. That training and equipping of Iraqi replacements should have been completed already, but it is not. I do not know what that timetable is. I am skeptical that anyone else in this body does. The Bush administration should tell us, but they will not, which means they still do not know either.

So it seems to me necessary not to decide and certainly not to act until we have that information. It is imperative not to make future mistakes that will compound the previous mistakes. And we certainly should not decide or act until we have listened to the current views of the top U.S. military commanders, who are responsible for successfully completing our mission in Iraq and for protecting the lives and safety of the 133,000 heroic Americans who are stationed there now.

I serve on the Senate Armed Services Committee, and yet I have not heard those top military views recently expressed.

I respectfully ask the distinguished chairman of our committee to arrange for us to hear them as soon as possible. I read a news report 2 days ago that General Casey, the senior American commander in Iraq, will brief the Secretary of Defense later this week on his newest thinking about U.S. force levels through the end of the year. I want to hear General Casey's recommendation myself and his reasons for it before I am prepared to vote on any proposal affecting U.S. troop levels. I want to give our military commanders in Iraq and our American troops in Iraq what they need to succeed now, 6 months from now, a year from now.

Like most Americans, I wish this war were over. I wish it hadn't begun. But we are in it; we must win it. We cannot leave Iraq until the Iraqi Government has established political control over its country and until the Iraqi security forces can protect their citizens. We cannot leave what we started to end in a lawless bloodbath.

We must rely on our senior military commanders to tell us what force strength they need to successfully complete their mission. The timetable we follow should be theirs, not ours. It should be based upon American security and Iraqi survival. Again, I respectfully urge Chairman WARNER to summon our top military commanders to tell us what they need and for how long. I don't want any more incidents where American soldiers are captured, brutally tortured, and murdered because there were not enough of their fellow American soldiers there to defend them.

I agree with my colleagues about the urgent need for the new Iraqi Government to accelerate their assumption of complete responsibility for their country's services, security, and success. They need to tell us their expected schedule for doing so. We need to assist them in that process, and we need to enlist other nations to help them as well. We must complete our mission in Iraq as soon as possible, but we must complete it with a lasting victory, and we cannot leave until that victory is secure.

We should be discussing what we can do to hasten that day. The Bush administration should be telling us what we need to do to hasten that day, how to accelerate the transfer of responsibilities to Iraqis, how to accelerate the social and economic reconstruction of Iraq, how to enrich the lives of Iraqi citizens rather than the livelihoods of American contractors. Instead, all we get are cheap spin-and-thin slogans rather than substantive proposals and sophisticated solutions. The administration needs to set forth a plan of action in Iraq, a roadmap to final victory. That is what we should be demanding. That is what we should be debating.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my colleague from Minnesota. He will be departing our committee this fall, as he departs the Senate. I appreciate the work he has contributed to our committee throughout the year.

It is time for my distinguished colleague from Michigan, ranking member, and I to offer a package of amendments.

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. LEVIN. While he was making reference to the Senator from Minnesota, I think the chairman was off the floor when the Senator from Minnesota, Mr. DAYTON, made some very glowingly positive and affirmative remarks about our chairman and about how he was really delighted to be able to cosponsor the amendment which had been introduced to name this bill after our beloved chairman. I wanted to make sure that he was aware of that and could look up those remarks later.

Mr. WARNER. I was absent from the floor. I express my humble appreciation to my colleague from Minnesota. I recall that he accompanied Senator LEVIN and me to Iraq one time. That was when I first became aware of the knowledge that he had on world affairs and other subjects. He has contributed to the greater good of the Committee on Armed Services. I thank him for his service. But there is more time; he has a little bit left to go.

AMENDMENTS NOS. 4492; 4493; 4494; 4266, AS MODIFIED; 4495; 4307, AS MODIFIED; 4326, AS MODIFIED; 4224; 4496; 4309, AS MODIFIED; 4345; 4368; 4497; 4222; 4498; 4499; 4202, AS MODIFIED; 4500; 4441; 4231, AS MODIFIED; 4409; 4501; 4502; 4503; 4504; 4505; 4506; 4331; 4507; 4508; 4509; 4510; 4219; 4386; 4511; 4197; 4512; 4513; 4514; 4515; 4342; 4365; 4241; 4220, AS MODIFIED; 4371; 4244; 4516; 4466; 4517; 4363, AS MODIFIED; 4450, AS MODIFIED; 4362, AS MODIFIED; 4275, AS MODIFIED; 4475, AS MODIFIED; 4276, AS MODIFIED; 4469, AS MODIFIED; 4477, AS MODIFIED; 4518; 4214; AND 4519, EN BLOC

At this time I send a series of amendments to the desk. They have been cleared by myself and the ranking member. I ask unanimous consent that the Senate consider the amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table.

Finally, I ask that any statements relating to any of the individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4492

(Purpose: To clarify the contracting authority for the chemical demilitarization program)

At the end of subtitle F of title III, add the following:

SEC. 375. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTIYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

AMENDMENT NO. 4493

(Purpose: To extend the authority for the personnel program for scientific and technical personnel)

At the end of title XI, add the following:

SEC. 1104. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "September 30, 2008" and inserting "September 30, 2011".

AMENDMENT NO. 4494

(Purpose: To encourage the use of electronic voting technology and to provide for the continuation of the Interim Voting Assistance System)

On page 187, between lines 20 and 21, insert the following:

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) FUTURE ELECTIONS.—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

AMENDMENT NO. 4266, AS MODIFIED

On page 421, between lines 6 and 7, insert the following:

SEC. 1066. REPORTS ON DEPARTMENT OF JUSTICE EFFORTS TO INVESTIGATE AND PROSECUTE CASES OF CONTRACTING ABUSE IN IRAQ, AFGHANISTAN, AND THROUGHOUT THE WAR ON TERROR.

(a) FINDINGS.—Congress makes the following findings:

(1) Waste, fraud, and abuse in contracting are harmful to United States efforts to successfully win the conflicts in Iraq and Afghanistan and succeed in the war on terror. The act of stealing from our soldiers who are daily in harm's way is clearly criminal and must be actively prosecuted.

(2) It is a vital interest of United States taxpayers to be protected from theft of their tax dollars by corrupt contractors.

(3) Whistleblower lawsuits are an important tool for exposing waste, fraud, and abuse and can identify serious graft and corruption.

(4) This issue is of paramount importance to the United States taxpayer, and the Congress must be provided with information about alleged contractor waste, fraud, and abuse taking place in Iraq, Afghanistan, and throughout the war on terror and about the efforts of the Department of Justice to combat these crimes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary and the Committee on Government Reform of the House of Representatives, and the congressional defense committees a report on efforts to investigate and prosecute cases of waste, fraud, and abuse under sections 3729 and 3730(b) of title 31, United States Code, or any other related law that are related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) Information on organized efforts of the Department of Justice that have been created to ensure that the Department of Justice is investigating, in a timely and appropriate manner, claims of contractor waste, fraud, and abuse related to the activities of the United States Government in Iraq, Afghanistan, and throughout the war on terror.

(B) Information on the specific number of personnel, financial resources, and workdays devoted to addressing this waste, fraud, and abuse, including a complete listing of all of the offices across the United States and throughout the world that are working on these cases and an explanation of the types of additional resources, both in terms of personnel and finances, that the Department of Justice needs to ensure that all of these cases proceed on a timely basis.

(C) A detailed description of any internal Department of Justice task force that exists to work specifically on cases of contractor fraud and abuse in Iraq, Afghanistan, and throughout the war on terror, including a description of its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the nature and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(D) A detailed description of any interagency task force that exists to work specifically on cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the type, nature, and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(E) The names of the senior officials directly responsible for oversight of the efforts to address these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(F) Specific information on the number of investigators and other personnel that have been provided to the Department of Justice by other Federal departments and agencies in support of the efforts of the Department of Justice to combat contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including data on the quantity of time that these investigators have spent working within the Department of Justice structures dedicated to this effort.

(G) Specific information on the full number of investigations, including grand jury investigations currently underway, that are addressing these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(H) Specific information on the number and status of the criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(I) Specific information on the number of civil cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including specific information on the quantity of cases initiated by private parties, as well as the quantity of cases that have been referred to the Department of Justice by the Department of Defense, the Department of State, and other relevant Federal departments and agencies.

(J) Specific information on the resolved civil and criminal cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including the specific results of these cases, the types of waste, fraud, and abuse that took place, the amount of funds that were returned to the United States Government as a result of resolution of these cases, and a full description of the type and substance of the waste, fraud, and abuse that took place. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(K) The best estimate by the Department of Justice of the scale of the problem of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

AMENDMENT NO. 4495

(Purpose: To require annual reports on United States contributions to the United Nations)

At the end of subtitle A of title XII add the following:

SEC. 1209. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

AMENDMENT NO. 4307, AS MODIFIED

At the end of subtitle A of title XII, add the following:

SEC. 1209. NORTH KOREA.

(a) COORDINATOR OF POLICY ON NORTH KOREA.—

(1) APPOINTMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall appoint a senior presidential envoy to act as coordinator of United States policy on North Korea.

(2) DESIGNATION.—The individual appointed under paragraph (1) may be known as the "North Korea Policy Coordinator" (in this subsection referred to as the "Coordinator)".

(3) DUTIES.—The Coordinator shall—

(A) conduct a full and complete interagency review of United States policy toward North Korea including matters related to security and human rights;

(B) provide policy direction for negotiations with North Korea relating to nuclear weapons, ballistic missiles, and other security matters; and

(C) provide leadership for United States participation in Six Party Talks on the denuclearization of the Korean peninsula.

(4) REPORT.—Not later than 90 days after the date of the appointment of an individual as Coordinator under paragraph (1), the Coordinator shall submit to the President and Congress an unclassified report, with a classified annex if necessary, on the actions undertaken under paragraph (3). The report shall set forth—

(A) the results of the review under paragraph (3)(A); and

(B) any other matters on North Korea that the individual considers appropriate.

(b) REPORT ON NUCLEAR AND MISSILE PROGRAMS OF NORTH KOREA.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress an unclassified report, with a classified annex as appropriate, on the nuclear program and the missile program of North Korea.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The most current national intelligence estimate on the nuclear program and the missile program of North Korea, and, consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments in the estimate.

(B) The most current unclassified United States Government assessment, stated as a range if necessary, of (i) the number of nuclear weapons possessed by North Korea and (ii) the amount of nuclear material suitable for weapons use produced by North Korea by plutonium reprocessing and uranium enrichment for each period as follows:

(I) Before October 1994.

(II) Between October 1994 and October 2002.

(III) Between October 2002 and the date of the submittal of the initial report under paragraph (1).

(IV) Each 12-month period after the submittal of the initial report under paragraph (1).

(C) Any other matter relating to the nuclear program or missile program of North Korea that the President considers appropriate.

AMENDMENT NO. 4326

At the end of subtitle B of title II, add the following:

SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense—

(1) $65,000,000 may be available for coproduction of the Arrow ballistic missile defense system; and

(2) $63,702,000 may be available for the Arrow System Improvement Program.

AMENDMENT NO. 4224

(Purpose: To include assessments of Traumatic Brain Injury in the post-deployment health assessments of members of the Armed Forces returning from deployment in support of a contingency operation)

On page 267, beginning on line 24, insert after "mental health" the following: "(including Traumatic Brain Injury (TBI))".

On page 268, line 13, insert "(including Traumatic Brain Injury)" after "mental health".

AMENDMENT NO. 4496

(Purpose: To require a report on biodefense staffing and training requirements in support of the national biosafety laboratories)

At the end of subtitle G of title X add the following:

SEC. 1066. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOSAFETY LABORATORIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, conduct a study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretary of Defense shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

AMENDMENT NO. 4309, AS MODIFIED

At the end of title XIV, add the following:

SEC. . AMOUNT FOR PROCUREMENT OF HEMOSTATIC AGENTS FOR USE IN THE FIELD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that every member of the Armed Forces deployed in a combat zone should carry life saving resources on them, including hemostatic agents.

(b) AVAILABILITY OF FUNDS.—(1) Of the amount authorized under section 1405(1) for operation and maintenance for the Army, $15,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each soldier serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(2) of the amount authorized under section 1405(3) for operation and maintenance for the Marine Corps, $5,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each Marine serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

AMENDMENT NO. 4345

(Purpose: To specify the qualifications required for instructors in the Junior Reserve Officers' Training Corps Program)

At the end of subtitle D of title V, add the following new section:

SEC. 569. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

"(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

"(b) SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

"(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of a baccalaureate degree from an institution of higher learning.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

"(c) NON-SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

"(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2033. Instructor qualifications.".

AMENDMENT NO. 4368

(Purpose: Relating to Operation Bahamas, Turks & Caicos)

At the end of subtitle C of title X, add the following:

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interests of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) REPORT ON UNITED STATES GOVERNMENT SUPPORT FOR OPBAT.—

(1) REPORT ON DECISION TO WITHDRAW.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) ELEMENTS.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

AMENDMENT NO. 4497

(Purpose: To provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space)

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national securit in space.

AMENDMENT NO. 4222

(Purpose: To require consideration of the utilization of fuel cells as back-up power systems in Department of Defense operations)

At the end of subtitle F of title III, add the following:

SEC. 375. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.

The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

AMENDMENT NO. 4498

(Purpose: To authorize an accession bonus for members of the Armed Forces who are appointed as a commissioned officer after completing officer candidate school)

At the end of subtitle B of title VI, add the following:

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 329. Special pay: accession bonus for officer candidates

"(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned.

"(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—

"(1) to complete officer candidate school;

"(2) to accept a commission or appointment as an officer of the armed forces; and

"(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

"(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

"(d) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"329. Special pay: accession bonus for officer candidates.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) LIMITATION ON AMOUNT.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) CONSTRUCTION WITH ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

AMENDMENT NO. 4499

(Purpose: To authorize the National Security Agency to collect service charges for the certification or validation of information assurance products)

At the end of subtitle D of title X, add the following:

SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 20. (a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

"(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A–25.

"(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

"(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

"(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).".

AMENDMENT NO. 4202, AS MODIFIED

At the end of subtitle D of title III, add the following:

SEC. 352. REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately $1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

"§10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

"(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a status report on the withdrawal or diversion of equipment.

"(b) ELEMENTS.—Each status report under subsection (a) on equipment withdrawn or diverted shall include the following:

"(1) A plan to recapitalize or replace such equipment within the unit from which withdrawn or diverted.

"(2) If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with recapitalized or replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

"(3) A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

"(A) how such equipment will be tracked; and

"(B) when such equipment will be returned to the component from which withdrawn or diverted.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

"10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.".

AMENDMENT NO. 4500

(Purpose: To provide for the procurement of replacement equipment)

At the end of subtitle B of title I, add the following:

SEC. 114. REPLACEMENT EQUIPMENT.

(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for active and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.

(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies/disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

AMENDMENT NO. 4441

(Purpose: To require a plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom)

At the end of subtitle D of title III, add the following:

SEC. 352. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1)

AMENDMENT NO. 4231, AS MODIFIED

At the end of subtitle B of title VII, add the following:

SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.

(a) FINDING.—Congress finds that the Mental Health Self-Assessment Program (MHSAP) of the Department of Defense is vital to the overall health and well-being of deploying members of the Armed Forces and their families because that program provides—

(1) a non-threatening, voluntary, anonymous self-assessment of mental health that is effective in helping to detect mental health and substance abuse conditions;

(2) awareness regarding warning signs of such conditions; and

(3) information and outreach to members of the Armed Forces (including members of the National Guard and Reserves) and their families on specific services available for such conditions.

(b) EXPANSION OF PROGRAM.—The Secretary of Defense shall, acting through the Office of Health Affairs of the Department of Defense, take appropriate actions to expand the Mental Health Self-Assessment Program in order to achieve the following:

(1) The continuous availability of the assessment under the program to members and former members of the Armed Forces in order to ensure the long-term availability of

the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge over time.

(2) The availability of programs and services under the program to address the mental health of dependent children of members of the Armed Forces who have been deployed or mobilized.

(c) OUTREACH.—The Secretary shall develop and implement a plan to conduct outreach and other appropriate activities to expand and enhance awareness of the Mental Health Self-Assessment Program, and the programs and services available under that program, among members of the Armed Forces (including members of the National Guard and Reserves) and their families.

(d) REPORTS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions undertaken under this section during the one-year period ending on the date of such report.

AMENDMENT NO. 4409

(Purpose: To require a report on the provision of an electronic copy of military records to members of the Armed Forces upon their discharge or release from the Armed Forces)

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter to relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

AMENDMENT NO. 4501

(Purpose: To require a report on vehicle-based active protection systems for certain battlefield threats)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy, top attack, and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) REPORT.—

(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

AMENDMENT NO. 4502

(Purpose: To require an annual report on the amount of the acquisitions made by the Department of Defense of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States)

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) CONTENT.—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) PUBLIC AVAILABILITY.—The Department of Defense submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) APPLICABILITY.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

AMENDMENT NO. 4503

(Purpose: To require an annual report on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States)

At the end of subtitle G of title X, add the following:

SEC. . ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United states.

(b) CONTENT.—Each report required by subsection (a) shall indicate, for each sale in excess of $2,000,000—

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) PUBLIC AVAILABILITY.—The Department of Defense shall make reports submitted under this section publicly available to the maximum extent practicable.

AMENDMENT NO. 4504

(Purpose: To expand and enhance the authority of the Secretaries of the military departments to remit or cancel indebtedness of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) MEMBERS OF THE ARMY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Army" and all that follows through "in an active status" and inserting "a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army".

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) MEMBERS OF THE NAVY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Section 6161 of title 10, United States Code, is amended by striking "a member of the Navy" and all that follows through "in an active status" and inserting "a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy, or a former member of the Navy".

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(c) MEMBERS OF THE AIR FORCE.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Air Force" and all that follows through "in an active status" and inserting "a member of the Air Force (including a member on active duty or a member of a reserve component in an active status), a retired member of the Air Force, or a former member of the Air Force".

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

AMENDMENT NO. 4505

(Purpose: To provide an exception for notice to consumer reporting agencies regarding debts or erroneous payments for which a decision to waive or cancel is pending)

At the end of subtitle E of title VI, add the following:

SEC. 662. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) EXCEPTION.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) Except as provided in paragraph (2), the Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37), or the designee of such Secretary, determines that disclosure under that paragraph pending such decision is in the best interests of the United States.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2007.

(2) APPLICATION TO PRIOR ACTIONS.—Paragraph (2) of section 2780(b) of title 10, United States Code (as added by subsection (a)), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) REPORT.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

AMENDMENT NO. 4506

(Purpose: To enhance authority relating to the waiver of claims for overpayment of pay and allowances of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) CLARIFICATION OF PAY AND ALLOWANCES.—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting "(including any bonus or special or incentive pay)" after "pay or allowances".

(b) WAIVER BY SECRETARIES CONCERNED.—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting "or the designee of such Secretary" after "title 37,"; and

(2) in subparagraph (A), by striking "$1,500" and inserting "$10,000".

(c) TIME FOR WAIVER.—Subsection (b)(2) of such section is amended by striking "three years" and inserting "five years".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

(e) DEADLINE FOR REVISED STANDARDS.—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

AMENDMENT NO. 4331

(Purpose: To establish requirements with respect to the terms of consumer credit extended by a creditor to a servicemember or the dependent of a servicemember, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER'S DEPENDENT.

(a) TERMS OF CONSUMER CREDIT.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. TERMS OF CONSUMER CREDIT.

"(a) INTEREST.—A creditor who extends consumer credit to a servicemember or a servicemember's dependent shall not require the servicemember or the servicemember's dependent to pay interest with respect to the extension of such credit, except as—

"(1) agreed to under the terms of the credit agreement or promissory note;

"(2) authorized by applicable State or Federal law; and

"(3) not specifically prohibited by this section.

"(b) ANNUAL PERCENTAGE RATE.—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember's dependent.

"(c) MANDATORY LOAN DISCLOSURES.—

"(1) INFORMATION REQUIRED.—With respect to any extension of consumer credit to a servicemember or a servicemember's dependent, a creditor shall provide to the servicemember or the servicemember's dependent the following information in writing, at or before the issuance of the credit:

"(A) A statement of the annual percentage rate applicable to the extension of credit.

"(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(C) A clear description of the payment obligations of the servicemember or the servicemember's dependent, as applicable.

"(2) TERMS.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(d) LIMITATION.—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember's dependent without—

"(1) executing new loan documentation signed by the servicemember or the servicemember's dependent, as applicable; and

"(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember's dependent.

"(e) PREEMPTION.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember's dependent.

"(f) PENALTIES.—

"(1) MISDEMEANOR.—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

"(g) DEFINITION.—For purposes of this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of consumer credit.".

(b) CLERICAL AMENDMENT.—The table of contents of the Servicemembers Civil Relief Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

"Sec. 208. Terms of consumer credit".

AMENDMENT NO. 4507

(Purpose: To Require the President to Conduct a Review of Circumstances Establishing Eligibility for the Purple Heart for former prisoners of war dying in or due to captivity and to Report to the Congress on the Advisability of Modifying the Criteria for Award of the Purple Heart)

At the appropriate place, add the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use;

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952, Executive Order 11016, dated April 25, 1962, and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) DETERMINATION.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941 and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of Title 10 but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) REQUIREMENTS.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart, and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff:

(d) REPORT.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

AMENDMENT NO. 4508

(Purpose: To modify the qualifications for leadership of the Naval Postgraduate School)

At the end of part I of subtitle A of title V, add the following:

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting "active-duty or retired" after "An";

(B) by inserting "or Marine Corps" after "Navy";

(C) by inserting "or colonel, respectively" after "captain"; and

(D) by inserting "or assigned" after "detailed";

(2) in paragraph (2), by inserting "and the Commandant of the Marine Corps" after "Operations"; and

(3) in paragraph (4)(A)—

(A) by inserting "(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)" after "in the case of a civilian";

(B) by inserting "active-duty or retired" after "in the case of an"; and

(C) by inserting "or Marine Corps" after "Navy".

AMENDMENT NO. 4509

(Purpose: To provide that the Secretary of the Army shall not be considered an owner or operator for purposes of environmental liability in connection with the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government)

On page 555, strike lines 1 through line 12 and insert the following:

"(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

AMENDMENT NO. 4510

(Purpose: To increase the number of options periods authorized for extension of current contracts under the TRICARE program)

At the end of subtitle B of title VII, add the following:

SEC. 730. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) ADDITIONAL NUMBER OF AUTHORIZED PERIODS.—

(1) IN GENERAL.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) LIMITATION ON NUMBER OF EXTENSIONS.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed 2 extensions.

(3) NOTICE AND WAIT.—The Secretary may not commence the exercise of the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) DEFINITIONS.—In this subsection, the terms "administering Secretaries" and "TRICARE program" have the meaning given such terms in section 1072 of title 10, United States Code.

(b) REPORT ON CONTRACTING MECHANISMS FOR HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as "excellent".

AMENDMENT NO. 4219

(Purpose: To rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation)

At the end of subtitle D of title VI, add the following:

SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—

(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENTS.—Such subchapter is further amended by striking "**DEATH GRATUITY:**" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "**FALLEN HERO COMPENSATION:**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

AMENDMENT NO. 4386

(Purpose: To require a joint family support assistance program for families of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing assistance to families of members of the Armed Forces.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the program for at least six regions of the country through sites established by the Secretary for purposes of the program in such regions.

(2) LOCATION OF CERTAIN SITES.—At least three of the sites established under paragraph (1) shall be located in an area that it geographically isolated from military installations.

(c) FUNCTIONS.—The Secretary shall provide assistance to families of the members of the Armed Forces under the program by providing at each site established for purposes of the program under subsection (b) the following:

(1) Financial, material, and other assistance to families of members of the Armed Forces.

(2) Mobile support services to families of members of the Armed Forces.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services to families of members of the Armed Forces.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(d) RESOURCES.—

(1) IN GENERAL.—The Secretary shall provide personnel and other resources necessary for the implementation and operation of the program at each site established under subsection (b).

(2) ACCEPTANCE OF CERTAIN SERVICES.—In providing resources under paragraph (1), the Secretary may accept and utilize the services of non-Federal Government volunteers and non-profit entities.

(e) PROCEDURES.—The Secretary shall establish procedures for the operation of each site established under subsection (b) and for the provision of assistance to families of members of the Armed Forces at such site.

(f) IMPLEMENTATION PLAN.—

(1) PLAN REQUIRED.—Not later than 30 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the actions taken to select and establish sites for the program under subsection (b).

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination on family assistance program and activities between and among the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(g) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report on the program.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the program, including each site established for purposes of the program, the procedures established under subsection (d) for operations at each such site, and the assistance provided through each such site for families of members of the Armed Forces.

(B) An assessment of the effectiveness of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) ASSISTANCE TO NON-PROFIT ENTITIES PROVIDING ASSISTANCE TO MILITARY FAMILIES.—The Secretary may provide financial, material, and other assistance to non-profit entities in order to facilitate the provision by such entities of assistance to geographically isolated families of members of the Armed Forces.

(i) SUNSET.—The program required by this section, and the authority to provide assistance under subsection (h), shall cease upon the date that is three years after the first obligation of amounts for the program.

(j) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 may be available for the program required by this section and the provision of assistance under subsection (h).

AMENDMENT NO. 4511

(Purpose: To clarify the repeal of the requirement of reduction of Survivor Benefit Plan annuities by dependency and indemnity compensation)

On page 223, strike line 14 and all that follows through line 23, and insert the following:

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

On page 224, line 15, strike "Code," and insert "Code (as in effect on the day before the effective date provided under subsection (e)),".

On page 225, line 13, strike "1448(d)(2)B)" and insert "1448(d)(2)(B)".

AMENDMENT NO. 4197

(Purpose: To modify the effect date of the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for veterans with service-connected disabilities rated as total by virtue of unemployability)

At the end of subtitle D of title VI, add the following:

SEC. 648. EFFECTIVE DATE OF TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY VIRTUE OF UNEMPLOYABILITY.

(a) IN GENERAL.—Section 1414(a)(1) of title 10, United States Code, is amended by striking "100 percent" the first place it appears and all that follows and inserting "100 percent and in the case of a qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

AMENDMENT NO. 4512

(Purpose: To modify certain additional authorities for purposes of the targeted shaping of the Armed Forces)

On page 214, strike line 3 and insert the following:

(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(c) ENHANCED AUTHORITY FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGES.—

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting "and during the period beginning on October 1, 2006, and ending on December 31, 2012," after "December 31, 2001,".

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade"; and

(B) in subparagraph (B), by inserting before the period the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade".

(d) Increase in Amount of Incentive Bonus

AMENDMENT NO. 4513

(Purpose: To provide for the determination of the retired pay base or retain pay base of a general or flag officer based on actual rates of basic pay rather than on amounts payable under the ceiling on the basic pay of such officers)

At the end of subtitle D of title VI, add the following:

SEC. 648. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) Determination of Retired Pay Base.—

(1) In general.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section:

"§1407a. Retired pay base: members who were general or flag officers

"Notwithstanding any other provision of law, if the determination of the retired pay base or retainer pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grades O-7 through O-10 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.".

(2) Clerical amendment.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

"1407a. Retired pay base: members who were general or flag officers.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

AMENDMENT NO. 4514

(Purpose: To provide in the calculation of retired pay for members of the Armed Forces that service in excess of 30 years shall not be subject to the maximum limit on the percentage of the retired pay multiplier)

At the end of subtitle D of title VI, add the following:

SEC. 648. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) In General.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

"(3) 30 Years of service.—

"(A) Retirement before January 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

"(B) Retirement after December 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

"(i) 75 percent; and

"(ii) the product (stated as a percentage) of—

"(I) 2½; and

"(II) the member's years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.".

(b) Retired Pay for Non-Regular Service.—Section 12739(c) of such title is amended—

(1) by striking "The total amount" and inserting "(1) Except as provided in paragraph (2), the total amount"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

"(A) 75 percent of the retired pay base upon which the computation is based; and

"(B) the product of—

"(i) the retired pay base upon which the computation is based; and

"(ii) 2½ percent of the years of service credited to that person under section 12733 of this title for service, regardless of when served, under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.".

AMENDMENT NO. 4515

(Purpose: To modify the commencement date of eligibility for an optional annuity for dependents under the Survivor Benefit Plan)

At the end of subtitle D of title VI, add the following:

SEC. 648. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) In General.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking "who dies after November 23, 2003" and inserting "who dies after October 7, 2001".

(b) Applicability.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

AMENDMENT NO. 4342

(Purpose: To modify the time limitation for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations)

At the end of subtitle D of title V, add the following:

SEC. 569. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) Modification.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(b) Conforming Amendment.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(c) Effective Date.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

AMENDMENT NO. 4365

(Purpose: To reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods and to expand eligibility of members of the Selected Reserve for coverage under the TRICARE program)

At the end of subtitle D of title VI, add the following:

SEC. 648. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) Reduced Eligibility Age.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) Continuation of Age 60 as Minimum Age for Eligibility of Non-Regular Service Retirees For Health Care.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) Administration of Related Provisions of Law or Policy.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) Effective Date and Applicability.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

At the end of subtitle A of title VII, add the following:

SEC. 707. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) In General.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) is an employee of a business with 20 or fewer employees.".

(b) Premiums.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2006.

AMENDMENT NO. 4241

(Purpose: To name the Act after John Warner, a Senator from Virginia)

On page 2, strike lines 1 through 3, and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) Short Title.—This Act may be cited as the "John Warner National Defense Authorization Act for Fiscal Year 2007".

(b) Findings.—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner's service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty Officer 3rd Class. He then attended Washington and Lee University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Director of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation's founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that his Act, the last annual authorization Act for the national defense that Senator Warner manages in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

AMENDMENT NO. 4220, AS MODIFIED

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON HIGH ALTITUDE AVIATION TRAINING SITE, EAGLE COUNTY, COLORADO.

(a) Report Required.—Not later than December 15, 2006, the Secretary of the Army shall submit to the congressional defense committees a report on the High Altitude Aviation Training Site (HAATS) in Eagle County, Colorado.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the type of high altitude aviation training being conducted at the High Altitude Aviation Training Site, including the number of pilots who receive such training on an annual basis and the types of aircraft used in such training.

(2) A description of the number and type of helicopters required at the High Altitude Aviation Training Site to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority is afforded in the provision of such training to commanders, instructor pilots, aviation safety officers, and deploying units.

(3) A thorough evaluation of accident rates for deployed helicopter pilots of the Army who receive high altitude aviation training at the High Altitude Aviation Training Site, and accident rates for deployed Army helicopter pilots who did not receive such training, including the following:

(A) An estimate (set forth as a range) of the number of accidents attributable to power management.

(B) The number of accidents occurring in a combat environment.

(C) The number of accidents occurring in a non-combat environment.

(4) An evaluation of the inventory and availability of Army aircraft for purposes of establishing an appropriate schedule for the assignment of a CH-47 aircraft to the High Altitude Aviation Training Site; if the Chief of Staff of the Army determines there is value in conducting such training at the HAATS.

(5) A description of the status of any efforts to ensure that all helicopter aircrews deployed to the area of responsibility of the Central Command (CENTCOM AOR) are

qualified in mountain flight and power management prior to deployment, including the locations where such training occurred, with particular focus on the status of such efforts with respect to aircrews to be deployed in support of Operation Enduring Freedom.

(c) TRACKING SYSTEM.—The Secretary shall implement a system for tracking those pilots that have attended a school with an established Program of Instruction for high altitude aviation operations training. The system should, if practical, utilize an existing system that permits the query of pilot flight experience and training.

AMENDMENT NO. 4371

(Purpose: To improve the provisions relating to the linking of award and incentive fees to acquisition outcomes)

On page 345, line 2, strike "poor" and insert "below-satisfactory performance or performance that does not meet the basic requirements of the contract".

AMENDMENT NO. 4244

(Purpose: Relating to military vaccinations)

At the end of subtitle B of title VII, add the following:

SEC. 730. MILITARY VACCINATION MATTERS.

(a) ADDITIONAL ELEMENT FOR COMPTROLLER GENERAL STUDY AND REPORT ON VACCINE HEALTHCARE CENTERS.—Section 736(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3356) is amended by adding at the end the following new paragraph:

"(10) The feasibility and advisability of transferring direct responsibility for the Centers from the Army Medical Command to the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Force Protection and Readiness.".

(b) RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(2) ELEMENTS.—The joint military medical center of excellence under paragraph (1) shall consist of the following:

(A) The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.

(B) Any other elements that the Secretary considers appropriate.

(3) AUTHORIZED ACTIVITIES.—In acting as the principal elements of the joint military medical center under paragraph (1), the Vaccine Healthcare Centers referred to in paragraph (2)(A) may carry out the following:

(A) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(B) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(C) The development and sustainment of a long-term vaccine safety and efficacy registry.

(D) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(E) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(F) Educational outreach for immunization providers and those required to receive immunizations.

(G) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

(c) LIMITATION ON RESTRUCTURING OF VACCINE HEALTHCARE CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense until the Secretary submits to Congress a report setting forth a plan for meeting the immunization needs of the Armed Forces during the 10-year period beginning on the date of the submittal of the report.

(2) REPORT ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the potential biological threats to members of the Armed Forces that are addressable by vaccine.

(B) An assessment of the distance and time required to travel to a Vaccine Healthcare Center by members of the Armed Forces who have severe reactions to a mandatory military vaccine.

(C) An identification of the most effective mechanisms for ensuring the provision services by the Vaccine Healthcare Centers to both military medical professionals and members of the Armed Forces.

(D) An assessment of current military and civilian expertise with respect to mass adult immunization programs, including case management under such programs for rare adverse reactions to immunizations.

(E) An organizational structure for each military department to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces.

AMENDMENT NO. 4516

(Purpose: To ensure the timely completion of the equity finalization process for Naval Petroleum Reserve Numbered 1)

At the end of division C, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer's 'Shallow Oil Zone Provisional Recommendation of Equity Participation,' which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer, as that term is used in the Protocol on NPR-1 Equity Finalization Implementation Process, July 8, 1996, for the Shallow Oil Zone unless the Department of Energy and Chevron U.S.A. Inc. agree in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to either party for any cost or expense incurred or for any loss or damage sustained—

"(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

"(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

"(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by the its gross negligence or willful misconduct.

"(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.".

AMENDMENT NO. 4466

(Purpose: To improve mental health screening and services for members of the Armed Forces)

At the end of subtitle B of title VII, add the following:

SEC. 730. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) REQUIRED ELEMENTS OF ASSESSMENTS.—Each pre-deployment mental health assessment of a member of the Armed Forces, shall include the following:

(1) A mental health history of the member, with emphasis on mental health status during the 12-month period ending on the date of the assessment and a review of military service during that period.

(2) An assessment of the current treatment of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(3) An assessment of any behavior of the member identified by the member's commanding officer that could indicate the presence of a mental health condition.

(4) Information provided by the member (through a checklist or other means) on the presence of any serious mental illness or any symptoms indicating a mental health condition or disorder.

(b) REFERRAL FOR FURTHER EVALUATION.—Each member of the Armed Forces who is determined during a pre-deployment or post-deployment mental health assessment to have, or have symptoms or indicators for, a mental health condition or disorder shall be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

(c) REFERRAL OF MEMBERS DEPLOYED IN CONTINGENCY OR COMBAT OPERATIONS.—any member of the Armed Forces called or ordered to active duty in support of contingency or combat operations who requests access to mental health care services any time before, during, or after deployment shall be provided access to such services—

(1) not later than 72 hours after the making of such request; or

(2) at the earliest practicable time thereafter.

(d) MINIMUM MENTAL HEALTH STANDARDS FOR DEPLOYMENT.—

(1) STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations minimum standards for mental health for the eligibility of a member of the Armed Forces for deployment to a combat operation or contingency operation.

(2) ELEMENTS.—The standards required by paragraph (1) shall include the following:

(A) A specification of the mental health conditions, treatment for such conditions, and receipt of psychotropic medications for such conditions that preclude deployment of a member of the Armed Forces to a combat operation or contingency operation, or to a specified type of such operation.

(B) Guidelines for the deployability and treatment of members of the Armed Forces diagnosed with a severe mental illness or Post Traumatic Stress Disorder (PTSD).

(3) UTILIZATION.—The Secretary shall take appropriate actions to ensure the utilization of the standards prescribed under paragraph (1) in the making of determinations regarding the deployability of members of the Armed Forces to a combat operation or contingency operation.

(e) MONITORING OF CERTAIN INDIVIDUALS.—The Secretary of Defense shall develop a plan, to be implemented throughout the Department of Defense, for monitoring the mental health of each member of the Armed Forces who, after deployment to a combat operation or contingency operation, is known—

(1) to have a mental health condition or disorder; or

(2) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.

(f) IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the actions taken to implement the requirements of this section.

AMENDMENT NO. 4517

(Purpose: To make funds available for the Our Military Kids youth support program)

At the end of title XIV, add the following:

SEC. 1414. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) ARMY NATIONAL GUARD FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

AMENDMENT NO. 4363, AS MODIFIED

At the end of subtitle B of title III, add the following:

SEC. 315. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $2,500,000 may be available for Infantry Combat Equipment (ICE).

AMENDMENT NO. 4450, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. HIGH ENERGY LASER-LOW ASPECT TARGET TRACKING.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for the Department of Defense High Energy Laser Test Facility for High Energy Laser Low Aspect Target Tracking (HEL-LATT) test series done jointly with the Navy.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $5,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4362, AS MODIFIED

At the end of subtitle B of title III, add the following:

SEC. 315. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $1,500,000 may be available for the Individual First Aid Kit (IFAK).

AMENDMENT NO. 4275, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. ADVANCED ALUMINUM AEROSTRUCTURES INITIATIVE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $2,000,000 may be available for Aerospace Technology Development and Demonstration (PE #603211F) for the Advanced Aluminum Aerostructures Initiative (A3I).

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $2,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4475, AS MODIFIED

At the end of subtitle A of title II, add the following:

SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION OF WARFIGHTER RAPID AWARENESS PROCESSING TECHNOLOGY.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $4,000,000 may be available for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $4,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4276, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. LEGGED MOBILITY ROBOTIC RESEARCH.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Combat Vehicle and Automotive Technology (PE #602601A) for legged mobility robotic research for military applications.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $1,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4469, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. WIDEBAND DIGITAL AIRBORNE ELECTRONIC SENSING ARRAY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Wideband Digital Airborne Electronic Sensing Array (PE #0602204F).

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $3,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4477, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. SCIENCE AND TECHNOLOGY.

(a) ARMY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103A for University Research Initiatives.

(b) NAVY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103N for University Research Initiatives.

(c) AIR FORCE SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test,

and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103F for University Research Initiatives.

(d) COMPUTER SCIENCE AND CYBERSECURITY.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SMART NATIONAL DEFENSE EDUCATION PROGRAM.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $5,000,000 may be available for program element PE 0601120D8Z for the SMART National Defense Education Program.

(f) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4518

(Purpose: To make available funds for the Reading for the Blind and Dyslexic program of the Department of Defense)

At the end of subtitle B of title III, add the following:

SEC. 315. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFENSE DEPENDENTS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary and secondary school age in the continental United States and overseas.

(b) SEVERELY WOUNDED OR INJURED MEMBERS OF THE ARMED FORCES.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

AMENDMENT NO. 4214

(Purpose: To make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio)

At the appropriate place, insert the following:

RICKENBACKER AIRPORT, COLUMBUS, OHIO

SEC.   . The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking "Grading, paving" and all that follows through "Airport" and inserting "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH".

AMENDMENT NO. 4519

(Purpose: To make technical corrections to a high priority project and transportation improvement project in the State of Michigan)

At the appropriate place, insert the following:

SEC.   . HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) HIGH PRIORITY PROJECT.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking "Plan and construct, land acquisition, Detroit West Riverfront Greenway" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

(b) TRANSPORTATION IMPROVEMENT PROJECT.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking "Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

AMENDMENT NO. 4197

Mr. REID. Mr. President, I rise today along with my colleague Mrs. Lincoln to discuss an amendment accepted today by the distinguished chairman Mr. WARNER, and ranking member, Mr. LEVIN.

I appreciate their willingness to advance this very important legislation. Our policy must reflect our Nation's care and appreciation for our veterans, and I will continue to work towards obtaining full concurrent receipt. I have said it before, but I will say it again.

It is unacceptable that the men and women who dedicated their entire careers to service in the military must surrender a portion of their retired pay if they want to receive the disability compensation.

It is acceptable, but today, because of the policy of concurrent receipt, it is the law for veterans classified as unemployable.

Throughout my time in the Senate, I have championed legislation that would end the unfair policy of denying America's disabled veteran's retirement benefits they have earned through years of service and sacrifice.

In 2004, I introduced legislation that was passed into helping those veterans who were 100 percent disabled to receive full concurrent receipt immediately. By eliminating the 10-year phasein period, the passage of this legislation was a significant victory for those who have fought for our freedom.

But, I never imagined that the administration would intentionally change the intent, interpret the law, and shamelessly deny unemployable veterans, no matter what their disability rating, retirement pay and disability compensation.

What kind of message does this send to our men and women in the military today?

We have thousands of new American veterans from the Iraq and Afghanistan wars. These men and women serve in the most inhospitable reaches of the world, defending our freedoms and fighting for the cause of liberty.

Most of these young American Veterans don't realize that if they are injured or wounded to the point were that can no longer work, will have to choose between their retired pay and their disability compensation. As of today, they will not receive both until 2009.

This is unfair.

Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable.

For several years I have introduced and championed legislation that would end the unfair policy of denying America's disabled veterans' retirement benefits they have earned through years of service and sacrifice.

In November 2005, an amendment was passed to expand concurrent receipt to cover America's disabled veterans rated as "unemployable," and to implement the new policy immediately instead of phasing it in over a decade. However, I was disappointed that the conference committee chose not to enact this valuable legislation until 2009.

Therefore, I introduced this amendment to restore their full benefits as originally intended in the legislation I introduced in 2004.

Veterans' disability compensation is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any post-service working life.

Mr. President, an "unemployable" retiree should not have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability.

At a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform.

All who have selected to make their career in the U.S. military now face an additional unknown risk in our fight against terrorism. If they are injured, they would be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they would be paying for their own disability benefits from their retirement checks unless my legislation is enacted.

This will send a signal to these brave men and women that the American people and government take care of those who make sacrifices for our nation. It is time for us to show our appreciation to the men and women who have demonstrated their allegiance to their country and the principles it stands for.

I, again, thank Senator WARNER and Senator LEVIN for their assistance in including this provision in the fiscal year 2007 Defense authorization bill.

AMENDMENT NO. 4494

Mr. DODD. Mr. President, I rise today to discuss my concerns about the amendment offered by my good colleague Senator BURNS, regarding electronic voting technology to S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

I understand that this amendment directs the Department of Defense, DOD, to continue the interim voting assistance system, IVAS, for uniformed service voters, overseas Defense Department employees, and dependents of such voters and employees, for all Federal elections through December 31, 2006. The amendment would not, as I understand it, extend the current program to nonmilitary overseas voters. Further, I understand that the amendment directs the DOD to submit two reports to Congress, one assessing the IVAS program during the 2006 Federal elections and the second detailing plans for an expansion of the IVAS program to all voters covered under the Uniform Overseas Citizens Absentee Voting Act, UOCAVA, through November 2010.

I commend my colleague from Montana for his efforts to protect the fundamental right to vote and for extending a critical program that facilitates electronic ballot access for our valiant overseas service men and women, their colleagues and families. I strongly support the goals of this legislation.

However, I am deeply concerned that the amendment as drafted continues to withhold the benefits of new technology from millions of other nonmilitary overseas voters in a manner that is inconsistent with the purposes of UOCAVA. According to the language of this amendment, only those with an existing affiliation to DOD will continue to benefit from the IVAS program in contrast to the broader group of citizens covered by UOCAVA, including overseas voters who are not members of the military, employees of the Defense Department or a dependent of either group.

As my colleague know, UOCAVA treats all overseas voters—military, civilian or otherwise—equally with respect to voting rights. Classes of voters under UOCAVA are not bifurcated. This approach ensures that the all voters are treated in a nondiscriminatory manner under UOCAVA.

The number of overseas voters continues to make a difference in our Federal elections. The Federal Voting Assistance Program, FVAP, under the Secretary of Defense estimates that over 3 percent of the total vote in the 1996, 2000, and 2004 elections came from abroad. In addition, an umbrella coalition focused on military and overseas voters estimates that the number of Americans residing overseas have ranged from 3 million to 6 million, but generally put the global population somewhere around 4 million. The coalition's member organizations include the Federation of American Women's Clubs Overseas Inc, FAWCO, the American Citizens Abroad, ACA, the Alliance of American Organizations–Spain and Portugal, ALLAMO and the Association of Americans Resident Overseas, AARO. Overseas voters are important Americans who, under the goals of UOCAVA, must have the same opportunity to cast a vote and have that vote counted as their military counterparts.

There is nothing more fundamental to the vitality and endurance of a democracy of the people, by the people and for the people, than the people's right to vote. Thomas Paine wrote in 1795 that, "the right of voting for representatives is the primary right by which other rights are protected." This statement takes on an even more significant meaning to Americans when America is at war.

As a former Peace Corps volunteer, I can offer testimony to the meaningful contributions made by overseas citizens who are not included in the covered classes under the amendment of my colleague from Montana. At a time when the image of the United States is receiving international scrutiny, the work of individuals such as Peace Corps volunteers is critical. The work of all our overseas citizens, whether they serve in the military to protect us back at home or whether they conduct businesses and raise their families overseas, must be honored with an absolute equal opportunity to vote in Federal elections.

We should not take any actions to discourage our civilian overseas voters. We should not treat civilian overseas voters any differently than overseas military or DOD contract voters, and certainly not by erecting an artificial bifurcation barrier between military and civilian votes under UOCAVA.

I appreciate the fact that this amendment recognizes the need to eliminate that bifurcation by requiring DOD to report specifically on expanding the use of electronic voting technology for all voters under UOCAVA. I look forward to that report and will continue to work to ensure that all American citizens living overseas have an equal opportunity to participate in our democracy through the ballot box.

AMENDMENT NO. 4241

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

This amendment would name the National Defense Authorization Act for Fiscal Year 2007 after the chairman of the Committee on Armed Services, our distinguished friend and colleague from Virginia, JOHN WARNER. I am pleased to be joined in this effort by Senators FRIST, LEVIN, INHOFE, KENNEDY, ROBERTS, BYRD, SESSIONS, LIEBERMAN, COLLINS, JACK REED, ENSIGN, AKAKA, TALENT, BILL NELSON, CHAMBLISS, BEN NELSON, GRAHAM, DAYTON, DOLE, BAYH, CORNYN, CLINTON, THUNE, ALLARD, and ALLEN.

I am certain that there is not a Senator in this Chamber who would not agree that Senator WARNER, with his grace, courtliness, bipartisan attitude and kindness to all, represents the finest traditions of the Senate. All Senators know that the Defense Authorization bill occupies a major place in the annual legislative calendar and takes substantial time to complete. Those Senators who do not have the privilege of serving on the Committee on Armed Services may not realize the tremendous amount of work that goes into hearings, formulation of legislative proposals, preparation for markup, and actual markup of this bill—the largest annually recurring piece of legislation in Congress. When one adds to this the oversight of the largest department in the government, and the processing of thousands of military and civilian nominations each year, the demands on the chairman of the committee and the need for leadership are obvious. For 6 years, JOHN WARNER has provided that leadership, and done it in a manner that has gained him universal respect.

JOHN WARNER is, first and foremost, a Virginian—a native of that Old Dominion that has stood at the center of American history for over two centuries and has given the Nation so many of its eminent men, from Washington forward. JOHN WARNER has continued that tradition of service to country from his youth. The son of a decorated Army physician in World War I, JOHN WARNER left high school to enlist in the Navy late in World War II. He served until 1946, when he was discharged as a petty officer 3rd class. Like millions of other young Americans, he then attended college on the GI bill, graduating from Washington and Lee University in 1949. He then entered the University of Virginia Law School. He interrupted his education to serve in the Korean war, volunteering for active duty and accepting a commission in the Marine Corps. He served in combat as a ground officer in the First Marine Air Wing, and remained in the Marine Corps Reserve for several years. Upon returning from the Korean war, he resumed his legal education, graduating from the University of Virginia Law School in 1953.

Upon graduation, JOHN WARNER's outstanding qualities were recognized when he was selected to serve as the law clerk to the late Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit, one of the most outstanding jurists of the period. Many years later, Senator WARNER would be instrumental in naming the U.S. Court House in Washington, DC, for his old mentor. After his clerkship, JOHN WARNER became an assistant U.S. attorney in the District of Columbia, and later was engaged in the private practice of law.

In 1969, President Nixon nominated JOHN WARNER to serve as Under Secretary of the Navy. The Senate confirmed the nomination, and he served as Under Secretary until he was confirmed and appointed as the 61st Secretary of the Navy in 1972. During his tenure as Secretary, the United States and the Soviet Union signed the Incidents at Sea Executive Agreement, for which he was the principal United States negotiator and signatory. This agreement remains in effect today and has served as a model for similar agreements governing naval vessels and aircraft around the world.

After leaving the Department of the Navy in 1974, JOHN WARNER's next public service was as chairman of the American Revolution Bicentennial Commission. He oversaw the celebration of the Nation's founding, directing the Federal Government's role in a commemoration that embraced all 50 States and over 20 foreign nations.

In 1978, the voters of Virginia elected JOHN WARNER to a full term in the U.S. Senate. Upon beginning his service in 1979, he was elected a member of the Committee on Armed Services. Upon leaving the chairmanship next year, he will have served on the committee for 28 years, almost half of the committee's existence. Senator WARNER served as chairman of the committee from 1999 to 2001, and again since 2003. He also served as ranking member from 1987 to 1993, and again from 2001 to 2003. For 14 years of American history, years that saw the end of the cold war, the first gulf war, the attacks on September 11, 2001, and the global war on terror, JOHN WARNER has served in a leadership role on the committee.

No Member of this body has done more for our national security than JOHN WARNER. As sailor, Marine officer, Under Secretary, and Secretary of the Navy, and U.S. Senator, he has always answered his country's call. The dignified and evenhanded way in which he has presided over the business of the committee has enabled it to continue its noble tradition of being an island of bipartisanship in an increasingly unpleasant political era. I submit, Mr. President, that it is exceedingly appropriate that this year's Defense Authorization Act, the last which JOHN WARNER will manage as chairman of the Committee on Armed Services, be named in his honor.

AMENDMENT NO. 4244

Mr. BIDEN. Mr. President, I rise to thank my colleagues for accepting an amendment that I introduced on behalf of myself, Senator BINGAMAN, and Senator CARPER to fully protect the health of our military personnel. The majority of this amendment is the same language the Senate included in last year's Defense Authorization bill clearly establishing the Vaccine Healthcare Centers, or VHCs, role in force protection and treatment. That language was not retained in conference. Instead, a GAO report was mandated. While the GAO report will be helpful in refining the organization and missions of the VHCs, it is important to clearly establish their role today.

The GAO report will not be completed until next year. In addition to the language the Senate passed last year, this amendment includes one additional area for GAO to investigate and a requirement that the Department of Defense examine and plan for its future vaccination needs. Both necessary steps to determining the optimal structure for the centers.

I should also point out to my colleagues that this amendment does not add any funding to the bill. The centers are currently being funded at $6 million a year with global war on terror funds. This amendment does not change that.

Let me explain more thoroughly what the vaccine health care centers do. As our military operates around the globe, they are protected from common illnesses like the flu and from common travel concerns, like yellow fever for sub-Saharan Africa, by vaccinations. In addition, they are vaccinated to protect them from biological warfare agents like anthrax or smallpox.

These force protection measures are critically important, but they only work if military personnel are confident that the vaccines themselves are not dangerous or that the side-effects can be treated.

Vaccines, even those generally considered safe, are still drugs put into the body. For that reason, there are always a small number of personnel whose bodies will have an adverse reaction to a "safe" vaccine. In order to deal with this, the Vaccine Healthcare Centers Network was established in 2001.

The centers act as a specialized medical unit and center of excellence that can provide the best possible clinical care to any military member, Active-Duty, Guard, or Reserve, or their family that has a severe reaction. They also advise the Department of Defense regarding vaccine administration policies and educate military health care professionals regarding the safest and best practices for vaccine administration. Their overall mission is to promote vaccine safety and provide expert knowledge to patients and physicians.

Why is this so important? As many of you know, the number of adults who get regular vaccines is fairly small. While we have civilian specialists who deal with childhood vaccinations and problems that might develop, the population of adults regularly vaccinated with anything more than the flu vaccine is small. No civilian expertise exists in this area because the cases are rare and infrequent.

In the military, the reverse is true. Military personnel are regularly vaccinated for travel, for threats relating to their theater of operation, and for things like the flu. Even in the military, though, the cases are rare and spread throughout the force. It is difficult for the average base physician to develop the expertise needed to recognize the problem and to provide the best treatment. In order to effectively develop proper treatments, there must be a centralized center to capture the information on those who experience severe problems.

Here are some specifics:

Last year, 2005, the VHCs managed over 700 cases of adverse reactions to mandatory vaccines.

Each military service made use of the help and care offered by the VHCs—48 percent of their cases were in the Army, 29.6 percent of their cases were in the Air Force, 13 percent of their cases were in the Navy and Marine Corps, and 2.4 percent of their cases were in the Coast Guard.

Since being founded, as part of their ongoing educational effort, the VHCs have developed and distributed over 50,000 immunization took kits to improve vaccinations throughout DOD.

The VHCs are leading the effort to properly characterize and develop treatments for serious reactions to the smallpox vaccine and the anthrax vaccine. In many cases, they collaborate with outside researchers and analysts by providing the large sample population needed to develop case definitions and clinical guidelines.

Since beginning their work in 2001, the VHCs have handled a total of 2,049 cases. Their yearly case load has gone up 83 percent since 2001.

The over 2,000 cases treated demonstrates clearly the need for post-vaccination treatment expertise. In all of these cases, base or post doctors did not have the expertise to adequately treat sick personnel. Given that these are mandatory vaccinations, we have an absolute moral obligation to make sure that those made sick by them get the best possible treatment. Much as the military developed a unique expertise in treating those exposed to nuclear radiation, in this new era of proliferating biological threats we must now develop an expertise in postvaccination treatments.

This has all been done by an extremely small staff—only one full-time doctor, three nurse practitioners, and five educators and support staff at each of the four regional facilities. The value and medical services they have provided to the entire military family—Army, Navy, Air Force, Marines, and Coast Guard—has been extraordinary.

Make no mistake, military personnel and their dependents are more confident in the vaccination programs because of the VHCs. When personnel do suffer adverse reactions, reports are extremely positive regarding the care they now get from the centers and we do not see individual cases becoming national news and fear spreading throughout the force.

Why do we need the language I am proposing? The reason is simple. Despite the May 9, 2006, testimony from the Deputy Assistant Secretary of Defense for Force Health Protection and Readiness to the House Committee on Government Reform touting the centers as DOD's answer to adverse anthrax vaccine reactions, the centers are still not clearly established in law and face regular funding battles.

The VHCs were created in minimally worded report language from the fiscal year 2001 Labor-HHS Appropriations conference report. It is time to recognize their role and varied responsibilities with a proper authorization.

In addition, it is time to make sure they have clear and regular funding. For the past 5 years, the VHCs have been funded by the Army alone, primarily with global war on terror funds. I applaud the Army for recognizing the need for the centers and providing those funds from their wartime allocation. But, I am concerned that this is not sustainable and it is not what Congress intended. The Army is only the executive agent for what is supposed to be a defense-wide service. Even though almost half, 45 percent, of those treated by the VHC came from the Air Force, Navy and Marines, and Coast Guard, none of those services is willing to provide their fair share of the yearly $6 million bill. The Army cannot sustain this and the people that would lose are injured military personnel from the other services who will not be able to access expert care.

In recent years, the decision by the other services not to provide a portion of the funding for the centers has led to proposals to eliminate some of their operations. If all or part of the VHC network is dismantled, the technical expertise built up over the past 5 years will be dispersed. It will be almost impossible to reconstitute that highly specialized knowledge when we need it in the future. We cannot just hope that the 708 personnel who sought treatment last year will just get better on their own.

This amendment seeks to clarify that the vaccine health care centers must exist, while also mandating a thorough review of their organization and functions. Next year, when we have the GAO study and the Pentagon's study, Congress can act on any worthwhile recommendations. In the meantime, we cannot leave this vital force protection and treatment center in limbo, nor can we leave the entire burden on the Army.

As biological threats grow from both naturally occurring diseases like bird flu to weaponized agents like anthrax, force protection clearly demands a good vaccination program. Equally clearly, that program must include quality care for those who suffer adverse events in every service, not just the Army.

As we look to the future, the need for vaccinations is only likely to grow. For that very reason, we established Project BioShield. At this point, there is no civilian equivalent to the vaccine health care centers network, but there is an initial collaborative effort between the VHCs and the Centers for Disease Control and Prevention. This collaboration must be encouraged so that we can take advantage of the VHCs knowledge should a mass civilian inoculation become necessary. If the VHCs are dismantled, that knowledge will be lost and may not be easily recovered or recreated.

At the end of the day, this is very simple. We simply cannot mandate that military personnel take these vaccines and then abandon them when a problem arises. There should be no ambiguity about the authority for the vaccine health care centers to continue their excellent work.

If military personnel are injured because of their service to this Nation, whether it be needing a prosthetic limb or long-term treatment for an adverse vaccine reaction, we have an absolute obligation to give them the best possible care.

Anything less is unconscionable.

For that reason, I am thankful that my colleagues have agreed and that this vital amendment has passed the Senate.

AMENDMENT NO. 4466

Mrs. BOXER. Mr. President, I would like to take a few minutes to discuss an amendment that I understand Mr. WARNER and Mr. LEVIN have included in the managers' package.

I would like to begin by thanking Senators WARNER and LEVIN and their staffs for working so hard with us to get this done. I would also like to thank my colleague Senator LIEBERMAN for working diligently with me to draft this legislation.

He really is a true champion for our men and women in uniform.

This amendment addresses an issue that is vitally important to many of my colleagues here in the Senate—improving mental health screening and services for our brave men and women serving in our armed services.

As we all know, our soldiers, marines, airmen, and sailors have been bogged down in an extremely dangerous and increasingly destructive war in Iraq for more than 3 years, and the pressure is taking its toll.

Multiple deployments, the insurgency, and the unprecedented urban combat that many of our service members face is resulting in high levels of mental illness, including PTSD—a disorder that, if left untreated, can cripple a person for life.

Tragically, many of our service members are not being adequately screened and treated for these conditions.

Let me give you an example from last month's Hartford Courant, which ran an extended series of articles detailing the failures of our military health care system.

Nine months ago, 27-year-old SSG Bryce Syverson was on suicide watch and taking antidepressants in the psychiatric unit at Walter Reed Army Medical Center. Doctors had diagnosed him with PTSD and depression, which they attributed to his 15-month tour in Iraq as a gunner on a Bradley tank.

Today, Staff Sergeant Syverson is back in the combat zone as part of a quick reaction force in Kuwait that could be summoned to Iraq at any time.

He got his deployment orders after being told he wasn't fit for duty.

He got his gun back after being told he was too unstable to carry a weapon.

In a recent e-mail to his parents and brothers, Sergeant Syverson wrote: "Nearly died on a PT test out here on a nice and really mild night because of the medication that I am taking. Head about to explode from the blood swelling inside, the [lightening] storm that happened in my head, the blurred vision, confusion, dizziness and a whole lot more. Not the best feeling in the entire world to have after being here for two days. . . . And I ask myself what . . . am I doing here?"

I ask my colleagues, do this make any sense?

In the Hartford Courant's May 17 piece entitled "Still Suffering, But Redeployed," COL Elspeth Ritchie, a psychiatry consultant to the Army surgeon general, acknowledged that the decision to deploy soldiers with PTSD is a matter that the Army is currently wresting with.

I would like to quote Colonel Ritchie, because I think that something she said is particularly telling: "historically, we have not wanted to send soldiers or anybody with post-traumatic stress disorder back into what traumatized them. . . . The challenge for us . . . is that the Army has a mission to fight."

I appreciate that the military—particularly the Army—is facing severe manpower needs, but the fact that we are knowingly sending U.S. service members back into the very situation that caused their trauma is utterly tragic.

Tragic and unacceptable.

The Boxer-Lieberman amendment would do some very important things to address this situation.

First, it would improve mental health screening procedures for those about to be deployed. Currently, the military's pre-deployment mental health assessment is a single question on a form.

The Boxer-Lieberman amendment requires an enhanced mental health screening process prior to deployment that would include: a mental health history of the servicemember; current mental health treatment or use of medications for a mental health disorder; an assessment of any behavior identified by the unit commander that might provided by the member, (through a checklist or other means,) of symptoms that might indicate a mental health condition.

Second, the amendment mandates that soldiers determined to have symptoms of a mental health condition—either before deployment or after deployment—will be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

This is an area where we are really falling short—the Hartford Courant reports that military screeners have arranged mental health evaluations for fewer than 1 in 300 deploying troops.

Third, the Boxer-Lieberman amendment mandates that any member of the Armed Forces who requests access to mental health care services, before, during, or after deployment to a combat zone, will be given access within 72 hours after making the request or as soon as possible.

Fourth, the amendment directs the Department of Defense to develop clear and consistent guidelines and regulations on what mental health conditions and psychotropic drugs ought to prevent a servicemember from being deployed to a combat zone.

It also requires the Department to develop guidelines for the deployability and treatment of service members diagnosed with severe mental illness or PTSD.

And lastly, it will require the Department to develop a plan to monitor individuals deployed to a combat zone who are known to have a mental health condition or disorder or are known to be taking psychotropic medications.

I think that these are small steps that we can take to ensure that our service members receive a higher standard of mental health services and care.

I hope it will also prevent stories like the one I am about to tell you, again in the Hartford Courant, from happening again.

Patricia Powers of Skiatook, OK wonders why her 20-year-old son Joshua was sent to Iraq barely six months after he enlisted in the Army.

According to Ms. Powers, she "just couldn't believe" that the Army took her son in, as her son had Asperger's syndrome—a form of autism.

People with Asperger syndrome tend to be highly intelligent, but they have trouble in social settings and are quite often loners who have difficulty building relationships.

However, Asperger's was not the only neurological issue facing Joshua.

In reading through the medical records of her son's frequent visits to the base doctor, Ms. Powers found that in every instance, the doctor had taken note of Joshua's severe depression.

Three weeks after arriving in Iraq, Pvt. Powers left his barracks around midnight and walked to the latrine, where he ended his life with a gunshot to the head.

In a recent GAG report, the GAG noted that the military has been reluctant to create uniform guidelines for deployment.

In its recommendation, the GAG argued that guidelines are necessary "so that in future deployments [the Defense Department] would not experience situations such as those that occurred with members being deployed into Iraq who clearly had pre-existing conditions that should have prevented their deployment."

Situations like Joshua Power's. Situations like Bryce Syverson's, where he was forced to ask his family: "What am I doing here?"

Mr. President, the heroic men and women serving in Iraq and Afghanistan are doing a fantastic job.

In Iraq, they have succeeded in every mission that has been asked of them, even the ones that have changed over time. In Afghanistan, they are relentlessly hunting for the man responsible for the deaths of over 3,000 Americans. But as the death toll continues to rise, so does strain.

I cited today just two examples of soldiers who clearly indicated that deploying them to a combat zone would be a mistake. But we know that there are many more.

What we are asking for in this amendment is simple: that the Pentagon does a better job of dealing with mental health matters for the men and women that it sends into harm's way. I don't think this is too much to ask.

Again, I like to thank Senator WARNER, Senator LEVIN, and Senator LIEBERMAN for their support.

Mr. LIEBERMAN. Mr. President, I rise today to speak about an amendment offered during the debate on the 2007 Defense authorization bill by Senators BOXER, KENNEDY, CLINTON, and myself.

In May of this year, the Hartford Courant published a series of articles describing inadequacies in the military's mental health screening procedures for servicemembers deploying to Iraq and Afghanistan. The Courant's investigation revealed that servicemembers displaying clear signs of distress and mental health problems are being deployed into combat situations and in some cases have taken their life. These cases compromise not only the lives of our servicemembers but the strength and cohesion of our military units.

The Hartford Courant wrote about Jeffrey Henthorn, a young servicemember who took his life. Jeffrey was from Oklahoma and shipped out of Fort Riley, KS, the day after Christmas in 2004. While home, Jeffrey was depressed, was having nightmares, and was plagued by memories of a young boy who had died in Iraq. Less than 2 months after his redeployment to Iraq, Jeffrey took his own life at the age of 25 years. Since then, it has become known that Jeffrey had made suicidal statements that were known to his Army superiors. Despite the clear psychological problems Jeffrey was having before his deployment, he was still sent back to a combat zone where he took his own life. To prevent acts such as this that ruin individual lives and have deleterious effects on a unit, Congress passed the National Defense Authorization Act for Fiscal Year 1998. At that time, the statute required the military to conduct an "assessment of mental health" for all deploying troops to prevent young men like Jeffrey Henthorn from being placed in further harm. However, the military's current screening process for deployment consists of a single mental health question on a predeployment questionnaire. The law is not being followed as it was intended.

Alarmingly, the Hartford Courant's investigation found that only 6.5 percent of those indicating mental health problems were referred for mental health evaluations from March 2003 to October 2005. This is unacceptable.

Senator BOXER and I are also concerned about the increase in the numbers of servicemembers being prescribed medication for depression, anxiety, and post-traumatic stress disorderly, PTSD. These individuals are being sent into combat with psychotropic medications but are not systematically receiving any followup or monitoring. We cannot send our servicemembers into combat zones without the medical and mental health support they deserve and need. There is nothing controversial about that.

Another case reported by the Hartford Courant illustrates the dangers of providing medications without followup or monitoring in the field. Michael Deem, father of two, saw a psychiatrist before deploying to help him cope with serious symptoms of depression. He was given a year's supply of Prozac, among other medications. Less than a month after deploying to Iraq, Michael Deem was found dead in his bunk. The Army determined that he died of an enlarged heart "complicated by elevated levels" of Prozac. We cannot have servicemembers on medications for serious conditions out in the field with inadequate monitoring, and nonexistent followup. We must do better for those willing to make the ultimate sacrifice for us.

We have also learned that troops with preexisting mental health conditions and serious mental health disorders are being sent into combat zones. This amendment would make sure young men and women who are unable to serve are not sent into combat zones that make their conditions worse or place them and their units in danger.

The Courant series also told the story of a young man from Pennsylvania. Eddie Brabazon had a history of bipolar disorder and spent time in group homes and psychiatric hospitals during his adolescent years. In March of 2004, less than 3 months into his second deployment to the Middle East, Eddie shot himself and took his own life at the age of 20. There were signs before this act that something was terribly wrong. In the days leading up to his suicide, Eddie had locked himself in a portable toilet with his rifle for 45 minutes, causing his sergeant concern. But no one sent Eddie to receive intensive treatment to prevent his suicide or send him away from the combat zone where his condition was worsening. Young men with Eddie's history of mental health problems and exhibiting such clearly communicated signs of distress should not continue to serve in a combat zone.

To protect servicemembers similar to the ones the Courant has written about and their units, Senators BOXER, KENNEDY, CLINTON, and I are introducing this amendment. The military mental health amendment has two purposes. First, it is meant to keep these courageous young men and women out of the way of any further harm. Second, we must make sure that our units have the strongest and healthiest soldiers, and this amendment moves us in the right direction. By deploying servicemembers with serious mental health problems, we are compromising the strength of our military units.

Our amendment will ensure that the military would conduct a thorough screening for determining whether a servicemember has a significant mental health problem before deploying; servicemembers with a significant mental health problem are seen by someone with experience in mental health assessment; access to mental health professionals in a more timely manner; the military identifies preexisting mental health conditions to determine appropriateness for deployment; and the military develops a plan for how to continue to provide mental health services during deployment for any servicemembers receiving mental health services before their deployment.

Senator BOXER and I, along with Senators CLINTON and KENNEDY, introduced this amendment to ensure that servicemembers like Jeffrey Henthorn, Michael Deem, and Eddie Brabazon receive the care they deserve before it is too late. I thank both Senators LEVIN and WARNER for adopting this amendment into the Defense authorization bill for 2007, and I encourage the conferees in both Houses to maintain the provisions of this amendment to ensure we keep our troops strong and healthy.

AMENDMENT NO.4507

Mrs. BOXER. Mr. President, I would like to take a few minutes of the Senate's time to discuss an amendment that I understand Senator WARNER and Senator LEVIN have included in the managers' package.

This amendment—that I worked on with my colleague Senator SNOWE—would move toward expanding eligibility for the Purple Heart to all prisoners of war who die in captivity regardless of the cause of death.

The need for this important amendment was brought to my attention by a group of Korean War veterans—the Tiger Survivors—who identified what many of my colleagues agree is a glaring loophole in current law.

You may be surprised to learn that currently, only prisoners of war who die during their imprisonment of wounds inflicted by the enemy—such as a gunshot wound or intentional poisoning—clearly meet the criteria for posthumous Purple Heart recognition.

Those who die of starvation, disease, or other causes during captivity do not. I would like to give you an example of what I mean by recounting the story of the crew members who survived the sinking of the USS *Houston*, a Navy cruiser that was sunk by the Japanese off the coast of Java in February 1942.

After swimming to shore, the Japanese transported American POWs to Burma to work as slave labor building the Burma-Thai Railway, which would stretch 250 miles between mountains, across rivers, and through jungles.

These American POWs cut down trees, built road beds and bridges, and laid ties and rails for what is known as the Death Railway.

Conditions for these Americans were appalling. Each man received half a cup of bug-infested rice a day, and some POWs dropped below 80 pounds. Malnutrition brought on diseases like beri beri, pellagra, and scurvy—severe vitamin deficiencies that result in horrible suffering and even death.

The tropical environment also bred cases of dysentery, malaria, cholera, and tropical ulcers that ate through flesh to expose bone.

Although Japanese doctors were present in the camps, they were not allowed any drugs or tools for practicing medicine. Those workers who were too slow were beaten; those who were too sick to work received no food, and were eventually sent off to die.

Under current law, many of these individuals would not be eligible for the Purple Heart.

Doesn't it make sense that our young servicemembers who died in this manner would be recognized as having died at the hands of the enemy?

Doesn't it make sense that the *Houston* crew members who were denied treatment and died of starvation and disease in captivity would be eligible for the Purple Heart?

Language that would correct this injustice was accepted as part of the House version of the Defense authorization bill, where it had the overwhelming bipartisan support of 216 cosponsors.

Equally important, correcting this important loophole in the law has been endorsed by the American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart, the National Association for Uniformed Services, the Military Officers of America Association, the Korean War Veterans Association, National League of POW-MIA Families, Tiger Survivors, and a number of other prominent veterans organizations.

I can think of no stronger endorsement than from these fine groups who know first-hand the suffering of war.

I would like to tell you one more story by a World War II soldier by the name of John Coleman. This is his story as recounted in his book, Bataan and Beyond:

> The treatment of the death march and imprisonment . . . is beyond the imagination's ability to comprehend. If there ever was a hell on earth, this was administered to the 7,000 souls of some of the bravest and most devoted of our military personnel. Day after day they were in agony, seemingly blotted out in memory by their nation. They suffered under the burning tropical sun, on starvation rations, with little water to drink. They could not even wash the filth from their bodies or clothes, matted hair, and beards. They were mentally depressed, had swollen limbs from beri beri, unhealed festered wounds that were never treated. They also had distended stomachs, bloody dysentery, and raw, sore mouths from pellagra. Even a drink of water would cause their mouths to burn. Everyone had stomach worms that would sometimes find their way out of the body through the nose. No attempt was made by the Imperial Japanese Army to furnish any kind of medication to alleviate the suffering.

Unimaginable. Simply unimaginable.

Mr. President, these brave members of the Armed Forces suffered these cruelties so that we might enjoy the freedoms we have today. I can think of no more fitting tribute for their sacrifice than to posthumously make them eligible for the Purple Heart.

While the amendment that I originally offered would have provided congressional authorization expanding eligibility for the Purple Heart, I worked with Senators WARNER and LEVIN on compromise language that would require the President to determine whether eligibility for the Purple Heart should be expanded to all POWs who died in captivity.

I sincerely hope the President will take a serious look at this proposal, and ensure that our POWs are afforded the recognition they deserve.

AMENDMENT NO. 4371

Mr. OBAMA. Mr. President, I rise to speak in favor of amendment No. 4371, which is being offered today by my friend, Senator COBURN. Senator COBURN and I have been working tirelessly to improve accountability and transparency in Federal contracting so that the American people can rely on their Government for the excellence and efficiency that they deserve.

Award and incentive fees are often used in defense contracts to encourage outstanding performance. But too often these awards are given without regard to performance. That doesn't make sense. This amendment prohibits unsatisfactory performance from being rewarded by the Federal Government. It sets a higher standard for defense contractors and requires them at least to satisfy the basic requirements of a contract in order to be eligible for any award or incentive fee.

It is a simple concept. No bonus awards when the work is unsatisfactory. Period. You don't tip a waiter who doesn't bring you your food. You don't give a bonus to an employee who doesn't do his or her job at work. The Government should not permit awards for work that is less than satisfactory. Awards should be used as an incentive for excellence, not as a backdoor for undeserved payments.

The authorization bill makes some progress by requiring the Secretary of Defense to provide needed guidance on the use of awards and incentive fees. It requires guidance that award fees be tied to performance outcomes. It requires guidance on designating contractor performance as "excellent," or "superior." It requires standards for when performance awards are appropriate.

This amendment just makes it clear that unsatisfactory work should never be eligible for an award. Contractors can and must be held to a higher standard. Our troops deserve no less. American taxpayers deserve no less. Americans should reward excellence, not mediocrity; success, not failure; contract fulfillment, and nothing less.

I urge my colleagues to support this amendment.

AMENDMENT NO. 4496

Mrs. HUTCHISON. Mr. President, the National Biocontainment Lab, NBL, at the University of Texas Medical Branch, UTMB, in Galveston is an important tool in our continued fight against bioterrorism and emerging infectious diseases. As a Regional Center of Excellence for Biodefense and Emerging Infectious Diseases Research, RCE, for Federal Region VI, UTMB's lab is able to research and develop new therapies, vaccines, and tests for microbes that might be used as weapons by terrorists, as well as naturally occurring diseases such as SARS and West Nile virus.

I was happy to support UTMB in 2003 in their efforts to establish the NBL in Galveston. In letters and conversations with Dr. Anthony Fauci, director of the National Institutes of Allergy and Infectious Diseases, and Dr. Elias Zerhouni, director of National Institutes of Health, I conveyed the importance of this facility and the benefits to housing the NBL at UTMB.

Once again, I am pleased to support the NBL and UTMB with this amendment. By understanding the staffing and training requirements needed at this new facility, our doctors and scientists will be better prepared and more able to recognize a bioterrorist attack.

AMENDMENT NO. 1222

Mr. BINGAMAN. Mr. President, today marks the anniversary of the passage of a sense-of-the-Senate resolution on climate change. One year ago the Senate convened to debate the appropriate policy direction for the United States on this issue.

The Senate debate on climate change included discussions on various proposals from Senators HAGEL and PRYOR, as well as Senators MCCAIN and LIEBERMAN and others. Although I had worked very closely with Senator DOMENICI on a specific policy proposal of our own, we were not able in the time allotted to find agreement on various aspects of that proposal. We ultimately decided that we should put the question to the Senate of whether or not our efforts should continue over the remainder of the 109th Congress.

I am pleased to say that passage of the sense-of-the-Senate resolution gave us the foundation to continue our collaboration. Over the course of the last year, I have worked with Chairman DOMENICI and others to explore the basic workings of a mandatory market-based system to limit greenhouse gases. We have held hearings in the Energy Committee, participated in workshops and conferences, and engaged interested stakeholders through a White Paper process that culminated in an important day-long conference in April.

Other Members of this body have been actively engaged in the continuing conversation, such as Senators CARPER, FEINSTEIN, LUGAR, and BIDEN just to name a few, but it is important for us to recognize how much faster this issue is progressing outside of Washington, DC.

The European Union Emissions Trading Scheme is in its second year of existence. There has been some debate about how the program is progressing, but there is no debate about the fact that they are moving forward and addressing global warming in a groundbreaking manner. Here in the United States, my colleagues from California and the Northeastern States are intimately aware of State initiatives to address global warming. My own State of New Mexico has been a leader in reducing emissions as well.

Most importantly, I think we need to recognize how much we have learned in the past year about the science of climate change. Last year, the National Academies of Science from 11 countries, including the United States, declared that "scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action." According to NASA scientists, 2005 was the warmest year since the late 1800s; 1998, 2002, 2003, and 2004 followed as the next four warmest years.

With regard to the impacts of global warming, a recent study shows that we are on track to initiate the melting of the Greenland ice sheet, which will contribute to continued sea-level rise and will also have major impacts on oceanic circulation from freshwater influx. Even small amounts of sea-level rise will have substantial impacts on coastal erosion, increased susceptibility to storm surges and groundwater contamination by salt intrusion. The effect on many of the world's coastal areas and population centers could be devastating.

We are also in the early stages of hurricane season. I have not yet seen any studies that would indicate global warming will create more hurricanes, but I have seen two recent studies that conclude that the warming we are seeing in the world's oceans is caused by human-induced climate change. In addition, there are more studies that have recently concluded that the intensity of individual hurricanes has increased, which in part is attributed to the warming of the oceans.

In conclusion, I believe that this is evidence that we need to act now. Since the sense-of-the-Senate resolution passed last year, the U.S. has emitted roughly 6 billion metric tons of carbon dioxide. EIA forecasts continued steady emissions growth at a rate that, if not slowed and ultimately stopped and reversed, will make it increasingly difficult to avoid dangerous climate impacts.

I want to thank Senators DOMENICI and SPECTER, along with all of the cosponsors of the sense-of-the-Senate

Resolution and everyone who supported it. We have learned a great deal over the course of the last year, and I would like to continue the progress. I would like to urge all of my colleagues who are interested in this issue to work with us to find a solution we can implement sooner, rather than later.

I would like the references to some of the studies I have mentioned printed in the RECORD so that others can review them as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alley, R.B., P.U. Clark, P. Huybrechts, and I. Joughin. 2005. Ice sheet and sea-level changes. Science 310: 456–460.

Barnett, T.P., D.W. Pierce, K.M. AchutaRao, P.J. Gleckler, B.D. Santer, J.M. Gregory, and W.M. Washington. 2005. Penetration of human-induced warming into the world's oceans. Science 309:284–287.

Emanuel, K. 2005. Increasing destructiveness of tropical cyclones over the past 30 years. Nature 436:686–688.

Gregory, JM, P Huybrechts & SCB Raper. 2004. Threatened loss of the Greenland ice-sheet. Nature 428: 616.

Heij, 2005. and Gregory, J.M., and P. Huybrechts, 2006. Ice-sheet contributions to future sea-level change. Phil. Trans. Roy. Soc. Lond. Ser. A, in press.

Hansen, J., L. Nazarenko, R. Ruedy, M. Sato, J. Willis, A. Del Genio, D. Koch, A. Lacis, K. Lo, S. Menon, T. Novakov, J. Perlwitz, G. Russell, G.A. Schmidt, and N. Tausnev. 2005. Earth's energy imbalance: Confirmation and implications. Science 308:1431–143.

Knutson T.R. and R.E. Tuleya. 2004. Impact of CO2-induced warming on simulated hurricane intensity and precipitation: Sensitivity to the choice of climate model and convective parameterization. Journal of Climate 17: 3477–3495.

Levitus, S., J. Antonov, and T. Boyer. 2005. Warming of the world ocean, 1955–2003. Geophysical Research Letters. 32.

Sriver, R. and M. Huber. 2006. Low frequency variability in globally integrated tropical cyclone power dissipation. Geophysical Research Letters 33: doi:10.1029/2006GL026167.

Trenberth, K. 2005. Uncertainty in Hurricanes and Global Warming. Science 308: 1753–1754.

U.S. National Aeronautics and Space Administration (NASA). 2005. Global Temperature Trends: 2005 Summation. NASA Goddard Institute for Space Studies (GISS). New York, NY. Available at http://data.giss.nasa.gov/gistemp/2005/.

Webster, P.J., Holland, G.J., Curry, J.A. and H.-R. Chang. 2005. Changes in tropical cyclone number, duration, and intensity in a warming environment. Science 309: 1844–1846.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendments have been cleared on this side. It is a packet of 60 amendments, as I understand. I thank our staffs for working so hard on these amendments. There is a lot of interest in them by a lot of Members. We owe thanks to the staff for their great work. I have not only no objection but enthusiastically join in moving their adoption. I gather they have been agreed to by unanimous consent.

Mr. WARNER. I thank my distinguished colleague for his remarks.

If I might draw to the attention of my distinguished colleague, we have been consulting with our respective leadership and their staffs. We have a joint goal of trying to complete this bill today and have third reading and final passage. The bill is now open for amendment. We have some knowledge of some amendments that may be offered. We would urge those who wish to offer amendments, recognizing cloture has been agreed to by the Chamber, nevertheless within the confines of that cloture, we are ready to have the opportunity to consider further amendments.

I believe I am about to put in the first quorum call for the purpose solely that we have no amendments at the moment pending. That is the first time in the consideration of this bill, I believe.

Mr. LEVIN. I commend the chairman for the way in which he has been able to manage this bill, as always. It is a testament to his ability and the respect that everybody has for him in the Chamber. I have never seen fewer quorum calls on a bill of this size than we have had this week. I am sure there have been a few. I have not counted them. There may have been a quorum call yesterday during the 8 or 9 hours of debate. If there was, I missed it.

I commend the chairman for putting us in a position where we can hopefully get this bill agreed to as soon as possible today. Again, I join him in not urging people to bring amendments to the floor—we never do that—but in notifying people that if they have amendments, they should bring them to the floor.

Mr. WARNER. I thank my colleague who has worked side by side with me these 28 years on these matters. When I look back on my modest career in the Senate, I can't think of any other Senator with whom I have had a better relationship and a more trusting one, although we do disagree on occasion.

Mr. LEVIN. There is recent evidence of that. But we agree on process. We agree on civility. We agree on most matters. We are able to work things out. It is his nature to do that, and we are all very much in his debt. Our wives are on the same path that we have been on.

Mr. WARNER. That is right. Who quoted Edward R. Murrow, something about the strength of our Nation depends on the diversity of thinking and expression?

Mr. LEVIN. Well, it was quoted this morning. It didn't carry the day, but it was very appropriate.

Mr. WARNER. I thank my colleague. I do believe those two amendments on which we spent so much time were carefully and fully debated. I accept with a sense of humility the outcome, that we were able to prevail on this side of the aisle. However I underline that I do that with a sense of deep humility.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 4471, AS MODIFIED

Mr. SESSIONS. Mr. President, I ask unanimous consent to call up my amendment No. 4471 and ask that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

Mr. SESSIONS. I further ask unanimous consent that Senators ALLARD, KYL, THUNE, and VITTER be added as cosponsors.

Mr. LEVIN. Mr. President, reserving the right to object, there is a little uncertainty as to the modifications.

Mr. SESSIONS. I don't think the Senator will find that objectionable. It dealt with funding allocations, the offsets.

Mr. LEVIN. Is the one at the desk the modified version?

Mr. SESSIONS. Yes.

Mr. LEVIN. If the Senator will please withhold for a moment.

Mr. SESSIONS. I will be pleased to.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. ALLARD, Mr. KYL, Mr. THUNE, and Mr. VITTER, proposes an amendment numbered 4471, as modified.

Mr. SESSIONS. Mr. President. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by subsection (a), $45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (PE #63882C)—

(1) to accelerate the ability to conduct concurrent test and missile defense operations; and

(2) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(c) SUPPLEMENT.—Amounts available under subsection (b) for the program element referred to in that subsection are in addition to any other amounts available in this Act for that program element.

(d) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000 due to unexpended obligations.

Mr. SESSIONS. Mr. President, recent concerns over a long-range ballistic missile launch or possible launch toward the United States by North Korea is an event that many experts have predicted and an event of serious import for the world.

President Bush, in December of 2002, directed the Department of Defense to begin fielding a missile defense system to protect the United States. There were many concerns expressed at that time, but Congress followed his orders and has moved forward. Today, we have nine GBIs—ground-based interceptors—in Alaska in silos in the ground, and two in California that are able to be launched to attack and destroy incoming missiles. The system and those missiles that we have are not complete nor fully perfected, but the Commander of Strategic Command, General Cartwright, says it does have capability to defend our Nation.

So I would first like to give my thanks to President Bush and to the Department of Defense for moving on this issue some time ago.

I would also like to express my appreciation for a bipartisan effort that was begun not long after I came to the Senate by Senator THAD COCHRAN and Senator JOE LIEBERMAN and the legislation they passed that called on this Government to deploy a ground-based missile defense system as soon as feasible. That was a major step forward. Following that, President Bush's actions in 2002 have moved us farther forward.

These missiles that we have in the ground are able to be launched, they are able to attack and destroy incoming systems. So it is a remarkable thing that has been accomplished. Many doubted it. We have a lot more testing to do to deal with decoys and other matters to make sure the entire system works in an harmonious and effective way, from the ground-based radar, sea-based radar, to launch sites and our intercept capabilities and all of the computer systems that are necessary to make these missiles move at incredible speeds to collide in the air with such great force that they basically vaporize without any explosives being involved. So I think, Mr. President, it is an important event in our lifetime as a nation to note that this defense shield is now being employed.

I also was pleased that our Democratic leader a few days ago noted that: "We live in a dangerous time and the threats to our Nation are many." He said, "They range from terrorist attacks like those on 9/11 to rogue nations with nuclear ambitions like North Korea and Iran." He went on to note the: "Headlines about North Korea's new missile test." He discussed that and noted: "It is important that we as a country address each of these threats."

Mr. President, I suggest, based upon the events of the past few weeks, that the debate over the need for missile defense is no longer an academic one, but it is a debate that must now take place in the reality of current events.

As we convene today, North Korea may perhaps still be preparing to test launch its Taepo-Dong II long-range ballistic missile. According to U.S. intelligence agencies, this missile has the potential to reach the shores of the United States, given its purported maximum range of 9,000 miles, far enough to hit the west coast of the U.S. mainland and all of the Pacific bases, according to an article in the Washington Post earlier this week.

The leaders of South Korea, Australia, New Zealand, China, Japan, and the United States are warning, as Secretary of State Rice did Monday, that, as she said, "The launch of a ballistic missile would be a provocative act that would deepen North Korea's isolation." She urged the North Koreans not to end their moratorium on long-range missile testing. Japan's warning was even stronger. Japanese Prime Minister Koizumi said that Japan "would have to respond harshly" if there were a missile attack.

North Korea also fields some 200 medium-range No-Dong ballistic missiles that can reach Japan, and it deploys some 600 short-range ballistic missiles tha could reach throughout the Korean Peninsula, where we have some 30,000-plus troops.

Likewise, on the other side of the world, Iran continues to enhance and test its Shahab-3 medium-range ballistic missile to extend its range and effectiveness. U.S. intelligence agencies estimate that Iran could have an ICBM capable of reaching the United States before 2015 with continued foreign assistance.

According to press reports, Israeli intelligence noted in April of 2006 that Iran received a shipment of North Korean-made BM–25 ballistic missiles which have a range of 2,500 kilometers.

This activity was noted by the Prime Minister of Israel, who stated in a press conference with President Bush on May 23 that:

> There is a major threat posed by the Iranians in their attempts to have nonconventional capabilities and the ballistic missiles that can hit major centers all across Europe, not just the Middle East.

These are real, not hypothetical, threats to the United States and its allies posed by these ballistic missiles.

These missiles are threats that require a multifaceted response, not the least of which is by means of an effective ballistic missile defense system.

I would imagine that over the past 5 weeks, the Department of Defense has been carefully watching the arrival and fueling of Taepo-Dong missiles at its launch pad on the eastern coast of North Korea. And I would suspect that our missile defense capabilities have been carefully integrated into our diplomatic and deterrent options for dealing with the situation—a situation that Secretary Rice said is an "abrogation of obligations" of North Korea, a path not of compromise or peace "but rather instead to once again saber-rattle."

So our Secretary of State has called the situation correctly. The Nation and Congress should heed her words.

While I have no direct knowledge of any administration plans beyond what is being said in the press, I would hope that our U.S. Navy ships, which are capable of tracking and potentially intercepting ballistic missiles, have been deployed in the area. I saw this part of our fleet last year when I was in Pearl Harbor right after they conducted a series of successful intercept tests in the Pacific.

I would also hope that the ground-based midcourse defense system, with missiles deployed in both Alaska and California to provide protections against long-range missile attack, has been activated in case it is needed. To be sure, these systems are still undergoing testing. They have been designed to be available in an emergency, and I would think an imminent Taepo-Dong launch falls into that category.

At the very least, such a capability would add to the options available to our President. In a radio interview last week, Ambassador Vershbow, the top U.S. envoy in South Korea, commented on a potential North Korean launch saying, "Since it would be clearly a provocative step vis-a-vis the region and international community, we should not simply let it pass without some response."

I don't know what response the Ambassador had in mind, but certainly the ability to intercept that missile before it struck a populated area would be high on my list.

My main point to my colleagues on both sides of the aisle and in both Houses of Congress, Mr. President, is that missile defenses must now be considered an integral and important tool of U.S. diplomacy and national security policy.

This is all the more reason to support the administration's efforts to develop test and field effective missile defenses against missiles of all ranges. So I am pleased to report that the Defense authorization bill reported out of the Armed Services Committee fully funds the President's request for missile defense to include $56 million for site survey and design work associated with the European defense missile defense site.

The European missile defense site, scheduled to begin construction in 2008 with full fielding expected in 2011, will allow 10 ground-based interceptors capable of protecting both the United States and much of Europe against a long-range missile fired by Iran.

If you look at the globe carefully, you could indicate a long-range missile launched towards the United States from Iran would fly over northeastern Europe. That would be an excellent site to protect both the United States as well as protecting Europe.

Congressional support for this activity is timely for our defense and to support Western diplomatic efforts aimed at halting Iran's acquisition of a nuclear weapon capability.

Should diplomacy fail, a European missile defense site will be critical to defer Iranian ballistic missile threats aimed at attacking or intimidating the West.

Our NATO allies recognize the threat posed by the proliferation of ballistic missiles. In 2010, the alliance expects to have the capability to protect deployed troops against short- and medium-range missiles. The alliance is now reviewing the results of a 4-year feasibility study that examines options for protecting alliance territory—that is the North Atlantic Treaty Organization alliance—and population against a full range of missile threats.

Congressional commitment to a U.S. missile defense site in Europe at this time would be a significant factor in shaping NATO's decision to provide missile defense protection in Europe. Our commanders tell us that. They tell us it is very important.

I realize some of our colleagues are concerned that funding a European site would be premature at this time. They suggest a slow fielding program until more extensive tests and evaluations have been completed. While I appreciate that concern, I do believe that current Missile Defense Agency approach of simultaneously fielding and testing a GMD system has proven to be wise, as we see the threats to our Nation increase in just recent days.

The Commander of the U.S. Strategic Command has testified that the current missile system provides a thin line of defense that could be used. The independent Pentagon Director of Operational Tests and Evaluation stated on April 4 of this year:

> With the current program and the tests that have been scheduled, it's very likely that the GMD system will demonstrate that it is effective.

The things that are needed to turn this thin line of defense into a robust defense system are more interceptors coupled with more flight testing, both of which are programmed by the missile defense agency and funded by our bill.

While we have crafted a good funding stream in our committee—and I thank my colleague, Senator BILL NELSON of Florida, and others, for the bipartisan way he worked on this—we have worked hard at containing costs and keeping the costs under control.

The possible launch of a long-range North Korean missile that could even reach the United States of America calls for us to evaluate this year's authorization to ensure that all necessary funding exists to move forward with deployment as well as testing, and to be sure that throughout that time we are ready. General Trey Obering, who directs the program, understands these challenges.

My review of this authorization has convinced me that an additional appropriation of $45 million is critically important in allowing us to, in the words of our amendment:

> accelerate the ability to conduct concurrent tests and missile defense operations [and] to increase the pace of realistic flight tests.

The funds that I am talking about and the projects that I am talking about are already in the 2008 budget. This would allow them to move forward to the 2007 budget.

The amendment for which I am seeking support today will help ensure that we can continue testing and always remain ready; not have to have the readiness of our system degraded by testing that we need to be doing. This is necessary so that we can respond to any possible missile launch that may threaten our Nation.

The key matter is that we test and we test regularly. But we cannot shut down the readiness of our system that could have the capability to knock down incoming missiles that could be aimed at us.

Congressional support for this amendment, I think, will send a strong message to any nation, North Korea or Iran, that we will be constantly, 24/7, ready to respond and knock down and destroy any missile that would be directed at our Nation. It will also reassure our allies that we will be ready to protect them and help us create the kind of umbrella of defense that we have dreamed of for many years and accelerate our ability to make that a reality.

I thank my colleagues. I thank those who indicated they would accept this amendment. I think it is a good step forward.

It is great to see my colleague, Senator ALLARD, here. He used to chair the subcommittee that I have now, the Strategic Subcommittee. He has been a long-time champion of national missile defense.

I say to Senator LEVIN, he is due to be recognized next, but I know Senator ALLARD is here also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we do accept the amendment on this side. There are no differences in terms of the North Korean threat. The question is whether or not we will be deploying a system which will be adequate to meet that threat. Right now we do not know. There has been no operational testing, realistic testing of our system. It needs testing.

Although we have differences and have expressed those and argued over those differences as to whether we ought to be producing 10 more missiles which have not been tested operationally or realistically—whether we ought to be buying these final 10 missiles given the fact we want to make sure if we are going to have a system that it works, and we don't know that yet—as far as this Senator is concerned, I very much disagreed with this approach of buying before we fly. Usually we fly and test before we buy, but this system, we have decided, at least the majority of Senators have decided, that we are going to buy before we test. I think that is a mistake, but that is not the issue on this amendment.

This amendment would authorize $45 million, mainly for testing, mainly to improve the likelihood that a missile which has been deployed will in fact do the job. Since I have been one who has been arguing regularly for more testing, more realistic testing, more operational testing, it seems to me that I can very readily support funding which is going to go to more testing, which is really what this amendment is all about.

We have not had a single successful intercept test with an operational system. There have been two failures with this operational system. We don't know if our system would work. We obviously want it to work if we are going to have it.

Since this amendment basically is going to increase not only the pace of realistic flight testing of this ground-based, mid-course defense system but also is going to accelerate the ability to conduct concurrent testing while the missile defense operations are going on, since in both instances the focus is on testing and making sure that this system will work if ever called upon, I accept the amendment. I have no objection to it and, indeed, support its purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to speak in support of the amendment offered by my good friend, Senator JEFF SESSIONS of Alabama, who has worked hard on this issue. I know he is a strong, dedicated Senator as far as making sure that we have a good, strong national defense, which is important in today's times.

There is no doubt that this has been an unusual approach where we develop and purchase at the same time. But these are unusual times. We have had an emerging threat that, according to many of our defense experts, is real. We had to move forward at an unprecedented rapid pace.

Over the last 2 weeks, the North Koreans have moved toward the brink and have been preparing to test fire a long-range ballistic missile capable of reaching the United States. We were in the same position in 1998. Then all we could do is threaten to retaliate if North Korea launched a ballistic missile attack against us. We did not have a system that was capable of defending our country from attack.

Today the situation is different. Acting upon the direction of Congress, which mandated in 1999 that our country deploy a missile defense system as quickly as technologically possible, the Department of Defense has developed and deployed a missile defense system that is capable of defending our Nation against limited ballistic missiles.

Given the real-world ballistic threats, such as North Korea, the Department of Defense has pursued a strategy of concurrent tests and operations. The Department recognizes that our current missile defense system does not have sufficient capability and needs more testing. That is why the Department continues to test the system and add new capabilities.

At the same time, it is clear that situations such as the ongoing North Korean threat require that our missile defenses be ready in case of a ballistic missile attack. Leaving our Nation defenseless to ballistic missile attack while such situations persist is folly in the extreme. We currently have 11 ground-based interceptors deployed and operational. We have also upgraded our early warning radars, improved our Aegis tracking radars, built new forward-based and sea-based radars, and created an integrated command-and-control battle management system.

These are significant achievements that together provide our country with a limited ballistic missile defense. Yet, as we all know, our missile defense still needs more work. It has a limited capability, which is certainly better than having none at all, but we need to do more—particularly with regard to testing.

The amendment offered by Senator SESSIONS puts us on the right track. The Missile Defense Agency needs to test its ballistic missile defense system more often and under more complicated conditions. This amendment, offered by Senator SESSIONS, will help in that effort.

The amendment will also help pay for the unexpected costs of operating the missile defense system 24 hours a day over the last couple of weeks. Soldiers who man the system in Colorado and Alaska have performed exceptionally well, and there is cost for keeping the system on full-time alert status. This amendment helps address this cost.

This body mandated that the Department of Defense deploy a missile defense system as quickly as technologically possible. I supported this mandate and believe that our current missile defense system can provide a limited defense against a ballistic missile attack. It still needs work, which is why this amendment is so important and necessary.

I do support the Sessions amendment and urge my colleagues to do so as well. I am pleased to hear that the ranking member on the Armed Services Committee has agreed to support this amendment.

I thank, again, Senator SESSIONS, for his leadership on this very important issue. I think this is a valuable system, and we need to be very sure that we do not get behind in this kind of technology.

Mr. President, I yield the floor and thank the Members for their support.

Mr. WARNER. Mr. President, I rise to speak on behalf of the amendment sponsored by the Senator from Alabama, concerning the need to add an additional $45 million to the Missile Defense Agency for testing and operations of the ground-based midcourse defense, GMD, system.

In December of 2002, the President directed the Department of Defense to begin fielding an initial set of missile defense capabilities that included ground-based interceptors for the defense of the United States against the long-range ballistic missile threat. Given our total vulnerability to that threat, the Missile Defense Agency chose to begin the simultaneous fielding of missile defense interceptors even while developmental testing continued to validate the effectiveness of the system. While this is not a conventional acquisition approach, I believe it was prudent given the emerging ballistic missile threats we expected to face.

Recent North Korean preparations for the test launch of a long-range ballistic missile confirm the wisdom of the administration's approach: we need to have an emergency missile defense capability in place, even while development and testing of the system continues.

Moreover, I believe Iran's continuing development of longer range ballistic missiles, coupled with their intention to acquire nuclear weapons, also argues for fielding missile defense capabilities as soon as technically feasible and in numbers sufficient to stay ahead of the threat.

Just last month, from the floor of the Senate, I spoke to my colleagues about how NATO might respond to the greatest threat to regional and global stability that we face today: Iran. I noted that I support the principle of preserving as many options as possible in diplomacy, and to bolster those diplomatic options. NATO should consider erecting a "ring of deterrence" that would surround Iran to deter the use of actual force, as was done so successfully during the cold war.

I believe that a ground-based interceptor site in Europe, as is being proposed by the Department of Defense, would contribute to this deterrence of Iranian—or any other—missile threats, and would be consistent with NATO activities already underway to provide missile defense capabilities for the Alliance in the next decade. Most important, a missile defense site in Europe would send a message to nations developing longer-range missiles that the United States and its allies will not be intimidated by the threat of ballistic missiles armed with weapons of mass destruction.

The amendment before us now recognizes the accomplishments of the Department of Defense in fielding, in such a short time, a limited missile defense system that is now available in an emergency to provide a measure of protection for the American people against a long-range missile threat—such as the missile that now sits on a North Korean launch pad.

One of the limitations of the current GMD system, however, is that it is difficult to maintain the system on alert while it is undergoing the testing necessary to further improve its capability and reliability. To address this limitation, the Missile Defense Agency plans to create the infrastructure and redundant communications links necessary to permit the system to remain on alert even while test events are underway. This amendment helps advance these plans so that we are better prepared to address the threat posed by the development of a North Korean intercontinental ballistic missile.

In closing, I would note that in my many years here in the Senate, I have been privileged to participate in many a debate over missile defense. We have examined this issue from every conceivable angle—cost, technology, policy, strategy, and diplomacy—and the debate always appeared to me to be somewhat theoretical, since we lacked actual missile defense capabilities.

But today this is no longer the case. The United States now has a limited capability to defend its territory, deployed forces, and its allies against missiles of all ranges. It is a limited capability, to be sure, but one that now provides the President and his senior officials with additional options that can reinforce diplomacy and deterrence or, as a last resort, protect against the growing ballistic missile threat.

Mr. KYL. Mr. President, I, too, rise in support of this amendment of the Senator from Alabama, Mr. SESSIONS. It is a modest increase in funding. But as the ranking member of the Armed

Services Committee said, it will enable us to accelerate the pace of testing, which I think we are all supportive of. And as a result, I think it is a good amendment. I appreciate the support of both the minority and the majority. Because of that, I will not take a long time to detail the reasons why I think it is so important.

Suffice it to say, with the recent news of the preparations of the North Koreans and our knowledge that they have been very closely connected to the development of weapon capabilities, in particular the missile capabilities of the Iranians, and given the fact that both of those countries have not only become increasingly capable but increasingly belligerent in recent months and years, it is very obvious that we have to move forward and accelerate our testing and development and our deployment of the missile interception system with all the speed we can muster.

It is a program that we are developing as we go along, and we are learning a lot in the process. Our most recent tests have been successful. We can build on those successes.

I am delighted that the missile defense system is receiving the kind of support that it needs to receive so that in the years to come, when the American people look back on this and realize that they are protected from a missile attack, they can say it was during these years when that threat was evolving and developing that we had the fortitude to put the money in the program for development and testing that would enable us to protect the American people.

I remember back, right after 9/11, when the intelligence communities were criticized for not connecting the dots. Now the dots on the missile fronts are pretty clear. We are beginning to get big red circles coming at us with both North Korea and Iran, and others are on the way as well. It is during this period of time, before they become completely capable then, we have to develop our interceptor capabilities with our ground-based missile systems and the follow-on systems which we are working on as well.

I applaud the efforts of my colleague from Alabama and his foresight for proposing this modest increase.

I appreciate the support of the ranking minority member on the committee, and I urge my colleagues to support the amendment.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for his comments, and in particular I want to express my appreciation to him for his steadfast leadership to ensure that this Nation has a ballistic missile defense.

He was active in this long before 9/11. Ever since he has been in the Senate, this has been a long passion of his. I am delighted that he could be here today to share some thoughts about it. The system is not yet where we want it to be. But it has been proved. We have demonstrated hit-to-kill technology on two occasions. Now we have this entire system in place where we have ship-based radar, ground-based radar, our missile satellite system, and the computers are tied all together.

I ask my colleague, Senator KYL, a Member of the leadership in this Senate, if he remembers those debates in the late the 1990s—I guess it was when the Cochran-Lieberman bill passed to deploy this system. Maybe he could share some of his thoughts. He must feel some satisfaction to know that we now have a system in place that can give us at least some protection from a missile attack.

Mr. KYL. Mr. President, I will respond quickly to make this point. A lot of folks over the years asked, Why has it taken us so long? It is a good question. There are several different answers to it.

First of all, this is hard. It is hard to hit a bullet with a bullet. It has taken a lot of time and effort by very smart people.

I am glad we were there at the beginning, providing them the resources they needed to conduct these kinds of tests and demonstrate that we could really intercept an intercontinental ballistic missile, which is the equivalent of hitting a bullet with a bullet.

There were years in which there was opposition to the missile defense system, in which funding was cut from the program. That crippled the program and slowed it down. There were times when we were ready to deploy something and then opponents said we don't want to deploy yet, we want to do some more testing. As a result, every time we seemed to be ready to put up something, we were pulled back—all the way back to the early 1980s when Ronald Reagan started talking about this. You have to scratch your head and wonder why it has taken us this long to get to this point.

I think the most important thing, as the Senator from Alabama pointed out, is we are now making tremendous progress. We have a system deployed. It is better with every subsequent test, and as time goes on, the American people can at least begin to feel a little bit more secure. We are not there yet, as everybody has pointed out. But we are making great progress.

Because we worked hard during some of those lean years to keep the funding going and keep the progress going forward, we are at the stage we are today.

I thank both Members of the minority and majority for their support for the program this year.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator DODD be added as a cosponsor to the Levin-Reed Iraq amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, if I might first thank my colleague from Oklahoma. A few people around here will say they are going to be here at a certain time and show up at a certain time. The Senator was committed to come here at a certain time, and I thank him.

Mr. COBURN. Mr. President, I thank the Senator.

I want to spend a few minutes, first of all, praising the chairman and ranking member of this committee. It is important, I think, that we see the relationships that develop, as well as the standards that have been developed on this bill, the fact that Chairman WARNER was here very late last night, the fact that we are moving forward in an expeditious way.

I have several areas and several amendments I am going to call up. I will try to be cooperative as to whether we have votes. But I think the issues are important enough that the American people ought to hear the debate about them.

I am not under any illusion that will necessarily win some of them. But I think we need to pay attention to them and the debate needs to be a part of the RECORD.

With that, I call up amendment No. 4454 and ask unanimous consent to modify it with the language of 4491, which I have here in my hand.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WARNER. Mr. President, is it possible for the managers to look at this for a moment before it is sent up? I think it would help facilitate matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4491, AS MODIFIED

Mr. COBURN. Mr. President, I call up amendment No. 4491, as modified, and I ask unanimous consent to make it a first-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 4491), as modified, is as follows:

At the appropriate place insert the following:

SEC. ___. REFORMS TO THE DEFENSE TRAVEL SYSTEM TO A FEE-FOR-USE-OF-SERVICE SYSTEM.

No later than one year after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per DOD customer utilizing the system with an additional fixed fee for each transaction.

Mr. COBURN. Mr. President, this is a great case for the American people to see what is not operating right in many of the branches of our Government.

There is a procurement contract that started out 8 years ago. The total cost was to be $200 million. The idea was to save money on purchasing travel vouchers for our military. That was the goal. The original cost was $246 million. We are now 8 years into this, and we are over $464 million. It is working at a 30-percent level. It was working at less than 10 percent last year. Even though we have the GAO saying they may have saved $13 million this year, the fact is that study didn't consider the fact that the vast majority of time when they buy an airplane ticket they do not get the best price. So that wasn't even considered. The purpose of this amendment is to cause us to focus again on what we are doing.

There are no-bid contracts, contracts that change in terms of violation of the contracting laws, performance bonuses, pay for back costs, negotiating through the procurement procedure. There is no significant oversight in this Congress on procurement in the agencies of this Government. That has to change. Nobody in the private world would get away with this. Nobody in their personal life would be able to get away with this.

Yet we have a system now where almost every ticket that is bought through this $464 million program still has to be checked by a travel agent, of which we pay anywhere from $5 to $11 an hour, even though we might have saved $20 on a payment system through the Pentagon.

What is the problem? I have worked with the comptroller at the Pentagon. They were aware of this. The Secretary of Defense is aware of it. The chairman is aware of the problem. The ranking member and I have had multiple discussions.

The problem is the Pentagon has hundreds of computers that won't talk to each other. Instead of fixing that problem, we contract to make a system that should be off the shelf for less than $59 million, and we pay $500 million for it so it will speak to all these different programs—and it is not doing it effectively.

The purpose of this amendment is to quit sending good money after bad and say don't get rid of the program, but let us incentivize the program. If it is a good program, then let us pay the contractor every time it is used. If it is not used enough, and if it doesn't get used—and it is not getting used now because it is too hard to use in the vast majority of the cases, most people go straight to a travel agent—let us pay them on a per-transaction basis just like this contractor has on every other travel program that it has with the Federal Government.

Why would we do it differently in the Pentagon? We are doing it differently because our procurement system is broken in terms of how we hold people accountable.

I have nothing against the contractor.

If you would let me continue to do a program and not perform and continue to give me money, I will take it. But what it is doing is breeding incompetency. It is wasting taxpayer dollars, and we ought to say there is a point in time.

What do we know about travel systems in the Federal Government? What we know is in five other agencies they don't have any problems at all, two of which were developed by their same contractor.

Why are we having problems here? One of them is because we have a cost-plus contract. What is the incentive to fix the problem? There is not any because it is going to continue to be renewed.

This amendment says very simply change the incentive. If this is a good program—Oh, I know. This doesn't say throw the money out or throw the program out.

It says, change the program to incentivize it to be operational. It is in less than 30 percent of our military bases now. It is still not used. The one place it has been used is one Air Force base where it was mandated by the commander: You will use this system.

Do you know what the utilization rate is? Ninety percent. And the cost in terms of getting it done is about three times the benefit in terms of savings for paying for the bill.

On that same Air Force base, over 50 percent of the time they never get the cheapest fare, so what we save in terms of paying—the actual accounting work within the Pentagon, which I agree is a worthy goal—we lose because the system does not find the best fare.

As a matter of fact, most Pentagon employees would be better off to go to Travelocity or Orbitz, buy their own ticket on their own dime, get reimbursed, and the Pentagon can do it cheaper than with this.

This is a very straightforward amendment. It says don't get rid of the defense travel system, keep it going, but fund it on a per-transaction basis that says if this is good for the Pentagon, then use it and we will pay for it. That incentivizes the contractor to make it easy, to make it useful, and to get our value for it. Isn't half a billion enough to pay for a travel system that you could have bought off the shelf for $50 million? It reflects on what we have as problems within the Pentagon.

Let me touch on that. I am a supporter of the Pentagon. I am a supporter of our Defense Secretary. He has told me this is one of the areas where they have great problems. Last year, the Pentagon paid $6 billion in performance bonuses to contractors who did not meet their performance requirements. Think about that for a minute. That means if you are told where you work: If you meet a certain expectation you are going to get a bonus, except we will pay you even if you do not meet that expectation—what are you going to think next year? You are going to think: I don't have to meet the expectation because I am going to get paid.

That is exactly what is happening within our contracting within the Pentagon and several other agencies within the Federal Government.

I ask the chairman and the ranking member to consider this. I believe it is a way to straighten out a contract and also send a signal. At best, we are going to have a $350 billion deficit this year. Should we spend our kids' and grandkids' money in an inefficient way? This is a good message we ought to send so other contractors see it. You will not get a cost-plus contract if you do not perform, and you are not going to continue to have contracts renewed.

There are a lot of other details, and I ask unanimous consent to have them printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND

The Defense Travel System, DTS, is an end-to-end electronic travel system intended to integrate all travel functions, from authorization through ticket purchase to accounting for the Department of Defense. The system was initiated in 1998 and it was supposed to be fully deployed by 2002. DTS is currently in the final phase of a six-year contract that expires September 30, 2006. In its entire history, the system has never met a deadline, never stayed within cost estimates, and never performed adequately.

To date, DTS has cost the taxpayers $474 million—a staggering $200 million more than it was originally projected to cost.

In short, the American taxpayer has funded a project that is FOUR YEARS behind schedule, is deployed in barely half of the 11,000 DOD travel sites, cannot be relied upon to provide DOD travelers with the lowest available airfare, and is plagued with contracting problems.

And yet . . . Congress continues to fund this broken system.

This amendment prohibits continued funding of DTS and instead shifting to the fixed price per transaction e-travel systems used by government agencies in the civilian sector, as set up under General Services Administration, GSA, contracts.

DTS IS FAR BEHIND SCHEDULE

According to testimony given by Thomas F. Gimble, Acting Inspector General Department of Defense, before the Senate Permanent Subcommittee on Investigations on September 29, 2005, "The Defense Travel System was at 'high risk' for not being an effective solution to streamlining the DOD travel management process. Furthermore, DTS experienced significant testing and deployment problems."

By comparison, according to a March 6, 2006 GSA internal review of its own in-house Program Management Office for e-travel systems, two/thirds of civilian agencies fully deployed their systems on time.

In a January 2006 report, GAO noted that DTS, as originally envisioned, was to commence within 120 days after the effective date of contract award in September 1998, with complete deployment to approximately 11,000 locations by April 2002. However, that date has been changed to September 2006—a slippage of over 4 years.

DTS IS NOT BEING UTILIZED

Dr. Scott A. Comes of Program Analysis and Evaluation in the Defense Department testified last year that the estimated savings projected for DTS assumed a utilization rate of 60 percent in the first year of operation, rising to 90 percent thereafter.

In actuality, the utilization rate for DTS was approximately zero through 2004, reached approximately 15 percent in 2005 and now in the last year of the contract period remains about 30 percent. It is already too late for DTS ever to recover the enormous investment that has been wasted on it.

Furthermore, DTS fails to find the lowest applicable airfare in a significant number of cases. Industry expert Robert Langsfeld, who did a comparative study of DTS with the three civilian e-travel systems approved by GSA, testified last year that DTS performed less efficiently than any of the civilian GSA systems.

According to GAO testimony before the PSI Committee, during fiscal years 2001 and 2002, DOD spent almost $124 million on airline tickets that included at least one leg of the trip in premium class—usually business class.

Because of control breakdowns within DTS, DOD paid for airline tickets that were neither used nor processed for refund—amounting to about 58,000 tickets totaling more than $21 million. Based on limited data provided by the airlines to GAO, it is possible that the unused value of the fully and partially-used airline tickets that DOD has purchased could be at least $100 million during the lifespan of DTS.

GAO also found that DOD sometimes paid twice for the same airline ticket through DTS. Based on GAO's mining of limited data, the potential magnitude of the improper payments was 27,000 transactions for over $8 million.

In GAO's latest report, January 2006, they examined agencies that continue to use existing legacy travel systems at locations where DTS is already deployed! This means that all of the proclaimed savings that DTS was supposed to reap are nowhere to be found—because DOD continues to use legacy systems to do the same thing.

A blatant example of the waste from the use of these two systems can be seen in the way that travel vouchers are processed: According to an April 13, 2005, memorandum from the Assistant Secretary of the Army, Financial Management and Comptroller, from October 2004 to February 2005, at locations where DTS had been deployed, the Army paid the Defense Finance and Accounting Service, DFAS—the system where the majority of DOD payments are routed through—approximately $6 million to process 177,000 travel vouchers manually, or $34 per travel voucher, versus about $186,000 to process 84,000 travel vouchers electronically, $2.22 per travel voucher. Overall, for this 5 month period, the Army reported that it spent about $5.6 million more to process these travel vouchers manually as opposed to electronically using DTS.

This example here shows that DTS is not even being utilized! Why in the world are we—the Congress—continuing to fund two duplicative travel payment systems at DOD which has proven to lose millions of dollars in a matter of months?

TESTING OF THE SYSTEM IS NOT ACCURATE

In a January 2006 GAO Report, GAO found that testing for selected requirements for display of flights and airfares was "ineffective in ensuring that the promised capability was delivered as intended."

This means that not only is DTS not performing, the current system is incapable of testing properly in order to determine what is required in order to meet DOD's plan.

Further, DOD could not prove that DOD travelers even had access to the flights that were available for travel. There is no doubt such a flaw would have produced higher travel costs.

Confirming the problems with DTS, their own officials acknowledged that this problem has existed before deployment of the system—since 2002. In August 2005, DTS officials stated that the problem was corrected and went ahead with deploying the system.

DTS IS NOT COST EFFECTIVE

DTS is claiming that they saved over $13 million this year, but their spokesman was unable to say in comparison to what. Apparently that "savings" is the amount estimated in reduced paperwork and accounting, estimated at about $20 per transaction. This does not take into account the numerous instances in which DTS fails to display the lowest applicable airfare, the necessity to hand-check all its transactions, or the fact that the great bulk of DOD travel is still arranged through old-fashioned conventional travel agents. The alleged savings are completely illusory.

Under the DTS contract Northrop is being paid millions of dollars each month for operation and maintenance, training, help desk, development and deployment—regardless of the actual extent of use by DOD travelers. In addition, DOD is also paying travel agents, commercial travel managers, fees ranging from $5.25 to $12.50 to perform a travel transaction using DTS, the agent still has to buy the ticket and perform other administrative functions, and higher fees, up to $23, if a travel agent has to "touch" or assist in completing or correcting a DTS transaction.

Under the GSA Contract DOD would pay only $5.25 per transaction to whichever of three contractors won the contract. GSA e-travel systems are fully automated and do not require the assistance of a travel agent. Ironically, one of the three GSA-approved vendors for e-travel for civilian agencies is Northrop Grumman, the company that holds the DTS contract.

DTS IS BESET WITH CONTRACTING PROBLEMS

The facts show that DTS is another instance of a guaranteed-profit, cost-plus contract. The government is responsible for paying all of the costs of the system in addition to the amount the contractor receives as profit.

The original DTS contract provided for compensation on a per-transaction basis—pay for performance. By April 2001, after years of testing failures, it was clear that the original DTS would not work and the contract was secretly rewritten.

In 2002, the DOD and TRW, later purchased by Northrup Grumman, secretly negotiated a total restructure of the contract, in which the government agreed to pay for all the of losses sustained to date by the DTS contractor and to shift from a pay for performance to a cost-plus arrangement.

DOD has paid Northrop Grumman over $264 million to develop DTS, when this program was supposed to be fully operational in 2001 and development costs were to be at no cost to the Federal government in the original contract.

Another contract change was an agreement by the government to pay the $43.7 million that had been spent in development costs by the original contractor, subsequently acquired by Northrop Grumman. We got absolutely nothing for that money; it just covered the losses covered by the contractor when the original contract stipulated that the contractor would bear all risks for the development and deployment of DTS.

Last year Judge George Miller of the Federal Court of Claims decided that he would not even look into allegations of violations of the Competition in Contracting Act because the software and source codes are owned by the contractor, so if the contract were opened for bidding and another bidder was awarded the contract, the Government would have nothing left than a $500 million loss. But just a week before the September 29, 2005 hearing of the Senate Permanent Subcommittee on Investigations the contractor promised to transfer ownership of this intellectual property to the Defense Department at the end of the contract period if requested, ostensibly to maintain the fiction that the open bidding on the contract in 2006 is on the level. Ownership of DTS seems to bounce around to wherever it is most convenient to avoid serious scrutiny.

The Director, Defense Finance and Accounting Service, testified before the Senate Permanent Subcommittee on Investigations in September 2005, and promised that when Northrop Grumman's contract expired on September 30, 2006, the DTS contract would be re-bid.

However, this pledge has proved to be false. In February 2006, the Program Director, Defense Travel System Program Management Office, admitted to the Court of Federal Claims that when Northrop Grumman's contract expired on September 30, 2006, DOD planned to extend it on a sole source basis to Northrop Grumman through September 30, 2007 for an additional $20 million.

AGENCIES CURRENTLY USING GSA'S E-TRAVEL SYSTEM

Northrop Grumman's e-travel system has been in use at the Department of Transportation for six months. Northrop also has GSA e-travel contracts with the Environmental Protection Agency, Department of Energy, and the Department of Health and Human Services and it is likely that it will reach early full deployment in each of these.

Mr. COBURN. There were violations in contracting law with this. There were promises made last year when we had this same discussion in the Senate that certain things were happening that did not happen in terms of this contract. There is no question there has been some improvement, but they have not achieved a level that would say we are anywhere close to the level of making this an efficient system.

Mr. WARNER. If I can address the Senator with regard to this amendment, it is an amendment the Senate has visited before.

I would like to have the Senator's observation of whether my information is correct. The Senator has been at this 2 years. I commend the Senator for that work. As a consequence of that work, the Department has done some things, have they not?

Mr. COBURN. They have.

Mr. WARNER. It has been told to me that 95 percent of the Senator's goals have been achieved and that by October 1 of this year, it will be 100 percent.

Mr. COBURN. The actual numbers on utilization of this system, if the Senator can bear with me for a minute, the utilization rate right now is 30 percent in the military. In other words, 3 out of 10 facilities that purchase travel are utilizing this. If that is what we wanted when we contracted it, great. But that is not what was in the contract.

This same contractor, by the way, had a system developed through the Department of Transportation 6 months ago that is working just fine.

I portend that proves the problem with the system is the contracting, not the contractor. We ought to send a signal. Say it is 90 percent, if that is the case, they will make more money doing it on a per-transaction basis than they would under a contract basis.

Mr. WARNER. Mr. President, my friend is an expert on this, and I freely admit I am not.

Mr. COBURN. I am not an expert, but I don't like waste. I think we have wasted money.

Mr. WARNER. It is represented to me the DTS, the defense system is not merely a travel booking system, but it has much broader functionality than any of the Federal Government e-travel systems. In short, DTS is an end-to-end accounting system that automatically handles the entire range of otherwise very expensive and time-consuming manual tasks associated with DOD travel.

Any fair comparison has to begin with the fact that DTS offers an end-to-end travel management capability that incorporates military entitlements and DOD travel policies, and e-travel services simply do not.

Mr. COBURN. Early in my statement I made this point: We are fixing the wrong problem. The problem is the computer system. The reason this is so expensive, the computer systems in the Pentagon do not talk to one another. We have designed a monstrous computer system to make it talk to all these systems that will not talk to one another rather than to fix the computer system in the Pentagon to make them talk to one another.

If we do that on every project that we need to enhance and overfill for the Pentagon, we are going to get into the same problem. They make all their money by being able to pay the bill. But it is a travel system.

If they make efficiency in terms of being able to pay the bill—which is the problem the Pentagon was having—we ought to also expect them to get the fares right and not have to pay another $6 to a travel agent for every ticket they write, to doublecheck to see if the system was right. That is what is happening.

When you say 90 percent, that is 90 percent, plus we are having the travel agents check it. It is not an automated system.

Have they made improvements? Yes, I do not deny that. But if they are where they need to be, and if their contract as originally specified and modified, if they are at 90 percent, they will make a ton more money on a per-transaction basis, and we will get what we need and they will get what they need.

But they are not. That is why we have the resistance to a transaction basis. You cannot have it both ways. If they are at 90 percent, any prudent businessman would say: Sure, we want it on a transaction basis. If they are not at 90 percent, if they are at 30 percent, as I propose they are, and inefficiently at 30 percent, the reason they want a contract through next year is because they are going to make a lot more money than they would on the transaction basis.

Mr. WARNER. Mr. President, I continue to be very depressed by the knowledge that this Senator has on the subject. I freely admit that I do not have the depth of knowledge.

I understand initially the amendment called for a study. Then, as provided under the rules of the Senate, the Senator modified the amendment, and it is now a very specific piece of legislation that I am advised could well end the program.

Somewhere between a study and trying to end the program, should the Senator prevail, there must be a basis on which we can have an accommodation so I can accept some measure to meet the Senator's goals and incorporate it in the bill, assuming my distinguished ranking member will accept my recommendation.

Mr. President, why doesn't the Senator go to his next amendment? In the meantime staff can go to work.

Mr. COBURN. I will gladly do that, and I am happy to work with you.

I make a final point. Supposedly, this contract is going to be out for bid at the end of this year. It was supposed to have been out for bid last year. They renewed the contract without putting it out for bid, so I don't have any hope it will go out, first.

And, No. 2, nobody is going to bid on this. It is a mess. Nobody is going to bid on it. The only person you will have bid on it is the original contractor. Whether that is accurate or not, I am willing to work with the chairman to bring down the costs.

The fact is, the real problem is the computer systems in the Pentagon. We all know that. The Senator is aware of it, the ranking member is aware of it. The comptroller is working hard to change that. That is a 4- to 7-year program that we have embarked on which everyone knows has to happen.

Here is my worry: I will be back here next year doing the same thing because it is still not going to work. That is my worry. That is not fair to our grandkids.

Mr. WARNER. I say that is not fair to the men and women of the Armed Forces who use this program.

I am not trying to keep in place something that is not adequately serving this constituency and the Department of Defense. I would rather put in a fix if I can get in my mind what that fix can be. The amendment could virtually bring what is in existence at DTS to a standstill.

Mr. COBURN. If I could ask the chairman a question, if, in fact, it is at 90 percent, as the contractor says it is, then by the contract they should have already converted over to a per-transaction plan. So why haven't they? They haven't because it is not at 90 percent because they would be making a whole lot more money if it was.

I am happy to ask unanimous consent to set this amendment and discuss other amendments and work with the Senator and his staff prior to the voting or conclusion of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the cooperation of the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 4365

Mr. GRAHAM. Mr. President, if it is acceptable to the chairman, I would like about 10 minutes, maybe less, to talk about a managers' amendment that has been accepted by the chairman and ranking member, to put in the record how important I think this is regarding military retirement, Guard and Reserves.

Mr. WARNER. We certainly want to accommodate the Senator. I suggest at the conclusion of the presentation of this next amendment.

Mr. GRAHAM. I apologize.

Mr. COBURN. I am happy to let the Senator from South Carolina intervene for a short period of time.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. GRAHAM. I will be very brief.

One, I thank the chairman and ranking member for their willingness to help Senator CHAMBLISS and Senator

CLINTON and myself with a package of reforms that would be very beneficial to the Guard and Reserves regarding Reserve retirement.

Right now, the current system will not allow you to retire until you are 60. You can serve your 20 years, 30 years, but you have to wait until you are 60 to get your retirement. We are trying to incentivize those Guard and Reserves to take part in active-duty operations, and if you are called up to active duty involuntarily, for every 90 days a member spends on active duty, from September 11 forward, you will get a day-for-day credit in terms of retirement. If you serve a whole year on active duty, voluntarily or involuntarily, you could retire at 59.

We have had this scored. It is minimum cost. But I can assure you it will go a long way in the Guard and Reserve community as a much needed reform.

It will be well received by our troops. It will be good for them and their families. Quite honestly, the level of commitment, the level of Active Duty service is on par with World War II among the Guard and Reserves, and it is the least we can do. This will certainly benefit our guardsmen and reservists and their families. I appreciate the chairman and ranking member putting it in the managers' package.

I have enjoyed working with Senators CHAMBLISS and CLINTON on this issue. The reduced retirement provision was from Senator CHAMBLISS. It was his amendment. And we used his amendment also to improve health care for the Guard and Reserves.

What we have done—there is a three-tiered system. For every 90 days you are called to active duty, you get a year of TRICARE at a 28-percent premium share rate, which is the same as for Federal employees. Everyone who works in our offices as Federal employees pays 28 percent of the cost of their Federal health care. The only group in the Federal Government not to have Federal health care were the Guard and Reserves. We fixed that last year. And we are going to have a change in the allocation.

Tier 2: If you are an unemployed or an uninsured guardsman or reservist, we are going to have a 50-50 cost share. If you are in the private sector with health care, and you want to come into TRICARE, to have continuity of health care, not bouncing back and forth, we are going to have a 75-25 share. So if you want to get out of your private-sector health care and come into TRICARE, you will have to pay 75 percent. That will be down from 85 percent. We put a cap on premium growth rates.

The entire package, from allowing people to retire early if they serve on active duty, voluntarily or involuntarily, is a great idea. Balancing out the premiums to be paid will go a long way to make our Guard and Reserve family members and Active Duty and military members more appreciated. And it will certainly help them with their budget problems, because we all know how costly health care is.

I have introduced a separate stand-alone bill that would allow every guardsman and reservist who is eligible for TRICARE to participate in premium conversions. It would allow them to have their TRICARE premiums on a pretax basis, like every other Federal employee. That is a stand-alone bill. We will do it later.

I thank Senator CHAMBLISS for coming up with a package that would allow military members and the Guard and Reserves to get credit for their active service in terms of retiring below age 60. Senator CLINTON and I have worked for several years on TRICARE benefits for guardsmen and reservists. I think we have improved that benefit in a very reasonable way. I put that on the record and hope every Member of the Senate will appreciate what we have done because our guardsmen and reservists have served above and beyond the call of duty.

Mr. President, I now yield to Senator CLINTON, who, as I have indicated, has been with us every step of the way, leading on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am honored and delighted to join my voice along with my colleagues, Senator GRAHAM and Senator CHAMBLISS, and thank them for their efforts.

Today, we have made further progress in improving benefits for National Guard members and reservists. This bill makes great strides in improving retirement benefits for reservists and Guard members who serve for longer periods. For every consecutive 90 days a member spent in an active Federal status, the age at which they receive their retirement annuity would be decreased by 3 months. The lowest a member could collect retirement pay as a result of this provision would be age 50. The age at which they would qualify for health care benefits would not decrease.

Any Guard or Reserve member who is called or ordered to active duty, or volunteers for active duty, would qualify. This will greatly help us with recruitment and especially retention. We have a problem in our Reserve component which has been under great stress over the last several years.

Last year, thanks to the leadership of Senator GRAHAM, we made great progress in expanding access to TRICARE. All members of the Selected Reserve are eligible to enroll in TRICARE, and we created a separate category based on whether a Guard member or reservist had been deployed.

Category one, for members of the Selected Reserves who have been activated: Members would accumulate 1 year of TRICARE coverage for every year of service and would only have to pay 28 percent of the cost. Category two established a 50-50 cost share for those without health insurance owing to unemployment or lack of employer-provided coverage. And category three was for the remainder of members of the Selective Reserve who did not fit in the other categories, allowing them to buy into coverage at an 85 percent cost share.

Our improvements this year will allow small businesses with fewer than 20 employees to qualify for the 50-50 cost share. And it reduces the amount paid, by those who qualify for category three, to 75 percent.

This is not only a win-win for Guard members and reservists. This is a win-win for our military services and for our country. We are sending a clear message—not just rhetoric, not just rah-rah—but a very clear, solemn message to those who volunteer to be our citizen soldiers. Perhaps in the past they might have thought they would have a weekend a month, 2 weeks in the summer. Well, now they know they are part of the war against terrorism. They are on call literally at any moment.

What we found is that when we began to activate those Guard and Reserve members, 20 to 25 percent of them were found to be medically unready. They had physical problems. They had dental problems. They were not ready because they did not have health insurance. They fell into the category of Americans who go without health care because they cannot afford it or their employer does not provide it.

So in addition to the work I have been privileged to do with Senator GRAHAM on health care benefits, and under the leadership of Senator CHAMBLISS with respect to retirement, we have really sent a great message to our men and women in the Guard and Reserve that we care about you. We care about your families. We value your service. And we want you to know that when it comes to retirement and health care, your country is grateful.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4370

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 4370 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4370.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require notice to Congress and the public on earmarks of funds available to the Department of Defense)

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT AND NOTICE REQUIRED.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term "earmark" means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

Mr. COBURN. Mr. President, this is an amendment that is going to have some emotion with it. I want to talk about it first. There is no question when it comes to the wisdom of many of the Members of our body that directing the Pentagon to do certain things is valuable. We know that from anecdotal experience. But what we don't know is how many times we have told them to do something that has been a complete waste. What I am talking about are earmarks in the Defense authorization bill as well as in the Defense appropriations bill.

There is a wonderful body of knowledge, plus an institutional knowledge, here that helps give wisdom to direct the Armed Services. I believe we ought to be in that position. What this amendment does is ask for a report. I want to explain, for a second—and I want the American public to see—what has happened in terms of earmarks.

In 1994, there were $4.2 billion worth of earmarks in the Defense appropriations bill. Last year, there were $9.4 billion. The question we should be asking is not whether or not there should be earmarks, but what is the result of those earmarks? What is the consequence of the earmarks? Not only were the numbers up, the dollars up, but the numbers have skyrocketed.

So the question which I think would be prudent for us to ask is, No. 1: Earmarks are consuming a larger percentage of defense dollars. They also, according to Pentagon reports and some Members of this body, are taking money away from other priorities that are deemed to be higher a lot of the time. They also account for some of the problems we are having in the emergency supplementals and adding to the rising cost of our debt. Many times they are not needed, but, in fact, they are associated with benefiting a region or an industry that is not necessarily in the highest priority.

So this is not about eliminating earmarks. This is about looking at earmarks and saying: What are we getting for them? Where are they working great for us? Where are they not working? Are they beneficial to the defense of this country? Is it something that gives us a benefit?

The other thing I would remind us of is, in the most recent history we have seen an ethical lapse in association with some earmarks, and we have actually seen some criminal behavior in association with earmarks. That ought to be a part of the report as well.

So the whole idea is to add transparency and accountability to earmarks. Let's look at them. What are we getting for them? What are we losing? What are the opportunity costs that are lost because we have them there? The total annual cost of earmarks in Defense appropriations bills would be put in this report.

We can determine the actual numbers of earmarks and the actual price tags. But we don't know the hidden costs of those earmarks, which include staff time and administration. And we don't know the opportunity cost of those earmarks: What did not happen for our soldiers, what did not happen in terms of procurement because we put in something else of maybe a lesser priority?

The annual report will provide Congress and the public a more complete understanding of the total cost of the earmarks to the Department of Defense, the purpose and location of each earmark, and an analysis of the usefulness of each earmark in advancing the goals of the Department of Defense. This will provide Members of Congress a more complete view of the cost-effectiveness of each project and whether those projects warrant continued funding.

The last amendment we were on started as an earmark. I remind the Members of this body, it started at $200 million, and now will have grown to over $500 million in initiatives and earmarks, but we did not have the benefit of a report such as this to see if we were getting value for this money.

This is a simple amendment. It is not going after earmarks. It is not saying they are bad. It is not saying they are good. What it is saying is: Shouldn't this body know? Shouldn't we know the impact, positively and negatively? Shouldn't we know the lost opportunity cost?

I hope both the ranking member and the chairman of this committee will give this amendment consideration. And I ask for their response.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the managers are working to try to resolve a number of issues in the hopes we can complete this bill. I will eventually reply to the Senator from Georgia. I wonder if at this time, without losing the floor, he will yield to his colleague to speak on another matter.

Mr. COBURN. I say to the Senator, I will be happy to.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the chairman and thank my good friend from Oklahoma for yielding for just a minute.

AMENDMENT NO. 4365

Mr. President, I would like to address amendment No. 4365, cosponsored by myself, Senator GRAHAM, Senator CLINTON, and Senator BURNS.

This amendment, which I am speaking on today, makes what I believe is a relatively minor but very important adjustment to the Reserve retirement system. My amendment would lower the age at which a reservist can receive their retirement annuity by 3 months—counting down from age 60—for every 90 days a reservist spends on active duty during a fiscal year.

This amendment specifically rewards the members of the Guard and Reserve who have been called or ordered for active duty, interrupted their civilian lives for an extended period of time, and in many cases placed themselves in harm's way in defense of their country.

Currently, the average reservist, if they collect any retirement pay at all, receives a small fraction of the annuity that an Active Duty member receives. If this amendment becomes law, that percentage will rise slightly. But in no way will this amendment result in a major change with large financial implications.

I do not have a formal CBO estimate for the current version. However, based on CBO scoring for an earlier version, I suggest the cost of this amendment will be approximately $300 million over 5 years. There have been several other bills and amendments related to Reserve retirement introduced in Congress, and for the sake of comparison, I believe my amendment provides the right incentives and rewards. It is also the least costly alternative which has been offered so far.

I believe this amendment is significant and important because it recognizes the increased contributions our reservists are making, rewards them for their service in the global war on terrorism, and provides reservists in the middle of their careers with an incentive to stay on board. I have received great feedback from the Department of Defense on this amendment because it provides incentives for volunteers, provides motivation for retention, and is relatively low cost.

The Reserve Officers Association of America, the National Guard Association of the United States, the Naval Reserve Association, the Reserve Enlisted Association, and several other military associations also support the amendment and see it as an important, responsible step forward in support of our reservists.

With the coauthorship of my good friends Senator GRAHAM of South Carolina and Senator CLINTON of New York, this amendment also makes two important changes to the current laws related to TRICARE by allowing small businesses under 20 to participate in the 50-50 cost share in the TRICARE program and changing third tier beneficiaries from paying 85 percent to 75 percent. These are important changes, which benefit our men and women in the Guard and Reserve and further provide for the health care benefits of our servicemembers in a way that is affordable and enhances their service.

I commend its inclusion in the bill. It has been a pleasure to work with Senators GRAHAM and CLINTON, as well as Senator BURNS, on this matter. We have had great cooperation from both the chairman and ranking member. I can't tell them how much we appreciate this.

This is the No. 1 issue of the Guard and Reserve this year. It is going to be a great package. I commend Senator GRAHAM for his hard work, Senator CLINTON for her hard work, as well as Senator BURNS for his hard work on this issue. I appreciate very much the cooperation of the staff, as well as the chairman and ranking member, in making sure that we continue to look after our men and women in the Guard and Reserve who are being called up all the more often than we have ever anticipated and all the more often than what they anticipated.

The chairman and ranking member have accepted the amendment, and I am appreciative of that.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 4471, AS MODIFIED

Mr. FRIST. Mr. President, I know in a few moments we will be voting. I did want to come to the floor and speak strongly in support of the Sessions missile defense amendment.

More than 23 years have passed since President Reagan announced his Strategic Defense Initiative—the idea that our Nation should develop the ability to protect itself against the threat of missile attack by being able to shoot down incoming missiles.

President Reagan's idea has been very controversial ever since it was announced.

For some reason there has always been a very substantial school of thought, especially on the other side of the aisle, that we are better off being defenseless against missile attack; that instead of being able to shoot down incoming missiles, we should rely instead exclusively on the threat that we will strike back after someone else attacks us first.

This policy of intentional vulnerability—of intentionally exposing our cities and our people to the threat of missile attack—has never made sense to me or to the American people.

But that hasn't stopped repeated efforts over the years by opponents of missile defense to reduce or even eliminate funding for research, development, and deployment of missile defenses.

Fortunately, Republican administrations and Republican Congresses over the last 23 years have fought to continue our national investment in missile defense.

Thanks to our efforts, our Nation today has a number of missile defense systems and components in place, including a total of 11 ground-based midcourse interceptors fielded in Alaska and California, and more are on the way.

This system is working today to defend the American people.

As Assistant Secretary of Defense Peter Flory testified 3 months ago before a House committee:

> The United States today has all of the pieces in place needed to intercept an incoming long-range ballistic missile: ground based interceptors in Alaska and California; a network of ground, sea, and space-based sensors; a command and control network; and most importantly, trained servicemen and women ready to operate the system. Our ballistic missile defense system today is primarily oriented toward continued development and testing. But we are confident that it could intercept a long-range ballistic missile if called upon to do so.

The existence of this system, rudimentary though it may be, is a great source of comfort to the American people, especially as we confront the threat that North Korea may test fire an ICBM eastward across the Pacific Ocean any day now.

No less an expert than Dr. William J. Perry, President Clinton's Secretary of Defense, has seen the risk of such a test launch by North Korea as sufficiently threatening to America to justify a preemptive U.S. attack on the North Korean ICBM while it is still sitting on its launch pad.

Secretary Perry, in his op-ed in today's Washington Post, acknowledges that attacking the North Korean ICBM on the ground in North Korea would be a high-risk action that could lead to war between the United States and North Korea.

I certainly want to avoid a war with North Korea if at all possible. At the same time, I cannot disagree with Secretary Perry that North Korea's missile program poses a great threat to our Nation that we cannot ignore.

It was precisely to avoid having to choose between preemptive war and defenselessness that our Nation has been pursuing missile defense for the last 23 years.

Senator SESSIONS' amendment underscores and increases our Nation's commitment to missile defense by increasing the funding for it in this bill by $45 million.

It is a worthy amendment that builds on the commitment that many of us have demonstrated over the years to missile defense.

I understand that the distinguished ranking member, Senator LEVIN, has expressed his support for the amendment, which I welcome—not only because I value his support, but also because, it renews my faith in the power of redemption.

I know we will be voting shortly, but I urge strong support of the Sessions amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank the Senator from Oklahoma for his cooperation. We are trying to reduce the number of rollcall votes so that we can conclude this bill. We are very close to doing so.

I yield the floor for the purposes of the Senator from Oklahoma being recognized.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4491, AS MODIFIED

Mr. COBURN. Mr. President, I would like to call up amendment No. 4491 again.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mr. COBURN. I ask for its consideration for the purpose of a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 4491, as modified.

The amendment (No. 4491), as modified, was agreed to.

AMENDMENT NO. 4370

Mr. COBURN. I call up amendment No. 4370.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. I ask for its consideration.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 4370.

The amendment (No. 4370) was agreed to.

Mr. WARNER. Mr. President, as a courtesy to the Senator, I move to reconsider the votes and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank the Senator from Oklahoma.

I believe we will shortly have a UC request to present, but I am looking for the Senator from Alabama, Mr. SESSIONS. If I could have his attention, my understanding is that the Senator desires a rollcall vote on his amendment.

Mr. SESSIONS. I do think that is appropriate.

Mr. WARNER. Fine, the amendment has been debated on both sides.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we support the amendment. Obviously, if there is a desire for a rollcall, that is their right. We will be recommending a "yea" vote.

Mr. WARNER. Mr. President, we want to schedule that vote. So it is agreed that will be the subject of a rollcall vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that at 3:45 p.m. today, the Senate proceed to stacked votes in relation to the following amendments to the Defense authorization bill: Chambliss No. 4261, Sessions No. 4471, as modified. I further ask that there be no amendments to the amendments in order prior to the votes and that after the first vote, all rollcall votes be 10 minutes in length; further that there be 2 minutes equally divided between each vote after the first.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that following the stacked votes that begin shortly in relation to the Defense authorization bill, the Senate proceed to executive session and to immediate votes on the following nominations: No. 704, Andrew Guilford, U.S. District Judge for the Central District of California; No. 714, Frank D. Whitney, U.S. District Judge for the Western District of North Carolina.

I ask unanimous consent that prior to each vote it be in order for the Senators from California and the Senators from North Carolina to speak for up to 3 minutes each or to submit statements for the RECORD prior to the votes; provided further, that following those votes, the Senate proceed to the consideration of No. 715, the nomination be confirmed, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Mr. LEVIN. Reserving the right to object, we understand that District Judge Frank Whitney would probably be a voice vote; is that correct?

Mr. FRIST. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will turn to the chairman and the ranking member to comment on what they expect over the course of the afternoon, but the two unanimous-consent requests that we just did means that we will have a series of two or three rollcall votes and one by voice. And then after that, I will turn to the chairman and ranking member as to what we might expect in terms of completion of the bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, could those three votes be sequenced, the first vote will take the normal course and the next two votes be 10 minutes each?

The PRESIDING OFFICER. That is part of the order.

Mr. WARNER. I thank the distinguished Presiding Officer. Secondly, there seems to be only one remaining amendment which we are trying to resolve. Then I would approach the leadership jointly for final passage of the bill.

Mr. FRIST. Mr. President, that is my understanding. Is that the understanding of the ranking member?

Mr. LEVIN. I understand that unresolved amendment on our side may have just been resolved. That adds a note of optimism.

Mr. FRIST. Things are sounding better and better.

Mr. WARNER. Would the majority leader authorize the chairman to seek final passage when we are ready to go?

Mr. FRIST. Yes.

AMENDMENT NO. 4261

The PRESIDING OFFICER. Under the previous of order, the hour of 3:45 having arrived, the question is on agreeing to the Chambliss amendment No. 4261.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—70

Akaka
Alexander
Allard
Baucus
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Domenici
Dorgan
Durbin
Ensign
Feinstein
Frist
Graham
Hatch
Hutchison
Inhofe
Inouye
Isakson
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NAYS—28

Allen
Bayh
Biden
Carper
Chafee
Clinton
Dayton
Dole
Feingold
Grassley
Gregg
Hagel
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lugar
McCain
Nelson (FL)
Obama
Stabenow
Warner
Wyden

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4261) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, before we proceed to the next vote, I would like to propound the following unanimous-consent request:

I ask unanimous consent that following the next vote, which is on the Sessions amendment, I then be recognized in order to send to the desk a series of amendments that have been cleared on both sides. I further ask unanimous consent that following action on those cleared amendments, the bill be read a third time and the Senate proceed to a vote on final passage of the bill, with no intervening action or debate; provided further, that after passage, the Senate proceed to the votes in executive session as under the previous order.

Mr. LEVIN. No objection.

Mr. KERRY. Mr. President, reserving the right to object, and I will not object; I wish to clarify with the distinguished chairman, should we make a clarification with respect to pay raise now or when we are done?

Mr. WARNER. We have reached an agreement on the pay raise issue. I would prefer to do that following final passage and have the colloquy inserted in the RECORD prior to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer, and I thank my colleagues.

AMENDMENT NO. 4471, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes equally divided for debate before a vote in relation to the Sessions amendment No. 4471. Who yields time? Is all time yielded back?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I think there is strong support on both sides of the aisle for this amendment. This is money which goes to testing of the missile defense system mainly; it surely needs testing. That has always been the question. So I support this amendment, and I believe we could have a voice vote, but there has been a request for a rollcall vote. We support the amendment.

Mr. WARNER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. Mr. President, this is an amendment by the distinguished Senator from Alabama, Mr. SESSIONS, and the distinguished Senator from Tennessee, Mr. FRIST, and it has been carefully worked and debated. I ask that the vote begin.

The PRESIDING OFFICER. The Senator from Alabama still has 1 minute remaining.

Mr. SESSIONS. Mr. President, I would just say that the projected launch from North Korea has caused us to focus intensely on the missile defense system. To celebrate what we have accomplished, we have nine missiles now in place in Alaska and two in California that are capable of knocking down such an attacking missile. This amendment would allow the capability for continued testing and, at the same time, be on 24/7 readiness to knock down an incoming missile.

We think it is a good amendment, and it is offset. I urge my colleagues to support it. In effect, we would also be sending a message to North Korea and Iran and other rogue nations that we would be ready to defend this Nation.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4471, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessary absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4471), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, for those Senators who may not have heard that vote, if I am correct it was 98 yeas, 0 nays. That is a strong voice from the Senate of the United States in support of the men and women of the Armed Forces. I thank each and every one of you.

Mr. LEVIN. Mr. President, if the Senator will yield, it is also a very strong voice for testing a missile system as well as supporting the men and women in the Armed Forces.

I wonder if we could get the attention of the Senate. It is our understanding now that we are going to proceed to a package which has been cleared and then move to final passage?

Mr. WARNER. That is correct.

Mr. LEVIN. And then immediately move to consideration of a judge.

Mr. WARNER. That is correct. The prior vote being on the missile defense.

Mr. LEVIN. I thank my colleague.

AMENDMENTS NOS. 4520; 4374; 4521; 4522; 4523; 4458; 4524; 4264, AS MODIFIED; 4464; 4489; 4525; 4526; 4327, AS MODIFIED; 4527; 4434; 4393, AS MODIFIED; 4312; 4424; 4416; 4364, AS MODIFIED; 4232; 4528; 4529; 4311; 4228; 4439, AS MODIFIED; 4530; 4337; 4531; 4411; 4336; 4361; 4532; 4533; 4534; 4535; 4381, AS MODIFIED; 4429; 4398, AS MODIFIED; 4451, AS MODIFIED; 4536; 4537; 4538; 4303; 4539; 4423; 4316; 4407; 4366; 4321; 4540; 4449; 4204, AS MODIFIED; AND 4541, EN BLOC

Mr. WARNER. I send a series of amendments to the desk which have been cleared by myself and the ranking member. I ask unanimous consent the Senate consider these amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask that any statements pertaining to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4520

(Purpose: Relating to the Minuteman III Intercontinental Ballistic Missile)

At end of subtitle D of title I, add the following:

SEC. 147. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States "is to deploy a force of 500 ICBMs". The conferees further note "that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.".

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent "remains a keystone of United States national power". However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $5,000,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(3) OFFSET.—The amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term "ICBM Modernization program" means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

AMENDMENT NO. 4374

(Purpose: To provide for a study of the health effects of exposure to depleted uranium)

At the end of subtitle C of title VII, add the following:

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term "uranium-exposed soldiers" means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

AMENDMENT NO. 4521

(Purpose: To provide, with an offset, $10,000,000 for the Joint Advertising, Market Research and Studies program)

At the end of title XIV, add the following:

SEC. 1414. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $10,000,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) OFFSET.—The amount authorized to be appropriated by section 421(a) for military personnel is hereby decreased by $10,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4522

(Purpose: To require a report on security measures to ensure that data contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected)

At the appropriate place, add the following:

REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

AMENDMENT NO. 4523

(Purpose: To extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers)

At the end of subtitle I of title X, add the following:

SEC. 1084. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(10 of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2008".

AMENDMENT NO. 4458

(Purpose: To ensure payment of United States assessments for United Nations peacekeeping operations in 2005, 2006, and 2007)

At the appropriate place, insert the following:

SEC. . LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.10 percent.".

(b) CONFORMING AMENDMENT.—Section 411 of the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447; 22 U.S.C. 287e note) is repealed.

AMENDMENT NO. 4524

(Purpose: To provide for Military Deputies to the Assistant Secretaries of the military departments for acquisition, logistics, and technology matters)

At the end of subtitle A of title IX, add following:

SEC. 903. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.

(a) DEPARTMENT OF THE ARMY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) DEPARTMENT OF THE NAVY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of

the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall not be counted against the numbers and percentages of officers of the grade of vice admiral.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

AMENDMENT NO. 4264, AS MODIFIED

At the end of title VI, add the following:

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

SEC. 681. SHORT TITLE.

This subtitle may be cited as the "Heroes at Home Act of 2006".

SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CIVILIAN EMPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in transitioning to civilian employment on their return from such deployment.

(b) MEMBERS.—The working group established under subsection (a) shall include a balance of individuals appointed by the Secretary of Defense from among the following:

(1) Personnel of the Department of Defense.

(2) With the concurrence of the Secretary of Veterans Affairs, personnel of the Department of Veterans Affairs.

(3) With the concurrence of the Secretary of Labor, personnel of the Department of Labor.

(c) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) identify and assess the needs of members of the National Guard and Reserve described in subsection (a) in transitioning to civilian employment on their return from deployment as described in that subsection, including the needs of—

(A) members who were self-employed before deployment and seek to return to such employment after deployment;

(B) members who were students before deployment and seek to return to school or commence employment after deployment;

(C) members who have experienced multiple recent deployments; and

(D) members who have been wounded or injured during deployment; and

(2) develop recommendations on means of improving assistance to members of the National Guard and Reserve described in subsection (a) in meeting the needs identified in paragraph (1) on their return from deployment as described in subsection (a).

(d) CONSULTATION.—In carrying out its responsibilities under subsection (c), the working group established under subsection (a) shall consult with the following:

(1) Appropriate personnel of the Small Business Administration.

(2) Representatives of employers who employ members of the National Guard and Reserve described in subsection (a) on their return to civilian employment as described in that subsection.

(3) Representatives of employee assistance organizations.

(4) Representatives of associations of employers.

(5) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

(6) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the working group established under subsection (a) shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the identification and assessment required under subsection (c)(1).

(B) The recommendations developed under subsection (c)(2), including recommendations on the following:

(i) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment and transition needs of members of the National Guard and Reserve described in subsection (a) upon their return from deployment as described in that subsection.

(ii) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

(iii) The improvement of collaboration between the pubic and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make the report under paragraph (1) available to the public, including through the Internet website of the Department of Defense.

(f) TERMINATION.—

(1) IN GENERAL.—The working group established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(2) INTERIM DUTIES.—During the period beginning on the date of the submittal of the report required by subsection (e) and the termination of the working group under paragraph (1), the working group shall serve as an advisory board to the Office for Employers and Employment Assistance Organizations under section 683.

(g) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS.

(a) DESIGNATION OF OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall designate an office within the Department of Defense to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) NAME.—The office designated under this subsection shall be known as the "Office for Employers and Employment Assistance Organizations" (in this section referred to as the "Office").

(3) HEAD.—The Secretary shall designate an individual to act as the head of the Office.

(4) INTEGRATION.—In designating the Office, the Secretary shall ensure close communication between the Office and the military departments, including the commands of the reserve components of the Armed Forces.

(b) FUNCTIONS.—The Office shall have the following functions:

(1) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful adjustment of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(c) RESOURCES TO BE PROVIDED.—

(1) IN GENERAL.—In carrying out the functions specified in subsection (b), the Office shall provide employers, employment assistance organizations, and associations of employers resources, services, and assistance that include the following:

(A) Guidelines on best practices and effective strategies.

(B) Education on the physical and mental health conditions that can and may be experienced by members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection in transitioning to civilian employment, including Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI), including education on—

(i) the detection of warning signs of such conditions;

(ii) the medical, mental health, and employment services available to such members, including materials on services offered by the Department of Defense, the Department of Veterans Affairs (including through the vet center program under section 1712A of title 38, United States Code), the Department of Labor, military support programs, and community mental health clinics; and

(iii) the mechanisms for referring such members for services described in clause (ii) and for other medical and mental health screening and care when appropriate.

(C) Education on the range and types of potential physical and mental health effects of deployment and post-deployment adjustment on family members of members of the National Guard and Reserve described in subsection (a), including education on—

(i) the detection of warning signs of such effects on family members of members of the National Guard and Reserves;

(ii) the medical, mental health, and employment services available to such family members, including materials on such services as described in subparagraph (B)(ii); and

(iii) mechanisms for referring such family members for services described in clause (ii) and for medical and mental health screening and care when appropriate.

(D) Education on mechanisms, strategies, and resources for accommodating and employing wounded or injured members of the National Guard and Reserves in work settings.

(2) PROVISION OF RESOURCES.—The Office shall make resources, services, and assistance available under this subsection through such mechanisms as the head of the Office considers appropriate, including the Internet, video conferencing, telephone services, workshops, trainings, presentations, group forums, and other mechanisms.

(d) PERSONNEL AND OTHER RESOURCES.—The Secretary of Defense shall assign to the Office such personnel, funding, and other resources as are required to ensure the effective discharge by the Office of the functions under subsection (b).

(e) REPORTS ON ACTIVITIES.—

(1) ANNUAL REPORT BY OFFICE.—Not later than one year after the designation of the Office, and annually thereafter, the head of the Office, in consultation with the working group established pursuant to section 682 (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Office during the one-year period ending on the date of such report.

(2) TRANSMITTAL TO CONGRESS.—Not later than 60 days after receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committees on Armed Services of the Senate and the House of Representatives, together with—

(A) such comments on such report, and such assessment of the effectiveness of the Office, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Office as the Secretary considers appropriate.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Office.

(f) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH RELATING TO MENTAL HEALTH OF MEMBERS OF THE NATIONAL GUARD AND RESERVE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) ADDITIONAL RESPONSIBILITIES.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ASSESSMENT OF MENTAL HEALTH NEEDS OF MEMBERS OF NATIONAL GUARD AND RESERVE DEPLOYED IN OIF OR OEF.—

"(1) IN GENERAL.—In addition to the activities required under subsection (c), the task force shall, not later than 12 months after the date of the enactment of the Heroes at Home Act of 2006, submit to the Secretary a report containing an assessment and recommendations on the needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(2) ELEMENTS.—The assessment and recommendations required by paragraph (1) shall include the following:

"(A) An assessment of the specific needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(B) An identification of mental health conditions and disorders (including Post Traumatic Stress Disorder (PTSD), suicide attempts, and suicide) occurring among members of the National Guard and Reserve who undergo multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(C) Recommendations on mechanisms for improving the mental health services available to members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom, including such members who undergo multiple deployments in such operations, upon their return from such deployment.".

(b) REPORT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) in the subsection heading, by striking "REPORT" and inserting "REPORTS";

(2) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IN GENERAL.—The report submitted to the Secretary under each of subsections (c) and (d) shall include—

"(A) a description of the activities of the task force under such subsection;

"(B) the assessment and recommendations required by such subsection; and

"(C) such other matters relating to the activities of the task force under such subsection as the task force considers appropriate."; and

(3) in paragraph (2)—

(A) by striking "the report under paragraph (1)" and inserting "a report under paragraph (1)"; and

(B) by striking "the report as" and inserting "such report as".

(c) PLAN MATTERS.—Subsection (g) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by striking "the report from the task force under subsection (e)(1)" and inserting "a report from the task force under subsection (f)(1)"; and

(2) by inserting "contained in such report" after "the task force" the second place it appears.

(d) TERMINATION.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by inserting "with respect to the assessment and recommendations required by subsection (d)" after "the task force"; and

(2) by striking "subsection (e)(2)" and inserting "subsection (f)(2)".

SEC. 685. GRANTS ON ASSISTANCE IN COMMUNITY-BASED SETTINGS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE AND THEIR FAMILIES AFTER DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—The Secretary of Defense may award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, after the return of such members from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health conditions that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members of the National Guard and Reserve for medical and mental health screening and care when necessary; and

(3) education to increase awareness of the physical and mental health conditions that family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) depression, anxiety, and relationship problems; and

(B) mechanisms for medical and mental health screening and care when appropriate.

(b) ELIGIBLE ENTITIES.—An entity eligible for the award of a grant under this section is any public or private non-profit organization, such as a community mental health clinic, family support organization, military support organization, law enforcement agency, community college, or public school.

(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An entity awarded a grant under this section shall submit to the Secretary of Defense on an annual basis a report on the activities undertaken by such entity during the preceding year utilizing amounts under the grant. Each report shall include such information as the Secretary shall specify for purposes of this subsection.

(e) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section. The report shall

include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The long-term physical and mental health effects of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(3) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(c) REPORTS.—

(1) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to Congress a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(A) Current information on the cumulative outcomes of the study.

(B) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study, including recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and services for members of the Armed Forces with traumatic brain injuries.

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take appropriate actions to make each report under this subsection available to the public.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $5,000,000.

(B) For each of fiscal years 2008 through 2021, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY INCURRED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces for traumatic brain injuries incurred during service in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION OF PANEL.—The panel established under paragraph (1) shall be known as the "Traumatic Brain Injury Family Caregiver Panel".

(3) MEMBERS.—The Traumatic Brain Injury Family Caregiver Panel established under paragraph (1) shall consist of 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among—

(A) physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(B) representatives of family caregivers or family caregiver associations;

(C) Department of Defense and Department of Veterans Affairs health and medical personnel with expertise in traumatic brain injury, and Department of Defense personnel and readiness representatives with expertise in traumatic brain injury;

(D) psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury;

(E) experts in the development of training curricula; and

(F) any other individuals the Secretary considers appropriate.

(b) DEVELOPMENT OF CURRICULA.—

(1) IN GENERAL.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be utilized during the provision of training to family members of members and former members of the Armed Forces described in subsection (a) on techniques, strategies, and skills for care and assistance for such members and former members with the traumatic brain injuries described in that subsection.

(2) SCOPE OF CURRICULA.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) PARTICULAR REQUIREMENTS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricula, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) DISSEMINATION OF CURRICULA.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom or Operation Enduring Freedom. In developing such mechanisms, the Secretary may utilize and enhance existing mechanisms, including the Military Severely Injured Center.

(2) HEALTH CARE PROFESSIONALS.—The health care professionals referred to in this paragraph are the following:

(A) Personnel at military medical treatment facilities.

(B) Personnel at the polytrauma centers of the Department of Veterans Affairs.

(C) Personnel and care managers at the Military Severely Injured Center.

(D) Such other health care professionals of the Department of Defense as the Secretary considers appropriate.

(E) Such other health care professionals of the Department of Veterans Affairs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(3) PROVISION OF TRAINING TO FAMILY CAREGIVERS.—

(A) IN GENERAL.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of members and former members of the Armed Forces who incur traumatic brain injuries during service in the Operation Iraqi Freedom or Operation Enduring Freedom in the care and assistance to be provided for such injuries.

(B) TIMING OF TRAINING.—Training under this paragraph shall, to the extent practicable, be provided to family members while the member or former member concerned is undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs, as applicable, in order to ensure that such family members receive practice on the provision of such care and assistance under the guidance of qualified health professionals.

(C) PARTICULARIZED TRAINING.—Training provided under this paragraph to family members of a particular member or former member shall be tailored to the particular care needs of such member or former member and the particular caregiving needs of such family members.

(4) QUALITY ASSURANCE.—The Secretary shall develop mechanisms to ensure quality in the provision of training under this section to health care professionals referred to in paragraph (2) and in the provision of such training under paragraph (4) by such health care professionals.

(5) REPORT.—Not later than one year after the development of the curricula required by subsection (b), and annually thereafter, the Traumatic Brain Injury Family Caregiver Training Panel shall submit to the Secretary

of Defense and the Secretary of Veterans Affairs, and to Congress, a report on the following:

(A) The actions undertaken under this subsection.

(B) The results of the tracking of outcomes based on training developed and provided under this section.

(C) Recommendations for the improvement of training developed and provided under this section.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $1,000,000.

(B) For each of fiscal years 2008 through 2011, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

AMENDMENT NO. 4464

(Purpose: To provide a sunset date for the Small Business Competitive Demonstration Program)

At the end of title X of division A, insert the following:

SEC. 1084. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2007".

AMENDMENT NO. 4489

(Purpose: To propose an alternative to section 1083 to improve the Quadrennial Defense Review)

Strike section 1083 and insert the following:

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) The Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, is vital in laying out the strategic military planning and threat objectives of the Department of Defense.

(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.—

(1) CONDUCT OF REVIEW.—Subsection (b) of section 118 of title 10, United States Code, is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.".

(2) ADDITIONAL ELEMENT IN REPORT TO CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ", the strategic planning guidance," after "United States";

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph (9):

"(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.".

(3) CJCS REVIEW.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: " and a description of the capabilities needed to address such risk".

(4) INDEPENDENT ASSESSMENT.—Such section is further amended by adding at the end the following new subsection:

"(f) INDEPENDENT ASSESSMENT.—(1) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review.

"(2) The panel appointed under paragraph (1) shall be composed of seven individuals (who may not be employees of the Department of Defense) as follows:

"(A) Three members shall be appointed by the President.

"(B) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Speaker of the House of Representatives.

"(C) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the House of Representatives.

"(D) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Majority Leader of the Senate.

"(E) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the Senate.

"(3) Not later than three months after the date that the report on a quadrennial defense review is submitted to Congress under subsection (d), the panel appointed under paragraph (2) shall provide to the congressional defense committees an assessment of the assumptions, planning guidelines, recommendations, and realism of the review.".

AMENDMENT NO. 4525

(Purpose: To require a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the City.

AMENDMENT NO. 4526

(Purpose: To require the President to develop a comprehensive strategy toward Somalia)

At the end of subtitle A of title XII, add the following:

SEC. 1209. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) SENSE OF SENATE.—It is the sense of the Senate that the United States should—

(1) support the development of the Transitional Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR SOMALIA.—

(1) REQUIREMENT FOR STRATEGY.—Not later then 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 4327, AS MODIFIED

At the end of subtitle E of title VI, add the following:

SEC. 662. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking "Chief Operating Officer" each place it appears and inserting "Chief Executive Officer"; and

(B) in subsection (e)(1), by striking "Chief Operating Officer's" and inserting "Chief Executive Officer's".

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking "Chief Operating Officer" each place it appears in a provision as follows and inserting "Chief Executive Officer":

(A) Section 1511 (24 U.S.C. 411).
(B) Section 1512 (24 U.S.C. 412).
(C) Section 1513(a) (24 U.S.C. 413(a)).
(D) Section 1514(c)(1) (24 U.S.C. 414(c)(1)).
(E) Section 1516(b) (24 U.S.C. 416(b)).
(F) Section 1517 (24 U.S.C. 417).
(G) Section 1518(c) (24 U.S.C. 418(c)).
(H) Section 1519(c) (24 U.S.C. 419(c)).
(I) Section 1521(a) (24 U.S.C. 421(a)).
(J) Section 1522 (24 U.S.C. 422).
(K) Section 1523(b) (24 U.S.C. 423(b)).
(L) Section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

"SEC. 1515. CHIEF EXECUTIVE OFFICER.".

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

"Sec. 1515. Chief Executive Officer.".

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) DIRECTOR AND DEPUTY DIRECTOR OF FACILITIES.—

(1) MILITARY DIRECTOR.—Subsection (b)(1) of section 1517 of such Act (24 U.S.C. 417) is amended by striking "a civilian with experience as a continuing care retirement community professional or".

(2) CIVILIAN DEPUTY DIRECTOR.—Subsection (d)(1)(A) of such section is amended by striking "or a member" and all that follows and inserting "; and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to any vacancy that occur in the position of Director or Deputy Director of a facility of the Armed Forces Retirement Home that occurs on or after that date.

(c) CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such Act (24 U.S.C. 416(c)(1)(K)) is amended by inserting before the period at the end the following: ", who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half)".

AMENDMENT NO. 4527

(Purpose: To require a report on the feasibility of establishing a United States military regional combatant command for Africa)

At the end of subtitle G of title X, insert the following:

SEC. 1066. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

AMENDMENT NO. 4434

(Purpose: To ensure proper education, training, and supervision of personnel providing special education services for dependents of members of the Armed Forces under extended benefits under TRICARE)

At the end of subtitle B of title VII, add the following:

SEC. 730. EDUCATION, TRAINING, AND SUPERVISION OF PERSONNEL PROVIDING SPECIAL EDUCATION SERVICES UNDER EXTENDED BENEFITS UNDER TRICARE.

Section 1079(d)(2) of title 10, United States Code is amended by adding at the end the following: "The regulations shall include the following:

"(A) Requirements for education, training, and supervision of individuals providing special education services known as Applied Behavioral Analysis under this subsection that are in addition to any other education, training, and supervision requirements applicable to Board Certified Behavior Analysts or Board Certified Associate Behavior Analysts or are otherwise applicable to personnel providing such services under applicable State law.

"(B) Metrics to identify and measure the availability and distribution of individuals of various expertise in Applied Behavioral Analysis in order to evaluate and assure the availability of qualified personnel to meet needs for Applied Behavioral Analysis under this subsection.".

AMENDMENT NO. 4393, AS MODIFIED

At the end of subtitle D of title VII, add the following:

SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) TRANSFER.—

(1) NOTIFICATION OF PARTICIPANTS.—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-up Agency (in this section referred to as the "Agency") of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) COMPLETION OF TRANSFER.—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) COPIES TO ARCHIVES.—The Air Force shall send paper copies of all study documents to the National Archives.

(b) REPORT ON TRANSFER.—

(1) REQUIREMENT.—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the transfer.

(2) MATTERS COVERED.—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) DISPOSITION OF ASSETS NOT TRANSFERRED.—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) FUNDING.—

(1) COSTS OF TRANSFER OF THE FUNDS AVAILABLE TO THE DEFENSE HEALTH PROGRAM.—The Secretary of Defense may make available to the Air Force $850,000 for preparation, transfer of the assets of the Air Force Health Study and shipment of data and specimens to the Medical Follow-up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) COSTS OF COLLABORATION OF THE FUNDS AVAILABLE TO THE DEFENSE HEALTH PROGRAM.—The Secretary of Defense may reimburse the National Academy of Sciences up to $200,000 for costs of the Medical Follow-up Agency to collaborate with the Air Force in

the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that year.

AMENDMENT NO. 4312

(Purpose: To expand and enhance the bonus to encourage members of the Army to refer other persons for enlistment in the Army)

At the end of subtitle B of title VI, add the following:

SEC. 620. ENHANCEMENT OF BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve," and inserting "an individual referred to in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.".

(b) AMOUNT OF BONUS.—Subsection (d) of such section is amended to read as follows:

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable in two lump sums as provided in subsection (e).".

(c) PAYMENT OF BONUS.—Subsection (e) of such section is amended to read as follows:

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person referred.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.".

(d) COORDINATION WITH RECEIPT OF RETIRED PAY.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to such member is entitled under title 10, 37, or 38, United States Code, or under any other provision of law.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

AMENDMENT NO. 4424

(Purpose: To modify certain requirements related to counterdrug activities)

On page 387, line 7, strike "and aircraft" and insert "and, subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft".

On page 387, line 25, after "congressional defense committees" the following: "and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives".

On page 388, line 3, strike "paragraphs (10)" and insert "paragraphs (1)".

AMENDMENT NO. 4416

(Purpose: To direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island)

At the appropriate place, insert the following:

SEC. ____. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) DEFINITIONS.—In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) RESPONSIBILITY FOR BARRIER.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) REQUIRED STRUCTURES.—

(1) IN GENERAL.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

AMENDMENT NO. 4364, AS MODIFIED

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

AMENDMENT NO. 4232

(Purpose: To name the new administration building at the Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall, upon be completion, be known and designated as the "Michael G. Oxley Administration and Technology Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such administration building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

AMENDMENT NO. 4528

(Purpose: To name a military family housing facility at Fort Carson, Colorado, after Representative Joel Hefley)

On page 535, between lines 12 and 13, insert the following:

SEC. 2814. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the "Joel Hefley Village". Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

AMENDMENT NO. 4529

(Purpose: To require the submittal to Congress of the Department of Defense Supplemental and Cost of War Execution reports)

At the end of title XIV, insert the following:

SEC. 1414. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting "CONGRESS AND" after "SUBMISSION TO"; and

(2) by inserting "the congressional defense committees and" before "the Comptroller General".

AMENDMENT NO. 4311

(Purpose: To provide that acceptance by a military officer of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency shall be conditional upon retirement of the officer after the assignment)

At the end of subtitle A of title V, add the following:

SEC. 509. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) CONDITION.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

"§529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency

"As a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, an officer shall acknowledge that upon termination of service in such position the officer shall be retired in accordance with section 1253 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

"529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency.".

(b) RETIREMENT.—

(1) IN GENERAL.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency

"Upon termination of the appointment of an officer to the position of Director of National Intelligence or Director of the Central Intelligence Agency, the Secretary of the military department concerned shall retire the officer under any provision of this title under which the officer is eligible to retire.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

"1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

AMENDMENT NO. 4228

(Purpose: Relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs)

At the end of subtitle F of title V, add the following:

SEC. 587. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.

(a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

"(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

"(A) provide for the provision of such briefings by fully qualified Department personnel;

"(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

"(C) ensure that—

"(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

"(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

"(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.".

AMENDMENT NO. 4439, AS MODIFIED

At the end of subtitle B of title XII, add the following:

SEC. 1223. REPORTS ON THE DARFUR PEACE AGREEMENT.

Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the Department of Defense's role in assisting the parties to the Darfur Peace Agreement of May 5, 2006 with implementing that Agreement. Each such report shall include a description of—

(1) the assets that the United States military, in concert with the United States North Atlantic Treaty Organisation (NATO) allies, are able to offer the African Union Mission in Sudan (AMIS) and any United Nations peacekeeping mission authorized for Darfur;

(2) any plans of the Secretary of Defense to support the AMIS by providing information regarding the location of belligerents and potential violations of the Darfur Peace Agreement and assistance to improve the AMIS use of intelligence and tactical mobility;

(3) the resources that will be used during the current fiscal year to provide the support described in paragraph (2) and the resources that will be needed during the next fiscal year to provide such support;

(4) the efforts of the Secretary of Defense and Secretary of State to leverage troop contributions from other countries to serve in the proposed United Nation peacekeeping mission for Darfur;

(5) any plans of the Secretary of Defense to participate in the deployment of any NATO mentoring or technical assistance teams to Darfur to assist the AMIS; and

(6) any actions carried out by the Secretary of Defense to address deficiencies in the AMIS communications systems, particularly the interoperability of communications equipment.

AMENDMENT NO. 4530

(Purpose: To extend the patent term for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

AMENDMENT NO. 4337

(Purpose: Relating to intelligence on Iran)

At the end of subtitle A of title XII, add the following:

SEC. 1209. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

AMENDMENT NO. 4531

(Purpose: To make available $2,900,000 from Operation and Maintenance, Army, for the Virginia Military Institute for military training infrastructure improvements)

At the end of subtitle B of title III, add the following:

SEC. 315. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate field training of all Armed Forces Reserve Officer Training Corps.

AMENDMENT NO. 4411

(Purpose: To authorize $3,600,000 for military construction for the Air National Guard of the United States to construct an engine inspection and maintenance facility at Little Rock Air Force Base, Arkansas)

On page 519, line 21, strike "$242,143,000" and insert "$245,743,000".

AMENDMENT NO. 4336

(Purpose: To require a report on the feasability of omitting Social Security Numbers from military identification cards)

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term "military identification card" has the meaning given the term "military ID card" in section 1060b(b)(1) of title 10, United States Code.

AMENDMENT NO. 4361

(Purpose: To require that Congress be apprised periodically on the implementation of the Darfur Peace Agreement)

At the end of subtitle A of title XII, add the following:

SEC. 1209. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement;

(2) a description of any violation of the Agreement and any delay in implementing the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

AMENDMENT NO. 4532

(Purpose: To require a report on the use of alternative fuels by the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON USE OF ALTERNATIVE FUELS BY THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including any measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3207) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under this section.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the study required by section 357(c) of the National Defense Authorization Act for Fiscal Year 2006.

(d) ALTERNATIVE FUELS DEFINED.—In this section, the term "alternative fuels" means biofuels, biodiesel, renewable diesel, ethanol that contain less than 85 percent ethyl alcohol, and cellulosic ethanol.

AMENDMENT NO. 4533

(Purpose: To make available an additional $450,000,000 for Research, Development, Test, and Evaluation, Defense-wide and provide an offsetting reduction for a certain military intelligence program)

At the end of subtitle D of title X, add the following:

SEC. 1035. FUNDING FOR A CERTAIN MILITARY INTELLIGENCE PROGRAM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by **$450,000,000**.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by **$450,000,000**, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

AMENDMENT NO. 4534

(Purpose: To authorize the prepositioning of Department of Defense assets to improve support to civilian authorities)

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the "Economy Act"), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

AMENDMENT NO. 4535

(Purpose: To provide for energy efficiency in new construction)

On page 531, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking "installations of the Department of Defense as may be designated" and inserting "installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated";

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following new subsection:

"(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

"(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

"(2) In determining the energy efficiency of products, the Secretary shall consider products that—

"(A) meet or exceed Energy Star specifications; or

"(B) are listed on the Department of Energy's Federal Energy Management Program Product Energy Efficiency Recommendations product list.".

AMENDMENT NO. 4381, AS MODIFIED

On page 178, between lines 10 and 11, insert the following:

(c) TRANSITION OF MILITARY DEPENDENTS FROM MILITARY TO CIVILIAN SCHOOLS.—

(1) IN GENERAL.—The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of dependents of members of the Armed Forces from attendance in Department of Defense dependent schools to civilian schools in systems operated by local educational agencies.

(2) UTILIZATION OF EXISTING RESOURCES.—In working with the Secretary of Education under paragraph (1), the Secretary of Defense may utilize funds authorized to be appropriated for operation and maintenance for Defense-wide activities to share expertise and experience of the Department of Defense Education Activity with local educational agencies as dependents of members of the Armed Forces make the transition from attendance at Department of Defense dependent schools to attendance at civilian schools in systems operated by such local educational agencies, including such transitions resulting from defense base closure and realignment, global rebasing, and force restructuring.

(3) DEFINITIONS.—In this subsection:

(A) The term "expertise and experience", with respect to the Department of Defense Education Activity, means resources of such activity relating to—

(i) academic strategies which result in increased academic achievement;

(ii) curriculum development consultation and materials;

(iii) teacher training resources and materials;

(iv) access to virtual and distance learning technology capabilities and related applications for teachers; and

(v) such other services as the Secretary of Defense considers appropriate to improve the academic achievement of such students.

(B) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) EXPIRATION.—The authority of the Secretary of the Defense under this subsection shall expire on September 30, 2011.

AMENDMENT NO. 4429

(Purpose: To authorize the donation of the SS Arthur M. Huddell to the Government of Greece)

At the end of subtitle B of title X, add the following:

SEC. 1013. AUTHORITY TO DONATE SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the economic and environmental interests of the United States to promote the disposal of vessels in the National Defense Reserve Fleet that are of insufficient value to warrant further preservation.

(2) The Maritime Administration of the Department of Transportation has been authorized to make such disposals, including the sale and recycling of such vessels and the donation of such vessels to any State, commonwealth, or possession of the United States, and to nonprofit organizations.

(3) The government of Greece has expressed an interest in obtaining and using the ex-Liberty ship, SS ARTHUR M. HUDDELL, for purposes of a museum exhibit.

(4) It is in the interest of the United States to authorize the Maritime Administration to donate SS ARTHUR M. HUDDELL to Greece.

(b) DONATION OF SS ARTHUR M. HUDDELL TO GOVERNMENT OF GREECE.—Notwithstanding Section 510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158), the Secretary of Transportation is authorized to transfer SS ARTHUR M. HUDDELL, by gift, to the Government of Greece, in accordance with terms and conditions determined by the Secretary.

(c) ADDITIONAL EQUIPMENT.—The Secretary may convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet to assist the Government of Greece under this section for purposes of the museum exhibit referred to in subsection (a)(3).

AMENDMENT NO. 4398

At the end of subtitle D of title II, add the following:

SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT.—The Secretary of Defense shall submit to Congress, at the same time as the submittal of the budget of the President for fiscal year 2008 (as submitted under section 1105(a) of title 31, United States Code) a report on the biometrics programs of the Department of Defense.

(b) ELEMENTS.—The report shall address the following:

(1) Whether the Department should modify the current executive agent management structure for the biometrics programs.

(2) The requirements for the biometrics programs to meet needs throughout the Department of Defense.

(3) A description of programs currently fielded to meet requirements in Iraq and Afghanistan.

(4) An assessment of the adequacy of fielded programs to meet operational requirements.

(5) An assessment of programmatic or capability gaps in meeting future requirements.

(6) The actions being taken within the Executive Branch to coordinate and integrate requirements, programs, and resources among the departments and agencies of the Executive Branch with a role in using or developing biometrics capabilities.

(c) BIOMETRICS DEFINED.—In this section, the term "biometrics" means an identity management program or system that utilizes distinct personal attributes, including DNA, facial features, irises, retinas, signatures, or voices, to identify individuals.

AMENDMENT NO. 4451, AS MODIFIED

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.

(2) Operational reliability of unmanned systems continues to improve and sense-and-avoid technology development and fielding must continue in an effort to provide unmanned aerial systems with an equivalent level of safety to manned aircraft..

(3) Unmanned aerial vehicles have the potential to support the Nation's homeland defense mission, border security mission, and natural disaster recovery efforts.

(4) Accelerated development and testing of standards for the integration of unmanned aerial vehicles in the National Airspace System would further the increased safe use of such vehicles for border security, homeland defense, and natural disaster recovery efforts.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until the Federal Aviation Administration promulgates such policy, the Secretary of Defense shall submit to the Committees on Armed Services, Commerce, Science and Transportation, and Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services, Energy and Commerce, and Government Reform of the House of Representatives a report on the actions of the Department of Defense to support the development by the Federal Aviation Administration of a policy on the testing and operation of unmanned aerial vehicles in the National Airspace System.

AMENDMENT NO. 4536

(Purpose: To require a report on the incorporation of elements of the reserve components into the Special Forces in the expansion of the Special Forces)

At the end of subtitle C of title IX, add the following:

SEC. 924. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the U.S. Special Operations Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

AMENDMENT NO. 4537

(Purpose: To express the sense of the Senate on the Transformational Medical Technology Initiative of the Department of Defense)

At the end of subtitle D of title VII, add the following:

SEC. 762. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative of the Department of Defense implements cutting edge transformational medical technologies and applies them to address the challenges of known, emerging, and bioengineered threats.

(3) The Transformational Medical Technology Initiative is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional approaches.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(2) innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

AMENDMENT NO. 4538

(Purpose: To provide for the enhancement of funeral ceremonies for veterans)

At the end of subtitle F of title V, add the following:

SEC. 587. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) SUPPORT FOR FUNERAL HONORS DETAILS COMPOSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

"(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

"(3) The support provided under this subsection may include the following:

"(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

"(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting "and subsection (e)" after "paragraph (1)(A)"; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting "(other than a requirement in subsection (e)" after "pursuant to this section".

(b) USE OF EXCESS M-1 RIFLES FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.";

(2) in subsection (c), by inserting after "accountability" the following: ", provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies";

(3) in subsection (d)—

(A) in paragraph (2), by striking "; or" and inserting "or fire department;";

(B) in paragraph (3), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3)."; and

(4) by adding at the end the following new subsection:

"(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

"(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has successfully completed a formal firearm training program or a hunting safety program.".

AMENDMENT NO. 4303

(Purpose: To provide for the recovery and availability to the Corporation for the Promotion of Rifle Practice and Firearms Safety of certain firearms, ammunition, and parts)

At the end of subtitle F of title III, add the following:

SEC. 375. RECOVERY AND AVAILABILITY TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY OF CERTAIN FIREARMS, AMMUNITION, AND PARTS.

(a) IN GENERAL.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after the item relating to section 40728 the following new section:

"§ 40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries

"(a) RECOVERY.—The Secretary of the Army may recover from any country to which a grant of rifles, ammunition, repair parts, or other supplies described in section 40731(a) of this title is made under section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

"(b) COST OF RECOVERY.—(1) Except as provided in paragraph (2), the cost of recovery of any rifles, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

"(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

"(c) AVAILABILITY.—Any rifles, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance with the provisions of section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728 the following new item:

"40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries.".

AMENDMENT NO. 4539

(Purpose: To provide that the Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying military family housing units leased under the exception provided for United States Southern Command personnel to remain in such units while the soldier is assigned to a family-member-restricted area)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2814. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a housing unit leased under section 2828(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

AMENDMENT NO. 4423

(Purpose: To limit the availability of funds for certain purposes relating to Iraq)

At the end of title XIV, add the following:

SEC. 1414. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

AMENDMENT NO. 4316

(Purpose: To provide for the conveyance of land located in Hopkinton, New Hampshire)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2844. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the "Kast Hill" property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) WAIVER OF PAYMENT OF CONSIDERATION.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PROHIBITION ON RECONVEYANCE OF LAND.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

AMENDMENT NO. 4407

(Purpose: To authorize $1,000,000 for the phase 1 construction of an air traffic control complex at Minot Air Force Base, North Dakota, and to provide an offset)

On page 502, in the table preceding line 1, strike "$8,000,000" in the amount column of the item relating to Minot Air Force Base, North Dakota, and insert "$9,000,000".

On page 503, in the table following line 10, strike "$171,188,000" in the amount column of the item relating to Minot Air Force Base, North Dakota, and insert "$170,188,000".

On page 504, line 23, strike "$862,661,000" and insert "$863,661,000".

On page 505, line 16, strike "$1,183,138,000" and insert "$1,182,138,000".

AMENDMENT NO. 4366

(Purpose: To provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space)

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

AMENDMENT NO. 4321

(Purpose: To exclude Minnesota's Northstar Corridor Commuter Rail Project from the Federal Transit Administration's medium cost-effectiveness rating requirement for Federal funding)

At the appropriate place, insert the following:

SEC. . FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C-05-05), which requires fixed guideway projects to achieve a "medium" cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

AMENDMENT NO. 4540

(Purpose: To provide for the availability of funds authorized to the South County Commuter Rail project, Providence, Rhode Island)

At the end of subtitle I of title X, add the following:

SEC. 1084. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

AMENDMENT NO. 4449

(Purpose: To require the Secretary of the Air Force to prepare an environmental impact statement or similar analysis for the beddown of F–22A fighter aircraft at Holloman Air Force Base, New Mexico, as replacements for retiring F–117A fighter aircraft)

At the end of subtitle B of title III, add the following:

SEC. 313. ENVIRONMENTAL DOCUMENTATION FOR BEDDOWN OF F–22A AIRCRAFT AT HOLLOMAN AIR FORCE BASE, NEW MEXICO.

The Secretary of the Air Force shall prepare environmental documentation per the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the beddown of F–22A aircraft at Holloman Air Force Base, New Mexico, as replacements for the retiring F–117A aircraft.

AMENDMENT NO. 4204, AS MODIFIED

On page 437, between lines 2 and 3, insert the following:

SEC. 1084. SENSE OF CONGRESS ON IRAQ SUMMIT.

SENSE OF CONGRESS.—It is the sense of Congress that the President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

AMENDMENT NO. 4541

(Purpose: To require a report on planning by the Department of the Air Force for the realignment of aircraft, weapons systems, and functions at active and Air National Guard bases as a result of the 2005 round of defense base closure and realignment)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for active and Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at active and Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(3) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each base; and

(4) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was considered as a potential receiving location for the realignment of aircraft, weapons systems, or functions.

AMENDMENT NO. 4337

Mr. REID. Mr. President, I appreciate very much that there has been consent to agree to my amendment No. 4337 on Congressional oversight of Iran policy. I would like to explain why I believe it is important that the Senate pass this amendment and sustain it in conference with the House.

Mr. President, we live in a dangerous time. The threats to our freedom are many.

As the administration embarks on serious diplomacy with Iran, the Senate must be engaged and consulted. We Senators must take seriously our responsibility to insist on a thorough review of the facts, a full debate of the threat, and full consultation as events move forward.

The amendment I propose today would help put in place the rigorous oversight necessary to hold the administration accountable for its rhetoric and its policy decisions.

Yesterday, Senate leadership met with State Department officials to get briefed on the details of the "offer" the administration laid on the table for Iran a few weeks ago. The meeting was welcome. I respect the hard work of Secretary Rice and Ambassador Burns in moving diplomacy forward. However, I am surprised the meeting happened several weeks after the deal was already offered. To the best of my knowledge, until yesterday, Congress had not been briefed on the key details of the deal offered to Iran a few weeks ago. The Iranians had been briefed. The Europeans had been briefed. The Russians and Chinese had been briefed. But not the United States Senate.

This reminds me of how the administration handled the proposed Indian nuclear deal, which Members first found out about from the Indian prime minister and the press, not from the Administration.

I am also reminded of the sales campaign that the administration engaged in, in the runup to war in Iraq. A sales campaign—rather than a serious effort to consult and treat Congress as a partner in figuring out how to protect America.

It makes the executive branch's job a lot tougher when Congress is consulted last, rather than first. Congress should be in the take off, not asked to join for the crash landing.

This amendment requires the administration to give Congress and the

American people three things: an updated intelligence assessment of the threat of Iran, a clear statement of the President's policy objectives and strategy, and a confirmation that administration officials' public statements about the threat of Iran are being reviewed for accuracy.

These are reasonable requests to ensure a rigorous debate about the way forward. The amendment's adoption would increase the administration's information flow to Congress on Iran issues and improve the Senate's oversight in this important area of national security policy.

I would note that the House Armed Services Committee included parallel reporting requirements on the threat of Iran and the U.S. strategy for responding to it in its report on the House version of this bill. I trust that the conference of the two bodies will, in striving to reconcile these parallel reporting requirements, put the United States Congress on record in law about the importance of rigorous Congressional oversight of U.S. policy regarding Iran and the importance of the administration working in close consultation with Congress in this area.

AMENDMENT NO. 4528

Mr. ALLARD. Mr. President, I rise today to discuss amendment No. 4528. This amendment honors Representative JOEL HEFLEY, Congressman of Colorado's 5th district, for his outstanding service to the people of Colorado and to our Nation.

As you may know, Mr. President, Representative HEFLEY made the decision earlier this year to retire after 2 decades of service in Congress. This was a very difficult decision for him. He was the third-ranking Republican on the House Armed Services Committee and had garnered considerable influence because of his integrity and his respect of the legislative branch as an institution. He worked diligently over his 20 years in Congress and served the people of Colorado's 5th District well.

Representative HEFLEY was first elected to represent Colorado's 5th Congressional District in 1986 and has served in the House of Representatives since that time with distinction, class, integrity, and honor. As his current and former colleagues will attest, Representative HEFLEY is a fair and effective lawmaker who works for the national interest while never forgetting his Western roots.

For most of his two decades in the House, Representative HEFLEY poured his time and energy into the Committee on Armed Services of the House of Representatives. He served as chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, since 2001, as chairman of the Subcommittee on Readiness.

Representative HEFLEY's efforts on the Committee on Armed Services have instrumental to the military value of, and quality of life at, installations in the State of Colorado, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

Representative HEFLEY was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

Representative HEFLEY has also consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

Representative HEFLEY'S leadership on the Military House Privatization Initiative has allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

In honor of Representative HEFLEY'S achievements and his work on military housing privatization, this amendment designates the military family housing areas at Fort Carson, Colorado in his name.

I served with Representative HEFLEY in the House of Representatives for 6 years before I was elected to the Senate. I consider him to be one of my closest colleagues in Congress and a dear friend. I have tremendous respect for his character and for his ability to get things done. He has been a champion for over two decades for the Colorado Springs community and for conservative values. I know that he will be sorely missed in the House of Representatives.

I believe Representative HEFLEY deserves the honor and recognition that this amendment provides. I am pleased my colleagues agreed to join me in adopting this amendment.

AMENDMENT NO. 4424

Mr. BIDEN. Mr. President, I appreciate the support of Chairman WARNER and Senator LEVIN in agreeing to accept amendment No. 4424 to S. 2766, which I have sponsored.

Section 1023 relates to a counternarcotics authority granted to the Department of Defense in the fiscal year 1998 Defense Authorization Act, P.L. 105–85, specifically section 1033 of that Act. The original provision, enacted in 1997, gave the Department authority to provide counterdrug support to the Governments of Peru and Colombia, including authority to transfer riverine patrol boats to those Governments, and to maintain and repair equipment used for counter-drug activities by those Governments. In recent years, the so-called 1033 authority has been expanded to cover the other countries in the Andes, and to Afghanistan and many of its neighboring states.

The bill now before the Senate would expand the list of eligible governments still further, to include a long list of countries in Asia, the Americas, and Africa. It also provides the Department the authority to transfer aircraft to eligible governments.

The amendment I have proposed to section 1023 would ensure that the transfer of aircraft is subject to section 484(a) of the Foreign Assistance Act of 1961, which requires that the United States retain title to aircraft made available to a foreign country primarily for narcotics-related purposes, unless the President makes a national interest determination and so notifies Congress. The requirement that such aircraft be made available only on a loan or lease basis has been the law for 20 years, since the enactment of the Anti-Drug Abuse Act of 1986, P.L. 99-570, and no good argument has been offered as to why it should not apply to Department of Defense programs. Simply put, the requirement strengthens the ability of the United States to make sure that the aircraft provided is used for the intended purpose.

In my view, section 484(a) already does apply to Defense Department counternarcotics programs. By its terms, it applies to any aircraft "made available to a foreign country primarily for narcotics-related purposes" under the Foreign Assistance Act of 1961 or "under any other provision of law." This expansive statutory language makes clear that any U.S. Government agency providing aircraft to a foreign government for counterdrug purposes must retain title to that aircraft. Yet inquiries to the Department of Defense officials about whether the authority provided in section 1023 of S. 2766 would be governed by section 484(a) have proven inconclusive. So that there is no doubt about this question, I have proposed this amendment, which I understand the managers of the bill have agreed to accept.

AMENDMENT NO. 4364

Mr. DURBIN. Mr. President, I rise today to offer an amendment that would rename the Navy and Marine Corps Reserve Center at Rock Island, IL, in honor of Representative LANE EVANS.

Representative EVANS has been a tireless advocate of our men and women in uniform during his 24 years in Congress. Unfortunately, Congress will lose a great man when he retires at the end of this year, and we can honor him and his accomplishments by renaming the Navy and Marine Corps Reserve Center at Rock Island after him.

LANE EVANS came to Congress as a Marine Corps veteran, and military personnel and veterans were always on the forefront of his mind during his service on the House Committee on

Armed Services and Committee on Veterans' Affairs. Throughout his career, Representative EVANS has fought to ensure that veterans receive the medical care they need and has provided outspoken support for individuals suffering from post-traumatic stress disorder and gulf war syndrome. Additionally, Representative EVANS is credited with bringing new services to veterans living in his congressional district. In particular, he was responsible for the development of outpatient clinics in the Quad Cities and Quincy, IL, as well as the establishment of the Quad-Cities Vet Center.

Representative EVANS also has worked to ensure that military personnel experience a smooth transition from active military service into the care of the Department of Veterans Affairs. Generations of veterans will continue to benefit from his hard work long after he has retired.

Representative EVANS has worked in conjunction with local leaders to promote the Rock Island Arsenal, and through his support, the facility has received new jobs and new missions. It is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative EVANS in order to commemorate his service to America's military personnel, its veterans, and his 17th Congressional district.

I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 4336

Mrs. HUTCHISON. Mr. President, Social Security numbers are included on all military identification cards including the service member, military spouse, and all dependents over the age of ten. In light of the recent theft of millions of veterans' personal information from the Department of Veterans Affairs, all federal agencies must take measures to protect crucial information. To this end, I have introduced an amendment that would require the Department of Defense to conduct a feasibility study on prohibiting the use of Social Security numbers on all military identification cards.

When the Department of Defense began using Social Security numbers on identification cards in 1967, identity theft was not a problem most Americans worried about. Electronic transactions were, for the most part, non-existent, and we did not have the kind of access to personal records that we have today. By simply gaining access to someone's Social Security number, a malicious person could attempt to open a line of credit, obtain a false driver's license or passport, or completely steal another person's identity. Our military men and women should not have to worry about these problems while defending our country.

We cannot wait until an incident occurs within the Department of Defense that compromises the security of our military members. The federal government must be proactive. The feasibility study I have proposed has a reasonable finish date of six months from enactment and would give the Department ample time to study this issue and find a self-imposed solution.

Social Security numbers are not included on driver's licenses or passports. Colleges and universities are using generic numbers for student identification rather than Social Security numbers. It is time the Department of Defense provides this important safeguard for our troops.

AMENDMENT NO. 4398

Mr. KENNEDY. Mr. President, I urge my colleagues to join me in supporting this amendment to ensure that the Defense Department invests in critical basic research and maintains the workforce it needs to stay globally competitive.

Our military is first in the world because of the quality and training of our personnel and the technological sophistication of our equipment and weaponry. But many of our Nation's best civilian scientific minds in the Defense Department are nearing retirement age, and our uncertain commitment to basic research funding makes it harder to attract a new corps of scientists to do this research.

Our amendment that the Senator from Maine and I are offering includes an additional $5 million for the Department's SMART Scholars Program which is essentially an ROTC program for its civilian scientists. The amendment will more than double the funding level provided last year and provide more than 100 full college scholarships and graduate fellowships in science, technology, engineering, and math.

Our amendment also adds $40 million to the Department's funding of basic research in science and technology to ensure that its investment in the field is maintained and our military technology remains the best in the world. The amendment is supported by more than 60 of the most prestigious institutions of higher education in the Nation.

Advances in military technology often have their source in the work of civilian scientists in Department of Defense laboratories. Unfortunately, a large percentage of these scientists are nearing retirement. Today, nearly one in three DOD civilian engineers in science, technology, engineering, and mathematics is eligible to retire. In 7 years, 70 percent will be of retirement age.

It is distressing that the number of new doctoral level scientists being produced by our major universities each year has declined by 6 percent since 1997. Many of those who do graduate are ineligible to work on sensitive defense matters, since about a third of all science and engineering doctorate degrees awarded at American universities go to foreign students.

It is unlikely that retiring DOD scientists can be replaced by current private industry employees. About 5,000 science and engineering positions are unfilled in private industry in defense-related fields. The Department of Labor estimates that by 2012, more than 40 percent of jobs in science and engineering occupations will be unfilled.

We face a major math and science challenge in both higher education and in elementary and secondary education. We are tied with Latvia for 28th in the industrial world in math education, and that is far from good enough. We have fallen from 3rd in the world to 15th in producing scientists and engineers. Clearly, we need a new National Defense Education Act of the size and scope passed nearly 50 years ago.

At the very least, however, the legislation before us needs to do more to maintain our military's technological advantage. In 2004, over 100 "highly rated" SMART Scholar applications were turned down because of insufficient funding. Our amendment provides enough funds to support every one of those talented young people who want to learn and serve.

Our amendment also deals with the critical need to provide the basic research dollars that enable science and technology graduates and students to pursue their research. Basic research investments by the Defense Department in science and technology a generation ago helped the United States win the cold war. But funding for basic research has fallen by more than 10 percent in the past decade.

Investing in basic research and attracting the best minds to science and engineering are as important today as they have ever been. Almost every day, you can pick up the paper and see yet another high-performing company setting up an R&D shop in India or China. Those countries get it. They know how important basic research is to their prospects for growth. But this Congress and this President ignore how important it is to invest in our talent and our research capacity.

China now graduates over 2½ times the number of engineers and computer science majors as the United States. We still have an edge in dollars invested, but our average annual investment growth in R&D is far less than China and other countries.

These countries are increasing their government investment in science and technology, but our Federal research investment is stagnating as a share of the U.S. economy. It has plateaued at 1.1 percent of GDP. We are still ahead of most other nations, but they are catching up. In combined Federal and private R&D, the fastest growing countries such as Ireland and Singapore are clearly challenging us.

Yet the President's proposed budget reduces Defense Department basic research, and this authorization bill does little to increase it over last year's appropriation, even though we know we have to increase it.

The Defense Science Board recommends that funding for science and technology reach 3 percent of total defense spending, and the administration and Congress have adopted this goal in the past. But the President's budget cuts science and technology funding by 18.6 percent and falls well short of this goal. The board also recommends that 20 percent of that amount be dedicated to basic research. Again, the administration's budget falls short: basic research accounts for only 12.6 percent of total science and technology funding.

Our leading economic and scientific thinkers are telling us we need to invest in these areas to stay globally competitive. The National Academy of Sciences, the Council on Competitiveness, and others say it is wrong to ignore the need to increase investment in basic research. Nobel prize-winners such as American physicist Steven Chu say that we need to increase Federal investment in long-term basic research because "there are growing signs that all is not well."

The Internet, the laser, MRIs, global positioning systems-all came from basic research at the Department of Defense. We can't forget that this type of research leads to the kinds of innovations that can generate millions of jobs and major new economic activity.

Our global competitiveness deserves high priority, and our amendment provides it. The goal is to see that American innovation grows and that we continue to attract and retain the best and the brightest men and women to these critical fields in math and science.

I urge my colleagues to join us in supporting this needed amendment to provide more scholarships to math and science students and to increase our Federal commitment to basic research at the Department of Defense.

LEGISLATIVE INTENT WITH REGARD TO EXPANDED NATIONAL GUARD AUTHORITIES

Mr. CONRAD. Mr. President, I thank Mr. LEVIN for agreeing to join me in this discussion of the legislative intent of the Senate in approving several provisions related to the integration between the Active-Duty military and the Reserve component. This bill will enhance the authority of the Department of Defense to achieve future total force integration between the Active-Duty and Reserve components. I would be grateful in the ranking member could explain in more detail the intent of section 531 of S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

Mr. LEVIN. Specifically, the changes contained in this bill will increase the efficiency of the Department of Defense's operations by allowing the Guard and Reserve to train and instruct other component members as an additional duty. It is desirable for Active Guard and Reserve, AGR, and technician members of the National Guard and Reserve to be able to train members of all components to the extent that these duties do not interfere with the performance of the member's primary duties. Currently, titles 10 and 32, United States Code, limit the efficiencies that can be realized by restricting the employment of AGRs and technicians to "organizing, administering, recruiting, instructing, or training" the Reserve components. This bill will expand the role of AGRs and technicians so that they may instruct and train members of any other component, and also DOD civilian employees, DOD contractor personnel, and foreign military personnel.

The changes included in this bill will also increase the Department's flexibility in using the Guard and Reserve to support certain operations or missions. It is the committee's belief that members of the Reserve and National Guard need increased flexibility to support certain operations or missions assigned in whole or in part to the Reserve, or undertaken by the National Guard at the request of the President or Secretary of Defense. This bill will facilitate the transformation of the National Guard and Reserve from a Cold War "strategic reserve" to a present day "operational reserve." An "operational reserve" actively supports ongoing operational missions where appropriate, while also providing the additional reserve capacity needed to meet surge requirements or support wartime or contingency operations. These amendments would make some distinctions between the duties that may be performed, in addition to their primary duties, by Reserve AGRs and technicians and those that may be performed by Guard AGRs and technicians in title 32 status. Generally, full-time Reserve personnel would be permitted to support title 10 operational activities, while full-time Guard, including AGRs and technicians, would be permitted to perform operational activities if authorized by the President or the Secretary of Defense.

Mr. CONRAD. I thank the ranking member. These are very important expansions to the National Guard's role and will play an important part in allowing the Air Force to achieve its objectives for total force integration. It is my belief that the provisions included in this bill will permit, for example, the North Dakota Air National Guard to provide a security forces squadron to augment the Active-Duty security forces in the ICBM field at Minot Air Force Base, assuming that the Secretary requests that they perform such a mission. Air Force Space Command is eager to begin this initiative and has secured funding for it in the Air Force Program Objective Memorandum. This unit would include both traditional guardsmen and AGRs and would augment, not replace, the Active-Duty security forces group currently assigned to the mission. I would encourage Secretary Rumsfeld to give serious consideration to requesting that the North Dakota Air National Guard augment the Active-Duty Air Force in carrying out this important operational mission, and I thank my colleagues for their time and their support.

KILLING OF U.S. SOLDIERS BY IRAQI SECURITY FORCES

Mrs. BOXER. This week, the military informed two California families that their sons were shot and killed by the very same Iraqi troops they were training.

SGT Patrick McCaffrey and 1LT Andre Tyson were killed near Balad in 2004. At first, the Army told the families that these two National Guardsmen were killed by Iraqi insurgents.

An investigation by the U.S. Army Criminal Investigation Command determined in September 2005 that both soldiers were shot and killed by members of the Iraqi security forces.

In addition to the fact that Iraqi security forces are killing U.S. soldiers, this situation raises several troubling questions.

First, according to his parents, there were two prior incidents in which Sergeant McCaffrey was fired upon by Iraqi security forces and the chain of command took no action. Why was nothing done? Are there other incidents where American troops are being shot at by the Iraqi forces they are training?

Second, why did the Army close its investigation in September 2005 but fail to inform the family until June 2006? Was there a coverup of this incident? What other explanation could there be?

Third, why were the families denied official government reports on the events that led to the deaths of these two soldiers? One of the families needed the help of my office to make any progress in learning the truth. How could the Army treat the families of dead soldiers in such a callous and dismissive way? Where are the military case officers who are supposed to help the families of slain U.S. soldiers?

And, fourth, a Defense Department spokesmen has called this incident "extremely rare." How can the Department of Defense conclude that the incident is rare when such incidents are evidently not being reported up the chain of command? Members of Sergeant McCaffrey's unit told his father that insurgents were offering Iraqi soldiers about $100 apiece for each American they could kill.

I ask the Senator from Michigan, is he willing to work with me to get answers to these troubling questions?

Mr. LEVIN. I share the Senator's concern and will work with her to address these important questions.

Mr. COBURN. Mr. President, the Senate today accepted three amendments that I offered to S. 2766, the National Defense Authorization Act for Fiscal Year 2007, intended to improve transparency and accountability of taxpayer funds provided to the Department of Defense.

Amendment No. 4370 addresses the practice of the earmarking of Federal funds by members of Congress. "Earmarks," more commonly known as "pork projects," are provisions inserted into bills or directives contained within a joint explanatory statement or reports accompanying bills specifying the identity of an entity, program, project or service to receive assistance.

Many congressional earmarks inserted within Defense appropriations bills are not needed, or even wanted, by the Pentagon. Just this week, the Washington Post published an article titled, "The Project That Wouldn't Die; Using earmarks, members of Congress kept money flowing to a local company that got $37 million for technology the military couldn't use."

Earmarks contained within Defense appropriations bills have been linked to a number of recent congressional corruption and ethics probes. Convicted super-lobbyist Jack Abramoff openly boasted that earmarks were his political currency and he called the Appropriations Committee that doles them out a "favor factory" for lobbyists.

The $80 billion emergency supplemental passed last year was riddled with add-ons. It included $10 million to expand wastewater facilities in Swiftwater, PA. The University of Texas Southwestern Medical Center got $3 million. A wastewater treatment plant in Desoto County, MS, got $35 million, and $4 million went to the Fire Sciences Academy in Elk, NV. While these many have been local priorities for these communities, it is difficult to argue that they are needed for our national defense.

In its report on its fiscal 2001 Defense appropriations bill, the Senate Appropriations Committee wrote: "The committee understands that medical studies indicate the potential benefits of cranberry juice and other cranberry products in maintaining health. The committee urges the Secretary of Defense to take steps to increase the department's use of cranberry products in the diet of on-base personnel and troops in the field. Such purchases should prioritize cranberry products with high cranberry content such as fresh cranberries, cranberry sauces and jellies and concentrate and juice with over 25 percent cranberry content."

Most Americans do not support earmarking Federal funds, especially for such dubious purposes that serve parochial interests at the expense of our national defense. A recent Wall Street Journal/NBC News poll, in fact, found that of all the issues facing our nation, curtailing earmarks was identified as "the single most important thing for Congress to accomplish this year."

The number of earmarks in Defense appropriations laws has grown from about 587 in fiscal year 1994 to about 2,847 in fiscal year 2006, according to a recent report by the Congressional Research Service, CRS. The amount of money earmarked has increased over the same period, from about $4.2 billion to $9.4 billion. The amount earmarked as a percentage of the total in the Defense appropriations bill has correspondingly increased from about 1.8 percent in 1994 to approximately 2.4 percent in 2006.

While we can determine the total number of earmarks and the actual pricetag of each, we have no way of calculating the hidden cost of earmarking, which includes staff time and administration expenses.

Specifically the amendment accepted today requires the Department of Defense to report annually: The total annual cost of earmarking in Defense appropriations bills; the purpose and location of each earmark; an analysis of the usefulness of each earmark in advancing the goals of the Department of Defense. This will provide Members of Congress a more complete view of the cost effectiveness of each project and if such projects warranted continued funding.

This annual report will provide Congress and the public a more complete understanding of the total cost of "pork" to the Department of Defense.

The earmark grading system will, likewise, provide needed information to lawmakers and the public about projects inserted into bills that have not had proper oversight, debate or discussion. This added transparency will ensure that every Member of Congress can cast a truly informed vote and ensure greater accountability for how Federal funds are allocated and hopefully return some integrity to the appropriations process that has been undermined by recent investigations into earmarking.

My second amendment, No. 4371, accepted by the Senate today seeks to end the practice of Defense contractors being rewarded for poor performance. The Department of Defense has been improperly paying awards and incentives to contractors that do not fulfill the terms and conditions of their contracts. These are intended to be paid only for outstanding performances on contracts but are routinely paid out without regard to performance.

In a recent study conducted by the Government Accountability Office, GAO, DOD paid out at least $8 billion in fees over 4 years, the vast majority of which were not earned and were improperly awarded. This of course, was just a small fraction of the overall total of award fees given out to contractors every year.

My amendment seeks to end this process and require performance as a prerequisite for award fee bonuses. My amendment specifically requires that a contractor cannot receive an award fee unless the contractor has met the basic requirements of the contract.

This amendment has the potential to save the Federal Government billions of wasted tax dollars every year and improve contractor performance.

The third amendment, No. 4491, as modified, will require DOD's Defense Travel System, DTS, to transform its "cost plus" contract to a fee-for-use-of-service system similar to the private sector travel reservation systems currently available in the marketplace.

DTS was initiated in 1998 DTS and intended to make travel arrangements for the military service branches and defense agencies. It was supposed to be fully deployed by 2002. However, that date has been pushed back to September 2006—a delay of over 4 years—and has cost the American taxpayer $474 million—a staggering $200 million more than it was originally projected to cost.

DTS has a long record of failure. In July 2002, the DOD inspector general released a report on DTS which highlighted numerous concerns with the program and stated that DTS was being "substantially developed without the requisite requirements, cost, performance, and schedule documents and analyses needed as the foundation for assessing the effectiveness of the system and its return on investment." Following on that IG report, DOD's office for Program Assessment and Evaluation prepared a report recommending termination of the program.

In January 2006, GAO reported that "DTS's development and implementation have been problematic . . . thus it is not surprising that critical flaws have been identified, resulting in significant slippages between the planned and actual deployment dates of the system" and that selected requirements for display of flights and airfares found that system testing was "ineffective in ensuring that the promised capability was delivered as intended."

This means that not only is DTS not performing, the current system is incapable of testing properly in order to determine what is required in order to meet DOD's plan.

Further, DOD could not prove that DOD travelers even had access to the flights that were available for travel. There is no doubt such a flaw would have produced higher travel costs.

Compounding this problem is the fact that some DOD agencies continue to use the existing legacy travel systems at locations where DTS is already deployed. This means that all of the proclaimed savings that DTS was supposed to reap are nowhere to be found—because DOD continues to use legacy systems to do the same thing.

As originally envisioned, DTS was supposed to be a pay-for-use-of-service system in which the DTS was paid by the government based only on the extent to which the system was used—thereby creating an incentive for DTS to be a cost effective travel reservation system for the Department of Defense.

This amendment requires the Department of Defense to honor the original intentions of the DTS contract. Within a year of enactment of this bill, DTS will be required to utilize a fee-for-use-of-service system. The funds raised through fees charged will be used by DTS to pay for its operational and maintenance costs as the system is slated to be fully developed and deployed by September 2006. DTS will be required to: (1) levy a one-time, fixed price service fee per DOD consumer using the system, and (2) charge an additional fixed fee for each transaction.

Together these three amendments ensure greater transparency and accountability of Federal funds and ensure taxpayers and our men and women in service are guaranteed that the funds we are spending on the defense of our Nation are better spent.

I would like to thank Chairman WARNER and his staff and look forward to continuing to work with them on these issues as this bill goes to conference.

Mrs. LINCOLN. Mr. President, today I offered an amendment on behalf of the brave men and women of our National Guard and Reserve who have sacrificed so greatly for our freedom. This amendment would allow members of the Selected Reserve who have been activated for extended durations to utilize some of the educational benefits they have earned once they separate from service.

Since World War II, providing educational benefits to returning servicemembers has served an invaluable role in stimulating recruitment and retention for our armed services. In assisting veterans readjusting to civilian life, these educational benefits have also enhanced our Nation's competitiveness through the development of a more highly educated and productive workforce.

When the Montgomery GI bill was signed into law in 1984, members of the Selected Reserve—members of the National Guard and Reserve on active status or performing initial Active Duty training—were seldom mobilized. Consequently, standard Montgomery GI Bill benefits reflected that reality. That is not the same reality today.

More than 500,000 members of the National Guard and Reserve have been called up since the terrible events of September 11, 2001, and more than 70,000 have pulled two or more tours of duty. In my State of Arkansas, nearly 3,400 of our National Guard's 39th Infantry Brigade were called to serve in Operation Iraqi Freedom. These citizen soldiers served with distinction and did so in some of the worst conditions imaginable. While their families and their communities have welcomed them home with open arms, our Nation should do the same by ensuring they receive the benefits and services they need as they transition back to their civilian lives.

The rising price of higher education, increases in the interest rates on student loans, and the limited earnings ability of those who return from the service with only high school credentials make educational benefits a primary means of helping members of the Selected Reserve make that transition. In addressing this issue, Congress took a step in the right direction in October 2004 with creation of the Reserve Education Assistance Program. This program provided enhanced Montgomery GI bill benefits for members of the Selected Reserve who were activated since September 11, 2001, and mobilized for more than 90 days in response to a contingency operation—a war or national emergency as declared by the President or Congress.

Although increasing benefits was a step in the right direction, it did not address the lack of a readjustment or transition component to these educational benefits. As a result, Active-Duty servicemembers have up to 10 years after their separation of service to utilize their MGIB benefits, while members of the Selected Reserve must forfeit all of the educational benefits they have earned once they separate from the Selected Reserve. Montgomery GI bill benefits continue to be the only benefit that those who have served Selected Reserve activated duty in the war on terrorism may not access when they eventually separate or retire.

For example, a young man enlists in the Arkansas National Guard for a 6-year commitment after graduating from high school in 2001. He is mobilized in June 2005 and will return home from Iraq in September 2006, a 15-month mobilization. He plans to complete his service in June 2007 and use the Montgomery GI bill benefits he earned during his mobilization to attend the University of Arkansas. Under current law, he would forfeit all of these benefits once he leaves the Guard. I believe our young men and women who have fulfilled their service obligations deserve better than that.

Specifically, my amendment would allow members of the Selected Reserve to have portability of their chapter 1607 Montgomery GI bill benefits for up to 10 years from their last date of service. To clarify, this amendment applies only to their chapter 1607 benefits—those they have earned through activated service—and not their standard Selected Reserve educational benefits, chapter 1606 benefits.

Some have raised concerns that this amendment would have an effect on retention because it would provide a post-service portability of benefits. I disagree. There are many valid personal and family reasons that influence a volunteer's decision to serve. Military analysts have consistently noted that reenlistment bonuses in lump-sum cash payments have been effective in meeting or exceeding reenlistment goals in the Active and Reserve Forces, not the educational benefits that are deferred over time.

Further, there is a built-in incentive to continue serving in the Selected Reserve because reenlistment or extension in the Guard and Reserve enables the servicemember to retain their standard Selected Reserve Montgomery GI bill benefits under chapter 1606 with the potential to acquire more chapter 1607 benefits through successive activations. If they reenlist, they would also remain eligible for any other educational "kickers" such as Federal tuition assistance and state Guard or Reserve educational benefits.

Young high school graduates thinking about furthering their educations and whether to join the Guard or Reserve should know that they will earn Montgomery GI bill benefits by joining the Reserves and even more if they are called up. When it is time to reenlist, they can keep all earned educational benefits by staying in or can take with them into civilian life the benefits they earned when they were called up to defend our Nation.

As the daughter of a Korean war veteran, I was taught from an early age about the sacrifices our troops have to make to keep our Nation free and have been grateful for the service of so many of our brave men and women from the State of Arkansas and across the Nation. On behalf of them and their families, I will continue to fight to ensure they are provided with the benefits, pay, and health care that they have earned. I urge my colleagues to support this amendment. It is the least we can do for those whom we owe so much and to reassure future generations that a grateful nation will not forget them when their military service is complete.

Mr. NELSON of Florida. Mr. President, the National Defense Authorization Act for Fiscal Year 2007 includes a provision that would repeal section 5062(2), title 10, United States Code that requires the Navy to keep a minimum of 12 operational aircraft carriers in the fleet. As many of my colleagues know, I oppose this repeal. I am convinced that as a nation at war, we should not increase our strategic risk by reducing our ability to place U.S. naval aviation anywhere and at any time as may be required to respond to crises around the world.

Although this bill would repeal the 12-carrier minimum requirement, the Armed Services Committee was clear that we should not allow our carrier fleet to fall dangerously lower than 11 ships. I believe strongly that the size and capability of our carrier fleet is a matter of highest national concern. Once mothballed, scrapped, or a combat loss, a carrier is extremely difficult and expensive to replace. The Nation needs 12 carriers for worldwide presence and crisis response. Congress should support a funding program to ensure that we achieve and sustain that level as soon as practical.

As concerned as I am about reducing the size of our carrier fleet, I am equally concerned about the risk of failing to adequately disperse them. Stationing all our Atlantic coast carriers in a single port only compounds the challenges we will face with a smaller fleet. I am not alone in that assessment. The former Chief of Naval Operations, ADM Vernon Clark, told the Armed Services Committee in February 2005 that in his view, "overcentralization of the [carrier] port structure is not a good strategic move . . . the Navy should have two carrier-capable home ports on each coast." Admiral Clark went on to say, ". . . it is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port."

As recently as March this year, Deputy Secretary of Defense and former Secretary of the Navy, Gordon England, testified to this committee that the Navy needed to disperse its Atlantic coast carriers saying, "My judgment is that [dispersion] is still the situation . . . a nuclear carrier should be in Florida to replace the [USS *John F.*] *Kennedy* to get some dispersion. " Secretary England explained that, "the concern there was always weapons of mass destruction. Even though carriers were at sea, the maintenance facilities, et cetera, are all still there and the crews . . . so having some dispersion would be of value to the Department of the Navy."

At the same hearing, Vice Chairman of the Joint Chiefs of Staff, ADM Edmund Giambastiani, shared his own judgment that we should disperse our carriers. He illustrated his sense of risk to the Nation's east coast carriers when he recalled his own visit to Norfolk one Christmas, "where we had five aircraft carriers all sitting next to one another, and that is not something we'd like to routinely do."

I am opposed to cutting our Nation's aircraft carrier fleet as a matter of strategic necessity during time of war. The risk, in my view, is unacceptable. As a matter of protecting our smaller carrier force, I am convinced that the Nation must establish a second Atlantic coast nuclear carrier base as quickly as possible. An environmental impact study in 1997 found Naval Station Mayport, FL, current home of the USS *John F. Kennedy*, suitable to permanently station a nuclear aircraft carrier. The Navy should complete its update of that study as quickly as possible. Additionally, in order not to lose any time once the study is complete, the Navy should include funding in its fiscal year 2008 Future Years Defense Program to begin building the maintenance and support facilities necessary to stationing a nuclear aircraft carrier at Naval Station Mayport. Availability of these funds should naturally be contingent upon but timed in the budget's outyears to coincide with the completion of an updated environmental impact study. I look forward to working with my colleagues on both these vital issues.

Mr. AKAKA. Mr. President, at the outset, I have and I will continue to support our military personnel in Iraq and Afghanistan. They deserve no less than our complete backing.

I recently returned from visiting Iraq, where I had the honor of meeting with our troops and visiting with Iraqi officials. I left with a deep admiration for the spirit of our fighting men and women who continue to give their all under very difficult circumstances. I was also impressed by the willingness of many Iraqis to put themselves in harm's way as they dedicate their lives to the future of their Nation. However, I continue to harbor grave concerns over the current situation in Iraq and the President's strategy for fighting the Iraq conflict.

So far, more than 2,500 Americans have died and 18,000 have been wounded. We owe it to both our honored dead and wounded to ensure that their sacrifices were not in vain and that we successfully accomplish our mission in Iraq and Afghanistan. However, as I have said from the beginning of this conflict, we need a clear understanding of what the mission is, what is needed to accomplish the mission, and the true accounting of the cost of the mission.

It is time for the President to tell Congress, the American public, and most importantly, the families of our fallen heroes and the men and women in the Armed Forces what is his exit plan. Instead, we only get vague assertions such as in the President's address to the Nation a year ago at Fort Bragg in which he said: ". . . our strategy can be summed up this way: As the Iraqi's stand up, we will stand down." What this country needs now is a detailed exit strategy that puts the Iraqi Government and its people on the path to controlling their own destiny.

It is not clear why we went to war, what we are trying to achieve, and how we will measure success. There are many of us who believe that we went into Iraq for the wrong reason: because the President and his advisers miscalculated or misrepresented the threat. And now that we are there, the President continues to come up with new reasons for staying. Before the war, President Bush said we needed to remove Saddam Hussein's weapons of mass destruction. It turned out there were none. Faced with the absence of weapons of mass destruction, the administration has argued that our presence in Iraq is necessary to protect the United States from acts of global terrorism and to ensure that Iraq successfully transforms into a stable democracy.

As Brian Jenkins of the RAND Corporation, one of the country's most noted terrorism experts, has written, "Taking the fight to terrorists abroad—as America did by invading Afghanistan and by continuing efforts against terrorists worldwide—makes sense. But Iraq is a separate and special case, because many of the combatants killed or captured by American and allied forces in Iraq are insurgents created by opposition to the U.S. invasion itself." It is my understanding that terrorist cells have become even more decentralized since the war in Iraq, spreading to many corners of the globe. Islamic extremists in Iraq are reportedly training Taliban and al-Qaida fighters. Furthermore, Brigadier General Robert Caslen says that 30 new terrorist groups have been created since 9/11, and "we are not killing them faster than they are being created." Even Defense Secretary Rumsfeld admits that the United States is not winning the battle of ideas over the terrorists.

A week ago, President Bush justified our presence in Iraq by stating that our mission now "is to develop a country that can govern itself, sustain itself, and defend itself, and a country that is an ally in the war on terror. While I support building a strong democracy in Iraq, I am still very concerned that the number of troops stationed there stands in the way of the Iraqi people developing their own nation.

If we remain in Iraq without a clear exit strategy, I believe that the situation there will worsen. Iraq is a country that is becoming more polarized along ethnic and sectarian lines. The December elections for a new National Assembly were dominated by the religious-based political parties.

Furthermore, the Iraqi public's perception of the economy is becoming increasingly pessimistic. The social situation in Iraq is just as disheartening. As a recent Pentagon report notes, we have spent almost $1 billion in electricity projects and are planning an additional $1.1 billion, but the gap between demand and supply is growing.

The price for not having a clear exit strategy is being borne by the American taxpayer and future generations of Americans who will truly pay the cost of this war. So far, the United States has spent about $40 billion for Iraqi reconstruction and much of that has been wasted. For example, instead of building 142 health centers in Iraq, only 20 clinics have been completed at a cost of $200 million. In addition, former Deputy Secretary of Defense Paul Wolfowitz confidently promised the Congress a week after the war had started that ". . . we're dealing with a country that can really finance its own reconstruction, and relatively soon." His economic projections were exceptionally faulty. Americans are paying inflated prices for Iraqi reconstruction projects that are only partially complete, instead of Iraqi oil revenues paying for Iraqi reconstruction.

The President's policy gives the Iraqis veto power over when American troops withdraw. Whether our troops remain there, should not be subject to an Iraqi veto. Making the departure of U.S. troops dependent on the Iraqis places the health and welfare of our brave men and women at the mercy of Iraqi decisions.

When I spoke with Iraq's National Security Adviser, Dr. Mowaffak Rubaie, he shared his view that the removal of foreign troops will legitimize Iraq's Government in the eyes of its people. In my view, a phased withdrawal of American troops will encourage the Iraqi Government and military to take responsibility for their future. In addition I support maintaining sufficient security forces to continue training the Iraqi military, sufficient security forces to protect the continued American civilian presence, and sufficient security forces to attack al-Qaida terrorist networks. The result will be a strengthened, not weakened, Iraqi Government and military.

I agree with the President when he said that "success in Iraq depends upon the Iraqis. If the Iraqis don't have the will to succeed, they're not going to succeed. We can have all the will we want, I can have all the confidence in the ability for us to bring people to justice, but if they choose not to . . . make the hard decisions and to implement a plan, they're not going to make it."

We must empower the Iraqis to defend and govern themselves. For that reason, phased withdrawal is the only road to success.

Mr. President, some say that asking this administration to provide a plan detailing the eventual withdrawal of our troops from Iraq demonstrates a lack of courage. To me, it takes courage to do what is right for our Nation and for Iraq. What is right for our Nation is to establish an exit strategy to bring our troops home to their families. What is right for Iraq is to empower them to control their own destiny.

Mr. DORGAN. Mr. President, the policy in Iraq is not working and must change. The current plan does not have incentives that encourage the Iraqis to take full responsibility for their own security or to make the difficult compromises necessary for a unity government to work.

We have been in Iraq fighting this war for more than 3 years. The United States has sent hundreds of thousands of our finest troops to liberate Iraq from a brutal dictator. More than 2,500 have died for Iraq's freedom and close to 20,000 have been wounded, many very seriously. America has also spent more than $300 billion fighting the war in Iraq.

Those sacrifices continue. We have about 130,000 troops in Iraq today and, regrettably, we will have more deaths and injuries before this war is over. We will also continue to spend tens, if not hundreds, of billions of dollars more in fighting this war.

I believe that we need a change and we need a change now. That change is the Levin-Reed amendment currently before us.

This amendment says that we will begin a phased redeployment of our troops by the end of 2006.

This will force the Iraqis to take responsibility for their own security and to do so soon. They will have to replace our redeployed troops with Iraqi troops. This will create incentives to build their own police and military because some time soon they will not be able to count on Americans doing those jobs. This will also encourage them to put aside their political differences and agree on a government that works.

This action will not come as a surprise to the Iraqis or anyone else. Last year, by a vote of 79 to 19, the United States Senate said 2006 "should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq." What we are now saying is it's time for the phased redeployment to happen.

The Levin-Reed amendment that I voted for says that "the current open ended commitment of United States forces in Iraq is unsustainable and is a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq."

Reducing the U.S. role in Iraq also reduces the arguments made by the insurgents and terrorists that they are fighting an occupying army. When Iraqis are in charge of security, they will be forced to decide if they are going to continue to fight their own government and their own military or work together to rebuild their own country.

We are not pulling out or abandoning the Iraqi people. We are moving to a support role while the Iraqis take the lead. That is what phased redeployment means.

It is time for the Iraqis to work together and build their future. We cannot do that for them. This amendment sets in place a plan to provide the conditions for them to do it themselves. We have done our part. They must do their part and they must do it soon

Mr. PRYOR. Mr. President, I wish to speak about an amendment I offered to the 2007 Defense authorization bill that would be very beneficial to the members of our Reserve Component. The amendment would award them 15 days of paid leave at the end of their deployment, provided they have been deployed more than 6 months and have been deployed in a combat zone. The members of the Reserves and National Guard face a different situation and different challenges when they return from combat than do those on active duty because they return to civilian life and civilian jobs almost immediately. In many cases I believe it happens too soon, primarily for financial reasons.

The need to return to their jobs as soon as possible means Reservists and Guardsmen have little or no time to make what can be a difficult adjustment. Combat experiences may never be forgotten, especially by those who are not professional soldiers, but a chance to begin to do so, to talk to people if that seems appropriate, would be very helpful. Post Traumatic Stress Disorder is a very real disability. We must do whatever we can to help our citizen soldiers avoid it. And to help those who get it despite our efforts.

The experiences of our combat soldiers are stressful at best, debilitating at worst. I believe 2 weeks to readjust, to spend time with their families, and to make whatever preparations are necessary would be tremendously helpful and very well deserved. These men and women have left their families and their jobs to serve our country overseas for extended periods at great personal sacrifice. Two weeks of paid leave would relieve the financial pressure to return to work immediately. I believe not only the soldiers would benefit, but so would the employers and coworkers. They would at long last regain an employee who has had time to adjust and is ready to become a productive worker again. So the benefits would not go solely to the soldiers and their families.

This is an important amendment, one that would help soldiers, their families, and their communities around the nation. I believe it deserves to be included in the Defense authorization bill, and I ask my colleagues for their support.

Mr. BIDEN. Mr. President, last Thursday, we passed by a 99-to-1 vote an emergency spending bill to support our troops in Iraq and Afghanistan and provide relief to the victims of Hurricane Katrina. Unfortunately, behind closed conference doors, a key provision of both the House and Senate versions was stripped out—an amendment, introduced by Representative BARBARA LEE and myself, that would bar any funds from being used to establish permanent U.S. military bases in Iraq or to control Iraq's oil.

I voted to support our troops, though I was surprised that my amendment was removed in conference after not a single Senator spoke against it during the floor debate. By removing the "no permanent bases" amendment, we make life more difficult for our men and women in uniform and undercut our Nation's broader effort against terrorism. So I am happy that my amendment has now been accepted as part of the Defense authorization bill.

It is straightforward, clear, and simple: It affirms that the United States will not seek to establish permanent military bases in Iraq and has no intention of controlling Iraqi oil. I will repeat what I said 6 weeks ago: While it may be obvious to Americans that we don't intend to stay in Iraq indefinitely, such conspiracy theories are accepted as fact by most Iraqis. In an opinion poll conducted by the University of Maryland in January, 80 percent of Iraqis—and 92 percent of the Sunni Arabs—believe we have plans to establish permanent military bases. The same poll found that an astounding 88 percent of Sunni Arabs approve of attacks on American forces.

Why do Iraqis believe we want permanent bases? Why do they think we would subject ourselves to the enormous ongoing costs of Iraq in blood and treasure? Do they think we want their sand? No, they think we want their oil. To my mind, the connection between these two public opinion findings is incontrovertible.

Before you dismiss these as simple conspiracy theories, remember what Iraqis have been through in the past three decades: three wars and a tyrannical regime that turned brother against brother and made paranoia a way of life. And there is a longer history, too: 400 years of British and Ottoman occupation have led to a deeply ingrained suspicion of a foreign military presence.

These views extend well beyond Iraq. In a 2004 Pew Charitable Trust survey, majorities in all four Muslim states surveyed—Turkey, Pakistan, Jordan, and Morocco—believed that control of Mideast oil was an important factor in our invasion of Iraq. Our enemies understand the boon these misconceptions provide to their recruiting efforts and use them as a rallying cry in their calls-to-arms. Last year, in a letter intercepted by the U.S. military, Ayman al-Zawahiri, the deputy leader of al-Qaida, wrote to the recently killed Jordanian terrorist Abu Musab al-Zarqawi: "The Muslim masses . . . do not rally except against an outside occupying enemy."

Our military and diplomatic leaders understand that countering this vicious propaganda requires clear signals about our intentions in Iraq. And they have done just this: GEN George Casey, the ground force commander in Iraq, told the Committee on Armed Services last September: "Increased coalition presence feeds the notion of occupation." At the same hearing, GEN John Abizaid, the commander of all U.S. troops in the Middle East, told Congress: "We must make clear to the people of the region we have no designs on their territory or resources." In March, the American Ambassador to Iraq, Zalmay Khalilzad, told an Iraqi television station that the United States has "no goal in establishing permanent bases in Iraq."

Unfortunately, this clarity has been clouded by mixed messages from the senior-most decision-makers in the Bush administration: To my knowledge, President Bush has never explicitly stated that we will not establish permanent bases in Iraq. And both the Secretary of Defense and the Secretary of State have left the door open to do just that. On February 17, 2005, Secretary Rumsfeld told the Committee on Armed Services: "We have no intention, at the present time, of putting permanent bases in Iraq." "At the present time" is not exactly an unequivocal statement.

On February 15, 2006, at the Senate Foreign Relations Committee hearing, Senator KERRY asked Secretary Rice: "Is it, in fact, the policy of the administration not to have permanent bases in Iraq?" Rather than answering the simple one word, "Yes," Secretary Rice said during a 400-word exchange on the question: "I don't want to in this forum try to prejudice everything that might happen way into the future." Just last Thursday, columnist Helen Thomas asked the White House Press Secretary to unambiguously declare that the United States will not seek permanent bases in Iraq. Again, the Press Secretary could not unequivocally declare this to be the case.

These mixed messages are confusing to the American people and the Iraqi people alike. They feed conspiracy theories and cede rhetorical space to our enemies. They make it that much more difficult to win the battle for the hearts and minds of 1.2 billion Muslims in the world. Our success in that battle will determine our success in the struggle between freedom and radical fundamentalism. Against this backdrop, I believe that it is incumbent upon us to speak where the administration has not.

My amendment will have no detrimental effect on the military operations of our Armed Forces in Iraq or their ability to provide security for Iraqi oil infrastructure. United Nations Council Resolution 1546 recognizes that the American and coalition forces are present in Iraq at the invitation of the Iraqi Government and that their operations are essential to Iraq's political, economic, and social well-being. In his first speech to the Iraqi Parliament last month, Prime Minister Nuri al-Maliki endorsed that resolution. We are anxious for the day when Iraqis can take control of their own destiny, but the Iraqis are suspicious of our intentions and are growing increasingly impatient.

This amendment may not in itself change a lot of minds on the ground or in the region, but it can mark the beginning of a sustained effort to demonstrate through words and deeds that we have no intention of controlling Iraq's oil or staying there forever. I believe it is our duty to do so.

Mr. REID. Mr. President, I thank the chairman and the ranking member of the Armed Services Committee for working with my office and Senator ENSIGN's office on scaling back the new exceptions to the Berry amendment—the Buy American rules—that were ultimately included in this legislation. The changes to narrow the language as originally proposed go a long way toward addressing the concerns of the U.S. specialty metals industry, including titanium production in Nevada. So again I thank the chairman and ranking member for working with us on these changes.

Still, I have concerns about provisions in this bill that were adopted as part of amendment 4286 on June 15 that weaken the Buy American provisions of the Berry amendment. I know this is not the intention of the Senate or the committee, but I am concerned that we may be opening a door to the use of foreign specialty metals in production of U.S. military equipment that is very dangerous, and we may have started down the proverbial slippery slope.

Right now, due in no small part to the policy of the Berry amendment, the United States has the most sophisticated titanium and specialty metals sector in the world. The Berry amendment policy is good national policy because these are materials that a modern military must have, and so we need to maintain a robust domestic manufacturing capability to meet our national security needs.

My starting point, then, and I know the Senators agree, is that we need strong Buy American provisions for purchases of specialty metals from the Defense Department. There have been some complaints about administrability—some of which are legitimate but some of which unfortunately I think may be driven by opponents of Buy American rules in and outside the administration.

I think the legitimate concerns can and should be addressed with some minor tweaking and appropriately limited waivers. If material of the right quality or grade is not available in the

United States, the Pentagon could exercise its existing waiver authority. We could pass legislation that could improve that authority. If lax enforcement has led to a buildup in foreign inventories, we could create a temporary "get well period." If a few off-the-shelf items should not be included under the Berry amendment, let's figure out what they are and exempt them.

But I worry we have gone much further than that. The Senate's bill introduces a number of new concepts that I am not sure we fully understand individually, and I am very concerned we do not understand how all of these different concepts will interact together.

Let me be clear about one thing. Outside of the U.S. companies, there is only one other worldwide producer of aerospace-quality titanium. In other words, one titanium company in the whole world will get the new U.S. defense business from weakening the Buy American provisions of the Berry amendment. That company is a Russian company called VSMPO. It was built by the Government of the Soviet Union, later privatized, and recently the Government of Russia has indicated that it intends to take a controlling share of the company.

That is right, the Kremlin intends to take a large ownership position in this company. This is the same Kremlin that used access to energy supplies to try to bully the Ukraine as an intimidation tactic. I have a series of newspaper articles on VSMPO and its relation to the Russian Government and I will ask unanimous consent that they be printed in the Record.

The administration has talked about needing to change the Berry amendment and has said that it wants greater "commercial and military integration." But, I am concerned that if it is not appropriately narrow, changes to the Berry amendment will create greater "Kremlin-Defense integration." So if this new language would have the result of increasing U.S. dependence on Russian titanium producers, I think it would be terrible military and defense policy.

I hope that as the bill moves forward, we will have an opportunity to take a closer look at these provisions and narrow them even further. Perhaps some concepts we will determine deserve to be dropped altogether.

I ask unanimous consent that the articles to which I referred be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Kremlin Capitalism

RUSSIAN CAR MAKER COMES UNDER SWAY OF OLD PAL OF PUTIN

A TIGHT CIRCLE IN GOVERNMENT IS DRAWING KEY INDUSTRIES INTO THE STATE'S ORBIT

FRICTIONS WITH PARTNER GM

(By Guy Chazan)

Moscow.—Last December, the head of Russia's state arms-trading agency emerged from the shadows as one of the country's most powerful businessmen. Aided by 300 heavy armed police, he took control of Russia's largest auto maker.

His agency had no experience running a car company, nor did it own any shares of this one, OAO Avtovaz, producer of the ubiquitous Lada. But the chief arms trader, Sergei Chemezov, had one invaluable asset: He is an old friend of Russia's president, Vladimir Putin.

Mr. Chemezov says he has known Mr. Putin since the two were KGB agents in the 1980s. He acknowledges that his ties give him a leg up in business. "It means we can get a lot of issues resolved fast," he says.

Since being tapped in 2004 to run the arms-export business, Mr. Chemezov has been using his unique access to turn the state agency, called Rosoboronexport, into a conglomerate with interests ranging from to oil-drilling gear to cars. Its newest target is one of the world's largest titanium producers, a critical supplier for Airbus and Boeing Co.

Rosoboronexport is one of several fast-growing companies headed by friends of Mr. Putin that embody his particular brand of state capitalism. Across Russian industry, private capital is in retreat as state-controlled entities ride a wave or consolidation and confiscation to dominate oil, gas, aviation, engineering and other sectors Mr. Putin deems strategic.

It's a process with strange echoes of the past. In the 1990s, a generation of aggressive young businessmen used connections to snap up assets at rigged privatization auctions. Now, some of Mr. Putin's closest associates are taking advantage of their proximity to the Kremlin to build up similarly huge, although nominally state-owned business empires.

Their growth worries the few outspoken advocates of market-oriented policies left in the top ranks of the Putin government. We do not have enough ways and means to keep track of state-controlled firms, many of them monopolies, as they grab market assets," said Economics Minister German Gref at a conference in April.

Long noted for graft and inefficiency, Russian state-owned behemoths increasingly have become tools of government policy. In January, gas monopoly OAO Gazprom briefly shut off the fuel to neighboring Ukraine in a price dispute that was widely denounced as a move to punish the pro-West government in Kiev. The Kremlin rejects those accusations and says big state-owned companies will be subject to the discipline of the market, often with some shares available to foreign investors. (The government is planning an initial public offering of state oil company OAA Rosneft this summer.)

But at Avtovaz, Rosoboronexport's takeover wasn't good news for General Motors Corp.'s $340 million joint venture with the Russian auto giant. The change in management brought to a head simmering tensions at the operation. Now there are signs the entire deal, the largest foreign investment in Russia's auto sector, could unravel.

Until recently, Rosoboronexport was barely known, an operation with a few hundred employees headquartered on a quiet Moscow boulevard. It was, and remains, one of Russia's most opaque companies: Its business activities are largely a state secret. With Mr. Chemezov at the helm, however its profile began to grow.

According to Mr. Chemezov, he and Mr. Putin met when both were KGB intelligence officers in Dresden, East Germany—a claim the Kremlin won't comment on but one published in a government-controlled magazine. Mr. Chemezov says the two lived in the same apartment block and their families socialized. They kept in touch after their return to Russia. In 1996, when Mr. Putin got a job as a mid-level Kremlin bureaucrat, he made Mr. Chemezov his deputy.

In 1999 Mr. Chemezov moved to the arms industry. It was a time of corruption and chaos. The advent of capitalism had left defense factories starved for cash. Desperate to survive, the mostly state-owned firms competed with one another for foreign contracts, often with the help of dubious middlemen.

After Mr. Putin became Russian president the following year, he took control of the trade. He formed Rosoboronexport as a state monopoly to squeeze out freelance arms salesmen and root out graft, staffing it with old comrades. Mr. Chemezov became its deputy head and then, in 2004, its chief.

Russian weapons exports boomed. They totaled $6 billion last year, up 70% since 1999. Rosoboronexport, which takes a 3.8% commission on all sales, prospered.

The agency expanded its horizons. Last year, it merged all of Russia's helicopter makers, some of them privately owned, into one of its subsidiaries. Now it is involved in a similar effort to consolidate Russia's struggling airplane manufacturers under state control.

Chemezov's influence grew as the Kremlin picked him to represent the state on the boards of a string of large defense firms. But his most ambitious gambit yet involved Avtovaz. The auto story developed fast last fall, ignited by a meeting in the Kremlin between President Putin and the long-serving CEO of the publicly held car company.

DOWN ON ITS LUCK

Avtovaz was built in the late 1960s in Togliatti, a drab Volga River city named after an Italian Communist. In the 1990s the city was torn apart by mafia wars, as rival gangs vying for control of the auto works staged shootouts at the factory gates. The company was broke. Big profits, however, were being racked up by trading firms—some linked to Avtovaz management—that supplied auto parts and sold the company's finished cars.

More recently, Avtovaz has struggled to hold market share as some in Russia's growing middle class switch from clunky Ladas to foreign-brand cars. By mid-2005, corporate raiders, some alleged to have criminal connections, were tightening their grip on the big auto maker. They bought up parts suppliers and dealerships, installing loyal managers and acquiring shares.

Mr. Chemezov says that when President Putin met last fall with Avtovaz's chief, 64-year-old Vladimir Kadannikov, the veteran auto executive said he wanted to retire. Mr. Kadannikov declined to be interviewed. People close to him say he didn't have much choice in his decision to leave. A Kremlin spokesman said Mr. Putin doesn't fire the managers of private companies.

After consulting with aides, Mr. Putin gave Rosoboronexport the task of cleaning up Avtovaz, Mr. Chemezov says.

Moving in was a simple operation. Avtovaz's managers control the auto maker through an arcane system of cross-shareholdings. By replacing the bosses, Rosoboronexport could take charge of the company without having to buy any shares.

First, though, the old management team had to be persuaded to leave peacefully. After Mr. Kadannikov resigned in October, a team of police investigators and prosecutors was airlifted in to begin the process. "To impose order . . . the state had to bring in 300 policemen from outside,” says Mr. Chemezov. “Over the next few months, we had to replace virtually the entire police force, both in Togliatti and in the factory itself!” Soon, three of Avtovaz's senior accountants found themselves facing charges of theft and tax evasion. The charges were dropped a few weeks later.

On Dec. 22, a tight police cordon encircled Avtovaz's high-rise headquarters in Togliatti as shareholders gathered to elect a new board. Within half an hour, they had voted for the new, state-approved slate. Most had never even seen the candidates before. No alternatives were on the ballot.

AUTO GIANT

President Putin defended the takeover. “Let's face it, the enterprise is in a bad way,” he told reporters in January. “And if a state structure goes in as crisis manager to try to improve the situation, then that's no bad thing.”

The new bosses are pushing for $4.5 billion in state money to roll out new models and build a new factory to make 450,000 cars a year. Some in the government want Avtovaz to go further, absorbing other, smaller Russian car makers to form a national auto giant. Mr. Chemezov has a personal notion of how to restore the car company's onetime glory. He has just announced it will build a Jeep-type vehicle for the army, to be called the Kalashnikov.

On the whole, workers appear to have welcomed the change at the top. “With the new lot, at least there's hope they'll get rid of the mafia. They're the only ones who can,” says Pyotr Zolotaryov, head of Edintsvo, Avtovaz's independent trade union.

Rosoboronexport moved quickly to get control over Avtovaz's lucrative sales operations. One of the first steps was to put the company's Moscow office in the hands of the brother of Avtovaz's new chairman.

Then the new regime shifted a big chunk of Avtovaz's financial flows, including some of its hard-currency accounts, to a preferred bank. Called Novikombank, it is tiny but has close links to Russia's defense industry. For years, one of its main shareholders was Russia's Association of Foreign Intelligence Veterans, and in the late 1990s it was run by Mr. Chemezov's Rosoboronexport predecessor, another old KGB hand.

A SPAT WITH GM

Rosoboronexport soon was in a spat with Avtovaz's American joint-venture partner, General Motors. GM had seen relations cool with the previous management team. But it was stunned in February when the new bosses at Avtovaz suddenly stopped supplying parts to the companies' five-year-old joint venture, closing down its production line for 10 days. “There was no discussion at all about a shutdown,” says Warren Browne, head of GM in Russia. “They took that decision unilaterally.”

Avtovaz had long grumbled that the joint venture wasn't paying enough for the parts Avtovaz supplied. After tough negotiations, the sides worked out a compromise that raised the price, though not by the 60% that Avtovaz had demanded. But that deal expires at the end of this year, and beyond that, the venture's prospects look murky. “There's still a lot of distrust on both sides,” says a banker familiar with the project. “I think one will buy the other out.”

That would be a big blow for a pioneering project that in its time put GM way ahead of competitors in one of the world's fastest-growing car markets. GM took the risky step of putting its Chevrolet logo on a Russian-designed car, a strategy that initially paid off as Chevrolet became Russia's top-selling foreign brand in 2004. After this year's tiff, GM says it remains committed to the joint venture. “It's debt-free, it's got cash flow and it achieved a profit a year before we expected it to,” says Mr. Browne.

Avtovaz's new bosses are less effusive. “When it started, the venture was a breakthrough, but times change,” says Vladimir Artyakov, Avtovaz's new chairman. “It got stuck in its original format . . . and began to limp. It no longer really fits into Avtovaz's strategy.” Asked if Avtovaz might seek to buy out GM, he said, “Why not?”

GM appears to be looking at other alternatives. It has taken out an option on land in St. Petersburg for a possible assembly plant there, which it would own with no local partners.

METALS RACE

Mr. Chemezov is also on the lookout for other business. He's in talks to have his Rosoboronexport buy a stake in publicly held OAO VSMPO-Avisma one of the world's main producers of titanium. It would become part of a big new state company producing metals and alloys for the Russian defense industry.

VSMPO has just signed a $1.4 billion contract to sell the lightweight metal to Airbus through 2015. It's also a key supplier to Boeing. Rosoboronexport says it wants to make sure not all of the country's store of the metal ends up abroad. VSMPO “is a strategic enterprise,' 'Mr. Chemezov says. “It supplies all our defense plants with titanium. And naturally we want it to be . . . under state control.”

He denies that plan would amount to nationalization, although he acknowledges that the price Rosoboronexport is offering is only about half the titanium maker's current share price.

As Mr. Chemezov's influence expands, the line separating his different roles—civil servant and entrepreneur—is increasingly blurred. “You know, we're not really the state, we're businessmen,” he says of Rosoboronexport. “Call it state commerce.”

RUSSIAN STATE TO BUY STAKE IN VSMPO

(By Arkady Ostrovskyin, Moscow)

The owners of VSMPO-Avisma, the world's largest titanium producer, have succumbed to advances from the Russian authorities to sell a stake to Rosoboronexport, the state arms trading monopoly, which is fast emerging as one of the most powerful players in the Russian economy.

While talks between Rosoboronexport and VSMPO-Avisma shareholders are still going on, a decision in principle to sell some of their shares to the state has been made, the shareholders said.

The company is controlled by Vladislav Tetyukhin and Vyacheslav Bresht, who have transformed the former Soviet military plant into a highly profitable and globally competitive business. VSMPO supplies Airbus and Boeing with most of their titanium, increasingly used in aircraft construction because of its toughness and lightness.

Both Mr. Tetyukhin and Mr. Bresht have previously resisted attempts by Rosoboronexport to take control over the plant.

Mr. Bresht said yesterday: “I am ready to sell my shares to the state.” He declined to comment on the reasons for his decision. Mr. Tetyukhin, said: “The state will definitely become a shareholder in VSMPO-Avisma.” He said it was a question of time, the size of the stake, and the price.

Observers said the shareholders' decision to give up control over the company was the latest illustration of the Kremlin squeezing out private owners from what it deemed to be strategic industries.

It was also a sign of the growing power of Rosoboronexport, which was set up to trade arms but has a licence for a wide range of commercial activities.

Last year it seized control of Avtovaz, the country's largest carmaker, which it is now trying to revive.

It has also consolidated control over Russia's helicopter makers and is believed to be interested in buying large shipbuilding companies.

It emerged this week that Rosoboronexport, which has the status of a state department, wants to transform itself into a state-owned corporation, which would give its managers more freedom.

VSMPO-Avisma last month struck a $1.4bn deal to supply between 60 and 70 per cent of all titanium consumed by Airbus.

Russia recently consolidated civil and military aircraft manufacturers into a single holding company, which could become a customer of VSMPO.

Rosoboronexport wants at least 25 per cent of VSMPO, but a source close to the talks said the agency was interested in gaining control.

KREMLIN MOVES TO TAKE CONTROL OF KEY MINERAL TITANIUM

YEKATERINBURG, RUSSIA.—The huge new Airbus A380 cannot take off without it, nor can Boeing's 787 Dreamliner—titanium has become an essential component in modern aircraft.

The Urals contain much of the world's reserves of this metal, and the Russian company VSMPO-Avisma, as the world's largest producer, has closed lucrative contracts with aerospace sector in the West. The fact has not gone unnoticed in Moscow. After recovering control of oil and gas, the Kremlin is now looking at retaking control of the metal industry.

Aircraft manufacturers in Europe and North America are concerned. They fear the Russian state could exert influence in the way it has recently in energy politics.

But at VSMPO-Avisma the concern is that circles around President Vladimir Putin are less concerned about national strategy than about personal gain.

With every billion dollars that flows into the Russian state coffers as a result of the continuing high energy prices, the Kremlin's confidence in its economic policy grows.

A few months ago Putin announced the formation of a state holding company for the decaying Russian aircraft construction sector. It is to fall under the arms exporter Rosoboronexport.

Rosoboronexport head Sergey Jemesov, a close Putin associate, made clear to the titanium producer while on a visit to the Urals that the state would not tolerate an independent concern in a key strategic area of this kind.

VSMPO-Avisma, which produced around 30,000 tons in 2005, also supplies titanium for submarines, rockets and nuclear power stations. VSMPO-Avisma general director and major shareholder Vladislav V. Tetiyukhin believes it only a matter of months before the company is sold to the state.

“We are currently in talks about deadlines, price and the extent of the future state holding,” the 73-year-old businessman says. He does not appear happy at the prospect.

Speaking at the company's headquarters in Verknyaya Salda near Yekaterinburg, Tetiyukhin says that neither the clients, such as Boeing and Airbus, nor the company's employees need be concerned about the future.

But there are other voices being raised. A manager says she fears a state takeover. "We have never seen the state managing a business effectively," she says, pointing to reports of poor management at the huge gas production company Gazprom, which has effectively been renationalized over recent years.

A colleague who works in public relations agrees. "Putin's immediate circle are merely aiming at personal gain. Once the president stands down in 2008, our concern will soon be converted to cash," he believes. Western aircraft manufacturers could also find that renationalization could have unfortunate consequences for them.

There are fears that Rosoboronexport could make deliveries of the strong and light metal dependent on Western countries buying Russian aircraft in return.

The current owners of VSMPO-Avisma have made the responsibilities clear to Rosoboronexport. "If the new managers make just one mistake, they will pay heavily for it," says one of the main shareholders, who puts the value of the concern at 2 billion euros.

VSMPO-Avisma is unusual among Russian commodity producers, as it does not export the raw materials but actually processes them. With an annual turnover of 400 million dollars, the company supplies around a third of world titanium demand. Almost 75 percent of its production goes to exports.

In an attempt to allay the concerns of the company's staff, Tetiyukhin says it is not yet clear whether the Kremlin will take a majority shareholding. He has backed on principle a minority holding by the state in the company which was built up under the Soviet Union and then privatized during the tumultuous 1990s.

But Putin may not be satisfied with this.

The alarm bells started ringing when the tax authorities began taking a keen interest in VSMPO-Avisma and the prosecution services began making ominous visits.

Tetiyukhin sees the threat to his company as not yet serious, but the example of Yukos has shown how quickly that situation can change. Precisely these agencies—tax officials and the prosecutors' office—acted as the long arm of the Kremlin in destroying what was the largest Russian oil concern and then selling it to the state-owned competition.

Back in Business—How Putin's Allies are Turning Russia Into a Corporate State

(By Neil Buckley and Arkady Ostrovsky)

Leaders of Russian industry, lined up under company banners to greet President Vladimir Putin in St. Petersburg last week, looked like soldiers standing to attention for their commanding officer. Some had flown hundreds of miles for a place in the parade.

A month before world leaders fly into the city for the summit of the Group of Eight industrialised nations, the investment forum in Mr. Putin's home city was designed to showcase Russia's economic resurgence. As top executives oozed a confidence born of $70-a-barrel oil and the economic recovery it has generated, the message was clear: Russia is back—and is aggressively eager to use its natural resources as tools to regain its influence in the world.

Its renewed assertiveness could scarcely have been imagined eight years ago when, still in the throes of its post-Soviet transformation, the country defaulted on $40bn ($22bn, €32bn) of debt and plunged into financial crisis.

But the forum also displayed the new economic order in Russia. Pride of place was given to the state-controlled giants: Gazprom, the natural gas producer that has a market worth of $225bn—bigger than Wal-Mart or Royal Dutch Shell; Rosneft, the oil company about to launch a $10bn initial public offering; and Russian Railways, also planning IPOs of some of its units.

Directors of these companies are intimately linked to the president. Alexei Miller, the Gazprom chief executive, worked with Mr. Putin in the St Petersburg mayor's office in the 1990s. So, too, did Dmitry Medvedev, who combines his job as first deputy prime minister with chairing Gazprom, and Igor Sechin, who is the president's deputy chief of staff as well as Rosneft chairman. Dmitry Yakunin, chief executive of Russian Railways, also forged a bond with Mr. Putin in the same period.

All are part of a network of Putin associates, either from his spell in Russia's second city or former fellow officers in the KGB secret police, who have quietly come to dominate state-controlled businesses—and who often double up as government ministers or senior Kremlin officials. Together, they form the quasiboard of what might be called Russia Inc., comprising the country's most lucrative assets not just in oil and gas but also nuclear power, diamonds, metals, arms, aviation and transport.

The dominant force in Russia is no longer the oligarchs of Boris Yeltsin's presidency, who hustled their way to wealth in murky post-Soviet privatisations, then parlayed their riches into political power. Mr. Putin's associates have formed a new marriage of economic and political power. Add in the state's resumption of control of most mass media and, says Boris Nemtsov, the liberal former deputy prime minister, this group has all the resources that defined the old oligarchy.

"The 1990s oligarchs have ceased to be oligarchs and just become businessmen again," says Mr. Nemtsov. "Now we have a chekist oligarchy," he says, using Russian slang for a secret policeman.

When Mr. Putin succeeded Mr. Yeltsin in March 2000, his goal was to reassert Kremlin control over a chaotic, cash-strapped state dominated by big businessmen powerful enough to shape legislation to their own advantage. Through a 1995 "loans for shares" scheme, in which some oligarchs lent money for the budget in return for stakes in the most coveted unprivatised businesses, and by funding Mr. Yeltsin's 1996 presidential election victory, they established a hold over the then president.

By helping Mr. Putin to power, they expected to hold similar sway over him. But, by making high-profile examples of some Yeltsin-era oligarchs, Mr. Putin radically clipped the wings of the rest. Two, Boris Berezovsky and Vladimir Gusinsky, fled abroad in 2000 facing fraud charges after clashing with the president.

When Mikhail Khodorkovsky, owner of Yukos, was arrested three years later on fraud charges and his oil company was hit with a $28bn back tax bill, it seemed to be part of the same process. Mr. Khodorkovsky had shown political ambitions and was financing opposition parties. It did not just open a new chapter in the wielding of Kremlin power but began a process of redistribution of assets that has been dogging Russia's economy ever Since.

The president has not "liquidated the oligarchs as a class", as he once pledged—three of the big seven from the 1990s are still in business. Alongside the state companies in St. Petersburg last week were leaders of private companies including Lukoil, the energy group, and Rusal, the aluminium giant.

But Mr. Putin has made private businessmen loyal and pliant. The Yukos case taught them that they held their assets at the Kremlin's pleasure and became involved in politics at their peril. Asked if he has had any recent contacts with Mikhail Kasyanov, the former prime minister turned anti-Kremlin presidential candidate, one 1990s oligarch grimaces.

"Are you crazy? Seeing Kasyanov today would be like meeting the head of the CIA in the 1970s," he says.

As the Yeltsin-era oligarchs have declined, the "state" oligarchs have emerged. One reason is Mr. Putin's propensity for using trusted acquaintances or former KGB colleagues in every aspect of his attempt to re-establish state power. He packed the presidential administration and government with them—and increasingly in his second term has given the same people supervisory roles in state business.

The second is the still largely unacknowledged policy of using state businesses to reestablish Kremlin control of strategic assets. Sometimes, as with Rosneft's purchase of the main production arm of Yukos in 2004, or Gazprom's acquisition of Sibneft from the UK-based Roman Abramovich, this has amounted to a renationalisation of assets privatised in the loans-for-shares scheme. In other cases, state-controlled assets are being regrouped into national champions in airlines, aviation or nuclear power (see diagram).

Andrei Illarionov, Mr. Putin's former economic adviser turned Kremlin critic, says Russia's ruling apparatus has turned into a kind of corporation. "The main incentive for a corporation member is the prospect of being placed in charge of a state-controlled company; the size of that company's financial flows is the most accurate indicator of that person's place in the corporate hierarchy," he says.

On the other hand, Mr. Med-vedev—a leading contender to succeed Mr. Putin—tells the Financial Times: "I don't believe we're seeing any significant increase in the state's participation in business.

"True, in a number of cases . . . state-controlled companies increased their presence. Above all we're talking about the energy sector. But . . . we're not talking about nationalisation but about buying appropriate assets on the market."

Dmitry Peskov, a spokesman for Mr. Putin, says he "categorically does not agree" that a new oligarchy has formed in Russia—although he makes no bones about the fact that many senior officials and associates of the president hold positions in state companies. The officials, he says, rightly represent the state's interests. "These people are not businessmen; they don't have operational control of the company."

As for managers such as Gazprom's Mr. Miller or Russian Railways' Mr. Yakunin, he—like other senior officials—says it is not unusual in Europe or North America for big companies to be run by people who happen to know the country's leader. "Gas and railways are life-and-death industries for a country the size of Russia," says Mr. Peskov. "Whether Mr. Yakunin is a friend of the president is of minor importance. What is important is whether he is a good manager."

But FT research has found Russian officialdom and business to be extraordinarily intertwined. Of its presidential administration, 11 members chaired six state companies and had 12 further state directorships; 15 senior government officials held six chairmanships and 24 other board seats. In no other G8 country do ministers or senior aides to the head of state or government sit on government companies' boards.

The state has also become a big player in mergers and acquisitions. Two transactions—its move to increase its stake in Gazprom from 38 to 51 per cent and Gazprom's purchase of Sibneft—totalled $20.21bn, or half the $40.5bn value of all Russian M&A deals last year, according to KPMG. Figures from the European Bank for Reconstruction and Development show the public sector's share of the economy rose from 30 per cent to 35 per cent last year.

Just like the rise of the 1990s-era oligarchs, the increasing role of state business and its directors has important implications. It does not represent a return to Soviet-era central planning. The Kremlin has embraced the market—as demonstrated by the planned Rosneft IPO and its move to lift restrictions on foreign investors buying the 49 per cent of Gazprom shares not owned by the state. But the new model is a much more directed capitalism.

Take aviation. As Chris Weafer, chief strategist at Alfa Bank (owned by Mikhail Fridman, another 1990s oligarch), points out, in order to recreate a national carrier, Aeroflot is being reunited with several regional airlines carved out of it in the 1990s. Instead of replacing its aging fleet with Boeings or Airbuses, it may buy aircraft from United Aircraft Corporation, the national aviation giant now being formed. UAC may, in turn, buy parts from VSMPO-Avisma, a privately owned world leader in titanium that also seems set to fall under state control. Throw in the possibility that windfall oil revenues sitting in Russia's $60bn "stabilisation fund" could rebuild crumbling airports and the vision of state capitalism takes shape.

There are risks in such an approach. Around the world, public ownership has generally been less effective than private. Instead of focusing on areas where Russia has real global advantages, the state might focus on propping up ailing dinosaurs.

State companies can also seek to use a compliant judiciary and tax police to put pressure on targets. One leading businessman says some bureaucrats see themselves as "Robin Hoods" taking assets from private "fat cats." "This is worse than in the mid-1990s, when businessmen paid courts to make particular decisions," he says. "At that time, everyone knew that what they were doing was bad. Now, judges think that by giving preference to state interests in a dispute, they are doing the right thing." There is also the danger of well-connected state managers winning favours for their businesses in a way that distorts competition. The leading Russian businessman warns that the state's growing role "kills initiative."

"A businessman who can't rely on state orders comes up with something the market needs," this businessman says. "But if the state starts handing out orders and money, people start thinking in terms of lobbying their interest in this or that government project. This requires not entrepreneurial skills but lobbying skills."

State companies may simply attempt to cherry-pick attractive private assets. One example is the pursuit of VSMPO-Avisma, the privately held titanium company, by Rosoboronexport, a state arms export agency headed by Sergei Chemezov, another longtime Putin friend. The same group last year took control of Avtovaz, the Lada car maker, and is emerging as a prime mover in the new state capitalism.

The Russian Union of Industrialists and Entrepreneurs, a lobby group, has raised the alarm about the government's failure to protect property rights. In April it published research that concluded Russia's economic model had been most favourable for investment in 2002 and 2003, before state capitalism started to emerge. Had the climate been maintained, it added, a real investment boom would have boosted industrial output and the economy could have grown at nearly twice last year's 6.4 per cent. Even ministers have weighed in. German Gref, the liberal economy minister, recently warned that the sheer number of deals meant the government could not "keep track of state-controlled firms . . . as they grab market assets."

But is this asset grab the result of ideology—that state control is best—or attempts by officials to line their pockets? Mr. Putin himself has denied that senior officials running state businesses are enriching themselves. Supporters say he put trusted allies into state companies partly to clamp down on corruption—notably Mr. Miller, who has reclaimed $1 bn of Gazprom assets spirited out of the company's control by Yeltsin-era management.

Yegor Gaidar, the former prime minister who masterminded Russia's post-communist economic reforms, says state control tends to breed corruption. "When you are the owner, you don't cheat the company," he says. "But when it isn't your money but the state's money, being a manager you suddenly find you have a lot of good friends and relatives who could benefit from this money."

Some observers say the process could go further: state managers could become owners through flotations or partial privatisations that would give them the chance to buy shares.

Most analysts agree Mr. Putin was right to break the influence of the 1990s-era oligarchs, which was distorting competition and deforming the development of Russian capitalism. Yet rather than separating political and business interests in a stable system governed by the rule of law, he has created a new class of politically connected business people.

Russia risks becoming locked in a vicious circle of property redistribution and mutating oligarchies. To ensure they do not lose their own assets, those who have gained under Mr. Putin will be prepared to use every resource at their disposal to ensure the election of his chosen successor in 2008.

Mr. WARNER. Mr. President, I understand under the order we now proceed to the final passage of the authorization bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question occurs on passage of the bill as amended.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiging to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—4

Enzi
Lieberman
Rockefeller
Sununu

The bill (S. 2766), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, once again I thank colleagues for the unanimous vote, 96 to 0, sending a strong message to the men and women of the Armed Forces.

Mr. LEVIN. We will have more to say on this after the next vote. While everyone is here, I thank our chairman. This is the sixth bill he has brought to the Senate of the United States as chairman. It gets better every time. It gets smoother every time. That is owed to this great Senator from Virginia. We will have more to say about that when we bring the conference report back. A lot of Members need to leave. I want everyone to know before they leave, this Senator is entitled to their thanks.

Mr. WARNER. I thank my distinguished colleague.

Mr. KERRY. First of all, I join in congratulating the managers of this bill.

Very quickly, Senator HAGEL and I had an amendment with respect to the pay raise of the troops. The House has raised the pay level by 2.7 percent. In this bill, there is a 2.2-percent raise. Senator HAGEL and I sought to equal what the House did and raise it across the board, but it is our understanding that the committee has made the determination, in consultation with people in the services, the needs of the services, that there is a particular problem with respect to retention of noncommissioned officers. Instead of taking that .5 percent differential and spreading it throughout the services, it is the intention of the committee on the Senate side to try to address the retention issue and put that money into noncommissioned officers.

If that is the understanding, I think Senator HAGEL and I, for that reason, will pull back our amendment, and we agree to support the position of the Senate.

Mr. WARNER. Mr. President, the Senator from Massachusetts is correct.

The group that has consulted with the committee staff was the senior enlisted ranks. The problem rests in the senior enlisted ranks, the warrant officer ranks. That is where the targeted money was applied. We will look at it further in conference.

I thank the Senator.

Mr. KERRY. I thank the Senator.

EXECUTIVE SESSION

ANDREW J. GUILFORD TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Andrew J. Guilford, of California, to be United States District Judge for the Central District of California.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, today the Senate will confirm two more lifetime appointments to our Federal courts. I am glad that we are voting on Andrew Guilford, who has been nominated to the District Court for the Central District of California and who has the support of his Democratic home State Senators, Mrs. BOXER and Mrs. FEINSTEIN. Frank Whitney, a nominee for the District Court for the Western District of North Carolina, has the support of his Republican home State Senators. Both nominations were reported unanimously by the Judiciary Committee.

I am pleased that the Republican leadership has scheduled debate and consideration of these nominations and am glad that the Republican leadership is this month taking notice of the fact that we can cooperate on swift consideration and confirmation of consensus nominations. Working together, we confirmed five judges in 1 week earlier this month. We have confirmed three more this week. Many of these judges could have been confirmed last month if the Republican leadership had chosen to make progress instead of picking a fight on a controversial nomination. I look forward to working with the Republican leadership to schedule debate and consideration of other noncontroversial nominees.

I, again, commend the Republican Senate leadership for wisely passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

The President and Senate Republican leadership have too often, though, chosen to pick fights over judicial nominations rather than focus on filling vacancies. Judicial vacancies have now grown to well over 40 from the lowest vacancy rate in decades. More than half these vacancies are without a nominee. The Congressional Research Service has recently released a study showing that this President has been the slowest in decades to nominate and the Republican Senate among the slowest to act. If they would concentrate on the needs of the courts, our Federal justice system, and the needs of the American people, we would be much further along.

Still, we have passed several milestones. When the Senate today confirms Andrew Guilford and Frank Whitney as district court judges, the Senate will have confirmed 251 of this President's judicial nominees, crossing the 250 threshold. This milestone is an indicator of how cooperative Senate Democrats have been in confirming this President's nominees. Despite the slow pace of the President and the Republican leadership in filling the needs of the judiciary, the Senate has confirmed more of this President's nominees in the 66 months of his Presidency than the Republican-controlled Senate did in the last 66 months of the Clinton Presidency. During that time, many good nominees were never even given a vote in committee, and only 230 judges were confirmed. That dubious total was the result of their pocket-filibuster strategy to stall and maintain vacancies so that a Republican President could pack the courts and tilt them decidedly to the right. It is a strategy which has been working.

Also with these two nominations, the Republican-controlled Senate will have this year confirmed 24 judicial nominations. That surpasses the number of judges confirmed last year, 22. During the 17 months I was chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After today, in the last 17 months under Republican control, the Senate will have confirmed 46. So the fact that the Senate has confirmed more nominees in the past 5½ years than in the last 5½ years of the Clinton administration is due in no small part to the much faster pace of confirmations of this President's nominees when Democrats controlled the Senate.

Working together, we could do better. I urge the White House to work with us to select nominees with bipartisan support like Andrew Guilford, rather than explosive partisan nominees like Terrence Boyle. I hope that the Republican-controlled Senate will stop using controversial judicial nominations to score partisan political points. Our courts are too important.

Mr. CRAIG. Mr. President, I regret that I will not be able to vote on the nomination of Andrew Guilford. I have been called back to Idaho because of a family emergency. Had I been present to vote, I would have voted in his favor. It is my understanding that there are no known votes against this nominee, so his certain confirmation will not be affected by my absence.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Andrew J. Guilford, of California, to be United States District Judge for the Central District of California? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—7

Craig
Enzi
Gregg
Lieberman
Rockefeller
Sarbanes
Sununu

The nomination was confirmed.

Mr. WARNER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF FRANK D. WHITNEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Mrs. DOLE. Mr. President, I am speaking today to offer my unconditional support for the nomination of Frank DeArmon Whitney to serve as a U.S. district judge in the Western District of North Carolina. Mr. Whitney has an impressive record of accomplishment and achievement, and he will make an outstanding judge.

Frank Whitney has deep roots in North Carolina and in public service. He attended Wake Forest University and the business and law schools at the University of North Carolina at Chapel Hill. After receiving his law degree with honors, Frank clerked on the prestigious U.S. Court of Appeals for the District of Columbia Circuit for the Honorable David Sentelle.

Upon completing his clerkship and a year in private legal practice, Frank returned to North Carolina and dedicated himself to public service. For nearly 11 years, he served as an assistant U.S. attorney for the Western District of North Carolina, where he acquired substantial trial experience—both criminal and civil—and earned the abiding respect of his colleagues and peers.

In 2002, Frank was elevated to the post of U.S. attorney for the Eastern District of North Carolina. As a result of his leadership, energy, and enthusiasm, the Eastern District has experienced a period of robust and resounding success. Among his many accomplishments, Frank Whitney has supervised what has been called the most successful public corruption prosecution in North Carolina history. He also has helped prepare Iraqis for the process of drafting a constitution and establishing a judicial system. He has even recovered North Carolina's original copy of the U.S. Bill of Rights, which was stolen from the State capitol in 1865.

His performance as U.S. attorney has elicited high praise. The Raleigh News & Observer credited Frank Whitney for awakening elected officials to the "importance of ethics in government," and the newspaper attributed his incredible success to his "restless mental and physical energy" and "Boy Scout idealism." Others who have had the opportunity to observe Frank's work have described him as determined, yet fair.

Those who know Frank best—including those who have worked for him in the U.S. Attorney's Office—are effusive in their support for his nomination. One of Frank's colleagues made the following assessment: "Frank is personable and gracious, yet knows the law and seeks justice. He has an abiding love for our country and is deeply committed to the principles that have made it great. He appreciates the historic separation of powers and understands judicial self-restraint. Frank possesses vast legal knowledge and demonstrates admirable judicial temperament." This description is consistent with everything that I know about Frank Whitney, and I submit to my colleagues that this is precisely the type of person we need on our Federal courts.

There is another component of Frank's career that I must commend. That is his impressive record of military service, which began during his collegiate days at Wake Forest, where he participated in ROTC. Frank is presently a lieutenant colonel in the U.S. Army Reserve, and has worked as an intelligence officer and as a judge advocate. He has been awarded numerous military honors, including a Parachutist's Badge and three Meritorious Service Medals. Frank Whitney truly has dedicated his life to serving his country—as a civilian and as a soldier.

Frank comes to the Senate floor with impeccable credentials and with the unanimous approval of the Senate Judiciary Committee. I am confident that he will serve with great distinction as a member of the Federal judiciary, and it is my great privilege to give him my strongest endorsement. I implore my colleagues to confirm him.

Mr. BURR. Mr. President, today, I rise in support of a highly qualified individual to be confirmed to the Federal bench—Frank Whitney to be a U.S. district court judge in the Western District of North Carolina.

President Bush nominated Frank Whitney on February 14, 2006. Frank has impressive academic and professional credentials: He is currently a U.S. attorney in my home State of North Carolina; he has practiced in two very distinguished law firms; he was an assistant U.S. attorney in North Carolina for several years; he clerked for the DC Circuit Court of Appeals; he graduated with honors from law school at the University of North Carolina where he also received his MBA; and he graduated Phi Beta Kappa from my alma mater of Wake Forest University.

But perhaps one of the most honorable characteristics of Frank Whitney is that he has done all of this while serving his country in the military. Frank continues his service in the Army Reserve both as an intelligence officer and as a judge advocate. He is a former paratrooper, has received three Meritorious Service Medals, and recently was selected for promotion to lieutenant colonel.

As I mentioned in my testimony to the Judiciary Committee and what I want to mention about Frank here today is that Frank is a good man. I have had the pleasure of meeting Frank's family—his wife Catherine, and one of his daughters.

Personally, as a husband and as a father, I want to feel confident that the individuals we confirm to a lifetime appointment on the Federal bench understand the seriousness and significance of the job for which they are being considered.

I am confident that Frank does understand the importance of being a Federal judge. I know Frank is qualified to serve on the bench, and I am confident that Frank will continue to serve his Nation with honor and dignity. I believe Frank will continue to make his family proud, and I am confident that North Carolina will have one of the best Federal judges in the country in Frank Whitney.

Frank Whitney possesses qualities necessary to serve as a U.S. district court judge. He is fairminded, evenhanded, and treats all with respect. He has repeatedly demonstrated a commitment to public service and a spirit of impartiality and cooperation. I believe Frank Whitney's honesty, integrity, and intelligence have earned him strong bipartisan support and he will continue to proudly serve as a representative of our country.

I thank my colleagues for supporting the nomination of Frank Whitney to be the next U.S. district court judge for the Western District of North Carolina.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina?

The nomination was confirmed.

NOMINATION OF THOMAS D. ANDERSON TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS

The PRESIDING OFFICER. The clerk will report the last nomination.

The legislative clerk read the nomination of Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have spoken earlier about Mr. Anderson. For those of us who have been prosecutors in Vermont or care about the prosecutor's office, I think President Bush has made a fine choice here. And, of course, I strongly support Mr. Anderson for the reasons I stated earlier.

I think everybody here and in the Department of Justice will breathe a sigh of relief. We have had wonderful acting U.S. attorneys for some time since former U.S. attorney Peter Hall went to the Second Circuit. But this will be a very good move to have him as U.S. attorney.

I compliment Tom and his family and, of course, the President.

I yield the floor.

Mr. LEAHY. Mr. President, today we confirm Thomas D. Anderson as U.S. attorney for the District of Vermont. I am pleased that we acted promptly in the Judiciary Committee to report Tom's nomination to the floor and that the Senate is acting promptly to confirm him. As an assistant U.S. attorney in Burlington for 14 of the last 19 years, the managing partner of a respected Burlington law firm, and as deputy state's attorney in Newport, Tom's varied experience and long ties to Vermont have prepared him well to be Vermont's top Federal law enforcement official.

We have a strong tradition of good law enforcement in Vermont. Our most recent U.S. attorneys are part of that tradition. Charlie Tetzlaff served an extended term and has gone on to distinguish himself as the Executive Director of the U.S. Sentencing Commission. Peter Hall served ably and now fills the Vermont seat on the U.S. Court of Appeals for the Second Circuit.

Tom is the kind of well-qualified consensus nominee who can be easily confirmed by the Senate. In fact, I joined with Republican Gov. Jim Douglas in recommending Tom to President Bush. As a former prosecutor, I have been particular impressed with his work since returning to the U.S. Attorney's Office in 2001 as head of the narcotics unit and as the lead attorney of the Department of Justice's Organized Crime Drug Enforcement Task Force. He has worked closely with both Federal and State drug investigators to identify and target the highest level drug traffickers in Vermont and to coordinate major drug investigations covering many districts. I believe his work on drug crime is especially important preparation as we continue to target those crimes, which are one of Vermont's most difficult law enforcement challenges.

In addition to his work combating drug crimes, Tom has gained a wide variety of experience in private practice and as a prosecutor. He spent 3 years at the U.S. Attorney's Office in the civil division, prosecuting civil enforcement actions in Federal court brought under the False Claims Act and other statutes. In 1994, he was assigned as a special assistant attorney general for the State of Vermont to prosecute police officers charged with obstruction of justice. While a partner at Sheehey Furlong Rendall & Behm, Tom's firm represented the State of Vermont in its litigation against the tobacco industry. And of course I must discuss one of Tom's finest accomplishments, his 1979 graduation from St. Michael's College in Colchester, VT, my alma mater.

Tom has a keen legal and will bring a great deal of experience and enthusiasm to this important law enforcement post. Congratulations to Tom, his wife Wendy, and his entire family on his confirmation today.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Michigan.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

Mr. LEVIN. Mr. President, as a result of the extraordinarily hard work, dedication, and cooperation, on a bipartisan basis, of every one of our committee members, and our extraordinary staff, as well as the assistance of really superb floor staffs on both sides of the aisle, we have just seen a unanimous passage of the Defense authorization bill.

As I mentioned before, this is a real tribute to our chairman. I am going to save all the accolades, however, for still a later time. When the chairman brings back a conference report, we will then, hopefully, have enough people here on the floor who can both join in the kudos and hear the applause for our chairman.

Our staff loses a great deal of sleep to get this bill passed. And there is never enough attention that is paid to staff. No matter how many times we take a moment to just say thanks to our staff, it never comes close to paying the tribute which is really owed to them.

Charlie Abell, who is the majority staff director, is just a wonderful human being as well as a gifted professional. He and all the other members of your staff, I say to Senator WARNER, are really, really terrific. And I cannot say enough about Rick DeBobes, Peter Levine, and all of the members of my staff. Rick, our minority staff director, leads a truly extraordinary staff.

Mr. President, I guess the best way I can express my gratitude is to ask that the names of my staff be printed in the RECORD at this time. I ask unanimous consent that a list of their names be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Jon Clark, Chris Cowart, Dan Cox, Madelyn Creedon, Rick DeBobes, Brie Eisen, Evelyn Farkas, Richard Fieldhouse, Creighton Greene, Bridget Higgins, Mike Kuiken, Gary Leeling, Peter Levine, Mike McCord, Bill Monahan, Mike Noblet, Arun Seraphin.

Mr. LEVIN. Mr. President, also, talking about accolades, I want to single out Senator CANTWELL for an amendment which she authored relative to the replacement of National Guard equipment that has been left in Iraq and Afghanistan. The absence of this equipment has undermined the ability of the National Guard units to train and to meet the requirements in their home States. And the Cantwell amendment is going to require the Department to establish a comprehensive plan to recapitalize or to replace this equipment.

It is going to be an essential addition, replacement for the National Guard. There was not enough attention paid to this amendment as things kind of flew through here. I want to thank Senator CANTWELL for her leadership in making sure our National Guard is well equipped and given the support they deserve.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might join my distinguished colleague from Michigan, it has been a privilege for me, as it has for these 28 years we have been together, to work as partners and in many respects equals. He has been chairman of the committee. I have been chairman of the committee. We have both occupied positions of chairman and ranking member in these many years that we have been fortunate to serve on this committee together, and we have a very outstanding group of colleagues who are members of the committee. I thank my good friend for these many years. I am very proud, as he is, of this piece of legislation, which at this critical juncture in our Nation's history, with our forces serving in over 60 Nation across the world, and their families here at home are with them, we have them in mind at all times and, indeed, a very significant group of Civil Service employees who likewise are serving our Nation in their capacities with the Department of Defense and other departments and agencies related to our national security.

Senator LEVIN mentioned particularly our senior staff, our full staff, as a matter of fact. In many ways, some of the juniors work harder than seniors some days, but I won't get into that. I best leave that to my able staff director, Charlie Abell, as you leave that to your staff director. But we are fortunate to have these two staff directors and these magnificent staffs. They really are professional staffs. The appointment of our staff, I don't even recall inquiring as to the political affiliation of so many of these individuals that I have had the privilege of working with these many years in the Senate. But indeed, they do work long hours. Their reward is not the pay. Their reward is a sense of satisfaction, as it is for you and me and members of our committee and, indeed, the Members of the Senate, of what we are trying to do on behalf of the uniformed men and women of the Armed Forces and their families and their civilian counterparts.

I thank my distinguished colleague.

I ask unanimous consent that S. 2766, as amended, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that the Senate proceed immediately to the consideration en bloc of S. 2767 through S. 2769, Calendar Order Nos. 427, 428, and 429, that all after the enacting clause of those bills be stricken and that the appropriate portion of S. 2766, as amended, be inserted in lieu thereof, according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed, the motion to reconsider en bloc be laid upon the table, and that the above actions occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The bill (S. 2767) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2007

The bill (S. 2768) to authorize appropriations for fiscal year 2007 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2007

The bill (S. 2769) to authorize appropriations for fiscal year 2007 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

G.V. "SONNY" MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. WARNER. Mr. President, with respect to H.R. 5122, Calendar Order No. 431, the House-passed version of the National Defense Authorization Act for fiscal year 2007, I ask unanimous consent that the Senate turn to its immediate consideration, that all after the enacting clause be stricken and the text of S. 2766, as passed, be submitted in lieu thereof, that the bill be advanced to third reading and passed, and that the Senate insist on its amendment to the bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5122), as amended, was read the third time and passed.

The PRESIDING OFFICER appointed Senators WARNER, MCCAIN, INHOFE, ROBERTS, SESSIONS, COLLINS, ENSIGN, TALENT, CHAMBLISS, GRAHAM, DOLE, CORNYN, THUNE, LEVIN, KENNEDY, BYRD, LIEBERMAN, REED of Rhode Island, AKAKA, NELSON of Florida, NELSON of Nebraska, DAYTON, BAYH, and CLINTON conferees on the part of the Senate.

Mr. WARNER. Mr. President, I ask unanimous consent, with respect to S. 2766 and 2767, 2768, and 2769, just passed by the Senate, that if the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I again thank all of our colleagues in the Chamber, the floor staff, and so many others, indeed our new group of pages, indeed, the distinguished professional staff who are at the dais this moment, none of them looking at me or paying any attention to what I say, may I express my profound appreciation to them and to the many reporters who come silently, do their work and disappear with equal silence, unnoticed, but who provide this great body with a flawless record of accuracy. I thank each and every one.

If there is no other Senator seeking recognition, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 5 minutes, followed by Senator TALENT and following that, as much time as Senator BYRD might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I rise today to thank the distinguished Senator from Virginia, Mr. WARNER, and Senator LEVIN of Michigan for their leadership in getting this legislation passed and for accepting language from legislation that I have sponsored, the National Guard Equipment Accountability Act, and making it part of the Defense authorization bill we just passed. They have done an outstanding job managing this legislation on the floor.

I also thank the Senator from Delaware, Mr. BIDEN, the Senator from Connecticut, Mr. DODD, and the cochair of the Senate National Guard Caucus, Mr. LEAHY, who also cosponsored this important legislation.

As a nation, we have a solemn duty to honor, prepare and properly equip all the men and women in uniform. The

National Guard and Reserve are an essential part of our national defense, and confronting our enemies in distant lands is one of their obligations. Responding to threats here at home is another. In Washington State, the threats of volcanos, tsunamis, and other natural disasters are never far from our minds. We are aware of our porous northern border and the threat that poses to our safety and security. We know that the National Guard is not only the first line of response but also the first line of defense. Whether it is Mount St. Helens or floods or a variety of issues, we know the National Guard in Washington State has been there when we need them most.

They do more than just preserve our security at home. Thousands of National Guard members are currently deployed in Iraq and Afghanistan—in fact, there are about 500 members of the Washington National Guard deployed overseas. All of those serving in the National Guard make great sacrifices. They accept enormous responsibilities to help us. We owe it to them to make sure their missions are successful and that National Guard members have the resources they need to execute their missions.

Right now, I want to make sure we are upholding our part of the bargain. When our Reserves and National Guard are deployed on operations overseas, they are deployed with equipment from their unit. They go to their mission with the tools that they have trained with—familiar humvees, radios, trucks, whatever it takes to make them successful. While they serve abroad, their equipment actually becomes part of the greater mission. As a result, when these men and women return home to places like Camp Murray, their equipment often does not return with them. It is left behind, helping other Guard units complete their portion of the mission and to fill in where there are gaps in supplies. The problem is that we have no plan to help the National Guard and Reserve units deal with the loss of that equipment. These returning units are left underequipped and lacking the equipment necessary for continued training for their next deployments.

That is why I offered this language to make sure that we are taking care of this shortfall. According to the Department of Defense, the Army National Guard has left more than 75,000 items valued at $1.7 billion overseas in ongoing operations. So that is why this language was so important to add to the Defense bill.

Last October, the Government Accountability Office found that at the time the Army, in leaving this equipment and resources behind, did not have a replacement plan. So specifically my amendment codifies language telling the Department of Defense to provide our men and women in uniform with the protection and resources they deserve. The language requires a tracking system of all this equipment and for a replacement plan to make sure that these men and women get the equipment they need in the theaters of operation, when they return home—enabling them to plan ahead for their next mission.

Finally, my amendment would also require a memorandum of understanding, specifying exactly how equipment will be tracked and when it will be returned. This will help our National Guard and Reserve units plan ahead for future obligations and missions. Given the current equipment situation and aggressive use of our National Guard, I believe it is critical that we have them fully equipped for both their missions at home and abroad.

Again, I thank the Senators for helping to get this language into the Defense authorization bill. Our soldiers, our Active Duty, our Reserve units, and the men and women of the Guard have chosen to stand and serve our country with pride and to sacrifice and accept enormous responsibility. We, too, have the responsibility of giving them the resources they need to fulfill their mission. I know this legislation will help them do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I thank the Senator from West Virginia for allowing me to go ahead of him for a moment or two. I do want to take a few minutes to talk about an amendment which I cosponsored with Senator NELSON of Florida that passed the Senate in the Defense bill and that addresses a problem which has been growing and which is affecting the readiness of our Armed Forces.

The fact is, predatory payday lenders are targeting American troops and are trying to make a buck off of their service to our country. We rely on the military to protect us, and we have just taken a significant step to protect them from predatory lenders. The Nelson-Talent amendment limits the annual percentage rate that payday lenders can charge soldiers and their spouses to 36 percent or about 1½ to 2 times what credit cards typically charge. I recognize that payday lending can be a risky business, but a triple-digit interest rate, which is commonly charged today, is simply too much.

Some estimate that the average APR on a payday loan today is over 400 percent, and there have been reports of payday loans with more than 800 percent interest rates. This is a national problem. Predatory payday lenders set up shop near our military bases throughout the country and prey on our servicemembers. We know about this problem in Missouri. We have the unfortunate distinction of having a relatively large number and high density of payday lenders around our largest military base, Fort Leonard Wood, in Pulaski County. It is a great base with a lot of service men and women in it. As a result, there are a lot of payday lenders around. St. Robert, which is a small gateway town near the base, only has 5,200 residents but has eight payday lenders. Examples such as St. Robert led professors at the University of Florida and California State University to say that "irrefutable geographic evidence demonstrates that payday lenders are actively and aggressively targeting U.S. military personnel." Military families pay an estimated $80 million annually in payday loan fees.

The problem not only affects military families' financial well-being, it directly impacts troop readiness because these young men and women, many of whom are just out of high school, are not financially sophisticated and fall way behind in these payments. They have to go bankrupt, and then that affects their ability to get security clearances.

In this month's issue of Seapower magazine, Admiral Mike Mullen, Chief of Naval Operations, U.S. Navy, said, "A sailor's financial readiness directly impacts unit readiness and the navy's ability to accomplish its mission . . . I am concerned with the number of sailors who are taken advantage of by predatory lending practices, the most common of which is the payday loan."

The Deputy Undersecretary of Defense for Military Community and Family Policy, John Molino, has also said this problem "affects unit readiness."

Master Chief Petty Officer of the Navy, Terry Scott, has said "the No. 1 reason our sailors are forced from one job to another is because they lose their security clearance . . . and the No. 1 reason they lose their security clearance is because of financial difficulties."

The number of security clearances of sailors and marines that were revoked or denied due to financial problems have soared from 124 in FY 2000 to 1,999 in 2005. The total for the 6-year period is 5,482. And, that's just for one of the departments.

The impact on readiness is one of the serious ramifications of this problem. But, another consequence is that some servicemembers have ruined their financial lives by taking out payday loans—that automatically rollover—at exorbitant rates they can never payoff.

Navy Petty Officer 2nd Class Jason Withrow, stationed on a nuclear submarine at Kings Bay Naval Submarine Base in Georgia, took a $300 payday loan in summer 2003. He borrowed more to service the fee, and by February 2004, he'd paid about $5,000 in interest on $1,800 in payday loans at four different lenders.

Army Specialist Myron Hicks, stationed at Fort Stewart, GA, borrowed

$1,500 for a car repair. He paid back $3,000—twice what he borrowed. I could give a hundred stories like that.

Cristie Worrow, a 29-year-old petty officer second class at the Naval Air Reserve in Jacksonville, FL, took out a $500 payday loan in 1998. Over 3 years she had two more loans and was paying fees that sometimes reached $200 per month. Eventually, she had paid $2,400 in fees.

Our troops deserve uniform, national protection against abusive financial practices that target them. This is clearly a step in the right direction.

An impressive list of military and veteran service organizations, with over 5.5 million members, support the legislation. The Military Coalition includes the Association of the United States Army (AUSA), Military Officers Association of America (MOAA), Veterans of Foreign Wars (VFW), Navy League of the United States (NLUS), Air Force Association (AFA), and Marine Corps League (MCL).

The Undersecretary of Defense for Personnel and Readiness, Dr. David Chu, has expressed his support for the legislation. He has said the legislation "provides reasonable and appropriate limits."

Numerous consumer groups like the Center for Responsible Lending, Consumer Federation of America, and Institute of Consumer Financial Education also support the bipartisan amendment.

Mr. President, I feel strongly that we can hold this amendment in conference. I thank the chairman and ranking member. They know how bad this problem is. I am grateful for their help in getting this in the bill. Chairmen CRAIG and SHELBY of the Veterans' and Banking Committees were cooperative in getting this on the bill. I trust our colleagues and friends in the House will understand the importance of holding this amendment.

This abuse of payday lending is compromising the readiness of the U.S. military. The problem has become that big. It is ruining the financial lives of thousands of our service men and women who unknowingly, because of their lack of sophistication, get into debts from these abusive lenders, far greater than they are able to pay.

We have put a stop to that with this amendment. We need to hold it in conference committee. I am confident we will be able to do that. I look forward to working with the Senate and the House to pass this provision into law on behalf of our troops.

I yield the floor.

Mr. WARNER. Mr. President, I thank our colleague from Missouri. He worked very diligently on this amendment. It is another example of how we must reach down from time to time and provide a caring hand for particularly those young men and women in uniform today who, unfortunately, can be victimized because of their individual needs and requirements at a special time. I believe this amendment will go a long way to remedy that situation. I congratulate the Senator for his hard work.

Mr. TALENT. Mr. President, I thank the chairman and appreciate his and Senator LEVIN's work on this amendment.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

TRIBUTE TO SENATOR JOHN WARNER

Mr. BYRD. Mr. President, I have come to the floor this evening to congratulate my esteemed colleague, the very distinguished and able and honorable and highly respected chairman of the Senate Armed Services Committee, on the completion of his final Defense authorization bill.

He is my chairman, Mr. President. His tenure at the helm of the Armed Services Committee, on which I have the privilege to serve, has been eventful and very distinguished. But then distinguished tenure is not unusual for this Virginia gentlemen—another term I use lovingly and fondly and respectfully because it means something to me, having been in this Senate now for almost 48 years, having been on the Appropriations Committee for almost 48 years, having been on the Armed Services Committee for almost that long. This is a very special man—a Virginia gentleman in every sense of the term. I say this with the utmost admiration. Distinguished tenure is not unusual for this Virginia gentlemen, whose entire life has been spent in the service to his country, to his great State, the Commonwealth of Virginia, the cradle of Presidents.

Since his enlistment in the Navy at the tender age of 17, during World War II, JOHN WILLIAM WARNER, Jr., has put his immense and very considerable talents completely—I say completely—at the disposal of his beloved country. He is in a long line of Virginia gentlemen who have put their talents at the disposal of this beloved country of theirs and ours. A Virginia gentleman. What more noble term could be used? A Virginia gentleman. Whether serving in World War II, the Korean conflict, as an officer in the Marine Corps, or on the U.S. Circuit Court of Appeals, JOHN WARNER always said, "Here am I. Send me." Look at your Bible. Someone else said that. "Here am I. Send me." JOHN WARNER has always said that—"send me."

JOHN WARNER's remarkable career spiraled ever upward, eventually taking him to the office of assistant U.S. attorney, then to the office of Under Secretary of the Navy, then to the office of the Secretary of the Navy from 1972 to 1974, and finally to his present position as senior U.S. Senator from the great State of Virginia, having now won five consecutive elections to the Senate, beginning in 1978. I was then the majority leader of the Senate, yes, when he came to the Senate.

This year, my friend JOHN WARNER became the second longest serving Senator from Virginia, second only to the illustrious Harry Flood Byrd, Sr., in the 218-year history of the Senate. Senator JOHN WARNER—what a man—is currently serving his 27th year in the U.S. Senate.

What a record of achievement for his country and my country and your country, Mr. President. And what a shining example of dignity, intellect, style, integrity, and talent Senator WARNER presents for the young people of his country and his State and my country and my State. He presents integrity and talent for the young people. Never given to harsh criticism—I have never heard him utter a word of harsh criticism—never given to rhetoric, never succumbing to the rank partisanship which has become so prevalent today in American politics on both sides of the aisle, JOHN WARNER is his own man. That is a lot to say. He is his own man. What more noble attribute? He is his own man, and I am proud to serve with him. I enjoy working with him. I shall miss his very steady hand on the wheel, at the helm of the Armed Services Committee. What a great position, what an honorable position—the helm of the Armed Services Committee. But I will relish the opportunity to work with him for the good of our country in the years to come. Talk about class acts—JOHN WARNER is the classiest of class acts, and his comity, his courtesy, his unfailing good humor, and his refreshing bipartisan attitude are of incalculable benefit to this body. May we be blessed in the Senate by many more like him. I salute Senator JOHN WARNER for his patriotic service—my, look at that record—his patriotic service. How many times has he put his life on the line for the good old red, white, and blue, for Old Glory? I thank him for his patriotic service and for his selfless—selfless—selfless, I say, selfless, leadership. He is my kind of Senator. May God bless him. He is my kind of Senator.

He is the best kind of man. I could say more and more and more about him, and I could say more and more and more about his colleague who works with him on the Armed Services Committee, the Senator from Michigan, Mr. CARL LEVIN. They are two of a kind.

God, give us men! A time like this demands
strong minds, great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before a demagogue and brave his treacherous flatteries without winking.
Tall men, sun-crowned; who live above the fog, in public duty and in private thinking.
For while the rabble with its thumbworn creeds,
Its large professions and its little deeds, mingles in selfish strife, lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God, give us men!
Men who serve not for selfish booty; but real men, courageous, who flinch not at duty.
Men of dependable character; men of sterling worth;
Then wrongs will be redressed and right will rule the Earth.
God, give us men!

Men like Senator JOHN WILLIAM WARNER.

Mr. WARNER. Mr. President, at the end of this long day and the conclusion of this Armed Services bill, I thank my colleague. I recognize that under the rules of our caucus I have done my 6 years, and I step down.

Mr. BYRD. And I am sorry about that.

Mr. WARNER. Anyway, I accept that, as we accept other things in life. But the rewards of this institution and service in the Senate are many fold, but none is coveted or desired more than the thoughts and indeed the praise of our fellow colleagues with whom we serve.

I counted up the other day my record—as you say, in the 28th year—which pales in comparison to yours. Senator LEVIN and I have been here these years together, and my calculation is that we have served with 241 Senators in this period of almost 28 years. And I remember—I thought of it last night, Senator BYRD, when I was debating—I think it was close to 11 o'clock—with Senator KERRY. We had the old-fashioned debate with questions and answers, back and forth together.

But when I first came and you were the majority leader, the Halls of this Chamber were literally trembling with the thunder of the debates of TED KENNEDY, Lowell Weicker, Bob Dole. And you were not sparing in the thunder that you have expressed from time to time; not in angst or anger but with thunder as to your convictions. My good friend, Senator LEVIN, we are perhaps a little more modest than those such as Strom Thurmond, and we could go on and name those individuals, back when we did a great deal more debate than we do now in the Senate.

Mr. BYRD. Yes.

Mr. WARNER. But the thoughtful remarks that Senator BYRD give me on this very special day in my humble career in this institution are deeply appreciated by me, by my mother and father who are no longer with me, but they would be grateful, as will be my children when I have the privilege of showing them what the Senator has said.

I remember the trips that we have been on. Senator BYRD took the first group of Senators to meet Gorbachev when he was elevated in the Soviet Union. But I suppose the trip I remember the most was an official trip that we took to Italy, and Senator BYRD took myself and one or two others down, and we saw the Roman forum. It was a hot day, and I remember we paused and he recounted the history of those ruins that stood there, and how so much of the origins of the Senate are derived from that particular chapter of history.

I recall that Senator BYRD—he may not remember this—but he presented each of us with a Roman coin, an old one—I still have it—and on it is printed two letters: S and C—Senatus consultum—which in those times, those coins would not be a factor unless it had "SC," which indicated it is with the approval of the Roman Senate.

Fascinating. Senatus consultum. Advise and consent. How well I remember. He and I serve on this group that we call respectfully the Gang of 14, and the hours that we have spent in your office going over the history of the advise and consent clause in the Constitution, and how best to express the balance between the executive branch and the legislative branch in the process of advice and consent.

Mr. President, I could go on for an endless period. And, yes, I have enjoyed your friendship. I must say that I remember with the deepest of sympathy your lovely wife because she would go with us on those trips——

Mr. BYRD. Yes.

Mr. WARNER. And spare us from some of your wrath and your ability to drive those delegations to utter exhaustion to perform our official duties and perhaps such other things that we did at other times, mostly related to history. How lucky we all are to have served with Senator BYRD. But above all, it is what he has taught us by way of dignity and honesty, or as MacArthur said: "Duty, honor, and country."

Mr. BYRD. Thank you.

Mr. WARNER. There you sit, Mr. BYRD, and there is not one among us who will ever be able to match you, I think, in so many ways.

Mr. BYRD. Thank you. Thank you.

Mr. WARNER. I shall always remember you as my teacher in the past, my teacher today, and my teacher so long as the good Lord keeps us here together.

Mr. BYRD. Thank you, thank you.

Mr. WARNER. I thank you, Senator. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I will be very brief. I wanted to get back in time to hear Senator BYRD speak about Senator WARNER. I knew that is what you were going to do, and I missed only the opening. I was back long enough to get the full flavor of what Senator BYRD was saying. The honor that he has just bestowed upon Senator WARNER is genuinely deserved and genuinely delivered. It comes from perhaps not just a Senate man, but the Senate man to another Senate man.

This institution we occupy for different lengths of time, but all relatively brief compared to its history, is really entrusted to all of us. I know of no two Senators sitting right across the aisle from each other in whom that trust is more genuinely felt and recognized and honored than Senator BYRD and Senator WARNER. Just to be able to get back and listen to, Senator BYRD as he spoke about Senator WARNER was a genuine treat for me.

He captured the essence of Senator WARNER. I tried to do it a few times in the last few weeks very briefly, always saying that when we bring back that conference report, which will be Senator WARNER's last conference report as chairman, that I hope there will be many Members on the Senate floor who can try to do what you did so beautifully today, Senator BYRD, which is to capture the essence of the great Senator and to express the gratitude of each of us and everybody in this body, and I know the men and women in the Armed Forces—but truly broader than that, the men and women of the United States—for the service that Senator WARNER is providing.

So I thank Senator BYRD for taking the time to do what each one of us would want to do in our own ways, and that is just simply to acknowledge our love and our respect for a truly great man, a Senate man, from the Senate man, Senator BYRD.

Mr. BYRD. Thank you.

Mr. WARNER. Mr. President, I thank my colleague, CARL LEVIN. As I say, we came here to this institution together and served our entire careers on the Armed Services Committee, and we have shared back and forth the chairmanship and ranking member positions. But I do believe many of the comments that Senator BYRD made about me rest on your shoulders likewise.

He and I have developed a trust and respect. Even though we often vote and cancel one another out on some issues, I think we have managed together to carve out a place in history for the Senate Armed Services Committee, a committee where there is the highest degree of bipartisanship, because our calling is the defense of this Nation and the welfare of the men and women of the Armed Forces and their families.

And I have always felt that, and I say with a deep sense of humility that member after member on that committee has always put those obligations, those special trusts ahead of all other considerations. I thank both Senators very much.

Mr. President, I see another Senator seeking recognition, so at this point I yield the floor.

Mr. ALLARD. Mr. President.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would just like to take a moment to express some accolades to my fellow colleagues who are on the Senate floor and say that it is an honor and a pleasure to have an opportunity to serve on the Armed Services Committee under the leadership of the chairman, Senator WARNER, as well as the ranking member, Senator LEVIN. It has also been an honor for me to serve on the Appropriations Committee under the leadership of Senator BYRD, as well as the chairman, Senator COCHRAN. It is the institutional memory that they bring to the process that so many of us appreciate. It is the bipartisan approach they take to solving our legislative problems that brings some peace and understanding, I think, to this process.

I just want to take a moment before I make my official remarks honoring my Congressman from Colorado, to express to the Senators on the floor how much I appreciate their leadership and what they have done and congratulate them on a great Defense bill that we have just passed.

Mr. WARNER. Mr. President, I thank my colleague from Colorado. I must say that he is my eldest daughter's Senator. She lives in his State with her husband and child, and therefore I have a very special affinity for the Senators from Colorado. I have known them for years.

My only regret is that the Senator once served on the Armed Services Committee, but he could not resist the temptation of joining our esteemed colleague, Senator BYRD, on the Appropriations Committee. I have seen many Senators succumb to that same temptation.

At any rate, the Senator from Colorado will always have a place on our committee should he wish to return someday. I thank the Senator.

Mr. ALLARD. I thank the Chairman. I still recognize him as "Mr. Chairman." He has connections to Colorado. I want to share with him my connection I have with Virginia. I have an ancestor who fought in the Revolutionary War who came right out of Bedford, VA. We have deep roots in Virginia. It is always a pleasure for me to get to know your State. I venture to say I have probably spent a lot more time in his State than he realizes, just getting to know it because of my family roots there.

Mr. WARNER. Mr. President, I know the community of Bedford. It is a very historic community.

Mr. ALLARD. It is.

Mr. WARNER. They are very proud of the fact that they erected a magnificent memorial to the men and women of the Armed Forces who served in World War II, and particularly on D-day. The President of the United States came down to speak at the time of the dedication. The sons of Bedford are well known.

As a matter of fact, as a footnote to history, in World War II, of all the communities across this great Nation that lost so many men and women—as you know, over a half million casualties in World War II—Bedford, per capita, on D-day lost more than any other community in America of its sons who fell on those beaches in that historic battle, June 6, 1944.

Mr. ALLARD. That is worth noting. I thank him again for his gracious hospitality and the help he has extended to me in trying to serve the people of Colorado in the debate on this very important bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING BARBARA HAWKINS: A PILLAR OF JOURNALISM

Mr. BYRD. Mr. President, when I was a boy growing up in Mercer County, WV, I made it a point to read the Bluefield Daily Telegraph. That was more than a few years ago, but I have not stopped reading the Bluefield newspaper. It is a strong instrument of information and education in the southern coalfields of West Virginia.

That paper has been fortunate to publish the insights and analysis of many fine reporters. One of the best is Barbara Hawkins, who has announced her retirement after three decades of service. She is not only one of the best reporters from the Bluefield paper; she also is one of the best reporters to walk the hills of West Virginia.

Local news media represent a community's window on the school board, city council, and county commission, the State legislature, and the Congress. The local media, more than any other resource, educate people about the issues that directly affect their lives. Barbara Hawkins knows, better than most, how vital a reporter's job is. She understands that newspapers are an instrument to inform the public about the issues and events that affect their daily lives.

Through her work, Barbara Hawkins served as a teacher and a counselor, a defender of right and a pursuer of wrong, an advocate, a champion, and a friend to all in southern West Virginia.

Now, after three decades of service, Barbara has decided to retire from daily reporting. But, as much as we would expect, she is not giving up the art of writing and informing. Her columns and special projects will continue, allowing all of us to learn from her insights and her experiences.

Most of Barbara's work at the newspaper was in the public eye. But, more than anything else, Barbara's strength came from her deep devotion to her family. We have all walked the terrible journey with her after her daughter, Pam, was taken from this world, a victim of domestic violence more than 20 years ago. Barbara has never been shy about that loss nor about her efforts to prevent that shattering experience from touching other families. But what is not in the headlines is Barbara's incredible commitment to her daughter, Kimberleigh, her granddaughter, Pami, and all of the members of her family. While her work at the paper may be a great love of Barbara's, it pales in comparison to her love of family. Barbara's family is her source of strength and inspiration, now and always.

On a personal level, I will miss reading Barbara's daily reporting. I made a habit of looking for her byline. She has always shown a keen insight into not only southern West Virginia but also statewide and national issues. Her instincts, her institutional knowledge, and her commentary have always caused me, like so many others, to stop and think and to consider alternate approaches. Her commitment to the greater good in society is something for each of us to emulate.

I have often said that as long as there is a forum in which questions can be asked by men and women who do not stand in awe of a chief executive and one can speak as long as one's feet will allow one to stand, the liberties of the American people will be secure. That forum is this Senate. But the same can be said of the news media—the newspapers, radio stations, television stations, and other outlets that provide information that is important to the lives of all Americans. Freedom of the press is a key of this Republic. Without it, the American people can be led to disaster without so much as a whisper. Their freedoms can be trampled; their rights can be subverted.

Barbara Hawkins defended that freedom. She exercised it every single day. And all of us are better for her work.

I thank Barbara for her many years of service to the people of West Virginia and wish her well in the challenges that certainly are ahead of her in her life's journey.

NEVADA'S STATE HEALTH INSURANCE ASSISTANCE PROGRAM VOLUNTEERS

Mr. REID. Mr. President, I rise today to commend Marilyn Wills, the director of Nevada's State Health Insurance Assistance Program, for her efforts during the implementation of the Medicare drug program in my State. I would like to recognize Marilyn for not only her service to Nevada's Medicare beneficiaries, but also for her dedication to her profession and her contributions to the community.

As most of us have surely heard from beneficiaries, the enrollment period for the new drug program was a time of great stress, confusion, and frustration. As seniors, people with disabilities, and their loved ones tried to understand the complicated new drug benefit, decide whether to sign up, and then find the best drug plan to join, many found themselves overwhelmed. And with the May 15 enrollment deadline looming, it became increasingly clear that the public needed better information and better help using that information.

I commend Nevada's State Health Insurance Assistance Program, or SHIP, for heeding this call in my State. Hundreds of SHIP volunteers gave their time and energy to counsel their fellow Nevadans about the new Medicare drug benefit, as well as other components of Medicare, supplemental health insurance, and long-term care. As more Medicare beneficiaries, their families, and friends turned to Nevada SHIP for one-on-one counseling and assistance, SHIP volunteers were eventually responding to over 1,000 phone calls every month. Nevada SHIP also made arrangements for homebound seniors and held outreach events for the community at large. During one 3-day event alone, over 500 Nevadans with Medicare received help from SHIP volunteers. The work of Nevada's SHIP volunteers is truly a testament to the value of public service.

As the director of Nevada's SHIP, Marilyn Wills was at the center of its operations. In that role, she was charged with a wide range of responsibilities, including overseeing the outreach events, giving educational presentations to the public, and training new volunteers. Moreover, Marilyn and the SHIP volunteers had to carry out their work in an environment that is continually evolving with new, uncertain, or changing program rules and details. The manner with which Marilyn carried out her responsibilities has earned her high praise from her colleagues, as well.

In one of many glowing stories about Marilyn that has reached my desk, one says, "Marilyn worked tirelessly to ensure that all the community groups working on Part D outreach were aware of every event and that this was an inclusive effort. She believes in maximizing efforts to reach the entire community, but her passion focuses on every individual beneficiary and how to help each person get the help they need." The observer continues to write, "She made sure her volunteers knew this was about people helping people. It was important to her that the volunteers and staff feel good about what they were doing, and always see how they were truly helping people that needed the information, or just the human contact to help them be comfortable in understanding all the options."

The challenge was to inform the citizens of the State of Nevada about the new Medicare drug benefit and to guide them through the enrollment process. It is my pleasure to recognize Marilyn Wills and the Nevada SHIP volunteers for their success in tackling this challenge. They are a credit to all of us working toward the success of the new Medicare drug benefit in Nevada.

RECOGNITION OF GARRETT HALL AND CHRIS SHEA

Mr. REID. Mr. President, I rise today to commend Garrett Hall and Chris Shea, fellow Nevadans who deserve praise for their efforts during the implementation of the new Medicare Part D drug benefit in Nevada.

As most of us have surely heard, the enrollment period was a time of great stress, confusion, and frustration for nearly everyone involved. As seniors, people with disabilities, and their loved ones tried to understand the complicated new drug benefit, decide whether to sign up, and then find the best drug plan to join, many found themselves overwhelmed. Emerging from those reports were also stories about pharmacists who struggled with the numerous implementation problems.

Garrett and Chris, who operate PAX Rx in Reno, NV, are fine examples of pharmacists across the country who did their best to assist those seeking their help and advice. However, Garrett and Chris did more than simply rise to the occasion. By all accounts, they went above and beyond the minimum bar set for them.

For one particularly vulnerable group, the Medicare-Medicaid dual eligible beneficiaries, Garrett and Chris came to the rescue countless times to ensure that they did not fall through the bureaucratic cracks. As many of us know, newspapers widely reported the numerous implementation problems that threatened to keep these dual-eligible beneficiaries from receiving their vitally important medications. Garrett and Chris know that there are real lives behind these facts and statistics because their PAX Rx pharmacy repeatedly intervened on behalf of affected customers. At no cost to such beneficiaries, they provided the needed medications, either by mail or hand delivery.

These two Nevadans' contributions extended beyond the scope of their pharmacy practice. Garrett and Chris also attended townhall meetings and other public events, seeking out stakeholders in need of guidance and lending their expertise. In the words of one observer, Garrett and Chris "saved the day for Nevada during the early days of implementation." They are among the countless pharmacists who deserve recognition for their efforts in Nevada and across the country.

For these deeds, Garrett and Chris are a credit to all of us working toward the success of the new Medicare drug benefit in Nevada.

HONORING OUR ARMED FORCES

U.S. ARMY SERGEANT DANIEL R. GIONET

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Army SGT Daniel R. Gionet, a brave young American who gave his last full measure in service to our Nation while deployed with the U.S. Army to Iraq, a land far overseas from his Pelham, NH, roots.

Daniel was a 2001 graduate of Pelham High School where he was a three-season athlete competing on the school's football, baseball, and wrestling teams, winning the sportsmanship award his senior year. Friends say he was a team player and the type of guy who, no matter where you went or what you did, could have fun and make you laugh.

Daniel Webster, speaking of early American leaders said, "While others doubted, they were resolved; where others hesitated they pressed forward." In this spirit, Daniel joined the U.S. Army when he turned 18 and left for basic training after graduating from high school. He was assigned to the 3rd Battalion, 6th Field Artillery Regiment, Fort Drum in upstate New York and served at Kandahar Air Field, Afghanistan, from July 2003 to May 2004 in support of Operation Enduring Freedom. Believing in what he was doing and wanting to make the world a safer place, he reenlisted in the U.S. Army to become a medic after his original tour ended in May 2004. After training at Fort Sam Houston in Texas, he was assigned as a health care specialist in the 1st Battalion, 66th Armored Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. In December 2005, Daniel deployed with his unit to Iraq in support of Operation Iraqi Freedom.

Tragically, on June 4, 2006, this brave soldier, and a comrade from his unit, died of injuries sustained while on patrol in Baghdad, Iraq, when an improvised explosive device detonated near their M1A2 tank during combat operations. Sergeant Gionet's awards and decorations include the Bronze Star, Purple Heart, Army Commendation

Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon 2, Combat Medical Badge, and Expert Weapons Qualification Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and U.S. Army SGT Daniel Gionet served in that fine tradition. Honor, humor, and huge hugs, according to family and friends, were among the qualities Daniel shared with others. They remember him as a true patriot, who had a love for his school, his town, and his country. He was dedicated to serving his Nation during these chaotic and violent times because, in his heart, he felt it was his duty.

My heartfelt sympathy, condolences, and prayers go out to Daniel's wife Katrina, to whom he was married in November 2005, as well as to Daniel's parents, Daniel and Denise, brother Darren, sister Alycia, and other family members and many friends who have suffered this grievous loss. The death of Daniel, only 23 years old, on a battlefield far from New Hampshire is also a great loss for our State, our benevolent Nation, and the world. He will be sorely missed by all; however, his family and friends may sense some comfort in knowing that because of his devotion, sense of duty, and selfless dedication, the safety and liberty of each and every American is more secure. In the words of Daniel Webster—may his remembrance be as long lasting as the land he honored. God bless Daniel R. Gionet.

PRIVATE FIRST CLASS JUSTIN KING

Mr. OBAMA. Mr. President, I rise today to honor a brave soldier, PFC Justin King. After graduating college and working as a civilian, Private King enlisted in the Army Reserve so he could, in his words, do something "for his country and more than himself." While in advanced individual training, Justin was diagnosed with terminal cancer.

Although his body has not responded to chemotherapy treatments and his hope to serve in the field will go unrealized, his illness has failed to break his ironclad spirit. The first time Private King's commanding officer visited him in the hospital, Private King insisted on getting into full uniform before she entered the room. He said that he wanted to "look like a soldier and stand like a soldier."

Since returning to Robinson, IL, to be with his family, Private King told his CO: "I want to serve in some capacity to the best of my ability and until my health fails, as a soldier. I want to tell other soldiers how to deal with a terminal illness, I want to do something useful."

I am thoroughly impressed by this young man's desire to serve and the resolve he has displayed when faced with adversity. I admire Private King's patriotism, sacrifice, and strong character. He is a role model for all Americans, and I am proud to recognize him today.

CLEAN WATER ACT CHALLENGES

Mr. FEINGOLD. Mr. President, the Supreme Court's decision earlier this week in the consolidated cases of Rapanos v. United States and Carabell v. Army Corps of Engineers should be a source of great concern in this body and this Nation. The plurality opinion, while it did not win the support of a majority of the court, is completely at odds with the text and purpose of the Clean Water Act, would put much of the Nation's waters in jeopardy, and as many have noted, will likely lead to increased litigation.

To prevent further legal wrangling about what Congress meant when it passed what has come to be one of the country's fundamental public health and environmental statutes, Congress must pass the Clean Water Authority Restoration Act. This legislation, S. 912, which I most recently introduced in April 2005, reestablishes protection for all waters historically covered by the Clean Water Act. It also makes clear that Congress's primary concern in 1972 was to protect the Nation's waters from pollution, rather than just sustain the navigability of waterways, and it reinforces that original intent.

Mr. President, I hope that my colleagues—the 85 who are not cosponsors of the bill—will now join me, in light of this week's Supreme Court ruling, to clarify that all of the Nation's waters are important for the health and vitality of our country by supporting passage of the Clean Water Authority Restoration Act.

TRIBUTE TO BONNY JAIN

Mr. OBAMA. Mr. President, I rise today to note with pride an accomplishment of one of my constituents. Bonny Jain, of Moline, IL, won the National Geographic Bee here in Washington, DC, on May 24 by correctly identifying the Cambrian Mountains on a map. I don't know if they have "phone a friend" in the bee, but it is good that he didn't call me because I thought a Cambri was a small Toyota.

His victory in this competition demonstrates a laudable dedication to scholarship. As technology makes the world smaller, knowledge of other peoples and cultures becomes more important. And cultures are shaped by geography. Geography is often the main factor in the path of national borders. Under the influence of geography, wars are won and lost, and civilizations rise and fall.

Bonny's path to victory in the 2006 bee was a long one. I am impressed not only by his comprehensive knowledge of geography but by his steady ascent through 4 years of competition. From second place at his individual school's geography bee, he rose to the national competition last year and to victory last month.

I am proud to have this young man and his family as constituents. I give them my heartiest congratulations and wish Bonny well in high school and beyond.

OFFICIAL LANGUAGE OF THE UNITED STATES

Mr. INHOFE. Mr. President, I ask unanimous consent to have the attached letter printed in the RECORD in support of my amendment No. 4064, to S. 2611.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, LOCAL 1812,
Washington, DC, May 24, 2006.

Hon. JAMES M. INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: As President of AFGE Local 1812, which represents employees at the Voice of America, I want to thank you for your support of making the English language the official language of the United States. Along with 86 percent of the general public, I agree with you on this issue. In this regard, I would also like to bring to your attention another issue that deals with the English language: as a result of the President's 2007 budget request process, the Broadcasting Board of Governors (BBG) plans to eliminate the Voice of America's global English radio broadcasts, VOA News Now.

Since you realize the importance of the English language to this country, I believe you will agree that it is critically important that we communicate with the rest of the world in our de facto national language, in particular because English is the language of business, higher education, youth, international diplomacy, aviation, the Internet, science, popular music, entertainment, and international travel. Other countries realize the importance of broadcasting in English. In fact, China, Russia, and France had all recently increased their international broadcasts in English.

I have attached an article by Georgie Anne Geyer regarding the proposed elimination of the VOA's global English broadcasts. I am hoping you can help stop this decision, which will negatively impact U.S. public diplomacy and America's position in the world.

Sincerely,

TIM SHAMBLE,
President.

AMBASSADOR MAX KAMPELMAN

Mr. LIEBERMAN. Mr. President, I rise today to call attention to an article published in the New York Times earlier this spring titled "Bombs Away," authored by my dear friend, Ambassador Max Kampelman, and to offer it into the Senate record. Ambassador Kampelman exemplifies the American tradition of bipartisan service in foreign affairs. After coming to Washington as an aide to Senator Hubert Humphrey, he was appointed by President Carter to serve as Ambassador and head of the U.S. Delegation to the Conference on Security and Cooperation in Europe. President Reagan reappointed him to that position.

For his long and distinguished service, Ambassador Kampelman was awarded the Presidential Medal of Freedom from President Clinton and the Presidential Citizens Medal from President Reagan.

Now Ambassador Kampelman has penned this insightful essay on the goal of globally eliminating all weapons of mass destruction. He believes that this goal is even important in an age of nuclear proliferation. He speaks from the heart and head and from his long experience as a hardnosed negotiator.

Ambassador Kampelman argues that we can reach this objective by distinguishing between what "is" and what "ought" to be, utilizing both realism and idealism. He recalls President Regan's successful deployment of the MX missile in Europe to deter Soviet aggression and his ability to recognize new openings, such as the willingness of Mikhail Gorbachev to negotiate steep reductions in nuclear arsenals—with the ultimate goal of eliminating nuclear weapons.

We all recognize that the total elimination of nuclear weapons is an extraordinarily difficult journey in a world where nuclear technology continues to spread and distinction between civilian and military nuclear development can be opaque. Nonetheless, it is important that we envision this worthy goal, however idealistic it may seem today. Ambassador Kampelman stared down the very real prospect of nuclear annihilation during the Cold War. With this article, he offers us hope that with wisdom and constancy, we have a chance to make this world safer for our children and grandchildren.

I therefore request unanimous consent that the attached article by Ambassador Max Kampelman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 24, 2006]

BOMBS AWAY

(By Max M. Kampelman)

In my lifetime, I have witnessed two successful titanic struggles by civilized society against totalitarian movements, those against Nazi fascism and Soviet communism. As an arms control negotiator for Ronald Reagan, I had the privilege of playing a role—a small role—in the second of these triumphs.

Yet, at the age of 85, I have never been more worried about the future for my children and grandchildren than I am today. The number of countries possessing nuclear arms is increasing, and terrorists are poised to master nuclear technology with the objective of using those deadly arms against us.

The United States must face this reality head on and undertake decisive steps to prevent catastrophe. Only we can exercise the constructive leadership necessary to address the nuclear threat.

Unfortunately, the goal of globally eliminating all weapons of mass destruction—nuclear, chemical and biological arms—is today not an integral part of American foreign policy; it needs to be put back at the top of our agenda.

Of course, there will be those who will argue against this bold vision. To these people I would say that there were plenty who argued against it when it was articulated by Mr. Reagan during his presidency.

I vividly recall a White House national security meeting in December 1985, at which the president reported on his first "get acquainted" summit in Geneva with President Mikhail Gorbachev of the Soviet Union the previous month.

Sitting in the situation room, the president began by saying: "Maggie was right. We can do business with this man" His reference to Prime Minister Margaret Thatcher prompted nods of assent. Then, in a remarkably matter-of-fact tone, he reported that he had suggested to Mr. Gorbachev that their negotiations could possibly lead to the United States and the Soviet Union eliminating all their nuclear weapons.

When the president finished with his report, I saw uniform consternation around that White House table. The concern was deep, with a number of those present—from the secretary of defense to the head of central intelligence to the chairman of the Joint Chiefs of Staff—warning that our nuclear missiles were indispensable. The president listened carefully and politely without responding.

In fact, we did not learn where he stood until October 1986, at his next summit meeting with Mr. Gorbachev, which took place in Reykjavik, Iceland. There, in a stout waterfront house, he repeated to Mr. Gorbachev his proposal for the abolition of all nuclear weapons. Though no agreement was reached, the statement had been made.

More remarkably, it had been made by someone who understood the importance of nuclear deterrence.

In March 1985, before Reagan's first meeting with Mr. Gorbachev, I received a telephone call on a Friday from the president's chief legislative strategist telling me that the administration's request for additional MX missiles was facing defeat in the House of Representatives, and that the president wanted me to return from Geneva (where I was posted as his arms negotiator) for a brief visit. The hope was that I might be able to persuade some of the Democrats to support the appropriation.

I was not and never have been a lobbyist, but I agreed to return to Washington. I wanted my first meeting to be with the speaker of the House, Tip O'Neill, who, I was informed, was the leader of the opposition to the appropriation.

So there I was on Monday morning in O'Neill's private office. I briefed the speaker on the state of negotiations with the Soviets. I made the point that I too would like to live in a world without MX missiles, but that it was dangerous for us unilaterally to reduce our numbers without receiving reciprocal reductions from the Soviets. I then proceeded with my round of talks on the Hill.

At the end of the day, I met alone with the president and told him that O'Neill said we were about 30 votes short. I told the president of my conversation with the speaker and shared with him my sense that O'Neill was quietly helping us, suggesting to his fellow Democrats that he would not be unhappy if they voted against his amendment.

Without a moment's hesitation, the president telephoned O'Neill, and I had the privilege of hearing one side of this conversation between two tough Irishmen, cussing each other out, but obviously friendly and respectful.

I recall that the president's first words went something like this: "Max tells me that you may really be a patriot. It's about time!" Suffice it to say that soon after I returned to Geneva I learned that the House had authorized the MX missiles.

There is a moral to these stories: you can be an idealist and a realist at the same time.

What is missing today from American foreign policy is a willingness to hold these two thoughts simultaneously, to find a way to move from what "is"—a world with a risk of increasing global disaster—to what "ought" to be, a peaceful, civilized world free of weapons of mass destruction.

The "ought" is an integral part of the political process. Our founding fathers proclaimed the "ought" of American democracy in the Declaration of Independence at a time when we had slavery, property qualifications for voting and second-class citizenship for women.

Yet we steadily moved the undesirable "is" of our society ever closer to the "ought" and thereby strengthened our democracy. When President Gerald Ford signed the Helsinki Final Act in 1975, he was criticized for entering into a process initiated by the Soviet Union. But the agreement reflected a series of humanitarian "oughts," and over the course of the next 10 years, the Soviets were forced by our European friends and us to live up to those "oughts" if they were to attain international legitimacy.

An appreciation of the awesome power of the "ought" should lead our government to embrace the goal of eliminating all weapons of mass destruction.

To this end, President Bush should consult with our allies, appear before the United Nations General Assembly and call for a resolution embracing the objective of eliminating all weapons of mass destruction.

He should make clear that we are prepared to eliminate our nuclear weapons if the Security Council develops an effective regime to guarantee total conformity with a universal commitment to eliminate all nuclear arms and reaffirm the existing conventions covering chemical and biological weapons.

The council should be assigned the task of establishing effective political and technical procedures for achieving this goal, including both stringent verification and severe penalties to prevent cheating.

I am under no illusion that this will be easy. That said, the United States would bring to this endeavor decades of relevant experience, new technologies and the urgency of self-preservation. The necessary technical solutions can be devised. Now, as I can imagine President Reagan saying, let us summon the will.

CAREGIVERS

Mr. DURBIN. Mr. President, I rise to commend the ongoing efforts of relative caregivers all over the State of

Illinois, who have opened their hearts to children whose homes have been broken. Children are placed into foster care for a variety of reasons stemming from neglect to drug-addicted parents and often suffer the consequences of the separation. The fate of children who are not adopted or reunited with their birth parents often spells a legacy of instability. Relatives who welcome these children into their homes offer them a stability that can rarely be found in the foster care system.

Subsidized guardianship helps to remove some of the barriers to keeping displaced children within the family. The main obstacle faced by guardians is the cost of upkeep of additional children. Subsidized guardianship allows relatives to access the same programs that regular foster parents have. These State programs support permanent guardianship placements with relatives by offsetting some of the costs of child rearing.

The correlation between relative placement and success of foster children has never been more apparent than in my own office. One of my summer interns attributes her current success to her aunt and uncle who took both herself and sister in when she was 16. This act of generosity prevented her from dropping out of high school to support her sister. Both girls were too old for adoption and hard to place in foster homes. The placement made it possible for the girls to stay in their current school and their community. Relative care was home when they needed one the most.

As of February 2006, there were over 17,000 children placed in substitute care in Illinois. Across the country, more than 6 million children live in households headed by a grandparent or other relative. Kinship care is important because it helps keep children closer to their family and to their sense of normalcy. Supportive programs such as the Subsidized Guardianship Program help children leave the foster care system for the permanent care of nurturing relatives.

Today I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and our Nation's most valuable asset, our children.

ADDITIONAL STATEMENTS

TRIBUTE TO BEVERLY McDAVID

• Mr. BUNNING. Mr. President, today I pay tribute to Beverly McDavid, a teacher from Elliott County High School in Sandy Hook, KY, who is a recipient of the 2006 Disney Teacher Award. Ms. McDavid is being recognized for her commitment to middle school science education. Her ability to inspire her students with creative thinking and innovative teaching methods has resulted in her achieving this prestigious honor.

The Disney Teacher Awards celebrate teachers that enlighten the lives of children by using creativity in the classroom to encourage them to achieve more then they ever thought possible. Award winners are chosen by their peers, which consist of leading educational associations from around the United States and former Disney Teacher Honorees.

Ms. McDavid brings a unique educational experience to her classroom by encouraging free thinking from her students. She also uses various educational strategies to reach out to the diverse learning needs of her students and encourages them to succeed. Her relentless dedication has proven her a deserving recipient of this outstanding award.

I congratulate Ms. McDavid on being a recipient of the Disney Teacher Award. Her love of teaching and devotion to her students make her an example to all the citizens of the Commonwealth.•

TRIBUTE TO JOHN STROSNIDER

• Mr. BUNNING. Mr. President, today I pay tribute to Dr. John Strosnider of Pikeville, KY, for his induction as the 110th president of the American Osteopathic Association, AOA. His steadfast support reinforces his organization's honorable goal of promoting osteopathic medicine, ensuring quality education and training programs, and preserving basic osteopathic principles.

Dr. Strosnider will lead 56,000 osteopathic physicians and the AOA, an association organized to advance the philosophy and practice of osteopathic medicine by promoting excellence in education, research and the delivery of quality and cost-effective healthcare in a distinct, unified profession.

Dr. Strosnider has been a member of the AOA since 1971 and has served on the board of trustees since 1992. During this time he has served on the Kentucky Board of Medical Licensure and the Get Healthy Kentucky Board. In addition to his leadership roles with the AOA, Dr. Strosnider has served as a member of the Association of Osteopathic Medical Directors and Educators; the Society of Teachers of Family Medicine; the Medical Review Consultants Board of Directors; and the Kentucky Osteopathic Medical Association, KOMA, and was a past president of the Missouri Association of Osteopathic Physicians and Surgeons, MAOPS.

Throughout his career, Dr. Strosnider has received numerous honors including the 2005 KOMA Physician of the Year Award and the 1993 MAOPS Medallion Award.

In September of 1996 Dr. Strosnider was appointed as the founding dean of the Pikeville College School of Osteopathic Medicine. The Pikeville College is the 19th college of osteopathic medicine in the United States. Its objective is to improve the delivery of healthcare to the people in the underserved areas of Appalachia. I have been very impressed with the progress the college has made in expanding access to healthcare in eastern Kentucky.

I thank Dr. Strosnider for his dedication and commitment to osteopathy and congratulate him on his new position. His devotion to medicine serves as an example to all citizens of the Commonwealth.•

100TH ANNIVERSARY OF COLUMBUS, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 7 to 9, the residents of Columbus will gather to celebrate their community's history and founding.

Columbus is a small but welcoming community located in the northwest corner of North Dakota. It was originally founded in 1903 but moved 6 miles in 1906 to its current location along the Soo Line Railroad. Columbus was named for its second postmaster, Columbus Larson, and it is thought to be the only place named Columbus in the United States that is not named for the famous explorer, Christopher Columbus.

Today, Columbus is a great place for hunting, fishing, and other outdoor activities. Its location near Short Creek Dam adds to the beauty of its landscape and attracts all types of visitors, from the serious outdoorsmen to recreational golfers. Short Creek Dam is a sportsman's dream, with its abundant fish population and quiet seclusion. Columbus is also home to the Oilmen's Golf Tournament, which draws players from around the area.

Columbus is a close-knit community that values togetherness and cooperation. Community members work together to ensure Columbus remains a wonderful place to live and work. The residents of Columbus have many wonderful activities planned to celebrate their 100th anniversary, including parades, a talent show, open golf, games, a street dance, and much more.

Mr. President, I ask the Senate to join me in congratulating Columbus, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Columbus and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Columbus that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Columbus has a proud past and a bright future.•

100TH ANNIVERSARY OF RYDER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I wish today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 7 to 9, the residents of Ryder will gather to celebrate their community's history and founding.

Ryder holds an important place in North Dakota's history. Originally, the town chose Centerville as its name, but the post office said that name was already taken. The town was eventually named "Ryder" because of Arthur R. Ryder, who lent his coat to the local postal official. To thank Mr. Ryder for his generosity, the postal official named the town after him. Many new businesses started to emerge in Ryder after its founding, including banks, hardware stores, general stores, livery barns, hotels, restaurants, grain elevators, a blacksmith shop, a photograph gallery, and three churches.

Today, Ryder is a vibrant community. The people of Ryder are very proud of their community, and they have a strong sense of camaraderie. Ryder is actively involved in creating new ideas for preserving the town that is so dearly loved by the entire community. Ryder is planning 3 fun-filled days to celebrate its centennial, which will be enjoyed by people of all ages. Activities include dedication of a wall honoring the veterans of Ryder, a magic show, a street dance, and baseball games.

Mr. President, I ask the Senate to join me in congratulating Ryder, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Ryder and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Ryder that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Ryder has a proud past and a bright future.•

100TH ANNIVERSARY OF PLAZA, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to honor a community in North Dakota that is celebrating its 100th anniversary. On July 20 to 23, the residents of Plaza, ND, will gather to celebrate their community's history and founding.

Plaza is a small town in northwest North Dakota. Despite its small size, Plaza holds an important place in North Dakota's history. Plaza was founded on July 20, 1906, on the Soo Line Railroad and was named to note the central plaza within the business district. The first train arrived in Plaza on December 6, 1906. Plaza was incorporated as a village in 1910 and as a city in 1951, with Roy Sandstrom elected as its first mayor. Among the town's residents were Walter J. Maddock, who served as Governor of North Dakota from 1928 to 1929.

Today, Plaza remains a small, pleasant agricultural town. Residents of the town gather at the hardware store and cafe, watch their children play at the baseball field, or work together at the local farmer's union chapter.

The community has many activities planned for its 4-day celebration. On Thursday, the celebration kicks off with train shuttle rides, a raffle, and several activities in the townhall. Friday highlights including a children's rodeo, a volleyball tournament, and a school alumni social. A parade, softball tournament, and fireworks display are among several of weekend activities. Historical tours of the town will also take place throughout the 4 days of celebration.

Mr. President, I ask the Senate to join me in congratulating Plaza, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Plaza and all the other historic small towns of North Dakota, we keep the pioneering tradition spirit alive for future generations. It is places such as Plaza that have helped to shape this country into what it is today, which is why Plaza is deserving of our recognition.

Plaza has a proud past and a bright future.•

JOHN GONSALVES RECEIVES DAUGHTERS OF THE AMERICAN REVOLUTION MEDAL OF HONOR

• Mr. GREGG. Mr. President, today I wish to recognize the winner of the Daughters of the American Revolution Medal of Honor Award, Mr. John Gonsalves of Taunton, MA. Mr. Gonsalves was nominated by the members of the Molly Stark Chapter of the Daughters of the American Revolution, DAR, in Manchester, NH, to receive this national award.

In the wake of September 11, Mr. Gonsalves was left, like many Americans, with the insatiable desire to do something to help those intimately affected by the tragedy. He was particularly struck by those who have made extraordinary sacrifices on the front lines in the military operations that have followed the September 11 attacks, our wounded soldiers.

Upon seeing these injured soldiers in news reports, Mr. Gonsalves was determined to use his lifelong trade to help these wounded heroes. Having worked extensively in the construction field throughout the last 20 years, he gained expertise in all phases of the construction process, business management, and OSHA safety standards. He started Homes For Our Troops—a nonprofit organization that builds and refits homes across the country for veterans wounded while serving in the Middle East. Mr. Gonsalves has pledged to build these specially adapted residences for our wounded soldiers so long as the need exists at no cost to them.

The brave men and women who put their lives at risk every day to protect our country need to know that their fellow citizens appreciate their sacrifices and will support them long after they return home from the front lines. Mr. Gonsalves' work promotes an extremely noble cause which ensures that our wounded troops, who have worked extraordinarily hard to protect our Nation, have the opportunity to find suitable housing when they return home.

Mr. Gonsalves has shown tremendous qualities of leadership, service, and patriotism by selflessly dedicating himself to a cause that serves a greater purpose and aids those who have sacrificed for our country, and he is certainly deserving of the DAR Medal of Honor Award. I congratulate him on his recognition and commend him for his service to the military community and the positive effects his organization has for our country and especially on our wounded soldiers.

• Mr. SUNUNU. Mr. President, I also wish to recognize John Gonsalves, a Taunton, MA, resident whose selfless work to improve the lives of troops returning home from battle will be honored with the Daughters of the American Revolution's, DAR, Medal of Honor Award. Members of the Molly Stark Chapter of the DAR in Manchester, NH, nominated him to receive this distinction.

John was one of millions of Americans who, in the aftermath of the September 11 terrorist attacks, wanted to serve his Nation and fellow countrymen. Having worked extensively in different phases of the construction industry, he sought an opportunity to give back by helping wounded soldiers return to home life.

Unable to find an existing organization that would allow him to volunteer his construction and homebuilding skills, John took action and founded a nonprofit organization that would—Homes for Our Troops. The group, which is based in Taunton, works to build or adapt residences across the country for injured veterans at no cost to these individuals.

American soldiers have left the comfort of home for the perils of faraway battlefields to protect our country and to spread freedom in the world. It is critical that these brave men and women know that their fellow citizens support them—and will continue to do so long after their active duty service is over. John's work to establish Homes for Our Troops helps represent a solemn promise: that the American people will neither forget, nor cease to be grateful, for the courage of our heroic soldiers.

By returning seriously injured veterans to the normalcy of home life as quickly as possible, we honor their enormous sacrifices for our country. Homes for Our Troops performs an invaluable role in this national effort, coordinating donations of money, labor and materials to ensure that seriously injured veterans' homes are handicapped accessible. This work, which contributes conspicuously to the quality of life for severely wounded soldiers, represents the best of the American spirit.

John Gonsalves' patriotism sets an example for all Americans. I join his friends, supporters and members of the DAR's Molly Stark Chapter in commending his praiseworthy efforts on behalf of our veterans, and congratulate him on being selected to receive this prestigious award.

KATHLEEN MIRABILE RECEIVES OUTSTANDING TEACHER OF AMERICAN HISTORY AWARD

• Mr. GREGG. Mr. President, today I wish to recognize and commend an outstanding teacher from New Hampshire, Kathleen Mirabile, winner of the Daughters of the American Revolution, DAR, Outstanding Teacher of American History Award.

Mrs. Mirabile has dedicated the past 45 years to teaching Social Studies and U.S. History in two public high schools in Manchester, NH. She continues to share her in-depth understanding of the democratic system of government in our country with students every year.

Throughout her 45 years in the Manchester school system, she has come to intimately understand and personify the concept of living history as she has opened students' minds to endless possibilities. She subscribes to the theory that in order to be loyal to our country today, one must be keenly aware of the history that has shaped the extraordinary foundation upon which our country and our government were built. She has made it her goal to ensure students understand the impact that history has on them today and, conversely, the impact that today will have on history.

Entrenched in her belief that every citizen ought to be a student of U.S. history, Mrs. Mirabile has remained a student throughout her entire teaching career—completing graduate studies at the University of New Hampshire and Boston College, as well as participating in countless educational conferences, institutes, and fellowship programs ranging from the National Endowment for the Humanities to Harvard University, allowing her to further her own education as a student while simultaneously enriching her teaching knowledge.

Mrs. Mirabile has taken her passion for history outside of the classroom and required school hours. Beyond her role as a teacher in the high school classroom, Mrs. Mirabile has shared her time and her life with members of the Granite State community by participating and assuming important leadership and advisory roles in numerous educational societies, extracurricular activities, and professional organizations, furthering her own development and gaining the respect and friendship of her students and peers alike.

Teachers like Mrs. Mirabile exemplify the greatest asset in the educational system in our country—dedicated and devoted teachers who take tremendous pride in preparing generations of students to participate in the American dream. Her commitment to her students and the entire community serves as a great role model for everyone around her, and she certainly is deserving of the DAR Outstanding Teacher of American History Award. I congratulate her on this recognition and commend her for her excellence in teaching and the overwhelmingly positive effect she has had on her students and her community.

• Mr. SUNUNU. Mr. President, I also wish to recognize an outstanding teacher from New Hampshire who will be honored next month with the Daughters of the American Revolution's, DAR, Outstanding Teacher of American History Award.

Kathleen Mirabile has taught history and social studies in Manchester, New Hampshire's public schools for nearly four decades. Through her strong commitment to lifelong learning, Mrs. Mirabile has inspired generations of students in the Queen City. Having contributed conspicuously to the life of her community, Mrs. Mirabile has earned the respect of her peers and students—which is reflected in her nomination by the DAR's Molly Stark Chapter in Manchester to receive this prestigious national award.

A democratic nation such as ours requires informed, active citizens who are able to think critically about complex issues. Knowledge and understanding of American history is therefore essential to ensuring a thoughtful citizenry that is capable of the responsibility of self-government. During her long service as a teacher, at Manchester High School Central and Manchester Memorial High School, Mrs. Mirabile has worked to convey these enduring truths as part of her classroom instruction.

Mindful of the necessity of being prepared to compete in today's society, Mrs. Mirabile has set high standards for her students. Although she has taught students who represent a range of academic ability—including those in her advanced placement U.S. history course—Mrs. Mirabile has consistently pushed them to achieve beyond their limits. In doing so, she has helped her students to mature as learners and as individuals.

A central component of Mrs. Mirabile's approach to teaching—one that distinguishes her—has been to remain a student of history herself. As part of that commitment, she completed graduate studies at the University of New Hampshire and at Boston College; additionally, Mrs. Mirabile has pursued study through the National Endowment for the Humanities, the U.S. Department of Education, and at Harvard University. These experiences have broadened her knowledge, and have helped to make her a more thoughtful, engaging teacher.

Mrs. Mirabile also brings her extensive experience working with the Manchester Historic Association, MHA, to the classroom. Manchester, which was home to the world famous Amoskeag Mills, is a city that is rich in history and culture. As an MHA leader, Mrs. Mirabile has taken her intimate knowledge of Manchester and made the City a history classroom for her students. Through such hands-on learning, Mrs. Mirabile's students are shown that history lessons are not confined to text books; that history is alive in our communities.

Having distinguished herself as a talented and committed educator who has made a difference in the lives of her students, Mrs. Mirabile has set a standard to which other teachers may aspire. I am pleased to join her many friends and admirers—at Central High School, in the city of Manchester, and with the Molly Stark Chapter—in extending congratulations to her for being honored by the DAR for a long career of excellence in teaching.•

PASSING OF EVELYN "EVY" DUBROW

• Mr. LAUTENBERG. Mr. President, today I to celebrate the life and work of Evelyn "Evy" Dubrow, a longtime champion for working people in our country, who passed away this week at the age of 95.

Evy was loved by many Members of Congress, but I think I will miss her more than most. She came from my hometown of Paterson, NJ. Her parents were immigrants, like my own mother and father. And one of her first jobs was as a reporter at the Paterson Morning Call, which was our local newspaper.

Evy soon moved into union work, first as a secretary for the textile workers union, and then as an assistant to the president of the New Jersey Congress of Industrial Organizations.

In 1956, she came to Washington as a lobbyist for the International Ladies Garment Workers Union. At that time, lobbying was almost exclusively a man's world but although Evy stood just a little bit shy of five feet tall, she never backed down from anyone.

Although she eventually became vice president of the ILGWU, and later of the textile workers union UNITE, she continued to fight here on Capitol Hill for issues that affect working people—especially women.

She was a lobbyist in the most honorable sense of the profession, because she never tried to browbeat or buy a vote. She simply told you why she felt her position was right—and she always did it with conviction. In 1982, a Washington business newspaper named her one of the town's 10 best lobbyists.

In 1999, President Clinton awarded the Medal of Freedom to Evy. It was quite an honor for a daughter of immigrants from Paterson—and it made me proud.

Evy never married, but she doted on her nieces and nephews, and five grandnieces. And workers all across the country thought of her as family. They loved her and trusted her to look out for them.

Everyone who cares about working people will miss Evy. We should also give thanks for her long life and the many things she accomplished. And we must honor her memory by carrying on her fight for fair pay, better education and job training, and safer conditions for working people.●

TRIBUTE TO PHILIP MERRILL

● Ms. MIKULSKI. Mr. President, I wish to pay tribute to the life and legacy of Philip Merrill—journalist, diplomat, philanthropist, patriot—and friend.

Phil Merrill was an original. Yet his life story was the American dream. He was born in a row house in Baltimore. Through hard work and brilliant business sense, he built a major publishing company—Capital-Gazette Newspapers. He was a champion for sound environmental stewardship. He endowed the School of Journalism at the University of Maryland. He served his Nation, and he served his State. And he was part of a strong, loving family.

Phil Merrill ran the oldest continually published newspaper in the United States—the Annapolis Capital. Each of his newspapers is known for strong local coverage and for strong opinion pages. He endowed the Philip Merrill School of Journalism at the University of Maryland—which trains the next generations of journalists in the skills and values that Phil Merrill put into action every day of his life.

Phil Merrill served three Presidents in important international appointments—including Assistant Attorney General of NATO. When he was appointed by President Bush to be president of the Export-Import Bank—I laughed with him, saying "I thought diplomats were supposed to keep us out of wars." A dainty diplomat—no. A determined advocate for democracy—yes.

Phil was also a passionate environmentalist. He especially loved the Chesapeake Bay. He endowed a "green" building for the Chesapeake Bay Foundation. This is not just a building where the Bay Foundation does its outstanding education and advocacy work; it is a building with a design that is environmentally friendly.

Much has been said of Phil Merrill's feistiness. Well, I happen to like feisty people. He stood up for what he believed in. He fought for what he felt was right. And he made a difference.

His partner in life was his wife Eleanor. In publishing, in philanthropy, she shared his zest for life and his many passions. I know that Ellie Merrill will continue to guide the institutions that she and Phil built and supported. She and her family are in my thoughts and prayers during this very difficult time.

Phil Merrill's death is a tragedy. Yet his life was a triumph. I ask my colleagues to join me in saluting this extraordinary man.

I ask that an article from the Annapolis Capital be printed in the RECORD.

The material follows.

PHILIP MERRILL, CAPITAL PUBLISHER, DEAD AT 72

Philip Merrill, 72, publisher, diplomat and philanthropist, died June 10 after going sailing aboard his 41-foot sailboat *Merrilly* on the Chesapeake Bay. His body was discovered yesterday in the bay near Poplar Island.

A longtime resident of Arnold, Phil Merrill combined publishing and public service throughout his career. The Baltimore native received a degree in government in 1955 from Cornell University where he was managing editor of the student newspaper. After serving in the Army, he worked for newspapers in New Jersey until 1961 when he joined the State Department and graduated from Harvard University's management development program.

In 1968 he returned to journalism when he bought The Evening Capital with several partners. Later he brought in Landmark Communications Inc. as a minority partner and grew the newspaper's circulation from 13,000 to 48,000. Chairman of the board of Capital-Gazette Communications, he also owned Washingtonian magazine and five other newspapers—the Maryland Gazette, the Bowie Blade-News, the Crofton News-Crier, the West County Gazette and South County Gazette. He also formerly owned Baltimore magazine.

During his public service, he took leaves of absences from the publishing business to serve six presidential administrations.

From 1981 to 1983 he was counselor to the under secretary of defense for policy and from 1990 to 1992 was assistant secretary-general of NATO for defense support in Brussels, Belgium, at the treaty organization headquarters. He also had served on the Department of Defense Policy Board. From 2002 until last summer he was chairman and president of the Export-Import Bank of the United States.

Mr. Merrill represented the U.S. in negotiations on the Law of the Sea Conference, the International Telecommunications Union and various disarmament and exchange agreements with the former Soviet Union. He was a former special assistant to the deputy secretary of state, served as the State Department's senior intelligence analyst for South Asia and worked in the White House on national security affairs.

He was vice chairman of the Center for Strategic and Budgetary Assessments and the U.S. director of the International Institute of Strategic Studies. He also served on the Department of Defense Policy Board and the Department Business Board. During the Gulf War he was on President George H.W. Bush's Air Power Survey and served on President Reagan's Commission on Cost Control.

In 1988 the Secretary of Defense awarded him the Medal for Distinguished Service, the department's highest civilian honor.

Mr. Merrill was chairman of the Capital-Gazette Foundation and the Merrill Family Foundation. He was a trustee of the Aspen Institute, the Chesapeake Bay Foundation, the Johns Hopkins University and the Corcoran Gallery of Art. He was on the board of visitors of the University of Maryland and the boards of the Johns Hopkins School of Advanced International Studies, the Advanced Physics Laboratories, the American Council of Trustees and Alumni, the Johnson School of Management at Cornell, the University of Maryland Foundation, the Federal City Council, the National Archives Foundation and the World Affairs Council of Washington.

His board memberships also included those of Cornell, the Amos Tuck School of Business at Dartmouth, the Washington Airports Task Force and Genesco.

A former fellow of the Institute for International Affairs of the University of Chicago, he also was a member of the Council on Foreign Relations, the Chief Executives Organization and the World Presidents' Organization. For many years he was chairman of the White House Fellows Commission regional panels.

A sailor since age 7, he served in the Merchant Marine to earn money for college. He supported the America's Cup campaigns and the Hospice Cup sailing regatta which raises money for charity.

He donated $1 million to Cornell for a sailing center, $10 million to the University of Maryland School of Journalism, $4 million to the Paul H. Nitze School of Advanced International Studies at Johns Hopkins and $7.5 million to the Chesapeake Bay Foundation for its "green" headquarters in Annapolis. Since 1988 Capital-Gazette newspapers have awarded $661,000 in academic scholarships to outstanding high school students.

Mr. Merrill enjoyed his family, snow skiing, sailing and ice cream.

Surviving are his wife of 45 years, Eleanor Pocius Merrill, who has assumed his publishing duties; his family, Doug and Lisa Merrill of Shelburne, Vt., Cathy and Paul Williams of Washington, D.C., and Nancy Merrill of Arlington, Va.; four grandchildren, Alexander Merrill, 6, Jack Merrill, 4, Wynne Williams, 17 months, and Bryce Williams, two weeks old; and one sister, Suzanne Watson of Chicago, Ill.

A celebration of life ceremony for family and friends will be held at 2 p.m. Thursday at Mellon Auditorium, 1301 Constitution Ave. NW, Washington, D.C.

In lieu of flowers, the family requests you cherish a memory.●

OUR LADY OF LOURDES ACADEMY

● Mr. NELSON of Florida. Mr. President, today I congratulate Our Lady of Lourdes Academy for its success in the national final of We the People: The Citizen and the Constitution. This competition is designed to educate young people about the U.S. Constitution and Bill of Rights. I am pleased to announce that Our Lady of Lourdes Academy from Miami, FL placed fourth in the competition. It is fitting that I make this statement just as we celebrate my friend from West Virginia, Senator BYRD, who has spent a lifetime talking about the need for our kids to learn about our Constitution.

The We the People national final is a 3-day academic competition that simulates a congressional hearing in which the students "testify" before a panel of judges on constitutional topics. Students demonstrate their knowledge and understanding of constitutional principles as they debate positions on relevant historical and contemporary issues. Mr. President, the names of these outstanding students from Our Lady of Lourdes Academy are: Nicole Azzi, Marta Bakas, Heidi Balsa, Caroline Buckler, Victoria Cabrera, Tatiana Estrada, Christi Falco, Monica Font, Gabrielle Gonzalez, Patricia Herold, Kristina Infante, Janine Lopez, Vanessa Mallol, Christina Martinez, Nina Martinez, Alina Mejer, Natalie Mencio, Natalie Perez, Gabriela Rosell, Anita Viciana, and Erica Watkins. They are taught by Rosie Heffernan. Additional recognition goes to Annette Boyd Pitts and John Doyle, who help coordinate the program in the great State of Florida.

Mr. President and my colleagues in the Senate, please join me in congratulating these young constitutional scholars for their outstanding achievement.•

TRIBUTE IN HONOR OF JEAN SULLIVAN

• Mr. SHELBY. Mr. President, today, I wish to honor the life of Jean Sullivan, who was instrumental in making the Alabama Republican Party what it is today. Jean gracefully represented Alabama for 20 years while serving as a powerful force on the Republican National Committee. She was a close personal friend of mine, and I deeply respected her.

Long before Alabama became a red State on the national election map, Jean was fighting to gain popularity for the party she so adamantly supported. She worked on the forefront of molding what the Republican Party would mean for Alabama. Her efforts in promoting and electing Republican candidates are undeniable. She was outspoken and unafraid to fight for what she believed. Her energy will be missed in our State.

Jean was hard-working, energetic, and a true Republican icon. I am proud of her efforts, and I am grateful for her endless dedication to Alabama politics. I know she will be missed not only by her three sons, Kent, Arthur, and Jim Sullivan, her two daughters, Teresa Collins and Connie McAfee, and her many friends, but also by the many people she worked with and inspired in Alabama politics.•

TRIBUTE TO LIEUTENANT COLONEL STEPHEN M. PARKE

• Mr. THUNE. Mr. President, today I honor LTC Stephen M. Parke. This month Lieutenant Colonel Parke retired from the U.S. Army after nearly 21 years of faithful service to his country.

Lieutenant Colonel Parke is a native of Rapid City, SD. He is also a graduate of the University of South Dakota and the South Dakota School of Law. Lieutenant Colonel Parke then went on to be on the staff of the Judge Advocate. His service has taken him all over the United States as well as to the far corners of the world to places such as Alaska, Kentucky, Virginia, Maryland, Korea, and Cuba.

Throughout his years of service, Lieutenant Colonel Parke has advanced through the ranks, from captain to major and finally to lieutenant colonel. Lieutenant Colonel Parke's exemplary service has earned him several major awards and decorations. These include the Humanitarian Service Medal, the Defense Meritorious Service Medal, and the Meritorious Service Medal with four Oak Leaf Clusters.

It is with great honor that I remember and honor the service provided by LTC Stephen M. Parke to his country. On behalf of a grateful State and a grateful Nation, I wish Lieutenant Colonel Parke all the best in his retirement.•

150TH ANNIVERSARY OF SIOUX FALLS, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I pay tribute to recognize Sioux Falls, SD. The city of Sioux Falls will celebrate the 150th anniversary of its founding this year.

Located in Minnehaha County, Sioux Falls was founded on the banks of the Big Sioux River. The city of Sioux Falls began after speculators from the Western Town Company claimed the town site in 1856. Sioux Falls has been a successful thriving community for the past 150 years, and I am confident it will continue to grow and prosper.

I offer my congratulations to Sioux Falls on their anniversary, and I wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF WENTWORTH, SD

• Mr. THUNE. Mr. President, today I pay tribute to Wentworth, SD. The town of Wentworth will celebrate the 125th anniversary of its founding this year.

Located in Lake County, Wentworth was founded in 1881 as an agricultural town. Wentworth has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions in the future.

I offer my congratulations to Wentworth on their anniversary, and I wish them continued prosperity in the years to come.•

TRIBUTE TO RUTH ZIOLKOWSKI

• Mr. THUNE. Mr. President, today I wish to recognize the 80th birthday of Mrs. Ruth Ziolkowski.

Ruth Ziolkowski immigrated to South Dakota in 1947 to help Korczak Ziolkowski begin work on the Crazy Horse Memorial sculpture. The two were married in 1950. Since then, Crazy Horse Memorial has made monumental progress with the completion of Crazy Horses' face in 1998 and the building of the access road to the top. To this day, Crazy Horse receives no Federal grant money, relying solely on Ruth's rock-solid dedication to fundraising. As a result of this dedication, Mrs. Ziolkowski has been presented with countless awards and honors over the years. Her unwavering commitment to the arts and to South Dakota has helped to make this powerful monument a reality.

It gives me great pleasure to commemorate the 80th birthday of Ruth Ziolkowski and to wish her continued success in the years to come.•

100TH ANNIVERSARY OF CROCKER, SOUTH DAKOTA

• Mr. THUNE, Mr. President, today I wish to recognize Crocker, SD. The town of Crocker will celebrate the 100th anniversary of its founding this year.

Located in Clark County, Crocker was founded as an agricultural town in 1906. Crocker is just one example of what has made South Dakota the place it is today.

I offer my congratulations to Crocker on their centennial.•

125TH ANNIVERSARY OF GROTON, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Groton, SD, which is celebrating its 125th Anniversary this year.

Located in northeastern South Dakota, Groton was originally developed as a railroad town with the Chicago, Milwaukee and St. Paul Railroad rail lines running through town. In fact, the city was named after Groton, MA, because the railroad officials traveling through Groton were already familiar with the name. Groton is a welcoming community with many great traditions including their ice skating festival, the Carnival of Silver Skates.

I would like to offer my congratulations to Groton on their anniversary and I wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF BATH, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Bath, SD. The town of Bath will celebrate the 125th anniversary of its founding this year.

Located in Brown County, Bath, like many rural towns in South Dakota, has its roots in agriculture. Now 125 years later, Bath is a great example of what makes South Dakota such a great place to live and do business.

I offer my congratulations to Bath on their 125th anniversary, and I wish them continued prosperity in the years to come.•

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 24, 2005, 70 FR 36803.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2006*.

MESSAGE FROM THE HOUSE

At 3:23 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5060. An act to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form.

H.R. 5293. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

H.R. 5573. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

H.R. 5603. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 426. Concurrent resolution recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides the Nation.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5060. An act to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5293. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5573. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 426. Concurrent resolution recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides to the Nation; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7271. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilburton, Okemah, and McAlester, Oklahoma)" (MB Docket No. 05-166, RM-11228) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7272. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Louisburg and Hillsborough, North Carolina)" (MB Docket No. 04-375) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7273. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Weaverville, Palo Cedro, and Alturas, California)" (MB Docket No. 05-125) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7274. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alturas, California)" (MB Docket No. 05-123) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7275. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Enfield, New Hampshire; Hartford and White River Junction, Vermont; and Keeseville and Morrisonville, New York)" (MB Docket No. 05-162) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7276. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Churchville and Keswick, Virginia and Marlinton, West Virginia)" (MB Docket No. 05-292) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7277. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Allegan, Otsego and Mattawan, Michigan)" (MB Docket No. 05-269) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7278. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arnold and City of Angels, California)" (MB Docket No. 05-316) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7279. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilson and Knightdale, North Carolina)" (MB Docket No. 05–121) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7280. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Morro Bay and Oceano, California)" (MB Docket No. 05–5) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7281. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hattiesburg and Sumrall, Mississippi)" (MB Docket No. 06–19) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7282. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cherokee Village, Black Rock, and Cave City, Arkansas, and Thayer, Missouri)" (MB Docket No. 05–104) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7283. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Andover and Haverhill, Massachusetts)" (MB Docket No. 05–108) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7284. A communication from the President of the United States, transmitting, pursuant to law, a notification relative to the designation of Daniel Pearson as Chairman and Shara L. Aranoff as Vice Chairman of the United States International Trade Commission, effective June 17, 2006; to the Committee on Finance.

EC–7285. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Erickson Post Acquisition, Inc. v. Commissioner" ((Docket No. 8218–00) (T.C. Memo. 2003–218)) received on June 13, 2006; to the Committee on Finance.

EC–7286. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revocation of 83(b) Elections" (Rev. Proc. 2006–31) received on June 16, 2006; to the Committee on Finance.

EC–7287. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the San Antonio Valley Viticultural Area" ((RIN1513–AB02) (T.D. TTB–46)) received on June 14, 2006; to the Committee on the Judiciary.

EC–7288. A communication from the Director, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Electronic Signature and Storage of Form I–9, Employment Eligibility Verification" (RIN1653–AA47) received on June 16, 2006; to the Committee on the Judiciary.

EC–7289. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7290. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period September 30, 2005 through April 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7291. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7292. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Department of Justice's Semiannual Report of the Inspector General and the Semiannual Management Report for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7293. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7294. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports for the period of October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7295. A communication from the Director, Office of Personnel Management (OPM), transmitting, pursuant to law, the Office of Personnel Management 2004 and 2005 Reports on Category Rating; to the Committee on Homeland Security and Governmental Affairs.

EC–7296. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the Gallery's 2005 Inventory of Commercial and Inherently Governmental Activities Report; to the Committee on Homeland Security and Governmental Affairs.

EC–7297. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-391, "Rent Control Reform Amendment Act of 2006" received on June 18, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7298. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–125–06–138); to the Committee on Foreign Relations.

EC–7299. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Country Reports on Terrorism 2005"; to the Committee on Foreign Relations.

EC–7300. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the February 15, 2006 through April 15, 2006 reporting period; to the Committee on Foreign Relations.

EC–7301. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of $50,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–7302. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles or defense services in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–7303. A communication from the Director, Naval Reactors, transmitting, pursuant to law, a report on environmental monitoring and radiological waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

EC–7304. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to a list of Army Major Defense Programs' unit cost metrics having breached the Nunn-McCurdy Unit Cost (NMUC) thresholds; to the Committee on Armed Services.

EC–7305. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (5) officers authorized to wear the insignia of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7306. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (7) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7307. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7308. A communication from the Chief, Policy Section, Military Awards Branch, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Decorations, Medals, Ribbons, and Similar Devices" (RIN0702-AA41) received on June 14, 2006; to the Committee on Armed Services.

EC-7309. A communication from the Chief, Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report of the confirmation of a nominee for the position of Chief Financial Officer, Corporation for National and Community Service, received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-7310. A communication from the United States Railroad Retirement Board, transmitting, pursuant to law, the Twenty-Third Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7311. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2003: Annual Report"; to the Committee on Health, Education, Labor, and Pensions.

EC-7312. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Department of Health and Human Services' current initiatives in regard to the national preparedness plan and progress in meeting preparedness goals specified in section 101 of the Public Health Security and Bioterrorism Preparedness and Response Act; to the Committee on Health, Education, Labor, and Pensions.

EC-7313. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Standards of Conduct for Federal Sector Labor Organizations" (RIN1215-AB48) received on June 15, 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5384. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109-266).

By Mr. ALLARD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5521. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109-267).

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals for Fiscal Year 2007" (Rept. No. 109-268).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2977. A bill to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the "Paul Kasten Post Office Building".

H.R. 3440. A bill to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building".

H.R. 3549. A bill to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building".

H.R. 3934. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building".

H.R. 4108. A bill to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building".

H.R. 4456. To designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the "Hattie W. Caraway Station".

H.R. 4561. A bill to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building".

H.R. 4688. A bill to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

H.R. 4786. A bill to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the "H. Gordon Payrow Post Office Building".

H.R. 4995. A bill to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office".

H.R. 5245. A bill to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the "Matthew Lyon Post Office Building".

S. 2228. A bill to designate the facility of the United States Postal Service located at 2404 Race Street, Jonesboro, Arkansas, as the "Hattie W. Caraway Post Office.".

S. 2376. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the "Gerard A. Fiorenza Post Office Building".

S. 2690. A bill to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office".

S. 2722. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building".

S. 3187. A bill to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office.".

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ROBERTS for the Select Committee on Intelligence.

*Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 3556. A bill to clarify the rules of origin for certain textile and apparel products; to the Committee on Finance.

By Mr. DURBIN:

S. 3557. A bill to reduce deaths occurring from overdoses of drugs or controlled substances; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mrs. FEINSTEIN):

S. 3558. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management program that will lead to a marked reduction in liver cirrhosis and a reduction in the cases of, and improved survival of, liver cancer caused by chronic hepatitis B infection; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 3559. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 3560. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Con. Res. 103. A concurrent resolution to correct the enrollment of the bill H.R. 889; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Con. Res. 104. A concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1217

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. FRIST, his name was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

At the request of Mr. CORNYN, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. BURR) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2491, supra.

S. 2663

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2725

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2725, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress.

S. 2810

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 3061

At the request of Mr. TALENT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3061, a bill to extend the patent term for the badge of the American Legion Women's Auxiliary, and for other purposes.

S. 3062

At the request of Mr. TALENT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3062, a bill to extend the patent term for the badge of the American Legion, and for other purposes.

S. 3063

At the request of Mr. TALENT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3063, a bill to extend the patent term for the badge of the Sons of the American Legion, and for other purposes.

S. 3516

At the request of Mr. BINGAMAN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 3516, a bill to amend title XVIII of the Social Security Act to permanently extend the floor on the Medicare work geographic adjustment under the fee schedule for physicians' services.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 482

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 482, a resolution supporting the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Res. 494, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 507

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day."

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 508, supra.

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. Res. 508, supra.

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 508, supra.

AMENDMENT NO. 4231

At the request of Mr. DEWINE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 4231 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4233

At the request of Mr. DEWINE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 4233 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4236

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 4236 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4261

At the request of Mr. NELSON of Florida, his name was withdrawn as a cosponsor of amendment No. 4261 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. CHAMBLISS, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAIG) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 4261 proposed to S. 2766, supra.

AMENDMENT NO. 4271

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. BENNETT, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, supra.

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, supra.

AMENDMENT NO. 4314

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4314 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4320

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 4320 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4328

At the request of Mr. LOTT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4328 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4332

At the request of Mr. BURNS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4332 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4342

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 4342 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4346

At the request of Mr. LOTT, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4346 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4361

At the request of Mrs. CLINTON, the names of the Senator from Nevada (Mr. REID), the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 4361 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4371

At the request of Mr. COBURN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4371 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4390

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4390 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. TALENT, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAPO) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 4390 intended to be proposed to S. 2766, supra.

AMENDMENT NO. 4413

At the request of Mr. BURNS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 4413 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4423

At the request of Mr. BIDEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4423 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4444

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 4444 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4445

At the request of Mr. BURNS, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 4445 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4447

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 4447 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4466

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4466 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4471

At the request of Mr. SESSIONS, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Arizona (Mr. KYL), the Senator from South Dakota (Mr. THUNE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4471 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4477

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Ohio (Mr. DEWINE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 4477 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4478

At the request of Mr. BYRD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4478 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3557. A bill to reduce deaths occurring from overdoses of drugs or controlled substances; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, on the first Monday and Tuesday of June, 14 people in Chicago died from an apparent overdose of heroin laced with fentanyl. That brings to 74 the lives lost to heroin and fentanyl in Cook County, IL, this year.

We know that abuse of prescription drugs is on the rise. The manufacture of mind-altering substances is getting easier. Meanwhile, Chicago first responders have treated more than 600 drug overdoses since April. Today I am introducing the Drug Overdose Reduction Act to strengthen and expand the work our communities are doing to prevent overdose deaths from both prescription drug and illicit drug abuse.

The legislation authorizes funding to train first responders, law enforcement officials and corrections officials on how to recognize and respond to an overdose. Funding also would be available for drug overdose prevention programs that provide direct services to people most at risk of an overdose death.

The act would support the important work of organizations like the Chicago Recovery Alliance, which works with a population of people at high risk for overdose deaths. Dr. Sarz Maxwell, medical director for the Alliance, said she knows of several people whose lives have been saved by the consumer education the group provides.

These local outreach and education efforts may be the best tool we have right now for saving lives that would otherwise be lost to drug overdoses. By implementing the Drug Overdose Prevention Act, we can avert the tragic deaths caused by the most recent wave of deadly heroin.

One of the victims in Chicago was just 17 years old. Joseph graduated from high school on Sunday and was found dead in the back of his car on Tuesday.

Deaths like this are tragic for those who have died and their families, but also for the high schools and communities they grew up in. A Chicago police official was quoted in the New York Times saying that it appeared the drug cocktail had killed the young man instantly. Perhaps his death contributed to the decision at the Substance Abuse and Mental Health Administration 2 days later to issue an alert to rehab centers and addiction specialists about the heroin mixed with fentanyl.

I am encouraged that the U.S. Drug Enforcement Administration, working with Chicago police, this week descended on what they believe is the headquarters for local distribution of this deadly drug. I commend the law enforcement officials who are cracking down on illicit drug traffic in my home State of Illinois and across the country. Their work is fundamental to a comprehensive response to senseless deaths due to drug overdoses.

The time has come to put an end to these tragedies. I urge my colleagues to join me in supporting the Drug Overdose Reduction Act to bring resources to community-based efforts to prevent unnecessary deaths by providing information about the dangers of drug abuse, how to find help to break addictions and how to stay alive in the interim.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Overdose Reduction Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Centers for Disease Control and Prevention reports that 28,723 deaths in the United States in 2003 were attributable to drug-induced causes.

(2) Deaths resulting from drug overdoses have increased 540 percent between 1980 and 1999.

(3) According to the Federal Drug Abuse Warning Network, most drug-induced deaths involve multiple drugs.

(4) An increase in the number of deaths attributable to heroin mixed with fentanyl, a narcotic considered 50 to 100 times more potent than morphine, has been documented in 2005 and 2006.

(5) An estimated 3,000,000 individuals in the United States have serious drug problems.

(6) The damage caused by drug use is not limited to drug abusers. The collateral damage from drug use is enormous, and drug abuse costs society over $60,000,000,000 in social costs and lost productivity.

(7) Community-based programs working with high-risk populations have successfully prevented deaths from drug overdoses through education and access to effective reversal agents, such as naloxone.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) DIRECTOR.—The term "Director" means the Director of the Centers for Disease Control and Prevention.

(3) DRUG.—The term "drug" has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)).

(4) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that is a State, local, or tribal government, or a private nonprofit organization.

SEC. 4. OVERDOSE PREVENTION GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under this section for a fiscal year, the Director shall award grants or cooperative agreements to eligible entities to enable the eligible entities to reduce deaths occurring from overdoses of drugs or controlled substances.

(b) APPLICATION.—

(1) IN GENERAL.—An eligible entity desiring a grant or cooperative agreement under this section shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

(2) CONTENTS.—The application described in paragraph (1) shall include—

(A) a description of the activities the eligible entity will carry out if the entity receives funds under this section;

(B) a demonstration that the eligible entity has the capacity to carry out the activities described in subparagraph (A); and

(C) a certification that the eligible entity meets all State licensure or certification requirements necessary to carry out the activities.

(c) PRIORITY.—In awarding grants or cooperative agreements under subsection (a), the Director shall give priority to eligible entities that are public health agencies or community-based organizations and that have expertise in preventing deaths occurring from overdoses of drugs or controlled substances in populations at high risk of such deaths.

(d) ELIGIBLE ACTIVITIES.—An eligible entity receiving a grant or cooperative agreement under this section shall carry out 1 or more of the following activities:

(1) Training first responders, people affected by drug abuse, and law enforcement and corrections officials on the effective response to individuals who have overdosed on drugs or controlled substances.

(2) Implementing programs to provide overdose prevention, recognition, treatment, or response to individuals in need of such services.

(3) Evaluating, expanding, or replicating a program described in paragraph (1) or (2) that exists as of the date the application is submitted.

(e) REPORT.—Not later than 90 days after the last day of the grant or cooperative agreement period, each eligible entity receiving a grant or cooperative agreement under this section shall prepare and submit a report to the Director describing the results of the program supported under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 5. REDUCING OVERDOSE DEATHS.

(a) DATA COLLECTION.—The Director shall annually compile and publish data on the deaths occurring from overdoses of drugs or controlled substances for the preceding year.

(b) PLAN TO REDUCE OVERDOSE DEATHS.—Not later than 180 days after the date of enactment of this Act, the Director shall develop a plan to reduce the number of deaths occurring from overdoses of drugs or controlled substances and shall submit the plan to Congress. The plan shall include—

(1) an identification of the barriers to obtaining accurate data regarding the number of deaths occurring from overdoses of drugs or controlled substances;

(2) an identification of the barriers to implementing more effective overdose prevention strategies; and

(3) recommendations for such legislative or administrative action that the Director considers appropriate.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 103—TO CORRECT THE ENROLLMENT OF THE BILL H.R. 889

Mr. STEVENS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following corrections:

(1) In the table of contents in section 2, strike the item relating to section 414 and insert the following:

"Sec. 414. Navigational safety of certain facilities.".

(2) Strike section 414 and insert the following:

"SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

"(a) CONSIDERATION OF ALTERNATIVES.—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of a draft environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

"(b) INCLUSION OF NECESSARY TERMS AND CONDITIONS.—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety.".

SENATE CONCURRENT RESOLUTION 104—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 104

Whereas the life of Harry W. Colmery of Topeka, Kansas, was marked by service to his country and its citizens;

Whereas Harry Colmery earned a degree in law in 1916 from the University of Pittsburgh and, through his practice of law, contributed to the Nation, notably by successfully arguing 2 significant cases before the United States Supreme Court, 1 criminal, the other an environmental legal dispute;

Whereas during World War I, Harry Colmery joined the Army Air Service, serving as a first lieutenant at a time when military aviation was in its infancy;

Whereas after World War I, Harry Colmery actively contributed to the growth of the newly formed American Legion and went on to hold several offices in the Legion and was elected National Commander in 1936;

Whereas in 1943, the United States faced the return from World War II of what was to become an active duty force of 15,000,000 soldiers, sailors, airmen, and Marines;

Whereas Harry Colmery, recognizing the potential effect of the return of such a large number of veterans to civilian life, spearheaded the efforts of the American Legion to develop legislation seeking to ensure that those Americans who had fought for the democratic ideals of the Nation and to preserve freedom would be able to fully participate in all of the opportunities the Nation provided;

Whereas in December 1943, during an emergency meeting of the American Legion leadership, Harry Colmery crafted the initial draft of the legislation that became the Servicemen's Readjustment Act of 1944, also known as the GI Bill of Rights;

Whereas the GI Bill of Rights is credited by veterans' service organizations, economists, and historians as the engine that transformed postwar America into a more egalitarian, prosperous, and enlightened Nation poised to lead the world into the 21st century;

Whereas since its enactment, the GI Bill of Rights has provided education or training for approximately 21,000,000 men and women.

Whereas as a result of the benefits available to veterans through the initial GI Bill of Rights, the Nation gained over 800,000 professionals as the GI Bill of Rights transformed these veterans into 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists;

Whereas President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war and in 1963, President Kennedy reinstated the medal to honor the achievement of civilians during peacetime;

Whereas pursuant to Executive Order No. 11085, the Presidential Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to "(1) the security or national interest of the United States, or (2) world peace, or (3) other significant public or private endeavors"; and

Whereas Harry Colmery, noted for his service in the military, in the legal sector, and on behalf of the Nation's veterans, clearly meets the criteria established for the Presidential Medal of Freedom: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery of Topeka, Kansas.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4481. Mr. REED submitted an amendment intended to be proposed to amendment SA 4321 submitted by Mr. WARNER (for Mr. COLEMAN) and intended to be proposed to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4482. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4483. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4484. Mr. McCAIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4485. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4486. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4474 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4487. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4488. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 4236 submitted by Mr. LUGAR and intended to be proposed to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4489. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4490. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4491. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4454 submitted by him and intended to be proposed to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4492. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4493. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4494. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 2766, supra.

SA 4495. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 2766, supra.

SA 4496. Mr. WARNER (for Mr. CORNYN (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 2766, supra.

SA 4497. Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill S. 2766, supra.

SA 4498. Mr. WARNER (for Mr. ALLEN) proposed an amendment to the bill S. 2766, supra.

SA 4499. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4500. Mr. WARNER (for Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. VITTER, and Ms. LANDRIEU)) proposed an amendment to the bill S. 2766, supra.

SA 4501. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4502. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 2766, supra.

SA 4503. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2766, supra.

SA 4504. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4505. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4506. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4507. Mr. LEVIN (for Mrs. BOXER (for herself, Ms. SNOWE, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. CHAMBLISS, Mrs. LINCOLN, Mr. BINGAMAN, Mr. BURNS, Mr. COBURN, Mr. GRASSLEY, Mr. SCHUMER, Ms. COLLINS, and Mr. DEWINE)) proposed an amendment to the bill S. 2766, supra.

SA 4508. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4509. Mr. LEVIN (for Mr. JEFFORDS) proposed an amendment to the bill S. 2766, supra.

SA 4510. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 2766, supra.

SA 4511. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4512. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4513. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4514. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4515. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 2766, supra.

SA 4516. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4517. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4518. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4519. Mr. LEVIN proposed an amendment to the bill S. 2766, supra.

SA 4520. Mr. WARNER (for himself, Mr. LEVIN, Mr. BURNS, and Mr. CONRAD) proposed an amendment to the bill S. 2766, supra.

SA 4521. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4522. Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill S. 2766, supra.

SA 4523. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4524. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2766, supra.

SA 4525. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, supra.

SA 4526. Mr. LEVIN (for Mr. FEINGOLD (for himself, Mr. BIDEN, Mr. HAGEL, Mr. DURBIN, Mr. COLEMAN, Mr. SALAZAR, Mr. MARTINEZ, Mr. OBAMA, Mr. LEAHY, Mr. LUGAR, and Mr. LEVIN)) proposed an amendment to the bill S. 2766, supra.

SA 4527. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 2766, supra.

SA 4528. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, supra.

SA 4529. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4530. Mr. WARNER (for Mr. TALENT (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 2766, supra.

SA 4531. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4532. Mr. WARNER (for Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. TALENT)) proposed an amendment to the bill S. 2766, supra.

SA 4533. Mr. LEVIN proposed an amendment to the bill S. 2766, supra.

SA 4534. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 2766, supra.

SA 4535. Mr. LEVIN (for Mr. PRYOR (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4536. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill S. 2766, supra.

SA 4537. Mr. WARNER (for Mr. CORNYN) proposed an amendment to the bill S. 2766, supra.

SA 4538. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 2766, supra.

SA 4539. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4540. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 2766, supra.

SA 4541. Mr. LEVIN (for Mr. OBAMA) proposed an amendment to the bill S. 2766, supra.

TEXT OF AMENDMENTS

SA 4481. Mr. REED submitted an amendment intended to be proposed to amendment SA 4321 submitted by Mr. WARNER (for Mr. COLEMAN) and intended to be proposed to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SA 4482. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

"(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

"(b) SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

"(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of a baccalaureate degree from an institution of higher learning.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

"(c) NON-SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

"(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

SA 4483. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION OF FUNDING FOR THE UNITED NATIONS DISARMAMENT COMMISSION.

None of the funds authorized or otherwise made available by this Act or by any other Act may be obligated or expended in connection with United States participation in, or support for, the activities of the United Nations Disarmament Commission as long as Iran serves as a vice-chair of the Commission.

SA 4484. Mr. McCAIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION ON INCREMENTAL FUNDING AND MULTIYEAR PROCUREMENT RELATING TO F-22A AIRCRAFT.

(a) PROHIBITION ON INCREMENTAL FUNDING OF F-22A AIRCRAFT.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A aircraft.

(b) PROHIBITION ON MULTIYEAR CONTRACT FOR PROCUREMENT OF F–22A AIRCRAFT.—The Secretary of the Air Force shall not enter into a multiyear contract for the procurement of F–22A aircraft in fiscal year 2007.

(c) PROHIBITION ON MULTIYEAR CONTRACT FOR PROCUREMENT OF F–119 ENGINES FOR F-22A AIRCRAFT.—The Secretary of the Air Force shall not enter into a multiyear contract for the procurement of F-119 engines for F–22A aircraft in fiscal year 2007.

SA 4485. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) AVAILABILITY OF ADDITIONAL AMOUNTS WITHIN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—Within amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount available for the Missile Defense Agency for ballistic missile defense is hereby increased by $45,000,000, with the amount of the increase to be available for Ballistic Missile Defense Midcourse Defense Segment (PE # 63882C)—

(1) to increase the pace of realistic flight testing of the ground-based midcourse defense segment; and

(2) to accelerate the ability to conduct concurrent test and missile defense operations.

(b) SUPPLEMENT.—Amounts available under subsection (a) for the program element referred to in that subsection are in addition to any other amounts available in this Act for the purposes specified in subsection (a).

SA 4486. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4474 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. COOPERATIVE THREAT REDUCTION AND NUCLEAR NONPROLIFERATION PROGRAMS.

(a) CHEMICAL WEAPONS DEMILITARIZATION.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, COOPERATIVE THREAT REDUCTION PROGRAMS.—The amount authorized to

be appropriated by section 301(19) for Cooperative Threat Reduction programs is hereby increased by $50,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(19) for Cooperative Threat Reduction programs, as increased by paragraph (1), $50,000,000 may be available for chemical weapons demilitarization in Libya.

(b) MEGAPORTS PROGRAM.—

(1) ADDITIONAL AMOUNT FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION, DEFENSE NUCLEAR NONPROLIFERATION ACTIVITIES.—The amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $68,900,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities, as increased by paragraph (1), $68,900,000 may be available for the Megaports Program.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby reduced by $118,900,000, with the amount of the reduction to be allocated as follows:

(1) The amount available in Program Element 0603882C for long lead procurement of Ground-Based Interceptors is hereby reduced by $63,100,000.

(2) The amount available in Program Element 0603882C for initial planning, design, and construction of a third Ground-Based Interceptor deployment site in Europe is hereby reduced by $55,800,000.

SA 4487. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . MODIFICATION OF AUTHORITIES RELATING TO THE BUILDING OF THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The President may direct the Secretary of State to work with the Secretary of Defense to provide assistance to help build the capacity of partner nations' military forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—

(1) TRANSFER OF FUNDS.—The Secretary of Defense may support partnership security capacity building as authorized under subsection (a) by transferring funds authorized to be appropriated by this Act for the Department of Defense for fiscal years 2007 and 2008 to a partnership security building account of the Department of State for use as provided under paragraph (2). Any funds so transferred shall remain available until expended.

(2) USE OF FUNDS.—The funds transferred to the partnership security building account under paragraph (1) shall, subject to the approval of the Secretary of State, be made available for use by the Secretary of Defense to carry out activities to build partnership security capacity. The amount of funds made available for such purpose may not exceed $400,000,000 in any fiscal year.

(d) APPROVAL AND NOTIFICATION REQUIREMENTS.—Not later than 10 days before approving the use by the Secretary of Defense of funds to carry out activities to build partnership security capacity under subsection (c)(2), the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a notification of the countries chosen to be recipients and the specific type of assistance that will be provided, including the specific entity within the recipient country that will be provided the assistance and the type and duration of such assistance.

(e) APPLICABLE LAW.—The President may not exercise the authority in subsection (a) to provide any type of assistance described in subsection (b) or (c) that is otherwise prohibited under any other provision of law.

(f) EXPIRATION.—The authority in this section shall expire on September 30, 2008.

(g) REPEAL OF SUPERSEDED AUTHORITY AND MODIFICATION OF EXISTING REPORTING REQUIREMENT.—Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) is amended—

(1) in the heading, by striking "**AUTHORITY TO BUILD**" and inserting "**REPORT ON**";

(2) by striking subsections (a), (b), (c), (d), (e), and (g); and

(3) in subsection (f)—

(A) by striking "(f) REPORT.—";

(B) by striking "the congressional committees specified in subsection (e)(3)" and inserting "the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives";

(C) in paragraph (1), by striking ", including strengths and weaknesses for the purposes described in subsection (a)";

(D) in paragraph (2), by striking ", including for the purposes described in subsection (a)"; and

(E) in paragraph (3), by striking ", including for the purposes described in subsection (a)".

SA 4488. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 4236 submitted by Mr. LUGAR and intended to be proposed to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO THE BUILDING OF THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The President may direct the Secretary of State to work with the Secretary of Defense to provide assistance to help build the capacity of partner nations' military forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—

(1) TRANSFER OF FUNDS.—The Secretary of Defense may support partnership security capacity building as authorized under subsection (a) by transferring funds authorized to be appropriated by this Act for the Department of Defense for fiscal years 2007 and 2008 to a partnership security building account of the Department of State for use as provided under paragraph (2). Any funds so transferred shall remain available until expended.

(2) USE OF FUNDS.—The funds transferred to the partnership security building account under paragraph (1) shall, subject to the approval of the Secretary of State, be made available for use by the Secretary of Defense to carry out activities to build partnership security capacity. The amount of funds made available for such purpose may not exceed $400,000,000 in any fiscal year.

(d) APPROVAL AND NOTIFICATION REQUIREMENTS.—Not later than 10 days before approving the use by the Secretary of Defense of funds to carry out activities to build partnership security capacity under subsection (c)(2), the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a notification of the countries chosen to be recipients and the specific type of assistance that will be provided, including the specific entity within the recipient country that will be provided the assistance and the type and duration of such assistance.

(e) APPLICABLE LAW.—The President may not exercise the authority in subsection (a) to provide any type of assistance described in subsection (b) or (c) that is otherwise prohibited under any other provision of law.

(f) EXPIRATION.—The authority in this section shall expire on September 30, 2008.

(g) REPEAL OF SUPERSEDED AUTHORITY AND MODIFICATION OF EXISTING REPORTING REQUIREMENT.—Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) is amended—

(1) in the heading, by striking "**AUTHORITY TO BUILD**" and inserting "**REPORT ON**";

(2) by striking subsections (a), (b), (c), (d), (e), and (g); and

(3) in subsection (f)—

(A) by striking "(f) REPORT.—";

(B) by striking "the congressional committees specified in subsection (e)(3)" and inserting "the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives";

(C) in paragraph (1), by striking ", including strengths and weaknesses for the purposes described in subsection (a)";

(D) in paragraph (2), by striking ", including for the purposes described in subsection (a)"; and

(E) in paragraph (3), by striking ", including for the purposes described in subsection (a)".

SA 4489. Mr BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: as follows:

Strike section 1083 and insert the following:

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) The Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, is vital in laying out the strategic military planning and threat objectives of the Department of Defense.

(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.—

(1) CONDUCT OF REVIEW.—Subsection (b) of section 118 of title 10, United States Code, is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.".

(2) ADDITIONAL ELEMENT IN REPORT TO CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ", the strategic planning guidance," after "United States";

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph (9):

"(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.".

(3) CJCS REVIEW.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: " and a description of the capabilities needed to address such risk".

(4) INDEPENDENT ASSESSMENT.—Such section is further amended by adding at the end the following new subsection:

"(f) INDEPENDENT ASSESSMENT.—(1) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review.

"(2) The panel appointed under paragraph (1) shall be composed of seven individuals (who may not be employees of the Department of Defense) as follows:

"(A) Three members shall be appointed by the President.

"(B) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Speaker of the House of Representatives.

"(C) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the House of Representatives.

"(D) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Majority Leader of the Senate.

"(E) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the Senate.

"(3) Not later than three months after the date that the report on a quadrennial defense review is submitted to Congress under subsection (d), the panel appointed under paragraph (2) shall provide to the congressional defense committees an assessment of the assumptions, planning guidelines, recommendations, and realism of the review.".

SA 4490. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Fores, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end the following:

Notwithstanding any other provision of this Act, the provisions of section 363 and the amendment made by the section shall have no force and effect.

SA 4491. Mr. COBURN submitted an amendment intended to be proposed by him to amendment SA 4454 by himself and intended to be proposed to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Fores, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on Page 1 of the amendment strike "Pay-For-Performance-For" and all that follows and insert:

SEC.   Reforms to the Defense Travel System to a Fee-For-Use-of-Service System. No later than one year after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per DOD customer utilizing the system with an additional fixed fee for each transaction.

SA 4492. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTIYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

SA 4493. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: as follows:

At the end of title XI, add the following:

SEC. 1104. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "September 30, 2008" and inserting "September 30, 2011".

SA 4494. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 187, between lines 20 and 21, insert the following:

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) FUTURE ELECTIONS.—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

SA 4495. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XII add the following:

SEC. 1209. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

SA 4496. Mr. WARNER (for Mr. CORNYN (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X add the following:

SEC. 1066. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOSAFETY LABORATORIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, conduct a study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretary of Defense shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

SA 4497. Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

SA 4498. Mr. WARNER (for Mr. ALLEN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 329. Special pay: accession bonus for officer candidates

"(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned.

"(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—

"(1) to complete officer candidate school;

"(2) to accept a commission or appointment as an officer of the armed forces; and

"(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

"(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

"(d) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"329. Special pay: accession bonus for officer candidates.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) LIMITATION ON AMOUNT.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) CONSTRUCTION WITH ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

SA 4499. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 20. (a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

"(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A–25.

"(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

"(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

"(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).".

SA 4500. Mr. WARNER (for Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. VITTER, and Ms. LANDRIEU)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title I, add the following:

SEC. 114. REPLACEMENT EQUIPMENT.

(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for acting and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.

(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies/disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

SA 4501. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy top attack and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) REPORT.—

(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

SA 4502. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) CONTENT.—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) Public Availability.—The Department of Defense submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) Applicability.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SA 4503. Mr. WARNER (for Mr. McCain) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. . ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) In General.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.

(b) Content.—Each report required by subsection (a) shall indicate, for each sale in excess of $2,000,000—

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) Public Availability.—The Department of Defense shall make reports submitted under this section publicly available to the maximum extent practicable.

SA 4504. Mr. WARNER (for Mr. Graham (for himself and Mr. Nelson of Nebraska)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) Members of the Army.—

(1) Coverage of all members and former members.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Army" and all that follows through "in an active status" and inserting "a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army".

(2) Time for exercise of authority.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) Repeal of termination of modified authority.—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) Members of the Navy.—

(1) Coverage of all members and former members.—Section 6161 of title 10, United States Code, is amended by striking "a member of the Navy" and all that follows through "in an active status" and inserting "a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy , or a former member of the Navy".

(2) Time for exercise of authority.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) Repeal of termination of modified authority.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(c) Members of the Air Force.—

(1) Coverage of all members and former members.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Air Force" and all that follows through "in an active status" and inserting "a member of the Air Force (including a member on active duty or a member of a reserve component in an active status), a retired member of the Air Force, or a former member of the Air Force".

(2) Time for exercise of authority.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) Repeal of termination of modified authority.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) Deadline for Regulations.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

SA 4505. Mr. WARNER (for Mr. Graham (for himself and Mr. Nelson of Nebraska)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military acitivites of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) Exception.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) Except as provided in paragraph (2), the Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37), or the designee of such Secretary, determines that disclosure under that paragraph pending such decision is in the best interests of the United States.".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on March 1, 2007.

(2) Application to prior actions.—Paragraph (2) of section 2780(b) of title 10, United States Code (as added by subsection (a)), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) Report.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

SA 4506. Mr. WARNER (for Mr. Graham (for himself and Mr. Nelson of Nebraska)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military acitivites of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) Clarification of Pay and Allowances.—Subsection (a) of section 2774 of title

10, United States Code, is amended in the matter preceding paragraph (1) by inserting "(including any bonus or special or incentive pay)" after "pay or allowances".

(b) Waiver by Secretaries Concerned.—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting "or the designee of such Secretary" after "title 37,"; and

(2) in subparagraph (A), by striking "$1,500" and inserting "$10,000".

(c) Time for Waiver.—Subsection (b)(2) of such section is amended by striking "three years" and inserting "five years".

(d) Effective Date.—The amendments made by this section shall take effect on March 1, 2007.

(e) Deadline for Revised Standards.—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

SA 4507. Mr. LEVIN (for Mrs. Boxer (for herself, Ms. Snowe, Mr. Lieberman, Ms. Mikulski, Mr. Chambliss, Mrs. Lincoln, Mr. Bingaman, Mr. Burns, Mr. Coburn, Mr. Grassley, Mr. Schumer, Ms. Collins, and Mr. DeWine)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, add the following:

(a) Findings.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use;

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952, Executive Order 11016, dated April 25, 1962, and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) Determination.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941 and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of Title 10 but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) Requirements.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart, and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff.

(d) Report.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

SA 4508. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of part I of subtitle A of title V, add the following:

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting "active-duty or retired" after "An";

(B) by inserting "or Marine Corps" after "Navy";

(C) by inserting "or colonel, respectively" after "captain"; and

(D) by inserting "or assigned" after "detailed";

(2) in paragraph (2), by inserting "and the Commandant of the Marine Corps" after "Operations"; and

(3) in paragraph (4)(A)—

(A) by inserting "(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)" after "in the case of a civilian";

(B) by inserting "active-duty or retired" after "in the case of an"; and

(C) by inserting "or Marine Corps" after "Navy".

SA 4509. Mr. LEVIN (for Mr. Jeffords) proposed an amendment to the bill S. 2766, to the authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 555, strike lines 1 through line 12 and insert the following:

"(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SA 4510. Mr. WARNER (for Mr. Graham) proposed an amendment to the bill S. 2766, to the authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 730. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) Additional Number of Authorized Periods.—

(1) In general.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) Limitation on number of extensions.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed 2 extensions.

(3) Notice and wait.—The Secretary may not commence the exercise of the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) Definitions.—In this subsection, the terms "administering Secretaries" and "TRICARE program" have the meaning given such terms in section 1072 of title 10, United States Code.

(b) Report on Contracting Mechanisms for Health Care Service Support Contracts.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States

Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as "excellent".

SA 4511. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 223, strike line 14 and all that follows through line 23, and insert the following:

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

On page 224, line 15, strike "Code," and insert "Code (as in effect on the day before the effective date provided under subsection (e)),".

On page 225, line 13, strike "1448(d)(2)B)" and insert "1448(d)(2)(B)".

SA 4512. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 214, strike line 3 and insert the following:

(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(c) ENHANCED AUTHORITY FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGES.—

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting "and during the period beginning on October 1, 2006, and ending on December 31, 2012," after "December 31, 2001,".

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade"; and

(B) in subparagraph (B), by inserting before the period the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade".

(d) INCREASE IN AMOUNT OF INCENTIVE BONUS

SA 4513. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) DETERMINATION OF RETIRED PAY BASE.—

(1) IN GENERAL.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section:

"§1407a. Retired pay base: members who were general or flag officers

"Notwithstanding any other provision of law, if the determination of the retired pay base or retainer pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grades O–7 through O–10 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

"1407a. Retired pay base: members who were general or flag officers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

SA 4514. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) IN GENERAL.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

"(3) 30 YEARS OF SERVICE.—

"(A) RETIREMENT BEFORE JANUARY 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

"(B) RETIREMENT AFTER DECEMBER 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

"(i) 75 percent; and

"(ii) the product (stated as a percentage) of—

"(I) 2½; and

"(II) the member's years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.".

(b) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12739(c) of such title is amended—

(1) by striking "The total amount" and inserting "(1) Except as provided in paragraph (2), the total amount"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

"(A) 75 percent of the retired pay base upon which the computation is based; and

"(B) the product of—

"(i) the retired pay base upon which the computation is based; and

"(ii) 2½ percent of the years of service credited to that person under section 12733 of this title for service, regardless of when served, under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.".

SA 4515. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking "who dies after November 23, 2003" and inserting "who dies after October 7, 2001".

(b) APPLICABILITY.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

SA 4516. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of division C, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer's 'Shallow Oil Zone Provisional Recommendation of Equity Participation,' which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer, as that term is used in the Protocol on NPR-1 Equity Finalization Implementation Process, July 8, 1996, for the Shallow Oil Zone unless the Department of Energy and Chevron U.S.A. Inc. agree in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to either party for any cost or expense incurred or for any loss or damage sustained—

"(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

"(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

"(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by the its gross negligence or willful misconduct.

"(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.".

SA 4517. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XIV, add the following:

SEC. 1414. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) ARMY NATIONAL GUARD FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

SA 4518. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFENSE DEPENDENTS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary and secondary school age in the continental United States and overseas.

(b) SEVERELY WOUNDED OR INJURED MEMBERS OF THE ARMED FORCES.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

SA 4519. Mr. LEVIN proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) HIGH PRIORITY PROJECT.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking "Plan and construct, land acquisition, Detroit West Riverfront Greenway" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

(b) TRANSPORTATION IMPROVEMENT PROJECT.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking "Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

SA 4520. Mr. WARNER (for himself, Mr. LEVIN, Mr. BURNS, and Mr. CONRAD) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At end of subtitle D of title I, add the following:

SEC. 147. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States "is to deploy a force of 500 ICBMs". The conferees further note "that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.".

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent "remains a keystone of United States national power". However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the

number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $5,000,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(3) OFFSET.—The amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term "ICBM Modernization program" means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

SA 4521. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XIV, add the following:

SEC. 1414. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 4211405(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $10,000,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) OFFSET.—The amount authorized to be appropriated by section 421(a) for military personnel is hereby decreased by $10,000,000, due to unexpanded obligations, if available.

SA 4522. Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, add the following:

REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

SA 4523. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 not) is amended by striking "2006" and inserting "2008".

SA 4524. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title IX, add following:

SEC. 903. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.

(a) DEPARTMENT OF THE ARMY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) DEPARTMENT OF THE NAVY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall not be counted

against the numbers and percentages of officers of the grade of vice admiral.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

SA 4525. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the City.

SA 4526. Mr. LEVIN (for Mr. FEINGOLD (for himself, Mr. BIDEN, Mr. HAGEL, Mr. DURBIN, Mr. COLEMAN, Mr. SALAZAR, Mr. MARTINEZ, Mr. OBAMA, Mr. LEAHY, Mr. LUGAR, and Mr. LEVIN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) SENSE OF SENATE.—It is the sense of the Senate that the United States should—

(1) support the development of the Transitional Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR SOMALIA.—

(1) REQUIREMENT FOR STRATEGY.—Not later then 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4527. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1066. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

SA 4528. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 535, between lines 12 and 13, insert the following:

SEC. 2814. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the "Joel Hefley Village". Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

SA 4529. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XIV, insert the following:

SEC. 1414. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting "CONGRESS AND" after "SUBMISSION TO"; and

(2) by inserting "the congressional defense committees and" before "the Comptroller General".

SA 4530. Mr. WARNER (for Mr. TALENT (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SA 4531. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate to field training of all Armed Forces Reserve Officer Training Corps.

SA 4532. Mr. WARNER (for Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. TALENT)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON USE OF ALTERNATIVE FUELS BY THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including any measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3207) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under this section.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the study required by section 357(c) of the National Defense Authorization Act for Fiscal Year 2006.

(d) ALTERNATIVE FUELS DEFINED.—In this section, the term "alternative fuels" means biofuels, biodiesel, renewable diesel, ethanol that contain less than 85 percent ethyl alcohol, and cellulosic ethanol.

SA 4533. Mr. LEVIN proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. FUNDING FOR A CERTAIN MILITARY INTELLIGENCE PROGRAM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $450,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $450,000,000, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

SA 4534. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the "Economy Act"), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

SA 4535. Mr. LEVIN (for Mr. PRYOR (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 531, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking "installations of the Department of Defense as may be designated" and inserting "installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated";

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following new subsection:

"(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

"(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

"(2) In determining the energy efficiency of products, the Secretary shall consider products that—

"(A) meet or exceed Energy Star specifications; or

"(B) are listed on the Department of Energy's Federal Energy Management Program Product Energy Efficiency Recommendations product list.".

SA 4536. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the U.S. Special Operation Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

SA 4537. Mr. WARNER (for Mr. CORNYN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 762. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative of the Department of Defense implements cutting edge transformational medical technologies and applies them to address the challenges of known, emerging, and bioengineered threats.

(3) The Transformational Medical Technology Initiative is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional approaches.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(2) innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

SA 4538. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) SUPPORT FOR FUNERAL HONORS DETAILS COMPOSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

"(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

"(3) The support provided under this subsection may include the following:

"(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

"(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting "and subsection (e)" after "paragraph (1)(A)"; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting "(other than a requirement in subsection (e)" after "pursuant to this section".

(b) USE OF EXCESS M-1 RIFLES FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.";

(2) in subsection (c), by inserting after "accountability" the following: ", provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies";

(3) in subsection (d)—

(A) in paragraph (2), by striking "; or" and inserting "or fire department;";

(B) in paragraph (3), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3)."; and

(4) by adding at the end the following new subsection:

"(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

"(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has successfully completed a formal firearm training program or a hunting safety program.".

SA 4539. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2814. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a housing unit leased under section 2828(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

SA 4540. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SA 4541. Mr. LEVIN (for Mr. OBAMA) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for active and Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at active and Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(3) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each base; and

(4) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was considered as a potential receiving location for the realignment of aircraft, weapons systems, or functions.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 29, 2006, at 10 a.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony on H.R. 5254, the Refinery Permit Process Schedule Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact John Peschke at (202) 224–4797, Shannon Ewan at (202) 224–7555.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 19, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to provide oversight on the implementation of Public Law 108–148 (The Healthy Forests Restoration Act).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878 or Sara Zecher 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 22, 2006, at 3:30 p.m., to conduct a hearing on "Reauthorization of the Iran Libya Sanctions Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session to begin at 2 p.m. on Thursday, June 22, 2006.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 22, 2006, at 10 a.m. The purpose of this hearing is to receive testimony on S. 2747, to enhance energy efficiency and conserve oil and natural gas, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 22, 2006, at 9:30 a.m., to hold a hearing on Energy Security in Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 22, 2006, at 2 p.m., to hold a hearing on a nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, June 22, 2006, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 22, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting voting out the report on the Indian Lobbying Misconduct Investigation, and other pending matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 22, 2006, at 9:30 a.m in the Dirksen Senate Office Building room 226. The agenda will be provided when it becomes available.

I. Nominations: Brett L. Tolman, to be U.S. Attorney for the District of Utah.

II. Bills: S. 2453, National Security Surveillance Act of 2006, [Specter]; S. 2455, Terrorist Surveillance Act of 2006, [De Wine, Graham]; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, [Schumer]; S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, [Specter, Feinstein]; S. 2831, Free Flow of Information Act of 2006, [Lugar, Specter, Graham, Schumer, Biden]; H.R. 1036, Copyright Royalty Judges Program Technical Corrections Act, [Smith–TX]; S. 155, Gang Prevention and Effective Deterrence Act of 2005, [Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter]; S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 [Specter, Leahy, Grassley, Kennedy, DeWine, Feinstein, Brownback, Durbin, Schumer, Kohl, Biden, Feingold]; and S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, [Ensign, Kyl].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 22, 2006, to mark up pending VA legislation:

The markup will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The bills to be considered are:

S. 2562 (Chairman LARRY E. CRAIG), the "Veterans' Compensation Cost-of-Living Adjustment Act of 2006";

S. 3421 (Chairman LARRY E. CRAIG), A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007.

Committee Print of S. 2694 (Chairman LARRY E. CRAIG), the "Veterans' Choice of Representation and Benefits Enhancement Act of 2006". The Committee Print contains the following provisions:

From S. 2694, as introduced: Attorney representation in veterans benefits cases before the Department of Veterans Affairs;

From S. 2659 (Ranking Member DANIEL K. AKAKA): Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands;

From S. 1759 (Chairman LARRY E. CRAIG): Requiring the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery;

From S. 3069 (Senator CHRISTOPHER DODD): Extending the provision of government grave markers;

From S. 2416 (Senator CONRAD BURNS): Expansion of education programs eligible for accelerated payment of educational assistance under the Montgomery GI Bill;

From S. 3363 (Senator MIKE DEWINE): Accelerated payment of survivors' and dependents' educational assistance for certain programs of education;

Original Provision (from Chairman LARRY E. CRAIG): Extend reporting requirement on the operation of the Montgomery GI Bill program;

Original Provision (from Chairman LARRY E. CRAIG): Reducing amounts available for State Approving Agencies in fiscal years 2010 and 2011 paid from VA's readjustment benefit account;

From S. 2121 (Senator CHARLES SCHUMER): Residential cooperative housing units;

From S. 1252 (Ranking Member DANIEL K. AKAKA): Supplemental insurance for totally disabled veterans;

Original Provision (from Chairman LARRY E. CRAIG): Reauthorization for use of certain information from other agencies;

Original Provision (from Chairman LARRY E. CRAIG): Clarification of correctional facilities covered by certain provisions of law.

From S. 1537 (Ranking Member DANIEL K. AKAKA): Establishment of Parkinson's Disease and Multiple Sclerosis Centers of Excellence.

From S. 2634 (Chairman LARRY E. CRAIG): Sections (a)(1) and (b)(1) of it the bill pertaining to Term Limits for the Positions of Under Secretary for Health and Under Secretary for Benefits.

From S. 2762 (Ranking Member DANIEL K. AKAKA): Requirement for VA to pay full costs for certain service-connected veterans residing in state homes, provide medications for certain service-connected conditions to veterans residing in state homes, and create a limited authority for the Secretary to designate certain beds in non-state facilities as state homes for purposes of per diem payments.

From S. 2433 (Senator KEN SALAZAR): A provision to create an Office of Rural Health in the Office of the Under Secretary for Health at the Department of Veterans Affairs.

From S. 2753 (Ranking Member DANIEL K. AKAKA): A provision to authorize a pilot program to provide care-giver assistance and noninstitutional care services.

From S. 3545 (Chairman LARRY E. CRAIG, Ranking Member AKAKA, Senators BURR AND OBAMA):

Improvements to services, housing, and assistance provided to homeless veterans.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 22, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Thursday, June 22, 2006 at 3 p.m. to conduct a hearing on "The AT&T and BellSouth Merger: What Does it Mean for Consumers?" in room 226 of the Dirksen Senate Office Building. The witness list is attached.

Panel I: Edward E. Whitacre Jr., Chairman and CEO, AT&T Inc., San Antonio, TX; F. Duane Ackerman, Chairman and CEO, BellSouth Corporation, Atlanta, GA; James F. Geiger, President and CEO, Cbeyond Communications, Atlanta, GA; and Jonathan L. Rubin, Senior Research Fellow, American Antitrust Institute, Washington, DC.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that on Thursday, June 22, 2006, at 9:30 a.m. the Subcommittee on Clean, Air, Climate Change, and Nuclear Safety be authorized to hold an oversight hearing on the regulatory processes for new and existing nuclear plants.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, June 22, 2006, at 2:30 p.m. for a field hearing regarding "Lessons Learned? Assuring Healthy Initiatives in Health Information Technology."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 22, 2006 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 574, a bill to amend the Qunebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; S. 1387, a bill to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of a special resource study of sites and landscape features within the corridor, and to authorize additional appropriations for the corridor; S. 1721, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; S. 2037, a bill to establish the Sangre De Cristo National Heritage Area in the State of Colorado, and for other purposes; and S. 2645, a bill to establish the journey through Hallowed Ground National Heritage Area and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Thursday, June 22, 2006, at 10 a.m. on the state of the U.S. Tourism Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Bill LaDuke, a legal intern in my office, be granted the privilege of the floor during my remarks on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Air Force MAJ Stephen Purdy be granted the privilege of the floor during the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Chris Thompson, a Marine fellow in the office of Senator BILL NELSON, be granted the privilege of the floor during further consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTING THE ENROLLMENT OF THE CONFERENCE REPORT TO ACCOMPANY H.R. 889

Mr. WARNER. On behalf of the leadership, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 103 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 103) correcting the enrollment of the bill H.R. 889.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 103) was agreed to, as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following corrections:

(1) In the table of contents in section 2, strike the item relating to section 414 and insert the following:

"Sec. 414. Navigational safety of certain facilities.".

(2) Strike section 414 and insert the following:

"SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

"(a) CONSIDERATION OF ALTERNATIVES.—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of a draft environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

"(b) INCLUSION OF NECESSARY TERMS AND CONDITIONS.—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety.".

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Mr. STEVENS. Mr. President, I rise today to endorse passage of the Coast Guard and Maritime Transportation Act of 2006. However, I would like to clarify several points with regard to section 414 of the conference report. This section deals with construction of offshore wind energy facilities in the area off the coast of Massachusetts known as Nantucket Sound, and it will require the Secretary of the Interior to incorporate any "reasonable terms and conditions the Commandant of the Coast Guard determines to be necessary to provide for navigational safety." Interpretation of this clause will be critical to ensuring that navigation, aviation, and communications are not adversely impacted by construction of such a facility.

A company known as Cape Wind, LLC has proposed the permanent installation of 130 wind turbines, each reaching 417 feet in height, on 24 square miles of Nantucket Sound in an area surrounded by three commercial airports, two busy ferry routes, and a major shipping channel. The area is heavily utilized by commercial fishermen and recreational boaters as well. Perhaps most importantly, the project would be situated less than 15 miles from the only PAVE/PAWS missile defense radar station on the entire eastern seaboard. Studies conducted in and around offshore wind farms in Britain have shown that these installations can have adverse impacts on radar for boats, aircraft, and air traffic controllers, and they may pose a hazard to navigation.

It must be left up to the Commandant of the Coast Guard to decide what is necessary to prevent negative impact to navigation, aviation, and communications caused by the proposed wind farm. We trust the Commandant to act responsibly and only prescribe reasonable terms and conditions. If someone wants to challenge his decision as unreasonable, they will have to raise the matter in court. It will be up to the courts, not the Secretary of the Interior, to decide if the Commandant's terms and conditions are unreasonable.

Further, we must remain open to the possibility that the Commandant may find that no amount of mitigation could be sufficient to eliminate the potential detrimental effects of the specific siting of this development. If the final determination of the Commandant is that the proposed siting is unacceptable, the Secretary must abide by that decision as well, and therefore fail to issue a permit, lease, easement, or right-of-way that would allow the facility to be constructed on the proposed site.

The arrangement dictated by section 414 of this bill has precedence in the procedure for granting hydroelectric licenses under the Federal Power Act. This process requires the Federal Energy Regulatory Commission to include in the terms and conditions of its licenses for hydroelectric licenses any conditions deemed necessary to protect the interests of other agencies. The United States Supreme Court determined that such conditions had to be "reasonable" and the reasonability of the conditions was a matter to be determined by the courts, not the Commission.

I support development of renewable sources of energy, but not at the expense of public safety or national security. The provisions included in section 414 of this bill ensure that the impacts of Cape Wind's potential development on the citizens of Massachusetts and the rest of the country will be evaluated fairly and appropriately by those who have the expertise to make a final determination on how best to mitigate any adverse effects. I urge my colleagues to act swiftly to pass the Coast Guard and Maritime Transportation Act of 2006.

Mr. WARNER. I further ask that when the Senate receives from the House a message that the House agrees to S. Con. Res. 103 and the conference report to accompany H.R. 889 is received from the House, the conference report be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S.J. RES. 12

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 4 p.m. on Monday, June 26, the Senate proceed to the consideration of Calendar No. 473, S.J. Res. 12, relating to the desecration of the flag for debate only during Monday's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 713, Nos. 716 through 734, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

To be lieutenant general

Maj. Gen. James N. Soligan, 8751

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S. C., section 624:

To be brigadier general

Col. Garbeth S. Graham, 5388

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Robert B. Bailey, 8474
Brigadier General William H. Etter, 7521
Brigadier General Douglas M. Pierce, 9562
Brigadier General Jose M. Portela, 4065
Brigadier General Donald J. Quenneville, 4967
Brigadier General David A. Sprenkle, 8992

To be brigadier general

Colonel Steven L. Adams, 9518
Colonel Robert L. Boggs, 8430
Colonel Peter A. Bonanni, 6859
Colonel Timothy J. Carroll, 4414
Colohel Timothy J. Cossalter, 0715
Colonel Michael L. Cunniff, 4997
Colonel James E. Daniel, Jr., 8973
Colonel John M. Del Toro, 5382
Colonel Gregory A. Fick, 0160
Colonel Steven J. Filo, 2097
Colonel Robert V. Fitch, 6866
Colonel William E. Hudson, 4783
Colonel Cora M. Jackson-Chandler, 5301
Colonel Richard W. Johnson, 7574
Colonel Gary T. Magonigle, 6681
Colonel Craig D. McCord, 0761
Colonel Kelly K. McKeague, 6016
Colonel Thomas R. Moore, 5457
Colonel John D. Owen, 4194
Colonel Deborah S. Rose, 7097
Colonel Gregory J. Schwab, 0577
Colonel Jonathan T. Treacy, 2942
Colonel Charles E. Tucker, Jr., 0285
Colonel Roy E. Uptegraff, III, 9155
Colonel Edwin A. Vincent, Jr., 7198
Colonel James C. Witham, 0100

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Timothy J. Wright, 9146

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert Wilson, 1235

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated Under title 10, U.S. C., section 12203:

To be major general

Brig. Gen. Raymond C. Byrne, Jr., 5792

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Edward H. Ballard, 0250
Brigadier General Michael W. Beaman, 0589
Brigder General Floyd E. Bell, Jr., 4755
Brigalder General Nelson J. Cannon, 2178
Brigadier General Craig N. Christensen, 3064
Brigadier General John T. Furlow, 1754
Brigadier General Frank J. Grass, 4493
Brigadier General Larry W. Haltom, 3555
Brigadier General Vern T. Miyagi, 2805
Brigadier General Herbert L. Newton, 4019
Brigadier General Lawrence H. Ross, 5226

To be brigadier general

Colonel Timothy E. Albertson, 1120
Colonel Mark E. Anderson, 1801
Colonel Stephen M. Bloomer, 0737
Colonel Maria L. Britt, 6771
Colonel James K. Brown, Jr., 4981
Colonel Paul E. Casinelli, 3353
Colonel Keith W. Corbett, 9576
Colonel Bret D. Daugherty, 7838
Colonel David M. DeArmond, 0169
Colonel Lawrence E. Dudney, Jr., 1872
Colonel Gregory B. Edwards, 8242
Colonel David J. Elicerio, 3002
Colonel Philip R. Fisher, 9702
Colonel Gary M. Hara, 0631
Colonel Russell S. Hargis, 2104
Colonel Charles A. Harvey, Jr., 4109
Colonel Carol A. Johnson, 1201
Colonel Joseph P. Kelly, 1566
Colonel Chris F. Maasdam, 9151
Colonel Michael C.H. McDaniel, 5186
Colonel Patrick A. Murphy, 0096
Colonel Mandi A. Murray, 7323
Colonel Michael R. Nevin, 0524
Colonel Manuel Ortiz, Jr., 6712
Colonel Terry L. Quarles, 8676
Colonel Michael G. Temme, 8231
Colonel Steven N. Wickstrom, 0393

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. James N. Mattis, 7981

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

TO BE REAR ADMIRAL

Rear Adm. (lh) Elizabeth A. Hight, 7307

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Mark D. Harnitchek, 5185

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) John M. Bird, 4297
Rear Adm. (lh) John T. Blake, 9104
Rear Adm. (lh) Frank M. Drennan, 9259
Rear Adm. (lh) Mark E. Ferguson, III, 0136
Rear Adm. (lh) John W. Goodwin, 7120
Rear Adm. (lh) Richard W. Hunt, 0833
Rear Adm. (lh) Arthur J. Johnson, Jr., 1756
Rear Adm. (lh) Mark W. Kenny, 5645
Rear Adm. (lh) Joseph F. Kilkenny, 3925
Rear Adm. (lh) William E. Landay, III, 9427
Rear Adm. (lh) Douglas L. McClain, 4212
Rear Adm. (lh) William H. McRaven, 3730
Rear Adm. (lh) Kevin M. Quinn, 3457
Rear Adm. (lh) Raymond A. Spicer, 7586
Rear Adm. (lh) Peter J. Williams, 1065

The following named officer for promotion in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Sean F. Crean, 2112

The following named officer for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael W. Broadway, 4334

The following named officers for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Patrick E. McGrath, 4262
Capt. John G. Messerschmidt, 7746
Capt. Timothy D. Moon, 5084
Capt. Michael M. Shatynski, 1839

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Ann D. Gilbride, 3120

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Jon W. Bayless, Jr., 0539
Rear Adm. (lh) Edward Masso, 5959
Rear Adm. (lh) William H. Payne, 6466

The following named officer for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Sharon H. Redpath, 7170

The following named officer for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Norton C. Joerg, 2309

The following named officer for appointment as the Judge Advocate General of the United States Navy in the grade indicated under title 10, U.S.C., section 12203:

To be judge advocate general of the United States Navy

Rear Adm. Bruce E. MacDonald, 9816

NOMINATIONS PLACE ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1392 AIR FORCE nominations (21) beginning CHRISTINE L. BLICEBAUM, and ending ABNER PERRY V. VALENZUELA, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2006.

PN1580 AIR FORCE nomination of Thomas L. Yoder, which was received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1647 AIR FORCE nomination of Leonard S. Williams, which was received by the Senate and appeared in the Congressional Record of June 5, 2006.

IN THE ARMY

PN1241 ARMY nominations (16) beginning BRUCE B. BREHM, and ending ROBERT W. * WINDOM, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1242 ARMY nominations (80) beginning BRUCE D. ADAMS, and ending LISA L. ZACHER, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1600 ARMY nominations (2) beginning PAUL ANTONIOU, and ending PETER J. VARJEEN, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1601 ARMY nominations (3) beginning RICHARD J. HAYES JR., and ending MICHAEL N. SELBY, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1603 ARMY nominations (20) beginning MANUEL * CASTILLO, and ending ANDREW J. * WARGO, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1604 ARMY nominations (172) beginning TODD S. * ALBRIGHT, and ending EYAKO K. * WURAPA, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1638 ARMY nomination of Roy D. Steed, which was received by the Senate and appeared in the Congressional Record of May 25, 2006.

PN1648 ARMY nominations (5) beginning VICTOR CATULLO, and ending PAUL BRISSON, which nominations were received by .Senate and appeared in the Congressional Record of June 5, 2006.

IN THE MARINE CORPS

PN1605 MARINE CORPS nomination of Brent A. Harrison, which was received by the Senate and appeared in the Congressional Record of May 23, 2006.

IN THE NAVY

PN1504 NAVY nomination of Lana D. Hampton, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1505 NAVY nomination of Keith E. Simpson, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1506 NAVY nomination of Norman W. Porter, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1507 NAVY nominations (2) beginning PATRICK M. LEARD, and ending KIRBY D. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1508 NAVY nominations (3) beginning ALBERTO S. DELMAR, and ending SHELDON D. STUCHELL, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1509 NAVY nominations (4) beginning WAYNE A. ESTABROOKS, and ending MILTON W. WALSER JR., which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1510 NAVY nominations (5) beginning STEVEN M. BRIESE, and ending JEFFREY H. ROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1511 NAVY nominations (7) beginning CHRISTIAN A. BUHLMANN, and ending CHRISTOPHER E. ZECH, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1512 NAVY nominations (10) beginning BILLY R. ARNOLD, and ending PETER D. YARGER, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1513 NAVY nominations (13) beginning KIM A. ARRIVEE, and ending ROGER J. SING, which nominations were received, by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1514 NAVY nominations (22) beginning KAREN S. EMMEL, and ending ERIC C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1515 NAVY nominations (28) beginning JOHN C. ABBOTT, and ending TERESA S. WHITING, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1516 NAVY nominations (232) beginning THOMAS L. ADAMS III, and ending MATTHEW A. ZIRKLE, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1567 NAVY nominations (4) beginning MICHAEL E. BELCHER, and ending DAVID J. RANDLE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1568 NAVY nominations (6) beginning SHAWN M. CALLAHAN, and ending KAREN J. VIGNERON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1569 NAVY nominations (9) beginning PATRICK G. BYRNE, and ending JOHN L. PAGONA JR., which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1570 NAVY nominations (10) beginning LOUIS M. BORNO III, and ending ERIC J. WATKISS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1571 NAVY nominations (10) beginning LEONARD M. ABBATIELLO, and ending JOHN B. STUBBS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1572 NAVY nominations (11) beginning STEVEN J. ASHWORTH, and ending EUGENE P. POTENTE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1573 NAVY nominations (24) beginning FRANK A. ARATA, and ending GEORGE M. SUTTON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1574 NAVY nominations (233) beginning JOHN W. V. AILES, and ending GLENN W. ZEIDERS III, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1581 NAVY nominations (3) beginning CONRAD C. CHUN, and ending JOHN F. KIRBY, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1582 NAVY nominations (8) beginning MICHAEL D. ANGOVE, and ending DAVID J. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1583 NAVY nominations (11) beginning CRAIG L. EATON, and ending RICHARD E. VERBEKE, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1606 NAVY nomination of Michael H. Johnson, which was received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1607 NAVY nomination of Michael A. Hoffmann, which was received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1608 NAVY nominations (4) beginning RICHARD M. BURKE JR., and ending PETER M. MURPHY, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1609 NAVY nominations (7) beginning FREDERICK C. DAVIS, and ending ELEANOR J. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1610 NAVY nomination of Claude R. Suggs, which was received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1611 NAVY nominations (2) beginning MATTHEW C. HELLMAN, and ending DEREK A. TAKARA, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1612 NAVY nominations (2) beginning ANGELA J. BAKER, and ending HAROLD S. ZALD, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1613 NAVY nominations (13) beginning LOUIS V. CARIELLO, and ending GREGORY J. ZIELINSKI, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1614 NAVY nominations (10) beginning GEORGE E. ADAMS, and ending ROBERT T. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1615 NAVY nominations (29) beginning ANTHONY P. BRAZAS, and ending FRANCIS K. VREDENBURGH JR., which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1616 NAVY nominations (34) beginning COLLETTE J. B. ARMBRUSTER, and ending SUSAN W. WOOLSEY, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1617 NAVY nominations (10) beginning GREGORY P. BELANGER, and ending BRIAN S. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1618 NAVY nominations (18) beginning DALE P. BARRETTE, and ending SILVA P. D. WESTERBECK, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1619 NAVY nominations (16) beginning JAMES A. BLUSTEIN, and ending JOSEPH C. K. YANG, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1620 NAVY nominations (34) beginning ROBERT A. ALONSO, and ending KRISTEN C. ZELLER, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1621 NAVY nominations (16) beginning VIRGINIA T. BRANTLEY, and ending MARON D. WYLIE, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1622 NAVY nominations (11) beginning DOUGLAS E. ALEXANDER, and ending JAMES H. SCHROEDER JR., which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1623 NAVY nominations (11) beginning PAUL I. BURMEISTER, and ending CLYDE C. REYNOLDS, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1624 NAVY nominations (26) beginning PHILIP P. ALFORD, and ending ROBERT L. YARRISH, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1625 NAVY nominations (38) beginning MICHAEL S. ARNOLD, and ending EVELYN M. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1626 NAVY nominations (14) beginning GREGORY BRIDGES, and ending WILLIAM M. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1627 NAVY nominations (2424) beginning HONORATO AGUILA, and ending KIMBERLY A. ZUZELSKI, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1639 NAVY nominations (2) beginning LUZ V. ALICEA, and ending PETER B. DOBSON, which nominations were received by the Senate and appeared in the Congressional Record of May 25, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, JUNE 23, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow, Friday, June 23. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, today the Senate unanimously and overwhelmingly passed the Defense authorization bill. I take this opportunity to congratulate Chairman WARNER and Ranking Member LEVIN for the expeditious consideration of that bill.

We had a very important debate concerning two amendments related to the Iraq war. I thought the debate was very respectful and the Senate conducted itself in an extraordinarily exemplary way.

Mr. President, the Senate will be in tomorrow for a period of morning business.

On Monday, we will begin consideration of the anti-flag desecration resolution. We will announce the vote schedule for the beginning of next week during tomorrow's session.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Friday, June 23, 2006, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 22, 2006:

FEDERAL DEPOSIT INSURANCE CORPORATION

JON T. RYMER, OF TENNESSEE, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ANDREW J. GUILFORD, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

FRANK D. WHITNEY, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

DEPARTMENT OF JUSTICE

THOMAS D. ANDERSON, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES N. SOLIGAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GARBETH S. GRAHAM

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT B. BAILEY
BRIGADIER GENERAL WILLIAM H. ETTER
BRIGADIER GENERAL DOUGLAS M. PIERCE
BRIGADIER GENERAL JOSE M. PORTELA
BRIGADIER GENERAL DONALD J. QUENNEVILLE
BRIGADIER GENERAL DAVID A. SPRENKLE

To be brigadier general

COLONEL STEVEN L. ADAMS
COLONEL ROBERT L. BOGGS
COLONEL PETER A. BONANNI
COLONEL TIMOTHY J. CARROLL
COLONEL TIMOTHY J. COSSALTER
COLONEL MICHAEL L. CUNNIFF
COLONEL JAMES E. DANIEL, JR.
COLONEL JOHN M. DEL TORO
COLONEL GREGORY A. FICK
COLONEL STEVEN J. FILO
COLONEL ROBERT V. FITCH
COLONEL WILLIAM E. HUDSON
COLONEL CORA M. JACKSON-CHANDLER
COLONEL RICHARD W. JOHNSON
COLONEL GARY T. MAGONIGLE
COLONEL CRAIG D. MCCORD
COLONEL KELLY K. MCKEAGUE
COLONEL THOMAS R. MOORE
COLONEL JOHN D. OWEN
COLONEL DEBORAH S. ROSE
COLONEL GREGORY J. SCHWAB
COLONEL JONATHAN T. TREACY
COLONEL CHARLES E. TUCKER, JR.
COLONEL ROY E. UPTEGRAFF III
COLONEL EDWIN A. VINCENT, JR.
COLONEL JAMES C. WITHAM

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. TIMOTHY J. WRIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT WILSON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RAYMOND C. BYRNE, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL EDWARD H. BALLARD

BRIGADIER GENERAL MICHAEL W. BEAMAN
BRIGADIER GENERAL FLOYD E. BELL, JR.
BRIGADIER GENERAL NELSON J. CANNON
BRIGADIER GENERAL CRAIG N. CHRISTENSEN
BRIGADIER GENERAL JOHN T. FURLOW
BRIGADIER GENERAL FRANK J. GRASS
BRIGADIER GENERAL LARRY W. HALTOM
BRIGADIER GENERAL VERN T. MIYAGI
BRIGADIER GENERAL HERBERT L. NEWTON
BRIGADIER GENERAL LAWRENCE H. ROSS

To be brigadier general

COLONEL TIMOTHY E. ALBERTSON
COLONEL MARK E. ANDERSON
COLONEL STEPHEN M. BLOOMER
COLONEL MARIA L. BRITT
COLONEL JAMES K. BROWN, JR.
COLONEL PAUL E. CASINELLI
COLONEL KEITH W. CORBETT
COLONEL BRET D. DAUGHERTY
COLONEL DAVID M. DEARMOND
COLONEL LAWRENCE E. DUDNEY, JR.
COLONEL GREGORY B. EDWARDS
COLONEL DAVID J. ELICERIO
COLONEL PHILIP R. FISHER
COLONEL GARY M. HARA
COLONEL RUSSELL S. HARGIS
COLONEL CHARLES A. HARVEY, JR.
COLONEL CAROL A. JOHNSON
COLONEL JOSEPH P. KELLY
COLONEL CHRIS F. MAASDAM
COLONEL MICHAEL C.H. MCDANIEL
COLONEL PATRICK A. MURPHY
COLONEL MANDI A. MURRAY
COLONEL MICHAEL R. NEVIN
COLONEL MANUEL ORTIZ, JR.
COLONEL TERRY L. QUARLES
COLONEL MICHAEL G. TEMME
COLONEL STEVEN N. WICKSTROM

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES N. MATTIS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ELIZABETH A. HIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MARK D. HARNITCHEK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOHN M. BIRD
REAR ADM. (LH) JOHN T. BLAKE
REAR ADM. (LH) FRANK M. DRENNAN
REAR ADM. (LH) MARK E. FERGUSON III
REAR ADM. (LH) JOHN W. GOODWIN
REAR ADM. (LH) RICHARD W. HUNT
REAR ADM. (LH) ARTHUR J. JOHNSON, JR.
REAR ADM. (LH) MARK W. KENNY
REAR ADM. (LH) JOSEPH F. KILKENNY
REAR ADM. (LH) WILLIAM E. LANDAY III
REAR ADM. (LH) DOUGLAS L. MCCLAIN
REAR ADM. (LH) WILLIAM H. MCRAVEN
REAR ADM. (LH) KEVIN M. QUINN
REAR ADM. (LH) RAYMOND A. SPICER
REAR ADM. (LH) PETER J. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. SEAN F. CREAN

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL W. BROADWAY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PATRICK E. MCGRATH
CAPT. JOHN G. MESSERSCHMIDT
CAPT. TIMOTHY D. MOON
CAPT. MICHAEL M. SHATYNSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ANN D. GILBRIDE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JON W. BAYLESS, JR.
REAR ADM. (LH) EDWARD MASSO
REAR ADM. (LH) WILLIAM H. PAYNE

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SHARON H. REDPATH

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) NORTON C. JOERG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be judge advocate general of the United States Navy

REAR ADM. BRUCE E. MACDONALD

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE L. BLICEBAUM AND ENDING WITH ABNER PERRY V. VALENZUELA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2006.

AIR FORCE NOMINATION OF THOMAS L. YODER TO BE COLONEL.

AIR FORCE NOMINATION OF LEONARD S. WILLIAMS TO BE LIEUTENANT COLONEL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH BRUCE B. BREHM AND ENDING WITH ROBERT W. WINDOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

ARMY NOMINATIONS BEGINNING WITH BRUCE D. ADAMS AND ENDING WITH LISA L. ZACHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

ARMY NOMINATIONS BEGINNING WITH PAUL ANTONIOU AND ENDING WITH PETER J. VARJEEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATIONS BEGINNING WITH RICHARD J. HAYES, JR. AND ENDING WITH MICHAEL N. SELBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATIONS BEGINNING WITH MANUEL CASTILLO AND ENDING WITH ANDREW J. WARGO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATIONS BEGINNING WITH TODD S. ALBRIGHT AND ENDING WITH EYAKO K. WURAPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATION OF ROY D. STEED TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH VICTOR CATULLO AND ENDING WITH PAUL BRISSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2006.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRENT A. HARRISON TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF LANA D. HAMPTON TO BE CAPTAIN.

NAVY NOMINATION OF KEITH E. SIMPSON TO BE CAPTAIN.

NAVY NOMINATION OF NORMAN W. PORTER TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH PATRICK M. LEARD AND ENDING WITH KIRBY D. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH ALBERTO S. DELMAR AND ENDING WITH SHELDON D. STUCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH WAYNE A. ESTABROOKS AND ENDING WITH MILTON W. WALSER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH STEVEN M. BRIESE AND ENDING WITH JEFFREY H. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH CHRISTIAN A. BUHLMANN AND ENDING WITH CHRISTOPHER E. ZECH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH BILLY R. ARNOLD AND ENDING WITH PETER D. YARGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH KIM A. ARRIVEE AND ENDING WITH ROGER J. SING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH KAREN S. EMMEL AND ENDING WITH ERIC C. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH JOHN C. ABBOTT AND ENDING WITH TERESA S. WHITING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH THOMAS L. ADAMS III AND ENDING WITH MATTHEW A. ZIRKLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL E. BELCHER AND ENDING WITH DAVID J. RANDLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH SHAWN M. CALLAHAN AND ENDING WITH KAREN J. VIGNERON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH PATRICK G. BYRNE AND ENDING WITH JOHN L. PAGONA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH LOUIS M. BORNO III AND ENDING WITH ERIC J. WATKISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH LEONARD M. ABBATIELLO AND ENDING WITH JOHN B. STUBBS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH STEVEN J. ASHWORTH AND ENDING WITH EUGENE P. POTENTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH FRANK A. ARATA AND ENDING WITH GEORGE M. SUTTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH JOHN W. V. AILES AND ENDING WITH GLENN W. ZEIDERS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH CONRAD C. CHUN AND ENDING WITH JOHN F. KIRBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL D. ANGOVE AND ENDING WITH DAVID J. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2006.

NAVY NOMINATIONS BEGINNING WITH CRAIG L. EATON AND ENDING WITH RICHARD E. VERBEKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2006.

NAVY NOMINATION OF MICHAEL H. JOHNSON TO BE CAPTAIN.

NAVY NOMINATION OF MICHAEL A. HOFFMANN TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RICHARD M. BURKE, JR. AND ENDING WITH PETER M. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH FREDERICK C. DAVIS AND ENDING WITH ELEANOR J. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATION OF CLAUDE R. SUGGS TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH MATTHEW C. HELLMAN AND ENDING WITH DEREK A. TAKARA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH ANGELA J. BAKER AND ENDING WITH HAROLD S. ZALD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH LOUIS V. CARIELLO AND ENDING WITH GREGORY J. ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH GEORGE E. ADAMS AND ENDING WITH ROBERT T. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH ANTHONY P. BRAZAS AND ENDING WITH FRANCIS K. VREDENBURGH, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH COLLETTE J. B. ARMBRUSTER AND ENDING WITH SUSAN W. WOOLSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH GREGORY P. BELANGER AND ENDING WITH BRIAN S. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH DALE P. BARRETTE AND ENDING WITH SILVA P. D. WESTERBECK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH JAMES A. BLUSTEIN AND ENDING WITH JOSEPH C. K. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH ROBERT A. ALONSO AND ENDING WITH KRISTEN C. ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH VIRGINIA T. BRANTLEY AND ENDING WITH MARON D. WYLIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH DOUGLAS E. ALEXANDER AND ENDING WITH JAMES H. SCHROEDER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH PAUL I. BURMEISTER AND ENDING WITH CLYDE C. REYNOLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH PHILIP P. ALFORD AND ENDING WITH ROBERT L. YARRISH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL S. ARNOLD AND ENDING WITH EVELYN M. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH GREGORY BRIDGES AND ENDING WITH WILLIAM M. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH HONORATO AGUILA AND ENDING WITH KIMBERLY A. ZUZELSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH LUZ V. ALICEA AND ENDING WITH PETER B. DOBSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 25, 2006.

SENATE—*Friday, June 23, 2006*

The Senate met at 11:04 a.m. and was called to order by the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our Father, we turn our hearts and minds toward You. Search us deeply and cleanse us from all insincerity. Give us a desire to do Your will, even when it means bearing a cross.

Bless our Senators. Strengthen them to resist temptation and to walk the narrow road that leads to life. Give them compassion for others that can be seen in courageous actions that liberate.

Help us all to strive to be faithful in order that one day, we can hear You say, "Well done."

We pray in the Name of Him who is the way, the truth, and the life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY GRAHAM led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. GRAHAM thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we return to session today for a period of morning business to allow Senators to introduce legislation and to make remarks. We will have a relatively short session today, I expect. When we finish, we will adjourn until Monday.

On Monday, we will begin debate on the constitutional amendment relating to antiflag desecration. I will have more to say about the schedule for next week later in the day.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

DEFENSE AUTHORIZATION

Mr. FRIST. Mr. President, I congratulate the two managers of the Defense authorization bill who did a superb job over the last several weeks in overseeing the debate and marching through the amendments on this important legislation. We had some strong disagreements on both sides of the aisle, sometimes within each side of the aisle. We addressed a number of contentious issues. At the end of the day, after debate and amendment, we had overwhelming support for the bill itself.

The debate followed a healthy and productive debate on immigration and border security for the 2 to 3 weeks prior to that, a total of a month prior. We have seen in recent weeks that the Senate is working quite well in terms of having people's views expressed, debated in a dignified way, getting points across, helping become better educated ourselves and educating the American people in the process.

I thank Senators WARNER and LEVIN for their tremendous work in navigating through the challenging issues and bringing Defense authorization to a close in a cooperative manner.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 3561 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NUCLEAR WEAPONS

Mr. DORGAN. Mr. President, I am going to talk briefly about an issue I think is really very important dealing with the country of India and nuclear weapons that are possessed by India and other countries around the world.

Yesterday, one of my colleagues in the Senate indicated that weapons of mass destruction had been found in Iraq. I guess he was referring to some inert artillery shells that were produced in the 1980s for the Iran-Iraq war. No one believes those are weapons of mass destruction. That is an absurd claim. I think it has been described as absurd by nearly everybody. But since the subject of weapons of mass destruction has been raised I want to make a few comments.

I have in my desk in the Senate a piece of metal. I ask unanimous consent to show it on the floor of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. This is from a Backfire bomber. It used to be part of a wing strut on a Soviet Backfire bomber. This bomber, presumably, carried nuclear weapons to threaten the United States at some point. The bomber doesn't exist anymore. The bomber's wings were sawed off and it was cut into small metal pieces. We paid for that under the Nunn-Lugar Cooperative Threat Reduction Program in which we spend American taxpayers' money to dismantle former Soviet nuclear weapons and their delivery systems—missiles, bombers, submarines.

I also have in my desk some chewed-up copper from the electrical wiring from a submarine that once carried nuclear weapons aimed at the United States. We paid money to dismantle weapons of mass destruction in the arsenal of the Soviet Union. So we didn't shoot this airplane down. This piece of metal from a Soviet bomber was achieved because we paid for the saw that cut the wings off of the bomber. What a remarkably successful program to try to reduce the threat of nuclear weapons.

I think the threat of nuclear weapons is the greatest threat that we face. We have roughly 25,000 to 30,000 nuclear weapons on this Earth. The loss of one nuclear weapon to a terrorist and the detonation of one by a terrorist in a major American city will cause a catastrophe unlike any of us can imagine. There are roughly 25,000 to 30,000 nuclear weapons in this world. Where are they? Are they safeguarded? Will someone steal one? Who is building more? Who wants nuclear weapons? What are we doing about that? These are critically important questions.

A former Secretary of Defense says that he believes the question is not so much whether but when will a nuclear weapon be detonated in an American city? A former Secretary of Defense says he believes there is a 50-percent likelihood that within the next 10 years a nuclear weapon will be detonated in a major American city. I don't know whether that is true or not. I do know this: this world is full of nuclear weapons. More countries want to achieve the capability of possessing nuclear weapons. It is our responsibility—it falls to us as a world leader to stop the spread of nuclear weapons and begin to reduce the number of nuclear weapons. That is our job.

I am not very encouraged, frankly, by actions in the Congress in recent years, turning down the Comprehensive Nuclear Test-Ban Treaty, suggesting that we want to reserve the right to test nuclear weapons again. The discussion in the administration and even some in Congress is that what we really need are new nuclear weapons, designer nuclear weapons, earth-penetrating bunker buster nuclear weapons. There is a suggestion by some that nuclear weapons are perfectly usable. They are not.

The only success we can measure will be the success by which we prevent another nuclear weapon from ever being exploded in anger on this planet. That is the only success that can matter.

I want to talk a little about the nuclear agreement the Bush Administration has reached with India, which I think undermines our nonproliferation policy of many years. It also undermines the Non-Proliferation Treaty that we have signed, and many other countries have signed. India has not signed it. It stops the proliferation of nuclear weapons. At least it says it is our resolve to stop the spread of nuclear weapons.

I want to talk about this new agreement that Secretary Rice, on behalf of the President and others, has negotiated with India, and what it means for the job we have of stopping the spread of nuclear weapons. One of our major periodicals in this country described a story that was not reported much post-9/11. In the period post-9/11, my understanding from press reports was that our intelligence picked up some kind of a report from their sources that a nuclear weapon had been stolen by a terrorist organization from the Russian stockpile of nuclear weapons and was prepared to be detonated by terrorists. I believe they said either in New York City or Washington, DC—in any event, one of America's major cities. Those who picked up this rumor in the intelligence community were very concerned about it, very worried about it.

After some period of time it was determined that this was not a credible rumor, but in retrospect the analysts determined that it is perfectly plausible. It is not unthinkable that a terrorist organization could acquire a nuclear weapon, or steal one from an existing stockpile. It is not implausible that having stolen a nuclear weapon they could have detonated it in a major American city. That ought to cause an apoplectic seizure in this country about the need to safeguard against nuclear weapons, reduce the number of nuclear weapons that now exist, and stop the spread of nuclear weapons.

It is our responsibility to provide the leadership to do that. That doesn't fall to anyone else; it falls to us.

Let me describe how the nuclear deal with India fits into this. Many countries want to possess nuclear weapons. North Korea, we believe, is now building them, and perhaps has them. I believe the administration said they believe that North Korea has actually produced nuclear weapons. We understand that the country of Iran is doing things that would lead it to be able to produce a nuclear weapon at some point in the future. We are concerned about that. Our country and others have been trying to prevent that from happening.

Our country invaded Iraq because we believed it had weapons of mass destruction. I heard a radio show this morning, with the fellow running the show saying that wasn't the case; that we invaded Iraq because Saddam Hussein was a bad guy. That is not true at all. Saddam Hussein is an evil man. We found him in a rat hole. He murdered people in his own country by the thousands, and he likely will, following trial, meet justice. I hope so. But we attacked Iraq because we believed, our intelligence community believed, and the American people were told, and the world community was told by Secretary Powell that Iraq possessed weapons of mass destruction that threatened the world and threatened us.

The point is that the threat of weapons of mass destruction is serious and real. It is serious and real because there are 25,000 or 30,000 nuclear weapons in the world. We have a lot of them. Russia has a lot of them. Other countries possess them. One of those countries is India.

Nowhere is the threat of nuclear war or nuclear terrorism, or the need to safeguard nuclear weapons more important than in South Asia, the home to al-Qaida, who seeks nuclear weapons. It is an area where relations among regional nuclear powers—China, India, Pakistan—have historically been tense. India and China fought a border war in 1962. India and Pakistan fought three major wars and had numerous smaller skirmishes. After both detonated nuclear weapons in 1998 and declared themselves nuclear powers, the world held its breath as India and Pakistan fought a limited war in Kashmir. So this is a serious issue, one that is of great concern.

It is almost incomprehensible to me that the administration has agreed to a nuclear deal with India, a country that did not sign the Nuclear Non-Proliferation Treaty, that will gut the nonproliferation treaty and allow New Dehli to dramatically expand its stockpile of nuclear weapons and possibly ignite another regional arms race of nuclear weapons. Giving legitimacy to the nuclear arsenal that India secretly developed is not going to help us convince other countries to give up their secret nuclear programs.

The nonproliferation treaty is a treaty that, if you describe it, puts people to sleep. "Nonproliferation" as a term doesn't even sound very exciting. But it is at the root of the determination of whether we will one day see nuclear weapons exploded in American cities.

We have to stop the spread of nuclear weapons. The nonproliferation treaty isn't perfect, but there are a host of countries in this world who have decided to forgo trying to acquire or build nuclear weapons because of it. They have done that so that they can get access to peaceful nuclear assistance for nuclear power that is allowed by the treaty because the treaty would not allow access to technology for nuclear power to build nuclear powerplants unless the country signed the nonproliferation treaty and agree to forego nuclear weapons. That treaty has worked—not perfectly—but it has worked well enough.

India, as I said, has never signed it. Instead, it secretly built nuclear weapons in the 1970s and 1980s, which they revealed only after the fact that Pakistan conducted its first test of nuclear weapons in 1998. India and Pakistan are both countries which are subject to U.S. laws—and international laws, for that matter—that prohibit sending nuclear fuel and technologies to states that are operating outside of the nonproliferation treaty. Because India has very little domestic uranium, the application of those laws has severely constrained its ability to expand its nuclear power industry, and it has restrained its ability to expand its stockpile of nuclear weapons as well.

During this past year, New Delhi has stepped up efforts to get the assistance of our country to obtain nuclear fuel and reactor components so it can deal with an impending energy crisis. I understand their interest and concern about their energy crisis, but this was an opportunity, I believe, to get India to abide by and to become a signatory to the nonproliferation treaty and to cap its nuclear weapons program. Instead, the administration decided that it would initial an agreement that legitimizes India's nuclear weapons and which will make it substantially easier for India to produce more weapons grade material for more nuclear weapons. I don't understand this at all.

I was dumbfounded to discover what the administration has done, in secret, with no consultation with Congress at all. But the fact is, I have here a copy of the legislation that the Administration wants Congress to pass so the treaty can be implemented even though the text of the agreement is not even complete. They have the skeleton of the agreement. They have decided we are going to say to India: It is OK that you have decided you are going to create nuclear weapons outside of the nonproliferation treaty, but we will not have you suffer the consequences of that so we will now begin to offer you technology and fuel so that you can have the ability to produce more nuclear powerplants for your own energy needs, and you will also be able to keep some of those behind the curtain and produce additional nuclear weapons. We have said they can do that.

The agreement has not been written in its final detail, but even though its detail isn't complete, we already have legislation introduced in the Congress to say: That is OK. That is good. We approve. God bless you all.

I don't understand this at all. The fact is, this is a huge step backwards for this country in providing leadership to stop the spread of nuclear weapons.

Here is what the deal does. The final text, I am told, has not been finalized, but the substance is this: President Bush's plan will allow India to buy from the U.S. and other countries sensitive nuclear technologies that are now forbidden to India under the nonproliferation treaty. That includes nuclear fuel, nuclear reactors, and advanced nuclear technology. In return, India has agreed to allow IAEA inspections and safeguards at 14 of its 22 existing and planned nuclear reactors. So 14 of India's reactors will be off-limits for the production of plutonium for India's nuclear weapons program.

But the agreement allows India to keep 8 existing and planned reactors outside of the agreement and free from international safeguards. And it will allow New Delhi to decide entirely on its own which future reactors it will designate as civilian and therefore to submit to safeguards or not.

So the agreement allows India to keep at least eight nuclear reactors behind the curtain and use them to produce nuclear weapons.

So we have essentially said that unlimited amounts of fissile material for nuclear weapons can be produced at facilities not protected by these safeguards, and it is just fine with us.

Well, that is not fine with me. It does not meet our responsibility as a world leader to stop the spread of nuclear weapons. By seeking exception to the rules for a country with which the United States wishes to build a special friendship, this nuclear deal would reinforce the impression that our country's approach to nonproliferation has become selective, self-serving, inconsistent and unprincipled. This deal will send a signal that the United States—the country the world has always looked to as the leader in the global fight to stop the spread of nuclear weapons—is now deemphasizing nuclear nonproliferation and giving it a back seat to other foreign policy and other commercial concerns.

I think that is a huge mistake. If the United States is seen as changing or bending the rules when it suits us, others will want to follow suit. Pakistan has already said: Us, too. We would like some of that. We would like to seek comparable treatment. Not long after the United States-India deal was announced, China and Pakistan began discussing additional reactor sales. I believe the United States-India nuclear agreement very likely will reduce the constraints on other states that want to go nuclear.

In calculating whether to pursue nuclear weapons, a major factor for most countries is, how will the United States react? What will the sanctions be if we decide to produce nuclear weapons to become part of the club that possesses nuclear weapons? The sanctions, at least suggested by the India deal, is: Don't worry. If we want your friendship at some point, we might waive all of that and say that the nonproliferation issue is much less important than your friendship.

There is no question that what has happened is the administration, secretly—with Secretary Condoleezza Rice and Ambassador Burns and others—has negotiated a deal with the President's blessing that will make it much easier for a country that did not sign the nonproliferation treaty to greatly expand its illegal nuclear arsenal. It will allow India to access fissile material from overseas, buy foreign technologies and create a curtain behind which eight nuclear reactors can produce additional nuclear weapons in that region of the world. That is a profound mistake, just a profound mistake.

I don't understand why this Congress will not decide that it has a voice as well. The Administration is asking us to rubberstamp the agreement even before the agreement is fully written. It is an insult. The legislation we are asked to approve is a rubberstamp. This Congress is being asked to say: Well, sign us up, yes, of course. Of course we agree. The geopolitics of this friendship is certainly more important than restraining the growth of nuclear weapons or the spread of nuclear weapons. Sign us up. It doesn't matter.

I am a little tired of a town in which you have one view and one political party—the White House and the Senate—saying: Sign us up. We are all there. We are all hitched up. Whichever way you want to go, we want to go.

I think this is the most significant mistake—and there have been very significant mistakes in recent years—but this is one of the most significant mistakes I can conceive of.

Let me go back to where I started a minute ago. A colleague of mine yesterday said they found weapons of mass destruction in Iraq. Of course, they didn't. They didn't. But weapons of mass destruction, no matter where they are found in the future, ought to be of great concern to all of us. We just passed a Defense authorization bill that is going to spend about $10 billion on antimissile defense. Everyone is worried about North Korea testing a new long-range missile. So we are going to spend $10 billion on technology to try to hit a bullet with a bullet. If anyone looks at the threat meter—I don't think anybody does much anymore—they will understand one of the least likely threats our country will face is a rogue nation or a terrorist who acquires a nuclear warhead and puts it on top of an intercontinental ballistic missile and aims it at our country and shoots it at about 18,000 miles an hour at the United States.

By far, the most likely threat is the stealing of a nuclear weapon by a terrorist organization, putting it on a container, loading the container on a ship, and having that ship pull up to a dock in a major American city at 3 miles an hour—not 18,000 miles an hour—and detonating a nuclear weapon in the middle of an American city.

There are 25,000 to 30,000 nuclear weapons, we think, tactical and strategic, in this world, the loss of one of which will be catastrophic; the detonation of one of which in an American city will be catastrophic—one. I am not talking about 5 nuclear weapons or 10 or 30 or 100; I am talking about 1. In this new age of terrorism, our responsibility is to stop the spread of nuclear weapons, be a world leader in stopping the spread of nuclear weapons, and reduce the number of nuclear weapons, trying to give teeth to the nonproliferation treaty.

Instead, we are off making deals with India. Yes, India is a fine country. I want India to be a friend of ours. But I am not willing to abrogate the nonproliferation treaty and say to India: It is all right what you did to secretly produce nuclear weapons outside of the nonproliferation treaty. That is not all right with us. It ought not be a signal we send to the rest of the world that it is all right with us. Yet that is exactly what the deal with India is signaling:

We will give you the technology and the capability. You allow inspectors into 14 plants in the future, you can have 8 plants that you have behind the curtain to produce nuclear weapons, and that is fine with us because the geopolitics of this deal lead us to believe it is more important to give you this agreement.

I think that is just profoundly wrong, and it is going to injure this country's national security in a profound way.

So, Mr. President, my understanding is there are people here already working on this legislation to approve the deal—it is already introduced—saying: Yes, yes, yes.

There was a former Governor in a Southern State—I won't use names because most of my colleagues will recognize it—but he was put in place by a fellow who came to the Senate. But when he went back home on weekends he would kick the Governor out of the Governor's chair because he wanted the Governor's office and he wanted to tell him what to do, and the guy would say: OK, OK, OK. They named him Governor OK because that is all he ever said was OK. That is what is going on around here. Yes, even with the India deal. It is OK. It doesn't matter what you do, it is OK.

It is not OK with me. It is not OK with me that we have legislation introduced to approve a deal that hasn't yet been written in all of its detail, but the architecture of which we know enough of to understand, at least from my standpoint, that this is a serious breach of faith for our responsibility to stop the spread of nuclear weapons.

So, Mr. President, I don't know when the President or when our committees will decide they want to take a break from amending the U.S. Constitution. I understand beginning next week we will have the second opportunity to express that this Congress thinks that the work of Washington and Franklin and Madison and Mason was a rough draft and we have a lot of ideas and we ought to change the Constitution. If we can take a break from amending the Constitution, I assume someone will try to bring to the floor of the Senate legislation that will give a big rubberstamp to the India deal.

I only wanted to be here today to say that when that happens, I will certainly do everything I can to slow it down. I prefer to stop it. I don't know if I can stop it. I will try to do that. If not, I will slow it down a lot, and we will have a long discussion about what the responsibility is of this country to stop nuclear weapons in this day and age of terrorism.

Some don't care very much about that. They think there are other things that are much more important. There is nothing much more important in the day of terrorism, in this new age of terrorism, than making certain that we never, ever have a nuclear weapon detonated in a major American city. How do you do that? You stop the spread of nuclear weapons. You reduce the stockpile of nuclear weapons. And you make sure that we provide the aggressive, assertive leadership to try to keep nuclear weapons out of the hands of terrorists and safeguard existing stocks even as we try to reduce the number. That is our responsibility. The world looks to us for that leadership. And this, in my judgment, is not providing the kind of leadership that gives me comfort.

For that reason, I will oppose the agreement that has been reached with India and that has been announced, much to the surprise of most of us; in fact, I think to the surprise of probably everyone in Congress who didn't know it was being negotiated.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I came to the floor to speak about the important issue of private property rights in this country, but I did not realize the distinguished Senator from North Dakota was going to be talking about another issue that is very important, and that is the proposed civil nuclear accord between the United States and India. It is a subject I have been studying. I am interested in it. I just happened to be one of the two Senate cochairs of the United States-India caucus and, for that reason, I have been following the developments in this proposal from the beginning.

As is so often the case, we agree on the ultimate objective, and that is to reduce proliferation of nuclear weapons, but we differ about the means. I happen to support this particular agreement because I think it is in the best interests of the United States. It will take another friend of the United States—the world's largest democracy, composed of more than 1 billion people, that has a good record for nonproliferation—and it will make us partners with them for peaceful civilian use of nuclear power while avoiding the threat of proliferation and the possibility that terrorists might acquire a nuclear weapon or it might proliferate to some other irresponsible party and then endanger the United States or our allies.

The Congress, of course, will have a chance to get very much involved in this issue. Next week, Chairman LUGAR and Ranking Member BIDEN are taking this matter up in the Foreign Relations Committee. They are going to mark up—I believe it is the Atomic Energy Act, if I am not mistaken, which is the one which needs to be amended if, in fact, Congress does consent to this agreement between President Bush and Prime Minister Singh of India.

I do know there are a lot of people watching to see just what the reaction of Congress and the United States to this agreement will be. I for one believe it is an important step in our strategic relationship, in our growing friendship. It will be another way the United States and India can work together to make the world a safer place and the United States can demonstrate its good will by providing civilian nuclear technology to a country that needs the energy.

We know how much the geopolitics of the search for oil has distorted our foreign relationships, so it is important that we find clean alternatives to oil and gas. That is what nuclear power provides, that clean, efficient alternative—although it has problems in that it can, in the wrong hands, be abused. It can be used to create nuclear weapons.

As we all know, India already has a nuclear weapon, so it is not a question of whether it is going to acquire one. It already has one. It has demonstrated its responsibility and its willingness to work with peace-loving partners like the United States in a way that looks to this alternative of civilian nuclear energy but at the same time makes sure that the dangers of proliferation are reduced to a minimum.

THE KELO DECISION

Mr. CORNYN. Mr. President, the main reason I wanted to come to the floor today was to talk about the important issue of private property rights. Today marks the 1-year anniversary of one of the most controversial decisions ever handed down by the U.S. Supreme Court, and that is the case of Kelo v. the City of New London. In that decision, the Court held by a 5-to-4 vote that the government may seize private property, whether it be a home or small business or other private property, for the purpose—not of public good but, rather, to transfer that same property to another private owner simply because the transfer would create an increased economic benefit to that community.

What made this such a profoundly alarming decision was that it represented a radical departure both from what the Constitution says—that the power of government to condemn private property should be used only for public use—and it represented a radical departure from the decisions handed down interpreting that constitutional provision over the last 200 years.

After all, protection of homes and small businesses and other private property against government seizure or unreasonable government interference is a fundamental principle of American life and really a distinctive aspect of our form of government. Indeed, private property rights rank among the most important rights outlined by the Founding Fathers when this country was created. Thomas Jefferson wrote that the protection of such rights is:

> . . . the first principle of association, "the guarantee to every one of a free exercise of his industry, and the fruits acquired by it."

These protections were enshrined in the fifth amendment to the U.S. Constitution which specifically provides that private property shall not "be taken for public use without just compensation." The fifth amendment thus provides an essential guarantee of liberty against the abuse of power by eminent domain by permitting the government to seize private property only for "public use" and only upon paying just compensation.

The Court's decision in Kelo was sharply criticized by Justice Sandra Day O'Connor in her dissent, in which she wrote:

> [The Court] effectively [has] . . . deleted the words "for public use" from the Takings Clause of the fifth amendment and thereby "refuse[d] to enforce properly the Federal Constitution."

Under the Court's decision in Kelo, Justice O'Connor warns:

> . . . the specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.

She further warns that, under Kelo, under the Supreme Court's decision just 1 year ago "any property may now be taken for the benefit of another private party," and she said, "the fallout from this decision will not be random."

Indeed, as noted in a friend-of-the-court brief filed by the National Association for the Advancement of Colored People and the AARP and other organizations:

> [a]bsent a true public use requirement, the takings power will be employed more frequently. The takings that result will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.

Again, that is the brief of the National Association for the Advancement of Colored People and AARP and others.

Suffice it to say that the Kelo decision was a disappointment. What I find particularly troubling is that the Kelo case is just one of many examples of the abuse of the power of eminent domain throughout our Nation. Its use for private development is now widespread. The Institute for Justice has documented more than 10,000 properties either seized or threatened with condemnation for private development during the 5-year period between 1998 and 2002. Despite the fact that so many abuses of that power were already occurring, the Kelo decision is particularly alarming, and local governments, the condemning authorities most often, have become further emboldened to take property for private development.

As this pattern has continued elsewhere, courts very quickly used this decision to reject challenges by owners to the taking of their property for other private parties. In 2005, for example, a court in Missouri relied upon Kelo in reluctantly upholding the taking of a home so that a shopping mall can be built. As the judge commented:

> The United States Supreme Court has denied the Alamo reinforcements. Perhaps the people will clip the wings of eminent domain in Missouri, but today in Missouri it soars and devours.

I firmly believe legislative action is appropriate and necessary, and I am not alone in that belief. Several State legislatures have taken immediate action. Indeed, my home State of Texas passed legislation that was signed into law by the Governor last summer that protects private property from seizure for purposes of economic development. But it is also necessary and appropriate that Congress take action consistent with our authority under the Constitution to restore the vital protections of the fifth amendment. That is why the week after the Court handed down its decision I introduced S. 1313 entitled "the Protection of Homes, Small Businesses, and Private Property Act of 2005." I am delighted that other Senators have joined in that in broad and bipartisan support, including the immediate support shortly after it was filed of the Senator from Florida, Mr. Bill Nelson.

Today I am happy to report that a total of 31 of our colleagues have joined me as cosponsors of this important bill. This bill would ensure that the power of eminent domain is exercised only for public uses, consistent with and guaranteed by the fifth amendment of the Constitution. Most important, though, it would make sure the power of eminent domain would not simply be used to further private economic development interests.

The act would apply the standard to two areas of government action which are clearly within Congress's authority to regulate: No. 1, all exercises of the power of eminent domain by the Federal Government itself; and No. 2, all exercises of the power of eminent domain by State and local governments using Federal funds.

While we work to protect private property rights, we are mindful that the language we craft could have far-reaching implications. There is no question that where appropriate, eminent domain can play an important role in ensuring that true public uses are preserved. But now, just 1 year after the Supreme Court shut the door on Suzette Kelo and her fellow homeowners in New London, CT, it is imperative that Congress act soon to ensure that private property remains free from the long arm of government so that no American will have to worry about the Federal Government being involved in taking their private property for private development.

Chairman Specter of the Senate Judiciary Committee, on which I am proud to serve, is working with me on legislation that I hope he will choose to move soon through the committee. I look forward to working with him and my other colleagues to develop a solution that reaffirms our commitment to the protection of private property rights, one that will help stem the tide of egregious abuses of private property rights that we have seen throughout the Nation by the illegitimate use of the power of eminent domain.

I yield the floor.

The PRESIDENT pro tempore. The Democratic leader is recognized.

STEM CELL RESEARCH

Mr. REID. Mr. President, just a few days ago U.S. researchers at the National Institutes of Health announced they were able to help paralyzed rats move again by using embryonic stem cells from mice. This study is evidence that these stem cells will likely treat and cure people with spinal cord injuries or nerve-destroying illnesses such as Lou Gehrig's disease, MS—multiple sclerosis—muscular dystrophy, and other things.

On this breakthrough, Dr. Elias Zerhouni, Director of the National Institutes of Health, issued the follow statement:

> This work is a remarkable advance that will help us understand how stem cells might be used to treat injuries and disease and begin to fulfill their great promise. A successful demonstration of functional restoration is proof of the principle and an important step forward. We must remember, however, that we still have a great distance to go.

The doctor is right. There is no question that much work remains to be done before science will know if they can apply his advances to human beings. We have, as the doctor said, a great distance to go, and if the Senate doesn't expand the President's stem cell research policy, it will only make this great distance even longer.

Under the President's stem cell policy, Federal research funds can be used only on a small number of these stem cell lines that were created before August 9, 2001. This restriction excludes newer and more promising stem cell lines. These limitations only serve to further delay progress for research that could ultimately benefit a broad range of diseases and conditions.

One year and one month ago, the House of Representatives passed H.R. 810, the Stem Cell Research Enhancement Act. This legislation would expand President Bush's 2001 policy for Federal funding for stem cell research and permit Federal researchers at the National Institutes of Health, with the strongest oversight in the world, to finally explore the many possibilities stem cell research holds.

Over the past year, I have repeatedly asked the distinguished majority leader to find time to consider this bill, but my requests have been met by inaction.

As a result, millions of Americans who could benefit from the cures offered by stem cell research have been forced to wait. They have waited through weeks dedicated to issues such as defining marriage. They have waited through weeks dedicated to issues such as the estate tax. They have waited through weeks dedicated to special interests and the majority's well-connected friends. And next week, I am told we are going to spend it on flag burning. They even waited through a Health Week that had nothing to do with getting America health care. How we could have a Health Care Week in the Senate and not consider stem cell research is very difficult for the American people to understand.

A month ago, the 1-year anniversary of the passage of the House bill, Senator FRIST once again said he would find time for the Senate to consider stem cell this summer. Summer is here. We have had time for marriage, we have had time for the estate tax, and we are going to have time next week for flag burning. Shouldn't we have time for stem cell legislation? But here we are on June 23. Another month has passed, and still we don't have a commitment to take up stem cell research legislation. That is not acceptable. The news this week that scientists were able to regrow damaged nerves in rats using embryonic stem cells is more evidence of the great promise of this research.

We need a new direction. We need to bring this legislation to the Senate floor and give hope to victims of Lou Gehrig's, diabetes, Parkinson's, muscular dystrophy, lupus, and other diseases that could possibly be cured by stem cell research.

Every day, I hear from Nevadans who want the Senate to act on the issue of stem cell research so our researchers may fully explore the great promise of stem cells. Here is one example of what I hear. It is from one woman from Henderson, NV. She wrote me a letter expressing the hope that stem cells offers her and her family.

Her letter says, among other things:

> . . . My 22-year-old son was in a diving accident just two weeks after graduating from high school and is now a quadriplegic. So instead of heading off to college on a soccer scholarship that autumn, he found himself being fitted for a wheelchair and a life of total dependency on others . . . while they [stem cells] may not cure him to the point of walking again, they will certainly provide him with an opportunity to improve the quality of his life. He wants to be able to feed himself, brush his own teeth, wash his hands and face when he wants to . . . I know you support stem cell research but I just wanted to give you my support and the support of our entire family as you fight the fight for those who can't fight for themselves. . . .

Think of the hope of this mother when she heard on the news this week that research has shown that animals can regenerate the cells to bring back neurological functions. Think of how she must have felt when that gave her hope.

There are a number of very important issues which this body needs to consider this summer and this session. There is nothing more important to the American people and to this mother than stem cell research.

In the days ahead, everyone should be on notice that we are going to do everything we can to have a debate on stem cell research. If we can't find floor time for this, we will have to force it upon this body. We must do this. There is limited time. We have to go forward. We have waited far too long. The distinguished majority leader is a man of his word. He said he would bring this to the Senate floor. I am confident and extremely hopeful that he will do that. Lacking that, we will have to figure out a way to do it ourselves.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO TERRY MEINERS

Mr. McCONNELL. Mr. President, I rise today to commend Terry Meiners, a fellow Louisvillian and well-known radio personality. Mr. Meiners is not just a local institution on Kentucky's airwaves, but also a loving father.

This fall, for the first time both of Terry's two sons will leave home for college: eldest son Max, 20, will return to Western Kentucky University, and younger son Simon, 17, will enroll at the University of Kentucky. Terry has a great relationship with both of his sons and he has done an excellent job of preparing them for adulthood.

As we have just celebrated Father's Day, I thought it appropriate to share with my colleagues the story of Terry Meiners and his two sons. On June 18 of this year, the Louisville Courier-Journal published an article highlighting Terry's family life, career, and accomplishments, as well as his importance in the Louisville community. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Courier-Journal, June 18, 2006]

WHAT KIND OF DAD IS TERRY MEINERS?

(By Angie Fenton)

It's 8:30 a.m., and Terry Meiners sits solemnly on a high-backed metal chair looking out over the lush greenery surrounding his pool.

He doesn't utter any of the quick-witted comebacks and zany ramblings that are his trademark on his afternoon drive-time show on WHAS radio. Instead, on this morning, he soaks up the silence, broken only by the soft sound of a manmade waterfall that cascades nearby and the sharp chirps from a pair of cardinals flitting among the trees.

Soon, Meiners knows, the silence will reach painful proportions when his eldest son, Max, 20, returns to Western Kentucky University in the fall and his younger son, Simon, 17, starts his freshman year at the University of Kentucky.

"I cried like a baby when Max rolled out of here (as a freshman) at WKU," recalled Meiners, 49. "It was torturous, but I realized what a great passage it is for a kid to roll out of his dad's driveway and into a wide open space."

Once Meiners could no longer see Max's car careening down the road, "I sat in his room and let the tears roll—and let it ride," he said.

After all, that's the way Meiners lives life, as if it were one big ride with unexpected adventures, where heartbreak is a part of the journey you've got to take in stride.

"My dad is like a carpe diem kind of guy," Simon said, as his brother poured milk into a bowl of cereal. "He tries to lead by example."

One of the most beneficial lessons Meiners' young men have learned from him is "preparedness—and don't ever depend on anyone," Max said.

Meiners also has taught his sons to laugh often.

The threesome share an affinity for "The Simpsons." They crack jokes, talk politics and quip easily with one another.

"I've learned from my dad to live life to the fullest," Simon said, before admitting that he's been guilty of trampling that fine line between full and full of it.

In May, Simon surprised his dad on-air by admitting that he would walk at Manual High School's commencement ceremony later that night, but wouldn't receive his diploma because of his participation in a senior prank involving mayonnaise and condoms.

"I had to laugh to myself, but then my daddy genes kicked in right away," Meiners said. "I said, 'Well, you know we're going to have to talk about this later.' "

Simon has since received his diploma after making amends with the school, but he's also had a bit of punishment meted out by his father: He'll be without wheels for his first semester at UK.

"I'm going to introduce him to a part of his body he's never known before: his thumb," Meiners said.

The apple doesn't fall far from the tree, though, which is why Meiners said he's firm but fair when it comes to holding his sons accountable.

Meiners earned a bit of notoriety himself back in 1976 when he broke a water pipe in Boyd Hall at UK after swinging on a ceiling sprinkler.

"It was during finals week at Christmastime, and they couldn't shut the water off. The floor caved in, water flooded the dorm and everybody had to sleep on mats at Alumni Gym across the street," Meiners said. "I was not a hero."

The university booted Meiners out of the dorms "and that effectively ended my college career," he said. "I was already working in radio and went in to work on Monday and said, 'Well, I guess that didn't work out.' "

Meiners has made it a habit of embracing a laissez-faire—"let do, let go, let pass"—attitude. "I never get tired of getting up in the morning and starting over. I tell my boys all the time, 'I can't wait to see what happens next.'"

But Dad can get real serious too.

"You try coming home at 4 in the morning," Simon said.

"And he's really serious about preparing for very odd situations," Max added, which prompted a barrage of jokes about how Meiners hides flashlights and other "just in case" necessities in obscure places throughout the Anchorage home.

Still, said Max, "I admire his total passion for everything he does in life. Whatever he does, he does wholeheartedly."

That includes grieving for his mother, Norma Jean Meiners, who died on Dec. 12.

Just days after her death, Meiners was back on-air candidly sharing his loss. Fans flooded his personal Web site with well-wishes.

But his sons were concerned.

"He lost weight from stress—we were worried about him," Max said. "I know he has 13 brothers and sisters, but sometimes it's like he doesn't have anyone to talk to."

Yet, Meiners did what he somehow always seems to do: Let it ride and roll with it.

"The only thing you can do is will yourself into a positive feeling. I try to teach my kids . . . to bring a positive attitude to everything they do," Meiners said.

"I am abundantly grateful for everything we have," he said.

Meiners is also thankful for what blossomed in his life after his mother's death.

"It's given me an avenue to speak to my father (Mel) like I've never before," Meiners said. "My family and I, we've surrounded my father."

Even as they prepare to leave, Meiners' sons have surrounded their father too.

"I love my dad, and I'm thankful for everything he's done for me," Max said. "We've been through so much in the past six months, this Father's Day will be special."

Meiners agreed.

"My perfect Father's Day is not possible. I'd like to go back in time and remedy my missteps. But we're here now, and I stand before (my sons) flawed but willing to learn," Meiners said.

"The bottom line is that more than anything, I want to make sure my sons are men of integrity. That's all that matters. And I'm happy to report they are."

Mr. REID. Mr. President, if you search the State of Nevada, you will find many elder statesmen. But you won't find any finer than Judge Lloyd D. George.

Judge George is my friend, and Nevadan through and through.

Judge George moved to Las Vegas in 1933, when he was just 3 years old. His family's business was moving sand and gravel. He recalls his house as being built on two railroad lots and remembers Las Vegas at the time as a "slow city."

Las Vegas has grown a lot since 1933, and so has Lloyd George.

A graduate of Brigham Young University and University of California Berkeley Law School, he has been an institution in our State's legal community, as both a lawyer and a judge.

In 1984, President Ronald Reagan nominated Judge George to the U.S. district court, and he quickly won Senate confirmation. In 1992, he became chief judge of the Nevada District, a position he held until 1997.

Today, Judge George is a retired senior U.S. district judge, but he still comes in to work every day. His continued service is a testament to Judge George's commitment to the law and the people of Nevada. All of us here recognized that commitment when we named the Las Vegas' Federal courthouse the "Lloyd D. George Federal Building and U.S. Courthouse" in the year 2000.

Mr. President, I began by calling Judge George a statesmen, which is exactly what he is.

When statesmen speak, the community has an obligation to listen. Which is why I rise to submit Judge George's moving 2006 Memorial Day remarks into the CONGRESSIONAL RECORD. His words paint a vivid picture of the sacrifice America's heroes made at Iwo Jima, and they remind us of our obligation to carry their memories with us today.

I ask unanimous consent that Lloyd George's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORIAL DAY ADDRESS—IWO JIMA

(By Lloyd D. George, May 26, 2006)

Before World War II, the Island of Iwo Jima was considered tiny and insignificant. After the February 19, 1945, invasion of the island, where one hundred thousand men fought for over a month for control of an area only about a third the size of Manhattan, Iwo Jima became gargantuan in the history of warfare and heroism.

Both sides understood the strategic importance of the small island. It had two airfields, and had been used by Japanese fighters to attack American bombers on their way to targets. Americans also wanted control of the island as a base for their own aircraft.

The name Iwo Jima means Sulfur Island in Japanese. The five mile long, two mile wide island had soil of volcanic ash, soft enough to create extensive tunnels and underground fortifications for its 22,000 Japanese defenders, but too soft on the surface for the invasion forces to dig even an adequate foxhole for protection. And the 546 high Mount Suribachi at the southern end of the island provided the defenders a vantage-point from which they could lay down a withering fire onto the beach.

One of the Iwo Jima veterans we pay tribute to, Chester Foulke, recounts running back after carrying ammunition to Marine machine gunners, and falling as if he had been hit in order to stop the hail of bullets which were spraying all around him.

Another honoree, Larry Odell, credits flamethrowers, carried by Marines or in small tanks, for ultimately defeating the entrenched Japanese. The Japanese had years to construct a sixteen mile complex of reinforced tunnels connecting fifteen hundred man-made caverns. Attacks came upon the Marines from virtually anywhere, day or night, through warrens, spider holes, caves and crevices.

The ferocious nature of the battle was unrivaled. Sulfur, the namesake of the island, turns red when it melts under heat. So, too, the soil and rocks of the island were often turned red from blood as the battle raged on. Of the 70,000 Americans engaged in a battle, there were 26,000 casualties, almost 7,000 of whom were killed. Out of the 22,000 Japanese soldiers on the island, only 212 were taken prisoner. When told of the casualties during the battle, President Roosevelt visibly wrote: "It was the first time [throughout the entire war] that anyone had seen the President gasp in horror." Indeed, the Battle of Iwo Jima, which displayed the fanatic fervor of the Japanese, and the heavy casualties suffered by forces combating them, influenced the American decision to use atomic bombs to end the war.

Amid the overwhelming death and destruction at Iwo Jima, uncommon valor was common. The image of six Marines raising the American flag after taking Mount Suribachi on the fifth day of fighting stands as a symbol not only of the island and the battle, but of the entire war. Another local honoree, Parke Potter, was in one of three companies to take the mountain. He also helped improvise a makeshift flagpole by wiring together scraps of iron pipe.

Every single American who fought at Iwo Jima was valiant in preserving freedom and democracy. More medals for valor were awarded for action on Iwo Jima than in any battle in the history of the United States. The Marines were awarded eighty-four Medals of Honor in World War II. In just the month of fighting on Iwo Jima, they were awarded twenty-seven Medals of Honor. We will never forget those who descended into the depth of hell that month 61 years ago, so that we and future generations, might exist above it. And we honor those who sacrificed their futures that we might have ours.

TRIBUTE TO JUDGE R.W. DYCHE III

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a great leader in public service, Judge R.W. Dyche III of London, KY. Judge Dyche is retiring from the Kentucky Court of Appeals, Third Appellate District, First Division, after 20 years of honorable service. He began his legal career as a clerk for the law firm of Allen & Bledsoe, and after the firm dissolved, he opened his own office. He accepted an appointment as a judge of the 27th Judicial District in 1978 and 8 years later was appointed to the Kentucky Court of Appeals.

Judge Dyche plans to take some time off to begin his retirement. From there he said he has a couple of possibilities lined up. I am sure his wife Jane and his sons Robert and John are looking forward to seeing more of him.

On June 12 of this year, The Sentinel Echo published an article highlighting Judge Dyche's accomplishments while in office as well as the excellence with which he carried out his job. I ask unanimous consent that the full article be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo]

Judge Dyche Retiring After 20 Years

(By Carl Keith Greene)

Twenty years after his appointment and subsequent election to the Kentucky Court of Appeals Judge R.W. Dyche III will retire on June 20.

Dyche, 55, who began his career as a law clerk for Baxter Bledsoe and Larry Allen, served also as Laurel District Judge for eight years.

"I look forward to a new chapter, learning new things, learning different things, I've become even more convinced lately that when you quit learning you begin dying. I'm learning a few new things," he said in an interview Thursday.

Dyche entered the legal profession because, "It's all that ever interested me. I had a phase of electronics and electrical engineering. But starting about my freshman year in high school it's all that ever interested me."

He said the best thing about being a judge for him is "getting to see the good side of humanity. Unfortunately, along with that you also see the bad side."

He said the good side is made up of generosity, love, attorneys who go out of their way to represent their client well—sometimes at no cost—people who just want to do the right thing.

On the bad side, he has seen families who fight, or people who abuse or neglect children. He said these are the two worst scenarios.

Though it is hard to pinpoint a typical case Dyche has heard, he said in the criminal side, anymore, is a drug case, and generally, the most common grounds for claimed error is illegal search and seizure.

"Very often the drugs are found on the person or in close proximity and the only out they have is to say the search is illegal."

In civil court, "unfortunately domestic things are growing and growing and growing. It's such a good thing that we're going to get a family court here soon," he said.

Dyche estimated there are approximately 75 percent of affirmations of lower court cases and 25 percent reversals.

He said the case that stands out in his memory is from about 1988 or 1989 "where a child was taken from the mother at the hospital before she ever got the chance to show whether she could be a good mother, based on past history and predictability. I wrote an opinion reversing that saying, it could be under very close supervision but she should be given the chance."

He said he prides himself, and his staff, on being able to write opinions that litigants can understand, not written in what is called "legalese" but written in plain English and short concise form so they can understand why they won or lost.

Dyche is a 1968 graduate of London High School. He earned his bachelor's degree from Danville's Centre College and his law degree at the University of Kentucky College of Law in 1975.

He and his wife of 27 years, Jane, also a lawyer, have two sons, Robert, 24, who is in law school and John, 13, an eight-grader at North Laurel Middle School.

In his years in the Laurel judicial system he has seen the court system grow from one circuit judge, Bob Helton; one district judge, Lewis Hopper; one trial commissioner, Dyche; and one pre-trial services officer, Fred Yaden.

Now there are two circuit judges, two district judges, at least two trial commissioners, and three or four pre-trial officers, he said. The case load has, with the county, grown so much.

"I can remember in the late 70s when Les Yaden was sheriff there was Les, Oscar Brown, Earl Bailey as deputies and Evelene Greene and Les' daughter Janie making up the entire Sheriff's office staff."

Now there are many, many who are needed.

Looking ahead, Dyche said he is going to take some time off to start out with, and is exploring, a couple of possibilities.

"I'm certainly not going to be idle," he said.

He said he has learned a few things about doing his job since he began the journey.

"I came into this at age 27 single, and early on I was having and I was lecturing a father, 'Oh you need to do this, you need to do that. Here's what you do with your son.' I was giving him down the road. The guy looked at me and said, "Buddy, you got any children?" I said 'no.' He said 'huh.'"

He concluded, "I'm much more understanding when things don't go exactly as you planned in raising children."

"I appreciated how good everybody's been to me, the cooperation of the people, my staff, Sandy Slusher and Julie Ledford, and particularly my friend Fred Yaden. I'll be around. I won't go far."

A Tribute to Dyche

(By Sandy Slusher, Appeals Court Judicial Secretary)

Working at the Court of Appeals has been the highlight of a career and life that I thought would never happen. I took a job years ago with the law firm of Allen & Bledsoe. Robbie Dyche was in law school and clerked at the firm. I found him a most interesting person when he was in the office.

When the firm dissolved, Robbie decided to open his own office. He asked if I would like to work for him, and I eagerly accepted. That was 30 years ago. His practice grew but he realized public service was truly his calling. In 1978 he accepted an appointment as district judge under the new judicial reform system, Eldon Keller, (the Circuit court Clerk at the time), hired me as a deputy clerk. I still was able to work with Judge Dyche, as well as Judge Lewis Hopper.

In 1986, Judge Dyche was appointed to the Kentucky Court of Appeals and asked if I would like to work as his secretary. The judge, Julie Ledford, our staff attorney, and I went to Frankfort together to be sworn in.

In Judge Dyche's office, we have formed a small family unit supporting each other through divorce, marriage, births, deaths graduations, illnesses both in the office and in extended family members. We have celebrated with each other at the happy times, and embraced and consoled each other through the heartbreaking moments. It had been so good.

Throughout Judge Dyche's tenure our office policy has been to write opinions that are concise, strictly based on law, easily understood by the average citizen as well as the judiciary, and rendered as soon as possible. Matters involving child custody always took precedent over other matters and Judge Dyche consistently would volunteer to take additional cases involving child custody in order to fast track these matters through the Court.

I have formed friendships that will endure for the remainder of my time on earth. If the opportunity presented itself, I would do it all over without a moment of hesitation!

COMMENDATION OF TIMOTHY E. LESHAN

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend the exemplary work of Tim Leshan, who is leaving the National Human Genome Research Institute at the National Institutes of Health to become the director of government relations and community affairs at Brown University.

For the past 5 years, Mr. Leshan has served the National Human Genome Research Institute with great distinction. As branch chief of policy and program analysis at the Institute, he provided focus and leadership in numerous areas of public policy on genetics.

He served as the congressional liaison during the completion of the Human Genome Project and the International HapMap project, and was the Institute's planning and evaluation officer.

As liaison to the Secretary of Health and Human Services and the White House, he has facilitated contacts between the director of the Institute and numerous Federal, State, and international policy makers.

Mr. Leshan has guided policy development for the Institute on issues relating to genomic medicine, intellectual property, and regulation of genetic tests. He has also facilitated the resolution of complex policy issues for all of NIH with respect to the National Library of Medicine's PubChem database, and provided technical assistance to the House and Senate appropriations committees and authorizing committees. He also had a particularly important leadership role in the development of legislation against genetic discrimination and on privacy protections for genetic information.

He has provided impressive technical advice to many of us in the Senate in drafting legislation on genetic nondiscrimination and health disparities. One of Tim's major regrets as he leaves the Institute is not having seen the passage and signing of genetic nondiscrimination legislation. Hopefully, action on that legislation will be completed before the end of the current session of Congress, and I am sure Tim will be there at the signing as a principal adviser for all of us on the bill.

Before joining the Institute, Mr. Leshan was the director of public policy for the American Society for Cell Biology, where he cofounded the Coalition for the Advancement of Medical Research, and staffed the Joint Steering Committee for Public Policy. Earlier, Mr. Leshan had worked in government relations at the Kennedy School of Government at Harvard University, and also at Duke University.

Through his contributions to public policy, health, and privacy, Mr. Leshan's work has exemplified the best of government service, and the impact that such dedicated service can have for the Nation as a whole.

I extend my warmest wishes to Mr. Leshan in his new responsibilities at Brown University, and on behalf of the Congress and the country gratitude for his outstanding service to NIH, Congress, and the country.

NOT ALL GUNS ARE CREATED EQUAL

Mr. LEVIN. Mr. President, in the late 1980s and early 1990s, crime statistics indicated a growing threat posed by a military-style semiautomatic assault weapons in the hands of criminals. A 1994 report by the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, determined that while assault weapons made up only 1 percent of the guns in circulation in the United States at that time, they accounted for up to 8 percent of the guns used in crimes, "thus making them preferred by criminals over law-abiding citizens 8 to 1." The ATF relied on data such as this to support the establishment of a federal ban on assault weapons. Such a ban was enacted by Congress as part of the 1994 Violent Crime Control and Law Enforcement Act and was signed into law by President Clinton.

Following the enactment of the assault weapon ban, the National Institute of Justice, an agency within the Department of Justice, conducted a study that was mandated by Congress on the short-term impact of the statute. The study found that crimes involving assault weapons dropped 20 percent in the year following enactment of the law. Additional research by the Centers for Disease Control and Prevention found deaths caused by guns dropped from 38,505 in 1994 to 29,573 in 2001.

Ten years after the assault weapons ban was passed, Los Angeles Chief of Police Bill Bratton said:

> Since the assault weapons ban was passed in 1994, we have seen a 66 percent decline in the frequency of assault weapons use in crime. Violent criminals love these weapons because they give them far more firepower than conventional weapons that greatly increases their capacity to kill. We cannot allow these weapons to get back into their hands.

On May 8 of this year, two Fairfax County police officers were shot to death by an 18-year-old armed with multiple guns, including an AK-47-style assault rifle. Unfortunately, assault rifles like the one reported in this attack, as well as many other similar assault weapons, are once again being legally produced and sold as a result of the expiration of the assault weapons ban.

In 1994, I voted to establish of the assault weapons ban and 10 years later I joined a bipartisan majority of the Senate in voting to extend the ban for another 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and the bipartisan support in the Senate, neither the President nor the majority's congressional leadership acted to protect Americans from assault weapons like the one used in the attack on the Fairfax County police station. As a result, 19 types of previously banned military-style assault weapons are once again on the streets and in the neighborhoods of our cities and towns.

Congress must take up and pass common sense gun safety legislation to help prevent such tragedies from occurring in the future.

PASSAGE OF THE FISCAL YEAR 2007 DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. FEINGOLD. Mr. President, first and foremost, I want to thank the members of the U.S. Armed Forces for their service to our country. These servicemen and women are performing admirably under difficult circumstances all over the world. Our soldiers, sailors, airmen, and marines, along with their families, are making great sacrifices in service to our country. I am pleased to support a Defense Department authorization bill that will help these people who are serving the country with such courage.

I supported a number of good provisions in the Senate bill, such as the rejection of the President's proposal to increase TRICARE enrollment fees and co-payments, increased funding for training programs for our nation's authorized Weapons of Mass Destruction Civil-Support Teams, and increased funding for nonproliferation programs. Another aspect of the bill that I strongly support is the increased funding for force protection equipment. I have heard from a number of Wisconsinites over the years that they or their deployed loved ones were fighting for their country in Iraq without the equipment they needed. This situation is unconscionable, and my colleagues and I have worked hard to address it. The additional $950.5 million for force protection equipment, including $559.8 million for additional up-armored humvees and $100 million for counter-IED vehicles, in this bill above what was requested in the President's proposed budget further ensures that our troops have the equipment they need to perform their duties on the ground.

I am pleased that the Senate approved the Military Family Support Act amendment that I offered with Senator JEFFORDS. This amendment is designed to assist military families struggling with the long-term absence of a family member. Under this legislation, the Office of Personnel Management is directed to administer a pilot program authorizing Federal employees, who have been designated "caregivers" by a member of the Armed Forces, to use their earned leave time in a more flexible manner while a family member is deployed overseas. This amendment also encourages the Department of Labor to solicit private businesses to voluntarily offer more accommodating leave time to caregivers affected by these deployments.

This bill also authorizes funding for a provision I authored in last years' Department of Defense authorization bill establishing the Civilian Linguist Reserve Corps, CLRC, pilot project. It became very clear after the attacks of September 11, 2001 that the U.S. Government has a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency which, unfortunately, we still have not made enough progress in addressing over 4 years after the 9/11 tragedy. I am pleased that this bill included the CLRC pilot project.

I am also pleased that I was able to pass a Buy American Act reporting requirement for the Department of Defense. This reporting requirement is similar to the reporting requirement that I have worked to enact for the past 3 years through the appropriations process and requires the Department of Defense to report annually the dollar value of any items purchased that were manufactured outside of the United States; an itemized list of all applicable waivers granted with respect to such items under the Buy American Act; and a summary of the total procurement funds spent by the federal agency on goods manufactured in the United States versus on goods manufactured overseas. Additionally, the amendment requires the Department of Defense to make this report publicly available to the maximum extent possible. I will continue to work to ensure a similar permanent reporting requirement is extended to all Federal agencies.

I also authored successful amendments to the bill that require the administration to develop a comprehensive strategy for establishing stability and fighting terrorism in Somalia and to study of the feasibility of establishing an United States regional combatant command for Africa. In addition, the bill includes an important amendment I offered to strengthen the Special Inspector General for Iraq.

Unfortunately, I was not able to get other amendments of mine adopted. I filed a straightforward amendment that would have made life a little easier for our servicemembers and their families when they are called up to duty or transferred. When this happens now, servicemembers often face cellular phone early termination fees or the prospect of paying the monthly bill for a cell phone they cannot use until the end of their contract—up to 2 years. My amendment would have treated these cellular phone contracts the same way that we already treat residential and automobile leases—give the servicemember the right to terminate the contract without being charged an additional fee. Despite the support of the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Military Officers Association of America, I was not able to get this amendment adopted. While I was disappointed in this result, I will continue to fight to make sure that servicemembers are not financially punished for volunteering to protect this country.

I was also disappointed that another amendment of mine was not accepted that would have extended the Department of Defense's ability to purchase fruits and vegetables from local farms. My amendment would have helped both servicemembers and schools served by the Department of Defense programs and local farms and communities benefit from the programs.

I also introduced amendments to the authorization bill that mirrored a bill I introduced last year: the Veterans Enhanced Transition Services Act, VETS Act. This bill includes provisions that would help ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active duty assignments and return to their civilian lives and jobs or education while remaining in the military.

The VETS Act is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families, and I was pleased to honor this support by introducing the amendments to the Defense authorization bill. We should ensure that our troops receive the benefits to which their service in our Armed Forces has entitled them, and while these amendments were unfortunately not included in the final version of the bill, I will continue to work to see that these provisions become law.

I will also continue to fight for the redeployment of our forces in Iraq so that our country can refocus on fighting the terrorist networks that attacked us on 9/11. I offered an amendment with Senator KERRY that would have required U.S. forces in Iraq to redeploy by July 1, 2007. While the amendment failed, I was pleased to be joined by 12 of my colleagues in addressing the fact that the President's policies in Iraq are damaging our country's national security. I am glad that more and more of my colleagues are recognizing what the American people already know—that we need a plan to redeploy our troops from Iraq.

Mr. President, I must note with disappointment that this bill continues the wasteful trend of spending billions of dollars on Cold War era weapons systems while at the same time not fully funding the needs of the military personnel fighting our current wars. I also think the Senate missed some opportunities when it rejected amendments that could have made the bill better. However, on balance, this legislation contains many good provisions for our men and women in uniform and their families and that is why I supported it.

DEFENSE AUTHORIZATION BILL

Mr. SALAZAR. Mr. President, yesterday the Senate approved the National Defense Authorization Act for fiscal year 2007. I was pleased to vote in favor of this bill. I wish to express my deepest gratitude and respect to Chairman WARNER and Ranking Member LEVIN for their tireless dedication to making sure this legislation was passed in a spirit of bipartisanship. I am honored to be part of their efforts to build a stronger, safer America.

This legislation is good for our troops, good for Colorado, and good for America.

Our troops—the men and women who selflessly defend the democratic way of life both here and abroad—deserve nothing less than our steadfast support. I was pleased that we were able to show that support in a significant way with the passage of this Defense Authorization Act.

First of all, starting at the beginning of next year, all military personnel will receive a 2.2-percent pay raise. This extra money in the pockets of our servicemembers will go a long way as they continue to simultaneously serve our country and work to provide for their own families.

Second, the Senate has sternly rejected the Pentagon's ill-conceived increase in the medical fees for retirees. This is important to our long-term commitment to provide for those who have served our country with dedication and determination.

As part of this Nation's commitment to taking care of the families of our servicemembers, this legislation also authorizes a pilot program to promote early childhood education for military children affected by the relocation of military units or overseas deployments.

For our wounded soldiers, we are enacting strong requirements to make sure they receive an audit of their pay, and setting up a toll-free call assistance center for military personnel and next of kin who are experiencing pay problems. We need to take care of our wounded veterans, and this is one small step that will go a long way in meeting that goal. Along those same lines, we are also authorizing $10 million for pilot projects to address the growing problem of post-traumatic stress disorder.

This legislation will also strengthen our troop levels for ground forces, adding 30,000 more troops to the Army's end-strength, 5,000 more troops to the Active-Duty Marines, and 17,000 more troops to the Army National Guard. I strongly support these provisions.

Additionally, the Defense Authorization Act supports several programs that our troops rely on to successfully complete their missions. There is money for new helicopters to replace those lost in Operation Iraqi Freedom: $71.0 million to purchase UH-60 Blackhawk helicopters, and $333.1 million to purchase CH-47 Chinook helicopters.

There is over $950 million for protective equipment for our fighting men and women, including over $550 million for up-armored HMMWVs.

This legislation also provides over $2 billion in funding for new technologies to help keep our troops protected from improvised explosive devices, IEDs. Every American knows that IEDs pose one of the most terrible threats to the safety of our servicemembers currently in Iraq. It is our responsibility to protect our fighting men and women from that evolving threat to the best of our ability.

All told, the Defense Authorization Act of fiscal year 2007 is very strong on providing for our troops, and I wholeheartedly support that effort.

In addition, Mr. President, I am proud of the significant, Colorado-specific funding in this bill that will solidify Colorado as America's crown jewel for national defense and homeland security.

Specifically, the bill designates $130.7 million for military construction projects in Colorado. This includes $26 million for Fort Carson to build a combat services support complex for special operating forces and another $24 million for the next phase of construction of the airfield arrival/depart complex.

At Buckley Air Force Base, $10.7 million is authorized for construction of the consolidated fuels facility, and another $7 million is authorized for a new Air National Guard Squadron operations facility.

At Schriever Air Force Base, $21 million is set aside for construction of the Space test and evaluation facility.

And finally, there is $42 million authorized for chemical weapons demilitarization construction for Pueblo Chemical Depot.

Funds for the Base Realignment and Closure, BRAC, authorized in this legislation will bring another $202 million to Fort Carson. There is $118 million for the construction of a brigade combat team complex and $84 million for the construction of a division headquarters for the 4th Infantry Division relocating from Fort Hood, TX.

I am also pleased to note that this legislation authorizes $10 million to purchase interoperable communications equipment for NORTHCOM. Earlier in the year I added an amendment to the budget resolution to provide that $10 million for NORTHCOM. Interoperable communications are absolutely necessary for NORTHCOM to be able to respond as quickly and effectively as possible to a homeland security emergency.

I am also extremely pleased that several amendments I offered were passed by the Senate.

My Chemical Weapons Convention amendment sends an extremely strong message to the Department of Defense that the Senate will no longer stand for schedule or funding delays regarding the destruction of chemical weapons. Pueblo Chemical Depot needs to be rid of its chemical weapons stockpiles. The Department of Defense needs to commit the resources to ensure it happens as quickly as possible. With my amendment, the entire Senate spoke with one voice in agreement.

Another amendment I offered and had included in the Senate bill will change the name of the death gratuity to fallen hero compensation. I have stated this before, but I believe the term "death gratuity" to be a poor description of the compensation this Nation provides to the families of fallen servicemembers. To my way of thinking, anyone who has worn the uniform of the Armed Forces is an American hero, and this small name change will be extremely meaningful to the bereaved families of those servicemembers who die while on active duty.

I am also pleased that Chairman Warner and Senator Levin have worked with me to accept an amendment that requires the Secretary of the Army to complete a study on the High Altitude Aviation Training Site, HAATS, in Eagle County, CO. HAATS is operated by the Colorado National Guard, and I could not be prouder of the school and its mission. Helicopter pilots trained at HAATS are safer in mountainous and environmentally challenging terrain. This study I have proposed will strengthen the school and will help raise its level of visibility in the Army.

I also cosponsored a number of important amendments that have been included in the Senate's bill. One amendment will ensure the Pentagon provides the citizens of southeastern Colorado with the information they have been asking for regarding the Pinon Canyon Maneuvering Site. Another helps provide contractors at Pueblo Chemical Depot with incentives to finish by the deadline. On a national level, I was proud to cosponsor a fiscally responsible amendment authored by Senator McCain that requires future money for ongoing military operations to be properly budgeted and paid for, instead of continuing to use emergency funding in a way that avoids oversight. And I was pleased to cosponsor a successful amendment to strengthen the mandate of the Special Inspector General for Iraq Reconstruction.

During consideration of this bill, the Senate engaged in many hours of debate regarding the course of U.S. policy in Iraq. I was proud to be a cosponsor of the Levin-Reed amendment that built upon last year's Senate consensus that 2006 should be a year of transition in Iraq. While this amendment was not successful, I believe that the debate was important, and that Congress must continue to search for constructive and responsible ways to help ensure success in Iraq by insisting on more direction and clarity in U.S. policy. Our brave men and women in uniform are doing such a remarkable job in Iraq. We need to work hard here in Washington to ensure that our policy is worthy of their efforts.

Our troops need every opportunity for success. This funding bill, and the amendments and projects it contains, send a powerful message to our troops and the enemies they bravely face: this country supports our men and women in uniform. Our brave service men and women are the best in the world, and this bill will ensure they have the training, supplies, and materials they need to continue to produce such positive results.

THIRTY-FOURTH ANNIVERSARY OF TITLE IX

Mrs. MURRAY. Mr. President, today marks the 34th anniversary of title IX. Since 1972, title IX has opened doors to athletics, education and success for millions of young women across our Nation. For 34 years, the program has increased participation under Republican and Democratic administrations, because title IX is not about politics it is about helping young women realize their dreams.

The statistics are amazing—millions of young women breaking down barriers. But behind these numbers, the lives of these women have been improved because of the changes brought about through title IX.

I have seen how title IX has changed the experience of women in my own family. When I went to school 30 years ago, the atmosphere was much different. Back then at Washington State University, I could only participate in a few sports, and women receiving athletic scholarships was unheard of.

The difference between my daughter's generation and my own could not be more stark. Women of my generation never had the chance to go to college on a sports scholarship, even though many deserved them. Some of my daughter's friends have done just that.

I am so proud of my home State of Washington, which is the first State in the Nation to boast two women Senators and a woman Governor. It is also home to WNBA champions the Seattle Storm.

There is no doubt that title IX has opened doors for women over the past 34 years. The challenge for all of us today is to make sure that those doors of opportunity stay open for our granddaughters and great-granddaughters.

As we celebrate the anniversary of this important law, I urge President Bush and Secretary of Education Spellings to protect existing title IX policies and give every young girl in American the chance to experience the roar of a crowd—and not just cheer from the sidelines.

HONORING OUR ARMED FORCES

U.S. ARMY LT SHAW VAUGHN

Mr. SALAZAR. Mr. President, I wish to take a moment of the Senate's time to remember a Coloradan who was lost to us last week in defense of this Nation.

Shaw Vaughan was a loving and supportive son and older brother, an avid hunter and fly fisherman. One of his most prized possessions was his 1969 Jeepster Commando, an off-roading vehicle he had personally rebuilt, affectionately named Hercules. Hercules sits quiet today, its red finish gleaming undimmed in the mountain sun.

U.S. Army LT John Shaw Vaughan, of Edwards, in Eagle County in my State of Colorado, was killed on June 7 in Mosul, Iraq. Lieutenant Vaughan was a young man with his entire life before him: He was a mere 23 years old, and had been in Iraq only a month.

As a middle school student, Shaw Vaughan caught the eye of our military leaders for his regional science fair project: comparing the accuracy of store-bought ammunition with that assembled by him. He graduated Battle Mountain High School in 2001 and attended the prestigious Embry-Riddle Aeronautical University in Daytona Beach, FL. Upon graduation, Lieutenant Vaughan was 1 of only 70 cadets, out of 5,000, to receive a much-sought-after assignment in military intelligence in the infantry. It was a high honor, reflecting his intellect, work ethic, and commitment to our Nation.

Lieutenant Vaughan was stationed in Alaska, a part of our country he had visited with his family years earlier. I guess you could say that Alaska had "hooked" the fisherman in Lieutenant Vaughan, and he was looking forward to his service there after he completed his time in Iraq.

Lieutenant Vaughan was eager to get to Iraq, to serve with his unit. In his e-mails and phone calls back home, Lieutenant Vaughan spoke of how strongly he felt about America's mission in Iraq. He told stories of Iraqi families leading him into their homes, telling him horror stories of their families' sufferings under the brutal regime of Saddam Hussein.

As one newspaper in my home State observed, it seems that every story about Shaw Vaughan was different, and yet, the same: "one of a great guy and a courageous man lost too soon."

In Act III of William Shakespeare's classic Henry V, King Henry says with pride, "As I am a soldier, A name that in my thoughts becomes me best."

I will think of this today as I bow my head in prayer for the loss of Lieutenant Vaughan, a life of such great promise that was snuffed out too soon. LT Shaw Vaughn took pride in his life as a soldier, and it is truly a name that, in all of our thoughts, becomes him best.

ADDITIONAL STATEMENTS

THE 125TH ANNIVERSARY OF MILLER, SD

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of Miller, SD. Miller is the county seat of Hand County, and a center of commerce and civic-mindedness. I am proud to recognize Miller on this historic occasion.

The site for the town was selected by Henry Miller in 1881 as he came north from Benton County, IA. An immigrant train was secured from Chicago that brought 22 men to the site. The men drew lots for claims and formed the town plat on a 40-acre area. Shortly a grocery store, hardware store, hotel, and lumber yard were established. A metropolitan hall was also built in order to hold public meetings, dances, and other social events.

Miller is still a thriving community, with two high schools, a public library, Hand County Memorial Hospital, the Miller Press weekly newspaper, many civic organizations, numerous churches, and a variety of stores.

The people of Miller will be celebrating the quasquicentennial June 30 through July 4. Some of the scheduled events include a stage performance of "$400, 40 Acres and Fortitude: The Making of Miller," school reunions, softball, a parade, fireworks, and community potluck. These activities will serve to bring this close-knit community even closer together.

I am proud to publicly honor the progressive and innovative community of Miller on this important milestone. Even 125 years after its founding, Miller continues to be a vibrant addition to our wonderful State, and I once again congratulate them on this achievement.•

THE 125TH ANNIVERSARY OF THE FOUNDING OF BALTIC, SD

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the city of Baltic, SD.

Baltic was founded in 1881 by Richard Franklin and Justin Pettigrew. Baltic, originally named St. Olaf, came into being when the Milwaukee Railroad laid down track between Dell Rapids and Sioux Falls. A weigh station was established on the current site of Baltic. This development was quickly followed by the construction of the power dam and the St. Olaf Roller Mill, the latter being the work of the town's founders, Franklin and Pettigrew. The flour mill was located on the Big Sioux River and used water as its main source of power, producing 120 barrels of flour each day. In 1884, a bridge was built between Sverdrup and Dell Rapids townships over the Big Sioux River. In 1890, the first school house was built and the first church, Baltic Lutheran, was constructed in 1903. In 1907 three lamp posts were purchased in order to light the city streets. Baltic had several population booms, one in early 1900 and another in the 1970s.

Baltic's placement on the Big Sioux River has brought people to the community and increased the town's commercial importance. Today, Baltic is a progressive community of about 900 citizens. They have many thriving businesses including a post office, co-op, seed company, bank, and the Baltic Beacon newspaper. Baltic is also home to the Baltic High School Bulldogs.

Baltic will be celebrating its 125th anniversary on July 1 through July 4 with a number of events, including a community block party.

Even 125 years after its founding, Baltic still exemplifies what it means to be a great South Dakota community. I am proud to publicly honor Baltic on this memorable occasion, and congratulate the people of Baltic on their achievements.•

MESSAGE FROM THE HOUSE

At 11:16 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4890. An act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

H.R. 5638. An act to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 409) commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5638. An act to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 3525, a bill to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes (Rept. No. 109-269).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. DEWINE, and Ms. COLLINS):

S. 3561. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself and Mr. SALAZAR):

S. 3562. A bill to allocate a portion of the revenue derived from lease sales in the 181 Area to the land and water conservation fund for use by State and local governments for conservation purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 3563. A bill to authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself, Mr. TALENT, and Mr. ISAKSON):

S. 3564. A bill to provide for comprehensive border security and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. REID):

S. Res. 520. A resolution to authorize the production of records, testimony, and legal representation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S.

707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1353

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 3548

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3548, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. CON. RES. 89

At the request of Mr. GREGG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 89, a concurrent resolution honoring the 100th anniversary of the historic congressional charter of the National Society of the Sons of the American Revolution.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. DEWINE, and Ms. COLLINS):

S. 3561. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, today I am joined by Senators GRASSLEY, DURBIN, DEWINE and COLLINS in introducing legislation called the Restitution for Victims of Crime Act of 2006. This legislation will give Justice Department officials the tools they say are needed to help them do a better job of collecting court-ordered restitution and other federal criminal debt.

Over the past several years, the Government Accountability Office conducted at my request and the request of others a study of the amount of federal criminal debt owed victims and the reasons why much of it is still uncollected. The GAO's findings revealed what many victims already know, that the current system for collecting restitution and other federal criminal debt is failing those it is intended to help.

Let me describe what criminal debt is. You go to court. Someone is convicted of a crime, and a fine is levied. The question is, Is that fine being paid? Or you go to court and the judge assigns guilt to a defendant and says: You must make restitution. So that becomes a debt.

The problem is that the amount of uncollected restitution and other federal criminal debt has spiraled upward while the percentage of that debt ultimately recovered for crime victims has plummeted. The amount of uncollected federal criminal debt skyrocketed from $6 billion in 1996 to over $41 billion by the end of fiscal year 2005. That's a nearly sevenfold increase in uncollected criminal debt owed to the victims of federal crimes. Some $15 million in criminal debt ordered by federal courts in North Dakota remained uncollected at the end of 2005, according to information from the Justice Department.

The percentage of debt that is collected or recovered for crime victims in the form of restitution has fallen to embarrassingly low levels. According to the GAO, Federal criminal justice officials collected an average of just 4 cents on every dollar that has been ordered in restitution and other criminal debt. This is restitution ordered by the courts to be paid to crime victims from those who perpetrated the crime.

The victims of crime deserve better. At the very least, crime victims should not be concerned that their prospects for financial restitution are being diminished because criminal offenders are frittering away their ill-gotten gains on lavish lifestyles and the like.

There is plenty of blame to go around for our failure to aggressively tackle this criminal debt problem. Some of the Nation's top law enforcement officials did not pursue a number of major recommendations made by the GAO in 2001 and again in 2004 and 2005 to boost our embarrassingly low criminal debt collection rate. These officials only started to take this matter seriously after I added language to an omnibus spending bill that required the Attorney General to establish a joint federal task force to develop a strategic plan for improving federal criminal debt collection. Second, Congress has not yet held extensive hearings about the federal government's recent track record on criminal debt collection and the related GAO reports.

I understand that criminal debt collection can be a tough job. It may be impossible to collect the full amount of restitution owed to victims in some cases. Clearly criminal debt collections may be more difficult in cases where convicted criminals are in prison, ill-gotten gains are already gone or these criminals are without any other financial means to pay their full restitution. However, GAO's work also made clear that more financial assets could be recovered.

Let me tell you why I and my colleagues have introduced this legislation. I had the GAO review a number of white-collar financial fraud cases and report what is happening with respect to these cases.

I will cite some examples.

One offender, someone who was judged to be guilty criminally in the Federal court system, and his immediate family owned and resided at property that was worth millions of dollars. Yet he was not making the full restitution that had been ordered by the court to the victim.

Two offenders in Federal court cases who were ordered to make restitution to victims took overseas trips while on supervised release but had not made restitution to the victims.

One offender and his family established trusts, foundations, and corporations for their assets about the same time that they closed many of their bank and brokerage accounts and had not paid restitution to the victims of their crime.

Over the course of several years, one offender converted to personal use hundreds of millions of dollars obtained through illegal white-collar business schemes.

Several years prior to one judgment, one offender's minor child, who is now an adult, was given the offender's entire company. As of the completion of the GAO's work, that company had employed the offender. Restitution still had not been paid to the victim.

One offender and his family rented a very lavishly furnished residence—which they had previously owned—from a relative. The offender still had not made restitution he was ordered to pay.

Again, unpaid restitution and other criminal debt has gone from $6 billion to $41 billion over the last decade. We think that is an outrage. We have worked with the Justice Department as a result of the three GAO reports, and because of that, we have put together a bipartisan piece of legislation. The legislation is comprised of the comprehensive package of recommendations by the Justice Department that stem in large part from the work of the Task Force on Improving the Collection of Criminal Debt. Justice Department officials believe these changes will remove many of the current impediments to better debt collection.

For example, Justice Department officials described a circumstance where they were prevented by a court from accessing $400,000 held in a criminal offender's 401(k) plan to pay a $4 million restitution debt to a victim because that court said the defendant was complying with a $250 minimum monthly payment plan and that payment schedule precluded any other enforcement actions. Our bill would remove impediments like this in the future.

This legislation will also address a major problem identified by the GAO for officials in charge of criminal debt collection; that is, many years can pass between the date a crime occurs and the date a court orders restitution. This gives criminal defendants ample opportunity to spend or hide their ill-gotten gains. Our bill sets up pre-conviction procedures for preserving assets for victims' restitution. These tools will help ensure that financial assets traceable to a crime are available when a court imposes a final restitution order on behalf of a victim. These tools are similar to those already used by Federal officials in some asset forfeiture cases and upheld by the courts.

Our bill has the support of the administration, and the support of many victims organizations.

I have a long list of them: The National Center for Victims of Crime, Mothers Against Drunk Driving, National Organization for Victims Assistance—all of these organizations support the legislation we are introducing today—the National Alliance to End Sexual Violence, Parents of Murdered Children, Inc., Justice Solutions, the National Network to End Domestic Violence, National Association of VOCA Assistance Administrators. The list is rather substantial. It also includes U.S. Attorney Drew Wrigley in Fargo, ND, who said this legislation "represents important progress toward ensuring that victims of crime are one step closer to being made whole."

That is the basis on which we introduce this legislation. Among other things, our bill would clarify that court-ordered Federal criminal restitution is due immediately in full upon imposition, just like in civil cases and that any payment schedule ordered by a court is only a minimum obligation of a convicted offender. It would allow Federal prosecutors to access financial information about a defendant in the possession of the U.S. Probation Office—without the need for a court order. This legislation would also clarify that final restitution orders can be enforced by criminal justice officials through the Bureau of Prisons' Inmate Financial Responsibility Program. Our bill would help ensure better recovery of restitution by requiring a court to enter a pre-conviction restraining order or injunction, require a satisfactory performance bond, or take other action necessary to preserve property that is traceable to the commission of a charged offense or to preserve other nonexempt assets if the court determines that it is in the interest of justice to do so. In addition, this legislation would clarify that a victim's attorney fees may be included in restitution orders, including cases where such fees are a foreseeable result from the commission of the crime, are incurred to help recover lost property or expended by a victim to defend against third party lawsuits resulting from the defendant's crime. It would also allow courts in their discretion to order immediate restitution to those that have suffered economic losses or serious bodily injury or death as the result of environmental felonies. Under current law, courts can impose restitution in such cases as a condition of probation or supervised release but this means that many victims of environment crimes must wait for years to be compensated for their losses, if at all.

Let me make a couple of final points. First, while this legislation reflects the entire set of recommendations from the Justice Department to improve Federal criminal debt collection, it may not include every possible improvement to the current system. For instance, the GAO has suggested making willful failure to pay court-ordered restitution a criminal offense. This is already the case for criminal defendants who willfully fail to pay a court-ordered fine. It is my hope the Senate Judiciary Committee will consider this and any other helpful improvements when it reviews this legislation.

In summary, Senator GRASSLEY and myself and others believe that it is outrageous that unpaid criminal debt ordered by Federal courts to be paid by criminals now exceeds $40 billion. That is wrong and it ought to be dealt with. Our legislation will do so in a thoughtful, bipartisan way. It is legislation that is supported by the administration and by Republicans and Democrats who have joined in this legislation.

With the Justice Department's help, we can make criminal debt collection a top priority once again. That is good news for the criminal justice system and great news for crime victims.

Mr. GRASSLEY. Mr. President, I am proud to introduce today with Senator DORGAN the Restitution for Victims of Crime Act of 2006.

This bill is needed to recover some of the mounting uncollected Federal criminal debt. The Federal Government is collecting just pennies on each dollar of Federal criminal debt that is owed. In my home State of Iowa for fiscal year 2005, for example, the Justice Department has an outstanding balance of nearly $82 million in uncollected criminal debt. Compared to other districts, Iowa's northern and southern districts have relatively small outstanding balances. Nationwide, over $41 billion remains outstanding.

The Restitution for Victims of Crime Act improves the procedures used to collect restitution. It also provides the authority to preserve assets to satisfy restitution orders. This bill gives our Federal criminal justice system the channels they need to not only successfully prosecute criminals but to recover the debts owed.

Both the Justice Department and the victims' rights community support this bill and recognize that it will significantly improve the current collection system.

This is an important bill and I am glad to join my good friend from North Dakota in introducing it.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 3563. A bill to authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, today I am introducing the St. Mary Diversion and Conveyance Works and Milk River Project Act of 2006. In 1903, Secretary of Interior Hitchcock authorized construction of the Milk River Project as one of the first five reclamation projects under the new reclamation service. Two years later, construction was authorized for the St. Mary Diversion Facilities. Completed in 1915, the Milk River Project and the St. Mary Diversion Facilities have been in operation for nearly 100 years with minimum repairs and improvements.

The Milk River Project and the accompanying St. Mary Diversion Facilities are known as the Lifeline of the Hi-Line. The St. Mary and Milk River basins are home to approximately 70,000 people with a meager per capita income of approximately $19,500. Most of these people depend—directly or indirectly—on the project and would be dramatically impacted by its failure and the loss of water.

The Milk River is the backbone of the region's agricultural economy. It provides water to irrigate over 110,000 acres on approximately 660 farms. This project provides municipal water to approximately 14,000 people. Fisheries, recreation, tourism, water quality, and wildlife are all impacted by the water flow.

But now the St. Mary Diversion Facilities and the Milk River Project are facing catastrophic failure. The steel siphons have leaks and slope stability problems. Landslides along the canal and the deteriorated condition of the structure make the project an unreliable water source.

As authorized in 1903, the Milk River Project is operated as a single-use irrigation project. Since completion, nearly 100 percent of the cost to operate and maintain the diversion infrastructure has been borne by irrigators. The average annual O & M cost from 1998 to 2003 was $420,000, of which irrigators were responsible for 98 percent. In addition, irrigators are responsible for reimbursing reclamation for the initial construction costs of the diversion facilities. Maintenance costs have increased with the accelerating deterioration of the aging facilities.

In 2003, the St. Mary Rehabilitation Working Group was formed to address the pressing needs of the system. This broad coalition of interests came together to find workable solutions. This legislation is a result of their efforts and dedication.

The St. Mary Diversion and Conveyance Works and Milk River Project Act of 2006 will provide a feasible and comprehensive approach to rehabilitating the aging and deteriorating infrastructure while still meeting the needs of the folks in Montana. I look forward to working with my colleagues in the Senate to move this important piece of legislation forward.

By Mr. SANTORUM (for himself, Mr. TALENT, and Mr. ISAKSON):

S. 3564. A bill to provide for comprehensive border security and for other purposes; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill that I believe offers us an opportunity to move forward in the immigration debate. My bill takes a first-things-first approach. It is imperative that we secure our borders now. This first step cannot—and should not have to—wait for a "comprehensive" solution. Once we secure our borders, we can look at all of the other illegal immigration related issues that remain. There is a bipartisan consensus on what needs to be done on border security and the provisions that make up this consensus were included with other more controversial elements in S. 2611—the Comprehensive Immigration Reform Act of 2006. While the other body is holding hearings on the "comprehensive" part of that bill, we should not hold our border security hostage.

My bill will significantly increase the assets available for controlling our borders. It provides more inspectors, more marshals, and more border patrol agents on both the northern and southern borders. It provides new aerial vehicles and virtual fencing—camera, sensors, satellite and radar coverage, et cetera. It increases our surveillance assets and their deployment, and provides for new checkpoints and ports of entry. It includes Senator SESSIONS' amendment for greater fencing along our southern border, including 370 miles of triple-layered fencing and 500 miles of vehicle barriers. It also provides for the acquisition of more helicopters, powerboats, motor vehicles, portable computers, radio communications, hand-held global positioning devices, night vision equipment, body armor, weapons, and detention space.

While we know these resources will be critical improvements, it does not just throw resources at the problem. My bill requires a comprehensive national strategy for border security, surveillance, ports of entry, information exchange between agencies, increasing the capacity to train border patrol agents and combating human smuggling. It enhances initiatives on biometric data, secure communications for border patrol agents, and document fraud detection. It includes Senator ENSIGN's amendment to temporarily deploy the National Guard to support the border patrol in securing our southern land border. Additionally, it increases punishment for the construction of border tunnels or passages.

When our borders are not secure, it is our cities and counties are on the frontlines, particularly those closest to the borders. Unfortunately, the negative impacts of illegal immigration are not limited to our border towns. Recently I worked with communities in Southeastern Pennsylvania—Allentown, Easton, Bethlehem, Reading and Lancaster—as well as the U.S. Attorney for the Eastern District of Pennsylvania, Pat Meehan, to get one of the six recent Anti-Gang Initiative grants given by the Department of Justice. This area, called the Route 222 Corridor, was the only nonmetropolitan area to receive one of the $2.5 million grants to combat growing criminal activity in part because of illegal immigrants. However, I raise this issue here because U.S. Attorney Meehan's letter explains this issue very succinctly. He stated "[e]ach city is seeing extensive Latino relocation to its poorer neighborhoods and housing projects. Once largely Puerto Rican, the minority populations are increasingly from Central America. Simultaneously, Mexican workers migrate to the agricultural areas around Lancaster, creating a southern link to criminal networks. The urban core is therefore transient, poor, non-English speaking and often undocumented . . . In this fertile environment, the Latin Kings, Bloods, NETA and lately MS-13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily byproduct."

My bill provides relief for cities, counties and States dealing with increased costs because of illegal immigration—specifically those caused by the criminal acts of illegal immigrants. There are four programs included in my bill to address these issues. First, there are grants to law enforcement agencies within 100 miles of the Canadian or Mexican borders or such agencies where there is a lack of security and a rise in criminal activity because of the lack of border security, including a preference for communities with less than 50,000 people. Second, local governments can be reimbursed for costs associated with processing criminal illegal aliens such as indigent defense, criminal prosecution, translators and court costs. Third, State and local law enforcement agencies can be reimbursed for expenses incurred in the detention and transportation of an illegal alien to Federal custody. Finally, reimbursements are available for costs incurred in prosecuting criminal cases that were federally-initiated but where the Federal entity declined to prosecute. In addition, my bill requires the Secretary of Homeland Security to provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department, and that the Secretary designate at least one Federal, State, or local facility in each State as the central facility to transfer custody to the Department of Homeland Security.

This bill also expedites the removal of criminal aliens from correctional facilities and expands border security programs through the Department of Commerce such as the Carrier Initiative, the Americas Counter Smuggling Initiative, the Container Security Initiative, and the Free and Secure Trade Initiative.

Throughout the debate on immigration reform, I have consistently stated that the first thing we must do is secure our Nation's borders. While the House and Senate are working to come to an agreement on the broader issues in the immigration bill, I am pleased to be introducing the Border Security First Act today with my colleague from Georgia, Senator ISAKSON, and my colleague from Missouri, Senator TALENT, because our borders must be secured now—not later. In the post 9/11 world we live in, our national security depends on our border security. We need to know who is coming into our country, where they are from, and what they are doing here. We must put first things first—we must secure our Nation's borders. I hope that my Senate colleagues will join me in recognizing the urgency of addressing this issue without delay.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 520—TO AUTHORIZE THE PRODUCTION OF RECORDS, TESTIMONY, AND LEGAL REPRESENTATION

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

Whereas, the United States Department of Justice is conducting an investigation into improper activities by lobbyists and related matters;

Whereas, the Committee on Indian Affairs and the Committee on Rules and Administration have received specific requests from the Department of Justice for records that may be relevant for use in the investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Indian Affairs and the Committee on Rules and Administration are authorized to provide to the U.S. Department of Justice the specific documents that have been requested by the Department of Justice to date for use in legal and investigatory proceedings, and to provide related testimony from their staffs, if necessary, except where a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Committee on Indian Affairs and the Committee on Rules and Administration in connection with the document production and testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4542. Mr. FRIST (for Mr. MCCONNELL (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2370, to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

TEXT OF AMENDMENTS

SA 4542. Mr. FRIST (for Mr. MCCONNELL (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2370, to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palestinian Anti-Terrorism Act of 2006".

SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the "Roadmap");

(2) to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid contact with and refrain from supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

"SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

"(a) LIMITATION.—Assistance may be provided under this Act to the Hamas-controlled Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

"(b) CERTIFICATION.—A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that—

"(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has—

"(A) publicly acknowledged the Jewish state of Israel's right to exist; and

"(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap'); and

"(2) the Hamas-controlled Palestinian Authority has made demonstrable progress toward—

"(A) completing the process of purging from its security services individuals with ties to terrorism;

"(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

"(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

"(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

"(E) ensuring the financial transparency and accountability of all government ministries and operations.

"(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

"(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(e) NATIONAL SECURITY WAIVER.—

"(1) IN GENERAL.—Subject to paragraph (2), the President may waive subsection (a) with respect to—

"(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority;

"(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law; and

"(C) assistance for the judiciary branch of the Palestinian Authority and other entities.

"(2) CERTIFICATION.—The President may only exercise the waiver authority under paragraph (1) after—

"(A) consulting with, and submitting a written policy justification to, the appropriate congressional committees; and

"(B) certifying to the appropriate congressional committees that—

"(i) it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and

"(ii) the individual or entity for which assistance is proposed to be provided is not a member of, or effectively controlled by (as the case may be), Hamas or any other foreign terrorist organization.

"(3) REPORT.—Not later than 10 days after exercising the waiver authority under paragraph (1), the President shall submit to the appropriate congressional committees a report describing how the funds provided pursuant to such waiver will be spent and detailing the accounting procedures that are in place to ensure proper oversight and accountability.

"(4) TREATMENT OF CERTIFICATION AS NOTIFICATION OF PROGRAM CHANGE.—For purposes of this subsection, the certification required under paragraph (2)(B) shall be deemed to be a notification under section 634A and shall be considered in accordance with the procedures applicable to notifications submitted pursuant to that section.

"(f) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

"(3) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.".

(c) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2), is further amended by adding at the end the following new section:

"SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

"(a) LIMITATION.—Assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) is in effect with respect to the Palestinian Authority.

"(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

"(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS.—Assistance to meet food, water, medicine, health, or sanitation needs, or other assistance to meet basic human needs.

"(2) ASSISTANCE TO PROMOTE DEMOCRACY.—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or any other foreign terrorist organization.

"(3) ASSISTANCE FOR INDIVIDUAL MEMBERS OF THE PALESTINIAN LEGISLATIVE COUNCIL.—Assistance, other than funding of salaries or salary supplements, to individual members of the Palestinian Legislative Council who the President determines are not members of Hamas or any other foreign terrorist organization, for the purposes of facilitating the attendance of such members in programs for the development of institutions of democratic governance, including enhancing the transparent and accountable operations of such institutions, and providing support for the Middle East peace process.

"(4) OTHER TYPES OF ASSISTANCE.—Any other type of assistance if the President—

"(A) determines that the provision of such assistance is in the national security interest of the United States; and

"(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

"(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

"(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

"(c) MARKING REQUIREMENT.—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the American people or the United States Government unless the Secretary of State or, as appropriate, the Administrator of the United States Agency for International Development, determines that such marking will endanger the lives or safety of persons delivering such assistance or would have an adverse effect on the implementation of that assistance.

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(e) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—the term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).".

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING.—Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION.—No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(4) AUDITS.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to $1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), a visa should not be issued to any alien who is an official of, under the control of, or serving as a representative of the Hamas-led Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The restriction under subsection (a) should not apply to—

(1) the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization; and

(2) members of the Palestinian Legislative Council who are not members of Hamas or any other foreign terrorist organization.

SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), the President should restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization, who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.

SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintenance of an office, headquarters, premises, or other facilities is vital to the national security interests of the United States.

SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REQUIREMENT.—The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

(c) DEFINITION.—In this section, the term "international financial institution" has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization (except in emergency or humanitarian situations), unless and until such organization—

(1) recognizes Israel's right to exist;

(2) renounces the use of terrorism;

(3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and

(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

SEC. 10. ISRAELI-PALESTINIAN PEACE, RECONCILIATION AND DEMOCRACY FUND.

(a) ESTABLISHMENT OF FUND.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall establish a fund to be known as the "Israeli-Palestinian Peace, Reconciliation and Democracy Fund" (in this section referred to as the "Fund"). The purpose of the Fund shall be to support, primarily, through Palestinian and Israeli organizations, the promotion of democracy, human rights, freedom of the press, and non-violence among Palestinians, and peaceful coexistence and reconciliation between Israelis and Palestinians.

(b) ANNUAL REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for so long as the Fund remains in existence, the Secretary of State shall submit to the appropriate congressional committees a report on programs sponsored and proposed to be sponsored by the Fund.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $20,000,000 for fiscal year 2007 for purposes of the Fund.

SEC. 11. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority; and

(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.

SEC. 12. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) PALESTINIAN AUTHORITY.—The term "Palestinian Authority" has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

* * *

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, June 23, 2006, at 1 p.m. to hold a closed briefing on State Department/Defense Department Cooperation Overseas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

SECOND HIGHER EDUCATION EXTENSION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5603 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5603) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5603) was ordered to a third reading, was read the third time, and passed.

* * *

LEGAL REPRESENTATION AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 520, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 520) to authorize the production of records, testimony, and legal representation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 520) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 520

Whereas, the United States Department of Justice is conducting an investigation into improper activities by lobbyists and related matters;

Whereas, the Committee on Indian Affairs and the Committee on Rules and Administration have received specific requests from the Department of Justice for records that may be relevant for use in the investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Indian Affairs and the Committee on Rules and Administration are authorized to provide to the U.S. Department of Justice the specific documents that have been requested by the Department of Justice to date for use in legal and investigatory proceedings, and to provide related testimony from their staffs, if necessary, except where a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Committee on Indian Affairs and the Committee on Rules and Administration in connection with the document production and testimony authorized in section one of this resolution.

THE SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. LINCOLN. Mr. President, today I rise to speak on passage of the Safe and Timely Interstate Placement of Foster Children Act. This legislation seeks to expedite the interstate placement of foster children into the safe and nurturing families they so desperately need and deserve. In doing so, it encourages and provides incentives to States to help expedite the completion of home studies, which are all too often the cause or delays in interstate placement cases.

Nationwide, there are currently over 500,000 children in foster care, and more than 2,500 in my home State of Arkansas. On trips back home and in meetings with my constituents, I have listened to the many heartbreaking tales of children who continue to suffer needlessly because of barriers to their timely placement. While a recent increase in the number of adoptions has allowed many of these children to spend less time in foster care homes, an unacceptably large number still encounter barriers that delay their timely placement. This is particularly the situation for children placed across State lines. In fact, recent reports indicate that interstate placements take an average of one year longer than placements within a State.

The situation is unacceptable, and I am grateful that we are addressing this issue by taking a step forward. Although we are taking that step here today, we must also recognize that we are improving a process, not fixing it. In cooperation with our State child welfare agencies and State court systems, we need to continue working to finish the task before us by carefully evaluating improvements that result from passage of this legislation and looking at other ways Federal and State agencies can work together in the future to make interstate placements work even better.

We must work together to provide both better guidelines for the process of gaining approval for sending children across State lines while allowing States the much-needed flexibility to cater them to their specific circumstances. We must work together to find a way to set deadlines that expedite the processing of home studies yet does not set unrealistic timelines on our States. We must work together to find better ways to ensure more efficiency in the process while also taking each State's circumstances under consideration.

In short, we must continue working together to ensure that no more of our children are unnecessarily stuck in foster homes because of bureaucratic inefficiencies, unnecessary delays, and red tape. We can do better by these children. The opportunity to grow up in a nurturing, loving, and stable family is something that none of us should take for granted. It is our duty in this Congress to ensure that these children are not denied this opportunity, but given timely placement with the home and the family that each and every one of them deserve.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5403) was ordered to a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, this bill, H.R. 5403, the adoption bill, is a bill that is aimed at improving protection for children. It holds States accountable for the safe and timely placement of children across State lines.

I am gratified we have passed this bill today to help our children who are in foster care. Finding permanent and loving homes for foster care children is the first order of a compassionate society. Far too often, these children bounce from one temporary situation to another and then to another, never finding a permanent loving family.

The bill we passed just a few moments ago speeds their placement by making interstate placements easier, particularly with extended family. I, in particular, commend the former majority leader of the House, Tom DeLay, for his passionate crusade for at-risk children. A foster parent himself, Tom has worked tirelessly on adoption and foster care issues during his long service in the House of Representatives.

It is a fitting tribute to Tom DeLay's service that the House passed this bill on his last day in office. And I am gratified we just passed it a few moments ago.

MEASURE READ THE FIRST TIME—H.R. 5638

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of

S. 2370, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2370) to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, today I would like to applaud my colleagues for passing S. 2370, the Palestinian Anti-Terrorism Act of 2006.

My friend, the senior Senator from Delaware, Mr. BIDEN, and I cosponsored this legislation. We were joined in our efforts by Senators FRIST, REID of Nevada, DEMINT, MIKULSKI, MARTINEZ, NELSON of Florida, HAGEL, NELSON of Nebraska, DEWINE, TALENT, ALLEN, BURNS, BOXER, BUNNING, KERRY, SALAZAR, LIEBERMAN and THUNE; all of whom are original cosponsors of this bill.

I particularly thank my colleague, the senior Senator from Indiana, Mr. LUGAR, for his leadership on this issue. He has been instrumental in fashioning language on the important question of how the United States addresses the challenges posed by the new Hamas-dominated government in the West Bank and Gaza.

The elections of January 25 in the West Bank and Gaza produced the frightening result of a majority of Hamas supporters in the Palestinian parliament. Since that time, Hamas has demonstrated its continued unwillingness to accept Israel's right to exist and to accept the prior commitments made by the Palestinian Authority. It has also failed to renounce terror. That is antithetical to our security interests in the Middle East and it is clearly unacceptable to this Senate.

Our bill would do the following: it would restrict assistance to the Palestinian Authority, PA, unless the Hamas-led PA has publicly acknowledged Israel's right to exist, has recommitted itself to all its prior agreements with Israel, has made progress toward dismantling terrorist infrastructure, and has instituted fiscal transparency. This bill would essentially deny visas to certain PA officials and restrict their travel to the United States. It also limits diplomatic interaction with Palestinian terrorist groups. Finally, this bill contains rigorous audit and oversight requirements to ensure compliance with its provisions.

In short, this legislation urges the current Palestinian Government to take another step toward joining the community of peaceful nations and to step away from the ranks of terrorism.

Let me also tell you what this bill does not do. It does not cut off assistance to the Palestinian people with respect to food, water, medicine, sanitation, and other basic human needs. Thus, humanitarian assistance that does not go through the Hamas-led PA will continue. Moreover, funding for democracy programs will also be continued.

Both Senator BIDEN and I appreciate the need not to punish the Palestinian people for actions their government may take. Our concern is with terrorism and with terrorists and in providing Hamas the proper incentives to embrace peace and to abandon the proterror stance they have taken up until now. As Prime Minister Olmert said this week before a joint session of Congress: such legislation "sends a firm, clear message that the United States of America will not tolerate terrorism in any form."

Democracy is about more than just elections, it is also about responsible, accountable governance. The Palestinian elections a few months back reflect this fact. International observers indicate that the elections were essentially free and fair—which in and of itself is certainly a good thing. I strongly support democratic elections. That said, any right-minded person deplores the result of those elections that placed a proterror party at the helm of parliament.

A key part of democratic governance is that elected officials are responsible for the actions they take. If Hamas persists in sponsoring terror, rejecting Israel's right to exist and refusing to accept prior commitments made to Israel, then they should be held accountable for their actions, and be prepared to forfeit the prior foreign aid investments in the West Bank and Gaza paid for by American taxpayers. The PA's budget is dependent in large part by foreign assistance, and Hamas has been put on notice by the United States and many in the donor community about the steps it must take in order to receive assistance in the future.

Foreign assistance is not an entitlement. It is not a free lunch. Foreign aid is an act of generosity from the American people to other nations, and it should be conducted in furtherance of U.S. interests and those of our allies. It must not be given to organizations that actively work against those interests. Ramas, as it now stands, is just such an organization.

The ball is squarely in Hamas's court. It can either work for the good of its citizens as an accountable democratic government should, or it can continue to act as a terrorist organization to the profound detriment of its citizens and the prospects for peace in the region.

I close by recognizing the hard work of staff on this legislation. In particular, I thank Bob Lester, Brian McKeon, Puneet Talwar, Paul Clayman, and Brian Lewis.

Mr. BIDEN. Mr. President. I support the Palestinian Anti-Terrorism Act of 2006, of which I am the lead cosponsor.

The political rise of Hamas presents us with a difficult policy challenge. None of us want to see a penny of American taxpayer money going to a Hamas-led government that refuses to meet the basic demands not just of the United States, but of the international community, including the so-called Quartet of the United States, the European Union, Russia and the United Nations. Those demands are that Hamas recognize Israel, renounce violence, and accept past agreements.

At the same time, the situation in the Palestinian Territories is an explosive one, with potentially disastrous consequences for the Palestinian people, Israel and the entire region. Tensions between Fatah and Hamas militias have been escalating in recent weeks. 165,000 Palestinian Authority employees have not been paid in months. Avoiding a genuine humanitarian crisis and a descent into a Palestinian civil war will require diplomatic flexibility and sustained American engagement.

In this sensitive environment, my friend from Kentucky and I have tried to find the right balance between isolating Hamas, while simultaneously not doing anything to harm the Palestinian people. So let me say a few words to clarify what our bill does—and does not—do.

First, it sends a clear message: the United States will provide no direct assistance to a Hamas-led government unless it meets the three conditions—acknowledging Israel's right to exist, renouncing violence and accepting past agreements between Israel and the Palestinian Authority. We must not retreat from insisting that these three conditions be met.

The bill affirms support for a two-state solution to end the Israeli-Palestinian conflict, something that Hamas rejects. The bill also requires the administration to report on steps it is taking to urge other nations to refrain from providing financial assistance to Hamas. In addition, it places restrictions on diplomatic contacts with, and movements by, representatives of Hamas.

But in dealing with Hamas, it is important that we keep our strategic objectives clear. While our intention is to pressure Hamas to accept the same terms that bound previous Palestinian governments, it is not in the interest of either the United States or Israel to be seen as punishing the Palestinian people. It is critically important that in pressuring Hamas we make it clear to the Palestinian people that it is Hamas that is failing them, not the international community. We must maintain the moral high ground.

That is why our bill allows for assistance to continue to support the basic needs of the Palestinian people. It permits assistance to the Palestinians, through non-governmental organizations, for things such as food, water, health, medicine, and sanitation, as well as for democracy promotion, human rights, and education.

It also recognizes the important distinction between Palestinian President Mahmoud Abbas—who has committed to the Road Map and a negotiated two-state solution—and Hamas, by incorporating exemptions to support Abbas in fulfilling his duties as President.

Lastly, our bill creates an Israeli-Palestinian Peace, Reconciliation and Democracy Fund to support organizations that are trying to build bridges between the two societies through the promotion of democracy, civil society development and reconciliation between Israelis and Palestinians.

My friend from Kentucky and I have been able to make important changes to address the most significant issues raised by the administration and the chairman of the Foreign Relations Committee. These include broadening the President's waiver authority as well as narrowing the focus of the bill to the Hamas-controlled Palestinian Authority. I look forward to continuing to work with the administration as the bill moves forward.

Mr. President, Hamas has a decision to make. It must respond to international demands and, even more important, be responsive to the Palestinian public which voted for reform, but not poverty, international isolation and a government that can't pay its own bills or keep the lights on. If Hamas ultimately proves unable to provide for its own people, it won't be because of the restrictions in this legislation. It will be because Hamas is either unable or unwilling to make rational policy decisions over destructive terror and xenophobic ideology.

Simply put, Hamas must choose between bullets and ballots, between destructive terror and constructive governance. It cannot have it both ways. The legislation I have sponsored with my colleague, the senior Senator from Kentucky, is an attempt to clarify the choices for Hamas and to make clear our rejection of a group that is committed to terror.

Mr. FRIST. Mr. President, I ask unanimous consent that the McConnell amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4542) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2370) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, I wish to make a brief comment on the legislation. I congratulate my colleague, Senator MCCONNELL, for leading on this amendment as the primary sponsor of the Palestinian Anti-Terrorism Act of 2006.

Although all our colleagues have had the opportunity to review and express their support for this act, very briefly, I would like to at least comment on a couple of things that it does that are very important to the United States and our international relations.

The bill itself states that it shall be U.S. policy "to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. . . ."

It also promotes democracy and the cessation of terrorism and incitement in institutions and territories controlled by the Palestinian Authority and urges members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the roadmap.

This is a very important piece of legislation, one that has been led by Senator MCCONNELL. I know he has made several comments and has comments in the RECORD on this important bill.

ORDERS FOR MONDAY, JUNE 26, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, June 26. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business until 4 p.m., with the time equally divided between the leaders or their designees. I further ask that at 4 p.m., the Senate proceed to the immediate consideration of the flag antidesecration resolution, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will begin consideration of the flag resolution. There will be no votes during Monday's session, but Senators are encouraged to come to the floor to speak. The next rollcall vote will occur on Tuesday, and Members should plan their schedules accordingly.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 26, 2006

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:40 p.m., adjourned until Monday, June 26, 2006, at 2 p.m.

EXTENSIONS OF REMARKS—*Friday, June 23, 2006*

IN RECOGNITION OF DR. XIAODONG WANG

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Dr. Xiaodong Wang, of the University of Texas Southwestern Medical Center, for being awarded the $1 million Shaw Prize in Life Science and Medicine.

Dr. Wang, 43, will receive the international award in September from the Hong Kong-based Shaw Prize Foundation. A professor of biochemistry, Dr. Wang will receive the award for his discovery of the biochemical basis of programmed cell death which is a vital process that balances cell birth and prevents cancer. His scientific breakthrough marks a turning point in the history of medicine and will indeed benefit the lives of millions around the world.

The Shaw Prize in Life Science and Medicine is presented annually and sometimes referred to as the "Nobel Prize of the East," is awarded to those who have achieved significant breakthroughs in scientific research and applications. Dr. Wang has discovered mechanisms responsible for programmed cell death. As a doctor, I am honored to know that great scientific research continues and the heart of such work is being conducted at UT Southwestern.

I extend my sincere congratulations to Dr. Xiaodong Wang for his outstanding leadership. He is an excellent scientist who has greatly benefited his fellow man, and I hope that his research will act as a catalyst for others to strive for excellent and great achievements.

HONORING JACK WEATHERFORD ON HIS RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. GORDON. Mr. Speaker, I rise to honor Jack Weatherford for his extraordinary service to the Smyrna/Rutherford County Airport Authority. Mr. Weatherford served on the task force that established the airport authority, and after many years of outstanding work, he is now retiring.

Today, I honor Mr. Weatherford for his achievements in Rutherford County's aviation industry, but his success has not been limited to that field. For 40 years, Mr. Weatherford led Mid-South Bank and Trust, which later merged with Sun Trust Banks. He served as President of the Tennessee Bankers Association, and in 1986, he was honored with the establishment of the Jack O. Weatherford Chair of Finance at Middle Tennessee State University.

A resident of my hometown of Murfreesboro, TN, Mr. Weatherford has been instrumental in Smyrna Airport's success. Under his leadership, the airport added ten new buildings and hangars and developed a 400 acre business park that included new infrastructure, a business center and a new terminal.

Smyrna Airport now is the State's third largest airport and its busiest general aviation airport.

During Mr. Weatherford's 14 years as Chairman of the airport authority, the airport received many accolades, including the Governor's Silver Star Award and the Tennessee Department of Transportation's Best Governing Body and Airport of the Year awards.

While the airport's growth has kept him busy, Mr. Weatherford has found time to remain active in the community. He helped found the Main Street Association and Leadership Rutherford, and he has been active with the Chamber of Commerce, MTSU Foundation and Rotary Club.

Mr. Weatherford's leadership has served Rutherford County well and will make it a better place for years to come.

IN HONOR OF FRANK BARROW, MAYOR OF DENTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the life of Frank Barrow for his admirable devotion to his family, friends, and his community. Mr. Barrow died at the age of 83; he was a model citizen to the City of Denton. He left in his wake a loving and adoring family.

Frank Barrows lived in Denton, TX, for 71 years. During his life, Frank was a successful businessman, a leader in his church and served his community as the Mayor of Denton. He helped craft the Denton which I know and love today.

One of the richest gifts Mr. Barrows left was the Denton Community Theater. Helping found the theater, and serving the organization for 30 years, Frank brought a rich culture to the neighborhood. His legacy in the theater and commerce will be remembered.

It was my pleasure to serve Frank Barrows. I extend my sympathies to his family and friends. May the example of this man, who enriched the lives of those around him, be inspiration to all who seek their dreams to serve their family and fellow man.

HONORING THE LIFE OF BILLY WALKER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor the life of Billy Walker, a star on the stage of the Grand Ole Opry. A resident of Hendersonville, TN, Billy, his wife, Bettie, and two of his band members passed away late last month in a tragic car accident.

Before he found fame at the Opry, Billy honed his musical skills in his home state of Texas. Growing up, he drew his greatest inspiration from Gene Autry's music. And in 1947, he launched his own career.

Seven years later, Billy landed his first hit with "Thank You for Calling." Just six years later, he found his greatest success when he joined the Grand Ole Opry, playing alongside his wife. His single "Charlie's Shoes" hit No.1 on the charts in 1962.

While he found fame in the Volunteer State, his Texas roots were always honored by his nickname, "The Tall Texan."

For more than 40 years, Billy continued performing at the Opry and on countless other stages. "The Tall Texan" lived an inspirational and admirable life. I know he will be deeply missed by his family, his friends and his fans.

IN HONOR OF L.A. NELSON, MAYOR OF DENTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the life of L.A, Nelson for his admirable devotion to his family, friends, and his community. Mr. Nelson died at the age of 80; he was a model citizen to the City of Denton. He left in his wake a loving and adoring family.

Mr. Nelson was born in Hugo, OK. He served in the Navy during World War II. After the war, he went to Denton to attend college. Soon, Mr. Nelson became one of the city's leading lawyers and served on the City Council from 1966–1970 before being elected to mayor in 1969.

L.A. Nelson is best remembered for his dedication to the City of Denton, He was president of the Denton Chamber of Commerce and a member of the Flow Memorial Hospital. He was instrumental in the construction of a new City Hall and the creation of Ray Roberts Lake.

It has been my honor to serve Mr. L.A. Nelson. His tenure as the Mayor of Denton impressed me greatly, and today, I extend my sympathies to his family and friends. May the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

example of this man, who enriched the lives of those around him, be an inspiration to all who seek their dreams to serve their family and fellow man.

IN RECOGNITION OF DR. CHARLES M. CHAMBERS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. KNOLLENBERG. Mr. Speaker, I want to recognize the extraordinary and diverse career and accomplishments of Dr. Charles M. Chambers. I extend my congratulations on his recent appointment as chancellor of Lawrence Technological University, and I recognize his dedication to education throughout Michigan and the world.

Dr. Chambers has already left an indelible mark on Lawrence Tech through his thirteen years as President, a trend that will certainly continue under his direction as chancellor of the University. Under his leadership, Lawrence Tech has set a number of records and has achieved national recognition as an institution dedicated to innovative and effective methods of education, often setting the standard to which other universities strive. Among the many accomplishments Lawrence Tech has made under Dr. Chambers' Presidency is its status as Michigan's first wireless laptop campus, contributing to Lawrence Tech's recognition as one of the top fifty unwired campuses in the country.

Throughout his service to Lawrence Tech, Dr. Chambers has demonstrated his dedication to the enhancement and expansion of education through the dramatic transformation of Lawrence Tech's campus, the enormous increase in student scholarships and community outreach, and the expansion of academic programs offered at Lawrence Tech, including its first doctoral programs. Additionally, Dr. Chambers has overseen the creation of learning centers and higher education partnerships worldwide.

Dr. Charles M. Chambers has served Lawrence Technological University and the State of Michigan with honor and pride throughout the duration of his career with the University. I congratulate him on his recent appointment, which is a direct result of his continued dedication to education and to the success of Lawrence Technological University.

HONORING ASHLEY PHILIPS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Ashley Philips, a young woman of enormous potential whose life was tragically cut much too short this past weekend.

Ashley Philips was a vibrant and ambitious young woman who seemed destined for success in whatever path she chose. She was an excellent student, having earned honors and achieved a superior grade point average at Tarpon Springs High in my hometown, where she participated in the veterinary program. She was a good athlete and ran track at school.

Ashley also was dedicated to her community. She volunteered to help local senior citizens, worked at an area day care, and interned in the city clerk's office in Oldsmar, FL, in my congressional district. She also was the granddaughter of two of my closest friends, Oldsmar Mayor Jerry Beverland and his wife, Wanda, and was to serve as my congressional page this summer. I know they and Ashley's mother, Hope, and brother, Austin, were proud of what she had already accomplished, and looked forward to all that was to come for this remarkable young woman.

Ashley also had daring dreams and lofty goals. She wanted to do so many things, including becoming a veterinarian, lawyer, photographer, and a writer. She no doubt would have achieved all that she had hoped. Her grandfather expressed how everyone feels, noting that she "was a brilliant girl with a brilliant future, snatched away in the blink of an eye."

Mr. Speaker, I grieve for Ashley's family and friends. They are really the only ones who can truly understand how special she was and know how greatly she will be missed. Her friends and family and those with whom she came into contact would surely agree that the world is a much better place for having had her in it, no matter however briefly. I pray that her memory, and the knowledge that she will live in eternal peace, will comfort those who cared for her in this time of great sadness and sorrow.

PAYING TRIBUTE TO MANUEL "MANNY" CORTEZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Manuel Cortez for his outstanding service and memorable impact on the city of Las Vegas. Manuel passed away on Sunday, June 18, 2006 at the age of 67.

Manny, a resident of Las Vegas since 1944, was instrumental in making the city one of the world's top vacation destinations. When Manny took over the Convention Authority, Las Vegas had 73,730 hotel and motel rooms and two major convention centers, including the then-new Sands Exposition and Convention Center, which opened its first phase in late 1990. Las Vegas hosted approximately 21.3 million visitors in 1991, an early stage of what became an unprecedented era of local growth following The Mirage's 1989 debut. By the time that boom halted in summer 2000, Las Vegas had added multiple world-class resorts, including Bellagio, Mandalay Bay and The Venetian. Today, the city today boasts 129,475 rooms and three of the nation's largest convention centers.

In the period following the terrorist attacks of September 2001 and the subsequent U.S. economic slowdown, Manny oversaw a highly flexible marketing strategy that helped Las Vegas recover more quickly than many competing destinations. Part of Manny's advertising campaign included the forever popular tag line, "what happens in Vegas stays in Vegas."

On May 5, 2004, Manny resigned as President and Chief Executive Officer of the Las Vegas Convention and Visitors Authority, a position he held for 13 years.

Manny served four terms as a Clark County Commissioner, beginning in 1976. He also served on the governing board of the University Medical Center, as well as the Las Vegas Valley Water District and the Metropolitan Police Department fiscal affairs boards. He was honored in 1999 by having a local elementary school named for him, and was also named Travel Agent Magazine's United States Person of the Year.

The most important part of Manny's life was his family. He leaves behind his loving wife of 45 years, Joanna Cortez; daughters, Cynthia Musgrove and her husband, Dan, and Catherine Cortez Masto and her husband, Paul; grandson, Andrew Musgrove; granddaughter, Christina Musgrove; mother, Mary Cortez; sister, Patricia Snider; aunt, Mary Tapia; and numerous nieces, nephews and in-laws. He was preceded in death by his father, Edward C. Cortez.

Mr. Speaker, I am honored to recognize Mr. Manny Cortez on the floor of the House. He was a good friend who served the residents and guests of Las Vegas with honor, and he will be greatly missed.

TRIBUTE TO THE CHILDREN'S MUSICAL THEATER OF SAN JOSE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and commend the Children's Musical Theater of San Jose, CMT, for winning a National Endowment for the Arts, NEA, grant award. The Children's Musical Theater of San Jose was the only theater company in California—and the only children's theater nationwide—to receive the prestigious American Masterpieces Grant.

The Children's Musical Theater of San Jose trains and educates today's youth so that they will become the artists, patrons, and leaders of tomorrow. CMT combines a commitment to casting all auditioners with the professionalism of a premier children's theater. A vital ingredient to their success has been the leadership and vision of Artistic Director Kevin R. Hauge. Mr. Hauge is as interested in the development of his actors as he is in the production of theater; he continually works to augment the interpersonal skills and self-confidence of the children while creating immensely popular performances.

I am proud to recognize the Children's Musical Theater for its great success in theater and in the development of its talented young actors. CMT is a deserving recipient of a National Endowment for the Arts American Masterpieces Grant. Artistic and creative innovation is part of what makes America a vibrant society, and I commend the Children's Musical Theater for their contribution to San Jose and our Nation's cultural wealth.

TRIBUTE TO THE VILLAGE OF PEOTONE, IL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. WELLER. Mr. Speaker, I rise today to honor the Village of Peotone which is celebrating its 150th birthday. The Village of Peotone lies wholly within the 11th Congressional District in Illinois.

In 1856, the Illinois Central Railroad was completed. Land not held by the railroad was to be occupied by settlers. Thus, the Village of Peotone saw its first residents. Two years later the population of the town was 125 people and the first school began to teach classes in 1860. In 1869, you could find dirt streets, several homes and a few businesses. The first Village Board was also formed in 1869.

In 1871, Frederick Rathje and Christoph Elling agreed to construct a windmill to grind the grain from area farmers. In 1872, Fredericks son, H.A. Rathje built the Peotone Windmill. When the mill came into production it provided a variety of grain products such as fine wheat flour, rye, buckwheat flour, and cornmeal. The mill was also a primary source of feed for the local livestock industry. In 1982, Henry's grandson donated the mill and the land upon which it stands to the Village of Peotone. The H.A. Rathje is listed on the National Register of Historic Places.

The Village of Peotone continued to grow and prosper. Many new businesses such as a photo gallery, an opera house, and blacksmith shop opened for business. Today, Peotone is a thriving community with over 3,385 residents and over 60 businesses located within the Village. The Village boasts the tranquility of a country life-style where the streets are wide, curbed and shaded with ancient trees of all varieties.

Mr. Speaker, I urge this body to identify and recognize other communities in their own districts which can be shown as an example of living the American dream.

TRIBUTE TO PASTOR JERRY HATTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. DINGELL. Mr. Speaker, I rise today to recognize the life, service and example of Pastor Jerry Hatter. Pastor Hatter has found his home and place of service at the Brown Chapel A.M.E. Church, in Ypsilanti, MI.

Born in Haynesville, LA, on July 17, 1945, Pastor Hatter found his calling early in life through the care and love of his aunt and uncle. Baptized at the age of nine, Jerry began his service as a Sunday school teacher and later as an assistant financial secretary for the Mt. Obie C.M.E. Church in Homer, LA. His skills in finance led him to Grambling State University, where he earned an accounting degree in 1968.

Pastor Hatter continued his education as he moved to the Detroit area, earning an M.B.A. from the University of Detroit in 1976, his State of Michigan Real Estate Broker license in 1982 and passing his C.P.A. examination in 1984. The commitment Pastor Hatter has for education has only been surpassed by his religious strength and his service to others in his community.

In 1972, Pastor Hatter joined Oak Grove A.M.E. Church in Detroit, serving that church community for 19 years as a Trustee, member of the male choir and Minister of Business and Finance. Pastor Hatter received his call to serve as a minister in 1986 and was ordained in 1989 at the St. Stephen A.M.E. Church in Detroit. He served as an Associate Minister at Oak Grove Church until 1991.

In August of 1991, Pastor Hatter began his service at Brown Chapel. In the 15 years he has served the congregation and community, Pastor Hatter has established several outreach ministries, opened a child care center, set up the Brown Chapel Foundation public charity and was elected Pastor of the Year by the Michigan Conference Lay Organization in 1995. Along with these great works, Pastor Hatter is also a mentor for the Village Initiative to foster reduction and prevention of youth incarceration, a Chairman of the Fourth District Commission on Evangelism, as well as the president of both the Mid-Michigan A.M.E. Churches Fellowship and the Michigan Conference Minister's Protective League.

Throughout his life, Pastor Jerry Hatter has served others in his community. He has worked hard to put his faith into action, serving as an example of what it means to be a leader and a teacher. I honor Pastor Hatter for his tremendous achievements and his true dedication to his fellow man.

RECOGNIZING PARTICIPANTS IN THE NATIONAL SPELLING BEE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mrs. CAPITO. Mr. Speaker, I want to recognize three outstanding National Spelling Bee participants from my district: Andy Wade, 14, from Putnam County, WV, James Cook, 13, from Martinsburg, WV and Jonathan Nicklin Allen, 13, from Romney, WV.

2006 marked the 78th annual Scripps Howard National Spelling Bee. This event was created by the Louisville Courier-Journal in 1925 with only nine contestants; today it has grown to 274. The National Spelling Bee is sponsored by Scripps Howard, Inc, and is held each year to help students broaden their vocabularies, improve their spelling, and develop correct English usage that will help them throughout their lives. This is the largest and longest running competition to promote education.

Sponsored by the Charleston Gazette, Andy Wade, an eighth grader at Winfield Middle School, advanced to the third round. He has now competed in five spelling bees. James Cook is also an eighth-grader and attends Charles Town Middle School. Sponsored by The Journal in Martinsburg, he advanced to the third round. Jonathan Nicklin Allen, an eighth grader at Romney Middle school, was sponsored by the Hampshire Review in Romney and advanced to the second round.

RECOGNIZING BOBBY AND NILIE SNIDER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 50th wedding anniversary of Bobby and Nilie Snider. This event will take place on July 14, 2006, but the Snider Family is celebrating the event on June 25, 2006.

Bobby Joe Snider was born on February 6, 1938 in Weaver, AL, to Herman and Gertice Snider. His wife, Nilie Finley Snider, was born on May 7, 1938, in Cedar Springs, AL, to Claude and Nile Finley. Mr. and Mrs. Snider were married on July 14, 1956 at Weaver Methodist Church. Together they raised three children, and Nilie went on to work in retail after the children were grown. Bobby retired from Liberty National as an insurance agent. They have two sons, one son-in-law, one daughter, two daughters-in-law, six grandchildren, and one great-grandchild.

Bobby and Nilie are active members of Weaver Baptist Church in Weaver, AL where Bobby has served as a Deacon. On June 25, 2006, a reception will be held in honor of their 50th wedding anniversary. I salute this lovely couple on the 50th year of their life together and join their family in honoring them on this special occasion.

CELEBRATING THE LIFE OF COURAGEOUS VETERAN ROBERT BROWN OF PLYMOUTH, MN

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a member of the Greatest Generation who recently passed away.

Minnesota lost a true hero in Robert Brown of Plymouth, MN, of the 3rd Congressional District.

Mr. Speaker, Bob was a Lt. Colonel in the U.S. Marine Corps. His education at Columbia University was interrupted by World War II. He eagerly enlisted in the Marines and proudly served his nation during World War II, the Korean Conflict and Vietnam.

Bob retired from the military in 1967 and began a career with Rockwell International that sent him on other missions to promote freedom and economic opportunity all over the world, including Iran and South Korea.

Mr. Speaker, Bob Brown was one of our nation's best and brightest. And the legacy of his courage will live on forever in the hearts of freedom-loving people everywhere.

Lt. Colonel Brown earned many decorations during his 23 years of service to his country: the American Campaign Medal, the Korean Service Medal, the Asiatic Pacific Campaign Medal, the United Nations Service Medal, the Navy Unit Commendation, the WWII Victory Medal, the Korean Presidential Unit Citation Medal, the Good Conduct Medal, the National Defense Service Medal and the Republic of Korea War Service Medal.

Mr. Speaker, our thoughts and prayers are with Bernidine Brown, Bob's wife of 58 years, as well as sons Michael (Barbara), Stephen (Laurie) and Mark, and grandsons Jacob, Kyle and Travis.

A grateful nation joins them in their mourning and thanks Bob for his courageous service to his country and the cause of freedom.

HONORING JOHN RADER ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. GORDON. Mr. Speaker, I rise today to recognize the many contributions John Rader has made while interning in my Washington, DC, office. John has been a wonderful addition to the office and has performed many great services for the constituents of Tennessee's Sixth Congressional District.

While my staff and I will certainly miss John's help and enthusiastic attitude, John is returning home to Cookeville. This fall, he will begin his junior year at the University of Tennessee, where he is studying political science and history and is president of the Sigma Chi fraternity.

During his internship, John won over the entire staff with his eagerness and easygoing attitude. Not only has he endeared himself to us as he assisted with countless projects, but he also has endeared himself to countless visitors from Middle Tennessee.

John's family is one I know well, and I consider many members of the previous two generations to be good friends. His family has made many great contributions to their community and state, and I am sure John will continue that legacy.

I hope John has enjoyed his internship and his stay in our Nation's Capital as much as my staff and I have enjoyed having him here. I wish him all the best in the future.

HONORING MARJORIE JOY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Dr. Marjorie Joy of Oak Lawn, IL, principal of Lee School, who is retiring after a long and distinguished career in education.

Dr. Marjorie Joy is a dynamic influence in the West Lawn community. She has been a leader in the community since she came to Lee School as a seventh grade teacher in 1975. She would later become an eighth grade teacher, assistant principal, and then principal in 1984. From that time on she concentrated on developing and expanding academic and extra-curricular programs at Lee. Her dedication and enthusiasm have made Lee School a cornerstone of the community.

In Dr. Joy's time as principal, the school and community have undergone many changes. Throughout these years, the philosophy of Lee School has remained constant: that all actions and decisions are made based on the best interests of the children. Dr. Joy's leadership is the catalyst bringing together faculty, staff, parents and community to develop and implement programs and policies designed to meet the diverse needs of the children. In addition, Dr. Joy continually promotes respect, acceptance and appreciation of all persons associated with the Lee School community.

As the population of Lee School became more culturally diverse, Dr. Joy encouraged the faculty to pursue ESL and ELL certification. In order to promote a greater understanding of the different cultures now represented in the Lee School population, several Cultural Diversity Celebrations have been held. Additionally, Lee School is part of the International CPS. CPS Scholars is an advanced curriculum stressing internationalism, integrated curriculum, and world language. It is the vision that students of this program will become fluent in more than one language and skilled in the use of modern technology to become life-long learners.

For her years of dedication and service Dr. Joy has deservedly received numerous awards. These awards include the Distinguished Service Award Aquin Guild, the Whitman Award for Excellence in Educational Management, Principal of Excellence Award, Leadership in Improving Student Outcome, and many others.

Dr. Joy has consistently been driven by the desire to serve her community and improve the lives of the children and families who have attended the schools where she has taught and been an administrator. It is with great appreciation that I thank Dr. Joy for her dedicated work and wish her continued health and good luck as she travels the next path in her career.

TRIBUTE TO SAN MARCOS MANUFACTURERS ASSOCIATION

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the San Marcos Manufacturers Association (SMMA) on its twenty-five years of community service and economic development.

The San Marcos Manufacturers Association was formed on October 11th, 1981 to provide a forum for local industry to communicate common needs, problems and objectives. The association is made up of local member companies including: Goodrich; Butler; CenturyTel; CFAN; Chatleff Controls; Gulf Business Forms, Inc.; Hadco/Genlyte Thomas; Mensor Corporation; Parkview Metal Products Inc.; Stellar; T.B. Woods; TXI Hunter Cement; Thermon; WideLite Genlyte Thomas; Heldenfels Enterprises, Inc.; Ember Industries, Inc.; Pavestone Company; Grande Communications; and HEB Distribution Center. Associate members include: San Marcos Chamber of Commerce; Economic Development San Marcos; Texas State Department of Technology; McCoy College of Business; Gary Job Corps Community; Central Texas Medical Center; City Manager; Hays CISD; and San Marcos CISD.

The San Marcos Manufacturers Association is well known for its close ties to the community by working closely with several educational institutions such as the Texas State University at San Marcos, San Marcos CISD, Hays ISD, and with local organizations such as the Chamber of Commerce, the city of San Antonio, TX Workforce Centers, Economic Development San Marcos. Seven annual scholarships are provided by the San Marcos Manufacturers Association to graduates of Gary Job Corps, San Marcos High School, and two scholarships for Texas State University.

One excellent example of the great community involvement by the San Marcos Manufacturers Association is found in its contributions to the United Way of Hays County. Many members of the association serve on boards of various community and civic organizations, and are committed to Economic Development of San Marcos, and work as a team to improve the working conditions, environment and quality of life for new and existing industries.

Mr. Speaker, I am honored to have had this time to honor the leadership of San Marcos Manufacturers Association in community service and economic development for San Marcos and the surrounding communities

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TRIBUTE TO RIVERVIEW BIBLE BAPTIST CHRISTIAN SCHOOL BOYS BASKETBALL TEAM

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to congratulate the Riverview Bible Baptist Christian School Boys Basketball Team of Forsyth, MO, On March 18, 2006, the team won the National Championship of the National Association of Christian Athletes 2006 Boys Division V, an outstanding accomplishment.

Using the work ethic and good sportsmanship which are our core values in Southern Missouri, the young men of this team cooperated to accomplish an incredible goal. Their perseverance embodies a striking lesson for our Nation as an example of what can be done when all of the members of a team work as one. In an age where sports offers so many examples of selfish play and self-promotion, the Riverview Bible Baptist Christian School Boys Basketball Team shows what is right with sports in America. These young men and their coaches also serve as an example of how teamwork can result in remarkable success. The concept of team is perfectly illustrated by these young men.

I want to applaud the Riverview Bible Baptist Christian School Boys Basketball Team, their coaches and their many supporters on an outstanding season, ending in a great victory. I also want to recognize them for providing a meaningful lesson in the value of teamwork and thank them for representing the Eighth Congressional District so well through their play in the tournament.

FAMILIES USA STUDY EXPOSES THE WEAKNESSES OF PRIVATE PRESCRIPTION DRUG PLANS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Ms. SCHAKOWSKY. Mr. Speaker, today I rise in order to bring to the attention of my colleagues a study released by Families USA on the new Plan D prescription drug plan, "Big Dollars Little Sense: Rising Medicare Prescription Drug Prices," This report, which was released earlier this month, describes how private prescription drug plans have failed to secure cheaper drug prices for Medicare enrollees and have done nothing to stem the tide of rising drug prices.

By comparing the prices under private Part D plans to the prices available to veterans through the Department of Veterans Affairs (VA) health system, the Families USA report shows that the private insurers are failing to provide needed cost savings to their customers. Between November 2005 and April 2006, private Part D insurers raised the prices on seventeen of the top twenty most frequently prescribed drugs to seniors significantly, while the same drugs under the VA plan experienced little or no increase at all. The median difference in price between the Part D and VA plans was 46 percent. In other words, seniors enrolled in Part D private plan are paying an average 46 percent more for those drugs than they would have if they had been able to receive VA negotiated prices.

As the study details:

> For each of the top 20 drugs prescribed to seniors, the lowest price charged by any Part D plan was higher than the lowest price secured by the VA . . . For Zocor (20 mg), a drug used to prevent coronary heart disease, the lowest VA price for a year's treatment was $127.44, while the lowest Part D plan price was $1,275.36, a difference of $1,147.92 or 901 percent. For Zocor (40 mg), the lowest VA price for a year's treatment was $190.76, while the lowest Part D plan price was $1,275.36, a difference of $1,084.60 or 569 percent.

This difference is staggering, and it shows the difference between a publicly-accountable plan that is committed to helping its beneficiaries and private plans that are committed to helping their profit margins, "Big Dollars Little Sense," debunks the myth that the price difference between the VA and private Part D plans has to do with the number of drugs covered. As the study states, the VA plan covers just as many drugs as the plans in Part D but is able to obtain "large discounts simply by using the government's negotiating power." The VA utilizes the significant leverage it has in order to get cheaper drugs for its beneficiaries—an authority Medicare is explicitly prohibited from using under the current Medicare law.

Another discovery that the report made was that the private insurers have done almost nothing to protect seniors from rising drug prices. Over a six-month period between November 2005 to April 2006, drug prices for the top twenty drugs prescribed to seniors rose 3.8 percent. That increase was mirrored by the private drug plans, which raised their prices to their customers 3.7 percent. The plans were unable to moderate increases, unlike the VA, where prices either did not increase or increased at a far lesser rate. The drug prices continue to rise and the private insurers simply pass that increase on to the seniors enrolled in their plan, making little effort to negotiate fairer prices.

The Families USA report not only draws attention to the ineffectiveness of the private insurers but highlights the fact that there is no way to hold them accountable. Part D states that these plans are required to pass the discounts they receive on to Medicare beneficiaries but does not specify the proportion of the discount that must be passed on. The insurers could actually be getting huge discounts from the drug manufacturers and just keeping the difference, but we have no way of knowing. There is no disclosure and no accountability for the private providers who supply an essential benefit to the elderly in this country. This is a serious problem for seniors. Prices are higher than necessary, can increase over the course of the year, and can vary among plans. It is also a serious problem for taxpayers, who pay 75 percent of the cost of Part D premiums. "Big Dollars Little Sense," reports, too, that the median difference between the highest and lowest prices that Part D plans charged for the same drug was 36 percent. This is not just a question of picking the right plan during the enrollment period—since plans can change prices throughout the year but seniors are locked in, even a smart shopper can end up paying much more for their drugs than enrollees in other plans.

This report concludes that seniors in this country would get a far better deal if they were able to benefit from Medicare price negotiation:

> Price data from the Part D plans from November 2005 and April 2006 show that these plans are failing to deliver on the promise that competition would bring prices down. The use of "market power," lauded by Medicare officials and the Administration, has not resulted in drug prices that are comparable to the low prices negotiated by the Department of Veterans Affairs. Not only are Part D plan prices high, but these prices are increasing far more often than they are decreasing, and the plans are not containing drug price inflation. These disturbing price trends do not bode well for either Medicare consumers or taxpayers. The "market power" of the plans has not delivered the low prices promised to Medicare consumers.
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> The law that established the Medicare prescription drug benefit, in prohibiting Medicare from using the negotiating clout of 43 million seniors and others in Medicare to obtain low drug prices, has given seniors and taxpayers a benefit that costs more than it should. When negotiations are divided among a multitude of plans, none seems to do as well as a single negotiator might. When it comes to reducing and containing drug prices, the Medicare drug program is an opportunity that has been badly squandered.

A Medicare-administered plan with Medicare price negotiation would lower prices since the drug companies would be more likely to provide a good deal to an entity representing 43 million of their best customers. That is why I urge my colleagues to read this important report and to support H.R. 752, the Medicare Prescription Drug Savings and Choice Act, which would give seniors and persons with disabilities the ability to enroll in a Medicare-operated plan with lower prices.

THE ANNIVERSARY OF THE KELO V. CITY OF NEW LONDON DECISION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. POMBO. Mr. Speaker, tomorrow marks the one year anniversary of one of the worst Supreme Court decisions in recent memory, Kelo v. City of New London. One year ago, the Court struck a blow against property owners everywhere and delivered the government's long-standing assault on property rights on farms and ranches in rural America right to the doorsteps of American suburbs.

The Kelo decision expanded the traditional understanding of "public benefit"—roads, bridges, schools, etc.—to include more abstract benefits like tax revenue. If a local bureaucrat decides that your house, local church, or business would be more productive if it were torn down to make room for a shopping center, the Court now says this is ok.

The 5th Amendment guarantees that private property shall not be taken by the government for public use without just compensation. These safeguards have been under assault for decades and until this decision, the typical victims were family farmers and ranchers in the West. Now we know no one is safe. In the past year, more than 5,700 properties have been threatened or taken by eminent domain, not to build roads or schools, but for private development. This is unconscionable and goes against everything our Nation stands for.

This terrible ruling did have a silver lining—it brought great public attention and outrage to an issue some of us in Congress have been fighting for our entire careers. In the wake of the decision, the House of Representatives passed H.R. 4128, the Private Property Rights Protection Act. Using Congress' power of the purse, we made a strong, bipartisan statement to State and local governments that the abuse of eminent domain for private purposes would not be tolerated. Any use of eminent domain for private benefit would result in a two-year loss of federal economic development funds. Similar restrictions were placed on funds in the FY06 Transportation, Treasury, Housing and Urban Development and Related Agencies Appropriations bill.

The fight has also been taken up at the local level, with 25 states passing legislation aimed at curbing eminent domain abuse. This was a heartening response, but there is much more to be done. The Senate must act on similar legislation. And, we can further what we have started by introducing more legislation to protect private property. While the initial public outcry over this decision has died down, these abuses are still occurring every day, and we must keep up the fight.

Mr. Speaker, property rights are the heart of individual freedom and the foundation for all other civil rights guaranteed to Americans by the Constitution. Without the freedom to acquire, possess and defend property, all other guaranteed rights are merely words on a page. As we look back on one year of life under Kelo, we must never forget the simple truth. We must be steadfast in our defense of the rights of property owners.

LOWER THE THRESHOLD FOR BILINGUAL ELECTION ASSISTANCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. RANGEL. Mr. Speaker, I rise today to address the House on the Voting Rights Reauthorization and Amendment Act of 2006, proposed by the esteemed gentleman from Wisconsin. The bill calls for renewal of certain expiring provisions from the Voting Rights Act of 1965, including Section 203—the bilingual election assistance.

As a representative of one of the many multi-ethnic districts in New York, I fully realize the necessity of providing bilingual assistance to increase voting among language minorities and allow these Americans the chance to participate in the democratic process. According to the existing provisions of Section 203, the bilingual assistance is made available when the population of a language minority group in an electoral district is 10,000. This has facilitated voting for over 200,000 Asian Americans nationwide, and caused a 50 percent increase in the Hispanic electorate in the first decade of the adoption of this provision.

Mr. Speaker, the House has agreed to a bipartisan support of this vitally important reauthorization bill to ensure a clean passage. Had the opportunity allowed, I would have liked to propose an amendment to Section 203, lowering the current threshold to 7,500. The effect of lowering the numerical trigger to 7,500 would remove language barriers for at least 77,955 limited English proficient Asian American citizens to vote, including a significant increase in the electorate of New York City. In the last election, New York only offered bilingual election assistance in Spanish, Chinese and Korean. Keeping in mind the diversity and multiethnic communities in New York, it is vital that we ensure all our constituents have an easier access to the electoral process. I have been a firm supporter of integration and accepting immigrants into American society. What better way to make them comfortable in their American identity and assist in seamless assimilation?

On another note, under the current law, U.S. Census Bureau determines the Section 203 coverage every 10 years. Considering the rapid growth of immigrant communities, particularly in cities like New York, San Francisco (CA), Los Angeles (CA), Philadelphia (PA), Essex County (NJ), Cook County (IL), King County (WA), I believe we should make census determinations every 5 years to decide Section 203 coverage.

According to the 1990 census, the Korean American population in New York was short of 250 persons to gain coverage under Section 203. Although the community reached the numeric trigger by early 1990s, it did not gain coverage until after the 2000 census. More recently, the Vietnamese community in San Diego fell 85 persons short of the numeric trigger following the 2000 census. Surely, by now the community has already surpassed the trigger but will not receive bilingual election assistance until after the 2010 census report is completed.

The Voting Rights Act of 1965 with all its subsequent amendment has been immensely successful in expanding access and assistance to racial and ethnic minorities during election. It remains one of the most important civil rights laws in our country. Mr. Speaker, while coming to debate the reauthorization of the expiring provisions in this 109th Congress, we must keep in mind the limitations of the Voting Rights Reauthorization and Amendment Act of 2006, and how to make it more effective and allow our citizens access to one of their fundamental rights as guaranteed by the ideals of our nation.

Finally, Mr. Speaker, I must commend the bipartisan effort to renew this legislation and congrats my colleagues on their success in allowing for the expansion of the provision of until 2032, for 25 years—the longest extension in its history. I must also praise the various civil rights groups who have been extensively campaigning for the renewal of the Voting Rights Reauthorization and Amendment Act.

RECOGNIZING ST. JOHN INSTITUTIONAL MISSIONARY BAPTIST CHURCH OF MIAMI ON ITS 100TH ANNIVERSARY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. MEEK of Florida. Mr. Speaker, today I rise to pay tribute to the St. John Institutional Missionary Baptist Church on the occasion of its 100th anniversary on Sunday, June 25, 2006.

Its pastor, the Reverend Henry Nevin, will lead his congregation to celebrate this milestone in the history of this beloved church that has become the Citadel of Faith in Miami's Overtown community. Indeed, St. John's longevity of service is directly related to its essential role in the community and its service to its members and to all those who now seek comfort and solace in its sanctuary.

On June 17, 1906, a group of dedicated Christians decided to build the Second Baptist Church, which came to be known as the New St. John Institutional Missionary Baptist Church. In 1939, the late Sis. Cora Lee Thomas Brown, the only surviving founder at that time, and Sis. Victoria Darry, the first secretary of the Sunday School, provided information to validate the revered history of the Church. It was legally known as the St. John Baptist Church of Miami, Florida, and the Reverend John Bynom was called as the first pastor, while brothers Grant Faulkner and Willis Williams were consecrated as the first Deacons.

In the succeeding years, the membership grew. Their second pastor, the Rev. N.B. Williams, known as a Master Builder, called upon his congregation to consider plans for a permanent location. In January, 1912, the Rev. Jarius Wilkerson Drake arrived in Miami from Jacksonville and assumed the leadership of the church. This pastor succeeded in expanding the congregation to 1,000-members in 1939. The current location of this church was purchased with a $10,000 deposit at a local bank, and thereafter a building was erected to house the burgeoning membership in the year 1940.

Rev. Drake was God's shepherd par excellence, as he guided and served the congregation well until his death in February, 1951. This Man of God was revered as a fearless leader and community builder whose life was filled with Christian charity on one hand and civic pride on the other. He was soon followed by Rev. Thedford Johnson during the latter part of 1951, who proficiently guided the church into a veritable sanctuary of worship and learning, as he created a good mixture of religion and civic responsibility that would strengthen church members not only to become spiritual and moral leaders, but also as responsible and conscientious guardians of good government and civic pride.

On April 17, 1982, the Rev. Charles Uptgrow succeeded Rev. Johnson, and on March 28, 1985 the Rev. Henry Nevin was appointed pastor and continues in this capacity until the present. He has emphasized Bible Study classes for the members of his congregation, and this focus gave way to the continuing enhancement of church membership amidst constant worship and praise to Almighty God. Through the genuine efforts of the current pastor, the faith-action service that now defines the St. John Institutional Missionary Baptist Church has truly persevered in showing its congregation the way and expounding for its membership the Truth that emanates from the study of Holy Scriptures.

Rev. Nevin's inspiring leadership is genuinely admirable. As a servant of God and as a deeply spiritual leader immersed in Scriptural commitment, he has earned the deepest respect and superlative commendation of our community. We therefore congratulate the members on their Centennial Celebration of their venerable Church and wish them continued success as they begin a new century of service.

SUPPORT FOR H. RES. 323, H. RES. 863 AND H.R. 1245

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. BURTON of Indiana. Mr. Speaker, earlier today the House overwhelmingly approved

House Resolution 323—a resolution I am proud to be a co-sponsor of—offered by my good friend Congresswoman DEBORAH PRYCE of Ohio. H. Res. 323 is a straightforward bill which expresses the House of Representatives' support for increasing childhood cancer awareness, treatment, and research.

The word "cancer" evokes powerful emotions. Along with many of my colleagues, I know first-hand how devastating cancer can be to the individual who has been diagnosed, as well as their family. It is thankfully true that more and more people are continuing to lead full and productive lives both during and after cancer, but the sad fact is that lives once touched by this insidious disease are never truly the same again. The tragedy perhaps becomes even worse when cancer invades the life of a child.

I pray for the day when a cure is found and cancer is finally and forever eradicated from the face of the earth. In the meantime, as my colleague Mr. DEAL of Georgia said in his remarks, through research, public awareness, education and wise public policy, we can make powerful strides towards winning the fight against childhood cancer. I hope that the resolution we passed today will help call attention to the problem of childhood cancer and the importance of bringing improved diagnosis and treatment techniques to bear in this life and death struggle. I commend Ms. PRYCE for her leadership on this issue, and I applaud all of my colleagues for their support of this critically important resolution.

But I believe we can do more and that we should do more to address the scourge of cancer before this Congress adjourns for the year.

For example, prostate cancer is the second most common cancer in the United States. It is also the second leading cause of cancer related deaths in men, claiming around 27,000 lives in 2005 alone according to the National Prostate Cancer Coalition. According to the National Cancer Institute, in 2005 our Nation likely saw more than 230,000 new cases of prostate cancer, meaning that some 2 million American men are living with prostate cancer at this time. Statistics also tell us that prostate cancer will strike one in six men. Yet tragically, the state of prostate cancer care is decades behind what it should be.

The current screening methods of digital rectal exams and PSA blood tests are good tools—but they are not enough. A study funded by the National Cancer Institute showed that PSA blood screening tests, the most common form of testing for prostate cancer, result in both false positives and false negatives. In fact, as evidence suggests that as high as 15 percent of men with normal PSA levels actually have prostate cancer. We need to start getting serious about our diagnostic and treatment options. I firmly believe that men need to continue to get tested, even with the chance that the results may be misleading at times but I also firmly believe that we should not be satisfied with the current state of care. Our fathers, our brothers and our sons deserve more accurate technology, more reliable weapons in the fight against prostate cancer—tools like digital imaging.

That is why I am proud to co-sponsor—along with my colleague from Maryland, Mr. CUMMINGS—House Resolution 863, to bring attention to the urgent need to develop better tools in the fight against prostate cancer. Our Resolution simply expresses the sense of the House of Representatives that Congress and the Executive Branch should recognize the successful use of advanced imaging technologies in the fight against breast cancer and provide additional support for the research and development of technologies for prostate cancer detection and treatment comparable to state-of-the-art mammograms.

Likewise, I am a proud co-sponsor and passionate supporter of Johanna's Law: "The Gynecologic Cancer Education Act (H.R. 1245)". Ovarian Cancer is the deadliest of the gynecologic cancers, and it is the fourth leading cause of cancer death among women living in the United States. In 2004, it is estimated that over 25,000 women were diagnosed with ovarian cancer, and an estimated 16,000 or so American women died as a result of this devastating disease. This is a national tragedy, and what makes it even more tragic is the fact that many of those deaths could have been prevented if more women and their doctors knew the risk factors and recognized the early warning signs of ovarian cancer and other gynecological cancers.

When it is detected early, ovarian cancer is very treatable, unfortunately, ovarian cancer is one of the most difficult cancers to diagnose because symptoms are sometimes subtle and may be easily confused with those of other diseases. As a result, only 29 percent of ovarian cancer cases in the U.S. are diagnosed in the early stages. When the disease is detected before it has spread beyond the ovaries, more than 95 percent of women will survive longer than five years. But, in cases where the disease is not detected until it reaches the advanced stage, the five-year survival rate plummets to a devastating 25 percent.

As there is still no reliable and easy-to-administer screening test for ovarian cancer, like the Pap smear for cervical cancer or the mammogram for breast cancer, early recognition of symptoms is clearly the best way to save a woman's live. Without increased education about ovarian cancer and recognition of women who are at higher risk for developing ovarian cancer, many women and their doctors will continue to ignore or misinterpret the symptoms of the disease. Any woman is at risk for developing a gynecologic cancer. As we owe it to our fathers, brothers and sons, we also owe it to our mothers, our wives and our daughters to do all we can to both raise awareness of these terrible diseases, and to fund the research necessary to stamp out this kind of cancer once and for all.

Johanna's Law will be a giant step forward because for the first time ever, the Secretary of Health and Human Services will have explicit authority to carry out a national campaign to increase the awareness and knowledge of women with respect to gynecologic cancers, which shall include: (1) maintaining a supply of written materials to provide information to the public on gynecologic cancers; and (2) developing and placing public service announcements to encourage women to discuss their risks of gynecologic cancers with their physicians. The bill also requires the Secretary to award grants to nonprofit private entities to test different outreach and education strategies for increasing such awareness among women and health professionals.

I am confident that with a national Public Service Announcements campaign describing risk factors and symptoms and encouraging women to talk to their doctors about their risk of gynecological cancers, that we can and will increase early detection of these deadly cancers, and, when possible, help women reduce their risk of ever contracting them in the first place.

Mr. Speaker, both House Resolution 863 and H.R. 1245 are currently pending before the Energy and Commerce Committee. In closing, I would respectfully ask all of my colleagues on the Committee to read these two bills because I am confident that after you read them you will come to the same conclusion that I have; namely these are good bills, good public policy and we need to bring these bills before the full House for a vote now. This is literally a matter of life and death.

IN TRIBUTE AND APPRECIATION OF THE LIFE AND WORK OF EVELYN DUBROW, A DESERVING RECIPIENT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. RANGEL. Mr. Speaker, I rise today to remember the legacy of the recently passed Evelyn Dubrow. In her many years here on Capitol Hill as a delightful yet effective advocate of worker's rights, Ms. Dubrow helped influence progress in civil rights issues across the board. She was best known as the representative for the International Ladies Garment Workers Union (ILGWU), however, her work sought to expand the rights of workers for a higher minimum wage, fair trade laws, and family and medical leave. Her forthright style and passionate advocacy won her many friends and admirers in the Congress.

For many members of Congress, she was the ideal example of a successful lobbyist, and her wealth of knowledge benefited all who had the pleasure of crossing Ms. Dubrow's path. Not only was she a model lobbyist, but she was also an exemplary human being who did not take even a penny for granted, spending in a year what some say others spend in telephone bills alone. Hers was a personal style and her winning personality made her welcome in the offices she visited.

Ms. Dubrow's outstanding work was recognized by President Clinton, who in 1999 awarded her with the Presidential Medal of Freedom. She was also recognized by the Washington Business Review in 1982 as Washington's top 10 lobbyists.

Known affectionately as "Evy," she began her efforts on Capitol Hill as one of very few other female lobbyists in the 50's. In those days, the minimum wage was only $1 an hour, talk of equal pay for men and women was rare, and laws allowed discrimination in housing, hiring, and health care. It was in these areas that "Evy" fought hard to produce improvements for all Americans.

Her obituary in the June 22nd edition of The Washington Post honored the life and works of Ms. Evelyn Dubrow. I would like to enter the Obituary into the Record and join the Washington Post as well as my colleagues on the Hill for reflection and appreciation of this great woman's contributions to our country.

[From the Washington Post, June 22, 2006]

Lobbyist Evelyn Dubrow, 95; Worked for ILGWU, Civil Rights

(By Patricia Sullivan)

Evelyn "Evy" Dubrow, 95, an indefatigable lobbyist for garment workers for almost 50 years and the only person on Capitol Hill allowed to share the congressional doorkeepers' chairs outside the House chambers, died June 20 of a heart attack at George Washington University Hospital.

Miss Dubrow, the 4-foot, 11-inch, throaty-voiced representative for the International Ladies Garment Workers Union and its successor union from 1956 until about two years ago, wore out countless pairs of size 4 shoes in the marble halls of the Capitol, where she advocated for a higher minimum wage, fair trade laws, family and medical leave policies and civil rights.

"Everyone knows Evy," said one newspaper profile of the friendly activist. Another said, "She stands eye-to-eye with Labor Secretary Robert B. Reich and goes toe-to-toe with the big boys, whether the late [House Speaker Thomas P.] O'Neill . . . or Sen. Alan K. Simpson, the 6-foot-7 Republican from Wyoming."

"Evelyn Dubrow is the union label," Sen. Ernest F. Hollings (D-S.C.) once said.

"By the accounts of her best friends in Congress, most of them Northern liberals, she is the model of the effective lobbyist—persistent but not pushy, knowledgeable and persuasive but not dogmatic," New York Times reporter David E. Rosenbaum wrote in 1970.

Her longevity gave her knowledge of the institution and an understanding of when to compromise. "There's no point trying to organize an industry if there are no jobs," she said in 1985, explaining why labor supported a protectionist textile bill. It also gave her a seat just outside the House chambers; as speaker, O'Neill ordered the doorkeepers to share their seat with the representative of seamstresses, hemmers and buttonhole girls. The apparently unprecedented courtesy lasted until Newt Gingrich won the speakership and barred lobbyists from the second floor during votes.

Miss Dubrow worked 15-hour days and outlasted almost everyone. For years, she kept her age a secret even while spreading her secrets to successful lobbying: Never beg for votes, don't assume you know everything and don't threaten anyone.

"She carries no flip phone, beeper or Powerbook," the Baltimore Sun said in 1995. "[Miss] Dubrow keeps her daily schedule on a card in her appointment calendar in her purse. And her yearly expenses are less than what some spend in telephone bills alone."

President Bill Clinton awarded her the Presidential Medal of Freedom in 1999, calling her "a tiny woman, larger than life" who was "renowned for her grace, candor, and integrity, [who] has earned the respect of opponents and allies alike."

Unapologetically liberal, she had friends among both Republicans and Democrats, telling Washingtonian magazine in 1997: "In Washington you should never write off anybody. You'll be surprised where tomorrow's allies come from." .

She came from Paterson, N.J., the daughter of immigrants from Belarus who found work in factories of New York and New Jersey. She got her start in labor activism handing out fliers about the Spanish Civil War in New York's Union Square. She graduated from New York University's School of Journalism and joined her first union, the Newspaper Guild, while working at the Paterson Morning Call newspaper.

She soon moved into full-time union work, as a secretary in the Textile Workers Union and as an assistant to the president of the New Jersey Congress of Industrial Organizations. She was one of the organizers of Americans for Democratic Action in 1947 and worked for the ADA until 1956. Legendary labor leader David Dubinsky hired her as lobbyist for the International Ladies Garment Workers Union and sent her to Washington.

Miss Dubrow was in her mid-forties when she became one of a mere handful of female lobbyists in Washington. When she started, the federal minimum wage was $1 an hour, equal pay was rarely mentioned and the law allowed discrimination in housing, hiring and health care. She fought long and hard for improvements in all those areas, and later, against the North American Free Trade Agreement, which eroded the jobs of American union members who made clothes.

"When I started this job, we were worried about sweatshops," she told The Washington Post in 1997. "Today we're still worried about sweatshops."

She was named vice president of the ILGWU in 1977, and when the union merged with another to form UNITE! (United Needleworkers, Industrial and Textile Employees), she became vice president and legislative director, then special assistant to its president. She was a founder of the Coalition of Labor Union Women.

Miss Dubrow became well recognized off Capitol Hill in time. In 1971, Ladies' Home Journal named her one of the 75 most important women in America, and in 1982, the old Washington Business Review called her one of the city's top 10 lobbyists.

Never married, with no immediate family survivors, she reveled in her many nieces and nephews. She also enjoyed poker, gin rummy and reading the classics.

In the 1970s, she endured four years of Metro rail construction in front of her D Street SE home. Her only complaint about it, she told The Post in 1977: "Their construction in front of my house caused my shoes to get muddy. But for two weeks, every day, one of the workers would go have them polished and bring them back to me."

FREEDOM FOR REINALDO MIGUEL LABRADA PEÑA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Reinaldo Miguel Labrada Peña, a political prisoner in totalitarian Cuba.

Mr. Labrada Peña is a peaceful pro-democracy activist and a member of the Christian Liberation Movement. His life is dedicated to the proposition that the men and women of Cuba must be free: free to learn, free to worship, free to enjoy their inalienable human rights. Unfortunately, the nightmare that is the Castro regime continues to violently oppress the people of Cuba, including those that bravely make known the atrocities committed against the Cuban people for the world to see.

In March 2003, as part of the regime's heinous crackdown on peaceful, pro-democracy activists, Mr. Labrada Peña was arrested. In a sham trial, he was sentenced to 6 years in the totalitarian gulag.

Mr. Labrada Peña is languishing in an inhuman, grotesque gulag simply because of his religious convictions and his desire to live in liberty. According to Amnesty International, he has been denied access to religious services and has inadequate ventilation in his squalid cell.

Mr. Labrada Peña is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny. Thousands languish in the gulag because, like Mr. Labrada Peña, they refuse to accept the tyrannical dictatorship in Cuba today. It is reprehensible that, at the dawn of the 21st Century, men and women like Mr. Labrada Peña are still locked in dank dungeons because of the tenets of their faith.

Mr. Speaker, it is unconscionable that peaceful Cubans of all genders, creeds and colors are locked in Castro's barbarous gulag because they believe in a tree Cuba. While the entire world sits by and ignores the suffering of the Cuban people, brave men and women like Mr. Labrada Peña represent the best of mankind. My Colleagues, we must demand freedom and human rights for all people, including those who live under the darkness of totalitarian regimes. We must demand immediate and unconditional freedom for Reinaldo Miguel Labrada Peña and every prisoner of conscience in totalitarian Cuba.

IN MEMORY OF MR. RICK MERRITT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to the life and memory of Mr. Rick Merritt of Lighthouse Point, FL. Rick passed away on Father's Day, June 18, 2006, after a courageous battle against cancer. I had the privilege of meeting Rick in 2002, as he was extremely helpful to me during my time in the House of Representatives. Rick was a talented ally who used his ability and creativity to develop his own computer software programs. He was a patient man who spent many hours educating folks on technology. and how they could use computer software programs for their benefit. Rick's personable demeanor made him approachable and always accessible. He truly used his talents to teach others and better serve his fellow man.

Rick was also a strong advocate in protecting consumers and businesses in their dealing with the U.S. Postal Service. To this end, Rick was Executive Director of Postal

Watch, a national watchdog group committed to advocating a consumer approach to postal reform. He was also active in the Wednesday Meeting that brought together folks. from around the country to Washington, DC to discuss issues facing our Nation.

Roughly a year ago, Rick was diagnosed with cancer. Instead of withdrawing from his fight against cancer, Rick faced the challenge with courage and a spirit of determination. Although Rick lost his battle with cancer, his spirit lives on among his family and friends. My thoughts and prayers are with Rick's wife, Debbie, his daughter, Tobi; his mother, Lois; brothers, Scott, Mark and Michael; and the rest of the Merritt family during this time.

Rick loved his country, stood by his principles, was never afraid to take a risk and could always be counted upon to be there during the toughest times for his family, his colleagues and his friends.

Mr. Speaker, I was privileged to call Rick Merritt my friend.

HONORING DR. JARRELL JACKMAN FOR 25 YEARS OF SERVICE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to Dr. Jarrell Jackman for his dynamic and committed leadership of the Santa Barbara Trust for Historic Preservation.

Dr. Jarrell Jackman has been a leader of the Trust for Historic Preservation for 25 years, serving first as Historic Projects Administrator and, since 1987, as Executive Director. In a unique partnership with the State of California Department of Parks and Recreation, the Trust operates El Presidio de Santa Barbara State Historic Park that attracts 50,000 visitors annually from Santa Barbara and from around the world.

Under Dr. Jackman's leadership, the Trust bought and maintains for future generations the Mission Santa Inez Mills, significant remains of mission-period grist and fulling mills. In addition to acquiring and maintaining historic sites, the Trust preserves the diverse cultural heritage of Santa Barbara through its research, interpretation, educational programs, archeological work, historic restoration and preservation efforts. They work cooperatively with local jurisdictions and with dozens of state agencies, museums, private foundations, schools, and businesses to ensure that the rich cultural history of the central coast not only lives on for future generations but is accessible today.

The Trust has completed major construction projects for El Presidio de Santa Barbara State Historic Park: the Chapel, the Comandancia, the Northeast Corner and (the soon to be completed) Northwest Corner, making El Presidio the most fully restored Presidio in the United States. The restored Casa de la Guerra and El Presidio have become significant museums, hosting many lectures, performances, visiting exhibits and celebrations, due in large part to the dedication and expertise of Dr. Jackman.

Dr. Jackman served honorably on the Santa Barbara County Historic Landmarks Advisory Commission and has consistently been a forceful voice for the preservation of county historic structures. Among his many honors are the prestigious Norman Neuerburg Award from the California Mission Studies Association in February 2001 and the 2006 California League of Park Associations' Dewitt Award for outstanding partnership.

I have seen firsthand many of the great programs and preservation efforts of the Trust. We, as a community, benefit greatly from the skill and leadership of Dr. Jackman. I am pleased to commend Dr. Jarrell Jackman for his dedicated service to the Trust for Historic Preservation and to the preservation of many of the Central Coast's treasures. I look forward to the Trust's continued success. Congratulations on 25 great years!

IN RECOGNITION OF CHARLES (CHARLIE) J. BECK FOR HIS 36 YEARS OF SERVICE TO THE CITY OF FAIRFIELD

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize the exceptional value of Charlie Beck's 36 years of dedicated service to the citizens of Fairfield.

After graduating from Sacramento State College in 1970, Charlie was hired by the City of Fairfield as a Junior Civil Engineer and in 1972 became the City's first Traffic Engineer.

Two years later Charlie moved to the Corporation Yard to become the Manager of Street, Drainage, Signs, Traffic Signals, and Equipment Maintenance Division.

In 1980 Mr. Beck became the City's first Assistant Public Works Director and in 1985 added City Engineer to his title. Under this position Charlie was responsible for the management of Development Review, Engineering Design, Capital Improvement Projects, Traffic Engineering, and Public Works and Building Inspections.

In 2000, Mr. Beck was appointed to the position of Director of Public Works for the City of Fairfield. Under his supervision, he managed 190 Public Works employees, including Engineers, Technicians, Inspectors, Maintenance Personnel, and Support Staff.

Mr. Beck's attitude of "doing it right the first time" and "build it to stand the test of time" has served the City of Fairfield well in the past and will serve the City well into the future. A long-term retired employee said it best when he referred to Charlie's knowledge of masonry which he learned from his father. He said that with every action Charlie took since he started employment with the city, he placed each brick and made sure it was level before moving on to the next one. With that approach, he built a great foundation for the city.

He is recognized by his co-workers as a model of integrity and a great mentor. Mr. Beck's wisdom and office presence will truly be missed.

Charlie Beck has spent his entire career working for his community and for the citizens of Fairfield. As he enters retirement I would like to wish Charlie, his wife Joyce, and his family many wonderful years of happiness, prosperity, and good health.

IN LASTING MEMORY OF JOE PURCELL

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the life and accomplishments of Joe Purcell who passed away in 1987 at the age of 63. On June 24, 2006, a memorial dedication ceremony will be held to memorialize Joe Purcell, one of the finest citizens and public servants that the city of Benton and the state of Arkansas have ever known. This dedication will recognize Purcell's legacy and life-long devotion to public service. Joe was an admired and cherished member of the Benton community and I would like to take a few moments to recognize his achievements.

Joe Purcell was born on July 29, 1923, in Warren, Arkansas. After graduating from Little Rock Junior College, Joe served his country and entered the Army during World War II. After his time in the military, Joe attended the University of Arkansas School of Law, where he graduated in 1952. That same year, he began practicing law in Benton.

Beginning in 1955, he served four years as city attorney in Benton. In 1959, Joe became Municipal Judge, a post he held until 1966 when he was elected Arkansas State Attorney General. Joe served two terms as Arkansas State Attorney General and went on to serve three productive terms as Lieutenant Governor. He also served as acting Governor of Arkansas from January 3rd through January 9th 1979, when then Senator David Pryor stepped down to serve in the U.S. Senate, before Bill Clinton was inaugurated as Governor. Joe also served as chairman of the Arkansas Democratic Party and was chairman of the state's Bicentennial Celebration in 1976.

President Bill Clinton described Joe Purcell as "a self-made man who represented honesty and integrity in public service." This quote is inscribed on a permanent marker that will be unveiled at the Joe Purcell Memorial Dedication Ceremony. The marker will hold a special place of honor in front of the Old Federal Building in Benton, Arkansas.

Joe Purcell spent a lifetime dedicated to the community of Benton and the betterment of the lives of others. While Joe may no longer be with us, the marker placed in his memory will remind others of his commitment to public service and pay tribute to a truly remarkable man. Joe was an admired and cherished member of the Benton, Arkansas community and his memory will continue to live on in the lives he touched and the accomplishments he achieved.

ON BEHALF OF THE BEST FRIENDS KINDNESS WEEKEND

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. SHAYS. Mr. Speaker, I am pleased to announce that this weekend, June 23–25, 2006, has been designated by Best Friends Animals Society as Best Friends Kindness Weekend.

The way a society treats its animals speaks to the core values and priorities of its citizens.

As a co-chair of the Congressional Friends of Animals Caucus, I am committed to animal welfare because I believe animals are vital to our livelihood, and I believe humankind has an obligation to all animals. Some species have become our companions, some play important roles in sensitive ecosystems, and some are raised for food. It is our duty to protect and care for all of these animals.

The Best Friends Weekend reminds all of us how animals enrich our lives through their companionship, friendship and love.

This weekend of kindness activities should serve as a reminder to all of us, that in this increasing fragmented society we need to be ever more compassionate about the animals in our world, whether they are companion pets, service animals, zoo critters, livestock, or nature's wildlife. It is a reminder that the bond between humans and animals is a vital one and is capable of bringing joy and healing to people of all ages. It is also a reminder to be more kind and compassionate to our fellow man.

PAYING TRIBUTE TO CAPTAIN ROBERT "HAL" SMITH

HON. JON. C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor CAPT Robert Hallock Smith, a dear friend of mine, for his outstanding service to the United States and memorable impact on the State of Nevada, the city of Henderson, and the Southern Nevada Community. Hal passed away on Monday, June 19, 2006 at the age of 89.

Hal was born in Mitchell, South Dakota on February 9, 1917. Shortly thereafter, his family moved to Ellensburg, Washington. Upon graduation from high school, he moved to Southern California to attend Pasadena City College and The California Institute of Technology, earning a degree in aeronautical engineering. He later attended La Salle University and the Naval War College, taking courses in command training and international political science.

In the late 1930's, Hal was commissioned as a pilot in the U.S. Navy, and served in active duty in World War II and the Korean War as a division officer on the aircraft carrier USS *Leyte*. Hal worked at the Lake Mead Naval Base and retired as a Navy Captain. He then worked as a partner and manager of Henderson Builders' Supply for 10 years, and was Vice-President for Nevada operations of Prudential Securities/Burrows Smith Division. Hal served on many active service positions including the Henderson Charter Commission, Civil Service Board, Western States Water Council, Clark County Bond Commission, Nevada Ethics Commission, and Nevada State Board of Education. In 1966, Hal was elected to the Nevada State Assembly, serving two terms, and served in the Nevada State Senate from 1988 to 1994. During this time Hal was a member of Rotary Club International, Masonic Lodge, Shriners, Veterans of Foreign Wars, and the American Legion. As a capstone to Hal's career, the Clark County School District honored him by naming a school after him, the Hal Smith Elementary School.

Hal's greatest accomplishment in life was his family. On June 1, 1940, Hal married his love Tina. Together they had three children: Victoria who married Colin Holman; Peter who married Marilyn Mendive; and Christy, who married John Winlow. They also have nine grandchildren, Danny, Marc, Erin, Christian, Derek, Amanda, Hal, Katie, and Whitney, and ten great-grandchildren, Isaiah, Danielle, McKenzie, Thomas, Ava, Benjamin, Maia, Grantham, Delaney, and Alexander.

Mr. Speaker, I am honored to recognize CAPT Robert Hallock Smith on the floor of the House. My friend Hal served his family, Southern Nevada, and the United States of America with honor, and he will be greatly missed.

HONORING MR. STEVE HELLER, TEACHER AT ADLAI E. STEVENSON HIGH SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mr. Steve Heller, a teacher at Adlai E. Stevenson High School, who has been recognized by a Presidential Scholar student or his great skill, knowledge, and dedication in the classroom. It is my pleasure to be able to congratulate Steve on this commendation.

As a shining example within an extremely able and talented staff of teachers, Mr. Heller, achievement reflects the extraordinarily high quality of education available at Adlai E. Stevenson High School. The school's stunning record includes four Blue Ribbon Awards for Excellence in Education and several other prizes. It has been ranked by Newsweek and U.S. News and World Report as one of the top 100 high schools in America. As an integral part of Lincolnshire, Illinois, the perpetuation of its high standards through the efforts of such outstanding teachers as Mr. Heller is of great benefit to students, parents and the wider community.

Mr. Heller's efforts have recently been highlighted by a nomination from a student on the Presidential Scholars program. This scheme, which started in 1964, sees two students from each state, and an additional 40 at large, selected every year by the U.S. Department of Education for their academic excellence along with exemplary work in community service and the arts.

Each of these star students has, since 1983, been asked to nominate one teacher that they felt was the most challenging and motivational in their academic careers. Mr. Heller was chosen this year for the commendation by his student and Presidential Scholar recipient Michele Trickey.

It is my privilege and pleasure to recognize Steve Heller, whose extraordinary efforts in education make him a beacon to his profession. I call on the House to join me in congratulating him and Michele on their achievements.

HONORING DAVIS HIGH SCHOOL CHOIRS AND THE LLANGOLLEN INTERNATIONAL MUSICAL EISTEDDFOD

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Davis High School Advanced Treble and Madrigal Choirs as they prepare to perform at the 60th Diamond Anniversary International Musical Eisteddfod to be held in Llangollen, Northern Wales, this July 4th to 9th.

The Llangollen International Musical Eisteddfod began in 1946, following the devastation of World War II, with the mission of promoting international peace through music, song and dance. Nominated for the Nobel Peace Prize in 2004, the Llangollen International Musical Eisteddfod draws competitors from more than 50 countries. Luminaries such as Luciano Pavarotti and Charlotte Church participated as children in past competitions.

The Davis High School Advanced Treble Choir and Madrigal Choir are the only high school choirs from the United States to compete in the 2006 festival. Davis High School is only the second high school from California ever to represent their state and nation in this prestigious competition. The choirs are greatly honored to be part of an event whose purpose is the promotion of international peace and understanding through the bonds of music and friendship.

At a time when the need for cultural understanding among nations is great, the invitation highlights the choirs' cherished tradition of inclusiveness. Musically, they represent a legacy of more than 30 years for the Madrigal choir and an investment of more than five years in the development of the Advanced Treble choir. The distinguished invitation to Llangollen attests to the reputation built by predecessors and to the support of the wider Davis community. Funds have been raised in the community to ensure that every singer in the choirs is able to make the trip to Wales.

Mr. Speaker, it is appropriate at this time that we commend and convey best wishes to the Davis High School Advanced Treble and Madrigal Choirs, and send our greetings and congratulations to all those involved in the 60th Diamond Anniversary Llangollen International Musical Eisteddfod.

H.R. 4939

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Ms. MILLENDER-McDONALD. Mr. Speaker, I wish to commend the Chairman and Ranking Member for their support of my request to include $228 million in funding for the C–17 aircraft procurement in H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Hurricane Recovery.

This funding allows for the procurement of seven new aircraft and clearly signifies the Defense Department's growing commitment to the future construction of the C–17 aircraft through fiscal year 2008.

The House and Senate are fervent believers in the C–17, as this plane has exceeded all expectations and is one of the most successful airlift cargo aircrafts of the Defense Department. The C–17 is currently being flown 160 percent more than usual to deliver supplies to war theatres and to conduct humanitarian missions. The C–17 is vital to our national security, and an irreplaceable tool for our country to meet our growing global commitments.

The C–17 is fighting for America, and I have proudly led the fight for the C–17. My work with the Secretary of the Air Force, letters to the Secretary of Defense and working with the Chairmen and Ranking Members of the Appropriations Committees of both the House and Senate have resulted in the appropriations we have had approved. In December, I proudly delivered a letter to the President that had the signatures of 148 House Members and 13 Senators supporting the C–17 program. I am pleased to represent the Boeing Company in my District, and the skilled workforce who calls Southern California their home.

Mr. Speaker, while I am pleased that Congress has done its part for the next fiscal year to provide much-needed C–17's to our troops to fight the War on Terror and to serve humanitarian needs both at home and abroad, I will only intensify my pursuit of further funding. The American Armed Forces deserve to fly with only the best.

TRIBUTE TO SCOTTSBORO POLICE CHIEF KEITH SMITH

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Scottsboro Police Chief Keith Smith, who recently announced his retirement after 35 years of public service.

Chief Smith started his career in law enforcement as a Military Police Officer in the United States Army in 1966. After serving 1 year in Vietnam, he was honorably discharged before joining the Scottsboro Police Department in 1971. He was named the Chief of Police in 1980 and has served in that position ever since.

Mr. Speaker, as Police Chief, he continually modernized and upgraded the department's technologies and methods of crime prevention. Through his leadership, the City of Scottsboro has maintained a low crime rate and has established itself to be a great place to live, work, and raise a family.

I consider it a privilege to have worked with Chief Smith on a variety of issues facing the City of Scottsboro and all of Northeast Alabama. His unique ability to serve the public and work with a number of elected officials over his unprecedented 26 year term is quite remarkable.

Mr. Speaker, Chief Smith is well respected throughout our local community. On Sunday, June 25th, the Scottsboro community will gather to honor and celebrate all of his achievements. I rise today, to join in their celebration and to thank Chief Smith for his many years of dedicated service.

HONORING THE LIFE OF FORMER GUAM GOVERNOR BILL DANIEL

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life of Governor Bill Daniel, a former Governor of Guam, who passed away Tuesday, June 20, 2006, at his home in Liberty, TX, at the age of ninety. His legacy has left an indelible imprint on our island and our people. Daniel served as Governor of Guam from 1961 to 1963. He was appointed to this position by President John F. Kennedy. Governor Daniel not only rose to the task, he adopted the island as his second home and implemented changes that continue to benefit our island to this day.

Governor Daniel was a "hands-on" leader. He mounted a massive, island-wide clean-up campaign that included cutting a trail to reach the isolated Talofofo Falls, which continues to serve as one of the island's most beautiful and popular sites for visitors. Before his first 100 days ended, Governor Daniel signed legislation upgrading education by elevating the College of Guam to a four-year institution of higher learning now known as the University of Guam. The University of Guam today is an accredited institution providing quality education to approximately 3,000 students on our island.

He is however best known for removing the security clearance requirement for persons who traveled to or from Guam, including residents. The lifting of this clearance is acknowledged as the single most important act which stimulated Guam's economy.

Governor Daniel was a true visionary whose deep love for our island and our people is manifested in his accomplishments as Governor of Guam. In addition to his many successes, he never wavered in his belief that our island was ready for a greater degree of self-governance. In 1963, Governor Daniel resigned from his position, allowing the Honorable Manuel Guerrero, his friend and protégé, to succeed him as Governor.

Governor Daniel was instrumental in helping shape our island and his success in removing the security clearance paved the way for our thriving visitor industry and private sector development. Though his tenure was brief, Governor Daniel's deep affection for Guam never waned. He set up a scholarship fund at the University of Guam to ensure his legacy in promoting higher education. He maintained his relationship with many of our leaders throughout the years, especially those leaders he mentored, and he remained an advocate and a friend of Guam. My late husband, former Governor Ricky Bordallo, was inspired by Governor Daniel's leadership and he always counted Governor Daniel as one of the most important leaders of our island and a historical figure whose vision changed our island. I will always remember him as that larger than life Texan whose greatest contribution was in knowing how to encourage local leaders. He had the wisdom to step aside at the right moment so that the people of Guam can exercise self-governance, and for that graciousness, we will always be thankful.

My thoughts and prayers are with his daughters Ann, Susan and Dani. I join all the people of Guam in expressing our deepest gratitude for his dedication and service to our island. He will be dearly missed.

WELCOMING NEW AMBASSADOR OF UGANDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. TOWNS. Mr. Speaker, I would like to take this opportunity to welcome the new Ambassador of Uganda to the United States.

His Excellency Perezi Kamunanwire presented his credentials to President Bush last month, succeeding the long-serving ambassador, Mrs. Edith Ssempala.

Ambassador Kamunanwire's previous diplomatic experience includes serving as his country's ambassador to Germany (1986–88) and to the United Nations in New York (1988–96).

In his capacity as a senior African diplomat, Ambassador Kamunanwire has also served as chairman of the Committee of African Ambassadors to the UN (1990–91); chairman of the Special Political Committee of the 45th session of the UN General Assembly (1991); chairman of the Organization of African Unity (OAU) Committee to Elect the UN Secretary General (1991); vice chairman of the Preparatory Committee for the 1992 UN Conference on Environmental Development (1991); chairman of the Committee for Rationalization and Revitalization of the Work of the UN General Assembly (1993); co-convener of the Seventh Pan-African Congress in Kampala, Uganda (1994); and vice president of the UN Non-Proliferation Treaty Review (1995).

Ambassador Kamunanwire has also had a distinguished career in the academic world. Since 2003, he has been an adjunct professor at the Center for Conflict Management and Organizational Research at Bulgaria's Sophia University.

From 1997 to 1999, Ambassador Kamunanwire was director of the Black Studies Program at the City College of the City

University of New York, where he has also been a lecturer since 1974. Since 1997, he has also served as a lecturer in the International Relations Program of City College's Department of Sociology. At City College, he has developed and taught courses on the United Nations, African politics, human rights, and other related topics.

Ambassador Kamunanwire was educated at Columbia University in New York, where he earned a B.A. in political science and a master's degree in international relations.

Ambassador Kamunanwire is the author of Education for Development: The Establishment and the Success of Universal Primary Education in Uganda (2000) and co-editor of A Study Guide for Uganda (1970). He contributed the foreword to We, The PanAfrikans: Essays on the Global Black Experience, by Professor Kannuti Kiteme (1973).

In 2003, Ignatius College in New York awarded Ambassador Kamunanwire an honorary doctor of laws degree, in recognition of "lifetime achievements in the field of international relations."

On June 14, my colleague (Mr. SMITH of New Jersey) and I, in our capacity as cochairs of the Congressional Caucus on Uganda, hosted a welcome reception for Ambassador Kamunanwire. The Department of State's "Washington File" published an article about that event the next day ("U.S. Lawmaker Hails Uganda as Emerging 'Superstar'"), which, without objection, I would like to insert in the CONGRESSIONAL RECORD.

Ambassador Kamunanwire is a personable human being and an able diplomat. I look forward to working with him on issues of common concern to Uganda and the United States.

[From the Washington File, June 15, 2006]

U.S. Lawmaker Hails Uganda as Emerging "Superstar"

(By Jim Fisher-Thompson)

WASHINGTON.—Uganda is "emerging as one of the superstars of Africa," in part because of its success in fighting HIV/AIDS, House Africa Subcommittee Chairman Chris Smith (Republican of New Jersey) said at a June 14 reception honoring Ugandan Ambassador Perezi Kamunanwire.

Smith was joined by fellow lawmaker Edolphus Towns (Democrat of New York). The lawmakers are co-chairmen of the Congressional Caucus on Uganda, formed in November 2004.

Congressional staff members, including Smith's Africa specialist, Greg Simpkins, also attended the evening event, as well as Rwandan Ambassador Zac Nsenga and former U.S. Ambassador to Sierra Leone Joseph Melrose.

Smith welcomed Ambassador Kamunanwire, most recently Uganda's envoy to Germany, who presented his credentials to President Bush on May 15, noting that he represents a country that has made significant inroads in AIDS prevention.

"Uganda is truly emerging as one of Africa's real superstars, and that is well known to people here on Capitol Hill—on both sides of the [political] aisle," Smith said.

In particular, the nation is setting an example for AIDS prevention, the lawmaker said, because of President Yoweri Museveni and his government's strategy of "working with local faith-based organizations and others . . . especially to reach young people with the message of [sex] deferral and of life for themselves and their loved ones."

Smith, a champion of human rights and health issues in Africa who has visited the continent numerous times, including a recent trip to Uganda, said, "Frankly, I was blown over by the enthusiasm I saw for family values [there] . . . so it was a very remarkable trip."

Uganda is one of 12 African nations targeted in the U.S. President's Emergency Plan for AIDS Relief (PEPF AR), initiated by President Bush in 2003. The program is a five-year, $15 billion effort aimed at battling the killer disease in 120 nations worldwide using the ABC strategy, which stands for "Abstain, Be faithful and Correct and Consistent use of condoms. "

On the treatment front, as of March 31, life-saving antiretroviral medicines have gone to 561,000 people worldwide under the PEPFAR program—61 percent of them women. During that period, 75,000 people received anti-AIDS drugs in Uganda. Antiretroviral prophylaxis was also provided to women for 342,200 pregnancies, preventing an estimated 65,100 infant HIV infections, according to a PEPFAR fact sheet.

On the security front, Smith added, "We're also very encouraged and hopeful about what's happening in northern Uganda with the Lord's Resistance Army [LRA]," the rebel movement that has kidnapped children from villages, forcing them to serve as child soldiers.

"I know the government of Uganda is doing everything it can to try and mitigate and hopefully end that despicable activity by [LRA leader] Joseph Kony in abducting young children," Smith told the gathering.

Turning to Kamunanwire, the lawmaker pledged: "We will work with you. Our committee is a workhorse committee. We write a lot of laws" in areas such as human trafficking, and "we want to work with you on trade, environmental protection, humanitarian and human rights issues."

Kamunanwire, who described himself as "the new boy on the block," thanked the caucus for the welcome and pledged to work closely with Congress, as his predecessor Ambassador Edith Ssempala had done, on issues of interest to both Africa and the United States.

HONORING THE ACHIEVEMENTS OF HILA "DUTCH" BUCHER NEWMAN

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. CLEAVER. Mr. Speaker, I rise today to congratulate and pay tribute to my dear friend Hila "Dutch" Bucher Newman for being recognized and honored by the City of Kansas City, Missouri in naming a segment of Westport Road, the Honorary "Dutch" Newman Drive. A special on-site event will be held on Wednesday, June 28, 2006, so that family and friends can participate in the official christening of "Dutch Newman Drive," a fitting tribute to a lovely lady that has contributed so much to our community.

Dutch and her family have woven the fabric of the history of Westport, Missouri, now a vibrant neighborhood incorporated into the City of Kansas City, Missouri. Their family's connection to Westport dates back to the 1800's family patriarch, Sam Bucher, who helped settle the small frontier town. Her great-grandfather, Robert Bucher, served the city as Marshall. It could be said that Dutch learned a tradition of service most directly from her father, Harry Bucher, who protected the city as Chief of the Vice Squad for the Kansas City Police Department. He also helped stimulate the Westport economy by opening three businesses in the area, including "The Wrestlers Inn" which was located in the oldest building in Westport.

Dutch continued the family legacy of making Westport home while immersing her energies into enhancing her beloved community by providing direction through her leadership skills. Dutch was born in Westport, educated in Westport, married in Westport, owned a business in Westport, and continues to live in Westport. During World War II she served on the Civil Defense Program, planning the Blackout Tests. She holds memberships in the Daughters of Westport, The Westport Historical Society, and the Westport Neighborhood Crime Watch.

As U.S. Representative for Missouri's Fifth District, I am keenly aware and appreciative of Dutch's political contributions, knowledge, and experiences. As any elected official in our region can attest, if you need sound advice, political or otherwise, you count on Dutch. I proudly selected Dutch to represent the State of Missouri as a delegate to the White House Conference on Aging in 2005. She is a strong advocate for promoting dignity, health, independence and economic security for current and future generations of seniors. Dutch has a gift for examining you with her intense blue eyes and then providing you with the straight scoop.

Currently, Dutch serves on the Missouri Democratic Party's State Executive Board; is a Missouri State Committee Member; Chairperson of the 10th Senatorial District Committee; and has been the 5th Ward Democratic Committeewoman for over 30 years. Dutch is the Founder and President of the Westport Landing Democratic Club, former founder and Past President of the 5th District Women's Democratic Club, former Vice Chair of the Fifth Congressional District Committee, former Vice Chair of the Jackson County Democratic Committee, Past President of the State of Missouri Women's Federation Democratic Club, and was the first woman appointed by the Governor of Missouri to serve on Senatorial Redistricting Committee. Dutch has represented the State of Missouri as a delegate to the Democratic National Convention eight times. She has received many honors, including the Harry S Truman Award, Women's Fifth District "Woman of the Year Award", the Rodger A. Gooden Award for her strong commitment to social justice and inclusiveness, and the Combat Community Mother's Award. As an institution in the local Democratic Party, Dutch has stood prominently beside U.S. Presidents and other officials during their visits to Kansas City.

Mr. Speaker, please join me today in recognizing the matriarch of Westport, Hila "Dutch" Bucher Newman, for her unyielding commitment to the Westport area and the Fifth District. With this honorary naming of Westport Road, we pay tribute to a lifetime of work and dedication to the betterment of her community. I urge my colleagues of the 109th Congress to join me in congratulating Dutch on her well-deserved honor.

HONORING THE SERVICE OF DAVE AND LINDA HARMON TO THE GUAM COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the contributions of two individuals, who, for the last 11 years, have dedicated themselves to exceptional service to our community. David and Linda Harmon, Majors in the Salvation Army, are recognized in the Guam community for their boundless benevolence and enduring commitment to serving the disadvantaged, feeding, clothing and housing those in need, and helping individuals recover from substance abuse.

David and Linda Harmon first arrived on Guam in July 1995. The Salvation Army Guam Corps has become an integral part of Guam's disaster recovery and relief system under their leadership. Dave and Linda have helped the people of Guam recover from several natural disasters since their arrival on Guam, including Supertyphoon Paka in 1997, and Typhoon Chata'an and Supertyphoon Pongsona in 2002. The Salvation Army donated thousands of dollars of food, clothing, and supplies through their efforts to many residents who lost everything as a result of these natural disasters. The organization under their leadership also assisted in providing humanitarian assistance to the Kurdish refugees who were evacuated from Iraq to Guam as part of Operation Pacific Haven in 1996, and to Burmese refugees who came to Guam to seek political asylum in the United States in 2000. Additionally, the Salvation Army Guam Corps, under the Harmon's leadership in 1997, provided critical assistance in the aftermath of the tragic crash of Korean Air Flight 801 on Guam.

The Harmons helped establish the substance abuse recovery program which eventually became known as the Lighthouse Recovery Center. The Lighthouse Recovery Center has grown from meager beginnings to a 16-bed residence today, and has helped start over 200 men down the road to recovery from substance abuse and addiction. With guidance from the Harmons the Corp's Thrift Store was expanded. And after acquisition of the former Navy Chapel at Tiyan, the Salvation Army developed its Food Bank and Education Center as their Family Services and One Stop Homeless Assistance Center.

The Harmons have been active citizens in the Guam community outside of the Salvation Army as well. They are members of the Guam Symphony Society, the Rotary Club of Tumon Bay, the Guam Homeless Coalition, the Council on Homelessness, and Linda is a past president and member of the Guam Women's Club.

Mr. Speaker, over the years, I have come to personally know the Harmons. I helped welcome them to Guam as Lieutenant Governor when they first arrived on the island, and as a Charter Member of Guam Corps, I have worked closely with them in the activities of the Salvation Army. David and Linda are kind, self-sacrificing, and have a genuine, passionate love for Guam and its people. They are dear friends to many, and we will all miss them when they leave Guam for their next duty station. I am only comforted by the fact that the Salvation Army Santa Monica, California Corps will be in very capable hands under their leadership.

Therefore, on behalf of a grateful island, I join their children, Joel, Fred, Holly, and Lisa, and all the people of Guam in extending a heartfelt "Dangkulo na Si Yu'os Ma'ase" to David and Linda Harmon for all the good they have done for the people of Guam and for their service to our community.

SIKHS IN PUNJAB DEMAND INDEPENDENCE WHILE OBSERVING ANNIVERSARY OF GOLDEN TEMPLE MASSACRE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. TOWNS. Mr. Speaker, June 3 through June 6 marked the anniversary of a very dark chapter in history, the Indian government's military invasion of the Golden Temple, the seat of the Sikh religion, in 1984. That atrocity was commemorated by Sikhs and others all over the world. There were demonstrations here in Washington and in many cities.

At the Golden Temple in Amritsar they had a ceremony to commemorate the occasion. The Jathedar of the Akal Takht, Joginder Singh Vedanti, the highest Sikh religious leader, led the commemoration. During his remarks, he did not mention Saul Jamail Singh Bhindranwale, the leader of the Sikhs who was murdered at the Golden Temple, or General Shabeg Singh or any of the others who were murdered. This displeased the crowd.

The Sikhs in attendance, hundreds of them, chanted slogans of "Khalistan Zindabad," which means "Long live Khalistan," Khalistan is the Sikh homeland which declared itself independent from India on October 7, 1987. These chants show that the movement to liberate Khalistan is still alive in Punjab. Last year, there were speeches and flag-raisings on the Golden Temple anniversary. There were similar events this past January. Those events resulted in arrests and criminal complaints, even though the Indian courts have ruled that speaking out [or Khalistan is not a crime, In spite of these intimidation tactics, the Sikhs spoke out again for Khalistan.

Over 20,000 Sikhs were killed in the Golden Temple attack and the attacks on 37 other Gurdwaras around Punjab, known as Operation Bluestar. During Operation Bluestar, the Indian army shot bullet holes in the Sikh holy scriptures, the Guru Granth Sahib. Young boys were taken outside and summarily shot. The Golden Temple itself was ransacked and severely damaged. Do these sound like the acts of a democracy?

If India were truly committed to democratic values, at the very least, the Indian government would issue a public apology to the Sikhs and pay compensation to the victims' families.

The Golden Temple attacks show that there is no place for Sikhs in India, and other minorities also feel the massive repression of "the world's largest democracy." More than a quarter of a million Sikhs have been killed and over 52,000 continue to be held as political prisoners. India has killed over 300,000 Christians in Nagaland and tens of thousands more in the rest of the country, as well as more than 90,000 Kashmiri Muslims, thousands more Muslims around India, and tens of thousands of Assamese, Bodos, Manipuris, Tamils, and other minorities. For minority peoples and nations, India is one of the world's worst tyrannies. It is a democracy for the Brahmins and a police state for the minorities.

This is not acceptable, Mr. Speaker. I would like to express the sympathy of the Congress to the Sikh Nation for the Golden Temple massacre. In light of this atrocity and the ongoing atrocities of the Indian government, I wonder why the United States continues to fund such a country. The time has come, Mr. Speaker, to stop our aid and trade with India and to support self-determination for all peoples and nations in South Asia. This is the best way to bring about stability, peace, freedom, and prosperity in the subcontinent, to defuse the troubles there, and to make sure that every person's rights are protected.

Mr. Speaker, I would like to place a couple of very good articles on the chanting of Khalistan slogans at the Golden Temple into the RECORD for the information of my colleagues.

[From the Tribune (Chandigarh), June 7, 2006]

RADICALS RAISE KHALISTAN SLOGANS

AMRITSAR, June 6.—Activists of various radical Sikh organizations raised slogans in favour of Khalistan on Ghallughara divas (genocide day) to mark the 22nd anniversary of Operation Bluestar in front of Akal Takht here today.

Mr. Parkash Singh Badal, president, SAD, distanced himself from it.

As soon as Mr. Simranjit Singh Mann, president, SAD (A), came out from Akal Takht after participating in ardas, radicals started raising slogans for an independent Sikh state and showed pages containing statements in favour of Khalistan and posters displaying damaged Akal Takht in the military operation. However, Mr. Badal accused those who indulged in sloganeering of being agents of the Congress, which was responsible for the infamous Army operation. He said Mr. Mann was well aware that Punjab had to suffer greatly because of this.

Mr. Mann said though they were not allowed to continue their peaceful struggle to attain independence, they would contest the next elections democratically.

Commenting on the recent judgments and coverage in newspapers, he claimed that judges and the English media had also saffronised. He asked people to raise their hands if they wanted revival of Anandpur Sahib's resolution of 1973 and for severing of relations with the Congress and the BJP.

Giani Joginder Singh Vedanti, Jathedar, Akal Takht, said the real tribute to those killed in the operation would be to protect the Sikh history and culture, and to stop apostasy and addiction among the Sikh youth.

He said the Sikh religion was formed to safeguard human ideal's of truth, righteousness and values. He added at for this reason it had to fight against rulers who forgot their duties towards the masses.

Among those present on the occasion were Mr. Avtar Singh, president, SGPC, Bibi Jagir Kaur, former SGPC president, and senior Akali leaders, including Mr. Gurdev Singh Badal, Mr. Ranjit Singh Brahmpura, Mr. Sewa Singh Sekhwan, Mr. Sucha Singh Langah, Mr. Bikramjit Singh Majithia and Mr. Guljar Singh Ranike.

IN CELEBRATION OF RUTH PASSEN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Ms. PELOSI. Mr. Speaker, I rise today in honor of Ruth Passen as she celebrates her 80th birthday. I am proud to pay tribute to her 40 years of respected community journalism as the editor and publisher of the Potrero View, and recognize her lifetime of community service and social activism. Born and raised in San Francisco, she became a formidable advocate for social justice, peace, equality, democracy and freedom.

In 1970, with a few dedicated volunteers, Ruth launched the Potrero View, which has become San Francisco's longest running community newspaper. With her guidance, the Potrero View grew from a neighborhood newsletter into an award-winning, respected, and much anticipated journal of local news, as well as a significant resource of community services. Its investigative style and editorial integrity are well-known throughout the San Francisco Bay Area.

As a dear friend and right arm to the late, legendary Enola Maxwell, Ruth helped build the Potrero Hill Neighborhood House, affectionately known as the Nabe, into a hub of vital services for the youth, the elderly, and the families of Potrero Hill. She was instrumental in bringing her beloved jazz and theater to the Nabe and the wider community.

Ruth was actively involved with the Women's International League of Peace and Freedom in the peace mobilization of the 1960s and 70s and worked in solidarity with the people of El Salvador for justice and democracy in the 1980s.

Ruth and her husband Joe Passen, whose life we celebrated on this floor 14 years ago, were relentless champions of the labor movement. Together, they fought for working men and women on the San Francisco waterfront and in the maritime industry throughout the West Coast. They helped San Francisco become the first and foremost trade union town in the world. They worked alongside Cesar Chavez in support of California's farm workers.

As Young Democrats they were part of a progressive movement in San Francisco that brought Phillip Burton, John Burton, Sala Burton and me to this people's House.

We thank Ruth for her immeasurable contributions to our City. We wish her every happiness as she begins a new chapter in her life as Editor Emeritus of the Potrero View and grandmother extraordinaire. Finally, she will have much deserved time to pursue her many interests, as well as spend time with her beloved family—her son Marc, daughter-in-law Dianne, and granddaughters Natalie and Teresa. Thank you, Ruth for your years of service to our beautiful City of San Francisco.

ARTICLE EXPOSES REPRESSION OF SIKHS BY INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. TOWNS. Mr. Speaker, a good article appeared in the Argus of Fremont, California on repression of the Sikhs in India. Fremont has a large Sikh population and the article appeared earlier this month in conjunction with the commemoration of the Indian government's June 1984 attack on the Golden Temple, the most sacred Sikh shrine.

The article points out that the abuse at Abu Ghbraib which embarrassed all of us, was a lesser offense than what India did to its Sikh population in June 1984 when it attacked the Golden Temple and 37 other Gurdwaras in Punjab.

The article quotes a Sikh named Jasdeep Singh as saying that "We would have said that was nothing" referring to Abu Ghraib.

Now, Mr. Speaker, since we know how atrocious the Abu Ghraib incidents are, that gives us an indication of the carnage that was inflicted on the Sikh Nation by the Indian regime in June 1984.

The article also discusses the Sikhs' desire for an independent, sovereign Khalistan, which declared its independence from India in 1987. This has been met with many years of bloody repression, including the murders of over 250,000 Sikhs and over 52,000 who are held as political prisoners in "the world's largest democracy."

Mr. Speaker, the time has come to demand self-determination and full human rights for all people in South Asia. We should stop our aid and trade with India and we should demand a free and fair plebiscite not only on the status of Khalistan, but of Kashmir (as India promised in 1948), of Nagalim, and all the nations seeking their freedom in that troubled region. It would be good for the freedom, prosperity, and stability of all concerned.

I would like to insert the Argus article into the RECORD at this time.

[From the Argus, June 5, 2006]

FREMONT SIKHS RECALL OPPRESSION

(By Matthew Artz)

FREMONT.—Jasdeep Singh couldn't help but laugh at the uproar over the torture of prisoners at Abu Ghraib.

"We would have said that was nothing," said Singh, who moved to Fremont in 1992, he said, after Indian authorities detained and tortured him three times because he is Sikh.

Sikh nationalism barely a blip on the international radar, was front and center Sunday at the Fremont Gurdwara Sahib, the local Sikh house of worship, where community leaders reaffirmed support for transforming the Indian state of Punjab into a secular Sikh-majority state of Khalistan.

"We know from our history that Sikhs will never be safe or truly free unless they have a homeland of their own," Singh said.

For the estimated 150,000 Sikhs living in the Bay Area, Tuesday marks the anniversary of two of the most devastating and seminal events in the history of the 500-year-old faith.

In 1984, with Sikhs pressing for an independent Punjab, where they are a majority, the Indian government invaded the Golden Temple—Sikhism's holiest place—and 36 other religious sites where separatists were hiding, killing thousands. The attack came on the 378th anniversary of the torture and death of a Sikh religious leader.

Four months later, when Prime Minister Indira Ghandi was murdered by two of her Sikh bodyguards, rioters murdered thousands more Sikhs, who are easy to identify because the men wore turbans and grow long beards.

The bloodbath and ensuring eight years of repression drove many Sikhs to North America.

Now, 7,500 miles from their ancestral land, leaders of the Fremont gurdwara won't let their brethren forget about what transpired in India.

Photographs of 73 Sikhs murdered by Indian authorities in 1984, including the two men who killed the prime minister, ring the gurdwara's dining room.

On Sunday, the gurdwara installed an exhibit about their faith that included photographs of Sikh men being burned alive or beaten by Indian soldiers. Other pictures commemorated the 400th anniversary of the torture and murder of Guru Arjan Dev Ji, who refused to remove references to Islam and Hinduism from the Sikh's holy book.

"We're trying to make people aware," said Ram Singh, a gurdwara leader who plans to protest outside the Indian Consulate in San Francisco tomorrow. "We don't want our future generations to forget what happened to us."

Jasdeep Singh, an engineer, won't forget the day in 1989 when soldiers raided his graduate school boarding house and detained all the Sikhs in an effort to gain intelligence on separatist leaders.

"First the clothes came off," he said. Later, guards tied his hands behind his back and hung him from the ceiling. "These two shoulders," he said, "felt like they were going to pop out."

Since Singh arrived in Fremont, persecution of Sikhs in India has decreased and the governing Congress Party named a Sikh, Mammohan Singh, to serve as prime minister.

Years of repression followed by some reforms have stifled the independence movement in Punjab and left Sikhs in the Bay Area divided over the nationalist cause, said Ram Singh, who favors an independent Khalistan.

"It's not that simple," said Balraj Gil as he peered at the pictures of torture. "You can't just get an independent state."

TRIBUTE TO JUDGE S. HUGH DILLIN

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Ms. CARSON. Mr. Speaker, I rise to remark upon a good man, a great jurist, a wise friend now gone.

On June 23, 2006, United States District Court for the Southern District of Indiana, sitting en banc in Indianapolis, will conduct a memorial ceremony in honor of an extraordinary man. In 1961, Mr. Speaker, President John F. Kennedy appointed Indiana's S. Hugh Dillin to serve as a Judge of that Court. After 45 years of service, earlier this year in a snow storm we said farewell to him in Indianapolis.

A veteran of World War II, son of a lawyer in Petersburg, Indiana, he came up to the bench in Indianapolis through the politics of southern Indiana and our General Assembly, representing his beloved Pike County and leading the Senate.

I will never forget him. When I was first elected to Congress, it happened that I had emergency surgery at about the time the rest of Congress was being sworn in here in this chamber. A little glum, I watched the festivity of that occasion from a hospital bed in Indianapolis. As I did so, Judge Dillin came to my room with a brief case, introduced himself and produced a single sheet of paper for my inspection, his appointment as a Deputy Speaker of this House, and remarked that he never expected to be so close to the line of Presidential succession as he came that day. He proceeded to administer the oath of office to me and I became a Member of this body and a friend of his for life. I was delighted to bring him to Washington for the next swearing in and a picture of him with me and Speaker Gingrich overlooks my desk today.

He was a giant in the life of Indiana. All of his days he was a man of renowned wit and solid sense-based Hoosier wisdom, forever finding great voice in the resolution of disputes and the teaching of lessons, Much has been made of his stewardship of the Indianapolis school desegregation case which ground on for years, resulting in bussing of children to white suburban schools. A product of our segregated schools, I was always of several minds about the remedy but ended with confidence that he did his very best to follow the law in fashioning a solution. His life was threatened again and again for his trouble and bumper stickers advocated his impeachment, but he kept his listing in the phone book. He permitted the installation of security cameras and buzzers at his chambers but declined to lock his door.

There were many other cases and controversies in the course of his 45 years of service. His decisions involving Indiana's prisons and her treatment of inmates helped extend the Constitution to those so easily forgotten. In closing the disciplinary cells—dungeons, really—at the Indiana Reformatory he began his entry of judgment with a recitation of the Indianapolis ordinance relating to the treatment of pets, succinctly pointing out that animals in our city were entitled to better conditions than those cells at the Reformatory provided human beings. He brought the Constitution to bear on the plight of women who were prisoners in Indiana, extending equal protection of the law in ways which helped to bring them most of the opportunities provided to male prisoners of the state: the chance to further their educations, pursue meaningful job skills, and to be imprisoned under conditions commensurate with the crimes for which they were sentenced.

There were smaller but important cases, too. A local Arsenal Technical High School girl, a fine baseball player, played on the "boy's" varsity team. The Indiana High School Athletic Association rules forbade her team from competing with other teams as long as she proposed to play. After a day's trial, as he announced his decision from the bench enjoining enforcement of the rule, she rushed from the room, glove in hand. When he wondered aloud what he had done wrong, he got this answer: "She's late for practice, Judge." That young woman, on account of her ability to compete, earned a college scholarship and an education she would not have had access to without his decision. She is a coach today, I am told.

He was much sought after as a speaker and one speech bears particular mention. On the occasion of his retirement as Chief Judge, I believe it was, there was one of those huge festive gatherings of the worthies of bench and bar to celebrate his career and, as usual, his remarks were warmly anticipated. When a distinguished colleague of his pulled her guitar from under the table, faced him and sang a song about him, that was a hard act to follow. As he rose to speak, though, he mastered the crowd. "I'll not talk long," he said. "I have just 482 words for you, important words, many of which many of you have forgotten, or had no occasion to study for far too long." And then he read the Bill of Rights to the gathering.

He lived his last years in Cambridge, Massachusetts, under the watchful eye of his beloved daughter Pat and was laid to rest in his beloved Petersburg. We miss him but his life and lessons, his spirit and his sagacity, his wit and wisdom, live on in our hearts, enriching us all.

COUNCIL OF KHALISTAN COMMEMORATES GOLDEN TEMPLE MASSACRE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2006

Mr. TOWNS. Mr. Speaker, on June 3 Sikhs from around the East Coast gathered here in Washington to commemorate the June 1984 attack on the Golden Temple by the Indian government. That attack occurred simultaneously with attacks on 37 other Gurdwaras in what came to be known as Operation Bluestar. Operation Bluestar took the lives of over 20,000 Sikhs in Punjab.

The demonstration was organized by the Council of Khalistan, which has been leading the peaceful, nonviolent, democratic Sikh struggle for independence for almost 20 years, ever since Khalistan declared its independence from India in 1987.

Mr. Speaker, given the repression of the Sikhs and other minorities, such as Christians, Muslims, and others, I think we would do well for America to support the freedom movement in Khalistan and throughout the subcontinent. This is especially so given that India has a history of anti-American activities.

It is time to press India to pay attention to human rights by stopping our aid and trade with that country and it is time to put the Congress on record in support of self-determination. The essence of democracy is the right to self-determination.

I would like to add the Council of Khalistan's press release on its June 3 demonstration to the RECORD at this time.

SIKHS COMMEMORATE GOLDEN TEMPLE ATTACK

WASHINGTON, DC, June 3, 2006.—Sikhs from Philadelphia, Florida, New Jersey, Maryland, Virginia, and elsewhere on the East Coast gathered in Washington, D.C. on Saturday, June 3 to commemorate the Indian government's brutal military attack on the Golden Temple, the center and seat of the Sikh religion, and 125 other Sikh Gurdwaras throughout Punjab, in June 1984, in which over 20,000 Sikhs were murdered. They chanted slogans such as "India out of Khalistan", "Khalistan Zindabad", and others. In addition, demonstrations were held in several other cities throughout the world.

During the Golden Temple attack, young boys ages 8 to 13 were taken outside and asked if they supported Khalistan, the independent Sikh country. When they answered with the Sikh religious incantation "Bole So Nihaf," they were shot to death. The Guru Granth Sahib, the Sikh holy scriptures, written in the time of the Sikh Gurus, were shot full of bullet holes and burned by the Indian forces.

The Golden Temple attack was a brutal chapter in India's repression of the Sikhs, according to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of Khalistan, which leads the struggle for Khalistan's independence. "Sikhs cannot forgive or forget this atrocity against the seat of our religion by the Indian government, said Dr. Aulakh "This brutal attack clarified that there is no place in India for Sikhs," he said. On October 7, 1987, the Sikh Nation declared its independence from India, naming its new country Khalistan.

"Sant Bhindranwale said that attacking the Golden Temple would lay the foundation stone of Khalistan, and he was right," said Dr. Aulakh. "Instead of crushing the Sikh movement for Khalistan, as India intended, the attack strengthened it," he said. "The flame of freedom still burns bright in the hearts of Sikhs despite the deployment of over half a million Indian troops to crush it," he said.

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA) even though it expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Additionally, according to Amnesty International, there are tens of thousands of other minorities being held as political prisoners. MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

In the introduction to former Secretary of State Madeleine Albright's new book, The Mighty and the Almighty, former U.S. President Bill Clinton writes that "Hindu militants" are responsible for the massacre of 38 Sikhs at Chithisinghpora in March 2000. This reflects previous findings by the Punjab Human Rights Organization, the International Human Rights Organization, the Movement Against State Repression, and New York Times reporter Barry Bearak. President Clinton writes, "During my visit to India in 2000, some Hindu militants decided to vent their outrage by murdering 38 Sikhs in cold blood. If I hadn't made the trip, the victims would probably still be alive."

"Only in a free Khalistan will the Sikh Nation prosper and get justice," said Dr. Aulakh. "When Khalistan is free, we will have our own Ambassadors, our own representation in the UN and other international bodies, and our own leaders to keep this sort of thing from happening. We won't be at the mercy of the brutal Indian regime and its Hindu militant allies," he said. "Democracies don't commit genocide. India should act like a democracy and allow a plebiscite on independence for Khalistan and all the nations of South Asia," Dr. Aulakh said. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khalistani, he is not a Sikh'," Dr. Aulakh noted. "We must continue to pray for and work for our God-given birthright of freedom," he said. "Without political power, religions cannot flourish and nations perish."

SENATE—*Monday, June 26, 2006*

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

O God, who unites us with Your love, order our steps. May no passing irritation rob us of our appreciation for others. Keep us patient regarding human failings; permit us to see Your image in our world.

Use our Senators to accomplish Your purposes. Give them wisdom to avoid majoring in minors or minoring in majors. As they offer You their best, give them Your abundant blessings. Give us all generous hearts and use us to bless Your world.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter.

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 26, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BURR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, today, we will be in morning business with time equally divided until 4 p.m. At 4, we will begin consideration of the resolution to prevent flag desecration. Chairman SPECTER will be here this afternoon for a period of debate only on that resolution.

As previously announced, there won't be any votes during today's session. But Senators are encouraged to come to the floor and speak if they would like.

The next rollcall vote will occur tomorrow, and we will notify Senators when the vote is scheduled.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 4 p.m., with the time equally divided between the two leaders or their designees.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. REID. Mr. President, it is my understanding that leader time is reserved; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

IRAQ RECONCILIATION PLAN

Mr. REID. Mr. President, here is the lead sentence from an article in this day's New York Times. This headline also appeared in other newspapers around the country. It ran under the headline of "U.S. General in Iraq Outlines Troop Cuts."

Mr. President, I think this first paragraph says most of it:

> The top American commander in Iraq has drafted a plan that projects sharp reductions in the United States military presence there by the end of 2007, with the first cuts coming this September, American officials say.

This, of course, we have learned came from General Casey. This announcement from our military was one piece of good news for those of us who believe we need a new course in Iraq. But it was not the only good news we received this weekend regarding Iraq.

Another encouraging sign came from Baghdad itself where the Prime Minister believes it is also the time to start thinking about the withdrawal of United States troops. Together, these reports—one from General Casey, the one on the chart, and the other from Prime Minister Maliki—provided a glimmer of hope for those of us who have been demanding a new direction in the war in Iraq, a change of course.

This afternoon, I want to note the similarity between General Casey's apparent plan to withdraw U.S. forces and the plan put forth by Senate Democrats on this floor last week with the Defense authorization bill. Our plan, designed by Senators LEVIN and REED, is very much like this program shown on the chart. That is by our commanding general in Iraq. It said much the same thing as our military leaders are saying all over the country, specifically through General Casey, specifically, that it is time for the Iraqis to take responsibility for their own security and government so that the phased redeployment of U.S. forces from Iraq can begin by year's end.

As we all know, I think the Republican majority rejected the Levin-Reed proposal on a straight party-line vote. One courageous Republican voted with us. The rest were all no votes. Even though it represents our best chance at making sure our troops succeed in Iraq, and Iraq as a country succeeds, and, secondly, even though it is consistent with the plan of our top military commander in Iraq, on a straight party-line on the floor last week the Republicans voted against the Levin-Reed proposal, even though it was very much like General Casey's proposal.

By rejecting this amendment—the Democratic amendment—the Republicans made clear that they were content to stay the course and to stay forever in Iraq. I wonder how the majority feels today now that General Casey's plan is in the open, now that it is clear that the congressional Republicans stand alone in opposition to troop redeployment, apart from the American people, even though their stand is contrary, I repeat, to the American people, even though the Republican stand is contrary to the military commanders, those who are in the battlefield in Iraq, and even though the Republican majority vote last week was contrary to the Iraqi Government.

Did they disagree with General Casey? Do they disagree that we need to begin ending the open-ended commitment in Iraq? Do they, the Republican Senators, believe a plan for reducing our troop levels, as they said last week with the Levin-Reed proposal—do they believe that what General Casey suggests is defeatist and that he is unpatriotic? Do they have a plan now of their own—the Republican

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

majority—or do they still want to stay the course?

These are questions the American people are going to demand that the Republican majority answer.

The open-ended commitment the majority advocates is simply not sustainable, as seen through the eyes of General Casey, as seen through the eyes of the Iraqi Prime Minister. We must transform the United States mission in Iraq and begin the responsible redeployment of U.S. forces this year. That is what the Levin-Reed amendment said last week that the Republicans defeated.

The war is now costing the American people about $2.5 billion each week. Our military has been stretched thin, with every available combat unit in the Army and Marine Corps serving multiple tours in Iraq, and our equipment needing $50 billion or $60 billion to be in the shape it was when we went to war in Iraq. We have lost more than 2,500 American lives, 15 just last week. We have seen more than 18,000 wounded and a third to a half of them grievously wounded. Iraq, according to a new report in Sunday's L.A. Times, has lost at least 50,000 of its citizens since 2003.

We cannot continue to pay these costs, nor can we continue to try to engage growing threats such as North Korea, Iran, and Somalia with engagements in Iraq tying one hand behind us.

The phased redeployment this year will put Iraqis in charge of their own security and allow many of our troops to be redeployed. Some will come home and some will be available to deal with other crises, such as Afghanistan, where the resurgent Taliban threat must be eliminated, and where those responsible for attacks on this Nation still roam free basically.

It is time for a new direction. General Casey realizes this. The American people realize this. The Iraqi Government realizes this. And it is time for the Republican majority in the Congress to realize this as well.

We don't need a September or October surprise with the President and Republicans proclaiming victory and announcing troop redeployment just in time for the mid-term elections. We need a nonpartisan approach that provides Iraqis and our troops with the best chance for success now, in June, 2006.

We are in the fourth year of this war. It is time that the direction is changed. It is time to end this game of partisan politics, of blindly rubber-stamping the White House, and of publicly rejecting ideas that are being embraced in private, and now in public, by our military leaders. Our troops in Iraq are too important to fall victim to these political games.

This leads me to another important subject the Senate must consider, which has also fallen victim to partisan politics—amnesty for terrorists who have killed our troops.

I have come to the floor many times in recent weeks to discuss Iraq granting amnesty to terrorists. Rumors are no longer valid. These are not rumors. The Prime Minister himself has submitted an amnesty plan. So it has turned into fact. But I still have very serious concerns.

According to the news reports out of Baghdad over the weekend, the Prime Minister will pardon those who engaged in legitimate acts of resistance. Against who, Mr. President? What does that mean? Does it mean that these are legitimate acts of resistance when we have soldiers trying to free someone who is being detained by a kidnapper? What are legitimate acts of resistance? Against a Nation that liberated that nation from a brutal dictator? Is it a sniper who shoots at a soldier who is trying to restore power and electricity to a Baghdad neighborhood? Is it placing a roadside bomb next to a convoy that was trying to repair a road in the Sunni triangle or fix a school? Is it detonating an improvised explosive device against a team of U.S. soldiers who are attempting to build a hospital in Iraq? I think not.

Just who is this resistance? What are they resisting? Are they resisting freedom or democracy? Why should they be given immunity for acts that have been perpetrated against the United States and against coalition forces? Why? The concept, I believe, is outrageous and an insult to all of the brave American soldiers who serve with distinction every day.

President Bush needs to forcibly tell the Iraqi Prime Minister that his amnesty plan, as reported, is not welcome. The Senate had the chance to send this message last week. The majority strenuously resisted the attempt of us Democrats to send a clear message to Iraq. In spite of the attempts to minimize our amendment, it passed. We carried the day.

I hope Republicans will revisit their opposition in light of the latest developments, and I hope President Bush will stand up for our troops by demanding the Iraqis drop any intentions they may have to let the terrorists go.

I support reconciliation in Iraq; however, not at the expense of our American troops, those who have sacrificed and those who are there now. They have sacrificed too much to see their service dishonored or their safety put at risk.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

VISIT TO THE SENATE BY MEMBERS OF THE CANADIAN SENATE

Mr. STEVENS. Mr. President, I have the honor of presenting the Speaker of the Canadian Senate, Noel Kinsella, and Canadian Senator Colin Kenny and Senator Donald Oliver who are visiting us today.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a moment of recess so we may be able to introduce the Senators and the Speaker to our distinguished leaders.

There being no objection, the Senate, at 2:15 p.m., recessed until 2:21 p.m. and reassembled when called to order by the Acting President pro tempore (Mr. BURR).

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY AND HEALTH CARE

Mr. WYDEN. Mr. President, with the Senate heading for the break for the Fourth of July recess, obviously, there will not be many more days left in this year's schedule. I am going to spend some time on the floor in the days ahead focusing on those areas where there is significant bipartisan support for making a real difference for the American people, especially on those key domestic issues of energy and health care, two areas I know the Presiding Officer, the distinguished Senator from North Carolina, cares a great deal about.

For example, on the energy front, today, I and Senator KYL and Senator SNOWE and Senator LIEBERMAN sent a letter to the distinguished majority leader, Senator FRIST, asking that we have an opportunity to debate how the Government can save between $20 billion and $80 billion on an energy program that is totally out of control. It involves the Federal Government's oil and natural gas royalty program.

It is a program that began at a time when oil was somewhere in the vicinity of $20 a barrel. It has been a bipartisan concern of Senators that it makes no sense to spend billions and billions of dollars subsidizing the price of oil when it is at record levels.

I spent, as you know, Mr. President, about 5 hours on the floor of the U.S. Senate discussing this issue a few weeks ago, and I certainly have no intention of duplicating that this afternoon. But I do think it is important to zero in on those issues that have bipartisan support, and I want to describe what has happened in the Senate and in the other body since I and Senator KYL talked about this program a number of weeks ago.

After we discussed it for those many hours on the floor of the U.S. Senate, on May 17 the House of Representatives voted on a measure that was virtually identical to the final Wyden-Kyl amendment. Two-hundred and fifty Members of the House of Representatives, with regard to this issue, after a lengthy debate, voted to address a mistake that has been pointed out by Senators of both political parties here on this floor.

So my hope is—and this is the point of our bipartisan letter to Senator FRIST today—we can get an opportunity for a real debate on this issue on the floor of the U.S. Senate before the Senate breaks for the August recess.

It is one thing to talk about subsidies at a time, for example, when the price of oil is low, when the oil sector is hurting, when they are having difficulty getting the adequate dollars together for the investments that are needed in this vital part of our economy. But certainly that is not the case today. Today we are talking about record profits, we are talking about record prices, and we certainly do not need record subsidies.

I and Senator KYL would like a chance to put this issue before the entire U.S. Senate. On our letter today to the majority leader, Senator SNOWE and Senator LIEBERMAN—two Members who have been very involved in these issues for a number of years as well—are joining us.

I also point out the mistakes in this program are bipartisan. Certainly, there were mistakes made during the Clinton administration when there was a failure to address what is called the threshold issue to ensure you do not subsidize these oil companies at a time when profits are extremely high and you do not need these incentives. So the Clinton administration mangled the job before President Bush and his team took over. But certainly the problem was compounded by Gale Norton, who was then Secretary of the Interior, who insisted on raising the subsidies even more administratively.

And then, as I talked about on the floor of the Senate when the Congress passed the energy bill as part of this session, the deal was sweetened even more. Again, virtually no independent expert thought the subsidies were needed. When I asked the oil company executives, who came before the Energy Committee, on which the Presiding Officer, the distinguished Senator from North Carolina, and I both serve, the executives, to a person, said: We do not need these subsidies at a time of record prices and record profits.

So the Congress is behind the American people. Frankly, the Congress is lagging behind even what the oil executives have said they could live with. At a time when the House of Representatives—more than 250 in number—has voted to cut these subsidies, the Senate should not be dawdling on this issue any longer.

We are talking about substantial sums of money. The General Accounting Office has said it is in the vicinity of $20 billion. There is litigation underway now. If the litigation is successful, the bill to the Government could be in the vicinity of $80 billion. That is a substantial amount of money to be frittering away now when there are all these pressing needs here at home and for our country.

So given that I am going to be talking in the days ahead about issues where there is significant bipartisan support, specifically focusing on these key domestic issues of health care and energy, I start today by making a unanimous consent request that the letter that I, Senator KYL, Senator LIEBERMAN, and Senator SNOWE have sent to Senator FRIST be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 26, 2006.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: Serious concerns have arisen regarding the implementation of the federal government's oil and natural gas royalty program. Recent news reports and the administration's own statements suggest that the government may be unable to collect billions in royalties from certain leases of federal land and waters. With oil and gas prices at historic levels, there is no good reason for royalty relief incentives.

In an effort to promote the exploration and production of natural gas and crude oil in deep water, the Deep Water Royalty Relief Act of 1995 implemented a royalty-relief program that relieves eligible leases from paying royalties on defined amounts of deepwater production. This would be accomplished by allowing the Secretary of the Interior and the oil and gas companies to enter into leases with a defined volume suspension and price threshold. This incentive was intended to help companies that undertook these investments in particularly highcost, high-risk areas to be able to recover their capital investment before having to pay royalties on their gross revenues. It came at a time when oil and gas prices were low and the interest in deep water drilling was lacking. At that time, the program was needed to encourage production and it helped achieve that goal. The American Petroleum Institute estimates that since 1996, natural gas production is up 407 percent and oil 386 percent.

However, during 1998 and 1999, price thresholds were not included in terms of the leases, thereby allowing companies to recoup their capital investments long before the expiration of volume suspension. The absence of price thresholds in these leases allows companies to benefit both from both high market prices and volume suspensions. The Mineral Management Service has said the failure to include price thresholds was not intentional, but a costly mistake—and one that must be corrected with some help from Congress.

On May 17, the House of Representatives during consideration of the Fiscal Year 2007 Interior Appropriations Bill debated and voted 252-165 to address this mistake. We do not necessarily believe the House proposal is the answer, but we should have an opportunity in the Senate to take up the issue. We want to correct the error by requiring the federal government to add price thresholds to all leases including those issued in 1998 and 1999.

We ask that you schedule an up-or-down vote on the issue at the earliest opportunity and no later than the August recess. Thank you for your prompt consideration of our request.

Sincerely,
RON WYDEN.
JOSEPH I. LIEBERMAN.
JON KYL.
OLYMPIA SNOWE.

Mr. WYDEN. It is the hope of the bipartisan group of Senators that have followed this issue that this program, run by the Minerals Management Service, can be corrected. These are costly, costly mistakes involving billions of dollars. The Presiding Officer, the Senator from North Carolina, has been a great advocate of renewable energy.

For example, think what you could do if you took just a fraction of the money that is being wasted on royalty relief and moved it to the renewable energy field. You could help stimulate renewable energy production and reduce the deficit simultaneously. So that is what the bipartisan group of Senators want to do on this key issue.

Since I talked at some length about this a few weeks ago, I think I will move on to the other pocketbook issue. But I do hope, with hundreds of bills having been introduced in the Senate in both the energy and health care areas, that as we go into these last days of the session, the focus can be on those pieces of legislation that have significant bipartisan support. That is true in the case of oil royalty relief and cutting those needless subsidies. It is also true with respect to prescription drugs, and I will wrap up with a few comments in that regard.

Mr. President, on the prescription drug issue, we saw, just a few days ago, two reports issued, one by AARP and the other by Families USA, indicating we have seen a very significant increase in the cost of prescription medicine since the beginning of this year. This comes, of course, at a time when Medicare Part D, the prescription drug program, is just kicking in. It comes at a time, of course, when we have seen the costs of this program skyrocket far beyond the original projections.

It would indicate to me that some of those who said competition in the private sector alone was going to do the job have not dealt with the consequences of what happens when the Government does not back up those private-sector kind of efforts. As you will recall, in the prescription drug debate, I was one of nine on this side of the aisle who voted for the legislation. I have got the welts on my back to show for it.

Senator SNOWE and I said then that we have to make sure the Government isn't the only part of the prescription drug arena where there is no opportunity to hold down the cost of medicine. Everybody else bargains today for the cost of medicine. That is true for any manufacturing in North Carolina. It is true in Oregon. It is true anywhere. Nobody ties their hands behind their back when it comes to trying to get the full value for their dollar in the health care sector. The only one who has their hands tied behind their back is the Federal Government when it comes to prescription medicine purchased under the Part D Medicare Program.

My sense is that this is another area where, with significant bipartisan support, Congress can move ahead. On the question of lifting the restriction so that Medicare can bargain to hold down the cost of medicine, Senator SNOWE and I got 54 votes for our bipartisan proposal to change the law. Once again, significant bipartisan support was given for a major change that will help taxpayers and consumers.

My sense is the price increases in prescription drugs we are seeing today is because there are few restraints on the prices that can be charged. There are what are called PBMs, pharmaceutical benefit managers. They have a role to play. It can be a useful one. But if we are really going to make sure we are using all the tools to hold down the cost of medicine, the Government ought to have authority to say, if the private sector isn't going to give a fair shake to seniors and taxpayers, there ought to be backup authority. The Government should be able to say: We are going to now make it clear that there is an opportunity to bargain and do what everybody else in America does to hold down the cost of medicine.

The price increases we have seen in the first 3 months of this year comprise the largest quarterly price increases in 6 years. It comes at a time when the Medicare prescription drug program is going into effect. The prices jumped something like four times the general inflation rate. We are seeing, right at a key time when the Medicare prescription drug program is getting off the ground, prices go up four times faster than the inflation rate. We are seeing the biggest quarterly price increases in 6 years. That makes the case for the Congress looking at a bipartisan way to beef up opportunities to contain the cost of prescription drug medicine.

In the Snowe-Wyden legislation which received 54 votes, we specifically state that there can be no price controls and no uniform formulary which would be, in effect, a backdoor Federal price control. I know the Senator from North Carolina has been interested in the question of what will happen to research, what will happen to innovation. I happen to share the view of the Senator from North Carolina that to come up with big price control regimes and Federal arbitrary standards for the formularies that make judgments about medicine would be a mistake. Under our legislation, we specifically say we will lift the restriction on bargaining power so the Government will not be the only part of the health care sector that is not trying to get value for the dollar. But our amendment said no price controls and no uniform, one-size-fits-all formulary that, for all practical purposes, would be a backdoor set of price controls.

These two studies from AARP and Families USA are extremely alarming because the theory behind the Medicare prescription drug program was that having a variety of plans in the private sector would produce competition, and competition would serve to hold down the cost of medicine. Now there is concrete proof that competition alone is not serving to be an adequate strategy for containing the cost of medicine. That is why the bipartisan amendment Senator SNOWE and I have been pursuing since the prescription drug program went into effect several years ago is much needed.

When you have these higher prescription drug prices, premiums seniors have to pay almost always bump up. Let's think about what happens if you bump up the premiums the seniors pay for Medicare Part D. One of the things I have seen in my years of working with older people—it goes back to my days when I was director of the Gray Panthers—is you jack up the premiums on seniors and, as sure as the night follows the day, you will get fewer seniors enrolling in the program.

We understand that if this program is going to be successful over the long term, you have to get more seniors signed up. You have to get more seniors enrolled. But what happens when you have higher drug prices as AARP and Families USA found, will be higher premiums next year for seniors in the Part D program. Then all of a sudden, with higher prices and higher premiums, what will happen is fewer seniors will sign up for the program. And without them enrolling in this program, Part D will not be the success we all would like to it to be, especially those of us who voted for it.

I wanted to take a few minutes today to talk about two issues: the question of needless oil company subsidies, an effort Senator KYL and I have spearheaded that has significant bipartisan support for saving taxpayers money, getting us on track for a fresh, new energy policy that can truly make us free of our dependence on foreign oil; and this question of prescription drug costs where, as well. There is significant bipartisan support to put bargaining power in Medicare. The Snowe-Wyden amendment received 54 votes the last time the Senate voted on it. There is a real role for the Senate to play at this key time now that it has been reported that drug prices jumped up in the first quarter of this year just as the Medicare Part D Program was going into effect.

Finally, we understand that on the Senate calendar there is not going to be a time for every possible issue to be considered. In the case of energy and health care, there are hundreds of bills in both areas, both energy and medical services, that have been introduced by Senators of both parties. My hope is that a handful of these issues can be moved to the head of the queue. The real measure for consideration ought to be significant bipartisan support.

In the areas I have talked about this afternoon, that test has been met. The other body has already passed efforts to reduce these needless oil subsidies, essentially passed the very thing I talked about on the floor of the Senate for 5 hours. A majority of Senators have voted for the effort Senator SNOWE and I have spearheaded to hold down the cost of medicine. There are opportunities, at a time when the country is looking at the partisanship coming from Washington, DC, to bring the Senate together around good and bipartisan legislation that addresses the pocketbook concerns of the American people. That is why I have come to the Chamber to talk about how we can make a difference working together for the public.

It is my intention to come back in the weeks ahead to talk about similar efforts that can actually be passed in the Senate before the session wraps up and constitute the kind of good government the American people expect from the Senate.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

FLAG DESECRATION AMENDMENT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 4 p.m. having arrived, the Senate will proceed to the immediate consideration of S.J. Res. 12, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 12) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

The Senate proceeded to consider the joint resolution (S.J. Res. 12) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, which had been reported from the Committee on the Judiciary, with an amendment on page 2, lines 8–9, to strike "within 7 years after the date of its submission by the Congress", and insert in lieu thereof "within seven years after the date of its submission for ratification".

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Judiciary Committee, which I chair, has reported to the floor an amendment to the Constitution of the United States which would authorize legislation to prohibit burning of the American flag.

The Supreme Court of the United States, in Texas v. Johnson in 1989 and again in United States v. Eichman in 1990, in a 5-to-4 decision ruled that the first amendment to the U.S. Constitution relating to freedom of speech would be violated by legislation which prohibited flag burning.

At the outset of the debate on this amendment, it is vital to note that the pending amendment does not seek to alter the language of the first amendment. The first amendment of the U.S. Constitution protecting speech, religion, press, and assembly is inviolate, really sacrosanct. But that is not to say the decisions of the Supreme Court of the United States have that same status.

We have, since the adoption of the U.S. Constitution in 1787 and the Bill of Rights, the 10 amendments, in 1791, held freedom of speech as one of our highest values, along with freedom of religion, freedom of the press, the right to assemble, and the right to petition the Government. But decisions by the Supreme Court of the United States are, in a sense, transitory. They have the final word, and we respect their judgment, but our constitutional process allows for amendments in a complicated way. It has to pass both Houses of the Congress by two-thirds vote and then be ratified by three-fourths of the States. So it is a high bar to change what the Supreme Court of the United States says the Constitution means.

The five Justices who found the first amendment violated are Justice Brennan, Justice Marshall, Justice Blackmun, Justice Scalia, and Justice Kennedy. The four Justices in dissent were Chief Justice Rehnquist, Justice White, Justice O'Connor, and Justice Stevens. So had the Court been slightly differently constituted, we wouldn't be talking about a constitutional amendment.

It is important to focus on the basic fact that the text of the first amendment, the text of the Constitution, the text of the Bill of Rights, is not involved. It is the decision by the Supreme Court, it is the decision where any one of five made a majority. It is that difference of opinion that is at issue, and it is important to note that when decisions are rendered by the Supreme Court of the United States, they are the "opinion" of the Court. There is no verity, there is no absolutism, unlike what might be contended for the Constitution itself, especially the first amendment.

It is important to note that there have been many decisions by the Supreme Court of the United States which have limited freedom of speech under the first amendment. The first case which comes to mind is the famous opinion by Justice Oliver Wendell Holmes saying that an individual could not cry "fire" in a crowded theater. People have a right to speak, but there are limitations as to how people may exercise freedom of speech, and that is one limitation.

A Supreme Court decision in Chaplinsky v. New Hampshire in 1942 had special significance when the Court decided that fighting words were not protected by the constitutional protection of freedom of speech. The defendant in a criminal case had used condemnatory curse words, a fight resulted, and he was convicted. The Court said freedom of speech did not go that far and upheld his conviction.

The Court observed in that case a standard which is significant, and that is:

> It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

I believe that standard applies to flag burning.

We have had other instances where the Supreme Court of the United States has limited freedom of speech. For example, on inciting unlawful conduct, you can say what you please, but you cannot incite others to unlawful conduct and then defend on the ground of freedom of speech.

Obscenity cases are another line of decisions, complex decisions, conduct which is gauged by contemporary community standards and the question of whether the speech has its dominant appeal to prurient interests. It is pretty hard to define what that means. That was a definition I wrestled with consistently when I was assistant attorney of Philadelphia to make a determination as to where freedom of expression and freedom of speech crossed the line.

On pornography, which is a lesser standard, you don't have to go to the level of obscenity on pornography if children are involved. There again, the first amendment protection for freedom of speech does not cover it.

An individual in our society does not have the constitutional right to make false statements of fact, but that individual may be taken to a court of law, sued, and damages collected for slander, verbal false statements of fact, or libel, written false statements of fact.

Similarly, the first amendment does not protect speech which constitutes threats of violence. And just last month in a widely noted case, the Supreme Court decided that governmental employees have limits on what their speech can contain.

The Chaplinsky decision, which I cited a few moments ago, sets a standard which, as a generalization, notes that there will not be protection for utterances which are no essential part of any exposition of ideas and therefore are of slight social value.

It is my opinion—and again, I denominate it as an opinion, just as the Supreme Court of the United States denominates its decisions as opinions. We all have our own opinions. We are all entitled to our own opinions. If there are enough opinions to the contrary of the five Supreme Court Justices—that is, the opinions of two-thirds of the Senate and two-thirds of the House of Representatives and three-fourths of the legislatures of the States—then we may make a modification of what the Supreme Court has said in declaring that flag burning is protected by freedom of speech.

It is my sense that under the Supreme Court decision in Chaplinsky, we are dealing with conduct which is not an essential part of an exposition of ideas and does not have social value as a step to the truth, and that whatever is derived from it is clearly outweighed by the social interest in order and tranquility. It is my view that flag burning is a form of expression which is spiteful or vengeful or designed to antagonize, designed to hurt. It is not designed to persuade.

Again referring to the opinion of perhaps America's greatest Jurist, Oliver Wendell Holmes, on the Supreme Court in the case Abrams v. United States, decided in 1919, Justice Holmes noted that time has upset many fighting faiths. Time has upset many fighting faiths, and ideas and concepts and doctrines which men and women think are veritable truths may turn out not to be so. That opinion which I studied in law school a few years ago made the deepest impression on me of any which I have ever read. I think that is really the hallmark of freedom of speech, and that is in the context of seeking to persuade the marketplace of ideas. When Holmes said that time has upset many fighting faiths, he was extraordinarily prescient in that declaration.

In evaluating the speech issue and in evaluating what I believe is an appropriate resolution of the pending constitutional amendment, I think of the veterans in our society and I think of the veterans' expectation of the sanctity of the flag. I think of the flag as a symbol of what veterans fought for, what they sustained wounds for, what they sustained loss of limbs for, and what they sustained loss of life for.

In being the chairman of the Senate Veterans' Affairs Committee for some 6 years and a ranking member a number of years beyond, I had more duties than most would on veterans' issues. The veterans, with some substantial justification, repeatedly made the point at our hearings that they were not treated right for the sacrifices they had made; that when it came to compensation and disability, the Nation which has called upon them to fight wars and sustain wounds and sustain loss of limbs, comrades who have given their lives, the Nation was not very appreciative or grateful or didn't reciprocate with the kinds of benefits to which the veterans thought and think they are entitled to. It is a continuing battle, given the budget limitations.

The Congress of the United States is very much concerned about veterans' rights and veterans' benefits, and we make an effort, but in so many cases, it has been my judgment, reflected in my views and my votes and my chairmanship of the Veterans' Affairs Committee, that we are not sufficiently considerate, and not a matter of being generous but not sufficiently just with our veterans.

When it comes to the issue of flag burning, I have heard many veterans express deep concern about disrespect for the American flag, which they equate as disrespect for them, disrespect for the sacrifices they and their buddies have made.

I think of my brother's service in the U.S. Navy, and I think of Morton Specter, who served in the U.S. Navy in World War II. I think of the service of my brother-in-law, Arthur Morganstern, who served in the South Pacific for 31 months and came home to find a 2-year-old baby daughter from whom he had been separated for a protracted period of time, and fortunately came home in time.

My own service stateside during the Korean war was something I was proud to do. I did not face the rigors of combat, although when you are in the service, you respond to what the service tells you to do.

I also think of the service of my father, Harry Specter, an immigrant. It always makes me mindful of immigrants who have built this country. My mother, too, was an immigrant. She came at the age of 6 with her family from the Ukraine. I have had some comments about their contributions to this country in another context as we have talked about immigration reform, which is now pending before the conference committee of the House and Senate. My father came to this country at the age of 18, in 1911. The czar wanted to send him to Russia, and he wanted to go to Kansas.

As I say sometimes in jest, it was a close call, but he got to go to Kansas. But he didn't know that when he sailed steerage from Europe to the United States, he had a round-trip ticket to France—not to Paris and the dancing girls, but to the Argonne Forest. It took exactly 30 days for the U.S. Army to induct Harry Specter in Fairbrook, NE, and ship him overseas. He didn't have a whole lot of training, but he was "cannon fodder," as they expressed. These Doughboys were meant for the enemy German cannons. They all had a bull's eye painted on their back. He went to war, and he was wounded in action. He was struck by shrapnel, and he carried shrapnel in his legs until the day he died.

When my father was in need of medical care, when he had a serious accident where a spindle bolt broke on a pickup truck when my sister was driving and rolled over and broke his arm, he was taken to the veterans hospital in Wichita, KS, where we lived. I was 7 at the time and would ride a bicycle out many miles from the residential section of town to where the veterans hospital was located. Now it is all built up. I had some exposure to the veterans there, and I have had exposure to veterans as I have traveled around Pennsylvania and on a trip I made in 1991 around the country to look at veterans' hospitals when I was on the Veterans' Affairs Committee to see if we had adequate care for the veterans who might come back injured from the gulf war. Fortunately, we did not have many casualties from the Gulf War in 1991.

I visited the veterans at Walter Reed, as so many of us have, to try to give them a morale uplift and to tell them how much we appreciate their service. It is very difficult for those who go to visit them, with their artificial limbs and their loss of arms and their metallic legs. It is obviously disquieting to see them and realize how difficult, how tragic it is for them. Their spirits, by and large, are remarkable. But I think of our veteran population when I think about this amendment. I don't want to dwell on it overly, but I do not think it is an irrelevancy when we consider this flag protection amendment and consider what the expectations are.

During the Memorial Day recess I had occasion to travel to Europe to visit veterans' cemeteries with the Veterans' Affairs Committee. Senator CRAIG, the chairman of the Veterans' Affairs Committee now, led a delegation with the distinguished Senator from North Carolina, Mr. BURR, who is presiding at the moment, and Senator JOHNNY ISAKSON from Georgia. I was along, and it was an enormously moving experience to see the rows of white crosses and the rows of Stars of David. We went to the cemeteries in the Netherlands. We went to the cemeteries in northern France not too far from the Argonne Forest where my father had fought. We went to the cemetery in Normandy and saw those steep cliffs and marveled at how our troops, on June 6, 1944, could scale those cliffs to lead to the invasion of Europe and free the world of the despotism of Nazi Germany and Hitler's annihilation of 6 million Jews and the treachery of Mussolini and the treachery of the war in the Pacific with the Japanese.

I made a report to the Senate—as I do on my foreign travel—a week ago today. I noted in that report that when my father, Harry Specter, was hit by shrapnel in the legs, the possibility—as I saw in viewing the World War I cemeteries—noted that in World War I, there were 126,000 deaths; in World War II, 407,300 deaths; and, of course, Harry Specter was not in one of the cemeteries. But had the shrapnel hit him a little higher, Harry Specter might have been in one of those cemeteries and he wouldn't have been my father and I wouldn't have been. Of all the sobering thoughts, none can compare to that one.

I have voted on the constitutional amendment in the past when, years ago, I voted in favor of the constitutional amendment to protect the flag, so these thoughts are not new to me or a change of heart. But it is my view that given the expectation of so many Americans, especially American veterans, and given the fact that the text of the first amendment is in no way altered by this amendment, but it is only a decision by the Supreme Court of the United States, the opinion of five that freedom of speech precludes flag burning, and the opinion of four Justices that freedom of speech should not preclude flag burning, it is my opinion that the opinions of the five Justices ought not to dominate, and the opinions of the four Justices ought to dominate, provided that their opinion is the opinion of two-thirds of this body, two-thirds of the House, and the opinion of three-quarters of the State legislatures, which provides the constitutional basis for a constitutional amendment.

I ask unanimous consent that the full text of my printed statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

2006 FLAG AMENDMENT

Mr. President, I seek recognition today to support Senate Joint Resolution 12, which proposes a constitutional amendment allowing Congress to prohibit the physical desecration of the American flag. I will vote in support of this resolution. I do not take this step lightly. Just three weeks ago, I voted against a proposed constitutional amendment to define marriage as the union of one man and one woman. I did so not because I do not support traditional marriage, but because I believe that we have not reached the point in time where the extraordinary measure of a constitutional amendment has become necessary. The states have shown that they are willing and able to preserve traditional marriage, and the Supreme Court has not stepped in to take that power away from them.

With regard to the protection of our most cherished national symbol, though, we have unfortunately reached the point where we cannot protect our flag by any means short of a constitutional amendment. In 1989, the Supreme Court's 5-4 decision in Texas v. Johnson stripped from the people the ability—through their elected representatives—to make laws to protect our flag. Prior to the Texas v. Johnson decision, 48 states had laws on the books prohibiting flag desecration. There was also a 1968 federal law in place to prohibit desecration of the flag. The 1968 law made it a crime to "knowingly cast contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it." (Pub. L. 90-381.)

These state and federal laws existed because it appeared to be beyond question that we could act to protect the American flag. In addition to the law prohibiting flag desecration, Congress had prescribed detailed rules for the flag's design, the times and occasions for its display, and particular protocols for conduct during the raising, lowering, and passing of the flag. In 1907 in Halter v. Nebraska, the Supreme Court upheld the constitutionality of a Nebraska statute that prohibited the use of the flag for advertising purposes.

In later years, the Court continued to recognize the right of the people to protect our flag. In Spence v. Washington, the Court struck down a student's conviction for taping a peace symbol to a flag. But in striking down the conviction, the Court was careful to note that the defendant "did not permanently disfigure the flag or destroy it." In the same year, in Smith v. Goguen, the Court held that a Massachusetts flag misuse statute was impermissibly vague, but explained that "nothing prevents a legislature from defining with substantial certainty what constitutes forbidden treatment of United States flags." In his concurrence, Justice White went even further, stating that "[t]he flag is a national property, and the Nation may regulate those who would make, imitate, sell, possess, or use it. I would not question those statutes which proscribe mutilation, defacement, or burning of the flag or which otherwise protect its physical integrity . . . ."

In Street v. New York in 1969, the Court struck down a protester's conviction for flag burning, but only because it was unclear whether he was arrested for his conduct in defacing the flag or for the statements he made as he did so. Dissenting from the 5-4 majority opinion, Chief Justice Earl Warren explained that "the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace." Justice Hugo Black, the ardent exponent of First Amendment absolutism, stated in his dissent that, "[i]t passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense."

And Justice Abe Fortas articulated "the reasons why the States and the Federal Government have the power to protect the flag from acts of desecration committed in public." He explained that the flag is "traditionally and universally subject to special rules and regulation," and that ownership of a flag is "subject to special burdens and responsibilities." Although "[a] flag may be property, in a sense," "it is a property burdened with peculiar obligations and restrictions" and "these special conditions are not per se arbitrary or beyond governmental power under our Constitution."

In light of these repeated statements of support for the flag from the Supreme Court, it was a surprise when a bare, five-justice majority of the Court in Texas v. Johnson struck down Texas's flag protection act and invalidated the laws of 48 states and the federal government.

Congress reacted swiftly to protect the flag by passing the Flag Protection Act of 1999, which made it a crime to knowingly mutilate, deface, physically defile, burn, keep on the ground or floor, or trample upon the United States flag. We tried to work within the confines of Texas v. Johnson to ensure that the Flag Protection Act would not target expressive conduct based on the content of its message. But the very next year, in United States v. Eichman, five justices of the Supreme Court the same five justices who struck down the Texas statute in Texas v. Johnson, held that Congress could not protect the flag through even a neutral desecration statute.

This amendment is an extremely narrow solution to correct those two opinions in the only way the American people can. For 198 years, from the ratification of the Bill of Rights in 1791 until the Texas v. Johnson decision in 1989, the states and the Congress were free to protect the flag from desecration and defilement. Can it be reasonably argued that, for those 198 years, Americans lacked the freedom of speech guaranteed by the First Amendment?

I question whether defilement of the flag should even be considered "speech" protected by the First Amendment. To quote Chief Justice Rehnquist, dissenting in Texas v. Johnson:

"[F]lag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is more likely to be indulged in not to express any particular idea, but to antagonize others. . . . The Texas statute deprived Johnson of only one rather inarticulate form of protest—a form of protest that was profoundly offensive to many—and left him with a full panoply of other symbols and every conceivable form of verbal expression to express his deep disapproval of national policy."

Flag burning is the equivalent of "fighting words," those words "which by their very utterance inflict injury or tend to incite an immediate breach of the peace." Chaplinsky v. New Hampshire. Fighting words are just one category of expression that the First Amendment has never protected, for the First Amendment has never been a blanket cover for every conceivable form of expression. We have long recognized numerous exceptions to the First Amendment's freedom of expression, including: incitement to unlawful conduct; libel and slander; obscenity; child pornography; and threats of physical harm.

In other instances, we have balanced an interest in legitimate speech against overarching societal interests. For example, Congress has passed copyright laws that limit a speaker's ability to use the words of another person. The Supreme Court has also held that government employees do not have an absolute right to free speech for statements made in the workplace.

Just because conduct may have some expressive element, it does not mean that it is entitled to First Amendment protection. None of us would question the government's power to prohibit vandalism of the Washington Monument, the Vietnam Wall, or this beautiful Capitol building, even if the vandal were expressing his outrage with government policies. Indeed, Justice White stated in 1974 that "[t]here would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial. . . . The flag is itself a monument, subject to similar protection." Just as we do not allow criminals to deface the symbols of our Nation that stand throughout this city, we should not allow vandalization and desecration of our most precious and most recognizable national symbol.

We do not limit the expressive rights of those who wish to voice dissatisfaction with our government by declaring flag desecration off-limits any more than we do by prohibiting desecration of our national buildings and monuments. The avenues for expressing dissent are still wide open—"a full panoply of other symbols and every conceivable form of verbal expression."

All this amendment seeks to do is restore to Congress the power it held for those 198 years before five justices took it away in Texas v. Johnson: the power to protect our flag. That's all. The amendment itself does not even prohibit flag burning or other forms of flag desecration. The text of the amendment is very simple: "The Congress shall have power to prohibit the physical desecration of the flag of the United States." In other words, the amendment says, let's give the people of the United States, through their elected representatives, the right to offer protection to our most cherished national symbol.

There are those who claim that because our liberties are enshrined in the Constitution, the flag is not properly viewed as the symbol of our liberty. They claim that those of us who support restoring to the people the ability to protect the flag are not true defenders of the Constitution. Those critics are wrong. One of the most important aspects of our constitutional system is its recognition that we may, from time to time, need to amend our founding document to reflect the will of the people. Article 5 gives the people this most important right. It takes a supermajority of Americans to do so—two-thirds of the people's elected representatives here in Congress and three-fourths of the states—so we can rest assured that our Constitution is only amended when it is absolutely necessary. But when the opinion of five unelected judges overrides the voice of the people expressed through 48 state laws and a national flag protection law, how can we say an amendment is not necessary?

Chief Justice Rehnquist stated in Texas v. Johnson that: "The cry of 'no taxation without representation' animated those who revolted against the English Crown to found our Nation—the idea that those who submitted to government should have some say as to what kind of laws would be passed. Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people whether it be murder, embezzlement, pollution, or flag-burning."

Our Constitution lives by giving the American people a means to raise their voices over the words of five justices here in Washington. The American people have called on the members of this body to protect our most cherished national symbol, and I agree with that sentiment.

Mr. LEAHY. Mr. President, it is my understanding we are now on the constitutional amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. President, in 1791, the year that the Bill of Rights became part of our Constitution, the State of Vermont joined the Union, and then the State of Kentucky followed. Then Congress saw fit to change the design of the American flag to include 15 stars and 15 stripes, one for each State. In fact, it was this flag, the one recognizing the addition of Vermont and Kentucky to the United States, that flew over Fort McHenry in 1814 and that inspired Francis Scott Key to write the "Star-Spangled Banner."

Fifty years after that famous battle that inspired our National Anthem in Baltimore's harbor, President Abraham Lincoln visited that city as our country confronted its greatest test. It was a time in which this Nation faced grave peril from a civil war whose outcome could not yet be determined. Many flags flew over various parts of the United States, and our existence as a nation was in doubt. President Lincoln used the occasion to reflect on a basic feature of American democracy. President Lincoln observed:

> The world has never had a good definition of the word liberty. The American people just now are much in need of one. We all declare for liberty, but using the same word we do not mean the same thing.

I would hope that all of us in this Chamber champion liberty. If any of us were asked, we would say: Of course we do. But when I hear some talk about the desire to restrict our fundamental freedoms by cutting back on our first amendment rights for the first time in our history, you see why people wonder. The danger of this amendment is that it would strike at the values the flag represents and the rights that have made this Nation a vibrant democratic republic in which we have enjoyed freedom of religion, freedom of the press, freedom of expression, and freedom to think as individuals.

Along with Vermonters, I find the American flag inspirational in all its incarnations, whether it is the current flag with 50 stars that was carried in formation at Parris Island when my youngest son Mark became a proud member of the U.S. Marine Corps; whether it is the American flag with 48 stars under which Vermonters joined in fighting World War II, including members of my family; the flag commemorating Vermont's becoming a State; the Bennington flag that commemorated our Declaration of Independence; or the revolutionary flag with 13 stars in a circle said to be designed by George Washington and sewn by Betsy Ross.

Ultimately, the debate over this amendment turns on the scope we think proper to give to speech which deeply offends us. For two-thirds of the Senate to vote to amend the Bill of Rights to amend the U.S. Constitution because, as the Constitution requires, that we deem it "necessary" in 2006, strikes me as extraordinary. The Senate oath of office, which the people of Vermont have authorized me to take six times, requires that we "support and defend the Constitution." And I believe that doing so means opposing this effort to cut back on Vermonters' constitutional rights and freedoms.

Regrettably, the Senate leadership is returning again and again to using constitutional amendments as election year rallying cries to excite the passion of voters. That is wrong. The Constitution is too important to be used for partisan political purposes—and so, in my view, is our American flag.

With the rights of Americans being threatened in so many ways today by this administration, this is most especially not the time for the Senate to vote to limit Americans' fundamental rights or to strike at the heart of the First Amendment.

The chairman has referred to Justice Oliver Wendell Holmes. It was Justice Holmes who wrote that the most imperative principle of our Constitution was it protects not just freedom for the thought and expression we agree with, but "freedom for the thought that we hate." He also wrote that "we should be eternally vigilant against attempts to check the expression of opinions that we loathe."

We all know that the First Amendment never requires people to defend it when it is upholding popular speech. It needs defense when the speech is unpopular.

What is so distinctive about America is that our Government does not endorse religious or political orthodoxy. The price of our freedom of expression is our willingness to protect the expression of those with whom we disagree. America does not impose a state-designed dogma on its free people the way totalitarian regimes do. We value our freedom and we protect the freedom of others.

Justice Robert Jackson made this point with unsurpassed eloquence in a Supreme Court decision made during World War II. He did this in West Virginia State Board of Education v. Barnette. His decision for the Supreme Court upheld our fundamental tradition of tolerance, holding that State school boards may not compel teachers and students to salute the flag.

Remember, Justice Jackson was writing during World War II—during wartime. He wrote:

> [F]reedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein.

That was a powerful statement by Justice Jackson, at a time when certainly the attention of this country was focused on a real war effort, the effort of World War II. But he knew what unifies our country is the voluntary sharing of ideals and commitments. Americans are free, free to offend but also free to respond to crude insults with responsible action—the way many of us remember and applaud—when that crowd at Dodger Stadium responded by spontaneously singing "God Bless America" when a couple of miscreants attempted to burn the American flag in the outfield 30 years ago, shortly after the end of the Vietnam war.

When I am home in Vermont, our family home, I fly the flag—not because the law tells me to but because, as an American, I want to. I fly the flag out of pride. I remember my parents, still alive, when they used to look with pride to see that flag flying and they knew their son was home from Washington. It is the same sense of pride I felt when I saw my son march in uniform under that flag, our flag, our American flag. It is the same sense of pride I feel when I see that flag flying over this Capitol Building when I come to work each day, and I stop and look at it sometimes when the Senate leaves at 2 or 3 o'clock in the morning. I look at the dome and I see that flag illuminated and flying there.

One of my colleagues, former Senator Bob Kerrey, a man of great bravery, who received the Congressional Medal of Honor for his bravery in battle, said in a recent opinion piece in the Washington Post, "Real patriotism cannot be coerced." It has to be a voluntary, unselfish, brave act to sacrifice for others.

I ask unanimous consent that a copy of his op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the washingtonpost.com, June 15, 2006]

Our Flag and Our Freedom

(By Bob Kerrey)

With campaigns at full tilt and the Fourth of July just around the comer, the Senate's new priority is to debate and vote on yet another resolution to amend our remarkable Constitution. This time it's an amendment that would allow Congress to prohibit a form of protest that a large majority of Americans do not like: the burning or desecration of the American flag. Since 1989, when the Supreme Court decided unanimously and correctly that these rare, unpleasant demonstrations are expressions of speech and therefore protected by the First Amendment, there have been many such attempts. Fortunately, all have failed.

Unfortunately, enthusiasm for this amendment appears to have grown even as flag-burning incidents have vanished as a means of political protest. The last time I saw an image of the U.S. flag being desecrated in this way was nearly 20 years ago, when the court issued its decision. Thus this amendment—never appropriate in the oldest democracy on earth—has become even less necessary. But necessity is not always the mother of legislation.

In defense of speech I do not like, I recall a ceremony I have come to love: a military funeral. The finest of all is conducted at Arlington National Cemetery. At graveside, an honor guard holds the American flag while taps are played as a final farewell. The guards then fold the flag into a triangle and deliver it to the next of kin.

It is as if the flag becomes the fallen. In the hands of a widow or mother it is much more than a symbol of the nation. At that moment the American flag is a sacred object that holds the sweet memory of a life given to a higher cause. Or so it seems to me each time I am witness to these hallowed events.

To others the ceremony may mean something entirely different. I recall vividly one such situation: A mother of a friend who was killed in Vietnam recoiled when the flag was offered to her. She would not take it. In her heart the American flag had become a symbol of dishonor, treachery and betrayal. At the time, and perhaps to her dying day, she wanted nothing to do with it.

If our First Amendment is altered to permit laws to be passed prohibiting flag desecration, would we like to see our police powers used to arrest an angry mother who burns a flag? Or a brother in arms whose disillusionment leads him to defile this symbol of the nation? I hope the answer is no. I hope we are strong enough to tolerate such rare and wrenching moments. I hope our desire for calm and quiet does not make it a crime for any to demonstrate in such a fashion. In truth, if I know anything about the spirit of our compatriots, some Americans might even choose to burn their flag in protest of such a law.

No doubt the sponsors and advocates of this amendment mean well. They believe it is a reasonable and small sacrifice of our freedoms. They believe no serious consequence will come of this change.

No doubt, too, some of the increasing interest in limiting free speech is a response to the Sept. 11 attacks on the United States. It was a remarkable moment, when the hearts of most of us filled with a kind of pure patriotism we had never felt before. It was a patriotism that bound liberty to equality and fraternity. It was a patriotism that brought us together, friend and stranger alike. We discovered heroes who inspired us. No longer did we say, "It's good to see you," and not mean it.

Most impressive to me was that the "we" included men and women of many nations, every religion and every ethnic group. The "we" was global. The patriotism we felt extended beyond our boundaries and beyond the cramped spaces of ritual nationalistic fervor. We understood that the vulnerability of our freedom bound us together more than any symbol or slogan can. Millions of Americans, then and now, proudly flew their flags because they wanted to, not because any law told them to.

All the more reason, then, for patriotism to turn aside the understandable impulse to protect our flag by degrading the constitutional freedoms for which it stands. Real patriotism cannot be coerced. Our freedom to speak was attacked—not our flag. The former, not the latter, needs the protection of our Constitution and our laws.

Mr. LEAHY. The French philosopher Voltaire once remarked that liberty is a guest who plants both of his elbows on the table. I think what Voltaire meant by that is that liberty is sometimes even an unmannerly, vulgar guest, yet liberty requires we tolerate rudeness even when admittedly it is hard to do so. That is what allows us, in turn, the individual freedoms that we cherish for ourselves.

Despicable, outrageous gestures like flag burning are hard to tolerate, but we do so because political expression is so central as to what makes America great and what protects the rights of each of us to speak, or to worship as we choose, and to petition our Government for redress. The flag is a symbol of the greatness that the American ideals of freedom and liberty have helped foster in this blessed land. The Constitution ultimately goes beyond symbols. The Constitution is the real bedrock of our rights.

In a letter to me expressing his opposition to the constitutional amendment, my friend General Colin Powell said it very well. Let me quote Colin Powell in this regard. He said:

> We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration. . . .
>
> I understand how strongly so many of my fellow veterans and citizens feel about the flag. . . . I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.
>
> I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly, long after they have slunk away.

What powerful, powerful words from General Powell. I ask unanimous consent a copy of his letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

ALEXANDRIA, VA,
May 18, 1999.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.

Finally, I shudder to think of the legal morass we will create trying to implement the body of law that will emerge from such an amendment.

If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,

COLIN L. POWELL.

P.S. The attached 1989 article by a Vietnam POW gave me further inspiration for my position.

[From the Retired Officer, Sept. 1989]

THOUGHTS OF A FORMER POW: WHEN THEY BURNED THE FLAG BACK HOME

(By James H. Warner)

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark AB in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes, I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after five and a half years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal of our comrades, of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of use were tortured, and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this? Yes, it was worth all this and more.

Rose Wilder Lane, in her magnificent book The Discovery of Freedom, said there are two fundamental truths that men must know in order to be free. They must know that all men are brothers, and they must know that all men are born free. Once men accept these two ideas, they will never accept bondage. The power of these ideas explains why it was illegal to teach slaves to read.

One can teach these ideas, even in a Communist prison camp. Marxists believe that ideas are merely the product of material conditions; change those material conditions, and one will change the ideas they produce. They tried to "re-educate" us. If we could show them that we would not abandon our beliefs in fundamental principles, then we could prove the falseness of their doctrine. We could subvert them by teaching them about freedom through our example. We could show them the power of ideas.

I did not appreciate this power before I was a prisoner of war. I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves that you are wrong."

"No," I said. "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Aneurin Bevan, former official of the British Labor Party, was once asked by Nikita Khrushchev how the British definition of democracy differed from the Soviet view. Bevan responded, forcefully, that if Khrushchev really wanted to know the difference, he should read the funeral oration of Pericles.

In that speech, recorded in the Second Book of Thucydides' History of the Peloponnesian War," Pericles contrasted democratic Athens with totalitarian Sparta. Unlike the Spartans, he said, the Athenians did not fear freedom. Rather, they viewed freedom as the very source of their strength. As it was for Athens, so it is for America—our freedom is not to be feared, for our freedom is our strength.

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. The flag in Dallas was burned to protest the nomination of Ronald Reagan, and he told us how to spread the idea of freedom when he said that we should turn America into a "city shining on a hill, a light to all nations." Don't be afraid of freedom—it is the best weapon we have.

Mr. LEAHY. Another American who honorably served our country, Gary May, Chairman of Veterans Defending the Bill of Rights, wrote in a letter:

This country is unique and special because the minority, the unpopular, the dissident also have a voice. The freedom of expression, even when it hurts the most, is the truest test of our dedication to the principles that our flag represents.

I ask unanimous consent a copy of his letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS DEFENDING
THE BILL OF RIGHTS,
Newburgh, IN, May 4, 2006.

Re Oppose S.J. Res. 12, the Flag Desecration Constitutional Amendment.

DEAR SENATOR: My name is Gary May. I am writing to you today as the chair of a group called Veterans Defending the Bill of Rights to urge you to oppose S.J. Res. 12, the flag desecration constitutional amendment. I know you hear from some who say veterans support this amendment, but you should also know that there are many veterans that have faithfully served our nation who strongly believe that amending the Constitution to ban flag desecration is the antithesis of freedoms they fought to preserve.

I lost both my legs in combat while serving in the U.S. Marine Corps in Vietnam. I challenge anyone to find someone who loves this country, its people and what it stands for more than I do. It offends me when I see the flag burned or treated disrespectfully. But, as offensive and painful as this is, I still believe that dissenting voices need to be heard, even if their methods cause offense.

This country is unique and special because the minority, the unpopular, the dissident also have a voice. The freedom of expression, even when it hurts the most, is the truest test of our dedication to the principles that our flag represents.

In addition to my military combat experience, I have been involved in veterans' affairs as a clinical social worker, program manager, board member of numerous veterans organizations, and advocated on their behalf since 1974. Through all of my work in veterans' affairs, I have yet to hear a veteran say that his or her service and sacrifice was in pursuit of protecting the flag.

When confronted with the horrific demands of combat, the simple fact is that most of us fought to stay alive. The pride and honor we feel is not in the flag per se. It's in the principles for which it stands for and the people who have defended them.

I am grateful for the many heroes of our country. All the sacrifices of those who served before us would be for naught, if the Constitution were amended to cut back on our First Amendment rights for the first time in the history of our great nation. I write to you today to attest to the fact that many veterans do not wish to exchange fought-for freedoms for protecting a tangible object that represents these freedoms.

To illustrate my point, here is what some of the Veterans Defending the Bill of Rights have said about this amendment:

"During the fighting in Iraq, I saw friends of mine die in battle. Each of us suffered and sacrificed to provide freedom to the Iraqi people. With this in mind, I am profoundly disturbed by the apparent willingness of Congress to sacrifice our own freedoms here at home by amending the First Amendment for the first time ever. When the coalition forces entered Iraq, it was to topple a brutal and repressive dictatorship, one that did not hesitate to jail and torture its own citizens who protested against it. By amending the Constitution to ban a form of expression, Congress dishonors the legacy of servicemembers who fought and died in defense of freedom."—Jeremy Broussard, Bowie, MD, a combat veteran of Operation Iraqi Freedom and a former Captain in the U.S. Army whose artillery unit was among the first to enter Iraq.

"The proposed constitutional amendment is in my eyes, and the eyes of countless other veterans, a slap in the face to our service in combat. We volunteered to go to war to protect the freedoms in this country, not watch them be taken away by politicians who have never been to the front lines. I consider myself an independent-minded conservative, and believe that creating unnecessary amendments to the U.S. Constitution is a betrayal of conservative principles."—Specialist Eric G Eliason, Englewood, CO, a combat veteran who served as an Infantryman in the Army for three years, including one year overseas as part of Operation Iraqi Freedom.

"It is a bad thing to burn the flag, but it is a worse thing to damage the Constitution."—James Pryde, Tuskegee Airman, combat veteran of the 477 Bomber Group in WWII.

"After devoting most of my career to working in military intelligence, I was appointed Army Deputy Chief of Staff for Intelligence in 1997. I served in that position until my retirement in 2000. I am well acquainted with the many threats facing the United States, and I must say that flag burning does not begin to rise to a level of threat justifying the attention of this distinguished body... I served in the United States Army, like my father before me, to defend fundamental American liberties. To begin the trend of amending the First Amendment each time a particular form of speech is found to be offensive sets a dangerous precedent, and undermines the very freedoms for which I and my fellow servicemembers served."—Lt. General Claudia J. Kennedy (USA, Ret.), Highest ranking woman to ever serve in the U.S. Army.

"Like many of those who have served in the armed forces, I am deeply concerned about this proposed attempt to undermine free speech. While I do take offense at disrespect to the flag, I nonetheless believe it my duty to defend the constitutional right of protestors to use the flag in nonviolent speech."—Richard Olek, Fargo, ND, Army veteran and past Commander of AMVETS Jon A. Greenley Memorial Post 7 in Fargo.

"Today the U.S. Senate is again debating an amendment to the Constitution to ban desecration of the flag. It's an issue on which I believe I can claim some authority. I laid my life on the line and fought under the flag of the United States during World War II. I watched some of my closest friends fall during eight grueling campaigns, I was awarded a Silver Star and Purple Heart. I'm a disabled veteran and long standing Republican since 1940, and nothing angers me more than the desecration of the U.S. flag. It is an abomination to me and to other veterans. That said, though, I believe the push to amend the Constitution to criminalize flag burning is misguided. Our forefathers would spin in their graves to think: that our government would turn the established principle of free speech on its end and consider persecuting people who disagree with its actions."—James Bird, Lumberton, NJ, is a decorated veteran of World War II, where he survived eight campaigns in combat and was a liberator of the Dachau concentration camp.

". . . to undertake to carve out an area of free speech and say that this or that is unpatriotic because it is offensive is a movement that will unravel our liberties and do grave damage to our nation's freedom. The ability to say by speech or dramatic acts what we feel or think is to be cherished not demeaned as unpatriotic ... I hope you will hear my plea. Please do not tinker with the First Amendment."—Reverend Edgar Lockwood, Falmouth, Massachusetts, served as a naval officer engaged in more than ten combat campaigns in WWII.

"My military service was not about protecting the flag; it was about protecting the freedoms behind it. The flag amendment curtails free speech and expression in a way that should frighten us all."—Brady Bustany, West Hollywood, California, served in the Air Force during the Gulf War.

"The first amendment to our constitution is the simplest and clearest official guarantee of freedom ever made by a sovereign people to itself. The so-called 'flag protection amendment' would be a bureaucratic hamstringing of a noble act. Let us reject in the name of liberty for which so many have sacrificed, the call to ban flag desecration. Let us, rather, allow the first amendment, untrammeled and unfettered by this proposed constitutional red tape, to continue be the same guarantor of our liberty for the next two centuries (at least) that is has been for the last two."—State Delegate John Doyle, Hampshire County, West Virginia served as an infantry officer in Vietnam.

"As a twenty two year veteran, combat experience, shot up, shot down, hospitalized more than a year, Purple Heart recipient, with all the proper medals and badges I take very strong exception to anyone who says that burning the flag isn't a way of expressing yourself. In my mind this is clearly covered in Amendment I to the Constitution—and should not be 'abridged'."—Mr. Bob Cordes, Mason, Texas was an Air Force fighter pilot shot down in Vietnam. He served for 22 years from 1956 to 1978.

"Service to our country, not flag waving, is the best way to demonstrate patriotism."—Mr. Jim Lubbock, St. Louis, Missouri. served with the Army in the Phillipines during WWII. His two sons fought in Vietnam, and members of his family have volunteered for every United States conflict from the American Revolution through Vietnam with the exception of Korea. His direct ancestor, Stephen Hopkins, signed the Declaration of Independence.

"The burning of our flag thoroughly disgusts me. But a law banning the burning of the flag plays right into the hands of the weirdoes who are doing the burning. . . . By banning the burning of the flag, we are empowering them by giving significance to their stupid act. Let them burn the flag and let us ignore them. Then their act carries no significance."—Mr. William Ragsdale, Titusville, Florida, an engineer who worked in the space industry for over 30 years, retired from the US Naval Reserve in 1984 with the rank of Commander, having served in the Navy for over forty years including active duty in both WWII and the Korean War. He has two sons who served in Vietnam.

"I fought for freedom of expression not for a symbol. I fought for freedom of Speech. I did not fight for the flag, or motherhood, or apple pie. I fought so that my mortal enemy could declare at the top of his lungs that everything I held dear was utter drivel . . . I fought for unfettered expression of ideas. Mine and everybody else's."—Mr. John Kelley, East Concord, Vermont, lost his leg to a Viet Cong hand grenade while on Operation Sierra with the Fox Company 2nd Battalion 7th Marines in 1967.

I hope you will join me and the Veterans Defending the Bill of Rights in opposing S.J. Res. 12, the flag desecration constitutional amendment. We must not allow this "feel good" measure to restrict freedoms for which so many veterans sacrificed so much. I look forward to working with you.

Sincerely,

GARY E. MAY.

Mr. LEAHY. I have been to countries, as have many of us, countries with dictators—countries like China and Cuba, the former Soviet Union. They require a law to protect their flags and their symbols. I have taken great pleasure in those countries to point out that America does not need the kind of laws they do. America protects our symbols. The American people honor our national flag out of respect, not out of fear that they may break a law. I point out to them what real freedom is, and it includes the freedom to dissent and to differ, even in ways that I would find obnoxious and offensive.

As the son of a printer, I was brought up to know how important the First Amendment is to maintaining our democracy. It allows us to practice any religion we want, or no religion if we want. It allows us to think as we choose and to express ourselves freely, even though others may disagree.

We do not have a state-imposed orthodoxy in this great and good country. Instead, we have freedom and diversity—diversity in religion, diversity in thought, diversity in speech, diversity that is guaranteed and protected by our Constitution, our Bill of Rights, and particularly the First Amendment. When you guarantee and protect diversity, then you guarantee and protect democracy. When you guarantee and protect diversity, by definition you are going to have a democracy. No real democracy exists without diversity. But when you exclude and stamp out diversity and freedom of thought and expression, you act to stamp out democracy.

We have seen this in history. In the former Soviet Union or other totalitarian governments of history, when they wanted to destroy democracy they started, sometimes in little ways at first, but ultimately to stamp out diversity in dissent.

American democracy has succeeded because we have fought to live with that unruly guest with his elbows on our table of which Voltaire spoke, and to tolerate speech and expressive conduct that probably virtually all of us here would find disrespectful and crude.

We protect dissent, not because we oppose liberty but because we love liberty.

Wendell Phillips, a great New England abolitionist, wrote:

> The community which dares not to protect its humblest and most hated member in the free utterance of his opinion, no matter how false and hateful, is only a gang of slaves.

Probably no person disagreed more vehemently with Wendell Phillips on the burning issues of their day than Senator John C. Calhoun of South Carolina. Yet Senator Calhoun came to much the same conclusion in a speech he gave on the Senate floor, our Senate floor, in 1848, more than 150 years ago. Senator Calhoun said:

> We have passed through so many difficulties and dangers without the loss of liberty that we have begun to think that we hold it by divine right from heaven itself. But it is harder to preserve than it is to obtain liberty. After years of prosperity the tenure by which it is held is too often forgotten; and I fear, Senators, that such is the case with us.

This is what Senator Calhoun said 150 years ago.

I am immensely proud to be given the privilege to be one of the two Senators who have the opportunity to represent the State of Vermont. Vermont has a proud tradition defending liberty and encouraging open debate. We are the State of the town meeting. If you want to experience open debate, I urge you to attend a Vermont town meeting. Everybody gets heard. Everybody gets heard about every disagreement, every differing view. A Vermont town meeting is as democratic as you can get. There is debate. There is expression. There is disagreement and agreement. There is freedom and democracy being lived.

In fact, Vermont for many years engaged in such a great and open debate on this very issue of how best to approach protection of our flag. For years the Vermont General Assembly remained the only State legislature not to have passed a resolution in favor of a constitutional amendment. In January 2002 the Vermont Legislature passed a resolution, but it was written, interestingly, in a manner that shows Vermont's respect for the Constitution. It concludes that the Congress should take steps to "ensure that proper respect and treatment . . . always be afforded to the flag," but in ways consistent with the principles that the flag represents, foremost among these being, "the protection of individual freedoms enumerated in the First Amendment to the United States Constitution, including free speech."

Our Legislature stopped short of taking the easy way out and simply parroting a politically popular demand to amend the Constitution. Rather, Vermont remained true to its proud tradition of encouraging open debate and called on Congress to "explore all avenues available" to protect the flag from desecration. Vermont's actions are consistent with our strong tradition of independence and commitment to the Bill of Rights. Indeed, Vermont's own Constitution is based on our commitment to freedom and our belief it is best protected by open debate.

At one time, when we were afraid we might not have that chance for open debate, Vermont declared itself an independent republic. In fact, Vermont did not and would not become a State until 1791. That was the year the Bill of Rights was ratified. Following that tradition, this Vermonter is not going to vote to cut back on the First Amendment of the Bill of Rights for the first time since its adoption.

Vermont sent Matthew Lyon to Congress. He, incidentally, cast the decisive vote. Vermont's vote, for the election of Thomas Jefferson. That election was thrown into the House of Representatives. Had Matthew Lyon voted otherwise, Thomas Jefferson would not have become President. Matthew Lyon was the same House Member who was a target of a shameful prosecution under the Sedition Act in 1789. Why? For comments he made in a private letter. And the power of the U.S. Government, under that horrible act, came down on Matthew Lyon. He was locked up for daring to be so critical in a letter.

Vermonters showed what they thought of the Sedition Act and what they thought of trying to stifle free speech. While Matthew Lyon was in jail, Vermonters reelected him and sent him back to Congress. Along with our own lone Congressman, Congressman SANDERS, I am working on that commitment to having a post office named for Matthew Lyon in Vermont.

Vermont has stood up for the rights of free speech before and since. Vermont served the Nation during the dark days of McCarthyism. In one of the most remarkable and praise-worthy actions of any Senator from any State, Vermont Senator Ralph Flanders stood up for democracy in opposition to the repressive tactics of Senator Joseph McCarthy. When so many others, both Republicans and Democrats, ran for cover, Senator Ralph Flanders of Vermont, a Republican, a conservative, a businessman, came to the Senate floor and said: Enough is enough. He asked for the censure of Senator McCarthy and allowed people once more in this country to speak freely.

Vermont has a great tradition we cherish. It is one I intend to uphold. I honor the Vermont tradition that includes Senator Flanders when I oppose cutting back the First Amendment and the Bill of Rights.

I know there is an impulse, a natural impulse, to restrict speech with which we disapprove. But America is strong because we do not fear freedom; we do not restrict freedom of speech. We should have confidence our institutions are stronger than a bunch of hooligans and that their ideas are better than those of cranks and crackpots.

We know the vast majority of the people in this great country are patriotic, especially thinking of September 11 the way the American people have demonstrated patriotism, as rarely in our history. I can never remember a time in our history when I have seen more people fly more flags, and proudly.

The crisis confronting America is not flag burning. Americans honor flags as a symbol of our country. Americans also know we face real challenges. The confidence of the American people and this Government and institutions is quite low. But even though confidence in the institutions of our Government may be low, Americans love their country. They respect the flag. It is the misuse of their Government for partisanship, the corruption of the Government and its processes, it is a lack of credibility and competence that they see in their Government that concerns Americans in the face of real threats and real problems.

Mark Twain said: Honor your country, question your Government. That is what is happening today.

I see respect for our flag in the actions and attitudes of the citizens of America. I see it in the dedication of Don Villemaire and his friends of Essex Junction, VT, who stood and proudly waved American flags every single night after the horrible tragedy of September 11, 2001, until the search for remains officially ended. That was a vigil every single night in Essex Junction, VT—longer than 8 months. That is showing respect.

I see in Montpelier, my birthplace, in their annual Independence Day parade, where flags are waved in support of our country and our soldiers. I see it in the memorial of American flags planted along the paths of funeral processions of Vermonters killed serving their country in Iraq and Afghanistan. Vermonters' respect for the flag is born from respect for this country and the values it protects. Our patriotism is felt, it is willful. It is not forced on us.

Instead of telling the American people, the people beyond the 100 who have the privilege of serving here, what they can and cannot do, maybe we should talk about what we 100 do and how we do it. We honor America when we in the Senate do our jobs, when and if we work on the matters that can improve the lives of ordinary Americans. Let the 100 Members of the Senate work to raise the minimum wage, lower gas prices, provide better health care and health insurance for more Americans. Let the 100 Senators act to fund the promise of stem cell research that could end the suffering of so many Americans.

The proposed amendment to the Constitution would do harm to the First Amendment protections that bind us all against oppression, especially the oppression of momentary majority thought. The amendment violates the precept laid down more than 200 years ago that "he that would make his own liberty secure must guard even his enemy from oppression."

It undercuts the principle that a free society is a society where it is safe to say and do the unpopular. Let us not give away our liberties in order to impose orthodoxy so others cannot offend.

Let me be clear. I am deeply offended when anyone defiles the American flag. I expect one thing that unites all 100 Senators is that every one of us is deeply offended when the flag is defiled. Two years ago, a flag incident occurred in Vermont outside St. Augustine's Church in Montpelier. Someone wrapped a statue of the Virgin Mary in the American flag and set it on fire. This is a church in which I have been baptized. When this act was first reported, I called it an act intended to outrage, an attack on the religious community, and a gross show of disrespect for the flag. We also know acts like these can and should be prosecuted under Vermont's law, as I suspect they should be under all of the laws of any of the 50 States. Laws prohibit such damage to property.

If someone seeks to do harm to the flag I proudly fly in my home when I am there, they, too, would be prosecuted under Vermont law. In fact, having been a prosecutor in Vermont, knowing what I know of Vermont juries, they would be convicted, but I can replace a flag of mine that was destroyed, and would. I can buy another flag. But if we act to diminish the Bill of Rights that protect our rights and freedoms of a quarter billion Americans and of generations to come, we cannot replace that. We cannot go to the store and buy a new Bill of Rights once it is diminished.

Ours is a powerful Constitution, all the more inspiring because of what it allows and because we protect each other's liberty. Let us be good stewards. Let us preserve and protect for our children and our children's children a Constitution with the freedoms we were bequeathed by the founding patriots and by the sacrifice of generation after generation of Americans.

I urge Senators to think about this vote. Do not diminish that pillar on which our democracy and our freedoms depend. Do not cut back on the First Amendment of our Bill of Rights for the first time in American history.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I will respond, but first I ask unanimous consent to allow the distinguished Senator from Alabama to speak, and then allow me to go next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to express my strong support for the antiflag desecration resolution that is before the Senate this afternoon.

Mr. President, 229 years ago this month, the Continental Congress adopted a resolution giving the United States a flag, the stars and stripes, the American flag that we know today. There is no greater symbol of our freedom and our liberty.

The stars and stripes epitomize the underpinnings of the United States, that which was envisioned and created by the Founders of this great Nation, solidified by the Framers of the Constitution, and represented at that first Continental Congress.

Old Glory was raised at Iwo Jima, was placed on the Moon, and drapes the coffin of every servicemember who has sacrificed his life for our Nation. Our flag is emblematic of liberty and democracy. It honors all those who have defended our Nation from enemies at home and abroad, and all those who carried it into battle and never returned.

Yet there are some throughout this country who have chosen to express their views and opinions by defacing and even burning the flag. They believe the flag is simply a piece of fabric upon which stars and stripes have been sewn. They refuse to respect and revere the flag as a true monument to the freedoms and ideals of our great Nation. These notions were bolstered by a 1989 Supreme Court decision that protected the desecration of the flag.

Throughout the history of our Nation, the flag has been protected by laws. In fact, before the Supreme Court decision in 1989, 48 States and the District of Columbia had laws regulating the physical misuse of the American flag. Even today, a majority of Americans continue to believe the flag should be protected, that the Court was basically wrong in their decision.

It is that strong support and my firm belief that we must protect the flag that has sent me here today to advocate for this resolution. While some have argued we should simply accept court interpretations of first amendment issues as final, irreversible truths, I disagree. Our system of government is based upon checks and balances and allows for legislative reactions to judicial decisions.

While rarely invoked, amending the Constitution is a reasonable reaction to a controversial and clearly wrongheaded court decision. The American system of government provided for amendments, and there are some issues that deserve that attention. I believe protecting the flag is one.

In debating this issue, we must look beyond burning the flag and protecting one's freedom of expression. This issue must be considered in a broader context. We must remember that this issue is about respecting the single unifying symbol of this great democracy, the American flag.

Defacing the U.S. Capitol or the Washington Monument would never be considered legitimate acts of free speech. The flag should be entitled to the same considerations. The flag is a national treasure, a monument, even, and like other national treasures, it deserves to be protected and respected.

Our flag is a unique national symbol that represents common values, shared aspirations, and the sacrifices of millions of Americans. The argument is not about legitimate free speech, in my judgment, but, rather, the extent to which free people must tolerate offensive acts. While some will say that a constitutional amendment to ban flag burning unduly inhibits free speech, I respectfully disagree.

Let me be clear. It will not diminish the Bill of Rights, in my judgment, to allow Congress to define and enforce a law which protects the American flag much like other national treasures are protected. To desecrate the American flag, in my judgment, is to desecrate the memory of the hundreds of thousands of Americans who have sacrificed their lives to keep our flag flying. It is to destroy everything this country represents.

There are some things that just need to be treated with respect and reverence for no other reason than to honor all those who have served and died for this country.

When we look at our flag, I believe we should see more than a piece of fabric colored red, white, and blue. We should see our Nation and all that it symbolizes. Our Armed Forces put their lives on the line daily to defend what Old Glory represents. We have a duty and a responsibility to honor their sacrifices by giving the flag the constitutional protection it deserves.

At this time, before I yield the floor, I thank Senator HATCH for all of his work in this regard and also for yielding me time.

The PRESIDING OFFICER (Mr. BENNETT). Under the previous order, the Senator from Utah is recognized.

Mr. HATCH. Thank you, Mr. President.

Mr. President, this amendment is a bipartisan amendment. It is overwhelmingly bipartisan. We have always gotten over 60 votes. The House of Representatives passes it overwhelmingly and gets the requisite two-thirds vote every time. It has always been stopped here in the Senate.

Bringing it up at this time is certainly not an election-year ploy, as we have Democrats and Republicans who feel very deeply about this issue. It is bipartisan. The last time we brought it up was in the year 2000. If I had my way, we would have brought it up every one of those intervening years so the American people could really realize what is involved here.

So today we begin the debate on the flag protection amendment. This is an important debate. This is a constitutional amendment. It ought to be difficult to pass any constitutional amendment, and they truly make it difficult, requiring a two-thirds vote of both bodies. Assuming we get those votes and it passes both bodies, it has to be submitted to the States, and 38 States would have to ratify it, at least 38, in other words, three-quarters of the States.

I thank my colleagues on both sides of the aisle for supporting this effort. I especially thank my colleague, the chairman of the Judiciary Committee, Senator SPECTER, for working so hard to see this amendment through the committee. I thank my dear friend from Alabama who just spoke because, in his own cogent, very clear spoken way, he has made it very clear this is not some inconsequential, inconsiderate, partisan thing that is going on here. I also thank the majority leader, Senator FRIST, for bringing it to the floor.

Like I say, this is an important debate. A lot depends on this debate. In fact, I would say it is a critical debate. Should this amendment pass, we will restore—that is a very important word—the power of the people over their own Constitution. We will make it clear that in America it is the people, not the judges, who are sovereign.

This is a debate worth having. There has been a lot of misunderstanding about this amendment. I believe even the distinguished ranking member on the committee has misconstrued this amendment in his remarks here today. This is what the amendment says. It is simple. It has nothing to do with free speech. The amendment says:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

Let's read that again. It does not ban anything. It says:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

This body and the other body will have the power. The other body has already voted it out of that body by a two-thirds vote. Some say we are only one vote short of having 67 votes. Some want to make this a partisan debate. It is not. Some want to make it an election-year debate. It is not. This is a bipartisan debate over whether we are going to stand up and restore the Constitution to what it was before five unelected Justices on the U.S. Supreme Court—to four who totally disagreed with them—decided to change the Constitution. Those who argue that this is a change of the Bill of Rights have failed to recognize there are millions in this country—the vast majority—who differ with those five unelected Justices. And there were four with an opinion, written by arguably one of the most liberal Justices on the court, Justice Stevens, saying that desecrating the flag is not free speech but offensive conduct.

But even if you want to make that argument, it does not belong here in the context of this debate because what we are arguing is whether we can restore the Constitution to what it was before five unelected jurists, Justices, on the Supreme Court changed it.

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

I have heard Senators on this floor criticize the administration and other administrations on both sides of the aisle saying that they have usurped the powers of the Congress of the United States. Yet some of them who are voting against this amendment turn around and fail to stop the usurpation of powers by the Supreme Court of the United States in a 5 to 4 decision.

Well, don't miss the point here.

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

That is what this amendment says. It is a simple statement of the power of the people and of their Representatives in Congress. So all the high-flown talk about the Bill of Rights and this is going to be the first time the Bill of Rights will be overturned—come on, the Bill of Rights was overturned when five unelected jurists changed it and changed the Constitution. Now we will get it back to the people.

This amendment does not ban anything. It does not amend the first amendment. It does not prohibit speech. What it does is simple. It restores the power of the people's Representatives to protect the flag from acts of physical desecration. That is it. That is it. It is that simple.

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

In the United States, we have government by the people. The Declaration of Independence makes it clear that in this country—for that matter, in any just political community—the people are sovereign.

Sometimes we need to be reminded of this powerful truth. This is how Thomas Jefferson explained what he called "the common sense of the matter."

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men—

Now, get this last part:

> deriving their just Powers from the Consent of the Governed.

It is the first principle of the American founding, and it is one that the American people still hold true today. Government exists because of the people, and it only exists with their consent, meaning our consent.

The Constitution affirmed this when it began with "We the People." The people wrote the Constitution at the Convention. The people created the Congress and the courts. The people ratified the Constitution. They gave it life. And the people ratified the first amendment.

Yet, for too long, some unelected judges have mistakenly concluded that it is the courts that have exclusive dominion over the Constitution. This is a chance for us to say to the Supreme Court: We are not going to let you intermeddle in the affairs of the people themselves with regard to the flag of the United States.

For too long, some unelected judges have mistakenly concluded that it is the courts that have exclusive dominion over the Constitution.

The Constitution began with "We the People." The people wrote the Constitution at the Constitutional Convention. The people created the Congress and the courts. The people ratified the Constitution and gave it life. And the people ratified the first amendment.

Yet the courts seem to say they are the only ones who have authority over the Constitution. This was certainly the case in 1989, when a severely divided Court reversed 200 years of American jurisprudence and overturned the considered judgment of the American people in almost every State.

For generations, the American people provided protections for their beloved symbol, the flag.

On June 20, 1989, 48 States and the District of Columbia had statutes that protected the flag from physical desecration.

On June 21, 1989, all of those statutes suddenly became unconstitutional—all of the people's statutes, all of that work by all of these legislatures and the District of Columbia. All of them were ruled unconstitutional by five unelected Justices who were contested by four Justices on the Court.

Now, how did this come to pass? One vote on the Supreme Court switched, one vote. That is it. One vote and the will of the people in virtually every State in the Union was overturned—in nearly every State. One vote, one person—five people.

For many years, the Court well understood the obvious and compelling interest of political communities in protecting the American flag from desecration. In 1907, Justice Harlan wrote for the Supreme Court in Halter v. Nebraska. That decision reviewed a Nebraskan statute protecting the flag from physical misuse.

This was Justice Harlan's—one of the all-time greatest Justices on the Supreme Court—conclusion:

> It is not remarkable that the American people, acting through the legislative branch of the Government, early in their history, prescribed a flag as symbolical of the existence and sovereignty of the Nation . . . [L]ove both of the common country and of the state will diminish in proportion as respect for the flag is weakened. Therefore, a state will be wanting in care for the well-being of its people if it ignores the fact that they regard the flag as a symbol of their country's power and prestige, and will be impatient if any disrespect is shown towards it.

In short, there was a clear interest in providing protection for the American flag, recognized by one of the greatest Justices in the history of the Supreme Court.

Now, following this holding in the Court, the National Conference of Commissioners on Uniform State Laws approved the Uniform Flag Act in 1917. Section 3 of that act provided that:

> No person shall publicly mutilate, deface, defile, trample upon, or by any word or act cast contempt upon any such flag, standard, color, ensign, or shield.

Now, many States used this Federal statute as a model for their State statutes or to supplement existing statutes.

There is no doubt that desecrating a flag is meant to express something. But as the late Chief Justice Rehnquist understood, that expression is more akin to an "inarticulate grunt" than a serious public statement when they desecrate the flag. The States concurred when they did their own balancing of the interests of the political community in protecting the flag with the interest of the individual in expressing himself.

The Court agreed that not all expressive conduct could simply be labeled speech and given full first amendment protection. As the Supreme Court explained in United States v. O'Brien:

> [W]e cannot accept the view that an apparently limitless variety of conduct can be labeled "speech" whenever the person engaging in the conduct intends to express an idea.

In instances where expressive conduct, not speech, is at issue, the Court must balance the interests of the community in prohibiting this conduct with the interests of the person who wishes to express himself or herself. With regard to flag burning, the Court's approach was measured. In Smith v. Goguen, the Court overturned a flag desecration conviction in Massachusetts, concluding that the statute which punished words and acts of desecration was void for vagrants. The Court added, however, that:

> nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags.

This is the Supreme Court. The Court pointed to the Federal flag protection statute, one which prohibited only physical desecration rather than words, as an example of a constitutionally permissible statute. And so it was, until five unelected Jurists changed it—actually, until one vote changed it, one vote combined with the four who had always voted against the flag.

The Court and the people were in agreement. Not all expressive conduct can receive first amendment protection. The Government's interest in protecting the American flag from physical desecration was a real one. But be that as it may, we could argue right now about whether this is conduct or whether it is speech. The fact is, we are not talking about free speech. We are talking about restoring the Constitution to what it was before five unelected judges or Justices on the Supreme Court changed it. And it really came down to one changed vote on the

Court because the Court had always upheld amendments that protected the flag from acts of physical desecration.

The flag is a unique symbol of our nationhood that demands protection. The American people do not share a common religion or common political beliefs. We do not share a common ethnic heritage. But there are a few public symbols we do share as people. The American flag is a unique representation of our remarkable union. Its 13 stripes represent our origins as a nation, and its 50 stars, separate but unified on a field of blue, represent what we have become. From a small outpost of the Colonies fighting for freedom, we have become a beacon of liberty to the whole world.

For years, interest in protecting this symbol was deemed strong and real enough to rebut serious constitutional challenges. What changed? Why do the American people no longer have the right to protect the flag from acts of physical desecration? Why can't the Congress do that? One vote switched and went with the other four, and all of these rights were gone. So to those who say this is a denigration of the first amendment, the first amendment was denigrated when five unelected Justices took the power away from the people.

Prior to 1989, 48 States protected the flag, and the other two basically stood for protecting the flag, and the District of Columbia. I am not making this up. On June 20, 1989, nearly every State had laws protecting the flag from physical desecration. All those States rights, all the people's rights, were wiped out when one person changed his vote on the Supreme Court. One day later, after June 20, 1989, all of these State laws were unconstitutional. All that changed is the Supreme Court determined that it would disregard the beliefs of the American people and their representatives in Congress and in the States.

When the Supreme Court had the opportunity to execute its balancing test in Texas v. Johnson, balancing the interests of the people and prohibiting certain conduct with the individual's interest in expressing himself in a particular manner, the Justices put their finger on the scale. They rejected as insufficient the States' interests, all of these States and their interests, one supported by the people in protecting the flag. They did not do so through a unanimous opinion. The Justices were severely divided, issuing a 5-to-4 decision. The dissent of Justice John Paul Stevens, arguably one of the most liberal Justices in history, was compelling. He dissented from that five-person majority case. He spoke for the opinion that the Court had arbitrarily abandoned. Here is what Justice Stevens said:

> The Court . . . is quite wrong in blandly asserting that respondent "was prosecuted for his expression of dissatisfaction with the policies of this country, expression situated at the core of our First Amendment values." Respondent was prosecuted because of the method he chose to express his dissatisfaction with those policies. Had he chosen to spray-paint—or perhaps convey with a motion picture projector—his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of the Government to prohibit his means of expression. The prohibition would be supported by the legitimate interest in preserving the quality of an important national asset. Though the asset at stake in this case is intangible, given its unique value, the same interest supports a prohibition on the desecration of the American flag.

That is Justice Stevens, who wrote the opinion for the Court and who many would arguably say may be the most liberal Justice on the Court. The American people agreed: the Court got this one wrong. They got it very wrong. So Congress acted immediately. We believed that Congress did have the power to protect the flag. For well over 100 years, the Court had upheld State and Federal protection measures.

On July 18, 1989, two separate measures were introduced in the Senate. Former Senators Robert Dole, Alan Dixon, Strom Thurmond, and Howell Heflin introduced S.J. Res. 180, which would restore the power to protect the flag to the States and affirm the existing power of Congress to do so. On the same day, Senators JOSEPH BIDEN, William Roth, and William Cohen introduced the Flag Protection Act.

While the amendment would have merely restored and confirmed the power of the people's representatives to protect the flag, as this resolution does, this statute which was filed by Senators BIDEN, Roth, and Cohen would have actually codified that legal protection.

Ultimately, the Senate acted on the bill authored by my colleague from Delaware, Senator BIDEN. As chairman of the Judiciary Committee, he was committed to resolving this issue. He held four hearings with 20 hours of testimony and 26 witnesses. I was there. After consulting with many experts, he was convinced that his bill would pass constitutional muster. It was a great bill, consistent with the desires of the American people. It provided extremely broad protection for our American flag. This is what became law. This is Senator BIDEN's language and others of us who supported it:

> [W]hoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground or tramples upon any flag of the United States shall be fined under this Title or imprisoned for not more than one year, or both.

This bill passed by an overwhelmingly bipartisan vote. There are not many things which go through the Senate on a vote of 91 to 9, but the determination to pass a constitutional statute to protect the flag from physical desecration was one of them. Going back and looking at that rollcall vote, we should be proud of our actions. Current Senators, including my colleagues on the Judiciary Committee, Senators BIDEN and HERB KOHL, supported the bill. So too did my colleague from Kentucky, Senator MCCONNELL, who has since been elected majority whip. A number of other Senators who are no longer here supported this as well, including former Democratic leader Tom Daschle. It was a good bill. But the Supreme Court had other ideas.

On June 11, 1990, the Supreme Court struck down this overwhelmingly congressionally approved statute in United States v. Eichman. Again, this Court was severely divided along familiar lines. So what now? What course of action is available to Congress? They have made it clear you can't do this by statute. They made it abundantly clear. The Court had given us its opinion. It said that statutory protection of the American flag was not content-neutral and therefore violated core constitutional rights to expressive conduct. An amendment really is the only way we can solve this problem. So Congress began to focus its attention on a constitutional amendment that would restore the power of the people to protect the flag from acts of physical desecration.

Those who supported this amendment believed that the Court got this one wrong, badly wrong, and it was up to the people to correct these decisions. A constitutional amendment is really the only way to do it. I am not the only one who has thought so. Some of the most compelling statements on behalf of an amendment have come from my colleague from North Dakota, Senator CONRAD. In the past, he argued forcefully for an amendment to fix this problem:

> Because I believe that the flag should have legal protection, I supported statutes last year and today to protect the American flag. But these attempts have failed. And now we are left with no other choice if we believe that the flag deserves protection.

Senator CONRAD went on to say:

> We should let the States decide this matter. If we fail to adopt an amendment today, we will deny the States the right to express their views on this matter.

That was a statement made in 1990.

> By approving the constitutional amendment before us, we will foster a healthy debate in this country about the Bill of Rights, the freedoms we enjoy, our constitutional guarantees, and how we can legally and legitimately protect the flag. It is for these reasons that I will support a constitutional amendment in this body and let the people decide this important matter.

I agree with that. That statement was made on June 26, 1990. He was right. This is the way to create a debate all over the country that would be a debate on virtue and values. I couldn't have said it better myself than the way Senator CONRAD said it in 1990. An amendment really is the only way.

In a recent letter on this subject, Stephen Presser, professor of legal history at Northwestern University School of Law, explained that an amendment was and remains our only option. He said:

> We were told by proponents of a statute to correct the Court's error in 1989 that they could draft one that would survive Constitutional challenge. I testified at a hearing before the Judiciary Committee at that time that it could not be done, and, sure enough, in 1990, the Supreme Court ruled in U.S. v. Eichman that the statute (which scholars such as Larry Tribe, for example, told us would be deemed constitutional) was unconstitutional. It is significant that Professor Tribe, along with his Harvard colleague Richard Parker have now clearly taken the position that no flag protection statute can pass Constitutional muster. They are correct: any statute would be deemed by the Court to be the government's unconstitutional favoring of one form of speech over another, and would thus be deemed to be unconstitutional content, discrimination with regard to speech.

A constitutional amendment is the only way. The alternative is to do nothing. Congress believed that it had the power to protect the flag; the Court disagreed.

I listen to many of my colleagues routinely complain that other branches are usurping the powers of Congress. I have heard that through my whole 30 years in the Congress. They are always complaining about the executive branch usurping the powers of Congress. The judicial branch is usurping the powers of Congress. Here we have a chance to restore those powers:

> The Congress shall have the power to prohibit the physical desecration of the flag of the United States.

What does that ban? It doesn't ban a thing. All it says is that we are going to restore the power the Congress had before five unelected Jurists said we didn't have the power.

When we passed the Flag Protection Act in 1989, we believed we had the power to pass that bill. The Court had different ideas. They overturned this overwhelmingly bipartisan legislation. We have an overwhelmingly bipartisan constitutional amendment here. It isn't partisan. It is bipartisan. We will have people come on the Senate floor and try to make this a partisan issue, which is all too frequent around here, and ignore the fact that a lot of colleagues on both sides of the floor, an overwhelming number, are in favor of this amendment.

If we want a statute to do this, we need to restore our constitutional authority to pass it—the alternative to our constitutional amendment, a simple amendment, restoring the power to the Congress. That is all it does. If you listen to the media, they act like it is going to be a ban. It would not be a ban. If we can pass this amendment and have it ratified by 38 States, I have no doubt there will be a constitutional debate on the floor as to what language will protect our beloved flag. It would take at least 60 votes on the floor of the Senate to pass any language because of our filibuster rule, so it is going to take a supermajority no matter what. We are not about that right now. That has nothing to do with this amendment, except it would be inevitable. What has to do with it is restoring the power to the Congress which was taken by five unelected Justices on the Supreme Court. If we want this type of statute, it is important to restore our constitutional authority to pass it.

As I said, the alternative to this amendment is to do absolutely nothing and acquiesce in the usurpation of our institutional power by another branch of Government. By doing nothing, we accede, through our inaction, to a decision by five unelected Justices who took the power from an American people over an important cultural issue.

Abraham Lincoln addressed this issue before becoming President. What do you do when the Supreme Court gets it wrong? This is what Lincoln taught us:

> The candidate citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Well, that is what Lincoln had to say. Are we going to just continue to allow five unelected Jurists to determine what the vast majority of the American people believe is right or are we going to continue to determine that they are taking away the power that the Congress has always had? We should restore that power? That is what this amendment does.

The answer in a democracy is that you let the people decide, especially on these sensitive, tough issues. I routinely hear some of my liberal colleagues who have recently re-minted themselves as progressives, complain that we don't listen to the people enough. They encourage direct democracy. They speak at blogging conventions. Let's see them put their money where their mouth is. There is nothing more discouraging to a democracy than a divided court abandoning its past precedent, overturning laws in 48 States, and overturning a duly passed Federal statute.

The reasonable reaction of many Americans might be: why bother? Why bother to write and e-mail and petition Congress? Why advocate on behalf of legislation? When it is all said and done, the Supreme Court will appear deus ex machina and declare those laws unconstitutional, even absent any real precedent, text, or tradition to support its decision.

Fortunately, that hasn't been the reaction among our Nation's civic groups. Everybody from the American Legion, to the Fraternal Order of Police, to the Knights of Columbus has urged Congress to support this amendment. They have been tireless in their efforts. They see this constitutional amendment for what it is. All this constitutional amendment does is restore power to the people's representatives in Congress. Read it again:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

All it does is restore it to where it was. It was the Court that changed the Constitution. It is not us changing it. We are trying to restore it to where it was and send a message to the Supreme Court that on these great social issues you have to let the elected representatives of the people make these decisions for the people, and you should quit playing around with issues for which you should not have responsibility but the people should.

This is not a perennial partisan issue. This has not just been brought up because we are in an election year. I would bring it up every year if we could. The last time it came up was in 2000. This is overwhelmingly bipartisan. Republicans and Democrats, liberals, moderates, and conservatives all support our efforts. In fact, it makes you wonder who would not support it in the Congress because all we are trying to do is give the power back to the Congress.

Quite the contrary. It is broadly supported on both sides of the aisle, and the groups supporting it are distinctly nonpartisan.

At the Judiciary Committee markup of this resolution a few weeks ago, Senator FEINSTEIN spoke eloquently on its behalf. She has been one of the amendment's strongest supporters. Last week, this is what she had to say in an editorial in USA Today:

> Throughout our Nation's history, the flag has been protected by law. In 1989, 48 of our 50 States had statutes restricting flag desecration. . . .But its protection ended in 1989, when the U.S. Supreme Court struck down a Texas law prohibiting flag desecration. Congress responded by passing the Flag Protection Act of 1989, but the Supreme Court struck down that law as well. The only way to restore protection to the flag is to amend the Constitution. Otherwise, any legislation passed by Congress would be struck down.
>
> The flag Protection Amendment would not prohibit flag burning. Rather, the amendment would simply return to Congress the ability to protect the flag as it has been protected throughout most of this Nation's history.

That is what she said. This is not a partisan issue. I am confident that all of this constitutional amendment's supporters would prefer to see it off the agenda. We want it passed and sent to the American people for ratification. We are getting very close. We have voted on this amendment in the Senate only twice before. The last time we voted on it was in 2000. Right now, we have 60 upfront cosponsors. Three of my colleagues who are not cosponsors voted for the amendment as Senators in 2000. Another three voted for it while members of the House of Representatives. These are people who are not among the 60.

In the case of Senator MENENDEZ, he is going to have the opportunity to vote for it twice in the same Congress—once as a Member of the House, where he did, and now as a Senator. That is pretty unique.

I have no doubt that if Members voted their consciences, we would be well above the required 67 votes. Unfortunately, radical special interest groups are strongly opposed to this amendment. It appears from some press accounts that they are prepared to bring down the hammer, unless some Members pull back their support with inspired and last-minute changes of heart.

I know many newspaper editorial boards oppose this amendment. They still think it is a banning amendment. They think we are banning flag desecration. No, we are not. Right now, this amendment says the Congress will have the power to prohibit the physical desecration of the flag of the United States. It doesn't ban anything. Many law professors—or some at least—oppose this amendment. The ACLU opposes this amendment. But the people support it. It is insulting to them to suggest that they want to amend the first amendment, as the talking points opposed to our effort put it. This proposal does not amend the first amendment; it restores the power of the people to the people.

Do over 60 colleagues oppose the first amendment? Bipartisan colleagues. Do the majority of Americans in every State oppose the first amendment? Do some of our Nation's finest civic organizations oppose the first amendment? Do four Justices on the Supreme Court of the United States oppose the first amendment? Of course not.

But they do think the Court got these decisions badly wrong. They think the people have the right to protect the flag, consistent with the first amendment. They think the opinion of five unelected Judges should not forever bind the American people.

We need to send this amendment to the States and let them determine whether they are going to ratify it. I guarantee you that it will create a debate on virtue, which has kept this country the greatest country in the world, and values, which our young people need to see more of. We will debate it in every State if we can pass this by 67 votes.

It is beyond time. I do not know what so many of my colleagues fear. They say this is not a major issue. Who is kidding whom? This is the American flag. This is our national symbol. They say that flag burning is a rare occurrence. That is not that rare.

As this chart indicates—and I will put it up here—flag desecration is an ongoing offense against common decency. These are recent incidents of flag desecration: Montpelier, VT, June 19, 2004; Littleton, NH, September 9, 2004; Las Vegas, NV, September 11, 2004; Sarasota, FL, December 20, 2005; St. Clair Shores, MI, August 27, 2005; Beaumont, TX; Hurricane, UT, July 4, 2005, right on Independence Day; Maryville, TN, July 4, 2005; Murrieta, CA, July 2, 2005; Sarasota, FL, June 28, 2005. There are many more listed here; that is just mentioning some of these. We know there are a lot more than that, I am sure.

Look at this article that just happened a few days ago. A reward was offered Friday for information leading to the arrest of whoever burned seven American flags in the Marine Park section of Brooklyn this week. This is dated June 23, by the way, 2006, last week:

> The flags, including one that was hung by a couple after their son was killed in the September 11, 2001, terrorist attacks. They were burned in what police said was a case of criminal mischief. Residents of seven homes woke up Thursday morning to find their flags torched, police said. Investigators said they believe the flag burning occurred some time overnight. "As we approach the celebration of our Nation's independence, this July 4, some vandal has defined our freedoms, rights, and liberties by setting fire to the American flag," said State Senator Martin Golden who offered a $1,000 reward. "Flag burning is something we will not tolerate in our neighborhood".

Regina Coyle said:

> I can't believe someone would actually invade our personal space. We lost so much. It is the flag.

Other residents said they found the vandalism equally upsetting.

All I can say is that you can go back in time and find hundreds, maybe even thousands of these incidents. We are not even talking about those we don't know about. For the American people, and for me, even one instance of flag burning is one too many. My brother died in the Second World War fighting for us. Another brother-in-law died in Vietnam. We buried our top sergeant marine brother-in-law in Arlington a year or so ago. I feel deeply about this.

The first amendment guarantees another right besides the freedom of speech. It gives the American people the right "to petition the Government for a redress of grievances." I have to tell you, the American people are aggrieved, sick and tired of unelected judges taking the most important issues out of the hands of the people and their representatives and acting like junior legislators who will draft our social policies for us. This is bad for democracy, and it is inconsistent with the American Constitution. The American people have spoken in a historic event. All 50 States—every one of them—have petitioned the Congress to protect the American flag, every one of them. So if you hear some who are opposed to this constitutional amendment come on the Senate floor and say "this is political, this is an election year," think about that.

All 50 States have petitioned us to do what this amendment will do: restore the Constitution to what it was before these five unelected Justices changed it.

As I said before, if we are to be responsive to our constituents, we only have one option: We must pass this amendment and send it to the States for ratification.

I understand some of my colleagues have some reservations about the amendment. Some are very sincere—not all but some are. I urge them to trust the people, to trust their instincts.

This amendment is not going away so long as I serve in the Senate. I will certainly fight for it. Should we pass this amendment, I think we would see perhaps the greatest public debate that we have witnessed in our lifetime. The debate over ratification in every State will be an ongoing history lesson for younger Americans. It will bring them in contact with our veterans to whom we owe our freedom, and it will introduce them to the civic organizations that are the soul and spirit of our democracy.

Yes, there are some very fine people and noted people who don't think we should do this, but if you look at their comments, they are not that they don't think we should restore to the Congress that which the Congress should have. They are actually treating this amendment as if it is an absolute ban of free speech when, in fact, it has nothing to do with that.

I have to admit, if we pass this amendment and it is ratified, I am sure there will be a debate over what form of language should we have to protect our beloved flag. What is important is to have our young people come in contact with the veterans and others to whom we owe our freedoms.

The Constitution begins with "We the people," and in the end it is still we the people, it is the people's Constitution. We should send this constitutional amendment to the States. I want everybody to think about this. As we hear them talk about: Oh, we must protect our rights of free speech, and so forth, this doesn't have anything to do with free speech. Read the words. Indirectly, I guess you could say it does in the sense that undoubtedly there will be a debate if this is passed and ratified, but it would still take a supermajority of the Senate to pass any form of statute afterwards. There would be plenty of protections for those who would disagree with our position. But for those who argued against this amendment, many of whom are constantly arguing about the usurpation of congressional powers by the Executive, especially when the Executive is not of their own party, this is a chance to restore the power back to the Congress that should never have been taken by five unelected Jurists to begin with.

We should send this amendment to the States. We should let the people decide because, after all, that is all we would be doing. If we pass this constitutional amendment, we will be turning it over to the people themselves. Whatever people want to debate they can, and it would take an overwhelming 38 States, or three-quarters of the States, to ratify this amendment so that it would become the 28th amendment to the Constitution.

I can't think of a more complete declaration of the rights of the people than this particular very simple amendment that "Congress shall have power to prohibit the physical desecration of the flag of the United States."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, pending before the Senate is S.J. Res. 12. It is a one-page resolution which is being suggested for passage by the Senate. It is a matter which we will likely debate the rest of this week. The reason we are going to spend this much time on it is because this one-page document represents a historic change in America. If this amendment were to be ratified, it would mark the first time in our nation's history that we would amend the Bill of Rights of the United States of America.

The handiwork of Thomas Jefferson and our Founding Fathers, which has guided our Nation for over 200 years, which has become a model for nations around the world in terms of liberty and freedom, is about to be changed if the sponsors of this amendment have their way.

It takes a great deal of audacity for anyone to step up and suggest to change the Constitution. It happens. There is an amendment process. But in this particular instance, I think what we are about to do is wrong.

Earlier this month, the Senate debated and voted on a constitutional amendment to ban same-sex marriage. This amendment was, of course, defeated. Now, as I said, we are debating this constitutional amendment to criminalize the desecration of the U.S. flag.

I am not quite sure that our Senate in which we serve still has its bearings. That we would so quickly consider amending this Constitution, which has served our Nation so well and for so many years, so frequently suggests to me that there may be something at work here that goes beyond constitutional law and constitutional study.

This marks the fifth time in 17 years that Congress has debated amending the U.S. Constitution to prohibit burning or desecration of the United States flag—the fifth time. In the final weeks of this Congress, with all of the other urgent challenges facing our Nation, why are we coming back to this amendment, having finished the same-sex marriage amendment unsuccessfully? Well, perhaps the argument has been made—and I think my colleague and friend from Utah, Senator HATCH, just made it—that there is a serious problem in America with flag-burning.

The Citizens Flag Alliance is a group that supports Senator HATCH's position on flag-burning, and they keep track of how many people in this Nation of about 300 million have actually engaged in this disgusting practice of burning our flag. So far, in the year 2006 in the United States of America, with almost 300 million people, the Citizens Flag Alliance has recorded two instances of flag burning—two—in the entire United States of America. There has been an average of only seven acts of flag desecration annually in America in the last 6 years. So to argue that we have this growing trend toward desecration and burning our flag defies the facts.

Here, the Citizens Flag Alliance gave us a State-by-State background where flags were burned or desecrated in the year 2004. So let's count. In this column of States: None. In this column of States: Two. And here in the State of Vermont: One. So three times in the year 2004, the Citizens Flag Alliance found three incidents where flags were desecrated—three times in the entire year.

In 2005, the same group reported a total of 12 instances—one a month in the United States of America—of people desecrating and burning flags. The source: The Citizens Flag Alliance that supports this.

So to suggest that the United States is somehow facing a rash of this disgusting conduct just isn't true. In fact, it rarely, if ever, happens.

So why would we change the handiwork and fine contribution to America of Thomas Jefferson and our Founding Fathers? I think there is more to the story than what we heard from one of the Senators who came before us a few moments ago. I wonder if there are things which we might be considering on the floor of the Senate of more importance to the people of this country.

Is changing the Constitution because 4 people desecrated American flags this year more important than finding a way to help 1 million Americans who lost their health insurance over the last 12 months? Is debating this amendment how Congress should be spending its time?

When we debated the constitutional amendment to ban gay marriage, I cited a Gallup poll from April. They went to 1,000 Americans and they asked them the following question: What do you think is the most important problem facing this country today—1,000 people across our Nation. Gay marriage—the subject of the constitutional amendment which was defeated and part of the Republican agenda 2 weeks ago—ranked 33rd on the list of important issues facing America in this recent poll.

But wait a minute. What about flag burning? When you ask 1,000 people across America the most important problem facing this country today, where did it show up on the list of American priorities? It didn't. Americans cited 42 different issues as pressing priorities for America, but banning flag-burning was nowhere to be found.

Last week a poll was taken by none other than Fox News. Even though they often fail in their self-proclaimed effort to be fair and balanced, they asked 900 registered voters around the country this question: Which one of the following issues do you think should be the top priority for Congress to work on this summer? This is Fox, my friends, Fox News. They asked 900 voters, and here are the choices they gave them: Iraq, immigration, gas prices, same-sex marriage, and flag-burning. What did our friends at Fox News discover? What percent of Democrats said flag-burning should be the top priority of Congress? Zero.

In the halls of Fox News, I am sure they said, of course you wouldn't expect the Democrats to be patriotic enough to understand that flag-burning is a top priority. No wonder none of the Democrats in our 900-person poll identified flag-burning as a top issue.

But wait. What percentage of Republicans said flag-burning should be the top priority of Congress? Zero. That was the single issue that united Democrats and Republicans. When they looked at the big issues that we could consider, Democrats and Republicans agreed this did not belong on the list.

But it is on the list of the Republican majority in this Senate, and we are going to spend a week on it. We are going to spend a week on it, instead of talking about energy policy in America and bringing down the cost of gasoline for families and businesses and farmers. We are going to spend a week debating this amendment, which the American people have not even identified as a serious priority or a serious problem, instead of dealing with health care in America. We are going to spend an entire week debating this, instead of addressing the issue of global warming, which is a threat not only to our generation, but generations to come.

This amendment is truly a solution in search of a problem. Why are we debating it again? We know the answer. We are here because the White House and the congressional Republican leadership are nervous about the upcoming elections. They want to exploit Americans' patriotism for their gain in November.

It is the same thing with the gay marriage amendment. It wasn't a priority for America; it is a priority for Karl Rove and the Republican strategists.

The real issue here isn't the protection of the flag, it is the protection of the Republican majority. We are not setting out to protect Old Glory; we are setting out to protect old politicians. That is what this is about.

Sadly, Republican leaders are forcing this debate so they can accuse some who disagree with them of being unpatriotic and un-American. You heard it last week, didn't you? Republicans came to the floor and accused Democrats who wanted to start the withdrawal of troops from Iraq of wanting to cut and run. Cut and run, cut and run, over and over again, from the Republican side—this chest-thumping, bring them on, we are loyal to the President at any cost, rhetoric coming forth every single day on the Republican side of the aisle. Then GEN Casey pulled the rug out from under them. And by the end of the week, he took the same position as the Democrats had with their amendment before the U.S. Senate.

So this week the Republicans are going to come back and say that those who won't vote for this flag-burning amendment are somehow unpatriotic and un-American. I think the American people are a lot smarter than that. I think they are going to see this for the political ploy that it is.

I don't say this very often, but when it comes to changing our Constitution to ban flag-burning, I agree with Supreme Court Justice Antonin Scalia. Justice Scalia, arguably the most conservative member of the Supreme Court, was part of the majority who voted to strike down the statute that was previously written to ban flag-burning in 1989. He said in speeches that it made him "furious" not to be able to put that defendant who burned that flag in that case—whom he described as a "bearded, scruffy, sandal-wearing guy burning the American flag"—in jail. But in Justice Scalia's words:

> I was handcuffed. I couldn't help it. That is my understanding of the first amendment. I can't do the nasty things I'd like to do.

Like Justice Scalia and most Americans, I am deeply and personally offended by the desecration of our flag. I think burning the flag is a form of protest that is crude and contemptible. But being contemptible and stupid is not unconstitutional in America.

I think we should show a little humility around here when it comes to changing the Constitution. So many of my colleagues are anxious to take a roller to a Rembrandt. Since the adoption of the Bill of Rights, Members of Congress have proposed more than 11,000 amendments to our Constitution. We have passed only 17, and one of these was Prohibition, which we later learned was a political mistake and was repealed.

Why are amendments to the Constitution so rare? Because throughout our history, Congress has always understood that we should change our Constitution only under the most extraordinary circumstances. We should amend it only when it is absolutely essential. It is a sacred document. It is part of what defines us as America. To reach in and change Thomas Jefferson's Bill of Rights on the floor of the U.S. Senate should be an historic moment and every Member should take pause before they do it.

The flag-burning amendment fails the test. As the Washington Post put it recently in an editorial:

> Members of Congress who would protect the flag thus do it far greater damage than a few miscreants with matches.

That is not just my opinion; it is shared by a lot of people. Colin Powell, a man who has given his life to America, in military service at the highest levels, here is what he said about this flag-burning amendment:

> I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment of State legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.

General Colin L. Powell.

Steve Chapman writes for the Chicago Tribune, and here is what he said:

> If there is anything American conservatives should revere, it's the U.S. Constitution, a timeless work of political genius. Having provided the foundation for one of the freest societies and most durable democracies on Earth, it shouldn't be altered lightly or often.

Charles Fried is a leading conservative scholar who served as Solicitor General of the United States under President Reagan. Here is what he said:

> The First Amendment to the United States Constitution has served us since 1791 through wars, including a civil war, and crises of every sort without the need for amendment. It is an icon of our freedom. To amend it now comes close to vandalism.

These are the words of Charles Fried:

> Totalitarian countries fear dissenters sufficiently to suppress their protests. A free Nation relies on having the better argument.

Incidentally, if we were to pass this constitutional amendment, which Senator HATCH and others have brought to the floor, we would join ranks with only three other nations on Earth that ban flag-burning, and that roster of nations include the following: Cuba, China, and Iran. Oh, yes, and Iraq under Saddam Hussein.

If this amendment were to pass, it would be the first time since 1978—almost 30 years—that both Houses of Congress passed a constitutional amendment.

I recently read a book review in the New York Times. It was about another subject, but there was a quote in there that I think is so apropos. Francis Lieber was a 19th century political philosopher and author of America's modern laws of war. He cautioned against weakening our Constitution during times of war when inflamed passions can make rash solutions seem reasonable. Listen to what Francis Lieber said, and reflect on what we are doing:

> It requires the power of the Almighty and a whole century to grow an oak tree; but only a pair of arms, an ax and an hour or two to cut it down.

The Bill of Rights has served this Nation since 1791, and with one swift blow of this ax, we are going to chop into the first amendment.

I can understand why veterans, in particular, are offended by the desecration of the flag. They went to battle and risked their lives under the red, white, and blue. The current leadership of the American Legion, whom I respect very much and work with on many veterans' issues, supports this amendment. I respect them for their service to America and our national security. But, with all due respect, there are many veterans who disagree.

Keith Kreul is an Army veteran and past national commander of the American Legion. Listen to what he wrote in an editorial for the Leader Newspapers in Lyndhurst, NJ when the Congress considered this amendment in 1998. Here is what he said.

> Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and its Bill of Rights. American veterans who protected our banner in battle have not done so to protect a "golden calf." Instead, they carried the banner forward with reverence for what it represents—our beliefs and freedom for all. Therein lies the beauty of our flag.

So says the former National Commander of the American Legion, Keith Kreul.

Robert Williams was a bomber pilot in World War II with the legendary 332nd Fighter Group, better known as the Tuskegee Airmen. Listen to what he wrote in the Baltimore Afro-American newspaper when this amendment came up a few years ago:

> Our unit would never have existed had it not been for the long tradition of—and respect for—lawful protest in our country. . . .

This Tuskegee Airman wrote:

> I cringe when I see Congress preparing to pass a constitutional amendment that would

> rewrite the First Amendment—for the first time ever—to ban a form of protest. It is particularly hard for me as an American war veteran [Mr. Williams said] to see this action taken in the name of patriotism.
>
> For while we as a country view our flag as the very essence of patriotism, it is in reality a symbol of that spirit. And if the proposed flag desecration amendment wins final approval, our flag will become a symbol without substance.

Mr. Williams went on to say:

> Don't get me wrong. No one endorses the idea of burning the flag or desecrating it in any way. It is to me a very repugnant concept. But I find more threatening the idea that we would change the Constitution every time some American came up with a new repugnant way to protest.

And then there is John Glenn. What can you say about John Glenn, a fighter pilot in two wars, one of our premier astronauts, a great United States Senator, a marine with such a great record of public service? He risked his life so many times for this country. He flew under that flag so many times. Here is what he wrote in testimony to the Senate Judiciary Committee in 2004:

> Like most Americans I have very, very strong feelings about our flag. Like most Americans, I have a gut reaction in opposition to anyone who would dare to demean, deface, or desecrate the flag of the United States. But also, like most Americans, I am concerned about any effort to amend the Constitution and the Bill of Rights.
>
> I have watched as those who expressed qualms or doubts or reservations about this amendment run the risk of being smeared, of being labeled as unpatriotic or as a friend of flag burners. . . . Many of us feel uncomfortable talking about issues that involve such private and personal emotions. We do not wear our emotions on our sleeves, especially when it comes to how we feel about the flag and about patriotism. We do not parade around those things that are sacred to us.

John Glenn said he was speaking out against the flag burning amendment because "it would be a hollow victory indeed if we preserved the symbol of our freedoms by chipping away at fundamental freedoms themselves.

He went on to say:

> The flag is the Nation's most powerful and emotional symbol. It is our most sacred symbol. And it is our most revered symbol. But it is a symbol. It symbolizes the freedoms that we have in this country, but it is not the freedoms themselves.

He is right. Our freedoms are dearer than their symbols. S.J. Res. 12 is overly vague and filled with potential loopholes. What do the words "flag desecration" mean? If someone took a flag and wrote on it, is that desecration? Here is an instance where the President of the United States, when he was walking through a ropeline, was handed an American flag and asked to sign it. I do not believe that is desecration of the flag. I don't think anyone would argue that question. But this amendment is not clear as to where you would draw a line. As gifted as my colleagues may be who have brought this amendment to the floor, I am afraid the language they brought is not going to stand the test of time. Will we prosecute people for wearing star-spangled bathing suits at the beach? How about a T-shirt that fashions the flag into a peace sign? Would we put people into jail for sitting on an American flag blanket at a Fourth of July picnic? Wiping their mouth with a flag napkin?

Instead of signing a name on a flag, what if someone wrote "death to America"? Is that now desecration? The symbol of the American flag is used to sell everything from cars to cupcakes. Should those ads be illegal?

One of the most haunting images from Hurricane Katrina was the photo of a frail, elderly African-American woman waiting for help with a blanket that looked like an American flag wrapped on her shoulders. Is that desecration? I don't think so.

Would we outlaw only future acts? Could a person be arrested for possessing a flag quilt that has been in the family for generations? Don't the police in America have more important things to do? How many hours would future Congresses spend trying to define what this amendment says?

There is a better way. A number of us are coming together on a bipartisan basis to propose a criminal statute that makes it clear that when someone damages the U.S. flag with intent to incite or produce imminent violence, when someone burns a flag to intentionally threaten or intimidate a person, when someone steals a flag that belongs to the Federal Government and destroys it, when someone steals a flag and destroys it on Federal land—all of these are specific acts that we would criminalize. That does not rise to the level of a constitutional amendment, but it says that we believe, on a bipartisan basis, the flag should be treated differently. The flag does deserve special respect. This narrowly tailored solution corrects the mistakes of the statute Congress passed in 1989 and the Supreme Court struck down a year later. That statute was too broad. This new proposal is specific and clear.

One of the celebrity supporters of the flag amendment is Rick Monday. I bring him up because he was a Chicago Cubs outfielder, and I am honored to represent the State of Illinois where there are many Cubs fans. He played for the Cubs from 1972 to 1976 and was well known and well liked.

Everyone respects Rick Monday's act of courage 30 years ago at a baseball game at Dodgers Stadium when he ran after two people who were about to light an American flag on fire. He grabbed the flag away just as it was about to be burned.

But I agree with an editorial published last week in the Chicago Sun-Times, which said the following:

> Our appreciation of [Rick] Monday was not diminished by his appearance last week at a rally for the proposed flag desecration amendment—an event at which he exhibited the rescued flag, which was presented to him by the Dodgers. But however heartfelt this gesture was, it was wrongheaded in lending support to a manufactured cause with no real value except a political one, the equivalent of throwing red meat on the table.

Tommy Lasorda is a great baseball manager, and I follow baseball. The last time this amendment came up, Senator HATCH brought Tommy Lasorda in to testify. Tommy Lasorda recalled the incident; he was the manager of the Dodgers on the day it occurred, and Tommy Lasorda was emotional about these people trying to burn the flag and Rick Monday running to its rescue.

I asked Tommy Lasorda this question: Did they televise those two guys jumping out of the stands and burning the flag on the field?

He said, "No." I said, "Why not?"

"You televise that sort of thing," Tommy Lasorda said, "and it encourages it."

So what would be the effect of calling for a constitutional amendment on the floor of the Senate to ban an act that occurs so rarely in the United States? My fear is that it would only encourage people to consider that sort of thing. We would put a spotlight on it instead of saying it is only happening two or three times a year, it certainly is not a national epidemic deserving of a constitutional amendment.

This flag amendment is all about the next election so that people who vote against it can be labeled as unpatriotic and un-American. There are better ways to show our commitment to our Constitution and our flag and our veterans. How about health care for our veterans? How about making sure we keep our promises to those who return from battle, that we keep our promises to them that they be given medical care and housing and the education they were promised? I wish the people pushing this flag desecration amendment so hard would spend their energy on issues far more tangible to our Nation's veterans, such as health care.

Earlier this year, the President submitted his budget. He proposed to shortchange our veterans when it comes to their health. The President's budget would force more than 50,000 Illinois veterans, many of whom are low income, to pay more for their health care. Their monthly prescription drug costs would double.

The American Legion, one of the most zealous advocates for the flag burning amendment, recently issued an action alert letter and said they are very concerned about the underfunding of the VA. I salute the American Legion. I hope they will channel more energy into helping our veterans than into changing our Bill of Rights.

The commander in chief of the Veterans of Foreign Wars, Jim Mueller, said this about President Bush's fiscal year 2007 budget:

> The proposal to increase military retiree healthcare premiums is absolutely unacceptable. . . . I urge Congress to ensure that those serving in uniform and those who served faithfully for many years are not forgotten in the budget process.

Hats off to the VFW and the American Legion for speaking out for veterans. Channel that energy into making sure that veterans get a fair shake instead of watching a week go by on the floor of the Senate where we debate this unnecessary constitutional amendment.

Giving the veterans a flag amendment is not substitute for health care.

Flag burning does disturb some veterans. Another way of showing respect for our veterans is to protect the sanctity of their funerals. I am going to be offering an amendment tomorrow to do just that.

By now, many Americans have heard of the disgraceful and hateful actions of one man named Fred Phelps. Mr. Phelps calls himself a minister, a religious minister. But his gospel seems to begin and end with hatred and intolerance. About 15 years ago, this Mr. Phelps and a small band of his followers began picketing funerals of people who have died of HIV/AIDS. They have reportedly picketed 22,000 funerals.

When their vile acts of hatred and bigotry stop generating the publicity they seek, they looked for new targets. They began to stage protests at the funerals of our brave young men and women who have given their lives fighting for America in Iraq and Afghanistan. In the past year, these so-called Christians, these hate-mongers, who would use the Bible as their shield, have protested at more than 100 military funerals.

They claim the deaths of American Armed Forces, if you can believe this—they claim the deaths of American soldiers are God's punishment for Americans' tolerance of gays and lesbians. That is an affront to civilized behavior. There may well be a special place in the afterlife for people like Mr. Phelps, but there is no place for his brand of hatred at veterans' funerals in this life.

Last month, Congress passed and the President signed into law the Respect for America's Fallen Heroes Act, which prohibits their demonstrations at or around our national cemeteries. Tomorrow, I am going to offer an amendment to this measure—a statutory amendment not a constitutional amendment—to expand that previous law so it applies to the funerals of all veterans, whether they are buried in a national cemetery, a church cemetery, or anywhere else.

My amendment will also prohibit protests at funeral homes, houses of worship, and other locations where deceased veterans are honored and buried. We can honor our veterans and protect their loved ones from this intrusion on their grief without weakening our Constitution and the freedoms for which veterans fought.

I hope my colleagues join me. I will offer my proposal as an amendment to the Bennett/Clinton amendment to this underlying bill so we can, in one amendment, criminalize the burning and defacing of the flag and also protect military funerals from Mr. Phelps and others like him who would bring great disrespect at the funerals of our soldiers who deserve the highest respect.

I have been very careful in writing this amendment to make sure it follows the previous law, so there will be no successful constitutional challenges in that regard.

I am also considering an amendment which I think is long overdue. It would ban the consideration of constitutional amendments in election years. We have seen too darned much politicking with the Constitution in this Chamber this month.

James Madison wrote in Federalist 49 in 1788 that the U.S. Constitution should be amended only on "great and extraordinary occasions." It appears now that biennial elections are great and extraordinary occasions in the minds of the Republican leadership of the Senate. Madison warned of the "danger of disturbing the public tranquility by interesting too strongly the public passions" through frequent constitutional amendments. Over 11,000 proposed constitutional amendments have been introduced in Congress, including 66 during the current 109th Congress.

Over the past three decades, the number of proposed constitutional amendments considered on the Senate floor has increased dramatically. When in doubt here, amend the Constitution: from two amendments between 1973 and 1983, to five amendments between 1983 and 1993, nine amendments between 1993 and 2003, to four already in this 3-year cycle since 2003.

There appears to be a trend toward considering constitutional amendments on the Senate floor during even-numbered years which, coincidentally, happen to be election years.

Constitutional amendments should be considered by Congress without politicization. We should consider these for the serious suggestions that they are, instead of electioneering, and that is what has happened too often on the floor of the Senate.

Americans' reverence for the flag does not have to be coerced or policed. It is something we feel in our bones. When it comes to the Bill of Rights, I trust Thomas Jefferson a lot more than Karl Rove. I believe the words of Thomas Jefferson have endured. I believe the political tactics of Mr. Rove and the Republican Party will not endure when it comes to using the Constitution for political purposes.

Remember what happened after September 11? Remember all the American flags that suddenly appeared? Stores sold out of flags. In a time of national trauma and grief, these flags were our comfort and our strength. They were a visible symbol of our unity and our faith that America would endure. Our Nation had suffered a terrible loss, but the American flag waved proudly.

Sadly, in the 5 years since then, with our Nation at war, there are those who seek to pit us one against the other for political reasons. Now they want to use our flag as a wedge issue in this election.

This political effort to "brand" the flag as belonging to one party causes some to feel sad and disillusioned. Bill Moyers, the journalist, thinker, and former Presidential adviser, was among many who felt troubled by the effort to redefine respect for the flag as a partisan issue.

Last year, Bill Moyers made a speech about freedom in America in which he talked about the flag. He offered some profound words of wisdom that are worth reflecting upon today. He said the following:

> I wore my flag tonight. First time. Until now I haven't thought it necessary to display a little metallic icon of patriotism for everyone to see. It was enough to vote, pay my taxes, perform my civic duties, speak my mind, and do my best to raise our kids to be good Americans.
>
> Sometimes I would offer a small prayer of gratitude that I had been born in a country whose institutions sustained me, whose armed forces protected me, and whose ideals inspired me; I offered my heart's affections in return. It no more occurred to me to flaunt the flag on my chest than it did to pin my mother's picture on my lapel to prove her son's love. Mother knew where I stood; so does my country. I even tuck a valentine in my tax returns on April 15.
>
> So what's this doing here? Well, I put it on to take it back. The flag's been hijacked and turned into a logo—the trademark of a monopoly on patriotism. On those Sunday morning talk shows, official chests appear adorned with the flag as if it is the good housekeeping seal of approval. During the State of the Union, did you notice Bush and Cheney wearing the flag? How come? No administration's patriotism is ever in doubt, only its policies. And the flag bestows no immunity from error. When I see flags sprouting on official lapels, I think of the time in China when I saw Mao's little red book on every official's desk, omnipresent and unread.

I think Bill Moyers had it right. The flag amendment should not be used as a proxy for patriotism.

I respect our flag as the symbol of the freedom granted to us by the Bill of Rights, and it is painful for me to see it burned or otherwise defiled. I strongly believe that flag burning is an insensitive and shameful act, but I believe that it would be destructive to amend the Bill of Rights for the first time in our nation's history and restrict the precious freedoms ensured by the first amendment, simply to address an act which occurs in America only a few times a year.

The real test of our belief in the Bill of Rights—the real test of our patriotism—is when we rise in defense of the rights of those whose views we disagree with or even despise. The right to free speech is a bedrock of our democracy. Amending our Constitution's Bill of Rights would be a strike against the very freedoms for which the flag stands and for which so many Americans have given their lives.

Mr. GRASSLEY. Mr. President, I rise today in support of S.J. Res. 12, the proposal to amend our Constitution to return to Congress the authority to legislate on the issue of flag desecration. Like my colleagues, I do not take lightly the concept of amending our Constitution, but in this area, a runaway judiciary has left us no choice.

No other emblem is as synonymous or representative of our Nation as the American flag. No other image depicts as readily the freedoms and ideals our men and women in uniform have battled for. Americans proudly fly our flag to demonstrate their love for our country and for their neighbors. Schoolchildren have been pledging allegiance to it every morning for decades. The American flag has been flown in times of battle, of victory, and of national tragedy. It is the most recognized symbol of freedom and democracy in the world.

Our flag should be protected from those who would desecrate it and demonstrate a basic lack of respect for our national heritage. At the very least, decisions about whether and how to protect our flag should be made by the legislative branch, not the unelected judiciary.

The proposal before us today would not immediately ban flag desecration, as its opponents would lead you to believe. Rather, it would return the power to legislate on the issue to Congress and the States, where it belongs. This constitutional amendment will restore the legislative authority to protect our flag to the legislative branch.

I will be voting in favor of this amendment, and I urge my colleagues to join me in doing the same.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The assistant majority leader.

MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN. Mr. President, during the week of June 19 through June 25, nationwide we celebrate in observance of Juneteenth Independence Day. Although passage of the 13th amendment in January 1865, legally abolished slavery, many African-Americans remained in servitude due to the slow dissemination of this news across the country. It was not until June 19, 1865, that Union troops reached Galveston, TX, and emancipated the last of the slaves. Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our Nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

It is appropriate and necessary that we, as a nation, recognize Juneteenth and use this day to reflect upon how far we have come and how far we still have to go. While it was on this historic day in 1865 that slaves were finally freed of the onerous yoke of slavery, the same cannot be said about the burden of pervasive racial oppression and second-class citizenship, which would not be eradicated in earnest until 100 years later through the civil rights movement of the 1960s. Although we have made tremendous progress in eliminating discrimination and creating equal opportunities over the years, the American dream continues to elude the grasp of many Americans.

I would like to reflect on the courageous and revolutionary leaders who pioneered the Civil Rights Movement and bridged the gap between emancipation in 1865 and equality in the 1960s. It seems only appropriate to begin with the person who first proposed to commemorate the achievements of former slaves and their descendants: Dr. Carter G. Woodson. A son of former slaves and a man who rose from the coal mines of West Virginia to the summit of academic achievement, Dr. Woodson's story is considered one of the most inspiring and instructive stories in African-American history.

Writer, editor, and lecturer Lerone Bennett tells us his story: "At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received a bachelor's and master's degrees, and to Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history."

In 1926, Dr. Woodson founded African-American history month: a time to recognize the enormous contributions of a people of great strength, dignity, faith, and conviction, who strived for the betterment of a nation once lacking in humanity toward them.

So it is in the spirit and vision of Dr. Woodson that I pay tribute to three courageous and inspiring African-Americans who played significant roles in addressing American injustice and inequality.

The contributions of Sojourner Truth and Mrs. Rosa Parks, two women from my State, and the venerable Dr. Martin Luther King, Jr., are indelibly etched in the chronicles of the history of this great Nation, and they are also widely viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement and a groundbreaking speaker on behalf of equality for women. Michigan honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, MI, on September 25, 1999.

Truth lived in Washington, DC, for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875 and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999, legislation was enacted authorizing the President of the United States to award the Congressional Gold Medal to the late Mrs. Rosa Parks. I was pleased to coauthor this fitting tribute to Mrs. Parks, the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Fifty-one years ago, in Montgomery, AL, the modern civil rights movement began when Mrs. Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. The boycott that Mrs. Parks initiated was the beginning of an American revolution that elevated the status of African-Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

Perhaps more than any other single person, it was Dr. King—with his visionary leadership and inspiring rhetorical skills—who can be considered the driving force behind the 1960's civil rights movement.

Mr. President, we have come a long way toward achieving justice and equality for all. We still however have work to do. In the names of Rosa Parks, Sojourner Truth, Carter G. Woodson, Martin Luther King, Jr., and many others, let us rededicate ourselves to continuing the struggle for human rights.

I am happy to join with my colleague, Senator Barack Obama, in commemorating Juneteenth Independence Day with the submission of S. Con. Res. 42. This resolution recognizes the end of slavery and reminds us to never forget even the worst aspects of our Nation's history.

NOMINATION OF JEROME HOLMES

Mr. INHOFE. Mr. President, I ask unanimous consent that four letters written in support of the nomination of Jerome Holmes to the Tenth Circuit be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

State Capitol Building,
Oklahoma City, OK, June 19, 2006.

Re recommendation of Jerome A. Holmes, U.S. Court of Appeals for the Tenth Circuit.

Hon. Arlen Specter,
U.S. Senator,
Washington, DC.

Dear Senator Specter: As Governor of the State of Oklahoma, and as a former Chair of the State Senate Judiciary Committee, I have had a lot of experience in the selection of judges. In our modified Missouri system of appointment of judges, the Governor plays a key role when judicial vacancies occur. Not only does the Governor appoint members to the Judicial Nominating Commission, but he or she also is forwarded the final three names of judicial applicants for gubernatorial selection. I take this responsibility very seriously, and I have personally intervewed every single candidate forwarded to me.

I have come to know and respect Mr. Jerome Holmes, a nominee for the Tenth Circuit vacancy created by the retirement of my friend, Judge Stephanie Seymour. Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics and integrity. Indeed, I recently appointed his former supervisor, Judge Arlene Johnson, to our court of last resort on criminal matters, the Oklahoma Court of Criminal Appeals. When Arlene was Chief of the Criminal Division of the U.S. Attorney's office in the Western District of Oklahoma, Jerome was her chief deputy. Their division was considered a model division of the U.S. Attorney's office. Jerome handled this difficult task with competence and honor, and he was part of the prosecution team that brought charges against the perpetrators of the Oklahoma City federal building bombing.

I have also come to know Jerome on a personal basis through the Oklahoma Symposium, a sort of "think tank" gathering of top Oklahomans that meets formally once a year, and informally in small groups from time to time. It is an honor to be invited to join the Symposium, and Jerome was among the first to be invited for membership.

Jerome is uniquely qualified for this position. He served as a law clerk for Federal District Judge Wayne Alley and then for the then-Chief Judge of the Tenth Circuit Court of Appeals, the honorable Judge William Holloway. Jerome then practiced for several years in civil litigation before devoting himself for eleven years to the U.S. Attorney's Office in Oklahoma City. For several months, he has been practicing at Crowe & Dunlevy, one of the largest and most respected law firms in Oklahoma. In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.

I hope you will see fit to appoint this remarkably talented young man to this important position. I know of the Tenth Circuit, as well, because my cousin, Judge Robert Henry, will become the Chief Judge of that Circuit in 2008. I know he shares my high regard for Jerome, as he has told me of Jerome's excellent professional appearances before that court.

I continue, Senator, to appreciate the very important work that you do. Please do not hesitate to contact me if I can be of service, or, of course, if you should come to Oklahoma.

Sincerely,

Brad Henry,
Governor.

Ryan, Whaley & Coldiron,
Oklahoma City, OK, June 21, 2006.

Re nomination of Jerome A. Holmes to the Tenth Circuit.

Hon. Arlen Specter,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.
Hon. Patrick J. Leahy,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Chairman Specter and Senator Leahy: I am writing in support of the nomination of Jerome A. Holmes for the United States Court of Appeals for the Tenth Circuit.

I am a lifelong Democrat. For six years I was fortunate to work on the United States Senate staff of Senator David Boren and the Senate Agriculture Committee. During this time I met Senator Leahy and personally witnessed his leadership as a committee chairman. I was the Democratic nominee for an Oklahoma congressional race in 1994. I later became a federal prosecutor and eventually served as the United States Attorney for the Western District of Oklahoma, first through appointment by Attorney General Janet Reno and then through nomination by President Clinton.

I have known Jerome Holmes for over ten years through our work together in the United States Attorney's Office and now in private practice. I believe his intellect, experience and character make him an excellent choice for a position on the appellate court. I saw these qualities firsthand as Jerome carried out his many responsibilities as a prosecutor. One of the most important duties he performed was that of the office's legal ethics and professional responsibility counselor. Jerome acted ably in this capacity during a time of heightened scrutiny for federal prosecutors following the passage of the Hyde Act and the McDade Amendment. Since both of you are former prosecutors, I trust that you can appreciate the degree of confidence in Jerome's abilities and integrity that were required in order to be given such an assignment by me and other United States Attorneys.

Jerome's nomination has apparently triggered concern from groups that have focused on his writings on affirmative action. In this regard. I can offer three observations. First, I have known Jerome to be open-minded and respectful of different views. More importantly, I know Jerome to be respectful of the role of the courts, as opposed to the role of the advocates, and I believe this understanding to be partly the result of his three years of service as a law clerk for federal appellate and district judges. Finally, as noted above, I know Jerome to be a person of unwavering integrity. Therefore, when Jerome states under oath that he will put his personal views aside and follow the law, I believe he will do just that.

I hope these observations are helpful as you consider Jerome's nomination, which I hope you will act upon favorably. I respectfully request that this letter be made part of the committee record regarding his nomination. If I can be further assistance or if you or your staff have any questions, please do not hesitate to contact me.

Sincerely,

Daniel G. Webber, Jr.

Oklahoma City, OK,
June 21, 2006.

Hon. Arlen Specter,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.
Hon. Patrick J. Leahy,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Senators Specter and Leahy: I am writing in reference to the nomination of the Honorable Mr. Jerome A. Holmes, Esq.'s judicial appointment. I appreciate the concern that has been expressed about his nomination based upon his writings and positions on affirmative action. In all honesty I stand in a position that is contrary to the interpreted and most likely actual personal stance of Mr. Holmes, yet my relationship with him moved me to write and to express my support for him.

I have known Mr. Holmes for many years and believe that he does have a high regard for the views of those who maybe different from his own. That in and of itself is enough for me to believe that he would "hear" fairly. In addition, Mr. Holmes has displayed a level of integrity in all his dealings that I have been aware and has shown in our personal conversation willingness to listen and respect differing views. I trust Mr. Holmes and so in light of our differences I support his nomination.

I do realize the responsibility that is upon me as a Pastor, Community Leader and a concerned citizen. This is no light matter for me, indeed it is with much prayer and struggle that I searched out the right words to convey the right tone to reinforce my message. As a member of the NAACP, Urban League and many other organizations that fight for the rights of minorities, I am moved to ask your continued approval of this nomination.

Sincerely,

George E. Young, Sr.,
Pastor, Holy Temple Baptist Church.

Oklahoma County District One,
Oklahoma City, OK.

Re nomination of Jerome Holmes, 10th Circuit Court of Appeals.

Hon. Arlen Specter, *Chairman,*
Hon. Patrick Leahy, *Ranking Member,*
U.S. Senate, Judiciary Committee,
Washington, DC.

Dear Distinguished Senators: It is truly an honor to offer this Letter of Recommendation for your consideration on behalf of Jerome Holmes, a nominee for the 10th Circuit Court of Appeals.

I have known Jerome Holmes for several years, both professionally and personally, as I am also a member of the Oklahoma Bar Association. I know him to be a person of Integrity and Character and I have always appreciated Mr. Holmes' fairness in our dealings. What's more, I have witnessed Mr. Holmes' efforts in our local community to improve the lives of those around us; all people regardless of where they live, what they look like or how much money they have. He has an altruistic spirit that makes him a standout in this world.

I serve Oklahoma County as one of three elected County Commissioners, am a proud Democrat and consider Jerome Holmes to be a principled leader who demonstrates mutual respect for all people. In particular, he is respectful of views that differ from his own and he enjoys tremendous bipartisan support and respect.

If I can provide any further information or perspective, please do not hesitate to contact me at your convenience.

Respectfully yours,

JIM ROTH,
County Commissioner.

SAFE AND TIMELY PLACEMENT OF CHILDREN ACT

• Mr. ROCKEFELLER. Mr. President, I am delighted that the Safe and Timely Placement of Children Act was passed during the wrap-up session on Friday, June 23, 2006. I have worked with Senators DEWINE and DOMENICI on this issue for several years to help foster children to be placed with adoptive parents or family across State lines.

Currently it can take twice or three times as long for a child to be placed in a home, if that home happens to be in another State. This is sad, and it needs to be fixed.

The House bill, identical to our Senate legislation, will help fix this process and help these children. It provides a mix of incentives and timeframes for States to achieve the safe and timely placement of children between States.

This legislation was part of the WE CARE Kids Act, and it should help to deliver on the promises made in the Adoption and Safe Families Act of 1997 which stated that geographic barriers should not delay or deny adoptions. When a child leaves foster care and goes out of State, half of the time the child is being adopted and gaining a permanent home. In about 20 percent of the cases, a child is being placed with a relative. These are good, permanent options for children, and it should not take twice as long to achieve such a placement.

In my view, this complements and builds upon actions by many States to update the 1960 Interstate Compact for the Placement of Children. The purpose of this legislation is to add specific timeframes and to provide Federal incentives to achieve the goal set in 1997 of reducing and eliminating geographic barriers.

As technology has vastly improved and more families seek to open their hearts and homes to children in foster care, we need improved regulations and policies to serve such families. This legislation is part of the DeWine-Rockefeller bill, called the We Care Kids Act. Thanks to the leadership of Chairman GRASSLEY, the major provisions of We Care Kids Act were included in the reconciliation package to invest in court training and data to help judges have insight and the information needed to care for the vulnerable children in foster care. But action could not be taken to improve interstate case planning within the reconciliation bill. In 2004, similar legislation passed the House of Representatives, and now it will finally become law.•

ADDITIONAL STATEMENTS

IN RECOGNITION OF LIEUTENANT COLONEL ROBERT J. RUCH

• Mr. CARPER. Mr. President, today I wish to honor LTC Robert J. Ruch, District Commander, Philadelphia District, U.S. Army Corps of Engineers on the occasion of his Change of Command Ceremony which will take place on Friday, July 10, 2006. At that time, Lieutenant Colonel Ruch will pass command of the Philadelphia District to LTC Gwen E. Baker after providing the State of Delaware and the region with 2 years of honorable and meritorious service in carrying out his duties.

As the 53rd Philadelphia District Engineer, LTC Robert J. Ruch has commanded a 500-person engineering organization since 2004 that provides national, economic, and environmental security in the heart of the Northeast Corridor. His responsibilities have included dredging waterways for navigation, protecting communities from flooding and coastal storms, responding to natural and declared disasters, regulating construction in the Nation's waters and wetlands, remediation of environmental hazards, restoring ecosystems, building facilities for the Army and Air Force, and providing engineering, contracting and project management services for other government agencies upon request.

Established in 1866, the U.S. Army Corps of Engineers' Philadelphia District encompasses the 13,000-square-mile Delaware River Basin and the Atlantic coast from New Jersey's Manasquan Inlet to the Delaware-Maryland line. Within its boundaries are more than 8 million people in eastern Pennsylvania, western and southern New Jersey, most of Delaware, New York's Catskills region and part of northeastern Maryland. It also includes two State capitals—Trenton, NJ, and Dover, DE—and the Delaware River ports complex from Philadelphia and Camden, NJ, to Wilmington, DE.

Just in the First State alone, Lieutenant Colonel Ruch's accomplishments during his 2-year tour of duty have been impressive. They include completion of major storm damage reduction projects at Rehoboth Beach, Dewey Beach and Fenwick Island, considerable progress on a new $70 million air freight terminal complex at Dover Air Force Base, partnership in a promising program to restore oyster populations in the Delaware Bay, commencement of a long-awaited project to reduce flood damages in the town of Elsmere, development of a trail concept plan to provide recreational opportunities along the Chesapeake and Delaware Canal, and even removal of an old abandoned shipwreck from the historic Christina River—not to mention a host of other successful projects in New Jersey, New York and Pennsylvania, or the fact that all this was carried out while many of his Philadelphia district employees were deployed to Afghanistan and Iraq or helping out down south after the Nation's worst-ever hurricane season.

Commissioned as a second lieutenant in the Corps of Engineers in 1986, Lieutenant Colonel Ruch began his military career with the 7th Engineer Battalion, 5th Infantry Division, Mechanized, at Fort Polk, LA, as a platoon leader and company executive officer. Follow-on assignments included liaison officer and company commander with the 2nd Engineer Battalion, 2nd Infantry Division at Camp Castle, Republic of Korea, and the Live Fire Engineer Trainer for the National Training Center at Fort Irwin, CA. He then worked as an operations officer in the Pittsburgh District, U.S. Army Corps of Engineers, before moving on to Fort Riley, KS, as S3 of the 1st Engineer Battalion, and then of the 937th Engineer Group, Combat. And just before coming to Philadelphia, Lieutenant Colonel Ruch served with Supreme Headquarters Allied Powers Europe, Belgium, as the senior staff officer for NATO Infrastructure in Crisis Response Operations dealing with operations in Afghanistan and in the Balkans.

Lieutenant Colonel Ruch holds a bachelor of science in geo-environmental science from Shippensburg University and a master's in engineering management from St. Martin's College. He is a graduate of the Engineer Officer Basic and Advanced Courses and of the U.S. Army Command and General Staff College. His military decorations include the Defense Meritorious Service Medal, the Army Meritorious Service Medal, four oak leaf clusters, the Army Commendation Medal, three oak leaf clusters, the Army Achievement Medal and the Army Superior Unit Award.

After turning over the command of the Philadelphia District to LTC Gwen Baker on July 7, 2006, Lieutenant Colonel Ruch will move on to Fort Hood, TX, as division engineer of the Army's 1st Cavalry Division.

I rise today to congratulate Lieutenant Colonel Ruch for a distinguished career and to offer my special thanks for his enthusiasm, competence and effectiveness in serving the State of Delaware and the Greater Philadelphia Region.

We will miss him in the Delaware Valley and on the Delmarva Peninsula. We wish him and his family all the best in the years to come, including, as we say in the Navy, "Fair winds and a following sea."•

TRIBUTE TO PALDEN GYATSO

• Mr. DAYTON. Mr. President today, in honor of the International Day in Support of Victims of Torture, one of my Minnesota constituents, Michael Pittman, has asked that I recognize Tibetan monk Palden Gyatso.

Palden Gyatso was born in a Tibetan village in 1922 and became a Buddhist monk by age 10. In 1959, during the Chinese invasion and occupation of Tibet, Mr. Gyatso was jailed for protesting along with thousands of religious Tibetans. Mr. Gyatso spent more than 30 years of his life in prisons and labor camps, where he was a victim to religious and class oppression. He was tortured by various methods, which included being beaten with a club ridden with nails, shocked by an electric probe, which scarred his tongue and caused his teeth to fall out, whipped while being forced to pull an iron plow, and starved.

Despite these inhumane conditions and cruel tortures, Palden Gyatso was able to survive with remarkable courage and resilience. During his torture sessions, he would practice a technique he learned while studying at a Buddhist monastery, the practice of tonglen, which is a method for connecting with suffering and awakening compassion. He would receive the anger and hatred of his torturer and would exchange it with love and compassion.

During his imprisonment, Palden Gyatso drew inspiration from elder prisoners, who told him that if he were ever to escape, he should take action to stop the torture. He has done exactly that: He has traveled to Europe and North America over 25 times and has written a book to tell his story. He has also testified before the U.N. Commission on Human Rights in Geneva and before the U.S. Congress.

Palden Gyatso's testimony helped secure passage of the International Religious Freedom Act of 1998, which was sponsored by Representative FRANK WOLF and Senator JOSEPH LIEBERMAN and Don Nickles, and was signed into law by President Clinton. Palden Gyatso was also awarded the 1998 John Humphrey Freedom Award of the International Centre for Human Rights and Democratic Development.

The courage and dedication to freedom which Palden Gyatso has demonstrated serve as a powerful inspiration to everyone.•

TRIBUTE TO BG JAMES D. HITTLE

• Mr. INOUYE. Mr. President, during most of our lives, we encounter an individual who lived a remarkably fine personal and professional life. Such is the case of BG James D. Hittle, USMCR, whose anniversary of his death, June 15, recently passed. General Hittle's death received very little press coverage at the time, and I would like to share with my colleagues what this man achieved in his life time in the words of a former Commandant of the Marine Corps, GEN P.X. Kelley, USMC (Ret.)

I ask that the eulogy given by General Kelley be printed in the CONGRESSIONAL RECORD.

The material follows.

A TRIBUTE TO BGEN JAMES D. HITTLE, USMC (RET)

(By Gen Paul X. Kelley, USMC (Ret))

BGen James Donald Hittle—devout Christian—great American—Marine officer—gentleman and gentle man—loving husband—caring father—always a friend indeed!

Commissioned a Marine second lieutenant in 1937, Don Hittle was a "plank owner" when MajGen Holland Smith activated the 1st Marine Division for World War II—was G-4 for the 3d Marine Division under MajGen Graves Erskine on Guam and at Iwo Jima—and after the war commanded 2d Battalion, 7th Marines in the occupation of North China.

After serving his Corps for 23 years, Don Hittle's future life could easily qualify him as a quintessential "Renaissance Man."

He was Director of National Security and Foreign Affairs for the Veterans of Foreign Wars, syndicated columnist for Copley News Service, commentator for Mutual Broadcasting System, Special Counsel for both the Senate and House Armed Services Committees, a founder and Director of the DC National Bank, Assistant Secretary of the Navy for Manpower and Reserve Affairs, Senior Vice President for Pan American Airways, consultant to the President of the Overseas Private Investment Corporation, advisor to several Secretaries of the Navy and Commandants of the Marine Corps—and the list goes on and on and on.

Col Don Hittle came into my life during the summer of 1956 when MajGen Jim Riseley dragged me kicking and screaming from a cushy tour in what was then the Territory of Hawaii to the labyrinthian corridors of Headquarters Marine Corps. As many of those here today will recall, this was the long, hot summer of Ribbon Creek, and Don Hittle was Legislative Assistant to Randolph McCall Pate, our 21st Commandant. I was a young eager, starry-eyed captain, very naive in the arcane world at the Seat of Government—but I was soon to learn. My first lesson was negative one—that a junior officer should never ask the Legislative Assistant to the Commandant for a description of his duties and responsibilities. With that said, I did notice that every time Col Hittle came charging into Gen Riseley's office he closed the door behind him. While I readily admit to not being a "rocket scientist," I did surmise that there were some "big time" discussions underway. But, as the saying goes: "Nothing succeeds quite like success." I was soon to learn that by working closely with the Congress, where Members and their staffs knew him, respected him, and trusted him, Don Hittle had effectively minimized the repercussions from Ribbon Creek. One senior Member from the House of Representatives was heard to say: "Don Hittle is the best damned Legislative Assistant the Marine Corps has ever had."

One could go on for hours, perhaps days, about Don's myriad contributions to his country and his Corps. As an example, I could tell you how he more than any other saved the Army Navy Club from extinction. Senator John Warner, who is here with us today, could tell you that when he was Secretary of the Navy he never had a more imaginative and dedicated Assistant Secretary. Joe Bartlett, the former House Reading Clerk and a retired Marine Corps general, could tell you how Don Hittle was responsible for the creation of the dynamic Congressional Marine Club. Incidentally, Jim Lawrence, who is also with us today, once said of this organization: "Congress created the Marine Corps—Congress has sustained the Marine Corps—Congress had mandated the mission of the Marine Corps—through this organization we are now bonded to each other forever."

In the end, however, all of his many other contributions to his country and to his beloved Corps pale by comparison to what he accomplished as a member of the renowned "Chowder Society," that elite group of brilliant Marine officers who, in the aftermath of World War II when the very life of our Corps was threatened, ensured that our existence, our roles, and our missions were written into law. Don's critical role in the survival of his Corps was best described by Gen Merrill Twining when he inscribed his book "No Bended Knee." "To: Don Hittle, Who saved our Corps." There can be no doubt that the Corps we have today, with three active divisions and wings written into law, owes an enormous debt of gratitude to BGen James D. Hittle, USMC (Ret).

Isn't it ironic to remember that 55 years ago certain groups, whose objectives were inimical to the survival of our Corps, were attempting to relegate us into insignificance. Today, with a lion's share of the credit for making it possible going to Don Hittle, we have just heard that Jim Jones, our 32d Commandant, is soon to be the Supreme Allied Commander in Europe. Our congratulations go to Jim—his Corps is very proud—Don Hittle is very proud!

Several years after my retirement, Don asked me to join him for lunch at his Army Navy Club. His purpose was to ask if I would give his eulogy. I was honored beyond belief, but did not look forward to the day when it would become a reality.

Before closing, let me share with you a story that Joe Bartlett told me last week.

Jinny and Joe are members of a Bible class at their church. As a gesture of their love and caring for those who are terminally ill, the class prepares an audio tape for their listening. On one side they include the patient's favorite hymns, and, on the other, a medley of their favorite tunes. During Don's last days with us—a time when he was under heavy sedation—Joe swears that Don's body stiffened to attention every time "The Marine's Hymn" was played.

In closing, let me remind you that Don lived by two simple words—words which have given inspiration to our Corps for over 200 years—Semper Fidelis—always faithful.

Don Hittle was always:

Semper Fidelis to his God.

Semper Fidelis to his country.

Semper Fidelis to his family.

Semper Fidelis to his Corps.

And, Semper Fidelis to his fellow man.

In Don's memory, then, let us share these meaningful words with each other as we leave this holy place—and let us pray that one day we can live in a world where all of its citizens are Semper Fidelis to each other. Don Hittle would like that.•

CONGRATULATING BISHOP WILLIAMS

• Mr. KERRY. Mr. President, I am honored to have the opportunity today to recognize Bishop Preston Warren Williams II, a man of faith and conviction and a leader in the African Methodist Episcopal Church. I am privileged to extend my congratulations to Bishop Williams as he assumes the role of president of the Council of Bishops. This role requires an extraordinary person, one of both strength and distinction, and the AME Church has found one in Bishop Williams. Bishop Williams, along with his wife Mother Wilma Delores Webb-Williams as Episcopal Supervisor, have been dedicated public servants and tireless advocates for at-risk youth of the 7th district. I am confident that Bishop Williams' leadership will enrich the entire AME community.

The AME Church has an unwavering commitment to its members and should be commended for its special mission to strengthen the community by encouraging and supporting children. While leading the 7th District, Bishop Williams built a partnership for at-risk youth, helped lobby for a teen mentoring program, and put in place services to provide for children in poverty.

When Bishop Williams served at the 17th District AME in Central Africa, membership grew by over 100,000, eventually resulting in the creation of a 20th District. Fittingly, Bishop Williams used his power and influence to bring people together and inspire hope in that part of the world.

His dedication to faith and community extends beyond the church into academia. As chairman of Allen University in Columbia, SC, and member of the board of Wesley Theological Seminary in Washington, DC, Bishop Williams brings his passion and fearless leadership to our students. Bishop Williams is a spiritual leader, an activist, community leader, husband and mentor. I join with others in lauding his service, integrity, and vision.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-OMAN FREE TRADE AGREEMENT (FTA)—PM 53

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Oman Free Trade Agreement (FTA). This FTA enhances our bilateral relationship with a strategic friend and ally in the Middle East region. The FTA will benefit the people of the United States and Oman, illustrating for other developing countries the advantages of open markets and increased trade.

In negotiating this FTA, my Administration was guided by the objectives set out in the Trade Act of 2002. Congressional approval of this FTA will mark another important step towards creating a Middle East Free Trade Area. Like our FTA with Bahrain that the Congress approved in December 2005, and our FTA with Morocco that was approved in July 2004, this FTA offers another important opportunity to encourage economic reform in a moderate Muslim nation. Oman is leading the pursuit of social and economic reforms in the region, including by selling state-owned businesses, encouraging foreign investment connected to broad-based development, and providing better protection for women and workers. It is strongly in our national interest to embrace these reforms and do what we can to encourage them.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 26, 2006.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5638. An act to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7314. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects and Centers Program—Spinal Cord Injury Model Systems Centers and Disability Rehabilitation Research Projects" received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-7315. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects; Funding Priorities" received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-7316. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects and Centers Program; Funding Priorities" received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-7317. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Office of Special Education Programs—State Personnel Development Grants Program" received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-7318. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, a report of proposed legislation that amends certain provisions in the Energy Policy Act of 2005 and the Geothermal Steam Act of 1970; to the Committee on Energy and Natural Resources.

EC-7319. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Delisting of Agave arizonica (Arizona agave) From the Federal List of Endangered and Threatened Wildlife and Plants" (RIN1018–AI79) received on June 18, 2006; to the Committee on Energy and Natural Resources.

EC-7320. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002" received on June 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7321. A communication from the Senior Program Specialist, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002" (RIN0584–AD32) received on June 14, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7322. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Addition of People's Republic of China to the List of Countries to Export Processed Poultry Products to the United States" (RIN0583-AD20) received on June 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7323. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Disregard of Overpayments in the Child and Adult Care Food Program, National School Lunch Program and School Breakfast Program" (RIN0584-AD68) received on June 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7324. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "States Approved to Receive Stallions and Mares from CEM-Affected Regions; Indiana" (Docket No. APHIS–2006–0020) received on June 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7325. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Watermelon Research and Promotion Plan; Redistricting" (FV–05–704–IFR) received on June 21, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7326. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Melons Grown in South Texas; Termination of Marketing Order 979" (FV06–979–1 FR) received on June 21, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7327. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Revision of Reporting and Assessment Requirements" (FV06–955–1 IFR) received on June 21, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2145. A bill to enhance security and protect against terrorist attacks at chemical facilities.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 3565. A bill to designate Sandoval County, Valencia County, and Torrance County, New Mexico as the new Southwest Border High Intensity Drug Trafficking Area counties; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 3566. A bill to ensure adequate funding for high-threat areas, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. BAUCUS):

S. 3567. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. CARPER):

S. 3568. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 3569. A bill to implement the United States-Oman Free Trade Agreement; to the Committee on Finance pursuant to section 2103(b)3 of Public Law 107–210.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. Con. Res. 105. A concurrent resolution commending the Government of Canada for its renewed commitment to the Global War on Terror in Afghanistan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 604

At the request of Mr. CRAIG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 1191

At the request of Mr. SALAZAR, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2115

At the request of Ms. STABENOW, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2115, a bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2393

At the request of Mr. COLEMAN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2658

At the request of Mr. BOND, the names of the Senator from Delaware (Mr. CARPER), the Senator from Utah (Mr. BENNETT) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3393

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3393, a bill to suspend temporarily the duty on certain boys' water resistant pants.

S. 3394

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3394, a bill to suspend temporarily the duty on certain men's water resistant pants.

S. 3396

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3396, a bill to suspend temporarily the duty on certain girls' water resistant pants.

S. 3397

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3397, a bill to suspend temporarily the duty on certain women's and girls' water resistant pants.

S. 3400

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3400, a bill to suspend temporarily the duty on certain men's and boys' water resistant pants.

S. 3401

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3401, a bill to suspend temporarily the duty on certain women's water resistant pants.

S. 3402

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3402, a bill to suspend temporarily the duty on certain girls' water resistant pants.

S. 3403

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3403, a bill to suspend temporarily the duty on certain women's water resistant pants.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3521

At the request of Mr. GREGG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3521, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S. 3543

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3543, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 3550

At the request of Mr. GRAHAM, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3550, a bill to allow members of the Selected Reserve enrolled in the TRICARE program to pay premiums with pre-tax dollars.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. CON. RES. 101

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 101, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

AMENDMENT NO. 4271

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 4271 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4349

At the request of Mrs. DOLE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4349 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 3565. A bill to designate Sandoval County, Valencia County, and Torrance County, New Mexico as the new Southwest Border High Intensity Drug Trafficking Area counties; to the Committee on the Judiciary.

Mr. DOMENICI. President, I rise today to introduce a bill that will significantly help my home State of New Mexico fight the war on drugs.

New Mexico has many serious drug problems. The proximity of my home State to Mexico makes it a convenient corridor for traffickers who smuggle narcotics into the United States. In a June 22 Albuquerque Journal article entitled "N.M. Says It's Making Progress Against Meth Labs," State Police Sergeant Eric Burnham was quoted as saying, "We've made it much tougher for them to get their main ingredients, and we've made it difficult to sustain large operations here in New Mexico . . . But methamphetamine use has stayed the same or even risen. Large quantities are coming in from Mexico—they're being smuggled in and sold for cheap." In additional to our serious meth problems in New Mexico, cocaine seizures are on the rise, Mexican marijuana is prevalent, and Mexican black tar heroin is available throughout my home State.

However, New Mexico also has a significant tool in the war on drugs—the Southwest border high-intensity drug trafficking area, HIDTA. In 1988, Congress established the HIDTA Program. In New Mexico, there are currently 13 counties that participate in the Southwest border HIDTA, with the missions of reducing drug availability through task forces aimed at disrupting or dismantling international and domestic drug trafficking organizations and helping coordinate drug trafficking investigative efforts among Federal, State, and local law enforcement agencies.

Despite these efforts, drug abuse continues to affect many in my State, particularly in the Albuquerque Metropolitan area. The Southwest border HIDTA tells me that in this area, investigative links between narcotic trafficking groups are established frequently, often between Bernalillo County and surrounding counties that are not part of the Southwest border HIDTA and therefore don't have access to HIDTA tools and resources. The legislation I am filing today would rectify this situation by making the three surrounding counties, Sandoval, Torrance, and Valencia, part of the Southwest border HIDTA.

Mr. President, high-intensity drug trafficking areas have done a great deal in the war on drugs in the past 18 years. With the bill I am introducing today, HIDTA will be able to do even more.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HIGH INTENSITY DRUG TRAFFICKING AREA.

The Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico under the High Intensity Drug Trafficking Areas Program of the Office of National Drug Control Policy shall include Sandoval County, Valencia County, and Torrance County, New Mexico.

By Mr. BENNETT (for himself and Mr. CARPER):

S. 3568. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BENNETT. Mr. President, I rise today with my friend and colleague on the Banking Committee, the Senator from Delaware, Mr. CARPER, to introduce legislation that I believe is of great importance to our economy and to American consumers. This legislation, The Data Security Act of 2006, will help protect individuals and businesses from the crimes of identity theft and account fraud, which are increasing at an alarming rate. These crimes impose higher costs on every consumer and business and can be financially debilitating to individuals whose personal information is stolen.

We are now living in the Information Age. Information drives our economy, from the design and production phase of new products or services to payment and delivery. Information technology and electronic networks have brought conveniences and efficiencies to both producers and consumers in our economy. Producers can better focus their products and services to potential customers, and consumers get the products they want with multiple payment options. Technology and, specifically, information technology makes this process ever more convenient and efficient.

All of the conveniences and efficiencies of the information age which benefit our evolving economy and its consumers have also brought new challenges. Criminals have also entered the information age and are now targeting and using information technology to steal from many of us.

Information databases and electronic information networks that contain sensitive personal information and sensitive financial account information are increasingly targets of sophisticated hackers, organized crime rings, identity thieves, and other criminals. When an individual has his identity or account information stolen from one of these sources and criminals use his or her legitimate name and credit history to create fraudulent accounts, or fraudulently access an existing account, by the time it is discovered, it is often too late to prevent that consumer from the need to invest significant time and effort to clear his or her name. These crimes also impose significant costs on financial institutions which are often liable for the loss of funds from the fraud. These costs are then passed on to all consumers through higher prices. We need to do more to prevent this type of fraud from happening in the first instance.

Currently, we are only partially protecting consumers from account fraud and identity theft. Criminals have shown they know how to exploit any weakness in information databases and networks, so we must do more to protect this information regardless of where it is located. Most of the recent data security breaches have occurred outside of financial institutions.

The Gramm-Leach-Bliley Act requires financial institutions to protect the security and confidentiality of customer information. The Federal banking agencies have issued guidance under the Gramm-Leach-Bliley Act requiring banks to investigate and provide notices to customers of breaches of data security involving customer information that could lead to account fraud or identity theft. Even with GLB and the associated regulations and guidance that have been implemented, many databases and information networks continue to be vulnerable because Federal law generally does not require entities that are not financial institutions to protect the security and confidentiality of sensitive information relating to consumers, or to investigate and provide notices to consumers of breaches that may lead to account fraud or identity theft.

I recognize that many States have enacted security breach notification statutes in an effort to protect their citizens and I commend them for their efforts, but these statutes impose different and sometimes conflicting requirements, thereby providing consumers with uneven protection and subjecting businesses to multiple and confusing standards.

Our credit granting system and financial payments system is a national one and not a state based system. Consumers generally benefit greatly because of our national system. Because of that fact, I believe we need a national uniform system governing data security and security breach notification for financial institutions and other entities that maintain or communicate financial account information or personally identifiable information that could be used by identity thieves.

The standards established as a result of the guidance issued by the Federal banking agencies under the Gramm-Leach-Bliley Act provide an appropriate model for Federal data security and security breach notification requirements and is, therefore, the model for the Data Security Act of 2006.

The Data Security Act of 2006 will provide a uniform national standard for data security and breach notification. Sensitive personal and account information must be protected, and in the event where that protection is breached and there is a risk to the individual of identity theft or account fraud, that individual must be notified so that he or she can take the appropriate steps to protect him or her self.

I encourage my colleagues to closely review this legislation and I hope we can act quickly here in the Senate to pass the Data Security Act of 2006. I thank my friend from Delaware, Senator CARPER, for joining with me today to introduce this legislation.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 105—COMMENDING THE GOVERNMENT OF CANADA FOR ITS RENEWED COMMITMENT TO THE GLOBAL WAR ON TERROR IN AFGHANISTAN

Mr. COLEMAN (for himself and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 105

Whereas twenty-four Canadian citizens were killed as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the people of Gander, Newfoundland, provided food, clothing, and shelter to thousands of stranded passengers and temporary aircraft parking to thirty-nine planes diverted from United States airspace as a result of the September 11, 2001, terrorist attacks on the United States;

Whereas the Government of Canada, as led by former Prime Ministers Jean Jacques Chrétien and Paul Martin and continued by Prime Minister Stephen Harper, has provided humanitarian, diplomatic, and security personnel on the invitation of the Government of Afghanistan since 2001;

Whereas Canada has pledged $650,000,000 in development aid to Afghanistan;

Whereas Afghanistan is Canada's largest recipient of bilateral development aid;

Whereas Canada has stationed approximately 2,300 defense personnel who comprise Task Force Afghanistan, in order to improve security in southern Afghanistan, particularly in the province of Kandahar;

Whereas Canada has over 70 diplomatic officers worldwide who are dedicated to growing democracy and equality in Afghanistan;

Whereas at least seventeen Canadians have given the ultimate sacrifice in the Global War on Terror;

Whereas Canada's commitment to the Government of Afghanistan, under the leadership of Prime Minister Hamid Karzai, was due to expire in February 2007;

Whereas on May 17, 2006, the Canadian Government led by Prime Minister Stephen

Harper requested that the Canadian House of Commons extend Canada's commitment in the Global War on Terror;

Whereas on May 17, 2006, the Canadian Parliament voted to extend peace and security operations in Afghanistan until 2009, to increase its development assistance by $310 million, and to build a permanent and secure embassy in Afghanistan to replace its current facility; and

Whereas this was the latest sign of the renewed commitment of numerous United States allies in the Global War on Terror: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the Government of Canada for its renewed and long-term commitment to the Global War on Terror;

(2) commends the leadership of former Canadian Prime Ministers Jean Jacques Chrétien and Paul Martin and current Prime Minister Stephen Harper for their steadfast commitment to democracy, human rights, and freedom throughout the world;

(3) commends the Government of Canada for working to secure a democratic and equal Afghanistan;

(4) commends the Government of Canada's commitment to reducing poverty, aiding the counternarcotics efforts through counterterrorism and counterinsurgency campaigns, and ensuring a peaceful and terror-free Afghanistan;

(5) commends the Government of Canada for its three-pronged commitment to Afghanistan: diplomacy, development, and defense; and

(6) expresses the gratitude and appreciation of the United States for Canada's enduring friendship and leadership in the Global War on Terror in Afghanistan.

HONORING AND PRAISING THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H. Con. Res. 367, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 367) honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its congressional charter.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 367) was agreed to.

The preamble was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 5638

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. The objection is heard.

The bill will be placed on the calendar.

ORDER OF BUSINESS

Mr. McCONNELL. At the end of my closing remarks, Senator DODD should be recognized for up to 20 minutes. After his remarks, the Senate will be in adjournment for the evening.

ORDERS FOR TUESDAY, JUNE 27, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m tomorrow, June 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 11 a.m., with the first 15 minutes under the control of the majority leader or his designee, the next 15 minutes under the control of the Democratic leader or his designee, and the remaining time until 11 a.m. be equally divided; further, that the Senate then resume consideration of S.J. Res. 12, the flag antidesecration resolution. I further ask that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I ask unanimous consent that once the Senate resumes consideration of the flag resolution at 11 a.m., the time be divided as follows: 11 to 11:30, the majority side; 11:30 to 12, the minority side; 12 to 12:30, the majority side; 2:15 to 2:30, equally divided; 2:30 to 3, the minority side; and alternating each half hour until 5 p.m. I further ask that consideration be for debate only until 2:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, today the Senate began the debate on the flag resolution. Tomorrow we will be rotating half-hour blocks of time, starting at 11 with the majority side for 30 minutes and the minority side for 30 minutes, rotating back and forth in this fashion until 5 p.m. There will be no votes until after the policy luncheons tomorrow.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I ask that it stand in adjournment under the previous order following the remarks of the senior Senator from Connecticut for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

CONSTITUTIONAL AMENDMENT TO BAN FLAG DESECRATION

Mr. DODD. Mr. President, I rise to speak about the pending matter before us, S.J. Res. 12 which would amend the Constitution of the United States. There are only seventeen words in the amendment: The Congress shall have power to prohibit the physical desecration of the flag of the United States. These seventeen words have great significance.

I hold dear the great genius of our wonderful Constitution. I have carried this tattered copy with me every day for as long as I have been a Member of this body. It was given to me by my seatmate here, the senior Senator BRYD from West Virginia. I treasure this copy of that document for many reasons, not the least of which is because it was given to me by Senator BYRD, but also because I find myself referring to it almost on a daily basis.

This copy includes not only the Constitution and the Bill of Rights, but also the Declaration of Independence. It is a part of my daily wardrobe, be it weekends or during the week here. It is a reminder of how fortunate we are to live in a country that has, as its founding document, a set of words, language, that not only speaks to the hopes and dreams of all Americans, but even beyond the borders of this country, because the Founders, the Framers of the Constitution, spoke of eternal truths in this document.

While the language applies to only those who live in this country, their words have, of course, inspired millions of other people all across the globe. It is not uncommon to read the constitutions of developing countries and find literally verbatim the language in our own U.S. Constitution. This is a great tribute to not only the Framers but to those who came after them. Those that have upheld, supported, and defended—

as millions of Americans have, some with the ultimate sacrifice—their lives, to protect and defend this country and the principles and ideals on which it was founded. The Constitution has sustained itself now for the more than 200 years. Giving us the power to be free and independent people.

So this great genius of our Constitution enshrines in it the words of the eternal aspirations of humanity. I believe that Alexander Hamilton laid out a framework for constitutional amendments and how we ought to think of this remarkable document that serves as the basis of all that we believe and hold dear when he said:

> The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

It is a rather beautiful quotation that I think captures what many of us believe to be the case when we talk about our Constitution, talking about the hand of divinity itself helping scribe these words, that it is "not to be rummaged for, among old parchments, or musty records" but rather "written, as with a sunbeam in the whole volume of human nature."

So it is important, when we consider this document and particularly the Bill of Rights, which speak to our personal freedoms, that we consider all and any proposal to challenge the words included in those 10 amendments.

There have been over 11,000 attempts in the last 200 years to amend our Constitution. Throughout the years, there have been only a handful of those proposals that have actually been adopted, usually when there was a described constitutional crisis before us. We did so to extend the right to vote to women and we did so to abolish slavery.

These are just two examples throughout our history when we have found it appropriate and proper to amend the Constitution, but always when we felt there was an underlying principle dealing with basic fundamental rights.

Now, we all know that the horrible act of flag burning does occur. We have all seen the visions on television describing some group in some country or another that decides it is going to burn the American flag. We all know how we feel when we see that. But, of course, all my colleagues know—and I am sure the overwhelming majority of American citizens know—we can not change their behavior by altering the Constitution. As annoying as it is, as troubling as it is, and how I know we all react to it, we can not affect those particular acts of desecration.

Today we are talking about these acts that occur in this country. Let me quickly say I think it is worthy to try to come up with some language statutorily to deal with this issue. But my hope is my colleagues, regardless of political persuasion, would think long and hard about what we are about to do here; and that is, to change the Constitution.

A proposal similar to this one was offered in 1989, again in 1990, in 1995, and in the year 2000. In every single case, the proposals have been rejected. I do not question any of my colleagues over their dismay and horror in watching our flag be desecrated. Yet, in every single instance, we have found it appropriate to reject an amendment to the Constitution. I would hope that would be the case again today.

Mr. President, I fly the American flag every day at my home in Connecticut when I am there. I take great pride in doing so. In fact, my neighbors can always tell when I am home. I live in a house, an old schoolhouse built in 1853. It was the successor schoolhouse to where Nathan Hale taught in Connecticut. The Nathan Hale Schoolhouse is about 150 yards from where I live in Connecticut. When that one-room schoolhouse became too small in the 1850s, they built a two-room schoolhouse that served the neighborhood where I live in East Haddam, CT, for almost 100 years until the 1940s. I bought that schoolhouse about 25 years ago, and it has been my family's home for a quarter of a century.

My neighbors always know when I am home because I fly the American flag from that old schoolhouse. I take great pride in doing so. I don't just do it on Memorial Day or the Fourth of July or other national holidays, but every single day I am home. As a way of expressing my affection for what that flag means, what it stands for, and what it has meant to generation after generation of people in our great country.

I will not take a back seat to anyone in my reverence for the flag, how important it is and what it means. But I also believe it is important to be a patriot, a true patriot, where we not only defend our flag but we also defend the Constitution and the Bill of Rights. That is really what is at risk here today, when we talk about this resolution. It is not so much the flag that is at risk but our Bill of Rights, if we attack this document because the passions of some get aroused over the acts of those who would desecrate our flag. That really is the issue before us.

Let us have a statutory law but let us not attack this wonderful Bill of Rights of ours. The proposed amendment is made up of 17 words, 17 words that would dramatically alter the importance of the Bill of Rights and diminish the freedoms provided by that document. I don't doubt the patriotism of any Member of this Chamber. I strongly believe we all love our country. We love our Constitution. We love our flag. In my view, desecration of the flag, as a symbol of our freedom, the Constitution, and our democracy, is deplorable and should not be tolerated. It goes without saying that every Member of Congress and the overwhelming majority of Americans consider flag burning to be offensive and abhorrent. That is to state the obvious. The question is not whether we deplore the desecration of the American flag but whether we are in some way going to desecrate the Constitution and the Bill of Rights. To truly honor our Nation and the people who have given their lives for it, we must not only protect our flag but the principles of freedom and justice that it stands for.

I have often said when students ask me about the Constitution and the Bill of Rights and what it means, the first amendment of the Bill of Rights, which incorporates freedom of speech, really tests whether each and every one of us is willing to defend someone who would say something or do something we might find abhorrent. It is not whether we are willing to stand up and defend someone who says something we agree with but, rather, whether we understand the principles our Founders and Framers intended when they wrote the Constitution and the Bill of Rights, that we are willing to protect and defend the right of someone to say something that we totally disagree with and that we find offensive and abhorrent. That is the true test, not whether we are willing to stand up and applaud what someone says but whether our instincts are to deplore what they say but defend their right to say it. That is really what the first amendment is all about when freedom of speech is being invoked.

Our Founding Fathers cautioned us to avoid situations like the one we are in today. James Madison advised that amendments to the Constitution should be limited to "great and extraordinary occasions." Regrettably, some have not heeded Madison's cautionary words. Since 1789 when the Congress first convened, there have been over 11,000 proposals to amend the Constitution of the United States. Over sixty have been offered in this Congress alone. But the majority of our Nation's leaders have taken the words of Madison to heart, and they have not allowed this document to be altered. Since the ratification of the Bill of Rights, only 17 amendments have been successful. Moreover, despite all of the trials that this country has been through, no Congress has ever felt so compelled to doctor the Bill of Rights. It is remarkable when you consider the trials and tribulations we have been through.

The act of burning our flag is unacceptable and condemnable. But the reality is that it is exceedingly rare as well. I did my best to find the reported incidences of flag burning throughout our history. I went back and examined as many possible cases as I could. We have found less than 200 cases since our Nation's founding and only a handful documented in the last few years. Where is the constitutional crisis? Where is the epidemic? Less than two hundred cases in more than 200 years. Yet I would suspect that if we end up adopting this constitutional amendment and amend the Bill of Rights, there will be those, as the Senator from Illinois pointed out, who will consistently try to press against the envelope of the language of these 17 words to prohibit desecration of the flag.

With all the other issues we need to grapple with, such as health care, education, the quality of life of our military men and women, and whether we ought to be doing more to increase the opportunities of people in this country. With all of the legitimate debates that ought to occur, it is shocking that we are taking several days of the Senate's time to debate an amendment to the Constitution where there is hardly any incidence or examples of a problem today. As I said, there have been less than 200 cases of flag desecration in more than 200 years. Clearly, there is no extraordinary occasion, in my view, such that Madison spoke of warranting ratification of this amendment. We might feel disgusted by the act of flag burning, but we are clearly not faced, by any estimate, with a constitutional crisis.

Proponents of this amendment say that tolerating even one burned flag is equivalent to acquiescence of such an act. I totally disagree. Our Nation is strong enough to tolerate a few errant acts, and this strength is the source of our democracy's greatness. It is the ability and willingness to tolerate acts like that on occasion that makes us a stronger and better people. Supporters of this amendment may believe this vote is a test of one's patriotism or love of country. On the contrary, the true measure of our faithfulness to the flag is our fidelity to the principles of freedom and justice that it represents. That is the ultimate test of one's patriotism.

I would associate myself with the comments of a former colleague of ours, Bob Kerrey, Senator from Nebraska, who today is president of a fine university in New York. He is also a Medal of Honor winner for services as a Navy SEAL in Vietnam. I recall when this amendment was before us on several previous occasions, he would stand up and talk about what it meant for him to lose a limb in the uniform of our country defending our Nation, talking about how important it was to defend the Constitution. He articulated his opposition to this particular proposal in a recent Washington Post editorial in relation to September 11th with the following statement:

> Real patriotism cannot be coerced. Our freedom to speak was attacked—not our flag. The former, not the latter, needs the protection of our Constitution and our laws.

There is no question in my mind that our flag will continue to serve as a symbol of our Nation's history—our founding principles of freedom, liberty, and justice—long after the conclusion of this debate on the floor of the Senate.

Our former colleague, Senator John Glenn of Ohio, who served this Nation as a combat pilot in Korea, an astronaut, and as a colleague of ours in this body, put it very well:

> There is one way to weaken the fabric of your country, and it is not through a few misguided souls burning our flag. It is by retreating from the principles that the flag stands for. And that will do more damage to the fabric of our Nation than 1,000 torched flags could ever do.

I believe history and future generations will judge us harshly, as they should, if we permitted those who would defile our flag to also defile our future and to defile the Bill of Rights. Let us leave the Constitution unsullied by proposals such as this which would needlessly restrict our liberties as a people.

I will repeat again: The great genius of our Constitution is that it enshrines in word the eternal aspirations of humanity. We may try to amend it, but if we do so in a manner at odds with those aspirations, then we act at our peril and in folly.

I repeat Alexander Hamilton's quote:

> The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

In our quest to protect the flag, we must be careful not to undermine the principles that it stands for. Attacking the Bill of Rights, a document that has never been changed—not one comma, not one semicolon, not one word, since its ratification in 1791—undermines those principles. This is a time to bring our Nation together to focus on the important challenges we face today. We must face them as a nation, not as individuals, if we are going to prevail.

At best, this amendment is another political stunt, I am afraid, aimed at dividing our Nation, inflaming the passions of our constituencies, make one party angry at another, one group of citizens angry at another. What worthwhile result has ever emerged from that kind of anger? What good has ever flowed from the passions provoked by appealing to the worst instincts in people? I have never seen a single benefit that has occurred as a result of that effort.

Once again, we find ourselves inflaming passions over an issue that is nonexistent, the "constitutional crisis" of flag-burning. It is just not there. This would be a profound deviation from our past and chip away at our freedoms and liberties that we are working so hard to protect.

Every generation is challenged with the responsibility of seeing to it that future generations will have the opportunities and benefits of our country. Those benefits and those opportunities flow very directly from the Constitution of the United States and, most particularly, from the Bill of Rights. I hope that we will be careful about this. We are not owners of this document, the Constitution; we are merely stewards of this document. We are charged with the responsibility during our tenure, on our watch, however long or brief it is, to see to it that these principles will be passed on to coming generations. To start fooling with them unnecessarily, I think, puts this document and what it stands for at risk.

I hope our colleagues, when the vote occurs on this, will find it in their hearts and good conscience to leave the Bill of Rights alone. This is not a time that it needs to be amended.

I yield the floor.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:45 a.m., on June 27, 2006.

There being no objection, the Senate, at 6:57 p.m., adjourned until Tuesday, June 27, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 2006:

DEPARTMENT OF DEFENSE

ROBERT L. WILKIE, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DANIEL R. STANLEY.

EXPORT-IMPORT BANK OF THE UNITED STATES

LINDA MYSLIWY CONLIN, OF NEW JERSEY, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009, VICE APRIL H. FOLEY, TERM EXPIRED.

J. JOSEPH GRANDMAISON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009. (REAPPOINTMENT)

CORPORATION FOR PUBLIC BROADCASTING

DAVID H. PRYOR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE CHRISTY CARPENTER, TERM EXPIRED.

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KENNETH Y. TOMLINSON, RESIGNED.

CHRIS BOSKIN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KATHERINE MILNER ANDERSON, RESIGNED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

WILLIAM B. WARK, OF MAINE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE RIXIO ENRIQUE MEDINA, RESIGNED.

WILLIAM E. WRIGHT, OF FLORIDA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE GERALD V. POJE, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

ROGER L. HUNT, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009, VICE SCOTT O. WRIGHT, TERM EXPIRED.

JOHN E. KIDDE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN

SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011, VICE FREDERICK G. SLABACH, TERM EXPIRED.

JOHN PEYTON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011, VICE PATRICK LLOYD MCCRORY, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE PAMELA M. IOVINO, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CHARLES H. DAVIDSON IV, 6837

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JULIA A. KRAUS, 8646

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES F. AMOS, 1550

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALBERT M. CALLAND III, 0101

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BARRY L. WILLIAMS, 7692

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GERALD P. COLEMAN, 8910
DAVID E. ROOT, 1125

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT T. DAVIES, 0932
JAMES A. LANG, 9429
CURTIS E. WELLS, 7505

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHELLE A. COOPER, 8477
CARLOS J. CRUZ, 2829
DIANA M. DISTEFANO, 9106
MICHAEL J. EDMISON, 8829
TONY Y.L. ENG, 5094
THOMAS M. GOTSIS, 6183
JACK W. HOAG, 2617
HERBERT C. JONES, JR., 0454
SUSAN M. MAHONEY, 1338
CURTIS E. MEEKS, JR., 5649
BRADLEY K. MITCHELL, 9756
GERALDINE L. MOORE, 9027
ROBERT L. MORROW, 8034
KATHERINE T. PLATONI, 5968
DAVID W. TOWLE, 1560

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be colonel

RICKIE A. MCPEAKE, 7110
MATTHEW MOTEN, 4319
EUGENE J. PALKA, 4546

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 3064:

To be major

PAUL A. CARTER, 7921

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

CAL ABEL, 4885
MICHAEL S. ANDERSON, 0529
MICHAEL W. BICKFORD, 0797
TIM BUCKLEY, 9457
PAUL A. CHANDLER, 6025
MICHAEL CONCANNON, 4288
MATTHEW DIGERONIMO, 0185
JEREMY A. FOGT, 6254
DAVID FORMAN, 1904
ROBERT C. FRANCIS, 1905
CHRISTOPHER GEORGE, 0583
GEOFFREY A. GORMAN, 6948
CORY M. GROOM, 1834
ELAINE G. LURIA, 2419
DANIEL A. PATRICK, 1123
MARK A. QUINN, 3768
JOHN M. RHODES, 7952
ERIC J. ROZEK, 0446
CARL F. SCHOLLE, 5242
ROBERT W. SPEIGHT, 1824
ROGER W. TAYLOR, 3380
NICK VIERA, 6634
JAKE WADSLEY, 1278
THOMAS J. ZERR, 3438

HOUSE OF REPRESENTATIVES—*Monday, June 26, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOUSTANY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 26, 2006.

I hereby appoint the Honorable CHARLES W. BOUSTANY, Jr. to act as Speaker pro tempore on this day.

DENNIS J. HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

FOREIGN LAW IN U.S. COURTS

Mr. STEARNS. Mr. Speaker, with the Fourth of July celebration next week, it is important to again remember why we fought for independence, namely, to free ourselves from foreign domination.

I fear that the Supreme Court's appeal to foreign legal practice has headed us down a slippery slope, down which our rapid descent could hurt the values we hold so dear.

In fact, to measure the standards of our Constitution by foreign opinion is to believe the false premise that other nations are evolving toward better answers than we are capable of finding ourselves. If we begin thinking that way, surely we will cease to be Americans.

In 2003 in Lawrence v. Texas, five Supreme Court justices created a new right to sodomy based largely on legal precedents from the European Convention of Human Rights. In his dissenting opinion on this ruling, Justice Scalia agreed with what I am trying to point out in this speech by saying, he "expects and fears that the court's use of foreign law in the interpretation of our Constitution will continue at an accelerating pace."

Later, in the 2005 Roper v. Simmons case, the United States Supreme Court found juvenile execution to be unconstitutional. In deliberations, Justice Sandra Day O'Connor claimed that the United States is the only country in the world that continues to give the juvenile death penalty official sanction. She allowed international law to override her own decisionmaking abilities. In the majority decision, Justice Kennedy stated that using foreign law "does not lessen our fidelity to the Constitution or our pride in its origin to acknowledge that the affirmation of rights by other nations and people simply underscores the centrality of those same rights within our heritage of freedom."

Though it may be proper to acknowledge the weight of foreign opinion against the juvenile death penalty, should it be the basis for American law? Justice Ginsburg, one of the most prominent advocates of using international opinion in U.S. courts, recently delivered a speech at the Constitutional Court of South Africa. She essentially concluded that she and other justices have the authority to change the Constitution as they see fit, deferral to foreign laws and rulings being a key part of their creative process. She insisted that U.S. jurists honor the Framers' intent to "create a more perfect union," which would allow justices to alter the Constitution, to keep it from being "fixed forever by the 18th century understanding."

My colleagues, the Framers of the Constitution did not give justices the authority to create a more perfect union; in fact, they purposely made changing the Constitution a very difficult process, to ensure that these changes were thoroughly vetted and absolutely necessary. Any amendments require a two-thirds vote of both Houses of Congress and three-fourths of State legislatures to convene constitutional conventions to ratify them. But, as we have seen, some justices believe they have the power to amend the Constitution to suit every whim.

Foreign laws and decisions simply provide a convenient justification for some justices to almost thumb their noses at the Constitution and the legislative branch.

Foreign legal standards can help U.S. courts determine the meaning behind treaties, foreign law might even aid us in interpretation of our Constitution as the Framers were of English descent; but there needs to be a distinction between appropriate and inappropriate consultation, aside from justices' personal opinions.

In an address to the American Enterprise Institute earlier this year, Justice Scalia said, "If there was any thought absolutely foreign to the Founders of our Country, it was the notion that we Americans should be governed the way Europeans are." In the Federalist Papers Number 46, to take just what one example, James Madison speaks contemptuously of the governments of Europe, which are afraid to trust the people with arms. Are we now to revise the second amendment because what these other countries think?

During his confirmation, Justice Roberts pointed out, "Looking to foreign law for support is like looking out over a crowd and picking out your best friends." A judge relying on foreign law in their decisionmaking can hand-pick a precedent based on a predetermined outcome of their choice.

So, Mr. Speaker, I believe that our courts should rely on our history, our laws, and most importantly our Constitution to help them reach a decision, especially when it comes to domestic issues. That is why we must focus our energies on the other body on confirming quality judges with a healthy respect for the Constitution like Justice Roberts and Justice Alito.

ANTI-AMNESTY RESOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Michigan (Mr. STUPAK) is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, 11 days ago in this House, we had a partial limited debate on the war in Iraq. The same day, it was reported in a number of the area newspapers that there was consideration of giving amnesty to those Iraqis that killed, maimed, or injured U.S. troops or citizens. A few of us took to the floor during the Iraq debate and raised the issue of amnesty. Is this what we are fighting for in Iraq, the type of democracy that gives people who kill American soldiers amnesty?

Last week, I joined with Democratic leadership, Mr. LARSON, Mr. CLYBURN, Mr. MURTHA, Mr. SKELTON, Mr. ABERCROMBIE, and others, and introduced House Joint Resolution 90, which says: Disapproving the grant of amnesty by the government of Iraq to persons

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

known to have attacked, kidnapped, wounded, or killed members of the Armed Forces of the United States or citizens of the United States in Iraq.

Mr. Speaker, proposing amnesty for Iraqis who have killed our troops is another stunning example of the failure of this administration's handling of the war and their overall policy. I, like the rest of the American people, would like to know, what did the President know about this amnesty and when did he know it? I find it coincidental that the day after the President comes back from his secret trip to Iraq, we start hearing these reports in newspapers about an agreement on amnesty.

In 3 years of war, we have lost more than 2,500 of our best and brightest Americans. The war in Iraq now boils down to amnesty for insurgents who attack and kill U.S. troops? This amnesty proposal appears to have the tacit agreement of the Bush administration and the Iraqi government officials, as they were quoted in the Washington Post as saying, and I quote, "There is some sort of understanding between us and the U.S.-led multi-national force in Iraq that there is a patriotic feeling among Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely, I believe."

So officials in the Iraqi government believe that this is a done deal, and that attacking U.S. troops is a courageous act of self-defense. We could not disagree with it more, and that is why we have our House Joint Resolution 90.

I want to know, who agreed with the Iraqi government? How did they get this understanding that it is part of the policy of the United States that it is okay to kill U.S. troops? Was it someone in the Department of Defense, someone in the Secretary of State, or, again, during the meeting the President had in Iraq a few weeks ago, was that part of it?

The amnesty was reported in the papers the same day that two U.S. troops were found to be tortured and mutilated in Iraq. Do we give their torturers, their killers amnesty? Is this what the Commander-in-Chief does, lead troops into war, and then it develops into a civil war and those who kill U.S. troops get amnesty?

We ask the Republican leadership to bring House Joint Resolution 90 up before this floor. Let's bring it up before the Fourth of July recess, pass this House resolution. It should move quickly, and it should be a bipartisan resolution.

There is a lot of talk in this town, and some people like to use the word cut and run. Let me ask this. If the administration and if this Congress accept a policy that says it is okay to kill U.S. troops, what sort of message are we sending to the Iraqis on the street that it is okay to kill U.S. troops? But, more importantly, what sort of message are we sending to the 130,000 troops that are over there fighting in Iraq? To me, a proposal giving amnesty to those who have murdered Americans is the real definition of cut and run.

I urge the Republican leadership to allow our resolution to come to the floor, House Joint Resolution 90. No amnesty in Iraq, no amnesty for those who kill, maim, torture U.S. troops or our citizens in the country of Iraq.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOUSTANY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, today we ask Your blessing on the work of so many here on Capitol Hill. Besides the work of government, familiar to all, accomplished by elected Representatives and many staff, there are hundreds of personnel whose work is hidden.

Lord, here are people in a labor force of manual laborers, carpenters, cooks, kitchen help, gardeners and maintenance workers. Their work is often unnoticed, yet always appreciated. During daylight and night hours, this Capitol is kept clean, in good order and prepared for those who serve here in government.

You, Lord, reward everyone with all our differences for his or her own competency, expertise and daily labor. May the families of the workers and all hardworking Americans be proud of the many laborers who raise a high standard for all citizens by their work on Capitol Hill. Bless them and their work, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. COBLE) come forward and lead the House in the Pledge of Allegiance.

Mr. COBLE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

55 GUARDSMEN HOLDING OFF INVASION

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, news from the front. The border war continues.

Generalissimo Fox and the Mexican media have taken a setback in the illegal invasion of the United States. Illegal border crossings and detentions have dropped 21 percent in just 10 days. The reason: 55 National Guardsmen on the border. Even though the Guard was sent to the border in a support role and as a publicity stunt to appease Americans, they are deterring illegal entry into the United States.

The Mexican media, taking a page out of the New York Times and their hatred for the U.S. military, has so exaggerated the truth and alarmed the Mexican illegals about the National Guard, the crossings have decreased dramatically.

The fear that the National Guard is portrayed like their own corrupt military has slowed illegal entry, you know, that Mexican military machine that is on the southern Mexican border that reportedly "rapes, robs and beats Hondurans and Guatemalans that are just trying to do jobs that Mexicans won't do."

If 55 Guardsmen can reduce the number of illegals by 21 percent, just think what would happen if we used more Guardsmen on the border front.

Those who say we cannot stop the invasion so we ought to surrender our soil are underestimating the American National Guard.

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 26, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 23, 2006, at 1:36 p.m.:

That the Senate passed without amendment H.R. 5603.

That the Senate passed without amendment H.R. 5403.

That the Senate passed S. 2370.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

CORRECTING THE ENROLLMENT OF H.R. 889

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 103) to correct the enrollment of the bill H.R. 889.

The Clerk read as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following corrections:

(1) In the table of contents in section 2, strike the item relating to section 414 and insert the following:

"Sec. 414. Navigational safety of certain facilities.".

(2) Strike section 414 and insert the following:

"SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

"(a) CONSIDERATION OF ALTERNATIVES.—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of a draft environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

"(b) INCLUSION OF NECESSARY TERMS AND CONDITIONS.—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on Senate Concurrent Resolution 103.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 103 clarifies the intent of the conferees that the Coast Guard review and assess the impacts of any proposed offshore energy facility on the navigation safety in Nantucket Sound and on the service's capabilities to conduct missions within and near the proposed facility.

The resolution will require the Coast Guard to establish terms and conditions that are necessary to safeguard recreational and commercial vessel traffic in Nantucket Sound before any draft environmental impact statement is made available for public review.

The resolution also provides that these terms and conditions will be incorporated into the requirements of any lease that is granted for the construction of a proposed offshore facility.

This provision will allow us to develop offshore alternative energy resources in a way that does not jeopardize the safety and security of the maritime community in Nantucket Sound.

I urge my colleagues to support this concurrent resolution and to support the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. I yield myself such time as I may consume.

Mr. Speaker, this resolution will make changes to the Coast Guard conference report that reflects the compromise agreement that was worked out concerning the Cape Wind project. It will allow the Commandant of the Coast Guard to set the terms and conditions on any leasing of Federal waters in Nantucket Sound that may be necessary to protect navigational safety. For example, over 3 million passengers ride ferries that transit through Nantucket Sound, and it is vitally important to protect the navigational safety of those vessels.

Recent emergencies have reminded us once again why a well-funded and fully operational Coast Guard is paramount for protecting the citizens of this Nation.

The 2006 Coast Guard and Maritime Transportation Act conference report has been delayed for far too long. We are all glad to see that a fair agreement based on navigational safety has been worked out and that this bill will now move to the President's desk for signature.

I encourage all my colleagues to support this fair resolution and support full funding for the Coast Guard.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. At this time I yield whatever time he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentleman from Alaska, the distinguished chairman of the full committee.

Mr. YOUNG, I want to commend you and Mr. LOBIONDO, the distinguished gentleman from New Jersey, for having chaired the full committee and the Coast Guard subcommittee, along with your respective ranking members, Mr. OBERSTAR, the gentleman from Minnesota; and Mr. FILNER, the gentleman from California. You all have done notable work.

Chairman YOUNG, you and I have talked about this before, but I believe the U.S. Coast Guard probably more than any other Federal entity assumes additional duties time after time without corresponding increased appropriations. I told the Commandant the other day, Admiral Allen, I said, You must have a magic wand down there, because you all continue to discharge duty after duty, oftentimes newly assigned duties, with the same amount of money. And I don't know how they do it, but they do.

I thank the gentleman for yielding.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LANGEVIN. Mr. Speaker, I am pleased that, on Monday, the House passed S. Con. Res. 103, though I am disappointed by the events that necessitated its consideration. Last September, when the House considered H.R. 889, the Coast Guard Authorization Act, I expressed my concern about a provision that would have altered the existing evaluation and approval process for the Cape Wind project, a 420 megawatt offshore wind farm proposed for Horseshoe Shoal off the coast of Massachusetts. That project is currently undergoing a thorough review process that is working with numerous federal and state agencies, as well as interested parties, to assess potential impacts to the environment, navigation and other areas of concern. When the House and Senate went to conference, I wrote to the head House conferees, explaining the strong support in Rhode Island for the project and cautioning about the potential negative ramifications of the provision on the growing wind energy industry, which will help diversify our Nation's energy supply by providing a clean and renewable source to millions of Americans.

Much to my dismay, during conference negotiations, a much broader restriction on the project was inserted—language that had not been considered by either the House or Senate—that would essentially circumvent the existing project by giving the Governor of Massachusetts veto power over this particular project. At a time when our Nation's economy is endangered by our dependence on foreign oil, we should be encouraging clean and renewable energy development, not blocking it. To protest this last-minute back-room conference deal, I joined the gentleman from New Hampshire, Mr. BASS, in leading an effort to ask the House leadership to prevent the consideration of any final agreement on the Coast Guard bill that contained language endangering the Cape Wind project in Massachusetts. I am pleased that widespread public opposition to the language forced it to be removed from the bill, and I will continue my efforts to promote the responsible development of clean and renewable energy in Congress.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 103.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of April 6, 2006 at page H1640.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 889.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2006.

This bill authorizes $8.7 billion in funding for the Coast Guard, including $1.6 billion for the recapitalization of Coast Guard vessels, aircraft and support systems.

Funding at this level would result in the acceleration of the Deepwater program and would provide a new, more capable fleet to support the Coast Guard's many traditional and homeland security missions.

The conference report also includes provisions related to Coast Guard's response in the regions that were affected last year by Hurricanes Katrina and Rita, and the impacts of the storms on the maritime industry.

The conference report also requires safety inspection for passenger ferries, makes it easier to prosecute illegal drug smugglers, encourages the construction and use of U.S. flag liquefied natural gas vessels, enhances maritime security by increasing penalties for violations of the Maritime Transportation Security Act, and adjusts oil spill liability limits for the first time since the Oil Pollution Act was passed in 1990.

H.R. 889 also includes legislation passed by the House as H.R. 1412, the Delaware River Protection Act.

This bill was introduced by the Coast Guard Subcommittee chairman, our colleague from New Jersey, Mr. FRANK LOBIONDO. I commend him for his hard work on this measure.

H.R. 889 is a truly bipartisan bill and deserves the support of each Member of this House.

Mr. Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. I yield myself such time as I may consume.

Mr. Speaker, I want to thank Chairmen YOUNG and LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work in bringing this conference report to the floor. It has been a long time coming, and I am glad to see the finish line ahead.

Every time this country faces an emergency, the Coast Guard is the first agency on the scene. The Coast Guard was the first agency to react to the terrorist attacks on September 11 and within minutes was guarding our ports and bridges and directing maritime traffic out of New York. They were also the only agency in the Bush administration to actually do their job during the devastation of Hurricane Katrina. That is worth repeating: they were the only agency in the Bush administration to actually do their job during the devastation of Hurricane Katrina. And they are still in the gulf region supporting the recovery effort.

They respond to these emergencies all while completing their core missions of search and rescue, drug interdiction, and enforcing maritime and fisheries laws.

Fortunately, the Transportation Committee realizes how important the Coast Guard is and has once again stepped up to the plate and provided the Coast Guard the true amount of funding they need to do their job. I encourage all my colleagues to support this bill and support full funding for the U.S. Coast Guard. It is simply the right thing to do for America.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Mr. YOUNG of Alaska. Mr. Speaker, at this time, I yield to the chairman of the subcommittee who has done an outstanding job, a man who understands the Coast Guard and really has been leading the Coast Guard for the last 6 years, the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. I thank the chairman for yielding, and I would like to thank Chairman YOUNG for his ongoing very strong support for the Coast Guard and their maritime missions.

H.R. 889, the Coast Guard and Maritime Transportation Act, authorizes nearly $8.7 billion in funding for the Coast Guard in fiscal year 2006. This authorization includes funding to support each of the Coast Guard's important missions, including many that have been highlighted in response to the tragedy that occurred in the gulf region last year.

The Coast Guard is a unique entity within the Federal Government, as both a military service and a Federal agency with law enforcement abilities and wide regulatory responsibilities. The men and women of the Coast Guard carry out their missions every day to protect the safety and security of our Nation. Whether the mission involves saving thousands of lives, responding to oil spills, keeping our ports and waterways open, or boarding a suspicious vessel, the men and women of the Coast Guard work tirelessly.

However, we cannot allow the commitment that is being shown by the men and women of the Coast Guard to go on without a real commitment by this body to provide the service with the assets and resources necessary to carry out all of these missions that we have asked them to do. H.R. 889 will authorize the funding levels required to do just that.

H.R. 889 authorizes $1.6 billion for the Coast Guard's Integrated Deepwater System, a critically important system. Every day our Coast Guard servicemembers must deal with the unfortunate reality that an aircraft or boat they command may lose power, spring a leak, or otherwise fail to operate. This is unacceptable. It puts the safety of our personnel and the success of their mission in real jeopardy. We must accelerate Deepwater to make replacement assets available now. I urge my colleagues to support funding levels in this bill and in the future to make this a reality.

H.R. 889 also includes important oil spill response and liability provisions originally included in the Delaware River Protection Act legislation that I introduced, along with Representatives SAXTON, CASTLE, ANDREWS, and SCHWARTZ, in the wake of the Athos I oil spill in the Delaware River. These provisions represent the first real effort in 15 years to strengthen our Federal oil spill prevention and response system. This bill will provide the Federal Government with the authorities that will enhance our capability to prevent and respond to future oil spills.

Once again, I would like to thank Chairman YOUNG for his strong support, Ranking Member OBERSTAR, as well as subcommittee Ranking Member FILNER for working with me to develop a strong bipartisan product. I would also like to thank our dedicated staff on both sides of the aisle for their work: John Rayfield, Eric Nagel, and Liz Megginson on the majority staff, and John Cullather on the minority staff, who did an outstanding job in helping us put this conference report together.

The bill takes a balanced approach to providing the resources and authorities necessary to support each of the Coast Guard's many and varied missions. Although the Coast Guard has received a great deal of attention for its port security mission, we must strive to protect the service's unique multi-mission character. We must maintain a Coast Guard with the ability to successfully accomplish each of its vital missions.

I would like to urge all my colleagues to support this important bill and continue to support the men and women of the Coast Guard who do such an exceptionally good job for the United States of America.

Ms. CORRINE BROWN of Florida. I continue to reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I echo the words of Mr. LOBIONDO. This Coast Guard that serves this great Nation of ours has done such an outstanding job over the years in my 34 years in Congress that I can only just applaud each time I see a Coast Guard vessel or a member of the Coast Guard or the flag that they carry.

It is a unique privilege, being in a State that has probably the greatest challenge of all the States and probably the most involved with the Coast Guard. When I first arrived in Congress, we had one Coast Guard station, actually two, one in Juneau, which was a command station, and one in Ketchikan, which was relatively small. Since that time, over the last 34 years, we now have, I believe, the largest Coast Guard unit in the United States on Kodiak Island.

They do a great job not only patrolling and watching for foreign interference of our fishing fleet, but saving my constituents. Many times they go out in weather, and I don't know how many of you watch the show of the most dangerous fishing, the "Dangerous Catch," they call it, but there you will see the Coast Guard involved rescuing people in hundred mile winds, or knots, of seas of about 40 feet, 50 feet, sometimes. Even so bad that it took a helicopter down last year when they were trying to rescue people off a foreign ship that was carrying soybeans.

But they do not only that, but they watch for oil spills which pollute our seas. They do it for the little fisherman going out in the small dinghy, in larger seas than he should have, to catch those big King salmon Alaska has that belongs to Alaska and doesn't belong to Washington State or Canada. And sometimes they get in trouble, and the Coast Guard is there. And the young men and women that enlist and stay voluntarily for years and years, I just compliment them.

This bill is a good bill. As mentioned by Mr. LOBIONDO, John Rayfield has done outstanding work. There were very tiring times, especially in conference, because we are dealing with a conference, and they are very difficult in this business we are in. Conferences with the other side are equally difficult but sometimes ridiculous in the sense of what we have to negotiate for. But we believe we have negotiated a good conference. Liz Megginson, my legal counsel, has done very well on this legislation.

And for my colleagues, this is the end of 2006 as far as the authorization for the Coast Guard. As of today, we will be introducing a 2007 reauthorization bill; and we will be working on that, hopefully with expedited results, and getting the bill out of the House and to the Senate to decide and maybe having the finalization and being ahead of the ball game. That is what we are going to attempt to do to try to make sure that the Coast Guard gets the recognition, the organization, the authorization and be able to fulfill the mission that they have and will continue to have.

Mr. Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I just want to once again thank Chairman YOUNG and Mr. LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work on this bill.

The Coast Guard, once again, is the first agency on the scene that is doing their job; and I am very pleased that we finally have a bill that we are going to send to the President's desk.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I would just close by urging my colleagues to support this legislation.

The House has under consideration the conference report (109–413) to the bill H.R. 889 to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

Mr. WEINER. Mr. Speaker, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard and Maritime Transportation Act of 2005, and to express my strong support of the bill.

It authorizes $8.7 billion for the Coast Guard for fiscal 2006, which will be used to perform the essential duties of the U.S. Coast Guard in the areas of homeland security, maritime safety, law enforcement, environmental protection, and emergency response: a mission area in which the Coast Guard led the pack in responding to Hurricane Katrina. To support these activities, the conference report authorizes $500 million in additional emergency funds for Katrina response.

Mr. Speaker, I want to highlight a provision that I offered and was accepted by the Committee last July and is included in this conference report. It directs the Environmental Protection Agency to conduct a study of the pollution in Newtown Creek caused by underground oil spills in Brooklyn, N.Y. The study is to be fully funded through the Oil Spill Liability Trust Fund. As outlined in section 410 of the conference report, this study is to be completed no later than one year after enactment of this law.

Newtown Creek is a 3.5 mile long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. The State of New York has ruled that the Creek does not meet water quality standards under the Clean Water Act. It is the single most polluted waterway in New York City, and its banks are home to the largest oil spill in the United States. The spill is 150 percent the size of the Exxon-Valdez spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the Creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operated along the banks of the Creek by the predecessors to ExxonMobil, BP/Amoco and Chevron-Texaco. To date, 8.7 millions gallons have been cleaned but estimates indicate it will take at least 25 more years to finish the remediation, primarily conducted by ExxonMobil under a 1990 consent agreement with the New York State Department of Environmental Conservation that sets no timetable for completion and includes no meaningful criteria for compliance.

Even though it has been over 25 years since the oil spill was detected, the public health and safety risks associated with the oil spill are still unknown.

The legislative intent of the amendment that directs the Coast Guard to study Newtown Creek (Creek) is for the Environmental Protection Agency to revisit the findings of the U.S. Coast Guard's July 1979 report entitled "Investigation of Underground Accumulation of Hydrocarbons along Newtown Creek," and address the following issues:

The actual current size of the Greenpoint Oil Spill (Spill) and the extent to which oil from each refinery site contributes to the Spill.

The extent and severity of surface water pollution and sediment contamination from the Spill, and methods to prevent further seepage into the Creek.

The Spill's impact on existing conditions in the Creek including but not limited to low levels of dissolved oxygen and high levels of bacteria.

The interaction between pollution from the Spill and pollution from other sources in the Creek including but not limited to Combined Sewer Overflow Pipes and the Newtown Creek Sewage Treatment Plant.

The extent to which oil and contaminated sediments in the Creek disperse into New York Harbor.

The extent to which the Spill has affected aquatic species in the Creek and Harbor, and methods to prevent further harm.

The extent to which the Spill has affected groundwater in the surrounding area, and methods to prevent further harm.

The extent and severity of contaminated soil in the area affected by the Spill, and methods to prevent further harm.

Any public health issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

Any safety issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

The extent to which the current remediation efforts are sufficient, and any new technologies or approaches that could accelerate product recovery and/or improve the scope of the remediation.

I would like to express my thanks to Chairman YOUNG, Mr. OBERSTAR, Chairman LOBIONDO, and Mr. FILNER for their willingness to work with me on this very important yet often overlooked Issue. The country will benefit from renewed Federal attention on this oil spill, the largest in the country.

Furthermore, I would like to thank my Democratic colleagues in the New York City delegation, all of whom signed a letter to conferees urging that this study be included in the conference report. I would especially like to commend Mrs. VELÁZQUEZ, who represents the people of Greenpoint. She and I have worked together closely on this initiative.

Additionally, I would like to thank both the Democratic and Republican staff of the Transportation Committee and the Subcommittee on the Coast Guard and Maritime Transportation. In particular, Ward McCarragher and John Cullather of Mr. OBERSTAR's staff and Fraser Verrusio and John Rayfield of Mr. YOUNG's staff were very helpful.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of this conference report. It was my pleasure to serve as a conferee on the Fiscal Year 2006 Coast Guard authorization bill.

I am a strong supporter of the Coast Guard men and women who valiantly serve our nation.

Through their hard work and dedication, 33,000 people were saved in the aftermath of Hurricane Katrina.

This will not be the last time that we will turn to the Coast Guard for help.

Congress must provide the Coast Guard with the support it needs to perform its security and life-saving missions.

The Coast Guard's current assets are deteriorating quickly, and the Administration has clearly failed to realize that there is a problem.

The Administration's request for the Deepwater program, which will provide the Coast Guard with more modern equipment, was $32 million less than last year.

Congress, recognizing the problem, authorized funds in this bill that will help accelerate the purchasing of Deepwater assets.

I had hoped that even more funds would be authorized for the Deepwater program. In the Homeland Security Committee's mark-up of H.R. 4954, the SAFE Ports Act, I supported an amendment offered by Rep. Donna Christensen (D–VI) that would have provided enough funds to complete the Deepwater program in ten years rather than the current twenty years. I wish that provision had been accepted in this bill.

Nonetheless, the funding level in this bill is a good first step.

Finally, this bill establishes a review process before an Administrative Law Judge for individuals denied a Transportation Worker Identification Credential (TWIC).

TWIC cards will be required for all port workers.

If a person is denied a TWIC, he or she will not able to work.

Therefore, it is critically important that a neutral party be involved in deciding whether or not an individual should be denied this card.

Every person deserves the opportunity to work and the government cannot arbitrarily inhibit this right.

I thank the other conferees on both sides of the aisle for working with me on this conference report, and I recommend my colleagues support it.

Mr. YOUNG of Alaska. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and agree to the conference report on the bill, H.R. 889.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4843) to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Veterans' Compensation Cost-of-Living Adjustment Act of 2006".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2006, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amounts in effect under section 1311(b) of such title and paragraph (1) of section 1311(f) of such title (as redesignated by subsection (e) of this section).

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) BASE FOR INCREASE.—The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2006.

(2) PERCENTAGE OF INCREASE.—Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security

Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) ROUNDING.—Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) DESIGNATION CORRECTION.—Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2006, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4843, as amended, is one of the more important bills the committee brings to the floor each year.

On April 6 of this year, the Subcommittee on Disability Assistance and Memorial Affairs, chaired by Mr. MILLER of Florida, took testimony on H.R. 4843. The subcommittee then marked this bill on June 8 and reported the bill favorably to the full committee by unanimous voice vote. The full committee reported the bill, as amended, on June 22.

H.R. 4843, as amended, would provide a cost-of-living adjustment, a COLA, to disabled veterans and certain survivors in the same amount given to Social Security recipients. All veterans who receive disability compensation and qualified survivors would receive the adjustment beginning December 1 of this year. Congress has acted on COLA legislation every fiscal year since 1976.

More than 2.6 million veterans receive service-connected disability compensation. These benefits are paid monthly and range from $112 for a 10 percent disability to $2,393 for a 100 percent disability. Additional monetary benefits are available for our most severely disabled veterans, as well as those with dependents.

Spouses of veterans who died on active duty or as a result of a service-connected disability may also be entitled to monetary compensation. The amount of the dependency and indemnity compensation is $1,033.

Additional amounts are paid to survivors who are housebound or in need of aid and attendants or have minor children. Currently, about 340,000 surviving spouses and children are receiving survivors' benefits.

The amendment to the bill by Ms. BERKLEY would also provide a COLA to the dependency and indemnity compensation transitional benefit. Established in Public Law 108–454, transitional DIC is a 2-year benefit; and it is intended to ease the family's transition following the death of a service member or veteran.

The Congressional Budget Office is projecting a 2.2 percent COLA increase, but it may be higher or lower depending upon the changes in the Consumer Price Index. The exact percentage will be calculated as of September 30, 2006.

The cost of providing a COLA is assumed in the administration's budget baseline; therefore, it will be budget neutral. Additionally, H.R. 5385, the Military Quality of Life and Veterans Affairs and Related Agencies Appropriations Bill of 2007 fully funds a veterans' COLA effective December 1, 2006.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Chairman BUYER, Ranking Member LANE EVANS, subcommittee Chairman JEFF MILLER and our subcommittee Ranking Member, Ms. BERKLEY, for their work on this bill. In particular, I want to thank Ms. BERKLEY for her amendment, which was offered during our markup and which received unanimous bipartisan support.

H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006, will help our service-disabled veterans and their survivors maintain the purchasing power of their benefits in 2007. Ms. BERKLEY's amendment assures our Gold Star Wives with young children that the value of their benefit will not continue to erode as it did during this current year.

Unfortunately, many do not fully recognize that the benefits we pay to men and women who have borne the battle, their widows, widowers, and children are a continuing cost of war. Indeed, the VA is currently paying benefits to survivors of Civil War veterans. We have a moral obligation to the men and women who put on the uniform and are harmed in the service of the Nation that we will compensate them for the harm which occurs. We have many examples where this is not being done, because, although costs increase, the benefit has remained static. The least we can do for the young families of our deceased veterans is to provide them the full value of the 2-year transitional benefit they receive.

Although we will not know the exact percentage by which the benefit is to be increased until the Consumer Price Index is calculated in October, I expect this bill will help VA beneficiaries maintain the value of their benefits.

☐ 1430

No amount of money can ever compensate our veterans for the loss of their health or the families for the loss of a loved one. Nonetheless, it is critical that the monetary value of these benefits, which partially compensate for such losses, is not reduced merely by the passage of time.

In 2004, over 28,000 veterans in New Mexico received disability compensation or pension payments from the VA. Many New Mexico family members of veterans and their survivors also receive VA cash benefits. The action we are taking here today will help the veterans in my congressional district who depend on these VA benefits.

H.R. 4843, as amended, will receive my full support; and it deserves the support of all Members of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I have no additional speakers.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), a member of the Veterans' Affairs Committee who has been a fighter for our Nation's veterans.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to support this bill to increase the veterans compensation, or COLA. It is important to pass this legislation to support those who have put their lives on the line to protect the freedom this country holds so dear.

This money is very important to veterans living on fixed incomes and very little outside support. The COLA increase is tied to the Social Security COLA, which could change depending on the Consumer Price Index.

While many of the beneficiaries of the increase are veterans of past wars, the disabled from the current war, Operation Enduring Freedom and Operation Iraqi Freedom, will benefit also.

Those injured in the current war are surviving once fatal injuries at greater numbers than anytime in the past. The rates of disability compensation and dependency and indemnity compensation affected by the COLA will help those recovering to have a better quality of life and help them to become contributing members of society.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4843, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Speaker, I would also like the Members to note that last year when we came to the floor, we thought that the COLA was going to be about 2.7 percent. Once they did the adjustment on the CPI, it ended up being about 4.1 percent. I don't know what it is going to be this year. That was a huge change. Even though we are saying approximately 2.2, I don't know what it is going to be.

I would like to thank LANE EVANS and BOB FILNER for their work. I would also like to thank Mr. MILLER and Ms. BERKLEY. I would like to thank Mr. UDALL and Ms. BROWN. Also, I thank them in appreciation for the timely fashion in which they moved this bill through the committee and now onto the floor.

Mr. Speaker, I urge my colleagues to support the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

Mr. MICHAUD. Mr. Speaker, I rise today in strong support of H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

This is a good bipartisan bill.

It will help to ensure that the real value of the benefits earned by our veterans does not decrease as prices rise.

These benefits are critical for many veterans and their families to help make ends meet.

Veterans and their families need to know that the purchasing power of their earned benefits will not decrease over time.

This legislation also includes a provision similar to my bill, H.R. 1573.

Last Congress, in response to a VA evaluation, we passed legislation to provide an increase of $250 to the monthly DIC, Dependency and Indemnity Compensation, benefit for surviving spouses with children under 18 for the first 2 years of eligibility.

While I believe that we should make this benefit permanent, especially in light of the brave men and women giving their lives in Iraq and Afghanistan; the provision in today's bill is extremely important and will ensure that this benefit maintains its value over time.

I want to thank Ms. BERKLEY for her amendment in Committee to include this provision.

This is a good bill that will help veterans and their families across the country and I urge my colleagues to support it.

I hope that this is the first of many bills that we will now move forward to improve the benefits and quality of care provided to our veterans and their families.

I congratulate Chairman MILLER of Florida for introducing this important bill, and I thank full committee Chairman STEVE BUYER and full committee Ranking Member LANE EVANS for moving this legislation forward.

Mr. MILLER of Florida. Mr. Speaker, I rise in strong support of H.R. 4843, as amended, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

On March 2, 2006, as Chairman on the Subcommittee on Disability Assistance and Memorial Affairs, I introduced H.R. 4843 with SHELLEY BERKLEY, Ranking Member of the Subcommittee, and STEVE BUYER and LANE EVANS, Chairman and Ranking Member, respectively, of the Committee on Veterans' Affairs. On June 22, 2006, the full Committee adopted an amendment offered by Ms. BERKLEY to provide the annual adjustment to a two year transitional benefit offered under the dependency and indemnity compensation program.

Each year since 1976, Congress has provided a cost-of-living adjustment (COLA) to the benefits provided to our Nation's disabled veterans and their survivors. The purpose of the annual COLA is to ensure that Department of Veterans Affairs (VA) cash benefits retain their purchasing power and are not eroded by inflation.

The Committee is following its longstanding practice of setting the COLA by reference to the yet-to-be-determined Social Security increase. In February 2006, the Administration projected a 2.6 percent increase; as of May 2006, the Congressional Budget Office is projecting the COLA to be 2.2 percent. However, it may be higher or lower depending on changes in the Consumer Price Index. The exact percentage will be calculated as of September 30, 2006, and the COLA will go into effect on December 1, 2006.

As Chairman BUYER indicated, this is one of the more important pieces of legislation the Veterans' Affairs Committee brings to the floor each year, and I urge my colleagues to support the bill.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

As a cosponsor of this bill, I would like to thank my colleagues in the House Veterans' Affairs Committee for expediting its consideration in committee and for their strong bipartisan support.

H.R. 4843 would raise disability compensation for veterans and dependency and indemnity compensation for their survivors by 2.2 percent beginning December 1, 2006. It would also increase benefits for spouses with children under 18 who recently experienced the death of a husband or wife due to military service.

Rising medical expenses coupled with disabilities generate some of the most burdensome financial situations veterans face. El Paso, TX, is home to approximately 60,000 veterans, many of whom depend on government compensation to sustain them as well as of their families. Increasing rates for veterans' compensation is an important part of recognizing and repaying veterans after they so courageously risked their lives in service to our country.

Mr. Speaker, our Nation's veterans and their dependents deserve our utmost appreciation for their service to our country. I ask all my colleague to join me in voting favorably on H.R. 4843.

Mr. BUYER. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 4843, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire) at 6 o'clock and 34 minutes p.m.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on further motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

CONGRATULATING THE MIAMI HEAT FOR WINNING THE 2006 NBA CHAMPIONSHIP

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 887) congratulating the Miami Heat for winning the 2006 NBA Championship.

The Clerk read as follows:

H. RES. 887

Whereas on June 20, 2006, the Miami Heat defeated the Dallas Mavericks, the Western

Conference Champions, in 6 games to win the 2006 National Basketball Association (NBA) Championship;

Whereas Dwyane Wade, of the Miami Heat, was named the 2006 NBA Finals Most Valuable Player;

Whereas the Miami Heat defeated the Chicago Bulls in 6 games in the first round of the NBA playoffs;

Whereas the Miami Heat defeated the New Jersey Nets in 5 games in the second round of the NBA playoffs;

Whereas, in the third round of the NBA playoffs, the Miami Heat defeated the Detroit Pistons, their archrival and the defending Eastern Conference Champions, in 6 games;

Whereas the "White Hot" Miami Heat fans sold out the American Airlines Arena and cheered on their hometown team;

Whereas the Miami Heat remained persistent and continued to believe in themselves throughout the playoffs;

Whereas the Miami Heat are the first team since 1977 to win 4 NBA Finals games consecutively after losing the first two games, and in doing so, the Miami Heat made one of the most stunning turnarounds in NBA history;

Whereas the Miami Heat became just the third team in the history of the NBA Finals to win a series after losing the first two games, and the first team in the history of the NBA Finals to do so after losing the first two games by double-digit margins;

Whereas this is the first NBA championship title for the Miami Heat, which has long been one of the most outstanding basketball programs in the Nation;

Whereas Pat Riley, the head coach of the Miami Heat, has cemented his legacy as one of basketball's all-time great head coaches by winning his fifth NBA championship title;

Whereas, in game 3 of the NBA Finals, the Miami Heat were losing by 13 points on their home floor with only 6 minutes 30 seconds left;

Whereas the Miami Heat came back with the tenacity of Dwyane Wade and won game 3 of the NBA Finals by 2 points;

Whereas Micky Arison, owner and Managing General Partner of the Miami Heat; Pat Riley, Head Coach and President of Basketball Operations; Randy Pfund, General Manager; Eric Woolworth, President of Business Operations; and Andy Elisburg, Senior Vice President of Basketball Operations, have shown a positive commitment to the Miami Heat franchise by successfully acquiring, assembling, and maintaining a team of high-quality, winning players;

Whereas "15 strong" brought the first NBA championship title to the City of Miami;

Whereas the Miami Heat team of skilled players, including Derek Anderson, Shandon Anderson, Earl Barron, Michael Doleac, Udonis Haslem, Jason Kapono, Alonzo Mourning, Shaquille O'Neal, Gary Payton, James Posey, Wayne Simien, Dwyane Wade, Antoine Walker, Jason Williams, and Dorell Wright, contributed extraordinary performances during the regular season, the NBA playoffs, and the NBA Finals;

Whereas veteran Michael Doleac, and future stars Jason Kapono, Wayne Simien, Dorell Wright, Earl Barron, and Matt Walsh, helped shape the Miami Heat by preparing the starters for the postseason, giving the starters tough practices and quality scrimmages;

Whereas Shandon Anderson and Derek Anderson added to the Miami Heat's experience base by bringing their knowledge and NBA Finals experience from runner-up finishes in Utah and San Antonio, respectively;

Whereas, in game 6 of the NBA Finals, James Posey hit a big 3-pointer to put the Miami Heat up by 6 points with only 3 minutes left to play;

Whereas Alonzo Mourning, returning from a nearly career-ending kidney illness and kidney transplant, came up with 6 rebounds and 5 monster blocked shots to turn the tide in game 6 of the NBA Finals;

Whereas Gary Payton, having consistently shown his greatness on two near-championship NBA teams, hit a 21-foot jumper to save and seal a comeback victory for the Miami Heat in game 3 of the NBA Finals;

Whereas Jason Williams shot a team-high 34 percent from the three-point line and led the Miami Heat in assists during the NBA Finals, while directing the Miami Heat offense from the point guard position;

Whereas Antoine Walker, the Miami Heat's second-highest scorer in the NBA Finals, scored 14 points and kept the Miami Heat in important point-scoring opportunities by pulling down 11 big rebounds in game 6 of the NBA Finals;

Whereas Udonis Haslem, playing with a badly injured shoulder, showed the heart of a champion by contributing 17 points, 10 rebounds, and 2 steals, one of which was with time winding down;

Whereas Shaquille "Shaq" O'Neal came to the Miami Heat and on July 21, 2004 said, "I want ya'll to remember this day, because we're going to do it again in June. I'm going to bring a championship to Miami. I promise you.";

Whereas Shaq delivered over 1,100 points, 104 blocks, 113 assists, and 541 rebounds in the regular season, adding another 83 points, 5 blocks, 17 assists, and 33 rebounds in the NBA Finals for his fourth NBA championship title;

Whereas Dwyane Wade scored 42, 36, 43, and 36 points in the Miami Heat's NBA Finals victories, leading all scorers;

Whereas, in the NBA Finals, Dwyane Wade had the Miami Heat's second-highest rebound total, with 47; the second-highest number of assists, with 28; the second-highest number of blocks, with 6; the highest free throw percentage, at 77 percent; and the highest point total from the free-throw line, with 75; all in route to his first NBA Finals Most Valuable Player award;

Whereas the Miami Heat coaching and support staff, including Head Coach Pat Riley; Assistant Coaches Bob McAdoo, Keith Askins, Erik Spoelstra, and Ron Rothstein; Assistant Coach/Advance Scout Bimbo Coles; Strength and Conditioning Coach Bill Foran; Athletic Trainer Ron Culp; and Assistant Trainer Jay Sabol, exhibited exemplary leadership and guidance to the team;

Whereas the Miami Heat have not only been players on the court, but have also been instrumental role models to the south Florida community;

Whereas the Miami Heat organization has a positive civic impact on the south Florida community through the Miami HEAT Family Outreach Charitable Fund, Heat Academy, Heat Scholarships, Miami Heat Read to Achieve, Miami Heat Fun-Raiser, Miami Heat Wheels, Shoot For the Stars Books and Basketball Summer Clinics, Heat Youth Basketball, and the Miami Heat Learn to Swim Program; and

Whereas the Miami Heat fans are a part of this championship by supporting the team and giving the team the energy, strength, love, and passion to compete each and every season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates—

(A) the Miami Heat for winning the 2006 National Basketball Association (NBA) World Championship and for their outstanding performance during the 2005–2006 NBA season; and

(B) Miami Heat guard Dwyane Wade for winning the 2006 NBA Finals Most Valuable Player Award;

(2) recognizes and praises the achievements of the Miami Heat players, coaches, management, and support staff whose hard work, dedication, and resilience proved instrumental throughout the Miami Heat's championship season;

(3) commends the south Florida community and the Miami Heat fans for their dedication; and

(4) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) each of the Miami Heat players;

(B) Pat Riley, Miami Heat Head Coach and President of Basketball Operations;

(C) Micky Arison, Miami Heat owner and Managing General Partner;

(D) Randy Pfund, Miami Heat General Manager;

(E) Eric Woolworth, Miami Heat President of Business Operations;

(F) Andy Elisburg, Miami Heat Senior Vice President of Basketball Operations;

(G) each of the Miami Heat coaches and trainers;

(H) the Honorable Manny Diaz, Mayor of the City of Miami, Florida;

(I) the Honorable Carlos Alvarez, Mayor of Miami-Dade County, Florida; and

(J) the Honorable Jeb Bush, Governor of the State of Florida.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Florida (Mr. MEEK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to congratulate south Florida's own Miami Heat for winning the 2006 NBA championship. This momentous occasion marks the first NBA championship title for the Heat, a young franchise with a proud basketball tradition.

Despite some hardships in the beginning of the 2005–2006 season, the Miami Heat remained persistent throughout the playoffs and the finals.

I would like to recognize especially the Heat fans, as they are an integral part of this championship. Their relentless support energized the Heat players to compete each and every game. The "White Hot" Heat fans also helped to sell out the American Airlines arena and cheer their hometown team on to victory. An estimated 200,000 Heat fans came together last Friday during a parade down Biscayne Boulevard to celebrate the team's first championship in 18 years as a franchise.

The Miami Heat players are not only an inspiration on the court, Mr. Speaker, but they are also role models to the youth of south Florida. Through its many charitable organizations, such as the Miami Heat Family Outreach Charitable Fund, Heat Scholarships, and the Miami Heat Read to Achieve program, the Heat franchise has contributed to the well-being of our community.

The Heat coaching and support staff, led by head coach Pat Riley and owner, Micky Arison, have shown a positive commitment to the Heat franchise by successfully acquiring, assembling, and maintaining a team of high-quality winning players. And, of course, we need to applaud the achievements of the Miami Heat players, whose hard work and dedication proved instrumental throughout this NBA championship.

The outstanding support given by the city of Miami, Miami-Dade County, and the State of Florida were all crucial in forging one of the best teams we have ever seen.

Congratulations to our 15-strong Miami Heat team for bringing the first NBA title, the first of many, Mr. Speaker, to the city of Miami and to everyone who has participated in this magnificent season.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is definitely an honor being here on the floor with my colleague ILEANA ROS-LEHTINEN and also other colleagues from the Florida delegation to commend the Miami Heat. I am so glad my colleagues are here.

As we know, the Miami Heat was a team that kind of came together over a period of 19 years to be able to bring about the kind of championship series that we have been able to witness over the last couple of weeks.

I would like to commend the Dallas Mavericks for a hard-fought game, and I believe that it was a game of life. I mean, there were mistakes made and there were also ups and downs; but I can tell you when the Miami Heat was down by two games, they came fighting back and it was not easy, and I want to thank not only the Dallas fans but especially the Miami fans, and I want to thank the NBA in general for all of their assistance to local communities in Miami and also in Dallas.

I would also like to, as we commend the Miami Heat, commend American Airlines for all that they did to not only assist both teams because they have arenas in both cities. They do quite a bit in both cities, and they also help fans travel back and forth to the games. I can tell you that this is especially unique for Miami because we have so many of the players who have been in the NBA for so long.

Just on a personal note, a personal friend of mine, Alonzo Mourning, has a youth center in the middle of my district in Overtown, which is one of the areas where children are challenged, in a safe place to be. He has been able to provide that and is leading into his 10th year of a program called Zo's Summer Groove where a number of NBA players come to south Florida, along with the Miami Heat, and raise a lot of money for great kids.

And I am also pleased with the coaching staff. I want to thank the members of the Florida delegation and Ms. ROS-LEHTINEN for putting in and mentioning the coaching staff and the front office there at the Miami Heat and Pat Riley, who has done an excellent job and who will go down in NBA history as one of the greatest coaches ever coaching the game.

For the Miami Heat fans, we can't say enough. This resolution also outlines their contributions. Some 200,000 members of south Florida's community came out in celebration of the Miami Heat. And as we all know, Dwyane Wade, and we all know Shaquille O'Neal, there are a number of players there that have contributed quite a bit; and I can tell you that that sixth player on the court has always been the Miami Heat fans. Even when the Heat are out of town, I think we have a good travel team that goes along with them, Heat fans, and I know the "White Hot" fans that are still white hot for the Heat are still celebrating and still appreciating. As we are here now tonight, Mr. Speaker, Shaquille O'Neal who is one of the outstanding philanthropic members of our community and who cares so much about the people, he is actually putting on a celebration party on South Beach as we speak.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute.

I just would like to congratulate Mr. MEEK for rallying the support of our delegation behind the Miami Heat. Throughout every game, even those first tough ones, he was passing out beads for the Miami Heat and rallying support, along with Members of this body, even giving Heat beads to Dallas fans. So he was winning converts one fan at a time.

Mr. Speaker, I would like to yield such time as he may consume to another fan of the Miami Heat championship season, my good friend, Mr. FOLEY.

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for yielding.

I appreciate the efforts of both of my colleagues from south Florida, particularly Dade County, for introducing this resolution, H. Res. 887. I rise in strong support, and I want to congratulate the Miami Heat for winning the 2006 NBA championship.

As chairman of the Travel and Tourism Caucus, I would also like to signal a hearty good luck to the American Airlines arenas, hosting both the Mavericks and the Heat. They had the good fortune of having the naming rights on both of those facilities; so they too have benefited significantly from this. American Airlines is an important airline in Florida into the Miami market and to Latin America; so they too join in the celebration as well.

Since taking over the Heat a decade ago, owner Micky Arison has built the Heat into one of the NBA's marquee franchises. His steadfast leadership has now been rewarded with his first NBA championship.

I want to congratulate coach Pat Riley. As many of you know, Coach Riley returned to the Heat bench part way into the season and led his team to a successful regular season and to the NBA finals. He brought together a team of many different personalities, leading them as one cohesive unit.

I also want to recognize finalist MVP Dwyane Wade. Anyone watching could see that Mr. Wade elevated his game to another level during the finals. The Heat found themselves down two games to none and down by 13 points with only 6 minutes remaining in game three. This was when Mr. Wade took over and led the Heat to a roaring comeback before a cheering crowd at American Airlines Arena.

And we all know the Heat could not have done this without the outstanding effort and leadership of Shaquille O'Neal. When Mr. O'Neal was traded to the Heat in the summer of 2004, he promised he would bring a championship to Miami, and he held true to his promise.

I also feel special recognition is in order for veteran players Gary Payton and Alonzo Mourning. This is a well-deserved championship for Alonzo as he has battled back from kidney disease and a kidney transplant to win his first championship.

□ 1845

This is a remarkable feat of accomplishment for any human being, much less a player of which so much is demanded on the court.

I commend all the players and everyone involved with the Heat organization, including such fans as my local supporter, Richard Bernstein, who was here in D.C. and decided to fly home during the finals to his regular seat in the arena. He has been a passionate advocate for the Heat. He has never given up on them, no matter how dismal the season; and, of course, his loyalty and steadfast determination to sit by the Heat players as they went season to season has been amply rewarded by this outstanding victory.

South Florida is thrilled. We will cherish and remember this 2006 world championship. To all the fans who have given loyal support to the team, we thank them as well. All Florida celebrates the Miami Heat's championship.

Mr. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Palm Beach for sharing those very thoughtful comments.

Mr. Speaker, I want to say how important this is not only for South Florida but also for the country. This team is a team of individuals that have been on NBA rosters for some time, and also some newcomers. Dwyane Wade was not known by the rest of the country prior to this NBA championship and this series.

Just from a personal note, I took my two children to the game five; and it was one of the most enjoyable games I have ever witnessed in my entire life. Being there with my children and seeing so many other parents there with their children witnessing such a game between two great NBA teams was something I know they will never forget and something I will never forget.

Mr. Speaker, I hope we can continue this. Like Ms. ROS-LEHTINEN has said, I hope this is just the first of several resolutions. I look forward to coming to the floor commending the Miami Heat and commending the fans.

But to my friends from Texas and from Dallas, I just want to let them know they have a great team, also; and we look forward to beating them, I mean playing with them, in the future as we move on.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to thank my staff member, Eddy Acevedo, for his work in getting all of our Florida delegation united on this resolution.

As my good friend from Florida (Mr. MEEK) has pointed out, the Miami Heat players are not only tremendous athletes, outstanding people, but they also give back to the community so much. We thank them for their contribution to making South Florida a better place in which to live.

Mr. Speaker, I urge all Members to support the adoption of House Resolution 887.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 887.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

* * *

REAUTHORIZING PERMANENTLY USE OF PENALTY AND FRANKED MAIL RELATING TO LOCATION AND RECOVERY OF MISSING CHILDREN

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4416) to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

The Clerk read as follows:

H.R. 4416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF TERMINATION OF AUTHORITY TO USE PENALTY AND FRANKED MAIL TO LOCATE AND RECOVER MISSING CHILDREN.

Public Law 99–87 is amended by striking section 5 (39 U.S.C. 3220 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Florida (Mr. MEEK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4416, a bill which permanently reauthorizes the use of penalty and franked mail in efforts relating to the location and recovery of missing children. This bill was passed by the Government Reform Committee by a voice vote on June 8.

I would like to thank my colleague from California, Juanita Millender-McDonald, for sponsoring this very important bill.

According to the U.S. Department of Justice, every day more than 2,100 children are reported missing somewhere in the United States. We are all familiar with the missing child notices that appear in the media, on government office bulletin boards, on advertising mail and, of course, on milk cartons. These notices provide immeasurable help in bringing missing children home. According to the National Center for Missing and Exploited Children, one out of every six children featured on these notices are recovered.

This bill will allow Members of Congress and Federal agencies to continue to assist in the recovery of missing children by authorizing them to include missing child notices on their official and franked mail envelopes. The wider these notices are disseminated, the greater the chances that someone will recognize a missing child and contact the proper authorities.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in consideration of H.R. 4416, legislation sponsored by Representative MILLENDER-MCDONALD, which would permanently reauthorize the use of franking and penalty mail by Congress and Federal agencies and departments. This measure, which was unanimously reported from the Government Reform Committee on June 8, would allow Members to assist in efforts to locate and to recover missing children.

First enacted in 1985, this program authorized the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to prescribe guidelines under which the government and franked mail may be used to help find and recover missing children. The law also authorized the Senate Committee on Rules and the House Commission on Congressional Mailing Standards to establish guidelines for the use of franked mail in the House and Senate.

Although the law was reauthorized three times, the underlying statutory authority expired in 2002. H.R. 4416 would permanently reauthorize this very important effort. The placement of photos of missing children on government and congressional mail will greatly assist in locating and recovering children.

Mr. Speaker, I commend my colleague, Ranking Member MILLENDER-MCDONALD, for sponsoring this bill; and I urge my colleagues to include photos of missing children on their official and franked mail.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I include for the RECORD a letter from Congressman Vernon Ehlers, chairman of the Committee on House Administration, regarding the bill before us that is under consideration.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION, LONGWORTH HOUSE OFFICE BUILDING,
Washington, DC, June 14, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I write concerning H.R. 4416, a bill to permanently reauthorize the use of penalty and franked mail in efforts relating to the location and recovery of missing children. H.R. 4416 was ordered reported by the Committee on Government Reform on June 8, 2006.

As you know, the Committee on House Administration received a joint referral on the bill because of the Committee's jurisdiction over matters concerning Congressional franking privileges. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Sincerely,

VERNON EHLERS,
Chairman.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time; and I hope that our colleagues support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4416.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

UNITED STATES-OMAN FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–118)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Oman Free Trade Agreement (FTA). This FTA enhances our bilateral relationship with a strategic friend and ally in the Middle East region. The FTA will benefit the people of the United States and Oman, illustrating for other developing countries the advantages of open markets and increased trade.

In negotiating this FTA, my Administration was guided by the objectives set out in the Trade Act of 2002. Congressional approval of this FTA will mark another important step towards creating a Middle East Free Trade Area. Like our FTA with Bahrain that the Congress approved in December 2005, and our FTA with Morocco that was approved in July 2004, this FTA offers another important opportunity to encourage economic reform in a moderate Muslim nation. Oman is leading the pursuit of social and economic reforms in the region, including by selling state-owned businesses, encouraging foreign investment connected to broad-based development and providing better protection for women and workers. It is strongly in our national interest to embrace these reforms and do what we can to encourage them.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 26, 2006.*

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 109–528) on the resolution (H. Res. 845) requesting the President and directing the Secretary of Defense and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution, documents relating to the termination of the Department of Justice's Office of Professional Responsibility's investigation of the involvement of Department of Justice personnel in the creation and administration of the National Security Agency's warrantless surveillance program, including documents relating to Office of Professional Responsibility's request for and denial of security clearances, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1900

ILARIO PANTANO'S MEMOIR

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that I might speak at this time.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, on April 5, 2005, I rose on the House floor in defense of former Marine Lieutenant Ilario Pantano, who had been accused of premeditated murder for his actions in April 2004 that resulted in the deaths of two suspected Iraqi insurgents.

At that time I encouraged my colleagues to support a resolution calling on the United States Government to dismiss all charges against Lieutenant Pantano who had defended the cause of freedom, democracy and liberty, while serving as a platoon commander in Iraq.

In an action of self-defense, Lieutenant Pantano made a split-second battlefield decision to shoot two suspected Iraqi insurgents who refused to follow his orders to stop their movement towards him. Lieutenant Pantano did his duty as any marine officer should when faced with the enemy.

Following a 5-day military hearing in May 2005, the truth of Lieutenant Pantano's innocence prevailed, and he was cleared of all charges. Lieutenant Pantano left the Marine Corps following the dismissal of the charges brought against him, as the media frenzy surrounding his case may have put him or other corps members at greater risk were he to return to duty.

As an outstanding leader and dedicated servant to the Marine Corps and our Nation, I believe Lieutenant Pantano's resignation was a great loss for the Marine Corps and a great loss for America. Mr. Speaker, I recall these events to draw attention to the recent release of a memoir by Lieutenant Pantano, coauthored by Malcolm McConnell, entitled: "Warlord, No Better Friend, No Worse Enemy."

Ilario Pantano first enlisted in the Marine Corps at the age of 17 and was inspired to reenlist following the terrorist attack of September 11 of 2001, 10 years after his service as an elite marine sniper and a veteran of Desert Storm.

Answering the patriotic call to duty, Lieutenant Pantano voluntarily left a successful career in finance to head to officer's training school in Quantico, Virginia. As a platoon commander in Iraq, Lieutenant Pantano was praised by his fellow marines and superiors as a capable and devoted leader and an intelligent and motivated officer who embodied the Marine Corps principles of honor, courage, and commitment.

As someone who had the pleasure of meeting Lieutenant Pantano, along with his lovely wife, Jill, and his two sons, I believe every American would benefit from reading the inspiring story of such a great American and a military hero.

Mr. Speaker, I am confident that those who read Lieutenant Pantano's story will come to a better understanding of the depth of his strength and heroism, both on the battlefield and in the courtroom.

Mr. Speaker, I close by asking God to please bless the men and women in uniform and to ask God to continue to bless America.

RAISING AWARENESS OF AUTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to bring attention to a disease that has a profound impact on those it afflicts. Autism is a bioneurological developmental disability that generally appears before the age of 3.

Autism impacts the normal development of the brain in the areas of social interaction, communication skills, and cognitive function. Individuals with autism typically have difficulties communicating and interacting with others and often engage in repetitive behaviors. Individuals with autism often suffer from numerous physical ailments, which may include allergies, asthma, epilepsy, digestive disorders, persistent viral infections, feeding disorders, sensory integration dysfunction, sleeping disorders and more.

Some may be surprised, Mr. Speaker, to learn that autism is diagnosed four times more often in boys than girls. Its prevalence is not affected by race, region or socioeconomic status. According to the National Autism Association, autism and related developmental disorders affect one in 166 people across the country, 10 times as many as just a decade ago.

No one knows for certain what causes autism. Some believe that anything from genetics to certain vaccines can lead to autism. Those with infants and toddlers should watch for the early signs of autism, which include no big smiles by 6 months, no sharing of sounds, smiles or facial expressions by 9 months, and no babbling by 12 months, no words by 18 months, and any loss of speech or social skills at any age.

I wish to repeat that, Mr. Speaker: those with infants and toddlers should watch for the early warning signs of autism, which include no big smiles by 6 months, no sharing of sounds, smiles or facial expressions by 9 months, no babbling by 12 months, no words by 18 months, and any loss of speech or social skills at any age.

Autism, however, does not affect life expectancy. Currently there is no cure for autism, though with early intervention and treatment, the diverse symptoms related to autism can be greatly improved. This makes it imperative that appropriate resources are available to help people with autism and their families.

Mr. Speaker, I intend to take to this floor over the coming weeks and months to highlight the impact autism has on those it afflicts and those who care for them. I hope by doing so that I can help raise awareness about this disease and encourage greater understanding about the importance of research into its prevention, detection and treatment.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–529) on the resolution (H. Res. 890) providing for consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–530) on the resolution (H. Res. 891) providing for consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

JOBS AND THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. SAXTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. SAXTON. Mr. Speaker, I rise at this time to say a few words about the U.S. economy, which has been actually quite good. It is quite amazing for us here in the House with all of the responsibilities that we have and with all of the responsibilities outside of the beltway that the American people have to just take a minute or a few minutes, I guess, to review the current economic situation.

Mr. Speaker, as the chairman of the Joint Economic Committee, some of the observations are quite apparent to me, and I just wanted to share these observations with my colleagues and with others who may be present.

According, Mr. Speaker, to most neutral observers, including the Federal Reserve and a consensus of private economists, the economy is doing quite well and is quite healthy. Indeed, if anything, there seems to be a little concern in some quarters that the economy may have been growing too fast, a concern with which I do not agree.

The economy actually grew 4 percent in 2004 and advanced at a rate of about 3.5 percent in 2005. The growth rate for the first quarter of 2006 is expected to be very robust, consistent with the trend of strong growth since 2003.

In the first quarter of 2006, the economy expanded at a blistering rate of 5.3 percent. Now, these are all figures and statistics that we can vividly see because, in effect, we have already been through them. Looking ahead is a somewhat more difficult exercise, and an exercise that I often refer to others with whom I communicate from time to time.

I have here in my hand a copy of the "Blue Chip Economic Indicators Top Analysts Forecast of U.S. Economic Outlook for the Year Ahead."

This blue chip economic indicator document was actually issued just a few days ago on June 10. And for those who may not be familiar with this report, it is essentially a compilation of the beliefs based on what they see, of a variety of organizations and individuals from organizations which will be quite familiar if you hear who they are. There are actually 50-plus organizations that take part in this process, organizations like Bear Stearns, Lehman Brothers, Goldman Sachs, the National Association of Home Builders, Merrill-Lynch Economics, General Motors Corporation, Standard and Poor's. And those, of course, are just a few of the more than 50 organizations that take part in this economic forecast.

You might suspect that since I have got it here with me it is good news, and it is good news for the economy going forward. It projects that in the second quarter of this year, the quarter that will end just a few days from now on June 30, the economic growth rate, the GDP, will continue to grow at almost 3 percent; and in the third quarter of this year at 2.9 percent; in the fourth quarter of this year at 2.8 percent; jumping back up in two quarters of next year to 3.1 and 3 percent respectively.

And so these are good numbers; and so going forward, based on the economic basis that we have been able to set in our country, we expect things to continue to do quite well. The improvement in economic growth in recent years is reflected by some very good economic figures. For example, since August 2003, business payrolls have increased by over 5.3 million jobs. The unemployment rate stands at a low 4.6 percent. Consumer spending continues to grow, and the number of American families who own their own homes is at an all-time high.

The household net worth for families in the United States is also at a record high. Productivity growth continues at a healthy pace. Long-term inflation pressures appear to be contained at about 2.7 percent or so. Long-term interest rates, including mortgage rates are still relatively low. I can relate to this very well. I was in the real estate business for 20 years before I came here. I can remember in the 1960s selling houses with 6 percent, with mortgages that carried an interest rate of 6 percent. It was pretty much a standard rate.

Then as the years went by and inflationary pressures took hold, inflation drove interest rates to 6 percent, 6½ percent, 8 percent, 10 percent. Mr. Speaker, I can even remember interest rates on home mortgages being 19 percent, and of course that shut the market down.

Recently, interest rates for home mortgages have been at about 5 percent. But today, even today, when we think about interest rates being higher than they were a year or a year and a half ago, they are still at about the 1960s level of 6 percent or a little bit higher.

So low interest rates are still an incentive to economic growth. In addition, the resilience and flexibility of the economy have overcome a number of serious shocks: the war, the attacks on 9/11, and of course most recently the hurricanes of last year, all disruptive influences which have not been as disruptive as one may have thought.

□ 1915

Equipment and software investment has been strong. It is clear that the Federal Reserve remains poised to keep inflation under control. All good news. The only soft spot that we see in the economy is in the housing sector. It seems to be slowing somewhat, although it appears that a soft landing is most likely. So in the recent policy report to Congress, like the Blue Chip Indicators, the Federal Reserve noted that the U.S. economy delivered a solid performance in 2005.

Furthermore, the Fed observed that the U.S. economy should continue to perform well in 2006 and 2007. In summary, overall economic conditions appear to remain positive. The U.S. economy has displayed remarkable flexibility and resilience in dealing with many shocks. The administration forecast for economic growth in 2006 is comparable with those of the blue chip consensus and the Federal Reserve. With growth expected to be about 3.5 percent in 2006, the current economic situation is solid and the outlook remains favorable.

Mr. Speaker, in December of 2005, this is another way to look at the economy, the Joint Economic Committee issued a report, under my direction, entitled "U.S. Economy Outperformed the Canadian, European and Japanese Economies Since 2001." When we look at our U.S. economy and have comparisons within the economy, that is one way to look at economic growth. But another way is to compare it with what is going on in the rest of the world. The economic data showed that since 2001, the United States has outperformed every other large developed economy in the world. This report examines the performance of a peer group of large developed economies from 2001 to the present time. The peer group included Canada, Japan, the United States, and 25 member states of the European Union.

Recently, we updated this report to bring it current. The United States and Canada in the most recent version of this report tied for first place in economic growth among the major developed economies with an average gross domestic product growth of 2.6 percent a year from 2005 to the current period. That compares with just 1.6 percent economic growth in the European Union and 1.5 percent in Japan. The period includes the economic slowdown after the collapse of the stock market bubble in 2000 and the terrorist attack of 2001.

However, after Congress cut taxes on capital gains and dividends and provided business with incentives in May of 2003, the United States enjoyed the highest rate of economic growth among the major developed countries.

This is a point that I would just like to stop and pause for a moment to talk a little bit more about. We knew that economic growth while we were growing beginning in the fourth quarter of 2001, when we began to grow, job growth was very slow. The President said, and the Congress agreed, that if we gave business some incentives to invest, that investment in fact would take place and that we would grow. That actually happened.

As we see on this chart, we had this valley of very slow growth and very little invested in the economy during 2001 and 2002. But after the tax cuts that took place in the first quarter of 2003, business investment occurred rapidly and it helped to spur economic growth throughout the economy. For example, the United States created more jobs than any other major economy from 2001 to 2006: 6 million jobs as of today created in the United States, 5.7 million jobs in the European Union, 1.5 million jobs in Canada, and a loss of almost 1 million jobs in Japan.

The unemployment rate. In March of 2006, the United States had an unemployment rate of 4.6 percent. That is the second lowest among the major developed economies. Only Japan was better with 4.1. Canada was actually 6.4. Here is the unemployment rate in the United States; 4.6 percent in the yellow bar, actually 6.3 percent in Canada, and 8.4 percent unemployment rate in the European Union.

In industrial production, another example, from January 2001 to February 2005, the United States ranks first in the growth of industrial production among major developed economies. Industrial production grew by 7.4 percent in the United States, 4.1 percent in Canada, 2.8 percent in the European Union, and 1.4 percent in Japan.

The rate of inflation is more good news. It has remained contained throughout the countries that were studied. As I noted a little while ago in the United States, interest rates are comparatively low with other countries.

And so as we look at the economy generally, we believe that we have done some things right. I mentioned tax policy a minute ago. Let me mention one other item which I think is extremely important. While we give credit to our friends at the Federal Reserve, interest rates are a direct reflection, or follow along as a reflection, I guess is a better way of putting it, of the rate of inflation. And so we have to give credit to our friends at the Federal Reserve who have done a great job in controlling inflation.

Another prominent feature of the recent U.S. economy is in fact a lower and more stable rate of inflation than we have experienced in quite some time. The persistently low rate of inflation depicted on this chart there has helped to calm financial markets and reduce risk. This persistently lower rate of inflation has in turn fostered lower expectations of future inflation and consequently helped to lower the lid and keep interest rates low.

As we look here, we see that back in the eighties we had relatively high inflation, and as we went through the nineties, we can see that inflation actually dropped below 2 percent and has persistently stayed below 2 percent. The Fed has in essence adopted an implicit inflation targeting approach which has been very good for economic growth.

I would like to just conclude my portion of these remarks by saying that the blue chip indicators look good going forward and we have done some things right both here in the House and at the Federal Reserve. One of the things that I like to say about economic growth is that no matter what we do here, economic growth can't take place without the continued enthusiastic participation of the American worker. We try to provide those opportunities as best we can through our tax and spending policies, through the Federal Reserve's policy, through business incentives that we time and again put in place to encourage things to happen. But in the final analysis, it is the American working man and woman out there in the private sector that make economic growth possible.

I would like to yield at this point to my friend from Georgia (Mr. GINGREY) who would like to add some thoughts perhaps to what I have said.

Mr. GINGREY. I appreciate the gentleman from New Jersey yielding, and I thank him, Mr. Speaker, for bringing these statistics to the floor of the House this evening. Clearly, these numbers show that this economy is doing well under this Republican leadership and this Republican President.

The blue chip report that the gentleman talked about on fiscal year 2007, and he mentioned those 50-something prestigious financial organizations, says that the economy will continue to do well the rest of this fiscal year and into 2007. Mr. Speaker, it is because of the policies of this administration and this Republican-led Congress. Those policies I am speaking of, of course, are that you grow the revenue when you cut taxes.

This is not a novel idea that we just invented over the last 2 or 3 years. This happened under a Democratic President in 1960, John F. Kennedy. It happened again in the early eighties under President Reagan. You cut taxes; you grow the revenue. All of these statistics that the gentleman from New Jersey (Mr. SAXTON) has pointed out in regard to low inflation, low unemployment, robust gross domestic product over something like 12 straight quarters now. Five million jobs since 2001.

I know when I first got to the Congress in the 108th in 2003, all I heard, Mr. Speaker, from the other side was how many jobs had been lost since George W. Bush was first elected. They pounded on that. I have not heard too much from the other side recently, because clearly this economy is robust, these jobs are growing, and they will continue to grow.

We have this arcane scoring system, Mr. Speaker and my colleagues, and I know everybody agrees, and this is really not in dispute, that when you cut taxes, they calculate a number of how much it is going to cost. I think with the Bush tax cuts, it was estimated that it was going to cost $1.3 trillion in reduced revenue; $1.3 trillion less coming into the Treasury because of a reduction of every marginal rate so that everybody in this country, every American taxpayer, would get a reduction in their Federal taxes and get a check in their pocket. To double the child tax credit, to eliminate the marriage penalty, to lower the capital gains and dividend rates to 15 percent for almost everybody and, indeed, for some as low as 5 percent, and to give our small business men and women, Mr. Speaker, we are talking about the mom-and-pops of this great country who probably create 65, 70 percent of all these jobs that we are talking about, to let them more rapidly depreciate their capital improvements so they can, with bricks and mortar, new machines, new equipment, whether it is in my profession, the health care industry, or any other, to put people back to work, so that more people, albeit at a lower rate, are paying taxes.

What happens is instead of costing $1.3 trillion over 10 years, in about 2½ years our revenue increased, and I know the gentleman from New Jersey will confirm this and agree with me, by something like $250 billion, increased revenue, because of the boldness, the courage, and the good common sense to look at historical perspective and understand that when you cut taxes, you pull a country out of recession and you don't cause decreased revenue coming to the Treasury, you end up with more.

This is a great opportunity that the gentleman brings to us tonight to make sure the American people and all our colleagues on both sides of the aisle understand. Every Member is entitled to their own opinion, but they are not entitled to their own facts. I commend the gentleman from New Jersey for bringing us the true facts this afternoon and this evening on this floor of the House.

Mr. SAXTON. I thank the gentleman for emphasizing the importance of tax policy relative to economic growth.

One of the things that I would like to point out, and I know the gentleman knows this as well, the President today has been criticized by some for his tax policy, I think, unfairly. One of the charges that is often made is that these are, quote, tax cuts for the rich. I have some other statistics here that I would just like to share with my colleagues and that is simply this: if you believe that tax policy can be used to promote economic growth, as the gentleman and I do and as many others in this House do, then we are going to have to cut taxes relative to the people who pay taxes, because people who don't pay taxes can't get a tax cut because they don't pay taxes, unless we give them money back.

And so the facts are that the top 1 percent of the wage earners in this country pay 34 percent of the taxes. That is the individual income taxes. The top 5 percent of the people, wage earners, pay 54 percent of the taxes to the Federal Government. The top 10 percent pay 65 percent of the taxes. The top 25 percent pay 84 percent of the taxes. And the top 50 percent of the wage earners in this country pay 96.5 percent. So the bottom 50 percent of the wage earners in America, in the United States, pay about 3.5 percent of the taxes.

□ 1930

So if we are going to have tax cuts and if the people who pay taxes are the ones whose taxes you cut, which you kind of have to do by definition, then it will fall that the top 50 percent of the wage earners get most of the tax breaks because they are paying 96.5 percent of all the taxes that are paid on the personal side in this country.

So because of what has gone on in Republican and Democrat administrations, and the gentleman mentioned John Kennedy's inaugural address in 1962. I can remember his words, almost, not quite, but he said something like this. He said, we cannot for long expect to remain the leaders of the world if we fail to set the economic pace at home; and he stood right up there on that lectern and outlined a set of tax cuts to make the economy grow. And John Kennedy's tax cuts went into effect, and the economy did grow.

So this is not new to many here, but it is a revelation sometimes to people who haven't heard this before.

So our economy is growing. It has been growing since 2001. Since 2003, when we put in place our tax cuts, we began to see investment take hold and the economy grow and jobs being created, almost 6 million new jobs created since this economic recovery began; a low rate of unemployment, 4.6 percent, and things looking pretty good for the future, according to the blue chip indicators, which we referred to earlier.

So, Mr. Speaker, I went on to share with my fellow Members these observations based on the facts that the gentleman from Georgia and I have cited here; and I want to thank the gentleman from Georgia for coming here and taking part in this Special Order.

I think we can look forward, Mr. Speaker, to some good economic growth going forward, hopefully during 2006 as well as 2007 and beyond, as we continue to do what we can here to make that happen.

Again, I thank the gentleman for taking part.

AVIAN FLU PANDEMIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. BURGESS. Mr. Speaker, may I inquire as to the amount of time that remains?

The SPEAKER pro tempore. The gentleman from Texas has 34 minutes remaining.

Mr. BURGESS. I thank the Speaker, and the gentleman from New Jersey for allowing me a little time on the floor tonight.

I thought it was important to come to the floor and talk about an issue that pops up from time to time on our news shows and the American consciousness, and that is the issue of avian flu, or the bird flu.

Mr. Speaker, as far as a little background is concerned, there are several types of influenza. There is the common flu, or seasonal flu, that we all receive inoculation against every year. Because of modest genetic changes that occur in this virus year over year, it is necessary to get a vaccination every year. But sometimes, instead of just that genetic drift that happens within the virus, there is a major change, a genetic shift; and when that happens, the stage is set for a worldwide pandemic. And, indeed, history tells us that that will occur about three times every century.

Now, currently, the avian flu is present in birds; and a big genetic change would have to occur for this to become a major health threat to humans. As of June 16 of this year, the World Health Organization has confirmed 227 human cases, with 129 deaths reported. The problem is, Mr. Speaker, if you do the math, that is a mortality rate that is in excess of 50 percent.

Now, when you think of a worldwide pandemic, there are various trouble signs you encounter. The World Health Organization has identified five of those. Widespread distribution of the virus in nature, in this case in birds, an endemic carrying of the virus in birds. A wide geographic setting with involvement of other animals, in this case felines, cats and tigers have become infected, presumably from eating infected animals. Bird-to-human transmission occurs with inefficiency and then comes inefficient human-to-human transmission. The last step, efficient human-to-human transmission, has not yet occurred, but that is the step, the previous four have occurred, and that is the step that would signal the onset of a worldwide pandemic.

Because the threat is so significant, our Secretary of Health and Human Services, Michael Leavitt, has designated the threat anywhere in the world, a threat anywhere in the world is a threat everywhere in the world, and that is why it is incumbent upon us to keep such a close watch on this illness.

Steps one through four occurred between right now and 1997. The last step, which has not to date occurred, would trigger a human pandemic. One of our major problems with a worldwide pandemic is we, as humans, have no underlying immunity to this relatively new type of flu virus.

Now, as I mentioned earlier, there are approximately three pandemics every century; and, indeed, last century there were exactly three. In 1918, the Spanish flu killed 50 million people worldwide; in 1957, the Asiatic flu killed 170,000; in 1968, the Hong Kong flu killed 35,000 people in the United States.

If the pandemic flu were to hit, the Department of Health and Human Services estimates that 209,000 deaths in the United States for a moderate flu outbreak, such as occurred during the Asiatic flu outbreak of 1957, and 10 times that many, 1.9 million deaths in the United States for a severe epidemic, such as occurred when the Spanish flu broke out in 1918.

Now, Mr. Speaker, I would like to draw your attention to this map that I have here. It is somewhat shocking to look at the eastern part of the world, several continents, in fact, that are totally covered in blue. And as you see from the key here, avian flu cases confirmed in 52 countries, and again widespread distribution across the eastern half of the globe.

The countries colored in in black are, in fact, where human cases have occurred; and we see originally China and Vietnam, Southeast Asia but more recently the addition of other countries that are moving more and more westward. There has been a gradual spread westward since 2004.

Mr. Speaker, let me demonstrate that further on this second map. Gradual western spread since 2004, and since 2004 the avian flu has gone from China to Cambodia to Thailand to Russia and then to Turkey in 2005.

Mr. Speaker, there was an explosion of outbreaks in early 2006 to the Middle East and Eastern Europe; countries such as Iraq, Romania, Italy, Germany, France, Africa, Nigeria, and Egypt, just to name a few. We see these concentric circles indicating the year of the spread. Here we have June, 2004, affecting primarily China and Southeast Asia; December of 2004, June of 2005, January of 2006; and as you can see, the arrow is pointing ever, ever westward.

From January to April, 2006, 35 new countries have reported avian flu outbreaks in poultry; and some of these have had their new first reported cases of H5–N1 virus in humans as well. So the total estimate of the World Health Organization for the number of countries affected is just over 50.

The disease is indeed endemic in birds. Over 200 million birds have been culled in the last 3 years, both birds that were suspected of having the infection and those culled for preventive measures. One of the keys here, Mr. Speaker, is this virus can be stopped in birds; and, indeed, stopping the virus in birds has to be the first line of defense.

The reason this is so important, and let me go to an additional map, if we look at the migratory flyways throughout the world, this disease is spread by migratory birds and infected poultry. Countries with outbreaks, this map shows the concentration of poultry worldwide and the migratory bird flyways.

The darker the color here, the greater the concentration of humans and poultry. You see the eastern United States, starting in my State of Texas, east Texas eastward, we have several significant concentrations of poultry juxtaposed to human populations.

Countries with outbreaks in general have a high concentration of poultry populations. There are some concerns over two flyways that go from Africa to North America, the so-called East Atlantic flyway, and the one that goes from Asia to Alaska, the East Asia-Australian flyway. Countries in both Africa and Asia have reported outbreaks and are countries that are directly on that flyway.

Now it is not for sure the virus will be carried this way, but the fact that the distribution has occurred in migratory birds, and those are the migratory pathways, certainly that is going to bear careful watching.

Some of the other unknowns is what is the behavior of the virus in very cold climates. I don't think anyone knows that yet, but, indeed, it is around this time of year that those bird populations are in fact returning to the Arctic areas. So increased testing across the United States, starting with Alaska, and indeed over nearly 100,000 samples have been taken from both live and dead wild birds as well as from high-risk waterfowl habitats.

On the World Health Organization scale of pandemic alerts, you go from low risk of human cases to efficient and sustained human-to-human transmission; and there are six stages on that World Health Organization pandemic alert chart. Currently, we are at a level three, no or very limited human-to-human transmission.

As of June 6, 2006, there have been 227 cases and 129 deaths. H5–N1, the virus that causes bird flu, has been cited first in 1997 in Hong Kong, with 18 human cases, six died, all poultry were culled. From 2002 to 2003, there was a reemergence of the virus in Asia. There was a high incidence of cases in a few countries. Vietnam accounts for 40 percent of the human cases; and Indonesia, so far, accounts for 20 percent of the human cases.

The problem is that, in Indonesia, avian flu has not yet been contained, compared to Vietnam. Indonesia has had outbreaks since early 2004, and new outbreak reports are coming out all the time. Last week or the week before, the 50th case of the human infection, which was fatal, was confirmed.

Let's look for just a minute at a map of Indonesia. There has been a steady rise in reported cases and a high correlation between poultry and human outbreaks. On the map, the triangles represent human cases. It is a little misleading, because more cases have occurred and many of the triangles overlap. Since these cases occur in clusters, they are very close together geographically. But look at how close the triangles are and take notice of Singapore and Malaysia and the close geographic location.

Indonesia is densely populated. It is the world's fourth most densely populated country. Indonesia is still suffering from the effects of the tsunami that occurred in December of 2004. In May of this year, an earthquake in the central Java region left as many as 1.5 million people homeless. The country of Indonesia raises about 1¼ billion chickens a year, about 7½ percent of the global total. About 70,000 villages, spread across 17,000 islands, raise poultry. Poultry is raised in the backyards of about 80 percent of the country's 55 million households.

Mr. Speaker, I am going to put a chart up here that is a little busy, but it illustrates a very important point for us to keep in mind. This chart shows only a sample of the human cases in Indonesia, some 15 of the now 51 cases. Information confirmed by scientists and field researchers from the World Health Organization is present on this graph.

□ 1945

Mr. Speaker, there is a family cluster from the Kubu Simbelang Village in North Sumatra. Many of the recent news headlines had to do with concern that the avian flu virus might have become effective at transmitting from human to human. When you just look at the number of cases involved, you would have to ask yourselves that question.

Now, this outbreak has been extensively investigated. The outbreak investigation showed that this cluster is, indeed, what is called a contained cluster, meaning that no other individuals, no other health care workers, no neighboring villagers, were, in fact, becoming infected.

In the initial case, a 37-year-old woman was most likely infected by sick and dying chickens that she was keeping in her backyard. Indeed, on the chart there, you see she kept them in indoors with her at night. Because no specimen was taken before she was buried, it can't be confirmed that the illness from which she died was indeed the avian flu, or the H5N1 virus, more specifically.

However, seven of her relatives have tested positive for the H5N1 virus. The relatives most likely became ill due to close contact with the initial case, the woman who initially became ill. Six of these seven individuals have since died. So there is currently limited human-to-human transmission of avian flu.

If we look at this chart of those, indeed, who are sick or who have died from this illness, spent the night with a sick index patient on April 29, spent the night with the index patient on April 29. Spent the night with the index patient on the 29th. Took personal care of the sick index patient. Took personal care of the patient. Often visited the patient, was there April 29. Took care of a sick son in the hospital on May 9 through 13.

Another thing that I would like to point out are the ages of these individuals, and how very young they are. This is not a disease of the old and infirm. This is an illness of the young and robust. The ages span that of an 18-month-old baby to a 43-year-old man. This disease, when it strikes, is extremely virulent. On average, it is about a week, from 5 to 10 days from the onset of symptoms until the disease claims its victim or the victim recovers.

The illness itself is characterized by an intensely consolidated process in the lung, basically a pneumonia, a hemorrhagic pneumonia. There may be bleeding into lung tissue, and it is a very striking picture from these patients when they are ill with this disease.

Mr. Speaker, my main purpose in being here tonight is not to discuss how frightening the disease is, because, indeed, it is frightening, but to talk about what weakened it, what we can do as a country, what we can do as a partner in the world, what we can do as a Congress to place in motion those things that are going to be responsible for preparedness, particularly preparedness at the Federal level, because, after all, that is our responsibility.

There are medicines available that are known as antivirals. In the 1918 Spanish flu epidemic there were no antiviral medications. They had not yet been invented, but we have antiviral medications today.

Now, an antiviral is different from a vaccine or an immunization. An antiviral is a medicine like an antibiotic would be administered for a bacterial infection. An antiviral is administered after an onset of symptoms. It does, indeed, reduce the severity of symptoms, but it must be administered within 24 to 48 hours of the onset of the symptoms.

Having proper stockpiles of antiviral medications is going to be of critical importance. Even just as critical is going to be the distributive network to get those antivirals into the hands of communities where the virus may be present.

It does reduce the severity of symptoms. The New England Journal of Medicine indicated that the treatment with an antiviral reduced the median duration of illness from nearly 5 days to 3 days, and the severity of the illness by about 40 percent. When you have got an illness that has a 55 to 58 percent mortality rate, that reduction in severity is extremely critical.

In another study, the antiviral Tamiflu, given within the first 12 hours after the onset of fever, shortened the illness duration by more than 3 days as compared with the treatment that was started at 48 hours.

Vaccines are the other tool in the armamentarium against this illness. Vaccines also were not available in the 1918 flu epidemic, but obviously vaccines were available with the outbreak of the Hong Kong flu and the more recent pandemics.

Vaccines are of such critical importance that it is mandatory that we move the production of vaccine manufacture from foreign countries back into this country. We have seen an exodus of vaccine manufacturing out of this country. The vaccine needs to be manufactured within our shores, within our borders. We can't very well go around to other countries who may be suffering also with this disease and ask them to supply our vaccinations for us. It just simply won't happen.

It is going to be necessary, although a vaccine has been developed, reverse genetics were used to take one of the virus samples from one of these early cases in Vietnam and create a vaccine to the H5N1 as it exists today. The vaccine appears to be safe and effective, but it does require a lot of that vaccine in order to immunize any one of us, because we have no native immunity to this particular type of flu.

But since the flu is constantly changing, since it is constantly evolving, indeed it is going to be one of those changes if a pandemic occurs and it changes from a disease that is very bad in birds to a disease that is very bad in people, there will be of necessity another shift that has occurred in that virus.

Therefore, the virus that is present today, if we make vaccine in large quantities against that, it may or may not be effective against the virus that would go easily from human to human. So we do to some degree have to wait and develop the correct vaccine for the correct strain of flu.

But within the past 6 months, in fact our Department of Defense appropriation bill that we passed last December, had money in it for the development of a flu vaccine. Recently, the Department of Health and Human Services was awarded a total of $1 billion and a request for proposals for companies to develop cell-based vaccines manufactured in this country. Those contracts were let in May of 2006.

Mr. Speaker, when you look at vaccine manufacture in this country, not only have we suffered because companies have gone offshore, our method of creating vaccines is somewhat antiquated. We are still stuck back in the 1950s. We use an egg-based system to create our vaccines.

Well, you can just imagine, you have got an illness that is primarily affecting chickens, and we are culling chickens from chicken farms. Where are we going to get the eggs to manufacture the vaccines? Newer type of vaccine technology, the so-called cell-based vaccine technology. It is critical that the companies that manufacture the flu vaccine, not just for avian flu but for our seasonal flu, it is critical that we develop the companies and the capability of manufacturing those vaccines with a cell-based system much less prone to contamination and to all the other difficulties that have been much encountered by the egg-based system.

To some degree we may have to consider streamlining the FDA regulation and emphasize teamwork amongst our various research teams, not only at the NIH, but across the country and indeed across the world. We have to explore the promise that a universal vaccine holds.

When we talk about flu vaccines, the reason we are always changing is because the virus will change various parts of its outside protein coat, if you will. But there are several of the genes of the virus that don't change, from flu type to flu type, the so-called more pedantic or housekeeping genes within the core of the virus. If there is a way to develop a vaccine that will target those genes, it is going to be a much more effective vaccine because it will have that cross-reactivity across many different strains of the flu virus.

The current H5N1 vaccine clinical trials with Sanofi are of necessity. Those are going to continue. It will be critical, even though it may not be the final genetic result that they are developing the vaccine for. This vaccine is going to be critical as far as providing a pool for vaccinating our first responders, our nurses, our doctors, our firefighters, our ambulance personnel, if the virus were to make a sudden appearance in this country.

It is important again to remember, let me stress, that a much higher dosage of this vaccine is needed than for the average flu inoculation. Generally up to 90 micrograms of this vaccine are necessary to immunize one individual, where typically you need only 15 micrograms for the more common seasonal flu.

Other things that we need to do around our country, we need to be sure that we have the surge capacity of our vital workforce thought about and in place, identifying those key players, and ensuring their safety during the crisis and their ability to get and help people who have been harmed by the illness. Strengthening the health care infrastructure in general is a worthwhile thing that we should consider, really, on a daily basis here in this Congress.

Protecting first responders, I alluded to wanting to have a vaccine stockpile available, even if it is not the correct vaccine that we will end up with at the time when the flu virus mutates for that last time. But some immunity will be imparted by that early vaccine, and we need to be certain that we have that early vaccine to have for our first responders to allow them to have some measure of protection as they are on the first lines fighting this illness if the worst were to develop.

Offering support services, even including mental health support services. Remember the flu epidemic that occurred in 1918, it didn't just happen around the globe in 3 weeks and then it was over. It came in waves and wave after wave would affect communities, and basically the virus encircled the globe three times before it eventually died out.

We are going to have to be able to rotate workers, not just health care workers, but workers in various lines of work so that they don't become fatigued, give up, and we have to be able to sustain their efforts.

The economic impact of this illness is pretty hard to tell. In some countries already it has had a significant impact. Some of the maps I showed earlier of Africa, the country of Nigeria, where chickens are basically used as currency, this has had a significant economic impact. It may well have significant economic impact in this country as well.

We just go back to one of the earlier maps and point out, as the disease spreads westward. Look at where the chicken populations are concentrated in this country and other countries. There could be a devastating effect on the poultry industry, and some compensation for poultry farmers, especially if they involve themselves in early reporting and maintaining the livelihood of those individuals.

Safe cooking practices to kill the virus and, let me stress at this point, the virus has not been found in the Western Hemisphere, and United States chicken populations at this juncture are not affected or infected with this virus, but early containment of any outbreaks to prevent paralysis of a whole economy that is based on poultry.

We have got to encourage understanding. Panic is not going to be a solution for a pandemic, but proper planning is going to be one of the keys. The focus of the messaging, the World Health Organization, has already put out outbreak communication tips for public officials. I encourage my colleagues to become familiar with those. Enhance the public's compliance if a quarantine is needed and a quarantine is required, and common prevention techniques are going to go a long way towards preventing the spread of this illness; then we must be prepared to not only talk about them, but mandate them if indicated.

Our Federal, State, and local community officials will help play a big role in the preparedness. I know my officials back in north Texas have done a great job as far as preparing themselves for some of the things that would happen or could happen in the even of a pandemic. Bear in mind, this may be one of those things just like Y2K. We get all concerned about it, and it never happens.

But the manufacture of vaccine within the shores of this country is critically important. We should be doing that anyway and not just if we are faced with the threat of avian flu. Stockpiling of antiviral medications and indeed our Nation's stockpile of critical medicines, we need to look at that and be sure we have the distributive networks in place.

It doesn't matter if it is a hurricane, an earthquake or a terrorist strike. Preparedness should just be one of the bywords of this United States Congress for the rest of this decade and likely for many decades to come.

There are places on virtually every congressional committee where steps towards preparedness can be undertaken and, in fact, should be undertaken. Certainly we will look at a committee like Armed Services and what happened during the Spanish flu outbreak of 1918 and how it affected the returning troops from World War I. Armed Services needs to pay a good deal of attention to observing the outbreaks globally and implementing quarantine plans when is necessary.

The Committee on Agriculture, tracking avian populations as they disperse throughout the United States; my own committee of Energy and Commerce, and they have. I want to thank the committee on Energy and Commerce. They have done a great deal as far as the hearings on avian flu and as far as providing information for our committee.

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The Committee on Homeland Security will have critical oversight over border security and, in fact, coordinating efforts should a pandemic hit across the country.

The Committee on Judiciary will have to decide some jurisdictional issues; and, indeed, they will have to decide whether or not we relax some of the liability as it pertains to vaccine manufacture as well as indemnifying first responders if they are harmed by vaccines or new antiviral medicines that are developed.

The Committee on Science, of course, will have an integral role in encouraging research on vaccines, vaccine development and rapid testing to detect is this just a cold or is this, indeed, a more serious type of flu.

The Committee on Veterans Affairs will be involved with educating veterans and combating the spread of the illness, as well as providing very educated, organized local spokespersons for educating the public should this disease become a problem.

The Committee on Ways and Means will have significant oversight of trade issues as they become important. Look at the countries that could possibly be affected by this, as well as issues in countries that are currently experiencing an outbreak.

Integration from the Federal, State and local levels is going to be critical. The global health threat is important. It should not, indeed, it cannot be ignored. But preparing for the threat within our own country is certainly critical.

The virus, H5N1, could appear in the bird population as early as this fall in the Western Hemisphere; and even if it does appear in birds it doesn't mean that a pandemic has started. But because of the natural flyways that exist, that is a possibility that we need to be, we, in Congress, need to be prepared for how we educate our constituents and how we help our State and local officials adjust to that.

Preparedness is going to be the greatest single tool at our disposal to mitigate what might otherwise be a disaster of worldwide proportions.

Mr. Speaker, this is an important issue. I thank you for the time and letting me come to the House and talk about this tonight. I know I have covered a lot of these issues relatively quickly. I know a lot of the maps are somewhat involved, and they have gone by quickly. They are available on my Web site at burgess.house.gov.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 367. Concurrent resolution honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter.

OUR IRAQ POLICY

The **SPEAKER** pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

This evening I come to the floor to continue the discussion that this Congress has had with respect to our policies as it relates to Iraq.

I was fortunate this past weekend to attend yet another ceremony, in this case, with the 1048th Tankers Division from the State of Connecticut who was being deployed to Iraq.

We in this country continue to owe a great debt of gratitude to the men and women who wear the uniform and who have served this country so valiantly and with such courage. But we also owe a deep debt of gratitude to their families in what has become gut-wrenching ceremonies as you watch young children and mothers and grandparents say goodbye to their loved ones who are going over to Iraq, including a mother who has three sons that are now over there, and another mother who saw her son off and her husband had just left the week before.

So it is very disconcerting when you find that the only people that we have asked to make a sacrifice in the war on terror have become the men and women who serve in the front lines and their families who are left behind.

Our hearts go out to all of them. And what they deserve, more than anything else, is a Nation that will level with them, that will provide them with a plan, that will tell these troops, especially in the case of the National Guard and the reservists who have been deployed, redeployed, deployed again, their stays more so than at any other point in the history of this country, and they do so with a salute and they follow orders. How grateful a Nation we should be.

And yet here at home we hear, just in the previous hour, discussions that center on a tax cut and how important a tax cut is. I have never met anyone that didn't favor tax cuts. But it is disconcerting when you look out at these families and you see that this Congress focuses on tax cuts for the Nation's wealthiest 1 percent, making sure that we ladle on more tax cuts to those already impoverished oil companies who are experiencing unprecedented profits.

Yet I look out into that audience in Connecticut, in the State armory and see these families, many who will struggle during this time, many whose gas prices will rise during the time of this 18-month deployment.

So you say to yourself, well, where is the plan? What is the exit strategy? What do we owe these individuals? Do we not at least owe them the truth?

So there was a debate enjoined on this floor 2 weeks ago, a nonbinding resolution, in essence, a conversation, a conversation where 99 percent of the people on the other side of the aisle said, stay the course, while the Nation and while this side of the aisle clamors for a new direction for America.

When I looked out into the eyes of the audience of those families and I saw their concern and need, they want a new direction for the country, especially as it relates to Iraq.

Isn't it amazing that they can get a plan from the Iraqi government, that they can get several plans from Democrats, whether it be JACK MURTHA's bold plan that, well, seemingly the Iraqi government agrees with, or whether it be CARL LEVIN's plan, well, that seemingly now General Casey agrees with?

So we find the Pentagon and the Iraqi government, JACK MURTHA, CARL LEVIN, and several other Democrats offering thoughtful plans, and the Republicans saying stay the course and a President still unable to level with the American people and unwilling still to meet with parents who have lost their kids, who line the highway on the way to Crawford, Texas, or wait patiently outside The White House for an audience.

It amazes me that, while the Iraqis can say that they have a position and they know that they have to take on responsibility, that we will somehow let the Iraqis determine the faith of our brave men and women, so much so that there has even been talk of amnesty, amnesty for those who have killed, maimed or kidnapped American soldiers or citizens. There can be no amnesty for that. There is no honor in the great sacrifice that our men and women have provided. No matter what the Iraqi government might say, we, as the United States Congress, have an obligation to our men and women and the citizens that are in Iraq working on behalf of this country to make sure that that cannot stand.

And what do we get from our erstwhile colleagues on the other side of the aisle and why was this debate conducted in the manner that it was?

Well, let me tell you why. Because Karl Rove hatched a plan in New Hampshire. You see, he went there and laid out this strategy; and the strategy was a very simple one. It is one that they used before. They just dusted off the playbook and said, you know, it works when we attack Democrats. We attack them for their patriotism.

It worked successfully against Max Cleland. We were able to take that man, who gave three of his limbs for this country, to make him appear to be unpatriotic and go after him personally.

It worked against JOHN KERRY. We were able to swift boat him during the Presidential campaign, to tarnish his service and the medals he earned.

And it is working against JACK MURTHA, they think. So that we can turn around and tarnish him as well.

And Karl Rove launches his strategy, and then JOHN BOEHNER rolls out the talking points for the caucus, and then the debate is neatly sandwiched in between the time allotted, with no Democratic alternative being allotted, and the White House picnic, just in time for the President to take a surprise trip to Iraq for a photo-op and to return home.

The Nation deserves better than that. If the Iraqi security advisors can provide us with a plan, why can't Donald Rumsfeld provide us with a plan?

No wonder, in the Washington Post today and the New York Times over the weekend, people are wild over the fact that, if all that debate and discussion was truly about a course for this Nation, how is it that General Casey's plan sounds identical to CARL LEVIN's plan? And how is it that the Iraqis can acknowledge what Mr. MURTHA acknowledged last November?

On this side of the aisle, we have come to know what it is all about. It is about the continued hypocrisy as it relates to leveling with the American people and, more importantly, leveling with our troops, with the National Guard and reservists and their families and the kind of sacrifice that we have asked them to do, and we have prevailed upon them, and they have done with honor. And yet we can't level with them?

We find ourselves right now with the congressional Republicans that have no plan for Iraq, a flawed plan for going in, a failed plan to win, and no plan to get out. Stay the course is the slogan. And that is all it is, a slogan, not a solution. It is a prescription for an endless occupation of Iraq.

The Democrats are united on the need for a new direction in Iraq. 2006 must be a year of significant transition. Iraqis must take control of their security and begin a responsible redeployment of U.S. troops.

There has been no person who has addressed that issue more eloquently on this floor and back home in her native California in the city of the Angels than the gentlewoman from California, who has led a task force here in this Congress that focuses on a meaningful plan for an exit strategy from Iraq.

At this time, I would like to yield to the distinguished lady from California, MAXINE WATERS.

Ms. WATERS. I thank the gentleman, Mr. JOHN LARSON, for yielding me time and for organizing this special order.

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It is so important that we continue daily to help the American people understand exactly what is going on in this Congress. Time out for tricks. Time out for maneuvering. Time out for all of that. And I am so pleased that JOHN LARSON organized this Special Order tonight so that we can clarify what is going on here in America.

I rise as the Chair of the Out of Iraq Caucus. The caucus has 72 members, who for more than a year have been fighting to conclude the war in Iraq and reunite our troops with their families.

Over the weekend the New York Times reported that General Casey met with President Bush to discuss redeploying U.S. troops from Iraq. According to the New York Times, the number of U.S. troops in Iraq will decline by two brigades by not replacing two brigades that are currently scheduled to leave Iraq this year. Further reductions in U.S. personnel will occur next year. The number of brigades in Iraq is expected to drop from 14 to about five by the end of 2007. The Casey plan also provides for a brigade to be kept on alert in Kuwait "in case American commanders need to augment their forces to deal with a crisis. Another brigade will be kept on a lesser state of alert elsewhere but still prepared to deploy quickly." According to the Times, carrying out the terms of this plan depends on developments on the ground in Iraq.

Now, why don't we just tell it like it is? This is basically the Murtha plan. This plan is so similar to a plan that the Out of Iraq Caucus has been pushing since late last year, the Murtha plan, H.J. Res. 73.

Under Congressman MURTHA's plan, no additional U.S. troops will be sent to Iraq and the U.S. troops now deployed in Iraq will be redeployed out of Iraq at a point determined by U.S. generals in Iraq, which is very similar to the plan outlined by General Casey. The Murtha resolution also calls for a contingent of marines to remain in the Middle East to respond to threats that threaten to destablize our allies in the region or the national security of the United States, again mirroring the Casey plan.

Finally, the resolution calls for the United States to pursue security and stability in Iraq through diplomacy. Again, the Times reports that the General Casey plan is to engage the Iraqi Government to develop a plan to turn security over to the Iraqis.

With nearly identical parameters, it appears that the administration proposes to carry out a plan that has already been introduced, debated, pushed by Mr. MURTHA himself and by the Out of Iraq Caucus and many members of this Democratic caucus. It is confusing to understand why then there was such outrage from the Republicans during the debate of H. Res. 861 two weeks ago during which members of the Out of Iraq Caucus called for all Members of Congress to support the Murtha plan. The only conclusion is that the Republicans are again playing politics with the safety of our Nation.

Instead of holding a free and open debate on Iraq, they crafted a resolution, H. Res. 861, to intentionally mislead the American people and seize an opportunity to attack Democrats who want accountability for those who led the march to war in Iraq. Democrats are also demanding that the President provide a clear plan that will allow for the redeployment of U.S. troops and permit them to return home to their loved ones.

The Out of Iraq Caucus can support the proposed Casey plan. It is our plan. It is the Murtha plan. It is the plan that we have been pushing all along. Their plan we do not disagree with. We just wanted them to have some leadership. They had made so many mistakes, so many mishaps, as Condoleezza Rice called it, that we kept urging them to come up with a plan. We are glad they have adopted the Murtha plan.

According to news reports, the implementation of this plan will begin just prior to the November elections. The next step will be completed as the 2008 Presidential elections are heating up, providing the President an opportunity to claim progress despite more than 3 years of mismanagement and incompetence.

Mr. Speaker, this war was mismanaged by this administration. The men and women in uniform have paid for that mismanagement, more than 2,500 with their own lives. It is long past time to bring our troops home, and I will not rest until our service men and women are able to return home to their loved ones.

Be clear. We are glad that Mr. Casey and the President have come up with what we have been advocating. We are glad that they have seen the light of day. We are pleased that they understand that the American people want real leadership and they want an end to this war, they want the troops home. So while we know that it may be calculated in a political way to time with the November elections and all that, we still support it. I do, and the Out of Iraq Caucus will certainly embrace it because, again, it is our plan.

When Mr. MURTHA talked about over the horizon, that is exactly what he was talking about, the same thing the Casey plan has come up with: keep some soldiers in the region just in case they are needed in a crisis.

So thank you, Mr. Casey and Mr. President, for finally embracing the Democrat plan by Mr. MURTHA that calls for redeployment. It has been misinterpreted, misidentified. Even the press got it wrong, and they tried to say that the Murtha plan was demanding that our troops get out immediately. It has never been that.

Now I want to see how the press will interpret the Casey plan, if the press will understand and report that it is the Murtha plan.

I will say it over and over again. I am pleased and proud that the President and Mr. Casey at least have come to the point, for whatever reasons, whatever their motivations are, to embrace something that will work, the Murtha plan.

Mr. LARSON of Connecticut. Mr. Speaker, reclaiming my time, I thank the gentlewoman; and I just want to buttress her point here. In The Washington Post, first, CARL LEVIN, our distinguished Senator and brother of SANDER LEVIN here in the House, one of the sponsors of the resolution, said that "probably the worst kept secret in town is that this administration intends to pull out troops before the midterm elections in November. It shouldn't be a political decision, but it's going to be with this administration. It is as clear as the nose on my face," he said, "that it is all about November and this election." And as the gentlewoman pointed out, it shouldn't be.

JACK MURTHA has said over and over again only the Iraqis can solve the problems in Iraq. They are fighting with each other, and our troops are caught in between.

And no one less than Iraq's National Security Advisor said, "Iraq has to go out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its mistakes, and find Iraqi solutions to Iraqi problems." Repeating again exactly what Mr. MURTHA has been advocating.

I want to now also turn to the gentleman from Washington State (Mr. INSLEE), who has been part of the Iraq Watch and from the very outset of this war has come to this floor almost on a regular basis to talk about the concerns that so many Americans in this country care deeply about, most notably the men and women who serve this country.

I yield to Mr. INSLEE.

Mr. INSLEE. Mr. Speaker, I appreciate Mr. LARSON's leadership on this.

I wanted to talk about three hard realities in Iraq. It is very easy, tempting when we are in the middle of a struggle, as our Armed Forces are, to forget harsh realities and to become emboldened by the rhetoric that is associated with war. But I think it is very important for us, when our sons and daughters and husbands and wives are there, to just take a very cold, harsh, realistic look at what is really going on in Iraq. This is not a moment for rose-colored glasses. It is a moment for reality. And I want to talk about the three realities in Iraq today, because basically the debate over Iraq is really twofold.

One side says that we should just keep doing what we are doing. We will just trust the President to make the decisions as he has made them in Iraq. We won't question them. We won't ask to accelerate them. We won't question the strategy. Congress will just sit back and let George Bush decide what to do in Iraq.

Others of us take a different approach that says the status quo is inadequate, that we cannot expect to keep doing the same thing in Iraq and expect a different result. So we believe we need some changes in Iraq. And I want to talk about some three realities about why we need a change, why the status quo is unacceptable, unacceptable in Iraq.

Number one, the security situation. The reality in Iraq is that the current strategy proposed by the Bush administration is resulting in things not only not staying the same but getting worse. If you take a look at the Brookings Institution, you can go online and take a look at the Brookings Institution's Web site. Anybody can Google that to find Brookings. You will find the statistics that I want to talk about tonight.

Fatalities in Iraq of Armed Forces are not only going down; they are going up. Compared to May 2003 and May 2005, we are now experiencing greater loss of our sons and daughters in Iraq than we were 2 years ago, 3 years ago. Those are going up, regrettably. The Bush plan is not working when it comes to protecting our men and women in uniform.

When you looked at the wounded in the Brookings Institution report, regrettably, they are not going down; they are going up, compared to 2½ years ago. When you look at Iraqi fatalities compared to the same time in February, March, May 2005, they are going up. When you look at the number of car bombs in May 2004, to May 2006, they are going up. When you look at Iraqi civilians killed, in fact, the number of Iraqi civilians killed compared to the same period about 3 years ago, they are three times higher per month. And I think we rightfully care about Iraqi civilian fatalities from a sense of humanity and from a sense of the American spirit.

When you look at the number of multiple fatality bombings, they are up by a factor of 50 times higher than they were 3 years ago, a 50 times increase in multiple fatality bombings that the Iraqis are experiencing. When you look at crime-related deaths, they are up 50 times what they were over 2 years ago. When you look at the number of daily attacks, they are up compared to May 2004. When you look at weekly attacks on our service personnel, 2 years ago they went from 185 to 620 now. Up substantially, unfortunately.

So the security situation under the George Bush plan for security in Iraq, all of the indicators are going in the wrong direction. The status quo is not adequate. We cannot just trust the President with making decisions in Iraq.

So I want to turn now to sort of the life-style, if you call it that, in economic conditions in Iraq. We were told, when we were briefed on this war by Paul Wolfowitz and others of the President's men and women, that oil would be quickly restored in Iraq and that, indeed, the Iraqis would pay for this war by themselves. In fact, the production of oil today has still not reached prewar levels under that tyrannical, abysmal dictator Saddam Hussein. We still have not achieved oil and gas production records on one of the largest pools of oil on Earth; they are still at 2.18 million barrels compared to 2.5 in the prewar level. We still are not back up to those levels. And we are paying hundreds of billions of dollars today for Iraq.

In electricity we, at best, are back to prewar levels after 3 years and untold tens of millions of dollars squandered, American taxpayer dollars. And, in fact, in Baghdad today I read they are having a heat wave in Baghdad and they still only have 3 to 4 hours a day of electricity. You can imagine, after 3 years of sitting under a foreign army's occupation, with 3 hours of electricity for your air conditioner. I read these Iraqis said that, We basically sit and look at each other. I read this comment by a middle-class Iraqi who said, We are going crazy doing that. And I can understand that.

The economic condition is not making substantial improvement in Iraq under the harsh realities.

So now we turn to the political situation and ask ourselves if the George Bush plan is adequate on Iraq. And, yes, we have had elections and we were all thrilled by elections. All of us would like to see a democratic Iraq. But there is a very harsh reality that we think demands a change of plans in Iraq.

□ 2030

That is, until the Shiia community and the Sunni community and the Kurd community can strike the hard bargains it takes to make a democracy in Iraq, and particularly over access to the oil resource, which they still have not done after 3 years. It doesn't matter what an outside force will do. The current plan is not a plan for success.

Frankly, our continued presence in Iraq is now acting as a security blanket to allow the politicians in Iraq to refuse to move forward with hard compromises about oil revenues, which is dooming our military to be there for decades. That is why we need to send a message to the Iraqi politicians that we are not going to be there for decades and they must make the compromises necessary about oil revenues, because they are shortly going to have responsibility for their own country.

I am not the only one to think that. There are some people with some skin in this fight besides Americans, and that is the Iraqis. We went there to help the Iraqis. It was based on false information and deceit, but, nonetheless, Americans had I think the right intentions. So I think it pays some heed to see what the Iraqis think about this.

What the Iraqis think about this, when a poll was done January 31, 2006, by the World Public Opinion Poll, and that is not a group that has any particular dog in this fight, they went out and asked the Iraqi people, do you approve the government endorsing a timeline for U.S. withdrawal?

These are the people whose lives are most dependent on obtaining a secure, safe Iraq. They are not sitting thousands of miles away like we are, like the President is. They are sitting in these rooms with no electricity and 120 degrees temperature and bombs going off next door where they can't send their kids out to play. They may be considered perhaps the experts on this issue. What do the Iraqis say about that issue?

What they say is 87 percent of Iraqis would approve of the government endorsing a timeline for U.S. redeployment. That is something we ought to think about. I think there is a reason for that. I think there is a reason that 87 percent of the Iraqis who are living in such squalor and danger today believe that it makes sense for us to tell Iraqis that the time is shortly coming where the country will be theirs. I think the reason is they recognize that their politicians aren't going to get around to disposing of really coming up with an agreement on oil reserves until they know that the day is coming that the United States security blanket will be removed. The Iraqis have figured this out. We should figure it out.

So we are here today saying it is not enough just to trust President Bush with decisions in Iraq. Security is not getting better, the economy is not getting better, the political situation still really has not come to terms with the necessary compromise, and it is time for us to send a message to the Iraqi government that they need to get serious about resolving issues and redeploying our troops.

This is a strategy for success. The Bush plan is a strategy for long-term failure. It is time that we come to terms, take off the rose-colored glasses and make hard decisions.

I want to thank Mr. LARSON for allowing me to participate.

Mr. LARSON of Connecticut. Mr. Speaker, I want to thank the gentleman from Washington State again for his insightful comments and pointing out the new direction that this country needs to forge and that certainly that the people of this country desire and, as you so eloquently pointed out, as importantly, the people of Iraq.

But I would also add that this is something that the generals of this country who have come forward and spoken out with great clarity also feel strongly about.

Lieutenant General Greg Newbold: "What we are living with now is the consequences of successive policy failures."

Major General Paul Eaton: "Secretary of Defense Donald Rumsfeld is not competent to lead our Armed Forces. His failure to build coalitions with our allies has imposed far greater demands and risks on our soldiers in Iraq than necessary. He has shown himself to be incompetent strategically, operationally and tactically."

Lieutenant General John Riggs: "They only need the military advice when it satisfies their agenda," speaking on National Public Radio about the Bush administration. "They only need the military advice when it satisfies their own agenda."

General Wesley Clark: "They pressed for open warfare before diplomacy was finished. It was a tragic mistake. It's a strategic blunder."

General Anthony Zinni: "We are paying the price for the lack of credible planning, or the lack of a plan. Ten years worth of planning were thrown away, troop levels dismissed out of hand. These were strategic mistakes, mistakes of policy made back here by this administration."

Mr. INSLEE. Will the gentleman yield for a moment? I want to add an additional mistake, if I can briefly, that I think is very important for us to talk about, and that is the mistake to not send the message that the Iraqis are going to have a country that is free at some point of United States forces.

This poll that I talked about, when they asked Iraqis, do you think the U.S. Government plans to have permanent military bases in Iraq, 80 percent of the people answered that they thought we were going to do that.

When asked, do you believe that we will at some point remove our military once Iraq is stabilized, 80 percent of Iraqis believe we will not remove our forces even after Iraq is stabilized.

There is a reason for them to believe that. Because on this floor, when we tried to put a provision in a defense bill that says we won't have any Iraq permanent bases in Iraq, which we actually succeeded in doing on the floor, the first thing that happened, in the dead of night in one of these conference committees, the Republican Party stripped it out.

The message we are sending to Iraq is we are going to stay there as long as we want and perhaps permanently. That is the wrong message. We need to send a different message. That is why we are here tonight.

Mr. LARSON of Connecticut. Someone who has sent that message consistently also hails from Washington State, the senior member of the delegation, JIM MCDERMOTT, a distinguished member of the Ways and Means Committee.

Mr. MCDERMOTT. Mr. Speaker, I thank Mr. LARSON for yielding. I want to thank him for organizing this event this evening to give us a chance to spend a little extra time talking about what is going on.

I think the American people, as they look at this situation, have every reason to be very confused about what is going on in Iraq; and I want to try to help them understand it.

The first thing you have to understand is that everything that is happening on this floor and in the other body has to do with the 7th of November, the election. Don't ever lose sight that what is being done here is to influence the American people to keep the Republicans in power in the next election.

Now, the confusion you feel is being created by the very people who want to retain power. If you ask yourself where are we today, well, on Saturday in the morning they announced in the London Times that Prime Minister Maliki wanted reconciliation. He wanted to have a reconciliation plan coming out, and he wanted to meet with the Sunnis and try to defuse the situation.

You would think that would be in everybody's interest. Did you hear one word from the White House about the Iraqis standing up and trying to defuse the situation? Did you hear any support? None. Because the basic underlying fact that my colleague from Washington has pointed out is we have no intention of leaving Iraq. We intend to be there with 50,000 troops and permanent bases for an extended period of time. But we won't say that. We say exactly the opposite.

What we are saying to the Iraqis is, now, look, this is what we mean. We mean we are not going to stay here. But the Iraqis open their eyes and they see this permanent stuff, and they say to themselves, it doesn't make any sense. They are not here on a temporary basis.

An Arab friend of mine in Jordan told me that one of the things that Americans do not understand is what it means to an Arab when you occupy his land, and as long as we occupy their land, they will fight. He said, you can do all the talk you want, but until the United States indicates clearly that they are pulling their troops out, you will never get any peace in the area.

That was on Saturday morning. Then we come to the New York Times the next day, Sunday, quoting General Casey. Now this is the President that says, stay the course, stay the course; and the New York Times leaks a story saying that they have drafted a plan for withdrawing troops by September.

This is a leak. Did the President jump up and down and say, send out the FBI to find out who leaked that plan? No. Because they want to send that out to one part of the population. They want part of the United States to think we are actually going to pull the troops out, when in fact there is no real evidence that they are going to take them out.

The American people have got to stay awake. Ronald Reagan said you should trust, but verify. The President says stuff, but when you try to verify it, you can't find it. He is against leaks, as long as it is an official leak of something he wants to get out there. Karl Rove really wants to get it out there.

Mr. LARSON of Connecticut. Reclaiming my time, in my opening remarks, this is confusing to American citizens, because Karl Rove, the Sunday prior to the debate that started here in this House, was in New Hampshire; and he laid out the strategic vision for the Republican Party. It was a political gathering, but he laid out that strategic vision. I can understand why the public gets confused, because he said very publicly that what we have to do is "stay the course," and then it was the Democrats who wanted, to use one of their slogans, "cut and run." But they were going to stay the course.

Then that was followed by the majority leader's talking points that were disseminated on the floor here which, of course, was again discrediting Democrats, and most notably Mr. MURTHA, about cutting and running.

Then it becomes even more confounding, because the debate that ensued was, as you point out, I think uplifting in some circumstances, because it was trying to define where people stand. Ninety-nine percent of them felt very strongly that we ought to stay the course, while 78 percent on this side felt there ought to be a new direction. So people became somewhat confused.

And that was all sandwiched in between the President's flight and photo-op to Iraq and the White House picnic.

Then, lo and behold, last week, the debate in the Senate, where it even reaches a feverish pitch, and we have had more plans hatched and looked at by the Democrats, including the Murtha proposal, as MAXINE discussed, and the Levin plan in the Senate, as well as IKE SKELTON's proposal and DAVID PRICE's proposal down here. It goes on and on. So people can get confused.

Then, as you are chronicling these events, all of a sudden the Iraqi security adviser says they have a plan; and their plan includes, as Mr. INSLEE pointed out, that the Iraqi people want us out of there. Eight-seven percent want us out of there. Eighty-seven percent believe that they are better off taking control of their own destiny. And now you are telling the American people, though, that, look, this really doesn't have anything to do with all of that. This is about an election. Not their election.

Mr. McDERMOTT. Our election. One of the fascinating things about it is, I don't know how many times the President has said, we will stand down when the Iraqis stand up. Well, that makes sense to people. People say, yes, that is right. As soon as they are ready to take over their country, we will back out and we will leave. So we think he really means it.

Then we have Maliki, the new prime minister, stand up and say, I have got a reconciliation plan, and I would like to talk with you guys about a timetable for you to leave.

Have you heard the President say one thing about the prime minister standing up? Of course not. They have ignored the fact that the Iraqis that they maneuvered into charge of the place are actually standing up and saying, yes, we are going to have to talk to the Sunnis, because we are Shiia and they are Sunnis, and they feel like they are left out; and, secondly, we have to do something about all this fighting that is going on.

Mr. LARSON of Connecticut. Briefly reclaiming my time, could it be that one of the reasons they are not speaking out as forthrightly as they should, and I am just surmising this, is because part of this reconciliation that has been discussed is the granting of amnesty to Iraqis who have murdered or kidnapped American soldiers or civilians?

□ 2045

We have put forward a resolution here. It was debated during our discussion here, but not a nonbinding resolution. We put forward a resolution that will actually bind the Congress to instruct the President to send a message to the Iraqi Government that that cannot stand; that we, this Congress, and the American public will not stand by and let them recuse people who have taken American lives, who have kidnapped and tortured and mutilated Americans.

We will never stand by and let that happen. Could that be part of the reason?

Mr. McDERMOTT. Mr. Speaker, well, one of the questions you have to ask yourself is, Did Mr. Maliki and the Iraqi Government sit down and come up with this reconciliation package all by themselves? Does anybody think that the American Government was not, in the form of the ambassador, involved in those discussions, or that talked to the military? Of course they did.

So what you have got is our own government talking out of both sides of its mouth. The Iraqis, all they know is we are staying there. We have got a $500 million embassy, the largest embassy in the world. It is really Fortress America. We have got military installations which are very permanent, and we are saying we are leaving tomorrow or sometime, whenever you are ready to run your own country.

The fact is that we have shown nothing to suppose that we really mean that we will one day say, you guys are doing such a great job, we are going home. See you later. That is not what we are up to. We are trying to control the natural resources of the area and trying to give ourself a platform to operate some place in the Middle East, and we simply are going to have this fight continue unless, and I could not help thinking, I was sitting over thinking about what I was going to say today.

I remember during the Vietnam War, back in 1968, coming up to an election. What was Mr. Nixon saying at that point? I have a secret plan to end the war. Ha. A secret plan to end the war. After he was reelected, we went on for 4 more years. This issue, if the President is serious, then he ought to explain to us why he let his commanding general go out there talking about setting a deadline and bringing troops home.

Does he mean to do that, or is that just to throw smoke up in the air and get people confused? I think it is the latter. I do not think he intends to bring any troops home if he is going to give the impression that they are leaving Iraq. And that is why we have to continue to get out here and talk about what is in the newspapers.

I mean, you do not have to read very far. The London Times, the New York Times, the Los Angeles Times, a few papers, and you can see it if you put it all together in one place. And that is why it is important for us as a body to have these hours when we do this.

Mr. LARSON of Connecticut. One gentleman who has been doing that consistently is the distinguished gentleman from Massachusetts, who, along with Mr. INSLEE, headed up the Iraq Watch from the inception of this war, and who always provides us with insightful observations.

I am sure he is intrigued, as both Mr. INSLEE and Mr. McDERMOTT are, with the developments of this past weekend with General Casey's proposal, et cetera. I would yield to him at this time.

Mr. DELAHUNT. Mr. Speaker, I thank my friend for yielding. What I find interesting is ever since, well ever since before the invasion the administration has not been forthcoming, has not played it straight with us and with the American people.

And I just got in from Boston, my plane was late, I am sure that many of you encountered those kinds of difficulties. But I had an opportunity to listen to my friend, Mr. INSLEE from Washington. And he talked about the Iraqi people not wanting us to stay, if you can accept the results of that poll, which presumably are valid.

And you make a point about the prime minister talking about a timetable. And yet during the course of, I do not want to call it a debate, but during the course of the speeches that were given here last week regarding Iraq, we heard a term like "cut and run," you know, cut and run.

Well, I find what is interesting is that now there is some cutting, or there appears to be some cutting. But you know what was unsaid during the entire conversation that was held on this floor? It is not just the Iraqi people that want us to leave, or at least to provide a timetable, but maybe President Bush was not hearing what the prime minister and the vice president and the president of Iraq had to say when he made his visit there a week or 10 days ago.

Because flying back on Air Force One with the media, this is what he had to say, "There are concerns about our commitment and keeping our troops there. They are worried, almost to a person, that we will leave before they are capable of defending themselves. And I assured them they did not need to worry."

But I guess when he says "almost to a person," he is not referring to the vice president and the president of Iraq. Because it was reported in the Associated Press last week that the Iraqi vice president had asked President Bush for a timeline for withdrawal of foreign troops from Iraq.

And that was confirmed by President Talabani, and in addition, President Talabani agreed with that request. So it was not just Democrats and others that were interested in a timeline for when we are getting out of there, but it was the Iraqi president and the Iraqi vice president.

And yet we hear terms like cut and run. Cut and run. The only thing we are cutting here are taxes for the super-rich and running up a deficit. That is what we are cutting and running here in this institution. Everyone recognizes there is a responsibility, but we did not get into this mess. Should we trust this administration?

We were told by the Vice President that we were going to be greeted as liberators. False. The Secretary of Defense said the war would not last more than 6 months. False. His deputy, Paul Wolfowitz, said that Iraq could pay for its own reconstruction from oil revenues. False.

We heard from the Vice President and everyone else that there were links between al Qaeda and Saddam Hussein. False. False. False. And now we are told that, well, we cannot put out a timeline or a timetable to withdraw.

The Iraqi people want it. I dare say the American people need to know about it. It is in the best interests of our national security, because what we are doing there is we are creating terrorists. We are eroding the efforts against terrorism worldwide the longer we stay there. We are viewed by the world as occupiers. All you have to do is take a look at the recent polling data, the most recent one being from a very reputable foundation, the Pew Foundation, 33 out of 35 countries have a negative image of the United States. Our own Government Accountability Office that my friends on both sides of the aisle know is a nonpartisan agency of the U.S. Congress has said this: anti-American sentiment is broadening and deepening and is a threat to our national security and will hurt our efforts against terrorism.

And, of course, there is a possibility and a real potential that it will hurt us in other areas, and furthermore it could very well erode and hurt our commercial interests.

Mr. LARSON of Connecticut. One of the reasons that we come to the floor this evening, and Mr. McDERMOTT alluded to it, is making sure that we do not sit idle to miss the so-called debate that Mr. DELAHUNT suggested took place both here in this Chamber, a nonbinding discussion, if you will, and in the Senate.

Because in the past, charges have been made and leveled, slogans tossed out, and they have not been responded to. We are not going to stand by, because the American public desires a new direction, and more importantly desires people who are willing to speak truth to power.

That is why JACK MURTHA is so celebrated across this country. It is not so much for the particulars of his plan, but for the fact that he had the temerity to speak truth to power. And so we will not stand idle, and we will come to this floor on successive evenings to drive home the point to the American people.

Mr. DELAHUNT, you articulated so clearly the need to level with the American public. And I started this evening talking about saying goodbye to the Reservists and National Guard of the 1048th Truckers Division from the State of Connecticut, a very painful thing.

And most important is the need to level with our own troops and the families, who, as you point out, are the only ones who have had to make a sacrifice since September 11. The only people that our government has requested sacrifice of are the men and women who wear the uniform and their families.

Mr. DELAHUNT. And the American taxpayer.

Mr. INSLEE. Mr. Speaker, I want to pose this question here about who is driving the bus when it comes to Iraq policy. And this is an important question I know all of us feel. Yesterday, two of our finest from the State of Washington were killed in Iraq, young men.

The day before that, a young man from Port Orchard, Washington, who had been fighting for life for 3 months died in one of our hospitals in Texas. We need somebody to drive the bus of Iraqi policy that is trustworthy, accurate, and has a full understanding of what is going on in Iraq.

And when you ask yourself, does the President meet those criteria for that policy, does his policy meet that criteria; was he right on weapons of mass destruction? No. Was he right on association with 9/11? No. Was he right on the number of troops we needed? No.

Was he right on flak jackets for the troops? No. Was he right on armored Humvees? No. Is he right on the issue of who is actually doing the fighting now? He still wants to make it sound like it is just part of an international conspiracy, not a sectarian conflict that is going on when Shiites and Sunnis are killing themselves in the streets? No.

He still is wrong about the basic nature of the conflict, and yet some people in Congress want to let him just drive the bus after he has crashed it 52 different times, and we have lost over 2,500 of our finest as a result.

□ 2100

It is time for someone else to start driving the bus, and that is Congress; to start asking these hard questions and demand a different strategy

Mr. DELAHUNT. Well, I would conclude by asking a question, which is that, ultimately, what has occurred because of our invasion of Iraq? Let us project 2 years, 5 years, 10 years.

We hear so much talk about bringing democracy to the Middle East. Well, you know what I see, I see an emerging relationship between Iraq and Iran. I already have noted that there is a bilateral military cooperation agreement between Iran and Iraq. In my memory, please help me, wasn't Iran one of the original members of the access of evil club?

And just recently, I noticed where the prime minister suggested that the international community ought to leave Iran alone and drop its demand, drop its demand that Iran prove that it is not developing nuclear technology for purposes of a weapon.

Now, what is happening here? Are we going to end up with the legacy of this loss of American lives and American taxpayer dollars with a more influential Iran? I mean, please, has anybody even talked about this or considered it? Do we hear this as part of the debate and the discourse even among think tanks, even among the popular media outlets?

Mr. LARSON of Connecticut. Well, if the gentleman will yield, I think Graham Ellison has stated it most eloquently. He said "Americans are no safer from nuclear terrorist attack today than we were on September 10, 2001." He said, "A central reason for that can be summed up in one word: Iraq. The invasion and occupation have diverted essential resources from the fight against al Qaeda, allowed the Taliban to regroup in Afghanistan, fostered neglect of the Iranian nuclear threat, undermined alliances critical to preventing terrorism, devastated America's standing with the public in every country in Europe, and destroyed it in the Muslim world."

That about sums it up, where we were and why we need a new direction.

Mr. Speaker, I thank the gentlemen for joining me this evening.

FOREIGN AND DOMESTIC POLICY

The SPEAKER pro tempore (Mr. McCAUL of Texas). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you this evening, and I appreciate the fact that my message to you echoes across America in this technology that we have today.

As I awaited my opportunity to address the Chair, I also reflected upon many of the remarks that were made by my colleagues in the preceding segment, and I would like to start out first by stating that there were some remarks that I do agree with. I know that may seem a bit unusual, but the objection to the proposed policy by the newly sovereign nation of Iraq to the rejection of the proposed amnesty is something that we stand together on, as I heard my friend Mr. LARSON say; and I thank him for raising that issue tonight.

As I think about what that means, to offer amnesty to someone for killing Americans or killing coalition troops but not amnesty if they happen to attack Iraqis, whatever stripe they might happen to be, and the same administration will be making demands on us to prosecute to the fullest extent of the law and punish American soldiers that may or may not, but certainly today we know are accused of those kinds of activities.

Mr. LARSON of Connecticut. If the gentleman will yield.

Mr. KING of Iowa. I would be happy to yield to the gentleman from Connecticut.

Mr. LARSON of Connecticut. I profusely thank you and hope you will join us in signing H.J. Resolution 90 that we have put on the floor and we hope to bring to a vote before the 4th of July so that we send a very specific message.

I think that is something that everyone in this Chamber will agree with.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman; and I will take a good look at the text of that. I know that philosophically we do agree, and I will give it serious consideration, and that is the spirit that we should operate in in this Chamber. I appreciate the gentleman's work on this cause.

I do also, though, have an obligation to lay out a disagreement, and that disagreement is with the language we heard with regard to permanent bases. We know that a year ago there was language that was inserted into the Department of Defense appropriation bill, and this was language that I understood a year ago was introduced by the gentleman from Pennsylvania (Mr. MURTHA). This language prohibited any of the funds from being used to negotiate for or to establish any bases in Iraq.

Now that language was taken out in conference. It passed through this Chamber, and no one caught it, evidently, and it was taken out in conference, I understand, at the request of the White House, because the President is the Commander-in-Chief. That is something, Mr. Speaker, we didn't hear over here in the last hour, about who it is that conducts foreign policy in America. Constitutionally, the President of the United States has the duty to conduct foreign policy, and he is the Commander-in-Chief of our Armed Forces.

The rest of this verbiage and rhetoric that comes out is an effort to try to fence him in, limit his options, and sometimes make him look bad across the globe. But the President is the one who conducts our foreign policy, and he is the Commander-in-Chief. But the Murtha language a year ago would have tied the hands of the President, would have tied the hands of the Iraqis and prohibited them from even negotiating for a temporary base, no matter how essential for the entire nation of Iraq.

Well, that language was stripped out in conference, thankfully so; and the bill went to the President without the Murtha language. This time, the bill came to the floor with the same language back in it again. The language, they argue, prohibits permanent bases. But there is nothing in that language that says permanent. It just says no money will be used to either negotiate for or establish bases in Iraq. All bases, no matter how temporary. Not even to talk about it.

Now we have a sovereign Iraq, with a new prime minister, Prime Minister Maliki, and we have a new minister of defense and a new minister of the interior, and now that they are finally standing on their own two feet, within a matter of weeks. We are tying their hands as well as the hands of the Commander-in-Chief, the President of the United States, the conductor of foreign policy by Constitution, with language in the DOD appropriation bill that says that not $1 of those funds can be used to even negotiate for a temporary base, no matter how desperately it might be needed by the newly sovereign Iraq.

Now, that is a shortsighted policy. That is a foolish policy, Mr. Speaker. It is a policy that if we had followed that policy in each one of the other conflicts we had been in, for example, we wouldn't have bases to operate out of in Kuwait. We wouldn't still be in Germany, a pretty handy place to have. We utilize those bases considerably in Germany. We wouldn't be in places across the Pacific.

And, in fact, that place we finally found out was the horizon. When the gentleman from Pennsylvania (Mr. MURTHA) said that we should immediately redeploy back to the horizon, we couldn't get him to define what the horizon was for months. Finally, he has defined horizon. Out on the horizon from Iraq, so you can quickly deploy in case there is a crisis, and I don't know why you would want to let it get to a crisis stage, but that was the strategy, and now he has said that horizon is Okinawa. We should redeploy to Okinawa. From there, we could mount air raids into Iraq, perhaps with some B–52s and do some carpet bombing to teach them a lesson, I guess.

But when you are taking on a terrorist entity, you have to beat them on the ground where they are. You can't pull out and let things brew and then come back in with overwhelming force. The gentleman from Pennsylvania knows that. He knows that if we ever pull out of Iraq, they will do everything they can to make sure we don't go back for any reason whatsoever, no matter what the consequences.

And I can tell you, Mr. Speaker, the consequences would be cataclysmic if we pull out of there, let things fall apart, and then the terrorists will have the very thing they were seeking to establish in Iraq in the first place.

So the Murtha language in the Department of Defense appropriation bill did make it through this floor in the House of Representatives. We could have made some better decisions on that, but it will go over to the Senate, where hopefully it will get pulled out, but I am just confident, if that is not the case, that it will be pulled out by the White House at their request in conference.

No president should have their hands tied behind their back and then be drubbed here every night on the floor of the House of Representatives and prevented from conducting his foreign policy. That is what happened at the end of the Vietnam War, and the end of that cost three million or more lives in Southeast Asia because this Congress tried to tie the hands, and effectively did tie the hands, of the Commander-in-Chief.

Now, we also hear that they are quite offended by the term "cut and run." And you can describe it a lot of ways, but I can't describe it any better than cut and run. That is what I heard they want to do. Why can't they simply wait for the new government of Iraq to get their feet on the ground and establish themselves and do what they are doing, which is taking on this enemy? They are taking out the enemy, going into Baghdad, in some of the neighborhoods in Baghdad and cleaning those areas out.

Now, war is never pretty. It is always ugly, and it is always costly, and you can never measure the progress of a war by the minute or the hour or the day. It has to be looked at incrementally. And sometimes a battle that is lost might end up being the war that is won, and vice versa.

We know that the writings that came from General Giap and other commanders of the Vietnam military, they were desperate. They were nearly ready to give up. But what gave them hope and what kept them in that war and kept them from giving up and surrendering was the rhetoric on the part of the left wing United States Senators and House Members.

In fact, that is something that is in Bud Day's book. Colonel Bud Day, who is the highest decorated living American war hero, writes in his book that the first years of his incarceration as a prisoner of war at the Hanoi Hilton, as a prisoner of the North Vietnamese, after being shot down over there, the first years they had to write propaganda. But after a few years, all they had to do was quote people like Senator KENNEDY and Senator Fulbright and Jane Fonda, and, he said, pick your House Member, that we quote as well.

That is going on in this conflict as well, Mr. Speaker, in the same way these 30-some years later. The results are going to be different, because the American people are not going to fall for this same rhetoric again. They are advocating cut and run. If they would like to describe it some other way, honestly, I would be happy to pick that language up, too. I like to use a lot of adjectives. Cut and run is the short term for it.

They say that 80 percent of the Iraqis want us out of there. I would like to know more about that poll. I would like to read the question. I would like to know who they asked. I think you could get a higher number than that. I think you could get 99 percent of the Iraqis to want us out of there, the same way they wanted us out of there 3 years ago. They said so. They said, we are happy to be liberated, and we want the Americans to go home, some day.

But not any time soon, Mr. Speaker. Not before the Iraqi people have control of the security of their country, not before the political solution at least gets some roots down and gets to operate. And the President has made this clear.

But the people on the other side of the aisle would not let the President move troops out of Iraq at a rate that he sees fit. They always want to be a little ahead of him.

If the President says we have 150,000 troops there, and they are thinking, well, maybe he will pull 10,000 out next month, they might hear a rumor coming from the Pentagon, and that isn't an air-tight operation over there either, Mr. Speaker, they might hear a rumor from the Pentagon that we are going to move 10,000 troops back to the United States. So people on the other side of the aisle jump to the floor, run down here and say, I demand the President remove 10,000 troops and bring them back to the United States. And they will pound on the podium and make that demand in the hopes it actually happens. Because then they can stand up and say, he finally listened. He wouldn't listen for a long time, but, finally, he listened. They want to get ahead of things so they can declare they were the cause of those decisions.

And that just makes it harder for a Commander-in-Chief to make the right decisions. In fact, running out front and trying to get in front of an issue reminds me of Robespierre, who was one of the leaders in France during the revolution, about the 1789 time period. He looked out his window, and he said, the people are marching in the streets; I better get in front of them and see where they are going, for I am their leader. A few months later, Robespierre was a head shorter. I don't know if he ever learned the lesson that you can't lead from the rear. You actually have to have some vision of your own.

You can't get up every morning and try to decide who am I going to attack today; who am I going to make look bad. Surely if I can pull some people down the ladder on either side of me, I will look better, if I can drag them down the ladder. That is the mentality that motivates a lot of the people on the other side of the aisle.

They said that, according to the Pew Foundation, I didn't hear the percentage, but a significant percentage had a negative image of the United States, a negative image of the United States. Do you suppose some of those people listen to the rhetoric on the floor of the United States House of Representatives on a regular basis? What do they think, the kind of message they are sending? What do they think of the United States?

I wonder if they answered to the Pew Foundation's poll, I wonder what the gentleman that made this argument would say if they asked, do you have a positive or negative view of the United States?

□ 2115

I am going to say I would expect they would have said we have a negative view, because that is all I hear is a negative view from that side of the aisle. I don't hear solutions. I hear negative attacks on the White House, negative attacks on the Republicans and Congress.

Somehow they will learn how to spell Republican with four letters so we can truly be a four-letter word, instead of this optimistic, progressive operation that is looking for ways beyond the horizon to make the world a better place. Then the question was from the gentleman from Washington. Who was driving the bus when it comes to the Iraq policy?

When you swear allegiance to uphold the Constitution, you are supposed to understand what is in there. I need to inform the gentleman, the person driving the bus, when it comes to Iraq policy, is the person driving the bus when it comes to foreign policy, and the person driving the bus when it comes to being Commander in Chief of our Armed Forces, in Iraq, its President Bush by Constitution.

So I hope that has cleared up some of the issues here. There are no negotiations going on for permanent bases. There would be no negotiations going on for permanent bases. We have no permanent bases anywhere around the globe.

We have no permanent bases here in the United States. They are all temporary bases. They are all established for a period of time, a term that can be agreed to by the parties involved. Sometimes it is a short term, sometimes it is a longer term; but none are permanent. If anyone thinks that here in the United States we have permanent bases like Fort Hood, for example, or Fort Campbell would be another, the answer to that is, no, they aren't permanent either. All bases in the United States are all subject to the BRAC approach.

We voted on that, and we are closing some bases, and we are downsizing some bases and shifting some materials around. That ought to convince anybody in this Congress if they had ever been through a BRAC vote and a BRAC negotiation, that there is no such thing as a permanent base, no matter how badly Members of Congress would love to have permanent bases in their districts, even these Members, there is not any such thing takes a permanent base in the United States or overseas. We are not inclined to negotiate for them, but we are inclined to negotiate for temporary bases where they make sense and where we can reach an agreement with the people who are the sovereign government of each individual nation in question, including Iraq.

I would point out also that we have a neighbor to Iraq called Iran, and this neighbor is developing nuclear capability, not just the ability to build a bomb and detonate a bomb, but the ability to deliver that bomb to a target site. They have said that Israel has no right to exist, and they want to wipe it off the map.

They have named us as one of their number one enemies. So sitting next door to Iran, with a couple of large military bases, one would think that it would be a pretty good idea not to foreclose an option to be able to maybe mount an operation from the very bases that we have invested so many dollars into.

We have billions of dollars invested in Iraq. We have a tremendous amount of blood and treasure invested there, and that investment should return something back on it. It already has. It has returned freedom to the Iraqi people.

If we play our cards right, and we are able to negotiate with them, we might one day look at that and say it was a very good thing that we stripped out the Murtha language and saved the options and the authority of the President of the United States, who is Commander in Chief, and who by Constitution conducts our foreign policy.

I would be happy to yield to my friend from Tennessee, Mr. WAMP.

Mr. WAMP. I thank the gentleman. I am very grateful that he has come to the floor tonight to discuss these matters that are so important and even to respond to some of what has already been said here tonight. I think it is important for us, Mr. Speaker, to come and talk about what sacrifices are made on the other side of the world on our behalf.

British philosopher and historian John Stuart Mill once wrote this about war: he said war is an ugly thing, but it is not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. A person who has nothing for which they are willing to fight, nothing they care more about than their own personal safety, is a miserable creature who has no chance of ever being free unless those very freedoms are made and kept by better persons than himself.

Mr. Speaker, those persons are the men and women in the uniform of our

Armed Forces. One thing I know, because I respect my friends on both sides of the aisle, is that the lessons of history, including the Vietnam lesson, taught America to support the troops, the men and women in uniform, regardless of how you feel about the mission, regardless of the decisions made by the Commander in Chief who is charged, as the gentleman from Iowa said, with making these critical decisions, duly elected, even re-elected, in the midst of this conflict.

Supported by a majority of the American people, and making these decisions with an all volunteer force, every man and woman in uniform, today, volunteered to serve. I have been with our President, with tears rolling down his face, talking about the sacrifices that these mostly young men and women are willing to make on our behalf, knowing that this call is a difficult call, knowing that the sacrifices are extraordinary, and, yes, we have lost over 2,500; many, many more have been injured.

But I have got to tell you, freedom is never free, and every time it has been handed from one generation to the next, it has been handed by the men and women in the uniform, and they are there making that sacrifice for us. I want them to look back in this interactive world we live in and see us standing behind them, not talking about leaving early, never retreating, always finishing what we start.

Let me tell you, I saw a Democratic Senator on television this weekend talking about what is happening in northern Africa, specifically Somalia. You and I were in Africa together a year and a half ago, talking about Sunni extremism that has spread around the globe and influenced the east coast of Africa. This is not because of what has happened in Iraq; it is happening if we are not in Iraq. It is happening, and it manifested itself on September 11, 2001, no, 1993 is when they wanted to bring down the World Trade Center, but they didn't. Their engineering didn't work.

Did we pay enough attention then, or the other 30 times that our ships and our interests in hotels that we own around the world were bombed by terrorist extremist, from radical Islam? No, we didn't pay enough attention. We even retreated from human intelligence. We cut the budget.

Mr. Speaker, if we are not on the offensive today, freedom is at risk again for this generation. Man, I am glad that these men and women will stand in harm's way on our behalf and stand in the gap. Absolutely we hail them.

Iraq is difficult, but it is a decision that was made. Over half the Democrats in the United States Senate voted to use force to remove Saddam Hussein, and almost half the Democrats in this House voted to use force to remove Saddam Hussein. They thought it was important to remove this genocidal mass murderer, terrorist, and they said with weapons of mass destruction.

Now, sarin gas was found again. We know he used it on hundreds of thousands of people. We know he is a genocidal mass murderer, just like Slobodan Milosevic was, and President Clinton chose to remove him from Eastern Europe. But here we are today, frankly, second guessing, instead of standing together.

I have got to tell you, I believe deep in my gut, Mr. Speaker, that it is a matter of time till we are hit again. We cannot sleep. We cannot rest. We must be vigilant, and the Senator was right. Now, in northern Africa, what they are looking for is a vacuum, Mr. Speaker. They are looking for a sovereign nation from which to operate.

You cannot convince me Iraq was not right to be a sovereign nation from which to operate. You cannot convince me, and I am on the Homeland Security appropriations subcommittee, been there since we created the Department of Homeland Security. Briefed at a very high level, you can't convince me that there were not connections with al Qaeda operatives and Saddam Hussein.

Now all you hear about this rhetoric here is this November. It is not about what has happened or what is happening. It is about them retaking the majority in the Congress. So let us just call it what it is. While I am on my feet, let me say, Mr. Speaker, that we are blocking and tackling and trying to do the people's business in this House as the majority. I am encouraged.

Our economic policies are working, amazingly durable economy today. I am amazed at that growth that is taking place out there in America. I am amazed that unemployment is this low, virtual full employment. I am amazed that everything we have been through from Katrina and Rita to terrorism all around, that we are still this strong, and it is because we have enacted sound, economic policies.

Legislative line item veto passed the House last week. It is a compromise that we know the Supreme Court, or, we believe, will uphold this time. The President can eliminate unnecessary spending, something the people back home continue to want from this Congress.

We also came up with a compromise for the death tax, because you really shouldn't be taxed again when you die. Within 6 months, the IRS shows up. This is a compromise.

We are reasonable people, but we are going to continue to press the fundamentals of blocking and tackling and doing the people's business. I am encouraged that there is some momentum in this House again. I am encouraged by the leadership of this House.

I tell you what, I know this is the silly season. Next 4½ months you will hear all kind of rhetoric and all kind of talk. But America is too great to dumb it down to election-year rhetoric.

I have come to the House floor tonight to just try to rise above it. I rarely do this. I have tremendous friends on both sides of the aisle here, and I respect this institution so much. What a privilege it has been for me to be here for 12 years.

But I have to tell you, Mr. Speaker. When the going gets tough, the tough get going, and it is tough, if we left Iraq tomorrow with Sunni extremism, al Qaeda, Hezbollah.

Hamas was elected in Palestine, a terrorist organization was elected to the government, and now more people are being elected terrorists in Somalia. Terrorism is on the rise. We are on the offensive, or we are in retreat. Take your pick. Take your pick. You can't have it both ways.

I am glad this President has been strong and tough and consistent. The other people around the world are paying attention. Don't tell me Moammar Gadhafi turned over his nuclear weapons because we weren't strong. He turned them over because we were strong and consistent. He did not want to be on the list of countries that we were watching closely and concerned were aiding and abetting terrorist networks with weapons of mass destruction. So he turned them over.

This is a strong President, exerting leadership during very difficult times, extraordinarily difficult times. Because this war doesn't really have a front line, and there is no one to sign a truce or a treaty with at the end, because global terrorism now is spreading around the world through the Sunni extremism, this makes this the toughest of all fights.

It is the easiest to cast doubt about. It is the easiest to throw rocks at. There will be some rocks thrown in the next 4½ months. I think it is time for some people to come to this floor and speak out about what is at stake. Number one, the main thing that people expect of a President or this Congress is to protect them from threats.

If you don't think that Sunni extremism and radical terrorism is a threat, it is why we are working so hard in the House to secure our southern border, not come up with some notion of how to encourage other people to come here illegally, like we got out of the other body, but securing the other border, stopping the inflow of people into this country that can bring damage to us and bring harm to our people. Security is the main thing.

I tell you, in the wake of September 11, I know mistakes have been made, but I would rather be on the offensive, fighting them on our terms and their land rather than on their terms and our land. It really does boil down to that.

Again, I respect everyone who comes up with their open plan, and I believe the debate ought to come to this House for it, and we ought to do it in a civil way. But I tell you, I believe that those people that understand this threat and know historically what has been necessary to deal with these threats should come down here and defend, not only the men and women that are carrying it out, but the principle that says sometimes freedom comes with a price.

We have got to promote our way of life around the world, not be policemen around the world, but to promote freedom. Free countries do not war with one another. I believe in that. I think that is a Bush doctrine, and I believe in that. Twenty-two Arab League countries, none of them really have our form of government.

□ 2130

None of them really freely elect their leaders. None of them really respect the dignity of an individual. None of them really give women full rights and privileges. None of them really have freedom of the press, freedom of religion, freedom of thought. Those are the kind of freedoms that will contain and eliminate terrorism over time.

This is a bold proposition. It is a world-changing proposition. I actually believe it is the right thing to do.

Mr. KING of Iowa. I thank the gentleman from Tennessee, and I wish to associate myself with every remark made here in this spontaneous demonstration of Mr. WAMP's heart and head and involvement in this big effort that we have. I don't think it can be overemphasized, and I am going to make it a point to go back and look at the CONGRESSIONAL RECORD and read through those words again. Sometimes there is a gem that shows up here on the floor; and this is something that happened tonight, Mr. Speaker. I do greatly appreciate it.

I want to emphasize that I believe that our United States military that is involved in this conflict, this global war on terror, it is the very highest quality military ever sent off to war. And I don't say that to diminish the contribution on the part of anybody, especially the greatest generation or those wars that came behind. I say this to build on top of that reputation, not diminish it.

But some of the reasons we heard from Mr. WAMP were, first of all, they are an all-volunteer service. And not only that, they are people that have all volunteered for this conflict, because this conflict has gone on long enough that everyone had a chance to re up. So everybody that is in uniform got to consider the current state of conflict globally, and they signed back up again in numbers far larger than ever anticipated.

They said, I am going back for a second tour, I will go back for a third tour, I will put my life on the line, and I will certainly put it on hold for a year or more to give the Iraqi people a chance at freedom. Because they believe, as ZACH WAMP and I believe and as President Bush believes, that we never go to war against another free people. Free people resolve their differences at the ballot box, not on the battlefield. That demonstration of that has been true throughout history, and it can be true in the Middle East as well.

I continually point out this example, and that is on 9 November, 1989, when the Berlin Wall went down, when people climbed over the top of it and chiseled pieces of it out and broke champagne bottles on it and families were reunited, the story in the mainstream media was all about how families were reunited, and they seemed to think it was all a personal thing, that now they didn't have to write letters across the wall or maybe wave through the Brandenburg Gate at each other or go to Checkpoint Charlie and figure out how they might get through.

No, it wasn't about that. It wasn't about that at all. It was about the end of the Cold War. It was about the Iron Curtain crashing down November 9, 1989, not predicted until you look back at Ronald Reagan when he said, Mr. Gorbachev, tear down this wall. And the people tore down the wall out of a desire for freedom.

That desire for freedom, once that wall went down, November 9, 1989, within about 2 to 3 short years, freedom echoed across eastern Europe, almost bloodlessly. And I will say virtually bloodlessly in the single most significant historical event of my lifetime, the end of the Cold War, Mr. Speaker. That freedom that echoed across eastern Europe for hundreds of millions of people can be the same freedom echoing across the Arab world for hundreds of millions of people. And that is a formula for a final victory in the global war on terror.

But not until then. Because there is a habitat that breeds terrorists. There is religious fanatical beliefs that their path to salvation is in killing people who are not like them. And we are some of their preferred targets. Wherever we are, they will attack us until that ideology is defeated. You have got to do it boots on the ground there, and you have got to give people freedom and hope, and that is what we have been doing ever since September 11, 2001. The American people have voted on that issue. They have elected their Commander-in-Chief.

I heard these Presidential debates in Iowa. First in the Nation caucuses and continually eight or nine and sometimes ten candidates for the White House would get up every morning and decide what can I say to tear down President Bush. And they would have advisory teams out there trying to find soft spots that they could attack the President on. They didn't stand up and debate the differences between them as candidates, to determine who would be the nominee for the presidency. They decided that they would line up and take shots at the President. Whoever could be the most aggressive criticizer of the President presumably would be the one who then won the nomination and went on to run for the presidency and perhaps the White House.

That is when Howard Dean melted down, JOHN KERRY emerged. The JOHN KERRY who stood there and said over and over again, wrong war, wrong place, wrong time. First I voted for it before I voted against it. That example of leadership, that gift that kept on giving, and probably the biggest reason why we have this fine leader in the White House today is that that gift that kept on giving kept reminding the people that there was a stronger leader that had a clearer vision; and that has been true in spite of relentless, relentless attacks.

My friend from Tennessee also talked about how important it is for us to be a sovereign Nation that secures our borders; and I wish to pick up on that subject matter, Mr. Speaker.

Because, as I watch this situation, and we knew that when we were attacked by enemies from within, most of whom had violated our immigration laws in one form or another, faulty paperwork or let their visas expire, entered into the United States by a method that may or may not have been legal, but certainly the majority of them were not legal at the time that they attacked the United States, the 19 hijackers from September 11, tell us that if they want to come here to do us ill, then we needed to secure our borders.

So we got busy and spent a lot of money and set up a lot of new standards; and we have things now that are halfway in place, like US VISIT, where we have a computer database now that tracks everybody that comes into America, that is not quite yet tracking everybody that goes out of America, so we don't have a balance sheet list of who is here. We just have a list of who came. If they come back again, then we can presume that they left and went home again and then came back again. But, other than that, we have not caught up with US VISIT.

We set up the security in our airports where it is locked down tight. Yes, they make mistakes and sometimes things get through. But for a while there, you couldn't get a nail clipper onto an airplane without them breaking off the file that you might use to clean your nails and file them with. That is how tight it has gotten. And our matches and cigarette lighters, things like that have been shut off of our airplanes. So we have done a lot. We have done a lot to create a TSA that is there protecting our airports.

And we are doing a better job at our ports. In fact, the job that is being done at our ports is far better than the critics would have you believe, because it has got a random and statistical selection process of these containers that are sealed containers, and it is more important than opening every one and looking through them to use our resources to pick which ones to open, which ones to x-ray, which ones to look through.

In fact, I have been the witness to some of that success as they have gone through sealed containers in our ports and uncovered contraband material that is in there.

But our most porous and most open vulnerability that we have, Mr. Speaker, is the vulnerability in the 2000-mile border between us and Mexico. Down there, when you have that kind of travel of people flowing across the border, and I sit on the Immigration Subcommittee, and for now 3½ years, I have heard continual testimony, nearly every week, that deals with how many people are coming across our border. And that number, the most consistent number that I come up with as I listen to this testimony from border patrol officers, high-ranking officials, it is their job to know this, and they will say that, well, that number is perhaps four million a year coming across our southern border. Four million. And they will testify that they stop 25 to 33 percent, a fourth to a third of those that seek to come across our borders, which means you have a positive opportunity, a chance, the odds are better that if you want to come into the United States illegally across the southern border, it is better that you make it that you don't.

We stopped, out of that four million that come across the border a year ago, we had stopped 1,159,000. That was for 2004. For 2005, we stopped 1,188,000 of those. Most of those were put on a bus, turned around and taken down to the port of entry, and they got off the bus, and they watched them walk through. Some of them got picked up within 24 hours when they came back in again.

We have a catch and release program that will stop them seven to 14 times before we adjudicate them and punish them, rather than just take them back.

But I would be happy again to yield to my friend from Tennessee at any time.

Mr. WAMP. I think, Mr. Speaker, in all fairness, we should point to some successes by the Department of Homeland Security since last September in changing the policy from catch and release to catch and return. As I tell people back home in Tennessee, that the policy really was, going back to 1986, that you would actually release people coming across the southern border that were apprehended, you know, pending a court date. And there is always a chuckle in the audience because they know that that illegal immigrant would not show up for court. And so effectively the policy allowed them to come into this country and disappear.

But I have just got to say, the folks that I represent, and this is really where we need to stay focused, the people back home, they know that we have a system in this country that people who are sick can walk into the emergency room of safety net hospitals and receive free health care, regardless of their ability to pay, regardless of their socioeconomic condition or even whether they are a citizen of this country. And as long as we have that system, then that system is very much at risk if we allow the continued increase of illegal immigration into this country.

Now, they also say all we really care about, you people in Washington need to know is that you secure the southern border and slow and hopefully stop the influx of illegal immigration across the southern border.

I had a person ask me this past Saturday, at home at a meeting, what about the Canadian border? Well, it is important, too, but that is not where the influx of illegal immigration is coming across. It is the southern border.

So you have got to go, you know, the hunters go where the ducks are. You know, if you are trying to stop the flow of illegal immigration, you go where it is happening. And the lawless environment on our southern border demands action.

People say, well, you can't build the Great Wall of China on the southern border. You don't have to. In this day and age, you can put a protective fence around your yard of your home to keep your animals from leaving that you can't see. If you can do that, you can have the technology with a protective barrier. Some of it is going to be a fence, literally. Some of it is going to be the latest in technology.

But, listen, and I know the gentleman who is sitting in the Chair tonight knows from his extraordinary service in Homeland Security, we have not deployed the technology that we have available to us in the area of homeland security. You talk about US VISIT. It is going fast now. But through biometrics and the latest in technology, we are actually going to be able to keep track of people from all around the world. We really are.

We are almost at 300 million people in this country. But in terms of our intellectual capability and the advancement of technology, we are so close to being able to keep track of these people coming across the border and also deploy systems, technologically, to detect people coming across the border, all across the southern border.

So job one is secure that border. The other thing my people are concerned about are illegal immigrants tapping into Social Security, which we already know is under great stress and duress, and Medicare. The greatest government expenses now are Social Security and Medicare. These are guarantees to people that reach a certain age in the work force or 65 for health care, and we cannot allow a system that invites people into that system that haven't paid into that system.

And I have got to tell you, the legislation we see coming out of the other body, it is a recipe for more Social Security deficits in this country, because it will invite illegal immigrants into the Social Security system. We cannot tolerate that. So if anybody thinks we are heartless, we are protecting, honest to goodness, we are protecting seniors by securing the border and not going for an amnesty plan to blanket people into this country.

Listen, I had a young lady come up to me a few years ago, not more than three, in Cleveland, Tennessee. She was from eastern Europe. She came up to me; and she, too, had a teary eyed, choking voice and said, Congressman, it took me over 5 years to become a United States citizen. I worked an hourly job, and it cost me several thousand dollars for a long period of time to become a U.S. citizen. And the day that I received my citizenship, she had a real strong eastern European accent, she said, it was the happiest day of my life. And her eyes gleamed, and she said, please do not dishonor my commitment by granting citizenship to people who came here illegally.

Let me tell you, that is something that is lost in this debate. What about the people who did go through the effort to do it right? What about the people who we, you know, we embrace immigration. The history of this country is embracing immigration. We want people to immigrate here; and, frankly, we want people to come here and work.

I have got to tell you, a lot of people that are coming across the southern border are hard-working people. No question about it. But just because they are hard-working people and just because they are providing a benefit to us doesn't mean we have to say, okay, we are going to stamp you as a citizen because you came here illegally.

☐ 2145

No. That doesn't mean that. As a matter of fact, that means we are throwing the rule of law out the window. We are watering it down. Let me tell you, once you go down that slippery slope of not honoring the rule of law all the time, that is one of the things that on this floor is debated and frankly in strong support for making sure that everyone is held accountable under the rule of law and that no one is exempt from the rule of law. No one. No Member of Congress is exempt from the law. No one is. So why would we embrace this notion that illegal immigration is okay and that those folks too will become citizens? No. There is a process that you go through, and we want to honor that process and honor the commitments made by those who came here legally.

Another tough issue, no question, and we face many. I think the fundamentals are as challenging as they have been in 30 years right now in this country. But as I said earlier, when the going gets tough, the tough get going. It is time for us to step up. Every generation sooner or later is called on to meet these great challenges, and our generation is meeting those great challenges.

I have to say that I think the Greatest Generation, the World War II generation, from September 11 forward is looking at our generation saying, I'll be darned, they do have what it takes. They have stepped up. I know that a lot of people say we are the "me" generation and that we are selfish. No. I see people giving back. I see a lot of our sons and daughters, every parent of a person in our military today, they are giving back. Our sons and daughters are giving back. They are stepping up to meet our generation's challenge. So we have got to pull together, Mr. Speaker.

And I thank the gentleman from Iowa for letting me weigh in.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I thank the gentleman and appreciate his delivery here on the floor.

I would point out for his edification that at that town where you met that lady in Cleveland, Tennessee, is where I believe this suit was made. You will be glad to know that I look around to find American-made suits, and I buy them off the rack in Denison, Iowa, and I am proud to do it.

I appreciate that contribution to this succession here tonight as well. And I point out also, Mr. Speaker, that it isn't just Americans that believe this way. It isn't just Americans that concur with the statements of Mr. WAMP and myself, but I have a survey in front of me. That survey is of the Hispanics in America, and some of these polls are this: that opposing increasing overall levels of immigration, overall immigrations of immigration, legal or illegal, 56 percent of Hispanics oppose it, and 31 percent say let us go ahead and increase the levels of immigration. But 56 percent, a significant majority, are opposed to increasing those levels of immigration.

Benefits for illegal aliens, 60 percent of Hispanics oppose; 20 percent support benefits for illegal aliens. And then even a guest worker program is kind of split. It leans a little bit in favor of a guest worker program, but it is not decidedly in favor of that.

A pathway to citizenship, Hispanics in America oppose that for people who are in this country illegally today, 52 to 38 percent.

So this is not something that alienates Hispanics in America when you stand up for the rule of law. It is one of the reasons they came here. And they followed the law. They jumped through the hoops, and they respect this. And they want us to honor their citizenship and support this rule of law and also defend our border.

And the time I spent on the border, and there have been a number of times that I have gone down and invested my time there, I sit down had and, of course, I meet with the highest ranking people that are there, and I see the display of all the equipment that they have and the technology they use and the tactics that they use, and the effectiveness that comes with that gives me a nice warm feeling.

Then I go back down there, and I sit alongside the border, and I talk with the rank-and-file people that are the boots on the ground, Mr. Speaker, and I listen to what they have to say. I listen to the Texas border sheriffs, what they have to say, and the local law enforcement along through Arizona as well, and I come up with a little bit different picture. And that picture is, as I said earlier, 4 million people pouring across our southern border every year; and yet if we appropriate the funds requested by the President, it will be $8 billion to protect our sovereign border, 8 billion. And yet the numbers of illegal crossings are going up, not going down. The dollars' worth of illegal drugs coming across the border are going up, not going down.

So one would think if money were the answer, if we just threw more money at it, and we had more Border Patrol officers and we had the National Guard down there that the border crossings would go down. Well, they will in some areas until they retool and do their end-run and go through the areas that are vulnerable. And the President has said that we simply cannot stop people at the border that want to come here for a better life. If they want jobs to provide for their families, they are going to come. That has kind of been his answer and it is almost the same tone. As he contends that we cannot stop people that want to come here for jobs, I would argue that we can. In fact, of the forces pushing on our southern border, the easiest force to stop is the one of the honest hardworking people that just want to have a job and a better way of life. Those are the easier ones to stop. And if we cannot stop them, then we sure in the world are not going to be able to stop the criminals, the terrorists, those that want to come here to do us ill, those that are carrying $65 billion worth of illegal drugs across our border.

That is a tremendous amount of force, $65 billion pushing against our border and the drugs that come through there. Ninety percent of the illegal drugs in the United States come across the border from Mexico. Has anyone heard the Commander in Chief speak about that subject matter? Has that been uttered in a press conference? Is it anything that seems to be part of the lexicon or the rhetoric that comes from the White House? And I think no. But I think that needs to be a very big part of this debate. If we want to take a position that we cannot stop honest people from coming into the United States, why do we think we can stop the dishonest ones that want to come into the United States?

And that is why I contend that the time that I spent on the border, the time that I sat down there in the dark and listened to the illegals unload from their vehicles that drive up near the border, get out, pick up their backpacks and infiltrate into the United States, those that I have seen that are crossing illegally, the things that you see in the streets, 500,000 marching in the streets of Los Angeles with Mexican flags, that ought to give us an image to go by. They are feeling so confident, so self-assured, so strong that they go to the streets to demonstrate against us, thinking that they will scare us into granting them amnesty.

I mean, the threat of can you imagine a lawn that wasn't neatly trimmed or can you imagine having to cook your own steaks? Some of those things are arguments that have been made, Mr. Speaker. So I think the American people did get a message from that. I think they understand that there is a growing force here in the United States, and it is growing faster than 450,000 or so a year illegals coming in, growing faster than most realize.

Because if 4 million come in and we stop a little over 1 million and take those physically back to the border and watch them go back through the turnstile, some are back the next day. Some are not going back to the border because the Mexican consulate has all of the credentials for them to have access to our stations everywhere along the border, and they decide which ones go back and which ones do not. Now, why do we let the Mexican Government decide that? That is the same mentality of one who would write into a bill that we have to go consult with Mexico before we could build a fence on our southern border.

Now, I do not disagree with the gentleman from Tennessee. There is a lot of technology that we ought to be using. But I am a little bit more of a fellow that says I know what does work. We do not know that the technology works. I hope it does, but I know what does work. And as I sat down there on that border and I watched them catching drug dealers and pulling 180 pounds of marijuana out from underneath the bed of a truck and then hauling a Mexican across the border from Mexico that had been stabbed in the liver in a knife fight that just happened while I was there, those incidents come along so often that it is just part of the daily life down there. And the only way that you can shut that off with that force is to build a fence and a wall.

And I do not submit that we do all 2,000 miles all at once. I submit that we do so where the highest pressure is, and then when they start going around the end, extend the fence and extend the wall. But I would put a 10-foot high chain link fence on that border. And I would put that fence all the way. We need to define the border, and "virtually" does not define the border. So I would put a 10-foot high wall. I would put razor wire on top. I would put a sign on the south side about every 200 feet in Spanish that says: Here is the Web page you can check with your wireless laptop, how to get in connection with the U.S. consulate and how you come to the United States legally. Go apply here. Do not be knocking on the gate on this fence because it is not open unless you have the credentials to come here legally.

Every nation has to do that. And as they begin to tear down that 10-foot high chain link fence and cut holes through it and do it like I saw them down there south of Lukeville where they had cut through the chain link fence and chained it back up again and put a hinge in there and a gate through our chain link fence with a double padlock on it and a great big guard dog on the Mexican side, that is their passage into the United States, Mr. Speaker, and it has got to be shut off. Those are people who mean us ill will.

So I am going to submit this: this box, before I cut the notch in it, this represents, let us say, the New Mexico, the Arizona, and the Texas part of the border, maybe part of California. Now, just plain old desert. We go in here to build this wall and we dig a trench through here. This is, Mr. Speaker, the trench that one would dig. And as we dig this trench, we build some machines up in Iowa that do a good job. They are the kind of machines that you pull this trencher along here, and as you do that, you pull the slipformer in behind it, and you pour a slipformer of about a 5-foot-deep tongue down in here. And it has got a slot in it, a notch in it. And you move along with that trencher and that slipformer, pouring a footing for this concrete wall that goes across the desert. A 5-foot-deep slot in it with a foundation so that it holds the vertical wall up and it is rigid.

And then you get a footing that looks something like this. It won't quite be above the ground, Mr. Speaker, because this area right here would be flush with the ground. But, nonetheless, one gets the image here that we are working with.

And then you bring in truckloads of these precast concrete panels. These panels would be 10 feet wide, about 12½ feet tall, tongue and groove, reinforced with steel, and you would just pick them up with a crane. They weigh about 188 pounds, and you drop them in the slot one at a time. The first one would go in like that. Then you pick up the second one and you put it in like this. And pretty soon we end up with a wall here that will keep illegals out. It will keep the illegals out, and it will also keep out the drug runners, the smugglers, the terrorists.

And this is a pretty quick operation. It is not hard to do at all. Our little construction company, which I sold to my oldest son, could do about a mile of this a day. Now, we are not going to be in the business of bidding this. I want to tell you that in the beginning. That is not my interest. I am just taking my background, Mr. Speaker, and using it to demonstrate how simple it is to put together a design that they are not going to get across.

Now, it doesn't mean that they are not going to have some kind of human catapult and launch people across it or that they will not design and build some kind of a 12-foot-high ladder. Yes, they will. But it is not going to be that easy because we are going to put some of this wire right on top of there called concertina wire, or razor wire. I only put on one roll, but you could put on two or three, set that the concrete. We can then put cameras on the backside, if we choose, or on the front side. This would be about 100 feet inside the chain link fence. So there would be 100 feet of no man's land that one could patrol. So they would have to come through our 10 feet high chain link fence on the south side with the razor wire on top of that. And they will try to do that.

When they get to this wall, they would probably carry their 12-foot ladder through the fence. They would put it up on top and they would try to get over here on this side. They do not know what is over here. They cannot see the sensors, the cameras, the vibration sensors, the infrared, whatever is there that would trigger our warning, and that will let the Border Patrol converge on that area.

We can shut this traffic off going across our southern border at least 90 percent and maybe even a number approaching 100 percent if we make a commitment to the manpower to patrol a wall like this. And it will take far less manpower. We are spending $8 billion on our southern border, $8 billion. That is $4 million a mile. And I would say this: if you would pay me $4 million and say, Steve, you protect that mile, I am going to protect that mile. There will not be a species of anything getting across that mile if that is what my contract says.

So I will submit that the easiest way to do that with the least amount of manpower is build a fence, build a wall. This can be constructed for about $1.3 million a mile. One point three, when we are spending $4 million for that mile, every mile, to wear out Humvees and have our Border Patrol park on the X and watch people come through, sometimes a border that is not even marked, let alone fenced. And if it is fenced, it is not even a barrier for human beings.

We are talking about building a lot of fences along the border that are vehicle barriers so semi-trucks full of marijuana cannot get through and straight trucks full of marijuana cannot get through and pickup trucks that have drugs in them, it is harder for them to get through.

But, still, what they do is they just create burreros, pack horses, human pack horses. So they will bring the drugs up to the border, and if there is a vehicle barrier there, they will throw their marijuana through, their drugs through, go through and load their backpacks up with that, and each one of them carries 50 pounds of drugs, 25 miles across the desert, up to a predetermined location point where they will then take their packs and toss them in the back of the semi or the straight truck.

□ 2200

Some of those people then, the illegals that are carrying drugs in that pack train, the burreros in the pack train, climb in the truck and they go on into the United States. Some of them are continuing drug dealers. Some are criminals, some want just an honest day's work. And some turn around and walk 25 miles back down in the desert and pick up another load and come back again.

When they tell us that maybe 4 million people came into the United States, but a lot of them went back home again, some of them are going back to get another load of illegal drugs.

That is how $65 billion worth of illegal drugs comes into the United States, and we can't stop that if we are simply going to sit down there and think that we are going to do this by a virtual approach to the border. We have to do it physically. We have to stop it.

$20 billion gets wired back to Mexico out of the wages and labor that is there. Another $20 billion gets wired to the Caribbean and Central America from the labor of the United States of people that are here. So there is $40 billion that goes south of the border that comes off of the labor. Out of the $75 billion worth of labor at the hands of illegal people in the United States, most of it comes out of there. It is $40 billion going south. Additionally, there is another $65 billion paying for the drugs that are coming north.

So we have got altogether over $100 billion being used for drugs and the economic incentive for Vicente Fox. Over $100 billion. And what is the next highest economic factor in the Nation of Mexico? Oil. $28 billion worth of oil. But this overall drug and human package for just Mexico is $85 billion, nearly 3 times the value of the oil in Mexico.

So we must stop this. We must do it with a human barrier. We can do it with this wall. We can build this for $1.3 million a mile. I will stand with it. We will design the machines to do it. We will build it, Mr. Speaker, and we need to stand together as a country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIGGINS (at the request of Ms. PELOSI) for June 27 before 4:00 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MEEK of Florida) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, June 28 and 29.

Mr. OSBORNE, for 5 minutes, June 27 and 28.

Mr. BURTON of Indiana, for 5 minutes, today and June 27, 28, 29, and 30.

Mr. BILIRAKIS, for 5 minutes, today and June 27 and 28.

Mr. GOHMERT, for 5 minutes, today and June 27 and 28.

Mr. MCHENRY, for 5 minutes, June 27, 28, 29, and 30.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, June 27, 2006, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8253. A letter from the Secretary, Department of Agriculture, transmitting a draft bill entitled, "Commodity Credit Corporation (CCC) Budget proposals"; to the Committee on Agriculture.

8254. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs; Additional Exceptions to Time Restriction on Sales [Docket No. FR-4911-F-02] (RIN: 2502-AI18) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8255. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — Office of Special Education Programs—State Personnel Development Grants Program — received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8256. A letter from the Deputy Assistant for Export Administration, Department of Commerce, transmitting the Department's final rule — General Order Concerning Mayrow General Trading and Related Entities [Docket No. 060531141-6141-01] (RIN: 0694-AD76) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8257. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8258. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8259. A letter from the Inspector General, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8260. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period September 30, 2005 through April 1, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8261. A letter from the Chairman, Broadcasting Board of Governors, transmitting a copy of the Broadcasting Board of Governors' 2005 Annual Report, pursuant to Section 305(a)(9) of the U.S. International Broadcasting Act of 1994, Pub. L. 103-236; to the Committee on Government Reform.

8262. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 to March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8263. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8264. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for October 1, 2005 through March 31, 2006, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8265. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8266. A letter from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8267. A letter from the Director, Environmental Protection Agency, transmitting the Agency's 2005 report on the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002 for the period of October 1, 2004 through September 30, 2005; to the Committee on Government Reform.

8268. A letter from the Director, Environmental Protection Agency, transmitting the Agency's 2005 report on the Notification and Federal Amployee Anti-Discrimination and Retaliation Act of 2002 for the period October 1, 2004 through September 30, 2005; to the Committee on Government Reform.

8269. A letter from the President, Ford Foundation, transmitting the Foundation's 2005 Annual Report; to the Committee on Government Reform.

8270. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours [NARA-06-0004] (RIN: 3095-AB50) received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8271. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, "To make technical corrections to the process for certification of Federal agencies' performance appraisal systems, and for other purposes"; to the Committee on Government Reform.

8272. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the Management Decisions and Final Action on the Office of the Inspector General's Audit Recommendations for the period of October 1, 2005 to March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8273. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2005, pursuant to 20 U.S.C. 57; to the Committee on Government Reform.

8274. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2005, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

8275. A letter from the Director, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — Electronic Signature and Storage of Form I-9, Employment Eligibility Verification [BICE 2345-05; DHS-2005-0046] (RIN: 1653-AA47) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8276. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of the General Services Administration's Fiscal Year 2007 Capital Investment and Leasing Program report, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

8277. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Administrative, Procedural, and Miscellaneous (Rev. Proc. 2006-31) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8278. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2006-55] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8279. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Pacific Gas and Electric Company v. United States, 417 F.3d 1375 (Fed. Cir. 2005), rev'd 55 Fed. Cl. 271 (2003) — received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8280. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2006-32) received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8281. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Returns Required with Respect to Certain Foreign Corporations and Certain Foreign-Owned Domestic Corporations [TD 9268] (RIN: 1545-BF49) received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8282. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Amounts Paid Pursuant to a Leave-Sharing Plan to Assist Employees Affected by a Major Disaster Declared by the President of the United States [Notice 2006-59] received June 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8283. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2006-28) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8284. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 7874 Regarding Expatriated Entities and their Foreign Parents [TD 9265] (RIN: 1545-BF48) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8285. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Communications Excise Tax; Toll Telephone Service [Notice 2006-50] received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8286. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Definition of Regulated Investment Company (Rev. Rul. 2006-31) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8287. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rules for Certain Reserves (Rev. Rul. 2006-25) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8288. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clarification of Notice 2006-26 [Notice 2006-53] received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8289. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2006 Prevailing State Assumed Interest Rates; Correction (Announcement 2006-35) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8290. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction for Energy Efficient Commercial Buildings [Notice 2006-52] received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8291. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Credit for New Qualified Alternative Motor Vehicles [Notice 2006-54] Receive June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on June 23, 2006]

Mr. HYDE: Committee on International Relations. House Resolution 946. Resolution requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to strategies and plans either designed to cause regime change in or for the use of military force against Iran; adversely (Rep. 109–526). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 819. Resolution requesting the President and directing the Attorney General to submit to the House of Representatives all documents in the possession of the President and the Attorney General relating to requests made by the National Security Agency and other Federal agencies to telephone service providers requesting access to telephone communications records of persons in the United States and communications originating and terminating within the United States without a warrant (Rept. 109–527). Referred to the House Calendar.

[Submitted June 26, 2006]

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 845. Resolution requesting the President and directing the Secretary of Defense and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution, documents relating tot he termination of the Department of Justice's Office of Professional Responsibility's investigation of the involvement of Department of Justice personnel in the creation and administration of the National Security Agency's warrantless surveillance program, including documents relating to Office of Professional Responsibility's request for and denial of security clearances; adversely (Rept. 109–528). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 890. Resolution providing for consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–529). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 891. Resolution providing for consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes (Rept. 109–530). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 4761. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; with an amendment (Rept. 109–531). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself and Mr. Oberstar) (both by request):

H.R. 5678. A bill to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT:

H.R. 5679. A bill to establish a grant program to fund eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes; to the Committee on Science.

By Mr. SMITH of New Jersey (for himself, Mr. Payne, Mr. Wolf, Mr. Lantos, Mr. Tancredo, Mr. Towns, Mr. Rangel, Mr. Leach, Mr. Rohrabacher, Mr. Moran of Virginia, Mr. Chabot, Mr. Al Green of Texas, Mr. Sabo, Ms. Loretta Sanchez of California, Mr. Scott of Virginia, Ms. Corrine Brown of Florida, and Ms. McKinney):

H.R. 5680. A bill to encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia; to the Committee on International Relations.

By Mr. YOUNG of Alaska (for himself and Mr. LoBiondo):

H.R. 5681. A bill to authorize appropriations for the Coast Guard for fiscal year 2007, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HYDE (for himself, Mr. Lantos, Ms. Ros-Lehtinen, Mr. Ackerman, Mr. Burton of Indiana, Mr. Wilson of South Carolina, Mr. Faleomavaega, Mr. Engel, Mr. Crowley, and Mr. Etheridge):

H.R. 5682. A bill to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India; to the Committee on International Relations, and in addition to the

Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. BILBRAY, and Mr. ISSA):

H.R. 5683. A bill to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself and Mr. MORAN of Virginia) (both by request):

H.R. 5684. A bill to implement the United States-Oman Free Trade Agreement; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Mr. BOEHLERT, Mrs. MCCARTHY, Mr. MCHUGH, Mr. FOSSELLA, Mr. KING of New York, Mrs. MALONEY, Mrs. LOWEY, and Mr. ACKERMAN):

H.R. 5685. A bill to designate the facility of the United States Postal Service located at 19 Front Street in Patterson, New York, as the "D. Mallory Stephens Post Office"; to the Committee on Government Reform.

By Ms. NORTON:

H.R. 5686. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain men screened and found to have prostate cancer under a Federally funded screening program; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 5687. A bill to require the Secretary of Veterans Affairs to establish and operate a community-based outpatient clinic in Alpena, Michigan; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN (for himself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. BURTON of Indiana, Mr. BERMAN, Mr. KING of New York, Mr. WAXMAN, Mr. PENCE, Mr. ENGEL, Mr. MCCOTTER, Mrs. LOWEY, Ms. HARRIS, Mr. WEXLER, Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. SCHIFF, Mr. SHERMAN, Mr. GRIJALVA, Ms. BERKLEY, Mr. HASTINGS of Florida, Mrs. MALONEY, Ms. MATSUI, Mr. CROWLEY, Mr. HOLT, Mr. HONDA, Ms. WASSERMAN SCHULTZ, Mr. BROWN of Ohio, Mr. HIGGINS, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Mrs. DAVIS of California, Mr. PALLONE, Mrs. MCCARTHY, Mr. ETHERIDGE, Mr. KIRK, Mr. CARDIN, and Mr. SCOTT of Georgia):

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes; to the Committee on International Relations.

By Mr. MELANCON (for himself, Mr. BOEHLERT, Mr. GORDON, Mr. CALVERT, and Mr. UDALL of Colorado):

H. Res. 892. A resolution recognizing the dedication of the employees at the National Aeronautics and Space Administration's Michoud Assembly Facility, the "Michoud Hurricane Ride-Out Team", who risked their lives during Hurricane Katrina's assault on southeast Louisiana, and kept the generators and pumps running to protect the facilities and flight hardware, and whose dedication kept the Michoud Assembly Facility an island of dry land, which made it possible to resume External Tank production less than 5 weeks after the storm passed; to the Committee on Science.

By Mr. TOWNS:

H. Res. 893. A resolution expressing the sense of the House of Representatives that any reauthorization of the Ryan White CARE Act of 1990 should not impose catastrophic losses in funding for States with the highest prevalence of HIV/AIDS, and for other purposes; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mrs. BLACKBURN.

H.R. 406: Ms. ZOE LOFGREN of California.

H.R. 503: Mr. BAIRD, Mr. HYDE, and Mr. SHUSTER.

H.R. 515: Mr. ENGEL.

H.R. 517: Mrs. BONO, Mr. KIND, Mr. THOMPSON of Mississippi, and Mr. COSTELLO.

H.R. 752: Mr. MILLER of North Carolina.

H.R. 865: Mr. GIBBONS.

H.R. 952: Mrs. NAPOLITANO.

H.R. 955: Mr. SCHIFF.

H.R. 1100: Mr. WHITFIELD.

H.R. 1243: Mr. SHADEGG.

H.R. 1366: Mr. BROWN of Ohio and Mr. DAVIS of Kentucky.

H.R. 1376: Mr. REICHERT.

H.R. 1384: Mr. HALL.

H.R. 1554: Mrs. NAPOLITANO.

H.R. 1671: Mr. RANGEL.

H.R. 1792: Mr. SMITH of New Jersey.

H.R. 1898: Mr. BURGESS and Mr. MURPHY.

H.R. 2103: Ms. BORDALLO.

H.R. 2178: Mr. DELAHUNT, Mr. BROWN of Ohio, and Mr. BLUMENAUER.

H.R. 2646: Mr. PEARCE.

H.R. 2679: Mr. HUNTER, Mr. AKIN, Mr. PICKERING, and Mr. BLUNT.

H.R. 2793: Mr. KIND.

H.R. 2822: Mr. ROTHMAN.

H.R. 2869: Mr. SMITH of New Jersey, Mr. DAVIS of Tennessee, Mr. WYNN, and Mr. HINCHEY.

H.R. 2945: Ms. BORDALLO and Mr. WEXLER.

H.R. 2989: Mrs. WILSON of New Mexico.

H.R. 3476: Mr. LOBIONDO.

H.R. 3547: Mr. CUMMINGS.

H.R. 3576: Mr. KENNEDY of Rhode Island.

H.R. 3753: Mr. BOOZMAN.

H.R. 3949: Mr. MCHENRY.

H.R. 4188: Mr. SCHWARZ of Michigan and Mr. SIMMONS.

H.R. 4315: Mr. REHBERG.

H.R. 4366: Mr. WELDON of Florida.

H.R. 4416: Mrs. BIGGERT.

H.R. 4517: Mrs. LOWEY and Mr. SCHWARZ of Michigan.

H.R. 4547: Mr. MURPHY.

H.R. 4562: Mr. ISSA, Mr. CARDOZA, Mr. CANTOR, Mr. CALVERT, Mr. ANDREWS, Mr. DANIEL E. LUNGREN of California, Mr. DOYLE, Mr. SODREL, Mr. BERRY, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. FATTAH, Mr. GUTIERREZ, Ms. HOOLEY, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mr. LIPINSKI, Mr. ROGERS of Michigan, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. GARRETT of New Jersey, Mrs. LOWEY, Mr. KNOLLENBERG, Mr. YOUNG of Alaska, Mr. JACKSON of Illinois, Mr. MURPHY, Mr. RUSH, Mrs. BIGGERT, Mrs. WILSON of New Mexico, Ms. BORDALLO, Mr. FORTUÑO, Mr. TANNER, Mrs. EMERSON, Mr. ROSS, Mr. BOUSTANY, and Mr. DAVIS of Alabama.

H.R. 4597: Mr. COOPER and Mr. SKELTON.

H.R. 4761: Mr. MURPHY and Mr. GRAVES.

H.R. 4794: Mr. DOYLE, Ms. MCCOLLUM of Minnesota, and Mr. CARDOZA.

H.R. 4844: Mr. WILSON of South Carolina.

H.R. 5005: Mrs. BLACKBURN and Mr. PENCE.

H.R. 5149: Mrs. CAPPS.

H.R. 5150: Mr. MCGOVERN.

H.R. 5200: Mr. MCINTYRE, Mr. PORTER, Mrs. MYRICK, Mr. MATHESON, Mrs. EMERSON, and Mr. BISHOP of Utah.

H.R. 5204: Mr. FARR.

H.R. 5218: Mr. HINCHEY, Mr. GRIJALVA, and Mr. STARK.

H.R. 5229: Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. WEXLER, and Mr. GALLEGLY.

H.R. 5247: Mr. KUCINICH.

H.R. 5249: Mr. EHLERS and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5291: Mr. SCHWARZ of Michigan and Mr. CAMPBELL of California.

H.R. 5319: Mr. SCHWARZ of Michigan.

H.R. 5361: Mr. FEENEY and Mr. FERGUSON.

H.R. 5372: Mr. WYNN and Mr. LARSEN of Washington.

H.R. 5382: Mr. SOUDER.

H.R. 5444: Ms. HARRIS and Mr. WELDON of Florida.

H.R. 5468: Mr. MEEKS of New York and Mr. CROWLEY.

H.R. 5473: Mr. GONZALEZ.

H.R. 5476: Mr. KING of Iowa.

H.R. 5484: Mr. ENGLISH of Pennsylvania, Mr. BURTON of Indiana, Ms. FOXX, and Mr. MILLER of Florida.

H.R. 5493: Mrs. EMERSON.

H.R. 5499: Mr. SHAYS, Mr. HOBSON, Ms. HART, and Mr. BROWN of Ohio.

H.R. 5513: Mr. FORD, Ms. MATSUI, and Mr. PORTER.

H.R. 5520: Mrs. BONO and Mrs. DAVIS of California.

H.R. 5538: Mrs. WILSON of New Mexico.

H.R. 5555: Ms. CORRINE BROWN of Florida.

H.R. 5556: Mr. COSTELLO.

H.R. 5557: Ms. LEE.

H.R. 5562: Mr. MCCOTTER and Mr. CONYERS.

H.R. 5587: Mr. PICKERING.

H.R. 5600: Mr. GONZALEZ and Mr. SCOTT of Virginia.

H.R. 5601: Ms. DELAURO, Mr. GONZALEZ, Mr. SCOTT of Virginia, and Ms. MCKINNEY.

H.R. 5615: Mr. RANGEL.

H.R. 5637: Mr. MCHENRY.

H.R. 5677: Mr. PLATTS.

H.J. Res. 86: Mr. FRANK of Massachusetts.

H.J. Res. 90: Mr. MEEKS of New York, Ms. BORDALLO, Mr. SCOTT of Virginia, Mr. ROTHMAN, and Mr. TAYLOR of Mississippi.

H. Con. Res. 318: Mrs. CAPPS.

H. Con. Res. 340: Mr. KUHL of New York.

H. Con. Res. 390: Mr. DOYLE.

H. Con. Res. 396: Mr. MCNULTY and Mr. BURTON of Indiana.

H. Res. 79: Mr. LEWIS of Georgia, Mr. CLAY, and Mr. KILDEE.

H. Res. 350: Mr. ENGEL, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mrs. NAPOLITANO, Ms. MCCOLLUM of Minnesota, and Mr. SCHWARZ of Michigan.

H. Res. 415: Ms. HARRIS.

H. Res. 526: Mr. ENGEL.

H. Res. 533: Ms. BORDALLO.

H. Res. 723: Mr. BACHUS, Mr. INGLIS of South Carolina, Mr. LARSEN of Washington, and Mr. KING of New York.

H. Res. 759: Ms. SOLIS and Mrs. LOWEY.

H. Res. 760: Ms. LORETTA SANCHEZ of California.

H. Res. 800: Mr. SCHIFF and Mrs. MYRICK.

H. Res. 848: Mr. CROWLEY, Mr. ACKERMAN, Mr. KIRK, Mr. ROTHMAN, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. GERLACH, Mr. MCNULTY, and Ms. SCHAKOWSKY.

H. Res. 854: Ms. Jackson-Lee of Texas, Mr. Wexler, Mr. Udall of Colorado, and Mr. Manzullo.

H. Res. 858: Ms. Wasserman Schultz.

H. Res. 860: Mr. Abercrombie, Mr. Payne, Mr. Hoekstra, Mr. Lantos, and Ms. Millender-McDonald.

H. Res. 874: Mr. Bishop of Georgia, Mr. Rehberg, and Mr. Paul.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4973

Offered By: Mr. Burton of Indiana

Amendment No. 1: Page 29, after line 2, insert the following new section:

SEC. 17. NOTIFICATION AND APPEAL OF MAP CHANGES; NOTIFICATION OF ESTABLISHMENT OF FLOOD ELEVATIONS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking the section designation and all that follows through the end of subsection (a) and inserting the following:

"Sec. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Director shall first propose such determinations—

"(1) by providing the chief executive officer of each community affected by the proposed elevations, by certified mail, with a return receipt requested, notice of the elevations, including a copy of the maps for the elevations for such community and a statement explaining the process under this section to appeal for changes in such elevations;

"(2) by causing notice of such elevations to be published in the Federal Register, which notice shall include information sufficient to identify the elevation determinations and the communities affected, information explaining how to obtain copies of the elevations, and a statement explaining the process under this section to appeal for changes in the elevations;

"(3) by publishing the elevations in a prominent local newspaper; and

"(4) by providing written notification, by first class mail, to each owner of real property affected by the proposed elevations of—

"(A) the status of such property, both prior to and after the effective date of the proposed determination, with respect to flood zone and flood insurance requirements under this Act and the Flood Disaster Protection Act of 1973;

"(B) the process under this section to appeal a flood elevation determination; and

"(C) the mailing address and phone number of a person the owner may contact for more information or to initiate an appeal.".

H.R. 4973

Offered By: Mr. Jindal

Amendment No. 2: At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 20. ELIGIBILITY OF PROPERTY DEMOLITION AND REBUILDING FOR MITIGATION ASSISTANCE PROGRAM.

Section 1366(e)(5)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)(B)) is amended by inserting after "flood risk" the following: ", or the demolition and rebuilding of structures located in such areas to at least Base Flood elevation or any greater elevation required by any local ordinance".

H.R. 5672

Offered By: Mr. Cardoza

Amendment No. 1: At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. For "OFFICE OF JUSTICE PROGRAMS—JUSTICE ASSISTANCE" for the Drug Endangered Children grant program, as authorized by section 755 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177), and the amounts otherwise provided by this Act for "BUREAU OF THE CENSUS—SALARIES AND EXPENSES" (reduced by $10,000,000) and for "OTHER—SALARIES AND EXPENSES, DEPARTMENTAL MANGAGEMENT" (reduced by $10,000,000) are hereby reduced by, $20,000,000.

H.R. 5672

Offered By: Mr. Chocola

Amendment No. 2: Page 110, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available by this Act may be used by the National Aeronautics and Space Administration for travel policies and practices in contravention of Office of Management and Budget circular No. A–126.

H.R. 5672

Offered By: Mr. Chocola

Amendment No. 3: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in this Act may be used for business class or first class airline travel by employees of the Department of State in contravention of 41 CFR 301–10.122 through 301–10.124.

H.R. 5672

Offered By: Ms. DeGette

Amendment No. 4: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for "OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE" (consisting of an additional $5,000,000 for Internet Crimes Against children Task Forces, as authorized by Public Law 105–119) and reducing the amount made available under title I for "DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION SALARIES AND EXPENSES", by $5,000,000.

H.R. 5672

Offered By: Mr. Garrett of New Jersey

Amendment No. 5: Page 110, after line 8, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

H.R. 5672

Offered By: Mr. Gingrey

Amendment No. 6: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in title IV of the Act may be used for negotiating the participation of additional countries under the visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

H.R. 5672

Offered By: Mr. Hefley

Amendment No. 7. At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. Total appropriations made in this Act are hereby reduced by $598,390,000.

H.R. 5672

Offered By: Ms. Eddie Bernice Johnson of Texas

Amendment No. 8. At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF STATE AND RELATED AGENCY—ADMINISTRATION OF FOREIGN AFFAIRS—EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS", and increasing the amount made available for "OFFICE OF JUSTICE PROGRAMS—JUVENILE JUSTICE PROGRAMS", by $9,872,000.

H.R. 5672

Offered By: Ms. Eddie Bernice Johnson of Texas

Amendment No. 9: At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. For "OFFICE OF JUSTICE PROGRAMS—JUVENILE JUSTICE PROGRAMS" for the Juvenile Delinquency Prevention Block Grant program, as authorized by Part C of the Juvenile Justice and Delinquency Prevention Act of 1974, and the amount otherwise provided by this Act for "BROADCASTING BOARD OF GOVERNORS—INTERNATIONAL BROADCASTING OPERATIONS" is hereby reduced by, $33,452,000.

H.R. 5672

Offered By: Mr. Lynch

Amendment No. 10: Page 26, line 6, after the dollar amount, insert the following: "(increased by $30,000,000)".

Page 26, line 16, after the dollar amount, insert the following: "(increased by $30,000,000)".

Page 39, line 21, after the dollar amount, insert the following: "(reduced by $15,000,000)".

Page 39, line 25, after the dollar amount, insert the following: "(reduced by $15,000,000)".

Page 40, line 2, after the dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 5672

Offered By: Mr. Mica

Amendment No. 11: Page 36, line 8, after the dollar amount, insert the following "(increased by $15,000,000)".

Page 62, line 12, after the dollar amount, insert the following: "(reduced by $15,000,000)".

Page 62, line 19, after the dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 5672

Offered By: Mr. Mica

Amendment No. 12: Page 36, line 8, after the first dollar amount, insert the following: "(increased by $131,900,000)".

Page 36, line 16, after the dollar amount, insert the following: “(increased by $131,900,000)”.

Page 62, line 12, after the dollar amount, insert the following: “(reduced by $131,900,000)”.

H.R. 5672

OFFERED BY: MR. MICA

AMENDMENT NO. 13: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

H.R. 5672

OFFERED BY: MR. MICA

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the United States and Foreign Commercial Service (USFCS) to close any USFCS office in a foreign country unless the Government of the United States has withdrawn all personnel from the United States Embassy, missions, and other United States Government offices in such foreign country.

H.R. 5672

OFFERED BY: MR. MICA

AMENDMENT NO. 15: Page 36, line 8, after the dollar amount, insert the following “(increased by $3,000,000)”.

Page 36, line 16, after the dollar amount, insert the following “(increased by $3,000,000)”.

Page 62, line 12, after the dollar amount, insert the following: “(reduced by $3,000,000)”.

Page 62, line 22, after the dollar amount, insert the following: “(reduced by $3,000,000)”.

H.R. 5672

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to carry out section 924(p) of title 18, United States Code.

H.R. 5672

OFFERED BY: MR. PALLONE

AMENDMENT NO. 17: Page 50, line 21, insert “(decreased by $1,000,000) (increased by $1,000,000)” after “$52,760,000”.

H.R. 5672

OFFERED BY: MR. POE

AMENDMENT NO. 18: At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Secretary of State to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

H.R. 5672

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 19: Page 39, line 21, after the first dollar amount insert “(reduced by $4,700,000)”.

Page 39, line 25, after the dollar amount insert “(reduced by $4,600,000)”.

Page 40, line 10, after the dollar amount insert “(reduced by $4,700,000)”.

Page 45, line 16, after the dollar amount insert “(increased by $14,000,000)”.

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States.

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 21: At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to carry out any provision of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a).

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 22: Page 16, line 14, after the dollar amount, insert “(increased by $500,000)”.

Page 67, line 14, after the dollar amount, insert “(reduced by $500,000)”.

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the International Boundary and Water Commission, United States and Mexico for new projects located solely in Mexico until Mexico enforces its northern border.

H.R. 5672

OFFERED BY: MR. STEARNS

AMENDMENT NO. 24: Page 27, line 3, after the dollar amount, insert the following: “(increased by $2,000,000)” and conform the aggregate amount set forth on page 26, line 6, accordingly.

Page 86, line 17, after the second dollar amount, insert the following: “(reduced by $3,000,000)” and conform the aggregate amount set forth on page 86, line 17, accordingly.

H.R. 5672

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to enforce any of the provisions in the Memorandum to all Department and Agency Executive Secretaries dated, February 2, 2001, and entitled “Guidelines on Relations With Taiwan”.

H.R. 5672

OFFERED BY: MR. TERRY

AMENDMENT NO. 26: Page 23, line 4, after the dollar amount insert “(increased by $50,000,000)”.

Page 23, line 9, after the dollar amount insert “(increased by $50,000,000)”.

Page 55, line 21, after the dollar amount insert “(reduced by $50,000,000)”.

EXTENSIONS OF REMARKS—*Monday, June 26, 2006*

HONORING WALTER SENKOW FOR UNPARALLELED YEARS OF PUBLIC SERVICE TO CHILDREN THROUGHOUT DELAWARE COUNTY, PENNSYLVANIA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to join family, friends and community leaders in extending my thanks and appreciation to Walter Senkow as he celebrates retirement after unparalleled years of public service to children throughout Delaware County, PA.

Here in Congress, we often have occasion to pay tribute to the work of great men and women and comment on the impact they have had on us. It is fitting to recall that few have a more important calling than those who have made a lifetime commitment on behalf of the education of our children. In a career that has spanned 44 years of school-board service, Mr. Senkow has involved himself in the education of young people at nearly every level.

Mr. Senkow, a retired Marine who served during World War II, is a man for whom public service blended seamlessly into the fabric of his life. His leadership in education has led to significant improvements that will continue to make a difference in the lives of students for years to come. Among his singular achievements at the Delaware County Intermediate Unit (DCIU) were serving as board president since 1983 and guidance of the project which consolidated DCIU Education Service Center into the Morton, PA, location.

Educator, administrator, advocate, and community leader, Walt Senkow has dedicated a lifetime of commitment to Delaware County, PA, and its residents. He has left an indelible mark—a model of all that a community member should be and an example to which we would all aspire.

Mr. Speaker, Walt Senkow has demonstrated a unique and consummate dedication to public service. I have no doubt that he will continue in these efforts even after his retirement. On the occasion of his retirement, we thank him for his dedicated service and wish him all the best for the future.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENTREPRENEURSHIP WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. HOLT. Mr. Speaker, I rise today in support of the goals and ideals of National Entrepreneurship Week. As you are well aware, businesses today face global competition at an unprecedented level. Outsourcing, off-shoring, and supply-chaining have opened new avenues to maximizing profit, but also pose dangers to local companies and their employees. The impact can be felt all over the country. It is important that we recognize the critical role entrepreneurship plays in sustaining an innovation driven economy.

The lifestyle and economic success we enjoy as a Nation are in large part the result of successfully leveraged technologies by some of our most creative thinkers in commerce. Our natural advantages as an economic superpower are waning, and we must commit to maintaining our leadership role in the global economy. This means continued support of 7(a) small business loans, modernizing and making permanent the tax credits for research and development, and adequately funding the Small Business Administration. We must also recognize the need for educating our next generation of innovators. Along with teaching math, science, and engineering skills, teaching entrepreneurship to the next generation of leaders is one of the best investments we can make in our economic future.

Entrepreneurship programs and research offer the knowledge to grow pioneering ventures that provide jobs and contribute to development. A systemic improvement in these areas also makes for better informed policy makers, investors, and support organizations that can better create an environment to foster innovation and entrepreneurial success.

America has prospered when it has led, particularly in the fields of business and science. I believe we are at a "Sputnik" moment, and need to rise to the challenge of new and changing global landscape. It is vital that we do so with creativity and imagination.

MINIMUM WAGE AND THE ESTATE TAX

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. HIGGINS. Mr. Speaker, last Thursday the House Republican Majority defeated a Democratic effort to increase the minimum wage. The current federal minimum wage, $5.15 per hour, has not been increased since 1997. Consequently, inflation has eaten away at its purchasing power to the point that, adjusted for inflation, the minimum wage is now the weakest it has been in 50 years. This is not acceptable.

Energy prices are on the rise. The cost of college is skyrocketing. In Western New York, middle class families are working harder yet falling farther behind. The least this Congress can do is to update the minimum wage to a more just level, and to ensure that no American who works full time has to live in poverty. It should be a goal of this great Nation to guarantee as much. Yet last week we were denied the opportunity to vote on legislation to do just that. The House Republican Majority's vote to block an increase in the minimum wage for millions of Americans, stood in stark contrast to a vote cast just minutes afterward, to give away millions in tax cuts designated for only the very wealthiest Americans.

Mr. Speaker, I support tax relief for middle class families, small businesses and family farmers. Unfortunately, in today's debate on the estate tax, Democrats, led by Mr. POMEROY, were denied the opportunity to offer our substitute, which would exempt 99.7% of all estates from the estate tax entirely. In my state of New York only 422 estates—that is only one quarter of one percent of all estates in the entire state—would pay any estate tax at all.

The Democratic substitute would have cost far less than H.R. 5638 and is a superior approach in a variety of ways. It would be paid for by closing the gap in uncollected taxes, and would have transferred estate tax revenue tax receipts to shore up the Social Security trust fund. Yet we were denied the opportunity to vote on this Democratic substitute, and as a result the House passed a bill today that will do nothing to help the middle class and will unnecessarily drive up our national debt.

The legislation the House passed last Thursday will slash taxes for multimillionaires while sticking our children and grandchildren with the bill. H.R. 5638 will cost the American people $762 billion over the first ten years it is in effect. This at a time when, due to the economic decisions of this Administration, we are running huge annual budget deficits and our national debt is at a record high. We are sinking further into debt held by foreign governments such as China and Japan, and future generations of Americans will be paying the interest on this additional $762 billion in debt for decades to come.

Mr. Speaker, it is not often that in just one day in Congress the American people are able to see the economic priorities of the Republican Majority so clearly. Yet last Thursday a small handful of millionaires got off at a high price to the rest of us, and hardworking men and women took a huge hit.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during rollcall votes 316, 317, and 318 taken on June 22.

Had I been present, I would have voted "nay" on No. 316 (the motion to recommit

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 4890), "aye" on No. 317 (final passage of H.R. 4890), and "aye" on No. 318 (final passage of H. Res. 323).

TRIBUTE TO JAIME FABEY, ELIZABETH TOPHAM, SALIL GABALE AND BRIAN BECK ON THEIR OUTSTANDING COMMUNITY SERVICE IN ASSISTING THE HURRICANE VICTIMS ALONG THE GULF COAST

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a tremendous honor and privilege for me to rise to honor four young members of the AmeriCorps Program for their heroic assistance to the individuals devastated by hurricanes along the Gulf Coast. The National Civilian Community Corps (NCCC) program, under AmeriCorps, is a full-time, teamwork-encouraging, non-profit organization comprised of individuals ages 18–24 who strive to serve the community at large, wherever assistance is needed. These four individuals, who so patriotically aided the residents of the Gulf Coast area, reside in the 7th Congressional District of Pennsylvania.

AmeriCorps was founded in 1994, through the enactment of the National Community Service Trust Act. Members of the NCCC are required to serve for a minimum of ten months at a time, and are Red Cross-trained and certified in CPR, first-aid, and mass care. More than 1,600 NCCC members have extended their relief efforts to residents of the Gulf Coast region since September 2005, and have amassed approximately 600,000 hours of service—a truly commendable effort.

Jaime Fabey, an NCCC Team Leader, led a group of ten Corps members on two disaster relief mission-projects along the Gulf Coast. In partnership with the First Baptist Church of New Orleans, Jaime and her team, for two months helped save 16 homes as well as the personal items of many families whose homes were unsalvageable. Elizabeth Topham and her teammates spent their first assignment helping with the construction of the Salvation Army's largest outreach center in New Orleans, which aided more than 12,000 local residents. Salil Gabale and teammates worked to repair a warehouse that belonged to a non-profit organization named the Green Project, located in Covington, LA. Brian Beck offered his support through carrying out damage assessments and recruiting for volunteers. Brian and his team are currently building houses for hurricane disaster victims in Slidell, Louisiana.

As the Vice-Chairman of the Homeland Security Committee, I have seen first-hand the positive affects of the NCCC. These four young members have no doubt played a large role in upholding the excellent reputation of this organization.

Mr. Speaker, I am proud to have within my district four remarkably heroic and brave members of the NCCC. Our Nation owes Jaime Fabey, Elizabeth Topham, Salil Gabale and Brian Beck and the rest of the NCCC volunteers our most sincere gratitude for their services. We are most certainly a safer country because of their outstanding efforts. Again, I have the great privilege of representing these special individuals and honoring them for their selfless service to those who needed it the most during a time of national crisis.

HONORING BROOKSIDE ENGINE COMPANY NO. 1

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Brookside Engine Company No. 1 in the Mendham Township Fire Department and the Mendham Township Police Department, in the Township of Mendham, New Jersey, a patriotic community that I am proud to represent. On July 4, 2006, the good citizens of Mendham Township will celebrate two historic occasions with a special festivities and a parade: the 90th anniversary of Brookside Engine Company No. 1, and the 50th anniversary of the Mendham Township Police Department.

Brookside Engine Company No. 1 was founded on January 16, 1916, with 20 devoted charter members. During the ensuing 90 years, Brookside Engine Company No. 1, composed entirely of volunteers, has been dutifully serving the community and surrounding towns.

Today, Brookside Engine Company No. 1 is led by Fire Chief Sam Tolley, who presides over a membership of 45 regular volunteers and a junior division of more than 12 members between 16 and 18 years of age.

The Mendham Township Police Department was officially established on March 12, 1956. During its 50 years of existence, the department has employed a total of seven chiefs, a testament to its sterling reputation.

In 1994, Thomas J. Costanza was promoted to chief, a position he holds today. To support him, the department has 15 full-time officers. These courageous police officers continue to serve their community with integrity and honor, providing safety and protection to the residents of Mendham Township.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of Brookside Engine Company No. 1 on 90 years of rich history, and the officers of the Mendham Township Police Department for 50 years of commendable service.

RECOGNIZING AN ARTICLE BY RABBI ISRAEL ZOBERMAN, SPIRITUAL LEADER OF CONGREGATION BETH CHAVERIM IN VIRGINIA BEACH, VA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. FORBES. Mr. Speaker, I rise today to introduce an article written by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, VA. The article by Rabbi Zoberman reads as follows:

Prime Minister Ehud Olmert's successful first official visit recently to the United States was an expected formality between the leaders of two close and long-standing allies. It was also an essential opportunity for the Israeli Prime Minister to extend the intimate bond between his predecessor Ariel Sharon and President Bush, which Sharon learned to carefully cultivate, to his own budding relationship with a mighty and necessary friend.

Olmert, a skilled politician who has been moving away from a somewhat abrasive demeanor, did find the right words of gratitude, deference and shared sentiment. In his granted appearance as a special guest before a joint session of Congress, he received no less than 17 standing ovations reflecting America's genuine sympathy for the Jewish state which transcends those who happen to be in power on either side at a given time.

In fact, the vital alliance born of common values and interest between the senior and junior partners, has assumed a heightened relevancy following 9/11 with the complex war on terrorism and the costly thrust to bring democracy's freedoms to the Middle East and beyond. Who more than the ever beleaguered State of Israel has experienced what terrorizing onslaught on innocent civilians and a cherished way of life is all about?

The President gave his approving nod to the Prime Minister's unilateral plan of the "realignment" (the latest term) of Israel's future borders in the absence of a peace partner. The Palestinian Hamas-led government even rejects Israel's right to exist and is locked in a deadly struggle of a civil war nature with Fatah over running the Palestinian Authority. When will the Palestinians stop the tragic cycle of never missing an opportunity to miss an opportunity? Olmert voiced support for the seemingly moribund Road Map which Bush welcomed, as the President reiterated his embrace of Israel's determination to hold onto its large settlement blocks on the West Bank while relinquishing control over sparsely populated territory to allow for the creation of a Palestinian state.

The Prime Minister, a former Mayor of challenge-laden Jerusalem, is yet to be tested in Israel's hot political crucible in his country's top position. It is doubtless that he was given an extraordinary historic opportunity to affect Israel's destiny and fully implement the vision of Sharon who was so suddenly incapacitated at the height of his popularity and on the threshold of fateful decisions having accomplished the controversial Gaza disengagement. But likely the highlight of Olmert's visit to the capital of the world's only remaining superpower was the stern warning he poignantly delivered concerning the impending threat from Iran, and his revelation that the terror sponsoring radical Muslim regime ghoulishly calling for Israel's elimination while denying the Holocaust is almost within reach, closer than anticipated of developing a nuclear capability.

One wonders if the Prime Minister personally presented the priceless gift of supporting intelligence reports, thus nailing the unavoidable response that the United States and the West are saddled with at this very hour. The risks of hesitant inaction though far outweighs those of resolute action, sending a powerful message that tyrannical blackmail is unacceptable and that the resolve of free nations to prevail is unshakeable. An ambiguous response invites further aggression with rising costs. Iran's mullahs' genocidal design on Israel, with Europe as a potential target as well while seeking hegemony in a critical region, ought to alarm us enough. What should however be clear is that Israel's only option is to survive, it simply can not afford to absorb a first nuclear strike. Have we not internalized by now History's painful lessons, are we doomed to forever repeat the past? I pray not.

Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, was born to Polish Holocaust survivors in Chu, Kazakhstan, in 1945 and raised in Haifa, Israel.

TRIBUTE TO THE HONORABLE DALE E. KLEIN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. SAXTON. Mr. Speaker, the Honorable Dale E. Klein, currently the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, departs his post this week to assume the position of Chairman, Nuclear Regulatory Commission. Born and educated in Missouri, Vice Chancellor for Special Engineering Programs in the University of Texas System, and on leave from his position as Professor in the Department of Mechanical Engineering (Nuclear Programs) at the University of Texas in Austin, Dr. Klein, as the Assistant to the Secretary of Defense from November 2001 to June 2006, led the Department of Defense's efforts to combat weapons of mass destruction at a watershed time in history.

In this position, he served as the principal staff assistant and advisor to the Secretary of Defense, Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition and Technology for all matters concerning the formulation of policy and plans for nuclear weapons, and nuclear, chemical, and biological defense. He was directly responsible to the Secretary and Deputy Secretary of Defense for matters associated with nuclear weapons safety and security, chemical weapons demilitarization, chemical and biological defense programs, cooperative threat reduction, treaties, and agreements.

In this capacity, he was responsible for the day-to-day oversight of four organizations responsible for billions of dollars in providing combat support operations to the Theater Commanders in support of the Global War on Terrorism, Counterproliferation and Combating Weapons of Mass Destruction. In addition, he was responsible for the Research and Development, Testing and Evaluation, and Acquisition Life-cycle Planning for systems to combat Weapons of Mass Destruction and to survive in a contaminated environment.

Dr. Klein personally facilitated international cooperation in the area of nuclear weapons safety and security by ensuring active and relevant bi-lateral dialogue was ongoing between several nuclear nations. These actions directly helped ensure proper stewardship of the enduring nuclear weapons stockpile by several nations, while maintaining adherence to numerous international treaties and agreements, such as the Nuclear Non-Proliferation Treaty and Comprehensive Test Ban Treaty. These programmatic actions serve to help mitigate the threat nuclear weapons pose to world order, while ensuring the President retains a credible deterrent option.

He supported and electrified President Bush's aims for the NATO–Russia Council. Desiring to see NATO and Russia move forward, together, to face common challenges and build ties that expand with time, Dr. Klein helped facilitate and institute numerous initiatives in the realm of nuclear and chemical and biological defense programs. These challenges include countering terrorism, preventing the spread of weapons of mass destruction, search and rescue operations at sea, and emergency planning.

Dr. Klein led the establishment of a significant new effort in medical bio-warfare defense. The Transformational Medical Technology Initiative (TMTI) focuses more than $1 billion over the next five years to develop broad-spectrum medical countermeasures against advanced bio-terror threats, including genetically engineered pathogens.

Dr. Klein provided the Chemical Demilitarization Program with the oversight and policy guidance that led to the successful start of five new chemical weapons destruction facilities. Under Dr. Klein's Leadership, the Chemical Demilitarization Program led the international community in compliance with the Chemical Weapons Convention obligations while maintaining the safety and security of the workers, the environment and the public during the destruction of the U.S. chemical weapons stockpile and former chemical weapons production facilities.

His endeavors produced extraordinary results and will have a lasting impact on the quality of many of the programs vital to the Department of Defense. They include such significant accomplishments as: successful stewardship of the U.S. nuclear deterrent enterprise; spearheading efforts to develop science and technology programs aimed at establishing the backbone of Domestic Nuclear Defense; personally facilitating international cooperation in the area of nuclear weapons safety and security; and development of capabilities to defeat improvised explosive devices, special weapons, hardened targets, and WMD stockpiles and production facilities.

Dale Klein accelerated national security in the critical areas of nuclear weapons safety and security, chemical weapons demilitarization, chemical and biological defense programs, cooperative threat reduction, and nuclear, chemical, and biological treaties and agreements. His leadership, vision, and tenacity were the driving forces in transforming the Department of Defense's approach to nuclear, chemical and biological defense while proactively seeking new and revolutionary technologies to address future threats. Dr. Klein's achievements and dedication represent the highest traditions of public service.

RECOGNITION FOR THE KENTUCKY COUNCIL ON ECONOMIC EDUCATION AND HILLIARD LYONS

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mrs. NORTHUP. Mr. Speaker, today I would like to recognize the Kentucky Council on Economic Education and, J.J.B. Hilliard, W.L. Lyons, Inc., a Louisville-based brokerage firm, for their efforts to improve the quality of financial and economic education for elementary, middle, and high school students in the Commonwealth of Kentucky. Thanks to their dedicated efforts, Kentucky led all other States in increased participation in an important educational program, the Stock Market Game, in 2005.

To help students learn fundamental economic and financial concepts and principles, the Kentucky Council on Economic Education encourages schools throughout the Commonwealth to participate in the Stock Market Game. Created in the 1970s and administered by the Foundation for Investor Education, the Stock Market Game is a 15-week curricular tool that puts students in fourth through 12th grades in the role of investors. Students are given a hypothetical $100,000 to invest in a simulated online market and must make decisions on how and where to invest their capital.

The simulated market experience that students receive via the Stock Market Game introduces them to financial markets and important economic concepts, including the sources and uses of capital and the impact inflation and recessions can have on investments. In addition to this knowledge, students learn valuable life skills, such as personal budgeting, critical thinking, and the importance of saving and investing.

Hilliard Lyons underwrites participation with a $50,000 annual gift. As a result, participation in the Stock Market Game in Kentucky rose 46 percent in 2005, the largest of any State. In all, more than 9,000 students in 220 schools in Kentucky participated in the game. At one school, Campbell County Middle School near Cincinnati, 650 students participated at once. Math teacher Faye Smith deserves congratulations for that effort.

I would like to express my gratitude to the Kentucky Council on Economic Education and Hilliard Lyons for advancing economic education. Exposing youth to the concepts and practices that undergird our economy will aid them personally and professionally. Knowing how the economy works is important to the success of our nation. I commend the Kentucky Council on Economic Education and Hilliard Lyons for their interest in and dedication to economic education, which is vital to the continued prosperity and well-being of the Commonwealth of Kentucky and our Nation.

ON THE AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 4761—DEEP OCEAN ENERGY RESOURCES ACT OF 2006

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 4761, the Deep Ocean Energy Resources Act of 2006. The bill was ordered reported by the Committee on Resources on June 21.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Wednesday, June 28, 2006. Members should draft their amendments to the bill as reported by the Committee on Resources, which is available on the Web sites of both the Committee on Resources and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

IN HONOR OF MR. JOHN E. "JACK" KIPP, JR.

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor an outstanding citizen, Mr. John E. "Jack" Kipp Jr., from the City of Folsom, CA. Following a lifetime of dedication to family and community, Jack Kipp passed away on May 26, 2006. He was 85 years old.

A fourth-generation resident of Folsom, Jack was born there on September 6, 1920. He was mischievous in his youth and even described himself as a "hell-raiser." Having been expelled from Folsom High School, he graduated from Christian Brothers High School in Sacramento in 1936.

During World War II, Jack served stateside in the U.S. Army. In 1953, he took over the family appliance shop. A year later, he helped found the Folsom Rotary Club chapter. This marked the beginning of his lifelong investment in his local community through civic participation.

Mr. Speaker, Jack spent nearly his entire life in Folsom and participated in many of the city's major changes over the past half-century. While serving as mayor and city councilman from the mid–1970s to the mid–1990s, he helped transform a small prison town born out of California's Gold Rush into a dynamic, thriving commercial and residential center. Dubbed by some to be the "father of Folsom," Jack is credited for helping to secure a sufficient water supply, attract the newest community college built in California, lure a major hospital, and lay the groundwork for the extension of Sacramento's light rail system to Folsom's historic sector.

While he was an agent for great change in Folsom, Jack was also an acknowledged repository of local history. In fact, he wrote a history column for the Folsom Telegraph and gave guided tours around the city. These seemingly contradictory elements of character—keeping one foot in the past while striding into the future at the same time—reflect why he was so influential in the town he loved so much.

Mr. Speaker, Folsom is now a model city that balances the preservation of its heritage with a fixed view to what lies ahead. It is a community equally well-known for its annual rodeo and its high-technology employment opportunities. This is in large part due to the strong leadership and forward-thinking vision of Jack Kipp. It is, therefore, very appropriate that the city's civic center is already named after him and a bronze relief portrait of him is displayed at the Folsom City Hall.

As important as his hometown was to Jack Kipp, there was something more important—his family. He is survived by his wife of 62 years, Rose Marie Kipp. Together, they had two children: a daughter, Cookie, and a son, Michael. They have described their father as stern, thoughtful, generous, and kind.

Jack is also fondly remembered by his grandchildren, John Kipp, Tosca Riley, and Tony Galatti, and great-grandchildren, Nolan Kipp, and Chandler and Lucas Riley.

Mr. Speaker, Jack Kipp's legacy is one of honesty and integrity, of service and selflessness. Today, I join with his family, friends, and community to commemorate his life of good citizenship and uncommon decency. May he rest in peace.

TRIBUTE TO THE LIFE OF EVELYN "EVY" DUBROW

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. PASCRELL. Mr. Speaker, today, I have a heavy heart because Paterson has lost one its greatest daughters with the passing of Evelyn "Evy" Dubrow.

For over 60 years, Evy gave her life and spirit to the fight for fair wages, gender equality and the improvement of the human condition. Evy was that rare individual who had the passion of her convictions, yet never alienated anyone and was almost universally admired by all, truly a rare combination for a lobbyist in Washington.

Indeed, Evy was an old-fashioned advocate who endlessly walked the Halls of Congress using her charm, wit and intelligence to lift the rights of workers. The fact that she was one of our Nation's most important labor leaders shows that the workers rights movement has no gender preference, no racial preference, nor does its message stop at any border, it is a movement for all of humanity and Evy exemplified that message in every way.

The fruits of her labor were justly recognized in 1999 when President Bill Clinton awarded her the Presidential Medal of Freedom, calling her "a tiny woman, larger than life." But Evy did not do her life's work in order to collect awards or receive recognition, no she got up every morning to fight for the convictions she felt in her heart and that was always clear to those who knew her.

I am honored to say that Evy Dubrow was a good friend of mine for many years, I join the people of Paterson, America and indeed the global community of workers who mourn her loss."

INTRODUCTION OF THE PROSTATE CANCER MEDICAID COVERAGE ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Ms. NORTON. Mr. Speaker, today I introduce a bill to allow treatment using Medicaid funds for men who are diagnosed with prostate cancer. This bill mirrors the measure that Congress enacted in 1999 to help low-income women who would otherwise not qualify for Medicaid, despite being diagnosed with breast cancer or cervical cancer. Congress found that women responded in large numbers to efforts by government and others to encourage early diagnosis using mammography after the Breast and Cervical Cancer Mortality Prevention Act was enacted in 1990. However, in 1999 Congress recognized that because the screening did not provide coverage of treatment for women above the poverty level, the screening legislation had the tragic but unintended consequence of informing these women of a serious disease that demanded immediate treatment but leaving them without the means to seek that treatment. Later, Congress amended Title XIX of the Social Security Act to provide medical assistance for the women screened and found to have breast or cervical cancer under a federally funded screening program.

In today's bill, I have endeavored to provide the same relief for men. This bill allows men, earning up to 250 percent of the poverty level, who are diagnosed with prostate cancer through a Federal screening program for prostate cancer, to qualify for treatment using Medicaid funds. The program would target men who are low-income, uninsured or underinsured men who, nevertheless, do not qualify for Medicaid and do not have private insurance.

Prostate cancer outranks breast cancer as the second most common occurring cancer in the U.S. and the second leading cause of cancer-related deaths. However, diagnosing this cancer is often less expensive, and unlike breast cancer, often does not require immediate treatment. Prostate cancer treatment does not require invasive surgery in many instances. Many prostate cases can be diagnosed with a simple Prostate-Specific Antigen, PSA, test unlike the high technology mammography machines used to detect breast cancer. Many men are advised to wait and watch for the development of the disease before seeking treatment.

However the rate of cancer deaths coupled with available treatment is strong evidence that many lives could be saved at considerably less expense if early detection and treatment were more available. Although race is a factor, every man over the age of 50 is at risk of developing prostate cancer and should be screened. Veterans that have been exposed to Agent Orange also have a higher risk of developing prostate cancer. Many doctors recommend yearly screening for men over age 50, and some advise men who are at a higher risk for prostate cancer to begin screening at age 40 or 45. Many Black men are at the highest risk of prostate cancer—it tends to start at younger ages and grows faster than in men of other races. Currently, Medicare provides coverage for an annual PSA test for all men age 50 and older but men still do not fall within existing requirements to receive Medicaid.

I urge my colleagues to join with me in establishing this program guaranteeing treatment for men diagnosed with prostate cancer. It will meet an immediate and pressing need in communities across the country, and across racial and class lines.

IN HONOR OF THE HOMES FOR LIFE FOUNDATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. CASTLE. Mr. Speaker, I rise today in order to pay tribute to the Homes for Life Foundation, a non-profit organization that strives to provide safe and comfortable group housing for people with developmental disabilities in Delaware. Through this organization's efforts, many disabled individuals now have greater opportunities to lead productive lives in safe and attractive homes. The builder, Ryan Homes, does an amazing job of incorporating the needs of these individuals into communities throughout Delaware.

Every house built by the Homes for Life Foundation includes a common room, in addition to private bedrooms and a counselor's suite. This design provides the residents with the ability to enjoy both privacy and the opportunity to socialize. Hundreds of people with developmental disabilities are currently waiting for these unique homes to become available and the work done by the Homes for Life Foundation increases the number of disabled individuals who are able to find these residential housing opportunities.

The work of the Homes for Life Foundation has been greatly furthered by the efforts of Ryan Homes. To date, Ryan Homes has built thirteen group homes, with two more under construction, for people with developmental disabilities in Delaware using the funds raised by the Homes for Life Foundation. The work done by these organizations is an excellent example of President Bush's New Freedom Initiative. Providing group residential housing to citizens with developmental disabilities is a proven method for successfully promoting access to community life and a greater sense of belonging.

I congratulate and thank the Homes for Life Foundation and Ryan Homes for all they have contributed to the State of Delaware. Many disabled Delawareans are grateful for them and I am pleased to be able to vocalize their appreciation.

PAYING TRIBUTE TO THE TOWN OF SPENCER'S 200TH ANNIVERSARY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to honor the Town of Spencer in Tioga County, NY, which is part of the 22nd Congressional District that I proudly serve. This year marks the 200th anniversary of the founding of Spencer and I am pleased to recognize the Town of Spencer and the important contributions it has made to Tioga County and to the State of New York.

Located amidst the fertile hardwood forests of south central New York, Spencer was founded in 1806 as an agrarian settlement. The town, named for New York State Supreme Court Judge Ambrose Spencer, held the county seat from 1810–1821 and included the present-day towns of Caroline, Candor, Danby, Newfield, and Cayuta. Today, the Town of Spencer is not only still a strong agricultural center, but it is also becoming home to many new residents who work in neighboring communities, and place a premium on rural small town living.

Shortly after Spencer was settled, it produced "The Mother of Women's Suffrage." Born in Spencer in 1814, Esther McQuigg Morris was a proponent of civil rights for all people. On May 2, 1870, shortly after the passing of Wyoming Bill 70, Esther was elected as the Justice of the Peace of South Pass City, Wyoming. With her appointment, Esther became the first woman to hold a public office in the United States. Her motto of "It's justice first, then after that, the law," allowed her position to be so highly revered that in 1967 Esther McQuigg Morris was given her own postage stamp.

Throughout its history, Spencer has been vital to the economic well-being of the county. Because of the abundance of fertile land, Spencer blossomed as an agricultural center that boasted successful dairy farms, creameries, and a milk condensory well into the 20th century. This booming agrarian community attracted many settlers, including the Finns, whose positive influence on agricultural technique and trade can still be seen throughout the community. In addition to its rich and attractive agricultural heritage, Spencer hosts several technology driven firms that provide critical information based services throughout the region.

Spencer is also home to a thriving arts scene. Historically centered around the Spencer Opera House and the theatrical works of the Spencer Players, Spencer's art scene has become a vital part of community living. Today, Spencer, which is home to many talented artists and crafts men and women, supports a flourishing music society which attracts concerts from both visiting and local performers.

When visiting Spencer, it is impossible not to notice how the hard work and generosity of its people has turned the lush green hills into a flourishing community. With this success, Spencer has become a quintessential example of how rural communities form essential, colorful threads that enrich the fabric of this great Nation. For the special role that they play, Spencer, and rural towns like it, deserve to be honored and recognized for their numerous contributions to our Nation. Mr. Speaker, it gives me great pleasure to recognize the Town of Spencer, NY, as it celebrates the 200th anniversary of its founding.

ARENT FOX LEGEND CELEBRATES A HALF-CENTURY OF PRACTICING LAW

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor and celebrate the career and good works of my friend, David Osnos, who will celebrate 50 years of practicing law with Arent Fox PLLC on July 9. I was privileged to be his law partner when I worked at the firm of Arent Fox before becoming a Member of Congress.

David Osnos has been at the center of many of the major decisions regarding the growth and development of our Nation's Capital over the last 50 years. His advice has been sought out by the movers and shakers of the Washington business world.

David Osnos met Abe Pollin in 1958 and became his general counsel. The two often refer to each other as "brothers." Together, they teamed up to change the face of Washington by acquiring sports teams, building the Verizon Center, and working on many other projects. Osnos also serves as the chief lawyer to another great Washington success story—Jim Clark of the Clark Construction Group.

Pollin and Clark are just a few examples of those who have worked with Osnos to transform Washington, D.C., from simply a government town into a vibrant cultural and business center. His many good works and his contributions to the development of this great city have made him a legend in the Washington, D.C., legal and business community.

A true Arent Fox "lifer," Osnos joined the firm in 1956 upon graduating from Harvard Law School. He has been the heart and soul of the firm for decades, and his work in Washington has mirrored the growth and development of this great city—and Arent Fox's commitment to the city.

Osnos served as chairman of the firm's executive committee for 20 years. In that capacity, he participated in much of the development and growth of downtown D.C. and ensured that the law firm's participation in the civic life of the city was unparalleled. Since joining Arent Fox as its seventh lawyer a half-century ago, Osnos has contributed to the growth of the now 265-attorney firm.

Always a strong supporter of nonprofit community organizations and devoted to ensuring that Arent Fox was a leading provider of pro bono services, Osnos created a culture of excellence in both "lawyering" and community service. He has continued to play that role since stepping down as chairman of the firm. Today he is revered as one of Arent Fox's senior statesman.

Mr. Speaker, David Osnos has touched our community with his legal brilliance, his high ethical standards and integrity, and his kind, gentle nature, which has enabled him to be effective as a force for change and action. He has contributed immensely to the legal community, to the District of Columbia, and to our civic life. I am honored to be his friend and to offer him my warmest congratulations on this wonderful milestone in his life, the life of one of D.C.'s finest law firms, and the life of our community.

CONGRATULATIONS TO BRITTANY LANG

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performance of 20-year old Brittany Lang, during the Wegmans Ladies Professional Golf Association Tour.

Ms. Lang, a resident of McKinney, TX, was a runner-up in the U.S. Women's Open as an amateur a year ago. On Sunday, June 25, 2006, she briefly held the lead at the Wegmans LPGA tournament. Lang shot a 71 and tied for third after starting the day one shot off the lead. This was her first top 3 finish and her second top 10 finish of the 10 events she has competed in thus far in her career.

Mr. Speaker, it is with great honor that I stand here today to honor Brittany Lang for her achievements on the golf course. She serves as an example of athletic excellence to the young women of our community. I wish her all the best in her future endeavors.

ESSAY BY BREISA BAKER FOR THE NATIONAL HISTORY DAY COMPETITION IN KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I commend my Colleagues to the attached essay, The Blessed Broken School, by Breisa Baker. Miss Baker is a student at Spencer County Middle School Her essay placed 2nd in the National History Day Competition in Kentucky.

I had the privilege of meeting Miss Baker and her family during a recent visit to Washington, DC.

THE BLESSED BROKEN SCHOOL

(By Breisa Baker)

Segregation and integration are two words that played a big part in southern schools. The story of Ruby Bridges gives us a vivid picture of both words. Ruby Bridges played an important role in history through integration by taking a stand when she went to a segregated school in Louisiana.

Racial segregation was challenged with a case in 1896 called Plessy v. Ferguson which took place in Louisiana. (Marilyn Miller, Words That Built A Nation) In this case, a black man found a vacant seat in the coach section on the train and decided to sit there. A white man came in demanding that the seat be his. This brought about a separation of blacks and whites. Because of this case, segregation carried over into the schools.

Written into the 14th Amendment of this case are laws permitting, and even requiring blacks to be separated from white people. These laws do not necessarily imply the inferiority of either race to the other. The most common instance of this is connected with the establishment of separate schools for white and "colored" children. The words "separate but equal" originated from this case.

It was the law in 17 southern and border states that African American children and white children attend separate public schools. All these states justified their policy by saying that black and white schools were "separate but equal."

Integration is the process of opening a group, community, place, or organization to all, regardless of race, ethnicity, religion, gender, or social class. The court case Brown v. Board of Education of Topeka ruled that racial discrimination in public education was unconstitutional and all provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle.

In 1954, the National Association for the Advancement of Colored People (NAACP) challenged the "separate but equal" doctrine at the elementary school level. The NAACP argued before the Supreme Court that children in all white schools received a better education than children in all black schools. In May of 1954, the courts agreed and outlawed racial segregation in public schools. Because of the Brown v. Board decision, black and white children, as well as children of all other races and ethnicities, today attend the same public schools. This is where the story of Ruby Bridges begins.

Ruby Bridges was born on September 8, 1954 in Tylertown, Mississippi into a very poor family. Ruby was, and still is a hero to American citizens. Of course, neither the Bridges family, nor Ruby, had any clue that she was going to end the war of separation of blacks and whites. Ruby would become a part of American history by being brave and walking into an all white school.

Ruby's parents worked hard to provide for her, but there were many nights that there was nothing to eat for dinner. At the age of 4, Ruby and her family moved to New Orleans, Louisiana, where her parents were able to get better jobs. Ruby's family was poor financially because her dad worked as a janitor, and her mom scrubbed the floors in a bank at night.

Americans did not treat African Americans as equals. Black children and white children attended different schools, which were segregated. The schools for black children were not as good as the schools for white children.

A federal judge in New Orleans said the city had to obey the law, Brown vs. Board, and in 1960 the judge ordered six year old Ruby Bridges to attend first grade at William Franz Elementary School. No black child had ever stepped foot upon the ground of the entirely white school. She would be the only black child there.

Ruby's family was scared once they had found out that Ruby was going to be sent to William Franz Elementary School. "I took a test along with all the other kindergarteners at my school during the summer found out that I had been selected to start first grade at William Franz Elementary School." The whole family was praying for strength and courage to get through any 'trouble' as a result of the desegregation ruling. Both of her parents were proud that their little daughter had been chosen for such an important event in American history. Maybe there was another reason why Ruby was chosen to carry the burden of being made fun of by all those people. Little Ruby wasn't the only one that was carrying the burden on her shoulders. There were three other little children in New Orleans being sent to another school because of the desegregation law. Ruby stood out the most because she was by herself and the other children had each other.

Ruby was terrified and didn't have any clue on what was going to happen while she attended the school. The court had federal marshals guarding her every where she went and watching everything she did in the school, and making sure no one harmed her. Charles Burks, a U.S. Marshal, who was one of the men who escorted Ms. Bridges said, "We expected a lot of trouble, but, as it turned out, it wasn't nearly as bad as we thought, even though Miss Bridges probably thought it was. For a little girl six years old, going into a strange school with four strange deputy marshals, a place she had never been before, she showed a lot of courage. She never cried. She didn't whimper. She just marched along like a little soldier. And we're all very proud of her." (Jim Lehrer, 2006)

The Federal marshals had to be ordered in by President Dwight D. Eisenhower to escort Ruby into the school building. The city police of New Orleans and the Louisiana State Police refused to help out. The marshals carried guns just in case people tried to hurt little Ruby. In fact, on many occasions they threatened to arrest people just to keep the crowds away from her. Ruby would always run through the crowds without saying a word.

Ruby Bridges, who is now Ruby Bridges Hall said, "I wish there were enough marshals to walk with every child as they faced the hatred and racism today, and to support, encourage them the way these federal marshals did for me. I know there aren't enough of you, but I do hope that I have inspired you to join me by dedicating yourselves to not just protecting but uplifting those you touch because that will enable us to rise together as a people, as a nation, and as a world." (Ruby Bridges, 2002)

On November 14, 1960, the Nation's eyes were on her, as six year old Ruby Bridges walked into not only the school but 'into history as well'. "That first morning," said Bridges, "I remember mom saying as I got dressed in my new outfit, 'Now, I want you to behave yourself today, Ruby, and don't be afraid. There might be a lot of people outside this new school, but I'll be with you.'" (Eileen McCluskey, 2002)

Ruby's first day and all the other days that she attended school, there was a mob of angry white people trying to scare off Ruby. Some people even threatened to hurt Ruby. The crowd was yelling with one voice, "Two, four, six, eight, we don't want to integrate." (Ruby Bridges, 1999)

On her second day of school, Ruby remembers, "My mother and I drove to school with the marshals. The crowd outside the building was ready. Racists spat at us and shouted things like 'Go home, nigger,' and 'No niggers allowed here.' One woman screamed at me, 'I'm going to poison you. I'll find a way.' She made the same threat every morning." (Ruby Bridges, 2002) Yet every morning Ruby kept walking and praying, ignoring the noise that was going on all around her.

"Please God try to forgive these people because even if they said those bad things, they don't know what they're doing. So could you forgive them, just like you did those folks a long time ago when they said terrible things about you." (Bruce McCluggagge, "A Prayer for White Folks") Ruby called her prayer, "The White Folks' Prayer." Ruby prayed every morning and afternoon about a block away from school, after she had been mocked and made fun of. She called it the "white folks' prayer," because she prayed for all those white folks that were yelling bad things at her. This prayer showed Ruby's character, her faith and Christianity. Ruby's mother wanted her children to be close to the Lord at a very young age. Little Ruby came from a very religious background. Even though Ruby's family was poor, being Christians made them very rich. Because of her mother and father teaching her about God she knew what to do while being persecuted.

Ruby entered the classroom, and she saw that the teacher, Mrs. Henry, and she were the only ones in the classroom. The parents of the white children would not let their children go into the school with Ruby.

Her walk and her bravery inspired the 1964 Norman Rockwell painting, "The Problem We All Live With." This shows a small black girl escorted by four federal marshals walking to school beside a wall bearing a scrawled racial epithet and the letters KKK, which stands for the Klu Klux Klan. The KKK are people who dress up in white robes and hoods, and they do not like black people at all. They try to do whatever they can to hurt black people.

A Harvard professor by the name of Robert Coles witnessed Ruby's first day in New Orleans. He wrote a children's book about Ruby Bridges' experience called The Story of Ruby Bridqes. Coles reminds children of all ages about the heroism of Bridges' action by showing her facing an empty classroom because angry parents kept their children home and all but one teacher refused to teach a black child.

A book about Ruby titled The Story of Ruby Bridges was published in 1995. When the book came out, Ruby's first grade teacher, Mrs. Henry, saw it and contacted her. They were reunited on the "Oprah Winfrey Show." I suppose that was one of the greatest joys of Ruby's life. She has also been in contact again with Dr. Coles, her old child psychiatrist. Also, there was footage of Ruby in the television series, "Eyes on the Prize," about the Civil Rights Movement.

Ruby Bridges played an important role in the Civil Rights Movement. She feels that there was a reason for what she went through. She played an important part in bringing blacks and whites together. She did not know why she had to go through it, but now believes that it was meant to be that way. She has finally reached a point in her life where she feels that her life had meaning.

There are few who deny the heroism of Ruby Bridges: she has demonstrated the value of education to countless others. Ruby Bridges, who is now 51 years old, has devoted herself to the education of the young. She raised her own four sons, her brother's four daughters, and started the Ruby Bridges Foundation "in the hopes of bringing parents back into the schools and taking a more active role in their children's' education." (Bridges Foundation)

Ruby went through more than half of the school year in a room being the only student. The only other person, who was brave enough to be seen with Ruby was Ms. Henry, her teacher. Ms. Henry was a lady from the north who was telephoned by the superintendent to come teach the first grade class at William Franz Elementary School. At first, Ms. Henry, did not know that she would teach at a segregated school.

The first day when Ruby walked into the classroom, she only saw the teacher, a white lady. Ruby said, "A young white woman met us inside the building. She smiled at me. 'Good morning, Ruby Nell' she said, just like Mama except with what I later learned was a Boston accent. 'Welcome, I'm your new teacher, Ms. Henry. 'She seemed nice, but I wasn't sure how to feel about her. I had never been taught by a white teacher before." (Ruby Bridges Hall, March 2000) Ruby was surprised that the school had not sent her a black teacher, but a white teacher. There were no other students, but yet Ms. Henry and Ruby both came to school faithfully the whole year. Ignoring the noise outside, she and Ruby used their time getting to know one another and learning the whole year.

Despite not being able to go outside, Ms. Henry always found a way to cheer Ruby and create games for the both of them. Ms. Henry remembers that "Ruby was an extraordinary little girl. She was a child who exuded, I think courage. To think that every day she would come to class knowing, that she would not have any children to play with, to be with, to talk to, and yet continually she came to school happily and interested to learn whatever could be offered to her. I think she was a child with an incredible sense of self in that she was strong enough to counter all the obstacles that were put in her way. And each day she would enter class, after having gone through tumultuous entrance into the school where she was confronted by an incredible number of agitators and protestors. Yet she would come into school every day with,the most wonderful smile on her face. Then she would come over and greet me, her eyes dazzled with a sense of wonder." (Lucille Renwick, 2001)

Ms. Henry has said, "I have learned so much from Ruby. Children can teach us so much by showing their inner selves. Children are pure, honest and simple. Children constantly teach teachers lessons of character honesty, and integrity. Children learn what they see. They take a signal from the teacher on how to value the worth of an individual." (Lucille Renwick, 2001)

Ms. Henry also said, "Teachers have to present to the students the struggles that have gone on in the world before them to realize the opportunities that they have just to go to school, and the struggles some people have had simply to get an education. You have to be a person who offers a child an opportunity for enlarging his world, and seeing the world from different points of view, and in different settings." (Lucille Renwick, 2001)

Eventually Ruby was joined by two boys, and was soon followed by the rest of the students. Ruby went on to finish out elementary school and then middle and also high school! Ruby became a major part of American history. Because of her bravery and her actions may the whites and the blacks or any other ethnicities never be separated like this again! Thanks to Ruby Bridges who stood up for what she believed in and for continuing to take a stand!

50TH ANNIVERSARY OF THE LIVONIA, MICHIGAN'S CHAPTER 114 OF THE DISABLED AMERICAN VETERANS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge the 50th Anniversary of the Livonia, Michigan Chapter 114 of the Disabled American Veterans.

For five decades, Chapter 114 has tirelessly sought to improve the quality of life for disabled veterans. Founded in a basement by 12 people in 1956, Livonia Chapter 114 had 31 charter members. Now the third largest in the state of Michigan, this chapter has blossomed into a membership of 1,500.

After 50 years, Chapter 114 continues to promote appreciation and understanding of American history at local schools through benevolence and outreach. To foster patriotism, members host a writing contest, What the American Flag Means to Me; to encourage involvement, members sponsor local ROTC programs; and, to educate young men and women, members speak with students about the role of America in World War II, Korea, and Vietnam.

The members of Chapter 114 also play a vital role in the lives of other veterans. They schedule hospital visits to newly admitted veterans and wounded soldiers, plan bingo nights for hospitalized soldiers and veterans, assist with health benefit claims for disabled soldiers, and donate modified cars to help disabled veterans drive.

The organization is also an institution where veterans of all wars can meet other legendary former servicemen. One of the first members of the 1920 National Disabled American Veterans Convention in Detroit, Joseph Piccola, joined the U.S. Army in 1918 and lost an eye during World War I. At age 98, Joe continues to inspire members to retain their independence and give back to their community. Thomas Silvermail, another inspirational figure, was wounded in the Korean War and is the only surviving charter member of Chapter 114.

Mr. Speaker, to the men, women, and children of our community; to the families of missing and fallen soldiers; and to every veteran of foreign wars, Livonia Chapter 114 is the embodiment of eternal unity and brotherhood. For 50 years, the organization's tireless efforts have commemorated the lives of heroic servicemen, preserved the independence of disabled veterans, and ensured the bravery of our armed forces is never forgotten. We owe the courageous members of Chapter 114 a great debt of gratitude. Today, I ask my colleagues to join me in thanking them for their years of unrelenting service to our community and our country.

CELEBRATING 100 YEARS OF YWCA SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the YWCA of Fort Worth and Tarrant County as it celebrates 100 years of service in the 26th District of Texas. The YWCA of Fort Worth and Tarrant County, the first YWCA in Texas, has been serving our community since 1907.

Since its start, the YWCA of Fort Worth and Tarrant County has grown to encompass over 100 paid employees as well as 200 volunteers. Together, these individuals have sought to eliminate racism and empower women through residential services such as My Own Place, which houses 14 young women who have outgrown foster care, and Supportive Living, which houses about 20 women and is designed to help homeless women become independent and self-reliant.

After 100 years of service, the YWCA of Fort Worth and Tarrant County continues to find innovative ways to improve the community. In 2005, the YWCA started two new programs: a class on diversity called "Dialogue on Race" and a partnership with a local Ben & Jerry's Ice Cream shop that employs at-risk youth.

Mr. Speaker, it is with great honor that I stand here today to honor the YWCA of Fort Worth and Tarrant County for its commitment to playing an active role in the development, improvement, and success of the community.

SACRED HEART BASEBALL TEAM WINS CLASS 1 CHAMPIONSHIP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the Sacred Heart High School baseball team from Sedalia, MO, on winning the Class 1 State championship.

With their 11–4 win against Stoutland, the Sacred Heart baseball team won the first State championship in the school's 61-year history and the Kaysinger Conference's first team championship on June 1. The team has worked diligently and provided many hours of hard work and dedication to achieve such a great accomplishment.

Mr. Speaker, the Sacred Heart baseball team and their coaches can be very proud of this accomplishment. I know the Members of the House will join me in congratulating them for winning the Class 1 championship.

A TRIBUTE TO KEISHA ARSO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. TOWNS. Mr. Speaker, I rise today to pay special tribute to Keisha Arso on the occasion of her graduation from Martin Van Buren High School in New York City on June 27, 2006. It behooves us to pay tribute to this outstanding citizen and student and I hope that my colleagues will join me in recognizing her impressive accomplishments.

Keisha Arso was born in New Orleans, Louisiana, in 1987. As the second of four daughters, Keisha lived in New Orleans until August 2005 when she and her family had to evacuate their home because of the impending onslaught of Hurricane Katrina, one of the most horrific and devastating hurricanes to hit the United States.

Keisha Arso was one of the lucky ones. She was able to escape to Texas prior to the hurricane's landing in New Orleans. However, her mother Brenda Arso, a nurse, had to stay behind. For days, Keisha Arso, like many others separated from family members and unable to establish communication, fretted with anxiety as she watched the visual images of thousands of people fighting for survival among the rising flood waters, lack of food and water, and outlaws victimizing the weak and helpless.

However, with the assistance of clergy, volunteers in New Orleans and New York City, and family members in Texas, Keisha was finally reunited with her mother and other siblings. Add to that, the dedicated teachers and administrators from Martin Van Buren High School, Keisha and her family have been able to face and survive many obstacles that from the outset seemed insurmountable. The Arso family home may not have survived the catastrophic levee breach of Lake Pontchartrain, but Keisha's spirit remains intact. Keisha's strength, courage and ability to rise above all obstacles and receive her diploma are prominent examples of the power of faith, freedom, compassion and the American spirit.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Keisha Arso, as she serves as a role model for others facing adversity.

Mr. Speaker, please join our community in honoring Keisha Arso, as her steadfast perseverance makes her most worthy of our recognition today.

IN TRIBUTE TO CECIL BROWN, JR.

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to the life and work of a noted civil rights leader. Mr. Cecil Brown, Jr., who died earlier this week, was one of the first African Americans elected to the Wisconsin State Assembly, and ultimately became a national leader in the fight for equality and desegregation.

A lifelong Midwesterner, Mr. Brown was born in Chicago and also lived briefly in Iowa but was only nine years old when his family settled in Milwaukee during the depression, hoping to make a better life for themselves and their children. Mr. Brown graduated from North Division High school and went on to pursue a college degree at Marquette University. He worked as an accountant before he won a seat in the Assembly in 1954. His victory helped establish new opportunities for African Americans in elected office, giving rise to a cadre of strong elected officials that included Representative Lloyd Barbee, and County Board Supervisor Clinton Rose, among others. Serving a district that was predominantly white, Cecil Brown became known for his ethics and integrity, as well as exemplary civil rights leadership.

After serving briefly in the Assembly, Mr. Brown went on to become one of the foremost leaders of Milwaukee's civil rights movement. He founded the Milwaukee chapter of the Congress on Racial Equality, and worked alongside Father James Groppi and others to fight for desegregated housing and schools. Inspired equally by Martin Luther King, Jr. and Paul Robeson, he was deeply committed to non-violent strategies for social change. His wife, Loretta Brown, too, was a civil rights activist whom he met while participating in the Milwaukee United School Integration Committee.

All of us who are elected to public office stand on the shoulders of those who came before us. Mr. Brown is one of the giants in our state's history whose efforts enabled me to have a career in public service. I am honored to have this opportunity to pay tribute to his lifelong efforts to advance the African American community and to give thanks to him and his family for their unwavering commitment to equality and civil rights.

BEST FRIENDS KINDNESS TO ANIMALS WEEKEND

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to announce that this past weekend was designated by Best Friends Animals Society as Best Friends Kindness Weekend.

Best Friends Animal Society, based outside Kanab, Utah, works with shelters and rescue groups nationwide to bring about a time when there will be no more homeless pets. Best Friends operates the country's largest sanctuary for homeless animals, and provides adoption, spay/neuter, and educational programs nationwide.

The purpose of Best Friends Weekend was to remind all of us how animals enrich our lives through their companionship, friendship and love. Best Friends Animal Society believes that dedicating one weekend each year to promoting kind acts towards animals can make our communities and our world a better place.

Cruelty to animals often leads to cruelty to people. I've been a strong and outspoken supporter of animal welfare issues since first coming to Congress, and I've authored legislation to help protect animals and promote their welfare. Organizations like Best Friends serve as a conscience to lawmakers and the country in these matters and remind us that our first duty is to protect the most vulnerable and innocent among us.

This past weekend's activities of kindness inspired by Best Friends should serve as a reminder to all of us, that in this increasing fragmented society we need to be ever more compassionate about the animals in our world, whether they are companion pets, service animals such as seeing-eye dogs, livestock, or nature's wildlife. It also serves as a reminder that the bond between humans and animals is a vital one and is capable of bringing joy and healing to people of all ages. Finally, it serves to remind us to be more kind and compassionate to our fellow man. We coexist in this world—human to human and human to animal—and those bonds must be maintained and kept strong.

PERSONAL EXPLANATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. REYES. Mr. Speaker, on Thursday, June 22, 2006, I was unavoidably detained at a Border Health Conference hosted by the Texas Medical Association in conjunction with my office, and missed rollcall votes Nos. 308, 309, 310, and 311. If I had been present, I would have voted no on these votes.

CELEBRATING MRS. OZIA MAE STURGIS'S 80TH BIRTHDAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to wish a very special New Yorker, Mrs. Ozia Mae Sturgis, a very happy 80th birthday. Mrs. Sturgis commemorated this occasion with family members and friends at a birthday tea at the William Hodson Senior Center. I would like to join them in celebrating her life, her contributions, and her career of community service.

The eldest of 12 children, she was born Ozia Mae Hammond on June 21, 1926, in Augusta, Georgia, and moved to New York City in the 1940s, where she met and married Jimmie Sturgis.

Mrs. Sturgis and her husband raised seven children in their Bronx home, where she instilled in them the importance of education, a strong work ethic, and the value of family. Their children and seven grandchildren all still reside in the New York Metropolitan Area.

She is very active in her church and her community, serving as a past president and current Board Member of the William Hodson Senior Center in the Bronx. Last year, she was the proud recipient of the Center's "Mother of the Year" award.

On the occasion of Ozia Mae Sturgis's 80th birthday, I am pleased to join her family and friends in wishing her many happy years to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 27, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

9:30 a.m.

Environment and Public Works

To hold an oversight hearing on Environmental Protection Agency regional inconsistencies.

SD–628

Indian Affairs

To hold an oversight hearing to examine Native American Housing Programs.

SR–485

Judiciary

To hold hearings to examine hedge funds and independent analysts.

SD–226

10 a.m.

Commerce, Science, and Transportation

Business meeting to continue markup of H.R. 5252, to promote the deployment of broadband networks and services.

SH–216

Finance

Business meeting to markup S. 1321, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications, and proposed legislation to implement the United States-Oman Free Trade Agreement.

SD–215

Foreign Relations

Business meeting to consider an original bill, to exempt from certain requirements of the Atomic Energy Act of 1954 U.S. exports to India of nuclear materials, equipment and technology, the nominations of Earl Anthony Wayne, of Maryland, to be Ambassador to Argentina, Gaddi H. Vasquez, of California, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture, John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues, Michael E. Ranneberger, of Virginia, to be Ambassador to the Republic of Kenya, Eric M. Bost, of Texas, to be Ambassador to the Republic of South Africa, W. Stuart Symington IV, of Missouri, to be Ambassador to the Republic of Djibouti, Gayleatha Beatrice Brown, of New Jersey, to be Ambassador to the Republic of Benin, Robert O. Blake, Jr., of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, Robert D. McCallum, Jr., of Georgia, to be Ambassador to Australia, and Leslie V. Rowe, of Washington, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu.

SD–419

Health, Education, Labor, and Pensions

Business meeting to consider proposed Older Americans Act Amendments of 2006, S. 3546, Dietary Supplement and Nonprescription Drug Consumer Protection Act, S. 707, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, S. 757, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, and any pending nominations; to be followed by a hearing on biodefense.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Mickey D. Barnett, of New Mexico, Katherine C. Tobin, of New York, and Ellen C. Williams, of Kentucky, each to be a Governor of the United States Postal Service.

SD–342

10:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission.

SD–366

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of the Capitol Visitor Center construction.

SD–138

11 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Belgium's Chairmanship of the OSCE, focusing on developments in Central Asia and neighboring Afghanistan, the emergence of the Shanghai Cooperation Organization, the political situation in the Caucasus, and human rights trends in the Russian Federation.

2359 RHOB

2 p.m.

Judiciary

To hold hearings to examine the nominations of Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, and Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

SD–226

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Armenia, Peter R. Coneway, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein and Thomas C. Foley, of Connecticut, to be Ambassador to Ireland.

SD–419

Energy and Natural Resources
Water and Power Subcommittee

To hold hearings to examine S. 1812, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah, S. 1965, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District, S. 2129, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, S. 2470, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho, S. 2502, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, S. 3404, to reauthorize the Mni Wiconi Rural Water Supply Project, H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant", and H.R. 4204, to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project.

SD–366

3 p.m.

Library

Business meeting to consider pending committee business.

H–140, Capitol

JUNE 29

9:30 a.m.

Foreign Relations

To hold hearings to examine Russia.

SD–419

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine proposed legislation relating to enhancing employee performance.

SD–342

10 a.m.

Commerce, Science, and Transportation

Business meeting to continue markup of H.R. 5252, to promote the deployment of broadband networks and services.

SH–216

Energy and Natural Resources

To hold hearings to examine H.R. 5254, to set schedules for the consideration of permits for refineries.

SD–366

Finance

To hold hearings to examine the U.S.-Peru Trade Promotion Agreement.

SD–215

2 p.m.

Appropriations

Business meeting to markup H.R. 5427, making appropriations for energy and water development for the fiscal year ending September 30, 2007, H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, H.R. 5522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and H.R. 5386, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007.

SD–106

Judiciary
Administrative Oversight and the Courts Subcommittee

To hold hearings to examine H.R. 1038, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial.

SD–226

2:30 p.m.

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine the case for reform regarding community development block grants, focusing on issues surrounding program formulas, recipient communities, and management of grants within the Community Development Block program, including aspects of the reform package, the "CDBG Reform Act of 2006".

SD–342

Finance
Long-term Growth and Debt Reduction Subcommittee

To hold hearings to examine how to increase worker coverage relating to small business pension plans.

SD–215

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

JULY 12

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine USDA dairy programs.

SR–328A

JULY 13

2 p.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2007, and proposed legislation making appropriations for the District of Columbia for the fiscal year ending September 30, 2007.

SD–106

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine unmanned aerial systems in Alaska.

SD–562

JULY 19

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual Monetary Policy Report to Congress.

SD–538

Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine high performance computing.

SD–562

2:30 p.m.

Energy and Natural Resources
Public Lands and Forests Subcommittee

To hold an oversight hearing on the implementation of Public Law 108–148 The Healthy Forests Restoration Act.

SD–366

JULY 20

2 p.m.

Appropriations

Business meeting to markup H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007.

SD–106

POSTPONEMENTS

JUNE 28

9:30 a.m.

Judiciary

To hold hearings to examine antitrust concerns relating to credit card interchange rates.

SD–226

JUNE 29

10 a.m.

Small Business and Entrepreneurship

To hold hearings to examine strengthening participation of small businesses in Federal contracting and innovation research programs.

SR–428A

SENATE—*Tuesday, June 27, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and dependable Creator, who harmonized the world with seasons and climates, sowing and reaping, color and fragrance, accept our grateful praise. Thank You for sustaining our lives in each season of living, for protecting us from dangers and for giving us Your peace.

Thank You for the members of our Government's legislative branch, for their efforts to make our world better. As they plant seeds of freedom, prepare them for an abundant harvest. Remind them daily that You surround the upright with the shield of Your favor.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 27, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BURR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today we will have a period of morning business until 11 a.m. At 11, we will resume consideration of the flag antidesecration resolution, which we began debate on yesterday. The time until 2:15 will be for debate only on the flag resolution.

Under the order from last night, we have controlled time, and Senators who would like to speak should consult with the managers and get in the queue.

Also, today we will recess for the weekly policy luncheons from 12:30 until 2:15 p.m. We will announce the voting schedule later today. However, we will not have any votes scheduled prior to the recess for the policy luncheons.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 11 a.m., with the first 15 minutes of time under the control of the majority leader or his designee, the next 15 minutes of time under the control of the Democratic leader or his designee, and the remaining time will be equally divided.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask for 15 minutes under the Democratic time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EUROPEAN SUBSIDIES

Mrs. MURRAY. Mr. President, in the coming weeks, we are entering an important crossroad in the future of commercial aerospace. I wish to explain this morning what is at stake for our country and for American workers.

Down one road, American workers will be left to fight for their jobs with one hand tied behind their backs. They will face unfair competition, and our economy and our future could suffer. Down the other road, our Government will make it clear that we will fight for fair trade, and our economy and our workers will win as a result. That is the crossroad we are approaching, and which path we take will be determined by two things: whether Europe decides to provide illegal subsidies to Airbus and EADS and whether the U.S. Government works aggressively to keep that from happening.

For decades, Europe has provided subsidies to prop up Airbus and its parent company EADS. Those subsidies have created an uneven playing field and have led to tens of thousands of layoffs in the United States.

In the past few years, the United States has stood up to Europe, and I have been proud to work with the Bush administration in that effort, first under U.S. Trade Representative Robert Zoellick, then under Rob Portman and now, of course, under USTR Susan Schwab. We have demanded that Europe stop the subsidies and play by the rules.

With the threat of a WTO trade case, we got the Europeans to the negotiating table, and I was hopeful that we could make progress. But over the past few months, Airbus and EADS have been in a tailspin over unsuccessful planes, production delays, and management scandals. Airbus is finally beginning to see how difficult it is to compete in the marketplace without the cushion of government subsidies. And it is floundering.

But now, rather than letting Airbus compete on its own in the marketplace, European governments seem poised once again to rescue Airbus with market-distorting subsidies.

If we want to keep a strong aerospace industry in America, we cannot let that happen. Every time the European government underwrites Airbus with subsidies, American workers get pink slips.

If we want to lead the world in commercial aerospace, our message to Europe must be strong and clear: No more illegal subsidies to prop up Airbus. Airbus must compete in the marketplace just like everyone else.

I first sounded the alarm on this important issue in March of 2004 when I spoke about my concerns here on the Senate floor. For those who have not been following the debate, I wish to provide some background.

Only two companies in the world make large passenger airplanes: the Boeing company, with its commercial air operation headquartered in Renton, WA, and Airbus, which is headquartered in Toulouse, France. Airbus is a

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

division of the European Aeronautics Defense and Space Company, known as EADS.

The distance between Airbus and Boeing's headquarters is about as big as the disparity between how the United States and Europe view the commercial aerospace industry.

For us in America, commercial aerospace is a private industry, one that must respond to the needs of the marketplace and the demands of its shareholders. It is a difficult business, and many times manufacturers such as Boeing "bet the company" on a new airplane.

In Europe, on the other hand, commercial aerospace is viewed as a job-creation program. Airbus has been shielded from the dangers of the marketplace by decades of government subsidies. In fact, Europe doesn't seem to care if Airbus loses money as long as it produces jobs and those jobs come at the expense of American workers.

The history of Airbus and EADS is a history of government subsidies that have sheltered it from competition and real pressures of the marketplace. It has allowed Airbus to develop new aircraft with virtually no risk. This government assistance takes many forms, including launch subsidies, research subsidies, facilities subsidies, and supplier subsidies. These subsidies create an uneven playing field and allow Airbus to do things that normal private companies cannot afford to do. Because of those subsidies, Airbus has grown to become a market power without assuming any of the financial risk and accountability U.S. firms have to contend with every day.

As a result of this government support, Airbus has been able to erode Boeing's market share. Airbus's market share was once in the teens, but today Airbus claims to supply more than 50 percent of the industry.

But European government support of Airbus doesn't stop there. It includes everything from bribes to threats. There are reports of state airlines being promised landing rights at European airports if they buy Airbus planes, and we have seen countries threatened that they will not be let into the European Union unless they buy Airbus planes. There are reports of Airbus using deep discounts and guaranteeing to airlines that Airbus planes will hold their value.

To date, Airbus has received more than $15 billion in launch aid. But despite this massive infusion of government cash, Airbus and EADS are still hemorrhaging money and are undergoing a crisis in leadership at the highest levels. In fact, if anybody was to scan the newspapers this week, they could read about any number of problems Airbus and EADS have been confronted with. The Airbus A350 model has been widely condemned by major airline purchasers. It requires an expensive redesign, which is estimated to now cost between $9 billion and $10 billion. The A380 mega-jetliner, which Airbus spent more than $13 billion on developing, has secured only a small list of customers. Now it is plagued by delivery delays which could result in canceled orders and financial penalties for Airbus. In fact, according to recent reports, Airbus is facing the possible loss of orders worth more than $5 billion. The delays could reduce Airbus's annual earnings by $630 million between 2007 and 2010.

EADS also has a huge liability on its hands. It needs to buy out BAE Systems' share of Airbus, which is estimated to cost about $4 billion. On top of all of that, the co-chief executive of EADS, Noel Forgeard, is under investigation for insider trading.

By all accounts, Airbus is struggling. It is also losing credibility with its customers. In fact, when news broke about the A380's production delay, Singapore Airlines cast a no-confidence vote in Airbus by ordering 20 Boeing 787 Dreamliners.

One important customer who is taking notice is the U.S. Department of Defense. With Airbus's financial house of cards on the verge of collapse and no current U.S. manufacturing presence, it is becoming clear that EADS will not be able to give the U.S. Air Force the tanker of the future.

I am pleased that the Air Force has asked the right questions. In its request for information for the tanker contract, the Air Force asked potential bidders to provide them with information about launch aid and subsidies, including details about any government support, tax breaks, debt forgiveness, or loans with preferential terms they might have received. The Air Force clearly understands the need for transparency and a level playing field.

Any new subsidies to Airbus for tankers or other programs should end once and for all Airbus's campaign to access the U.S. Treasury.

To protect taxpayers and national security, the Air Force must exercise extreme caution if it continues to consider an Airbus tanker proposal.

As many of my colleagues know, my home State of Washington has a very proud and long history of aerospace leadership. On July 15, 1916, Bill Boeing started his airplane company in Seattle, WA, and since that day, Boeing and Washington State have shared the ups and downs of the commercial aerospace industry. In fact, just a few years ago, Boeing found itself struggling to keep up with Airbus, but through the sacrifice and hard work of more than 62,000 Boeing employees in Washington State and many more around the country, the company pulled itself up by its bootstraps. It recovered to once again evenly share the marketplace with Airbus, and it did so by producing a plane, the 787, which was just what the marketplace wanted.

Airbus, on the other hand, ignored the market's demand and produced a plane that few people wanted, and now they are being punished by the marketplace for their mistakes. But rather than take their lumps, they are likely to seek an illegal government bailout that would negate the hard work and sacrifice of Boeing employees.

Recently, an EADS spokesman called launch aid "indispensable" and said, "Launch aid is the only available system right now" to deal with Airbus's floundering market and design problems. How can aerospace workers in America compete with a competitor that never has to face the consequences for its failures?

Last week, President Bush met with EU leaders at a summit. Before his trip, I wrote to the President and urged him to raise the issue with European leaders. Time is running out. We are quickly approaching the Farnborough Airshow on July 17 when European Ministers are expected to decide whether to provide EADS with more launch aid.

I have supported this administration's willingness to go the distance at the World Trade Organization in its fight for fair markets. They stood up for American aerospace workers after it became clear that negotiations with the Europeans were going nowhere. As a result, the WTO is now considering the subsidies case through its dispute settlement body.

The Senate is on record against Airbus subsidies. On April 11, 2005, the Senate unanimously passed S. Con. Res. 25. That is a resolution which called for European governments to reject launch aid for the A350 and for President Bush to take any action that he "considers appropriate to protect the interests of the United States in fair competition in the large commercial aircraft market." The resolution also specifically encouraged the U.S. Trade Representative to file a WTO case unless the EU eliminates launch aid for the A350 and all future models.

The production of large civilian aircraft is now a mature industry in both the United States and Europe. It is now time that market forces—market forces, not government aid—determine the future course of this industry.

That crossroad I mentioned is coming up on us quickly. One road will leave American workers in a fight for their jobs, with the game stacked against them. The other road will give us a fair playing field where American workers can win through their hard work and American ingenuity. I hope for our country's future that we choose the right course, and it begins by sending a clear message from our government to Europe that the United States will not tolerate another round of illegal subsidies that kill American jobs. The clock is running, and the choice is ours.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. JEFFORDS. Mr. President, I rise today in opposition to a constitutional amendment that would ban flag burning and other acts of desecration.

As I said during the recent debate on the Federal marriage amendment, I am very troubled by priorities put forth by the Senate majority. Our domestic programs are facing serious budget cuts. Millions of Americans are without health insurance. Gas prices are out of control while our Nation's reliance on foreign oil shows no sign of easing. And we still have no strategy for the war in Iraq. However, the Senate leadership has chosen to spend a portion of our limited days in session to bring up a constitutional amendment to ban flag burning.

Once again, we seem to be searching for a solution in need of a problem, and I am afraid the reason we are spending time on this topic is only for political gain.

As a veteran with 30 years in the U.S. Navy and the U.S. Naval Reserve, I know the pride that members of our Armed Forces feel when they see our flag, wherever they may be in the world. I share the great respect that Vermonters and Americans have for that symbol. I personally detest the notion that anyone would choose to burn a flag as a form of self-expression.

Members of the military put their lives on the line every day to defend the rights guaranteed by the U.S. Constitution. It is disrespectful of these sacrifices to desecrate the flag.

However, in my opinion, our commitment to free speech must be strong enough to protect the rights of those who express unpopular ideas or who choose such a distasteful means of expression. This concept is at the core of what we stand for as Americans.

Mr. President, I have given this constitutional amendment a great deal of thought. I must continue to oppose this amendment because I do not think we should amend the Bill of Rights unless our basic values as a nation are seriously threatened. In my view, a few incidents of flag burning, as upsetting as they may be, do not meet this high standard.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mrs. FEINSTEIN. But that it would be acceptable for me to speak on the pending business, which is the flag amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FLAG PROTECTION AMENDMENT

Mrs. FEINSTEIN. Mr. President, I rise as the main Democratic sponsor of this amendment. I have given this a lot of thought for a long time. I believe what we have before us is language that is essentially content neutral. It is on conduct—not speech. I will make that argument later on in my remarks, but I begin my remarks with how I came to believe that the American flag is something very special.

For those of us who are westerners, the Pacific battles of World War II had very special significance.

Reporters were not embedded, there was no television coverage, and the war in the Pacific was terrible—island battle after island battle—the death march at Guadalcanal, Tarawa, and onward.

On the morning of February 24, 1945, I was a 12-year-old. I picked up a copy of the San Francisco Chronicle. There on the cover was the now iconic photograph done by a Chronicle photographer by the name of Joe Rosenthal, and it was a photograph of U.S. marines struggling to raise Old Glory on a promontory, a rocky promontory above Iwo Jima.

For me—at that time as a 12-year-old—and for the Nation, the photo was a bolt of electricity that boosted morale amidst the brutal suffering of the Pacific campaign.

The war was based on such solid ground and victory was so hard-pressed that when the flag unfurled on the rocky promontory on Iwo Jima, its symbolism of everything courageous about my country was etched into my mind for all time. This photo cemented my views of the flag for all time.

In a sense, our flag is the physical fabric of our society, knitting together disparate peoples from distant lands, uniting us in a common bond, not just of individual liberty but also of responsibility to one another.

Supreme Court Justice Felix Frankfurter called the flag "The symbol of our national life." I, too, have always looked at the flag as the symbol of our democracy, our shared values, our commitment to justice, our remembrance to those who have sacrificed to defend these principles.

For our veterans, the flag represents the democracy and freedom they fought so hard to protect. Today there are almost 300,000 troops serving overseas, putting their lives on the line every day to fight for the fundamental principles that our flag symbolizes.

The flag's design carries our history. My proudest possession is a 13-star flag. When you look at this flag, now faded and worn, you see the detail of the 200-year-old hand stitching—and the significance of every star and stripe.

The colors were chosen at the Second Continental Congress in 1777. We all know them well: Red for heartiness and courage; white for purity and innocence; blue for vigilance, perseverance, and justice. Even the number of stripes has meaning—13 for 13 colonies.

Our flag is unique not only in the hearts and minds of Americans, but in our laws and customs as well. No other emblem or symbol in our Nation carries with it such a specific code of conduct and protocol in its display and handling.

For example, Federal law specifically directs that the flag should never be displayed with its union down, except as a signal of dire distress or in instances of extreme danger to life or property.

The U.S. flag should never touch anything beneath it: neither ground, floor, water, or merchandise. The flag must be lit at night. It should never be dipped to any person or thing. And the flag should never be carried horizontally but should always be carried aloft and free.

The flag flies over our government buildings throughout the country. It flies over our embassies abroad, a silent but strong reminder that when in those buildings, one is on American soil and afforded all the protections and liberties enjoyed back home.

Last December, I traveled to Iraq and met with some of the brave men and women in the armed forces that are serving there. We flew out of Baghdad on a C–130 that we shared with a flag-draped coffin accompanied by a military escort.

The young man or woman in that coffin gave their life under the banner of this flag.

In 1974, Justice Byron White wrote that:

> It is well within the powers of Congress to adopt and prescribe a national flag and to protect the unity of that flag. . . . [T]he flag is an important symbol of nationhood and unity, created by the Nation and endowed with certain attributes.

Justice White continued:

> [T]here would seem to be little question about the power of Congress to forbid the

> mutilation of the Lincoln Memorial or to prevent overlaying it with words or other objects. The flag is itself a monument, subject to similar protection.

I echo the opinion of Justice White: "The flag is itself a monument, subject to similar protection."

The American flag is our monument in cloth.

The flag flying over our Capitol building today, the flag flying over my home here and in San Francisco, each of these flags, separated by distance but not symbolic value, is its own monument to everything America represents. And it should be protected as such.

There is a sturdy historical and legal foundation for special protection for the flag. Constitutional scholars as diverse as Chief Justices William Rehnquist and Earl Warren and Associate Justices Stevens and Hugo Black have vouched for the unique status of the national flag.

On June 14, 1777, the Continental Congress passed the first Flag Act:

> Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation.

Historically, the flag has been protected by statute. In 1989, 48 of our 50 States had statutes restricting flag desecration. However, that protection ended in 1989.

That year the Supreme Court, by a vote of 5 to 4, struck down a Texas State law prohibiting the desecration of American flags in a manner that would be offensive to others in the Texas v. Johnson case.

Although the Court held that the government has "a legitimate interest in making efforts to 'preserv[e] the national flag as an unalloyed symbol of our country,'" it nevertheless concluded that burning the flag constituted speech under the first amendment, and that the Texas statute outlawing flag desecration was an impermissible regulation of the content of a person's speech.

Supreme Court Justice John Paul Stevens wrote in his dissent in Johnson that the flag is:

> a symbol of our freedom, of equal opportunity, of religious tolerance, and of good will for other peoples who share our aspirations.

I agree with Justice Stevens.

In response to the Johnson case, Congress passed the Flag Protection Act of 1989, which sought to ban flag desecration in a "content-neutral" way that would be permitted by the courts. Nevertheless, the Supreme Court struck down that Federal statute as well.

In that case, United States v. Eichman, the Supreme Court, by another 5-to-4 vote, held that although the Federal statute prohibiting flag desecration did not limit speech based on content, which had been found unconstitutional in Johnson, the statute still violated the first amendment because Congress's intent in passing the statute was "related to the suppression of free expression."

The Supreme Court has spoken, and I do not wish to quarrel with its decisions.

However, the Johnson and Eichman decisions make it clear that without a constitutional amendment no Federal statute protecting the flag will survive judicial review.

Consequently, the only avenue available for restoring protection to the flag is to amend the Constitution. Otherwise, any legislation passed by Congress or State legislatures will simply be struck down.

The Constitution itself prescribes instructions for its amendment when nepessary for the good of the Nation. And the Constitution is, after all, a living text that has been amended 27 times since its creation.

I do not take amending the Constitution lightly. It is a serious business and we need to tread carefully. However, the change we seek to make is narrow, it is limited, and it is necessary.

Some critics say we must choose between trampling on the flag and trampling on the first amendment. I strongly disagree.

The freedom of speech enshrined in the first amendment is a cornerstone of our great Nation.

However, there is no idea or thought expressed by the burning of the American flag that cannot be expressed equally well in another manner. While I might disagree with those who protest, I defend their right to do so.

Protecting the flag will not prevent anyone from expressing his or her point of view, regardless of what that point of view may be.

Indeed, the Supreme Court has recognized many instances in which speech is not protected, such as obscenity and "fighting words." I believe that desecrating an American flag falls into the same category.

Limiting this very specific conduct will leave both the flag and speech safe.

Amending the Constitution for this narrow and necessary purpose is an implicit recognition of the depth and breadth of the first amendment. What could more clearly signal the scope and strength of our freedom of speech than the fact that even protecting our Nation's symbol from desecration requires a constitutional amendment?

I would like to assure those with reservations about amending the Constitution that the path we are taking is no slippery slope.

There will be no stampede of constitutional amendments that could erode our freedom of speech. There will be no litany of restrictions.

There has been much confusion surrounding this amendment.

It does not prohibit flag burning, as is so often stated. This amendment would, quite simply, enable the Congress—you and I and our 98 other Members, Mr. President, as well as the 435 Members of the House of Representatives, and the President of the United States—to set the protocols governing our flag and protecting it as it has been protected throughout most of this Nation's history.

In other words, we will hold hearings. We will devise legislation. We will debate that legislation on the floor of both bodies. The purpose is to enable this body and the other body to establish a protocol for the handling of the American flag. No more, no less. It is content neutral. It does not ban desecration, burning, defiling, or anything else.

Let me read the text of the amendment:

> The Congress shall have the power to prohibit the physical desecration of the flag of the United States.

Just as 48 States debated this prior to 1989, and just as 48 States made a decision and passed legislation, the Congress of the United States would now have the power.

That is it. No more. No less.

The resolution—if passed by three-quarters of the 50 State legislatures—would merely return to Congress its historical power to prohibit the physical desecration of the flag.

The amendment will enable Congress to have a full and fair debate on the appropriate protections for the flag.

As President Woodrow Wilson, who proclaimed the first Flag Day in 1916, said:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. . . . Though silent, it speaks to us—speaks to us of the past, of the men and women who went before us, and of the records they wrote upon it.

In honor of this emblem of America, I ask that this body permit us to give the American people the opportunity to decide if the Constitution should be amended. It is time to let the people decide.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FLAG DESECRATION AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 12, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S.J. Res. 12) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit physical desecration of the flag of the United States.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I would like to say a few words about this amendment this morning because there seems to be a lot of misunderstanding about it. There are those who believe this amendment interferes with First Amendment rights and privileges. It does not. The media has largely portrayed this amendment as a ban on flag desecration. It is not. This amendment is, pure and simple, a restoration of the Constitution to what it was before unelected jurists, in a 5 to 4 decision, changed it. In 1989, five justices ruled that flag desecration, including burning the flag or any number of similar offensive acts, is speech. Four of them, led by the opinion of Justice Stevens, one of the most liberal members of the Court, found that such conduct does not constitute speech.

Fifty State legislatures, both red States and blue States, have called on us to pass this amendment. There are 60 up-front primary cosponsors of this amendment. There are at least six others who have said that they will vote for it. If that is all true, we are 1 vote short of having 67, with just a few who may still be undecided. We are hopeful that they will understand that this amendment simply says that "Congress shall have power to prohibit the physical desecration of the flag of the United States." In other words, in passing this amendment, we would give to Congress the power that the Supreme Court took away from it when they decided the Johnson case in 1989. That is very important to understand.

Today, the distinguished chairman of the Judiciary Committee, Senator SPECTER, is holding a hearing on Presidential signing statements, which he and some others believe actually take away power from the Congress of the United States.

We have heard various Members on both sides of the aisle get up and say that they are tired of the other branches of Government, meaning the executive and judicial branches, taking away powers from the Congress. This amendment would restore power to Congress. That is its importance.

The amendment does not ban anything. It does not require the creation of a statute. It does not say what is and what is not desecration of the flag. That would have to be defined later, assuming that the Congress decides, under its own power, through its own Representatives, to try to pass a statute that would define physical desecration of the flag. And if Congress did, at some point in the future, decide to exercise this power, then I believe that the good Members of Congress would very narrowly construe in a statute what is and what is not desecration of the flag.

Once again, fifty States, 50 State legislatures, every State in the Union has called for this amendment. Sixty-six Senators, both Democrats and Republicans, support this amendment. We are hopeful that there will be one or two others who will vote with us, and I believe if we get that 67th vote we will have 75.

In addition, anyone who tries to say that this proposed amendment interferes with First Amendment rights has not read it, as many in the media have not. This amendment would have no effect on the First Amendment. It merely returns the power to protect the flag back to the Congress of the United States.

In his speech yesterday, Senator DURBIN, my dear colleague from Illinois, who is the Democratic whip, suggested that this amendment is unnecessary. He based his assertion on the supposition that there are relatively few incidents of flag desecration. So why bother, was basically his argument. Why should we address what appears to be a matter of minor significance?

I will tell you why. As I stated, this amendment does not ban anything. But let me assume, as Senator DURBIN did, that it does. Just one incident, just one, is enough to justify action. One flag burning is enough, I think, for most people in this country. Principles are not creatures of convenience, despite assertions to the contrary.

As my colleagues know, 48 States, plus the District of Columbia, had antidesecration measures on the books before 1989. It was then that five unelected judges told those 48 sovereign entities that they were wrong.

Do my colleagues know the basis for the ruling? Five lawyers decided that all of these 48 State legislatures, as well as the District of Columbia, were wrong and that their measures were unconstitutional. But I ask, where does the Constitution say these measures are unconstitutional? Where in the text of the Constitution does it say this? The silence is deafening. We all know the Constitution does not say these measures are unconstitutional. Five lawyers came to this conclusion on the basis of a legal seance.

Now, I wonder, why did 48 States act in this area if anti-desecration laws are unnecessary? I will tell you why. Incidents of flag desecration are much more frequent than many of my colleagues have suggested.

The Citizens' Flag Alliance has been cataloguing reported incidents of flag desecration since 1994. Now, these are the incidents that are made public generally in the media. Their list is by no means comprehensive. There are many, many incidents of flag desecration, even some that are extremely offensive or even obscene, that are just not reported.

I know these people in the Flag Alliance. They are true citizen activists. They do not have high-priced lobbyists and $500-an-hour attorneys working for them. Many of them are working individuals who are simply committed to the values and ideals the flag represents. These hard-working individuals have devoted their time and energy fighting for the right to protect these values.

The Citizens' Flag Alliance has kept an eye on the news throughout the country to watch for reports of flag desecration. But with over 1,450 newspapers in this country it is no small feat to maintain a comprehensive list. Despite the difficulties in tracking these occurrences, the information that the Citizens' Flag Alliance has gathered appears to counter my colleagues' suggestion that there were not many incidents of flag desecration at all.

Since the Citizens' Flag Alliance began keeping count in 1994, there have been over 130 recorded incidents of flag desecration. In small rural areas as well as cities like Cincinnati, OH and Washington, DC, some of these people have defiled the very meaning of the flag by desecrating it, and, in many of those cases, more than one flag was desecrated.

For example, 10 flags were vandalized at the American Legion building on the Veterans of Foreign Wars post in New Hampshire just a few months ago. And, just last week in New York, there was an incident in which seven flags displayed on citizens' private property were desecrated and burned.

These reported occurrences of flag desecration are simply the tip of the iceberg. Besides the difficulties in monitoring the news for flag desecration incidents, there are many other acts of flag desecration that go unreported either because citizens know that the individual responsible cannot be prosecuted thanks to the Supreme Court decisions or because the media just plain doesn't care.

I heard the other day that protesters recently desecrated an American flag at the funeral of one of our fallen soldiers at Arlington Cemetery. This is just in the last few weeks. I have yet to see this reported by the press.

The bottom line is that, while this may not be a common offense, it is an ongoing and perpetual offense against common decency. Like I said, one flag desecration is enough for the majority of people in this country, let alone hundreds of them.

Now, I would add that these counts miss the point. No matter how many incidents of flag desecration, the American people, through their representatives, should be allowed to pass judgment on this behavior. The courts, including the Supreme Court, used to understand this. They used to respect the considered judgment of the people's representatives. They understood that the desecration of this unique symbol, our symbol, the flag, had a unique impact on the communities that suffer through these events. The opponents of this constitutional amendment can only offer an admonition to grin and bear it, suggesting that we should all be bigger people and not worry about those desecrated flags.

I do not think my colleagues appreciate the harm done to these communities when flags are desecrated on our Independence Day, on Memorial Day, or on our Veterans Day.

The American people do. The American people understand that even one such event is one too many.

Consider these accounts and tell me these communities have not suffered. Let me refer to this chart. This is from the Las Vegas Review Journal. It is entitled: "Misdemeanor Filed in Flag Burning in Las Vegas," dated September 14, 2004.

> [Stephen Drew] Hampton burned a U.S. flag during a tribute to the victims of the Sept. 11, 2001 terrorist attacks . . . Hampton set fire to a U.S. flag and waved it around before he was ushered out of the event by Las Vegas police and city marshals. Hampton also burned a U.S. flag last year on Sept. 11 in front of the New York-New York Hotel & Casino.

We were not even talking about the flag amendment then. This is simply the way some people handle our flag. This individual is by no means the only example.

The fact is that this is not a partisan issue. The American people want this amendment. This is an issue supported by Democrats, Independents, and Republicans nationwide. This amendment is supported in a bipartisan manner by both Democrats and Republicans in the Senate.

The problem is not that there is a rash of flag burning, although by anybody's count you would have to say there certainly is. This is not what this resolution is meant to address. Suggesting that we could only legislate to protect against widespread flag desecration is a red herring. What we are doing here is restoring the power of the American people over their own communities.

Let's be honest about it. This amendment is a very simple amendment. It says nothing about banning flag desecration. It does nothing to the First Amendment. It simply says we are going to return this issue back to the Congress where it should have been to begin with. This amendment says these words:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

Does that mean the Congress has to prohibit desecration of the flag? No. Will the Congress? I hope so. But the Congress does not have to. Even if, assuming this amendment is passed by this body and ratified by 38 States, Congress decides to bring forth a statute, it would still have to have a supermajority vote in the Senate because of those who would be opposed to it, who would filibuster it, and who would require us to invoke cloture. Therefore, it would only pass after the whole Congress has spent a considerable amount of time figuring out how best to define flag desecration.

Mr. President, I notice the distinguished Senator from Florida is on the floor and would like to make some remarks, so I will relinquish the floor at this time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, it is a real honor to follow the Senator from Utah on an issue of constitutionality, where I know he has had a great impact in the life of our Nation through the distinguished history he has had as a Senator. I know from his many years of serving in the Judiciary Committee that he is one who jealously guards and understands the importance and the meaning of our Constitution.

Mr. President, I wish to speak on this issue of the amendment to protect the flag of the United States, and I wish to begin by speaking about it in a slightly different angle, as someone who, as a young boy in school—I think it was when I reached the fifth grade—was charged with the responsibility of raising the flag in the morning and then bringing it down and protecting it and moving it into a safe place for the evening, until the next school day. I did that for the entire school year.

It was with great reverence and ceremony that this took place. I was, I remember, empowered with this responsibility as a young boy, which was one of the first I had, and I took it very seriously. The interesting thing is, it was in another place, in another land, and it was another flag. It was not the flag we honor and revere today, but it was the flag of the country of my birth, Cuba.

But what I noticed then and came to notice here is that people place great importance in symbols of national unity. No matter what country or where we are, there are very special symbols that from time to time touch a cord within the nation.

No greater evidence of the importance of this symbol can be given than through the history of our country, the stories we have heard and come to know of great heroism in battle, such as that of a soldier, perhaps at great risk to his own life, who would go to save the flag, go to save the colors—the symbol of the Nation he was fighting for and representing. And many soldiers in the history of our Nation have done just that.

So it seems almost odd there should be a heated debate. I understand the reason for the debate. It is rooted in the principles of constitutional freedom. It is rooted in the desire to honor those first 10 amendments to the Constitution, which are really what we call the Bill of Rights and the right of free speech.

But I do recall, early in law school, studying constitutional law, learning that all rights enshrined in the Constitution have certain limits within them, that they all have certain boundaries, that there is no such thing as unlimited rights. Although we treasure and value our right of free speech, I do believe it is important we understand there are some things that ought to be protected.

We protect our national monuments, not just because they are pieces of property that are beautiful and what they represent, but it is really more about the symbol of what they are. The national monuments are protected because they are a symbol of something special in our Nation, and it might be a person, it might be a historical moment in time.

Likewise, this very special symbol of our Nation, our flag, is one I believe we should also protect. It is protected in a simple way. It is about the balance of power within our Nation. It is about the difference between those things which are reserved for the judicial branch and others which are placed in the hands of the legislative branch.

What the Congress seeks to do in proposing this amendment to the American people, in placing it in a place where it can now enshrine forever what was attempted to be done legislatively a number of times, which the courts have chosen to strike down, is to say the legislative branch of Government, that branch closest to the people, elected by the people, shall have the right and the power to prohibit the physical desecration of the flag of the United States. That is what the article would say:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

When I was young, another life experience, now being shared by my youngest son, was being a Boy Scout. We see Boy Scouts through the halls of our Congress, visiting here, seeing our sacred monuments, seeing our places where this Republic has been a beacon of hope, the "shining city on a hill" to many people around the world. When they come and relish what they see, they come with a certain pride. They have learned also, as young boys, to protect the flag, to defend the flag, to honor the flag, and to treat it with that very special respect which is expected for something as important as a symbol of national unity.

So I am an encouraged supporter of this amendment because I believe it is important that as our Nation goes forward we always respect and honor the opportunity and the right of those who disagree with the policies of our Government to freely express themselves, to have no place where they cannot speak. I understand the meaning of freedom, the meaning of the right of free speech. However, I do also understand the very special nature of what the flag represents. In that situation, I believe there are many opportunities available to those who wish to protest, to those who wish to express a point of view different from the Government, that can be expressed in ways that do not afront, that do not offend, and do not destroy that very important symbol of national unity which we have made our flag and which our flag has been.

So I am proud today to support this amendment. I believe it is important that it be a constitutional amendment because we know that past efforts to legislatively fix the problem—to legislatively say to all that this symbol of national unity is so important that we deem it important enough to protect in a very special way—have been frustrated by the inability of the courts to agree with a clear direction the legislative branch has imposed on this. So then it is upon us to allow the people of this country to vote on this issue and to allow the various State legislative bodies to move on this issue and to seek to preserve for evermore this symbol of national unity.

This amendment seeks to prevent the physical abuse of a symbol that has served our country in many valuable ways through its history. It does not do so by restricting anyone's speech but by addressing their physical conduct. We are a free and vibrant people, and we owe that to those who have gone before us, and to those who serve us now, in protecting our national interests. Desecrating the flag does nothing to celebrate or enhance our expressive freedoms, while it clearly dishonors those who have seen the flag as a basis for their service and sacrifice.

So I strongly urge my colleagues to support this amendment and protect the most prominent and visible symbol of the freedom that America represents to the world.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I strongly oppose S.J. Res. 12. Make no mistake, we are talking here today about modifying the Constitution of the United States to permit the Government to criminalize conduct that all of us find offensive and wrong, but that is protected by the first amendment. This amendment would, for the first time, amend the Bill of Rights. I cannot support this course.

Let me make one thing clear at the outset. Not a single Senator who opposes the proposed constitutional amendment, as I do, supports burning or otherwise showing disrespect to the flag. Not a single one. None of us think it is "OK" to burn the flag. None of us view the flag as "just a piece of cloth." On those rare occasions when some malcontent defiles or burns our flag, I join everyone in this Chamber in condemning that action.

But we must also defend the right of all Americans to express their views about their Government, however hateful or spiteful or disrespectful those views may be, without fear of their Government putting them in jail for those views. America is not simply a Nation of symbols, it is a Nation of principles. And the most important principle of all, the principle that has made this country a beacon of hope and inspiration for oppressed peoples throughout the world, is the right of free expression. This amendment threatens that right, so I must oppose it.

We have heard at various times over the years that this amendment has been debated that permitting protestors to burn the American flag sends the wrong message to our children about patriotism and respect for our country. I couldn't disagree more with that argument. We can send no better, no stronger, no more meaningful message to our children about the principles and the values of this country than if we oppose efforts to undermine freedom of expression, even expression that is undeniably offensive. When we uphold first amendment freedoms despite the efforts of misguided and despicable people who want to provoke our wrath, we explain what America is really about. Our country and our people are far too strong to be threatened by those who burn the flag. That is a lesson we should proudly teach our children.

Amending the first amendment so we can bring the full reach of the criminal law and the power of the state down on political dissenters will only encourage more people who want to grandstand their dissent and imagine themselves "martyrs for the cause." Indeed, we all know what will happen the minute this amendment goes into force—more flag burnings and other outrageous acts of disrespect of the flag, not fewer. Will the amendment make these acts any more despicable than they are now? Certainly not. Will it make us love the flag any more than we do today? Absolutely not.

It has been almost exactly 17 years since the Supreme Court ruled that flag burning is a form of political speech protected by the first amendment. Proposals to amend the Constitution arose almost immediately and have continued unabated. But while the interest of politicians in this course of action seems as strong as ever, public interest in it seems to be waning. Opinion polls show support for the amendment has fallen. Amending the Constitution to prohibit flag desecration is just not the foremost thing on the minds of the American people. Perhaps that is because it is long since clear that our Republic can survive quite well without this amendment. Nearly a generation has passed since the Texas v. Johnson decision, and our Nation is still standing strong. That alone shows that this amendment is a huge overreaction and an entirely unnecessary step.

The last time that the full Senate voted on, and rejected, this constitutional amendment was in the year 2000. I think it is fair to say that patriotism since then has not only survived without this amendment, it has flourished, and in very difficult times, much more difficult than the country faced in 1989, when the Supreme Court struck down flag desecration statutes, or in 1995 when I first voted on the amendment in the Judiciary Committee.

Indeed, outward displays of patriotism are greater today than they were in 2000. We all know why that is. Our country was viciously attack on September 11, 2001, and America responded.

We didn't need a constitutional amendment to teach Americans how to love their country. They showed us how to do it by entering burning buildings to save their fellow citizens who were in danger, by standing in line for hours to give blood, by driving hundreds of miles to search through the rubble for survivors and to help in cleanup efforts, by praying in their houses of worship for the victims of the attacks and their families.

September 11 inspired our citizens to perform some of the most selfless acts of bravery and patriotism we have seen in our entire history. No constitutional amendment could ever match those acts as a demonstration of patriotism, or create similar acts in the future. We do not need a constitutional amendment to teach Americans how to love their country or how to defend it from our enemies.

I know that many veterans fervently support this amendment. I deeply respect their opinions and their right to urge the Congress to pass it. But I also want the record to be clear that many of those who have served our country in battle oppose the amendment as well. In 1999, a number of veterans formed a group called the Veterans Defending the Bill of Rights. These veterans, who served our country in five different wars, strongly believe it is wrong to pass an amendment to protect the flag that takes away the freedom the flag represents. I'd like to share with my colleagues the views of these brave veterans, who, in my opinion, represent the very best of the American spirit.

Let me start with the words of a veteran of our current conflict in Iraq. SPC Eric Eliason of Englewood, CO, served as an infantryman in the Army for 3 years, including 1 year overseas as part of Operation Iraqi Freedom. He said:

> We volunteered to go to war to protect the freedoms in this country, not watch them be taken away. . . . I consider myself an independent-minded conservative, and believe that creating unnecessary amendments to the U.S. Constitution is a betrayal of conservative principles.

Another veteran, Brady Bustany of West Hollywood, CA, who served in the Air Force during the gulf war, put it very simply. He said,

> My military service was not about protecting the flag; it was about protecting the freedoms behind it. The flag amendment curtails free speech and expression in a way that should frighten us all.

A veteran of the Korean war, Jack Heyman of Fort Myers Beach, FL, whose great grandfather fought in the Civil War, whose father served in World War I, and whose son served in Vietnam, explained his opposition to the amendment this way:

> I know of no American veteran who put his or her life on the line to protect the sanctity of the flag. That was not why we fulfilled our patriotic duty. We did so and still do to protect our country and our way of life and to ensure that our children enjoy the same freedoms for which we fought.

The leader of Veterans Defending the Bill of Rights is Professor Gary May of the University of Southern Indiana. Professor May, whose father, father-in-law, grandfather, and brother also served our country in the Armed Forces, lost both legs in the Vietnam War on April 12, 1968, over 38 years ago. He opposes this amendment, and because of what he has sacrificed for his country, he speaks more eloquently than I could ever hope to about the danger of this amendment. Professor May testified at the last Senate hearing held on the flag amendment, which, by the way, was held more than 2 years ago, on March 10, 2004. Professor May said:

> Freedom is what makes the United States of America strong and great, and freedom, including the right to dissent, is what has kept our democracy going for more than 200 years. And it is freedom that will continue to keep it strong for my children and the children of all the people like my father, late father in law, grandfather, brother, me, and others like us who served honorably and proudly for freedom.
>
> The pride and honor we feel is not in the flag per see It is in the principles for which it stands and the people who have defended them. My pride and admiration is in our country, its people and its fundamental principles. I am grateful for the many heroes of our country—and especially those in my family. All the sacrifices of those who went before me would be for naught, if an amendment were added to the Constitution that cut back on our First Amendment rights for the first time in the history of our great Nation.

Professor May also provided in his statement excerpts from letters he has received from other veterans who oppose the amendment.

One veteran, James Lubbock of St. Louis, MO, who served in World War II and has two sons who served in the Vietnam war, said:

> Let's not alter the Bill of Rights to save the flag. We should respect the flag, but we should all cherish the Bill of Rights much, much more.

These kinds of expressions move me deeply. The service of our troops shows the awesome power of the American ideal. The willingness of our young people to serve this country, to risk their lives, and endure unimaginable hardships on our behalf is not to be taken lightly. I believe that this remarkable spirit is inspired and nurtured by the principles on which this country was founded, by our devotion to the Constitution and the rule of law. We should not trifle with those principles. Too much is at stake. We know that now more than ever.

Despite the expected close vote, it is clear that this is a political exercise in an election year. We will spend several days of precious floor time, as the legislative session winds down, debating a measure that would undermine the Constitution while affecting only a handful of miscreants each year.

As we do so, humanitarian catastrophes continue to unfold around the world, posing a direct threat to international peace and stability and affecting the lives of millions upon millions of people.

I sincerely hope we will remember what this debate today is really about—not whether flag burning is a good idea, not whether we love and respect our flag, not whether patriotism is worth encouraging and celebrating, but whether the threat to our country from those who burn the flag is so great—is so great—that we must sacrifice the power and the majesty of the first amendment to the Constitution in order to prosecute them.

In 1999—it just so happens the Presiding Officer is the son of this man—the late Senator John Chafee, one of this country's great war heroes at Guadalcanal and in the Korean war, testified before the Judiciary Committee against this amendment. He said:

> [W]e cannot mandate respect and pride in the flag. In fact, . . . taking steps to require citizens to respect the flag, sullies its significance and symbolism.

Senator Chafee's words still echo in my mind. They should serve as a caution to all of us who have the responsibility to vote on this amendment. What kind of symbol of freedom and liberty will our flag be if it has to be protected from misguided protesters by a constitutional amendment?

In concluding, Mr. President, I pay tribute to you and your father. I will vote to defend our Constitution against this ill-advised effort to amend it. I urge my colleagues to vote for liberty and freedom and for the first amendment by voting no on this constitutional amendment.

I ask unanimous consent that several letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, June 9, 2006.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the American Bar Association, I write to urge you to vote against S.J. Res. 12, the proposed amendment to the U.S. Constitution that would allow Congress to prohibit the physical desecration of the flag of the United States.

Few things are more offensive to most Americans than the desecration of our flag. But, as important as the flag is to all of us, we must never protect it at the expense of the constitutionally protected freedoms it symbolizes. One of our most precious rights is the right to express our dissatisfaction with our government through peaceful words or conduct, both of which are forms of political speech and protected under the First Amendment. S.J. Res. 12 would enshrine a restriction on our fundamental right to free speech in the very document that protects our individual liberties. For the first time in our Nation's history a fundamental right would be denied for future generations.

The Bill of Rights has remained honored and intact, even during great times of conflict and stress for our nation, for over 200 years. As James Madison once stated, amending the Constitution should be reserved for "great and extraordinary occasions." Infrequent incidents of flag desecration do not warrant undermining the freedom of speech guaranteed under the First Amendment. If we were to desecrate our Constitution to protect the flag's cloth from insult, we would do it great disservice to both.

All through human history, tyrannies have tried to enforce obedience by prohibiting disrespect for the symbols of their power. The American flag commands respect and love because of our country's adherence to its values and promise of freedom, not because of fiat and criminal law. America is not so fragile and our citizens' patriotism is not so superficial that they must be upheld by the mandate of a constitutional amendment to protect the flag.

We urge you to defend and preserve our cherished constitutional freedoms by rejecting S.J. Res. 12.

Sincerely,

MICHAEL S. GRECO.

VETERANS FOR COMMON SENSE,
Washington, DC, July 14, 2005.

Re Oppose the Flag Desecration Constitutional Amendment.

DEAR SENATOR: We, the undersigned members of Veterans for Common Sense, write to urge you to oppose S.J. Res. 12, the proposed constitutional amendment to prohibit "desecration" of the flag. This proposed amendment is an attack on liberty, and a disturbing distraction from the real concerns of our nation's veterans.

Veterans for Common Sense (VCS) was founded on the principle that in an age when the majority of public servants have never served in uniform, the perspective of war veterans must play a key role in the public debate over national security issues in order to preserve the liberty veterans have fought and died to protect. VCS was formed in 2002 by war veterans who believe that we, the people of the United States of America, are most secure when our country is strong and responsibly engaged with the world. Three years later, our organization has over 12,000 members throughout the United States. Central to our mission is supporting United States servicemen and women, veterans and their families, and preserving American civil liberties as guaranteed in the U.S. Constitution and its amendments.

The United States is faced with a number of pressing concerns related to national security and the quality of life of veterans. We believe that the United States government and military has a responsibility to maintain and continue its work in Iraq so that the country comes out of this war as a stable, secure and sovereign nation where its people have the best opportunity for a decent and free life. The government also has a responsibility to ensure that United States servicemen and women come home safe.

Out of the 360,000 discharged veterans from Operation Iraqi Freedom and Operation Enduring Freedom, nearly one in four have already visited the Veterans Administration for physical injuries or mental health counseling. Our government has a duty and a responsibility to address both the traditional and nontraditional effects of war, including battlefield injuries, post-traumatic stress, and diseases resulting from vaccines and toxic exposures.

These concerns should be on the top of the congressional agenda this session. But instead of devoting its time and resources to resolving these urgent challenges, Congress apparently chooses to consider amending the Constitution to prohibit a form of nonviolent expression. We are dismayed by this choice.

We urge Congress to preserve American civil liberties as guaranteed in the United States Constitution and its amendments. When it comes to the measure under consideration, we believe that the supposed threat of a few incidents of flag burning does not justify the first ever amendment to the First Amendment. The ability to express nonviolent dissent to government policy is central to the American way of life, and we are loathe to amend away this fundamental liberty.

As veterans, we are indeed offended by those who burn or defile the flag. The flag is a cherished symbol of the freedoms we fought to defend, and we honor it as such. But we must not attempt to protect this symbol at a cost to the freedoms it represents. The Constitution of the United States has never been successfully amended to restrict liberty. To do so now would betray the promise and ideal of America.

The proposed constitutional amendment to ban "desecration" of the flag threatens the civil liberties of Americans. Further, it distracts from the real world concerns of our active duty military personnel and veterans. Congress should not be in the business of undermining freedom of speech. During this time of war, we urge you to put this unnecessary and dangerous constitutional amendment aside, and instead focus on protecting our national security, insuring our servicemembers in harm's way have what they need to accomplish the mission, and that when they return home they get the best possible care. Again, please oppose S.J. Res. 12. If passed, it will undermine the Constitution that we swore to support and defend.

Sincerely,

BG (Ret.) EVELYN FOOTE,
Army, Accokeek, MD and over 1300 veterans.

THE AMERICAN JEWISH COMMITTEE,
OFFICE OF GOVERNMENT AND
INTERNATIONAL AFFAIRS,
Washington, DC, June 22, 2006.

Re: Flag Desecration Amendment (S.J. Res. 12)

DEAR SENATOR, On behalf of the American Jewish Committee, the nation's oldest human relations organization with over 150,000 members and supporters represented by 33 regional offices nationwide, I urge you to oppose the Flag Desecration Amendment (S.J. Res. 12). This amendment to the United States Constitution would authorize Congress to prohibit the physical desecration of the U.S. flag.

The Flag Desecration Amendment would encroach upon Americans' First Amendment rights. While AJC would be appalled by the burning of the flag for political purposes, the amendment would undermine the very values of freedom of expression and peaceful dissent that our flag represents. The House of Representatives already passed its version or The Flag Desecration Amendment one year ago. If adopted by the Senate, this legislation would mark the first time Congress has amended our founding charter to diminish the precious freedoms protected by the Bill of Rights,

We therefore urge you to protect the First Amendment's guarantee of freedom of expression by opposing S.J. Res. 12.

Thank you for considering our view on this matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

NATIONAL COUNCIL OF
JEWISH WOMEN,
June 23, 2006.

DEAR SENATOR: I am writing on behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW) in opposition to the proposed amendment to the Constitution banning flag desecration (S.J. Res. 12).

NCJW is a volunteer organization, inspired by Jewish values, that works to improve the quality of life for women, children, and families and to ensure individual rights and freedoms for all. As such, we feel amending the Constitution in this way would threaten healthy civic debate, personal freedom of expression, and our fundamental democratic values.

As a symbol of our nation, the United States' flag represents our unique democracy and basic freedoms. The burning of the American flag constitutes dissenting expressive conduct, a right upheld by the US Supreme Court in Texas v. Johnson (1989). This Supreme Court precedent and our nation's history teach us that we must not protect this symbol at the expense of weakening the rights it represents.

As a senator, you are entrusted with protecting the rights and liberties of all Americans. I ask you to reaffirm your commitment to protecting these rights by opposing this egregious amendment.

Sincerely,

PHYLLIS SNYDER,
NCJW President.

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, like each of our colleagues in the Senate, I have a deep and abiding reverence for our flag.

As an 11-year-old Boy Scout, I learned flag etiquette and how we are supposed to show our respect for the flag. Later, I attended Ohio State University as a Navy ROTC midshipman and upon graduation took an oath to defend our country and its Constitution against all enemies both foreign and domestic.

I went on to serve our Nation as a naval flight officer for 23 years of Active and Reserve duty during the Vietnam war and until the end of the Cold War, much of it as a Navy P-3 mission commander.

We fly "Old Glory" on the front porch of our home throughout the year. We display it proudly in my Senate offices in Georgetown, Dover, and Wilmington, DE, as well as right here in Washington, DC.

Over the past 24 years, I have kicked off hundreds of townhall meetings by inviting attendees to stand and join me in pledging allegiance to our flag.

I wear an American flag lapel pin to work every day, and the American flag is even displayed on the Chrysler minivan I drive all over my little State.

I know it may sound old-fashioned or even corny to some, but I still get a lump in my throat more often than not when I pledge allegiance to our flag or sing our national anthem. In short, I love our flag and all of the good that it symbolizes about America.

In fact, I probably love our flag more today than all the days I have lived on this Earth. That is 59. But as much as I love our flag, I love our Constitution even more.

The U.S. Constitution is the foundation of the longest living experiment in democracy in the history of the world—America. Although written by man, I believe our Constitution was divinely inspired.

Among the rights that it guarantees us as Americans, none is more cherished than our right to freely express our beliefs. As much as we may disagree with the views of others, our Constitution seeks to guarantee that each of us has the right to convey our thoughts and views, however outrageous the rest of us may find them to be.

Our Constitution has been amended only 17 times since 1791 and just 6 times in my lifetime.

We have amended the Constitution to protect our freedom of speech, to worship God as we see fit, to protect our right to bear arms, and to ensure the right to a trial by a jury of our peers.

We have amended our Constitution to protect us from unlawful searches of our home and to guarantee our right to assemble to present our grievances to those who serve us.

Constitutional amendments have abolished slavery, provided women and 18-year-old Americans with the right to vote, and limited our Presidents to serving just two terms in office.

The original Framers of our Constitution made it possible to amend the Constitution, but they did not make it easy. Our Founding Fathers believed they largely "got it right" the first time. History has demonstrated that they did.

When I served in Southeast Asia during the Vietnam war, flag burning was not uncommon. I was never in the presence of anyone who desecrated or destroyed our flag in protests then. It is hard to know for sure how I would have reacted, but it would not have been pretty.

Having said that, it has been a long time since I ever saw anyone burning or otherwise seeking to desecrate or destroy an American flag, and I am not the only one who feels that way either.

Former Secretary of State Colin Powell wrote several years ago:

> If someone destroys or desecrates a flag that is the property of someone else, that is a prosecutable crime. If someone is foolish enough to desecrate a flag that is their own property, do we really want to amend the Constitution to hammer a handful of miscreants?

In 1998, retired Green Beret Marvin Stenhammar testified before the Senate Judiciary Committee and addressed the two same questions above with this statement:

> As a true conservative, I ask you: When did it become conservative to recommend several changes to the Constitution? My brand of conservatism does not include this doctrine . . . I feel you—

"You" being the Congress—

> have better things to do with your time and our tax dollars than changing the Constitution for something that rarely occurs and is typically done by immature idiots.

I have given this issue a lot of thought over the past 30 years. I have searched my heart, and I have concluded that once we let our passions subside, Colin Powell and Marvin Stenhammar have spoken the truth.

Flag burning or desecration, as we think of it, rarely does occur in this country today. In fact, last night, I was watching the news on television with my youngest son. The footage the networks were showing either dated back to the Vietnam war or they were images of foreigners burning a flag in Iraq or some other foreign countries.

I think that begs the question: Do we really need to amend the Constitution in an effort to eliminate a form of protest that almost never happens in America today? I am not convinced that we do.

Come to think of it, I don't recall a time in my life when there was a greater reverence for the American flag than there is today in our country.

I was reminded of that fact just last summer when I marched in Fourth of July parades throughout Delaware in places such as Hockessin, Smyrna, Laurel, and Bethany Beach and saw literally thousands of people of all ages waving, wearing, or displaying the stars and stripes.

All across America today, we see our flag proudly displayed on millions of homes, office buildings, factories, schools, stadiums, construction sites, bridges, and on the vehicles we drive.

A spirit of patriotism swept across our country since 9/11 in a way I have never witnessed in my life, and it has never fully subsided. That spirit is a source of comfort and inspiration to me, as I believe it is to millions of Americans everywhere.

The "miscreants" or the "idiots" who used to burn flags here did so to bring attention to their causes. They wanted to inflame passions in order to garner broader media coverage for those causes.

A Washington Post editorial of June 27, 2005—1 year ago today—said it better than I could. It said:

> When was the last time you saw someone burning a flag? If the answer is never, that's because it hardly ever happens. In fact, one of the few certain consequences of passing this amendment would be to make flag burning a more fashionable form of protest.

Given human nature today, the Post is probably right.

Another problem with the amendment is that just as beauty is in the eye of the beholder, so is flag desecration in several respects.

Most Americans would agree with us that burning an American flag in protest constitutes desecration, but how about a person covered with suntan lotion and perspiration lying on the sand on a hot sunny day at Bethany Beach or any beach for hours on an American flag beach towel? Or how about wearing an American flag swimsuit? What if a person wears American flag underwear, a neckerchief, or a sweatband of the stars and stripes?

What if they use their American flag neckerchief to wipe the dirt off their face or maybe even blow their nose on it? Do we really want to cause law enforcement officers, along with judges and prosecutors, to wrestle with questions such as these or do we want them fighting illegal drug trafficking, unlawful immigration, child abuse, assaults, rapes, and murders, and other serious crimes that are far more commonplace?

Let me suggest to my colleagues today not all behavior that dishonors our flag involves the physical desecration. I believe we desecrate our flag and what it symbolizes when we send American troops off to war without the body armor that they and their Humvees are supposed to have. I believe that we desecrate our flag and what it symbolizes if we don't provide for the needs of our soldiers when they come up with post-traumatic stress disorder, or without an arm, a leg, or their eyesight.

I believe we desecrate what our flag symbolizes when we discourage hundreds of thousands of Americans from voting by knowingly misallocating voting machines in some parts of America, causing people to give up after waiting for hours in line to cast their ballots.

I believe we desecrate what our flag symbolizes when we intimidate people whose religious beliefs are different from our own and try to compel them to worship God as we see fit. I believe that a handful of corporate CEOs desecrate what the American flag symbolizes when they loot the companies they lead and leave employees, pensioners, shareholders, and the rest of us holding the bag.

I believe we desecrate this beloved symbol of our country when we run up massive national debt that our children and our grandchildren will spend the rest of their lives trying to dig out from under.

I believe we desecrate what our flag symbolizes when some politicians who sought three deferments during an earlier war question the patriotism of those of us who served three tours of duty there or left three limbs on the battlefield of that war.

And I believe, my friends, that we desecrate all of the good that our flag symbolizes about America when we call on other nations to abide by the Geneva Conventions in providing humane treatment of the war prisoners they hold while we do not.

Mr. President, how much time do I have remaining, please?

The PRESIDING OFFICER. Seventeen seconds.

Mr. CARPER. Mr. President, I yield back the remainder of my time, and I will continue the rest of my speech at a later time today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, is there an order in effect for a time agreement? How much time do I have, in other words?

The PRESIDING OFFICER. The majority controls the time until 12:30.

Mr. CORNYN. Mr. President, I rise to address the resolution that is before us today and to speak in favor of its adoption. But before I do that, I think it is important first to read what the resolution says, because I think what we are actually going to be voting on has been misconstrued and, to some extent, inadvertently misrepresented. Also, during the course of my comments, I would like to address those who say that protecting Congress's prerogative to pass laws against flag desecration and those who say it is not important and emphatically disagree with them. And to those who say there are other things we can and should be doing, I say, well, we have been very busy doing a lot of very important things, but I certainly believe we have enough time in our crowded schedule to address this important issue as well.

There are also those who say amending the Constitution is simply something we should not do, even though we have done so 27 times during the course of our Nation's history, and even though the 27th amendment to the United States Constitution provides that Congress can't increase its salary without having an intervening election. If we can amend the Constitution for that, which I agree is an important provision, we can certainly reinstate Congress's authority to pass laws protecting our national emblems and our national symbols such as the United States flag.

There are also those who try to get off—and again, I know people of good faith have serious disagreements. I don't mean to disparage the good faith of those who say this, but I would challenge those who say we can pass a statute and avoid having to pass a constitutional amendment. All I would say to that is: Been there. Done that. Doesn't work. The Supreme Court held that subsequent statutory provision unconstitutional, just like it did in the Texas case in 1989, the Texas law that prohibited desecration of the flag.

First of all, let me read the constitutional amendment being proposed, because there are some who say we are being asked to ban flag burning. In fact, this is a restoration of the authority under the Constitution to Congress to pass such laws as it deems appropriate, and we can talk about what the details of those bills would be later on, once the amendment is adopted. But it says, simply:

> Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

The article says simply this:

> The Congress shall have the power to prohibit the physical desecration of the flag of the United States.

As I said, this constitutional amendment doesn't actually make it a criminal act to desecrate the flag; it doesn't say what the penalties will be. What this constitutional amendment does is reinstate Congress's historical authority to protect the flag against desecration and leave for a later date what exactly that statute, that bill, would look like.

The reason I feel so strongly about this provision is because of the unique nature of our national symbol. The American flag is a monument, a symbol of our freedom, our country, and our way of life. Why in the world would we refuse to protect it against desecration?

As a former President of the United States has noted:

> We identify the flag with almost everything we hold dear on Earth. It represents our peace and security, our civil and political liberty, our freedom of religious worship, our family, our friends, our home. We see it in the great multitude of blessings of rights and privileges that make up our country.

Another President has said it this way:

> Our flag is a proud flag and it stands for liberty and civilization. Where it has once floated, there must be no return to tyranny.

We not only pledge allegiance to the flag each day in the Chamber of the U.S. Senate; children across America recite those words at the beginning of each school day, too. We celebrate Flag Day on June 14 of each year. We pin to our lapels flag pins and paste it to the windows of our cars and trucks. Following 9/11, you could hardly buy a flag, because they were in such demand as a rallying symbol of American patriotism and resolve in the wake of that awful attack, as depicted by this well-remembered picture of first responders in New York erecting the American flag out of the rubble following the deaths of 3,000 innocent Americans.

We insist on special rules of etiquette when a flag is handled. When I was a Boy Scout growing up, that was one of the things you learned. You learned flag etiquette, how to demonstrate respect for this unique symbol of our country, including learning how, when the flag is old and tattered, that special rules of etiquette dictate its disposal.

By displaying the flag, we demonstrate our gratitude to the generations passed who have fought and died for our country. And we remind ourselves of the obligation that we have to preserve our freedom for the generations yet to come and to pass along to our children and grandchildren the blessings of liberty that we have come to enjoy because of the sacrifices of those who have gone before. We drape this emblem over the coffins of those who have died in service to our country, those who have given the last full measure of devotion to keep us and our freedom safe. We proudly fly the flag over our Capitol here in Washington, DC, and at State capitols and public buildings all over our country.

Mr. President, recently I read a book about the most famous picture in the history of photography. This is a picture we are going to put up on this board that all of you will instantly recognize. This is a picture of Marines erecting the American flag on Iwo Jima in World War II, where thousands upon thousands of Marines gave their lives to take this island from the occupiers. The book I read recently is called "Flags of Our Fathers," written by a man named James Bradley; his father was John. John Bradley, the father of the author, stands in the middle of the most reproduced figure in the history of photography. Only days before this photo was taken, John Bradley, a Navy corpsman, had braved enemy mortar and machine gun fire to administer first aid to a wounded Marine and then dragged him to safety. For this act of heroism John Bradley would receive the Navy Cross, an award second only to the Congressional Medal of Honor.

One of the amazing things about this book, "Flags of Our Fathers," about this photograph and about John Bradley's service to his country as a Marine Corpsman and the service of others of these Marines who erected this flag on Iwo Jima in World War II, is that John Bradley, like so many of the Greatest Generation, never spoke of this historic moment or really much of his military service to his family or friends.

This reminds me a lot of my dad, who was a B–17 pilot in World War II who, on his 13th mission helping to knock out part of Hitler's war machine in Nazi Germany, was shot down and spent 4 months in a German prison camp. And like John Bradley, my dad never talked much about his military service. But James Bradley, John Bradley's son, discovered three boxes of artifacts his father had saved about Iwo Jima after his death, which launched him into a quest to find out a little bit more about his father's past and the past of the five other flag-raisers depicted in this picture.

This book explores the lives of all of these flag-raisers, showing how in times of national crisis ordinary Americans have found within themselves an uncommon courage and a capacity to attempt, and achieve, the impossible.

Indeed, that is one of the things that makes the American flag unique. What becomes of a country that has no special symbols; that somehow, over the passage of time, has deemed itself too sophisticated, too intelligent, too cynical to be choked by emotion when our flag is raised or when the pledge is spoken or when our National Anthem is sung?

During the Civil War, as James McPherson, a internationally known historian of that period has noted:

> The most meaningful symbol of regimental pride were the colors—the regimental and

national flags, which bonded the men's loyalties to unit, State, and Nation.

He records one combatant as saying:

> When the American flag appeared above the battle smoke on the enemy works, it is impossible to describe the feelings one experiences at such a moment. God, country, love, home, pride, conscious strength and power, all crowd your swelling breast. Proud, proud as a man can feel over this victory to our arms. If it were a man's privilege to die when he wished, he would die at that moment.

These are not my words; these are the words of those who, in the service of their country, gained inspiration and purpose from this symbol that is a unique symbol, unlike any other we have in this country.

But ultimately, there are those on the floor of the U.S. Senate who ask: Well, is this really important enough to amend the United States Constitution? To those I would say, the question is not whether the Constitution should be amended; it already has been by judicial decree. The question then remains, who gets the final word? Five Justices on the United States Supreme Court or we, the people?

Not important? I disagree. This, I believe, is the ultimate test of our form of government, based as it is upon consent of the government. Our Founding Fathers recognized that our Constitution might need to be amended over time and thus article V of the Constitution creates a difficult but nevertheless a way forward to amend the Constitution when the American people see fit.

Of course, this process will not stop upon this body's passage of this amendment. Assuming we are able to get the two-thirds vote requirement in the Senate and in the House, then it will go to the States, where three-quarters of the States must ratify the amendment for it to become the 28th amendment to the United States Constitution.

I believe, to quote the Declaration of Independence, that the powers of the Federal Government emanate from "the consent of the governed." In other words, I believe that we as a nation do not have to accept as final the judgment of five Judges who, in 1989, in the Texas v. Johnson case, held the Texas flag desecration law unconstitutional.

The amazing thing about this debate is I do not think there are very many people who recognize that before 1989, when the U.S. Supreme Court struck down the Texas flag desecration statute, 48 States, including the District of Columbia, had laws criminalizing flag desecration—48 States. But, lo and behold, 200 years after its adoption, five Judges decided that the first amendment of the Constitution of the United States, which guarantees free speech, renders all of those 48 flag desecration statutes unconstitutional as being a limitation on free speech. Don't mind the fact that it is really not about speech, it is about behavior. It is not about what you say, it is about what you do. But the Supreme Court, five members of the Court, didn't seem to have too much trouble with that.

Chief Justice Rehnquist, recently departed, in the dissent to that case of Texas v. Johnson in 1989 that struck down all 48 flag desecration statutes, wrote:

> The American flag, then, throughout more than 200 years of history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas. Millions and millions of Americans [Chief Justice Rehnquist said] regard it with an almost mystical reverence, regardless of what sort of social, political or philosophical beliefs they may have. I cannot agree that the first amendment invalidates the act of Congress and the laws of 48 of the 50 States which make criminal the public burning of the flag.

Justice Stevens, not necessarily of the same sort of judicial ideology or bent as Chief Justice Rehnquist, also dissented, and he said:

> The flag is more than a proud symbol of the courage, the determination, and the gifts of nature that transformed 13 fledgling Colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for the other peoples who share our aspirations. . . . The value of the flag as a symbol cannot be measured.

Justice Stevens concluded:

> The case has nothing to do with "disagreeable ideas." It involves disagreeable conduct that, in my opinion, diminishes the value of an important national asset . . .

And that Johnson, the defendant in that case, was punished only for the means by which he expressed his opinion, not the opinion itself.

I mentioned a moment ago that there are those of our colleagues who in good faith think that we can fix this problem by simply passing another flag desecration statute in the U.S. Congress. I would point out to my colleagues that we have already tried to do that right after the Texas v. Johnson case. The U.S. Congress overwhelmingly passed a statute which was struck down by the same five Justices on the U.S. Supreme Court in a case called United States v. Eichman.

It is clear that no statute can pass constitutional muster as long as the Texas v. Johnson decision is on the books. There are some who would offer an amendment—maybe during the course of this debate—who in good faith think that if they limit the reach of the statute to fighting words, in other words some act that would provoke violence in a public place, that somehow they have fixed the problem. But we are not just talking about provoking people by what is tantamount to fighting words by protecting the flag. We are talking about protecting a valuable national symbol of all of the things our country has come to mean, both to us and to those abroad; and that the good faith of our colleagues notwithstanding, no statute that we might pass could possibly fix the problem of five Judges assuming after 200 years that flag desecration is protected speech, that it violates the first amendment of the Constitution.

We all know as a matter of constitutional law that no statute can fix a constitutional violation. So only a constitutional amendment, passed by Congress and ratified by three-quarters of the States, could possibly fix this problem.

Those who complain and say this is an imaginary problem, that we do not have acts of flag desecration today or why are we talking about this in 2006 if the Supreme Court held this flag desecration statute unconstitutional in 1989, there is a very simple reason we are still talking about it today. It is because we have been working on it under the leadership of Senator ORRIN HATCH and others for 11 years.

I think the first constitutional amendment that was introduced was in 1995, and we have gradually been making progress each year by getting more and more support in the Senate. I hope our colleagues today will meet the challenge and deliver the 67 votes needed in this Chamber in order to move this constitutional amendment along.

To those who say this is an imaginary problem, I will say simply look at the facts. The Citizens Flag Alliance has a Web site in which they demonstrate 17 acts of flag desecration in the United States over the last 2 years. It may be these are not widely reported in the press. I am not sure exactly what the reason is. But there are 17 acts of flag desecration just in the last 2 years. This is not a contrived or imaginary issue.

I remember the ranking member of the Judiciary Committee, the Senator from Vermont, saying he was vehemently against the constitutional amendment because he didn't think we ought to tamper with the Constitution—notwithstanding the Founding Fathers provided article V to give us a means to amend the Constitution when a sufficient number of people in the Congress and across the country see fit. But I think he said something like: If anyone had the temerity to desecrate the flag in his presence, they wouldn't need a statute criminalizing that act. They would have to get past him to get to wherever it was they were going, suggesting that perhaps individuals who were sufficiently motivated might, through acts of violence, perhaps, dictate justice.

I do not think that is a sufficient answer. This is a real issue. It is not contrived, as demonstrated by the 17 acts of desecration in the last 2 years. It is not a problem we can fix by passing a statute and patting ourselves on the back and saying: Yes, we fixed that problem. This is a problem that calls for a constitutional amendment.

Yes, I know how serious that is. I don't lightly suggest amendments to the Constitution. But I sincerely believe in my heart of hearts this unique symbol of our country and all of our aspirations and dreams—not only for people here but the kinds of aspirations and dreams that are a beacon to those who will come here in the future, and the generations that come here after—I believe it deserves special protection. Thus, I believe we ought to take this opportunity to say yes.

Congress does have a voice in this. Yes, the American people do have a voice in whether the flag is protected. The only way we can do that is by passing this resolution by two-thirds of the Senate and moving this process along and then leaving it up to the people of America, the three-quarters of the States that will have to ratify this before it becomes final. Let them have a word.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FLAG DESECRATION AMENDMENT—Continued

The PRESIDING OFFICER. The Senator from Maine—Vermont.

Mr. LEAHY. Mr. President, both are beautiful States. Maine is the largest land area, the largest State in New England. Most people are surprised to know that Vermont is the second largest. We beat out New Hampshire by about 90 square miles—larger than Massachusetts, larger than Connecticut, larger than Rhode Island. Smallest in population, but we take a back seat to no one in our independence.

I am glad to see my friend, the Presiding Officer, the distinguished Senator, and distinguished former Governor.

I commend the senior Senator from Connecticut for his outstanding statement last night and the senior Senator from Illinois, our Assistant Democratic leader, for his cogent observations on this matter. The statement this morning by the Senator from Vermont, a veteran, a man of principle and courage, made me proud to serve with him in representing the people of our great State. I thank the Senator from Wisconsin, the ranking Democrat on the Constitution Subcommittee for his statement, and the Senator from Delaware, another veteran, for his well-chosen words, as well.

This morning we awoke to read the latest example of this administration's incompetence. Because of bureaucratic bungling, widows of those who have served this Nation and sacrificed for all of us have been denied the survivors' benefits to which they should be entitled. A leader of the Gold Star Wives of America, a group of 10,000 military widows, was quoted as saying:

> It is shameful that the government and Congress do not deliver the survivor benefits equally to all our widows with the same compassion and precision the military presents the folded flag at the grave.

Edie Smith is right and we should be ashamed.

This news follows other recent public reports that posttraumatic stress disorders among our veterans are on the rise. Instead of seeking to turn the flag into a partisan political weapon and the Constitution into a billboard for political slogans, for partisan gain, we should be working to fulfill the pressing needs of our veterans and their families. I wish the Senate would use its time to discuss and solve the real problems that real Americans are facing right now, instead of trying to stir public passions for political ends.

The Republican leadership so rushed this amendment to the floor that there was not a single Senate hearing on it in this Congress. It was marked up in a side room off the Senate Chamber rather than in the regular public hearing room for the Judiciary Committee with very little debate, and it was reported without a committee report. This is the second time in a month that this Senate is rushing to debate a constitutional amendment without following the procedures that ensure thoughtfulness in such an important debate on a proposal to change our fundamental charter and, in this instance, cut back on the Bill of Rights for the first time in our history.

It was noted today in one of the newspapers that the U.S. Senate—the conscience of the country—is expected to spend 4 days debating this amendment—1 for each incident of flag burning that purportedly occurred this year in a Nation of 300 million people. I respectfully suggest that in the less than 10 weeks left to us in session this year, the Senate's resources would be better spent working to improve veterans' health care services, survivors' benefits and protecting veterans' and Americans' privacy. We have just witnessed the largest theft of private information from the Government ever, the loss of information on more than 26.5 million American veterans, including more than 2 million who are in active service, nearly 80 percent of our active-duty force and a large percentage of our National Guard and the Reserve. Why? Because this administration was so incompetent they did not think to lock the door.

This same administration says we need a constitutional amendment to ban flag burning in order to protect our veterans. We are not going to do anything to protect their credit records; we are not going to do anything to protect their privacy. We will leave the door open on that. But we have to watch out for the flag.

Let me quote what a spokeswoman for the American Legion said recently:

> Our armed forces personnel have enough on their plates with fighting the global war on terror, let alone having to worry about identity theft while deployed overseas. A spokesman for the VFW said: This confirms the VFW's worst fear from day one—that the loss of data encompasses every single person who did wear the uniform and does wear the uniform today.

What does the Bush-Cheney administration say? If you are over there fighting in Ramallah and your identity has been stolen, don't worry. We have an 800-number you can call and maybe buy some insurance or something to protect your credit. Well, call once you are not getting shot at.

Because of the Bush-Cheney administration's recklessness, our veterans and our active-duty servicemembers are now worried whether their personal information is being sold on the black market or available to foreign intelligence services or terrorists. That adds up to a heckuva bad job for America's veterans and our men and women in uniform.

Compounding the incompetence was the misguided impulse of the administration to keep everything secret for as long as they could. Three weeks after the theft, it was finally disclosed. Three weeks after that, the administration finally announced that it would do what it should have done from day 1 by making credit reporting available to those affected. And the administration is still fighting paying for its mistakes. It is resisting the efforts by Senators BYRD and MURRAY to provide the money needed to pay for credit monitoring and proposing to take the money from veterans health care or other programs. That is wrong.

Such incompetence at the Bush-Cheney Department of Veterans Affairs is worse than anything I have seen in the six Presidential administrations I have served with. At some point, this administration better stop appointing and hiring cronies, and at some point it might really take responsibility. Then we could have some real accountability for their incompetence. The American people suffer, the veterans are at risk, but those in responsibility get medals and promotions and the Republican Congress never gets to the bottom of what happened to make sure it will not happen again.

Rather than work on our privacy and identity theft legislation, rather than proceed on a bill protecting veterans, such as Senator AKAKA's or Senator KERRY's, we are being directed to another divisive debate on a proposed constitutional amendment. The White House calls the tune, and this Republican-led Congress is quick to dance to it. This is a White House that does not even list "veterans" as an issue on its Web site.

The Nation's veterans—who have been willing to make the ultimate sacrifice for their country—deserve better. In his second inaugural, while the Nation was fighting the Civil War, President Lincoln concluded with words that became the motto of the Veterans Administration and remains on metal plaques around the Vermont Avenue doors of the VA office here in Washington:

> To care for him who shall have borne the battle and for his widow, and his orphan.

In this fundamental mission, this administration has lost its way.

What the Bush administration's budget says is that honoring veterans is not a priority, especially when it comes to medical care. The President's budget requests consistently fall short of the levels needed to provide necessary services and care. Secretary Nicholson had to admit a billion dollar shortfall last year after first issuing inaccurate and unfounded denials of his mismanagement. Secretary Principi before him had testified that the Veterans Department asked the White House for an additional $1.2 billion but that it was denied.

Veterans groups and families know that even these budget requests are inadequate—nearly $3 billion less than what veterans groups like the American Legion, the Veterans of Foreign Wars, and the Paralyzed Veterans of America recommend in the Independent Budget. These organizations know what it will take to meet veterans' health care needs.

And when Democratic Senators, such as Senators MURRAY, AKAKA, or NELSON, offer amendments to fund veterans programs, Republicans refuse to support those amendments to bring funding up to the levels recommended by the independent budget and just plain common sense.

We heard in March 2004 from the chairman of the Citizens Flag Alliance, Major General Patrick Brady, that "we have never fully met the needs of our veterans." This echoed General Brady's frank admission following our April 1999 hearing that "the most pressing issues facing our veterans" were not flag burnings but rather "broken promises, especially health care." Sadly, it appears that playing politics with veterans' emotions rather than sustaining their health care is nothing new.

During the past 5 years, Congress has had to add billions of dollars more to the President's budget request just to fill gaps in basic services. If we had done as the President asked year after year, veterans' medical care would be in even worse shape. Unfortunately, this year the Congress is not off to an encouraging start. The most recent supplemental spending bill excluded almost $400 million in additional spending for the veterans' health care. Again, the administration said it did not need the additional funding—but our veterans need it.

The Bush-Cheney administration's budget for veterans does not account for the increase in demand for VA services during the Iraq war. With nearly 20 percent of those returning from Iraq reporting mental health problems and 35 percent of Iraq war veterans needing health care services, we are cutting the money. Consider the cost of inflation and the increased costs for medicine and services and you can understand why the American Legion projects that more than $1 billion is needed in further funding just to meet annual payroll and medical inflation costs.

Most disturbing is the move to make veterans contribute a larger share to provide their own health care. The Bush-Cheney administration continues efforts to impose onerous fees and copayments on our Nation's veterans. This parallels the demands on families to buy armor, helmets, and other supplies for their family members serving overseas in our Armed Forces. It is the first time since the Revolution that we have sent our forces out there having to buy their own equipment when they went to war.

The Bush administration plans to increase by almost $800 million this year the fees and collections from third parties for veterans' health care. They plan on imposing an annual enrollment fee and doubling prescription drug copayments for certain veterans. Veterans are being forced to subsidize their government health care. So much for the words on the veterans building in Washington.

I could go on and on describing the claims backlog, the longer waits, and the cuts in service. To add insult to injury, the GAO reported recently that hundreds of battle-wounded soldiers are being pursued for collection of military debts incurred through no fault of their own, due to long-recognized problems with military computer systems. The bottom line is that the administration's rhetoric toward veterans simply does not match its real priorities.

We seem headed back to the time after World War I when veterans had to come to Washington and live in tent cities to demand that the Government honor the words of President Lincoln and care for them and those others had left behind.

Instead of debating polarizing issues that we have talked about in election years, we should be acting to provide real resources for our men and women who served this country with honor and sacrifice.

I will ask to have printed in the RECORD a collection of recent newspaper articles on veterans needs.

I have stated my position on this flag-burning amendment before. I have stated before that Vermont, the 14th State to join the Union, joined the same year that the Bill of Rights was ratified, then joined by the 15th State. And that became the flag that we had for many years in this country, with 15 stars and 15 stripes. But we Vermonters want to make sure that our rights are being protected.

We amend the Constitution according to the Constitution when there is an urgent need to do so. We have never amended the Bill of Rights—never, ever. Since World War II, since the Civil War, no matter what the threat, we have never amended the Bill of Rights. Now we are being asked for the first time to amend the first amendment.

We are told there is an urgent need. My God, what is the urgent need? Especially since 9/11, more Americans fly the flag probably than any time in my lifetime. I fly the flag outside of my home in Vermont whenever I am there. I flew it for my son when he joined the Marines. I flew it when he finished his time in the Marines.

My flag is protected. If anyone were to steal it, destroy it, desecrate it, they could be prosecuted.

I fly my flag because I want to, and I protect it because I want to. I do not need a law to tell me to do so.

Mr. President, I ask unanimous consent that the aforementioned articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY FAILS SOME WIDOWS OVER BENEFITS

(By Lizette Alvarez)

JUNE 27, 2006.—As Holly Wren coped with her 6-month-old son and the sorrow of losing her husband in Iraq last November, she assumed that the military's sense of structure and order would apply in death as it had in life.

Instead she encountered numerous hurdles in trying to collect survivor benefits. She received only half the amount owed her for housing because her husband, one of the highest ranking soldiers to die in Iraq, was listed as single, childless and living in Florida—wrong on every count. Lt. Col. Thomas Wren was married, with five children, and living in Northern Virginia.

She waited months for her husband's retirement money and more than two weeks for his death benefit, meant to arrive within days. And then Mrs. Wren went to court to become her son's legal guardian because no one had told her husband that a minor cannot be a beneficiary. "You are a number, and your husband is a number" said Mrs. Wren, who ultimately asked her congressman for help. "They need to understand that we are more than that."

For military widows, many of them young, stay-at-home mothers, the shock of losing a husband is often followed by the confounding task of untangling a collection of benefits from assorted bureaucracies.

While the process runs smoothly for many widows, for others it is characterized by lost files, long delays, an avalanche of paperwork, misinformation and gaps in the patchwork of laws governing survivor benefits.

Sometimes it is simply the Pentagon's massive bureaucracy that poses the problem. In other cases, laws exclude widows whose husbands died too early in the war or were killed in training rather than in combat. The result is that scores of families—it is impossible to know how many—lose out on money and benefits that they expected to receive or believed they were owed, say widows, advocates and legislators.

"Why do we want to draw arbitrary and capricious lines that exclude widows?" asked Senator Mike DeWine, an Ohio Republican, who has sponsored legislation to close some of the legal loopholes that penalize widows. "It seems to me we ought to err on the side of compassion for families."

Mr. DeWine said Congress sometimes passes these loopholes without considering the ramifications. But money also plays a large factor, and Congress is sometimes compelled to keep down costs associated with the war. "That's what you hear behind the scenes," Senator De Wine said.

The Army is also trying to address the problem, for example, with new call centers intended to help survivors navigate the bewildering bureaucracy. "As we always have, we constantly re-evaluate how we conduct our business to see if we can improve," said Col. Mary Torgersen, director of the Army casualty affairs operations center.

But legislators and advocates working with widows say the problems are often systemic, involving payouts by the mammoth Department of Defense accounting office and the Department of Veterans Affairs.

A few widows simply fall through the cracks altogether. The consequences are hard felt: they run up credit card bills, move in with relatives to save money, pull their children from private schools, spend money on lawyers or dedicate countless frustrating hours to unraveling the mix-ups.

"We have had more of these cases than I wish to know," said Ann G. Knowles, president of the National Association of County Veterans Service Officers, which helps veterans and widows with their claims.

The Department of Defense offers widows a range of benefits, including retirement security money, health care, life insurance payouts and a $100,000 death gratuity. The Department of Veterans Affairs allocates a minimum $1,033 monthly stipend and temporary transition assistance, among other things.

Widows also receive money from the Social Security Administration.

But a benefit is only as valuable as a widow's ability to claim it. Just days after her husband was killed in Iraq by a roadside bomb, Laura Youngblood, who was pregnant with their second child, got another piece of sobering news from the Navy: Her mother-in-law, who had been estranged from the family for several years, would be receiving half of her husband's $400,000 life insurance payment.

Nearly a year later, Mrs. Youngblood, 27, is still trying to persuade the Navy that the military's accounting department lost her husband's 2004 insurance form naming her and her son as co-beneficiaries, along with the rest of his predeployment paperwork. The only forms the Navy can find are from 2003, listing an old address for her husband, Travis, an incorrect rank and no dependents.

The military paperwork was in such disarray, Mrs. Youngblood said, that her husband went months without combat pay and family separation pay because the defense accounting service did not realize he was in Iraq, where he was detached to a Marine Corps unit.

When the Navy said there was nothing it could do, the Marine Inspector General's office stepped in to investigate, forwarding findings to the Navy Inspector General's office. "These were my husband's dying wishes: to take care of his children," said Mrs. Youngblood, who has hired a lawyer to help her. "You honor his wishes. That's his blood money."

Congress has won plaudits in the past two years for increasing the payment after a soldier's death from $12,420 to $100,000 and upping the life insurance payout from $250,000 to $400,000. It made available to some recent widows a retirement income benefit for free. Congress has also paved the way for more generous health and housing benefits. Adding to that, numerous states have recently introduced free college tuition and property tax savings.

"Since 9/11, the demands on survivors are greater and they are getting much more in benefits," said Brad Snyder, the president of Armed Forces Services Corporation, which helps survivors with benefits. "The expectations of what we had in Vietnam were much lower."

But to the widows, some of whom adapted their lives to conform to the military, following their husbands from place to place, the complications can sting.

Jennifer McCollum, 32, who was raised on bases and whose husband, Capt. Dan McCollum, a Marine Corps pilot, died in 2002 when his plane crashed in Pakistan, has been busy lobbying Congress to reverse gaps in the law that penalize some widows financially simply because of when their husbands died.

"The president, whom I support, said in the State of the Union address that he would not forget the families of the fallen," she said. "Why have I had to go to D.C. five times this year?"

GAPS IN THE LAWS

Hundreds of widows are denied thousands of dollars in benefits because of arbitrary cut-off dates in the law. The family of a soldier who was killed in October 2003 receives less money than the family of a soldier who was killed in October 2005. "It is shameful that the government and Congress do not deliver the survivor benefits equally to all our widows with the same compassion and precision the military presents the folded flag at the grave," said Edie Smith, a leader of the Gold Star Wives of America, a group of 10,000 military widows that lobbies Congress and the Pentagon.

Shauna Moore was tending to her newborn, Hannah, on Feb. 21, 2003, when she learned that her husband, Sgt. Benjamin Moore, 25, had been shot during a rifle training exercise at Fort Hood, Tex. Months later, after her grief began to subside, she noticed that she was not entitled to the same retirement benefits as more recent widows with children.

Congress allowed certain widows to sign over to their children their husband's retirement benefit, sidestepping a steep so-called military widow's tax. But the law applies only to the widows of service members who died after Nov. 23, 2003. Mrs. Moore is one of an estimated 430 spouses with children who are ineligible.

If that option were available to Mrs. Moore, she would collect an extra $10,000 a year until Hannah became an adult.

"It makes a difference, if you are a single mom," she said.

Last week, the Senate approved Senator DeWine's measure that would extend the benefit to widows whose husbands died as far back as Oct. 7, 2001, the start of the war in Afghanistan. The House did not approve a similar measure, which is tucked into the Senate Defense Authorization bill, so now the issue must be resolved in negotiations.

Hundreds of widows also fail to qualify for a monthly payment of $250 in transition assistance, from the Department of Veterans Affairs, paid to help children for two years after their father's death. It applies only to those spouses whose husbands died after Feb. 1, 2005. Those who lost husbands before February 2003 received nothing because their transition is presumably over, and those who were widowed from 2003 to 2005 received a smaller amount.

Congress has closed some glaring gaps in laws, including one that excluded many families from the $100,000 death benefit and the $400,000 insurance payout because the soldiers' deaths were not combat-related. The outcry forced Congress last year to include all active-duty deaths since Oct. 7, 2001, in those benefits.

THE LONG WAIT

Even good intentions demand patience. A much-upgraded health care benefit to help the children of service members who died on active duty has yet to be implemented after 18 months because the new regulations have not been written.

Because Champus/Tricare, the federal insurer for military families, does not recognize the law, widows are still paying out more money for health care, which some can ill afford.

The January 2005 law will greatly improve health care for all children. But Nichole Haycock's severely disabled son, Colten, 13, may not be among them.

Her husband, Sgt. First Class Jeffrey Haycock, 38, died in April 2002 after a run; Army doctors had failed to tell him about a heart condition they had discovered two months before. But because her husband did not die in a combat-related situation, her son was denied admission to a program for the disabled.

As she teeters on the brink of exhaustion, her two other children get short shrift. "It's been very difficult to care for a child that is this severe by myself," Mrs. Haycock said. "I would love to see my daughter and son in school events. But I can't do those things."

Tricare officials cannot say for sure whether her son will be covered by the 2005 law when the regulations are written. Francine Forestell, the chief of its customer communications division, said federal regulators plan to interpret it as broadly as possible, "but we can't promise anything," she said.

A LOST LIFE BUT NO INSURANCE

Few cases are as heartbreaking as the widow who winds up with little or no life insurance money after her husband's death. In many instances, the husband simply neglected to change the beneficiary. Little, if anything, can be done to recoup the money in such a case after it has been paid out, and advocates emphasize that couples must do a better job of educating themselves about benefits at pre-deployment family meetings.

But in some cases, widows said that they had done their jobs, had double-checked the paperwork and something still went wrong.

Staff Sgt. Dexter Kimble, 30, a marine, was killed Jan. 26, 2005, when his chopper crashed in an Iraqi sandstorm. It was his third deployment. Before he left, he redid all his deployment paperwork, after consulting with his wife, Dawanna. She noticed that the life insurance form on file still had designated his mother as a co-beneficiary.

"I said, 'What is this? Because I just had baby number four,'" Mrs. Kimble said. "He had not added baby number four to the paperwork, either. He said, 'Don't worry. I'm switching that and making you the sole beneficiary.'"

After his funeral, Mrs. Kimble said her casualty assistance officer informed her that her husband's paperwork had not been filed on time. The system had processed the 2001 form, and her mother-in-law had received half the $400,000. Her casualty officer offered to call her mother-in-law and explain what had happened.

"I assumed it wouldn't be a question of if," Mrs. Kimble said about the money, "but when."

Mrs. Kimble, who lives in Southern California, did not get any money from her mother-in-law. She received $300,000—the death benefit and half of the insurance money—but used a chunk to help pay her extended family's way to the burial and to pay off the car and other debts. Maj. Jason Johnston, a public affairs officer for the Marine Corps Air Station Miramar, said the corps processed what it had. "I'm not saying the system is infallible," he said. "Anything is possible.

"If the Marine tells the spouse one thing and does another," he added, "that is very unfortunate. But we have to go by what the marine puts in the system."

Mrs. Kimble has taken a dead-end job in San Diego and is worried about the future. To get to work, she gets up at 4 a.m. She pulled one child out of private school. She left her home and is living with her children in a friend's empty house. She is also paying for child care for four children.

Lawrence Kelly, a lawyer who is representing Mrs. Youngblood and Mrs. Kimble, said the problem is not unlike that confronted by thousands of soldiers who have recently faced mistakes in their pay made by the military's mammoth accounting office. "Same system, same bureaucracy, same results," he said.

Responding to concerns from widows, Congress last year passed a law stating that if there is a change in the beneficiary or in the amount of the insurance, a spouse must be notified. But the law left a major loophole: If a service member makes no change in his beneficiary after he marries—if his mother or father were originally named and he did not change it—his wife does not have to be notified.

"It has left me frustrated and very bitter," Mrs. Kimble said. "We have already sacrificed our husbands. Our children are fatherless. For them to struggle financially is another blow."

[From the Washington Post, April 27, 2006]

GAO SAYS GOVERNMENT PESTERS WOUNDED SOLDIERS OVER DEBTS

(By Donna St. George)

Nearly 900 soldiers wounded in Iraq and Afghanistan have been saddled with government debts as they have recovered from war, according to a report that describes collection notices going out to veterans with brain damage, paralysis, lost limbs and shrapnel wounds.

The report from the Government Accountability Office, to be released at a hearing today, details how long-recognized problems with military computer systems led to the soldiers being dunned for an array of debts related to everything from errors in paychecks to equipment left behind on the battlefield.

The problem came to light last year, as soldiers' complaints began to surface and several lawmakers became involved. The GAO had been investigating other pay problems caused by the defense accounting system and was asked by Congress to investigate debts among the battle-wounded.

The new report shows a problem more widespread than previously known.

"We found that hundreds of separated battle-injured soldiers were pursued for collection of military debts incurred through no fault of their own," the report said.

Last fall, the Army said 331 soldiers had been hit with military debt after being wounded at war. The latest figures show that a larger group of 900 battle-wounded troops has been tagged with debts.

"It's unconscionable," said Ryan Kelly, 25, a retired staff sergeant who lost a leg to a roadside bomb and then spent more than a year trying to fend off a debt of $2,231. "It's sad that we'd let that happen."

Kelly recalled the day in 2004 when, months after learning to walk on a prosthesis, he opened his mailbox to find a letter saying he was in debt to the government—and in jeopardy of referral to a collection agency. "It hits you in the gut," he said. "It's like, 'Thanks for your service, and now you owe us.'"

The underlying problem is an antiquated computer system for paying and tracking members of the military. Pay records are not integrated with personnel records, creating numerous errors. When soldiers leave the battlefield, for example, they lose a pay differential, but the system can take time to lower their pay.

The government then tries to recoup overpayments, docking pay for active-duty troops and sending debt notices to those who have left the military. Eventually, the government sends private agencies to collect debts and notifies credit bureaus.

The computer system is so broken that 400 soldiers killed in action were listed as owing money to the government, although no debt notices were sent, the report said.

A total of $1.5 million in debts has been linked to the 400 fallen soldiers and 900 wounded troops. Of the total, $124,000 has been repaid. The government has waived $959,000, and the remainder of $420,000 is still owed.

Michael Hurst, a former Army finance officer in Arlington who has studied the issue, said the military should have taken action years ago to prevent the debts from being created.

"It's a complete leadership failure," he said. "We can't expect the soldiers to notice mistakes in their pay that the paid professionals have failed to notice and correct."

Although the GAO report focuses on battle-wounded soldiers who have separated from the military, there are probably others who were still on active duty when their debts caught up with them, Hurst said. Factoring those in, "I would say thousands" are affected by the problem, he said.

The GAO report said that 73 percent of the debts were caused by pay problems, including overpayments, calculation errors and mistakes in leave. Other debts were created when soldiers were billed for enlistment bonuses, medical services, travel and lost equipment.

House Government Reform Committee Chairman Thomas M. Davis III (R–Va.), who is holding the hearing, has called the phenomenon "financial friendly fire." Yesterday, his spokesman, Robert White, reacted to the report, saying: "Literally adding insult to injury, the systems that are supposed to nurture and support returning warriors too often inflict additional wounds to their financial health."

In one case cited in the GAO report, the debts meant that a soldier's family had no money to pay bills and had to send an 11-year-old daughter to live out of state.

At today's hearing, Army and Defense Department officials are expected to testify about what is being done to correct the problem. A database of soldiers wounded in action has been created, but the GAO suggested that more needs to be done, including congressional action to forgive more soldiers' debts and provide refunds in certain cases.

Previously the GAO had issued 80 recommendations for improving the Army payroll processes. Army officials have said they are at work on those recommendations. An Army spokesman did not return calls yesterday requesting comment.

[From the Washington Post, May 24, 2006]

VETERANS ANGERED BY FILE SCANDAL—VA HAS CONSISTENTLY SCORED POORLY ON INFORMATION SECURITY

By Christopher Lee

Veterans brimmed with shock and anger yesterday at the loss of their personal data by the Department of Veterans Affairs, but in many ways the information security breach should not have come as a surprise.

The department has consistently ranked near the bottom among federal agencies in an annual congressional scorecard of computer security. For five years, the VA inspector general has identified information security as a material weakness and faulted officials for slow progress in tackling the problem.

As many as 26.5 million veterans were put at risk of identity theft May 3 when an intruder stole an electronic data file from the Aspen Hill home of a VA data analyst, who was not authorized to remove the data from his office. The electronic file contained names, birth dates and Social Security numbers of veterans discharged since 1975, as well as veterans who were discharged earlier and filed for VA benefits.

VA officials waited two weeks to call in the FBI to investigate the theft, the Associated Press reported, citing two law enforcement sources.

"To the best of my knowledge, the loss of 26 million records by VA is the largest by a federal agency to date," said Rep. Thomas M. Davis III (R–Va.), chairman of the House Government Reform Committee. "Perhaps if the department improved its compliance with the existing information protection laws, this breach would not have happened. There seem to be two problems here: a department that's inadequately protected, and an employee who acted incredibly irresponsibly."

In 2005, Veterans Affairs earned an F on the annual federal computer security report card compiled by Davis's committee, the same grade it has received every year but one since the scorecard began in 2001. (It got a C in 2003.) The government-wide average for 2005 was a D-plus, but there were wide variations—the Social Security Administration got an A-plus, while the departments of Defense and Homeland Security earned F's.

The report card measures compliance with the 2002 Federal Information Security Management Act, which requires agencies to test their systems, develop cyber-security plans and report on their progress.

"We continue to get a number of wake-up calls from these breaches that shows that we still have a ways to go before we have a truly robust information security posture nationally," said Greg Garcia, vice president for information security at the trade group Information Technology Association of America.

Veterans groups reported mounting anger and frustration.

Steve Kennebeck, 46, an Army sergeant who retired from the military in 1997 after 20 years, said he called a special VA toll-free number but was unable to learn whether he was among affected veterans. His father and two brothers, veterans all, are wondering, too.

"We've probably all been compromised," said Kennebeck, who lives in Washington. "I'm angry. . . . If we had done something like that in the military, we'd be punished by courts-martial. We protect America, and do they protect our personal information? No. It's galling. Somebody's head should roll."

VA officials did not return two telephone calls seeking comment yesterday. VA Secretary Jim Nicholson said Monday that the employee has been placed on administrative leave pending investigations by the FBI, the VA inspector general and local police. Nicholson said he has directed all VA employees to complete a computer security training course by the end of June.

Advocates called on the federal government to, at a minimum, pay to help veterans increase monitoring of their credit. "The VFW feels strongly that the government must accept responsibility for any consequences of this inexcusable breach of trust with America's veteran community," Robert E. Wallace, executive director of Veterans of Foreign Wars, wrote Sen. Larry E. Craig (R–Idaho), chairman of the Veterans Affairs Committee. Craig has indicated he will hold hearings. The House Veterans Affairs Committee has scheduled a hearing for 9 a.m. tomorrow.

The Veterans Affairs Department provides millions of veterans with health care, home loans, disability compensation and a burial plot. In doing so, it collects Social Security numbers, service histories and medical records.

But the sprawling bureaucracy, with 220,000 employees nationwide, has not always been the best steward of sensitive data. In more than a dozen reports, audits and reviews since 2001, the VA inspector general has repeatedly cited the department for security problems in the handling of personal information.

In 2003, tests by IG staff showed that a hacker could gain access to veterans' protected medical information from outside the VA network.

In 2005, reviews found that access controls were not consistently applied at dozens of data centers, medical centers and regional offices. Recommendations included ensuring that background checks are performed on VA and contract workers, restricting off-duty workers' access to sensitive information and providing annual security awareness training for employees.

In a report last November, acting Inspector General Jon A. Wooditch wrote that many of the security concerns the IG had reported on for years remained unresolved. He cited a March 2005 report, saying 16 recommendations still had not been implemented eight months later.

"We identified significant information security vulnerabilities that place VA at considerable risk of . . . disruption of mission-critical systems, fraudulent benefits payments, fraudulent receipt of health care benefits, unauthorized access to sensitive data and improper disclosure of sensitive data," he wrote. "The magnitude of these risks is impeding VA from carrying out its mission of providing health care and delivering benefits to our nation's veterans."

[From the Washington Post, June 20, 2006]

Iraq War May Add Stress for Past Vets—Trauma Disorder Claims at New High

(By Donna St. George)

More than 30 years after their war ended, thousands of Vietnam veterans are seeking help for post-traumatic stress disorder, and experts say one reason appears to be harrowing images of combat in Iraq.

Figures from the Department of Veterans Affairs show that PTSD disability-compensation cases have nearly doubled since 2000, to an all-time high of more than 260,000. The biggest bulge has come since 2003, when war started in Iraq.

Experts say that, although several factors may be at work in the burgeoning caseload, many veterans of past wars reexperience their own trauma as they watch televised images of U.S. troops in combat and read each new accounting of the dead.

"It so directly parallels what happened to Vietnam veterans," said Raymond M. Scurfield of the University of Southern Mississippi's Gulf Coast campus, who worked with the disorder at VA for more than 20 years and has written two books on the subject. "The war has to be triggering their issues. They're almost the same issues."

At VA, officials said the Iraq war is probably a contributing factor in the rise in cases, although they said they have conducted no formal studies.

PTSD researcher John P. Wilson, who oversaw a small recent survey of 70 veterans—nearly all from Vietnam—at Cleveland State University, said 57 percent reported flashbacks after watching reports about the war on television, and almost 46 percent said their sleep was disrupted. Nearly 44 percent said they had fallen into a depression since the war began, and nearly 30 percent said they had sought counseling since combat started in Iraq.

"Clearly the current Iraq war, and their exposure to it, created significantly increased distress for them," said Wilson, who has done extensive research on Vietnam veterans since the 1970s. "We found very high levels of intensification of their symptoms. . . . It's like a fever that has gone from 99 to 104."

Vietnam veterans are the vast majority of VA's PTSD disability cases—more than 73 percent. Veterans of more recent wars—Iraq, Afghanistan and the 1991 Persian Gulf War—together made up less than 8 percent in 2005.

VA officials said other reasons for the surge in cases may include a lessening of the stigma associated with PTSD and the aging of the Vietnam generation—explanations that veterans groups also suggest.

PTSD is better understood than it once was, said Paul Sullivan, director of programs for the group Veterans for America. "The veterans are more willing to accept a diagnosis of PTSD," he said, "and the VA is more willing to make it"

In addition, as Vietnam veterans near retirement age, "they have more time to think, instead of focusing on making a living all the time, and for some this is not necessarily a good thing," said Rick Weidman, executive director for policy and government affairs at Vietnam Veterans of America.

Max Cleland, a former U.S. senator from Georgia and onetime head of the VA who was left a triple amputee by the Vietnam War, said the convergence of age and the Iraq war has created problems for many of his fellow veterans—as well as for himself.

"As we Vietnam veterans get older, we are more vulnerable," he said. When the war started in 2003, he said, "it was like going back in time—it was like 1968 again."

Now he goes for therapy at Walter Reed Army Medical Center and is wary of news from Iraq. "I don't read a newspaper," he said. "I don't watch television. It's all a trigger. . . . This war has triggered me, and it has triggered Vietnam veterans all over America."

PTSD has become a volatile topic lately, with some skeptics questioning whether the rise in claims is driven by over diagnosis or by financial motives. A report last week from the Institute of Medicine, part of the National Academies, concluded that "PTSD is a well characterized medical disorder" for which "all veterans deployed to a war zone are at risk."

VA's growing PTSD caseload became an issue last August, when the agency announced a new review of 72,000 PTSD compensation cases, expressing concerns about errors and a lack of evidence. That probe was dropped after a sample of 2,100 cases turned up no instances of fraud.

Still, some experts are not convinced that the Iraq war has driven up the caseload. "I'm skeptical that it accounts for a broad swath of this phenomenon," said psychiatrist Sally Satel, a resident scholar at the American Enterprise Institute. "These men have had deaths in their families, they had all kinds of tragedies over 30 years that surely affected them emotionally but they coped with."

Although a small percentage of veterans might be deeply affected, she said, she doubts "they have become chronically disabled because of it"

Around the country, many veterans dwell on the similarities between the wars in Vietnam and Iraq: guerrilla tactics, deadly explosives, fallen comrades, divisive politics. The way they see it, "Iraq is Vietnam without water," Weidman said.

"We have people who have symptoms that they haven't had in a long time," said Randy Barnes, 65, who works in the Kansas City offices of Vietnam Veterans of America. For some, "the nightmares and flashbacks have been very hard to deal with," he said. Group therapy sessions are "much more crowded," he said, "with Vietnam veterans particularly, but now also with the Iraq and Afghanistan veterans."

Barnes served as a combat medic in Vietnam from 1968 to 1969 and went into treatment only in the late 1990s. By the time the Iraq war started, he said, he felt steadier—but then his symptoms ramped up again.

"Depending on what I saw or heard that day or read, I would have night problems—nightmares, night sweats," he said. Sometimes, he said, he would roll out of bed and wake up crawling on the floor, "seeking safety, I guess."

A study published in February by VA experts showed that veterans under VA care experienced notable mental distress after the war started and as it intensified. While younger veterans, ages 18 to 44, showed the greatest reactions to the war, "Vietnam era VA patients reported particularly high levels" of distress consistently, the study reported.

Powerful images of war have revived combat trauma in the past. "Traumatized people overreact to things that remind them of their original trauma," said Scurfield, the PTSD expert in Mississippi.

When the movie "Saving Private Ryan" was released, World War II sought mental health help in great numbers, said Wilson of Cleveland State. "It rekindled it all," he said.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, earlier today I was given the opportunity to speak on the Senate floor about the constitutional amendment that is before us. Time ran out before I was able to conclude my remarks. I would like to do that at this time.

One of the heroes of the Vietnam war in which I served was a former POW named Jim Warner. I would like to close my comments today with his words. It is an extensive quote, but I want to quote all of his letter.

Here is what he said:

> In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft, I looked up and saw the flag. I caught my breath, then, as tears filled my eyes. I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.
>
> Because the mere sight of the flag meant so much to me when I saw it for the first time, after five and one-half years, It hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise with those who want to punish the flag burners. Let me explain myself.
>
> Early in the imprisonment, the Communists told us that we did not have to stay there. If we would only admit that we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted. Most did not. In our minds, early release under those conditions would amount to a betrayal of our comrades, of our country, and of our flag.
>
> Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this? Yes, it was worth all this and more.
>
> I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. 'There,' the officer said. 'People in your country protest against your cause. That proves you are wrong.'
>
> 'No,' I said. 'That proves I am right. In my country, we are not afraid of freedom, even if it means that people disagree with us.' The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting, I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.
>
> We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. . . . Don't be afraid of freedom.

Those, my friends, are the words of former POW Jim Warner.

There are many issues in the Senate that need our attention today—a path forward in Iraq, our large and growing dependence on foreign oil, the threat of global warming, the skyrocketing cost of health care, just to name a few. These are pressing issues which demand action not just from the Congress but from the President, too—not in the next administration, not next year, now. Instead, we are spending this week debating a constitutional amendment—however well intentioned—that is truly, in my judgment, not needed in America today.

Later this week, Senator BENNETT and others will offer legislation that would criminalize flag desecration under specific circumstances without having to amend our Constitution. That measure would prohibit burning or destroying the flag with the intent to incite or produce imminent violence or a breach of the peace or damaging a flag that belongs to the United States or another person on U.S. lands.

Senator DURBIN will seek to add to that legislation an amendment that would prohibit groups from demonstrating or protesting near a funeral of someone who died serving in our Armed Forces. This is in response to an extremist group that has been traveling the country—it came to Delaware—and disrupting funeral services for our fallen soldiers, making outrageous claims about our country. Their behavior is reprehensible. It desecrates our flag and everything it stands for. By God, it should be illegal—that kind of behavior—and the Durbin amendment will make it illegal.

We could take up both of these measures today and pass them, I believe, without objection. We could penalize flag desecration to the fullest extent possible without jeopardizing the values inherent in our Constitution. In my view, this approach is a balanced one in that it allows us to maintain our reverence both for our flag that we love and for the Constitution we revere.

As I said earlier in my remarks this morning, I still get a lump in my throat when I sing our national anthem or say the Pledge of Allegiance to our flag and take a moment to truly consider what our flag stands for and the sacrifices made in its honor. It is a symbol of America. I love it now more than I ever have. But behind that symbol is our Constitution. It is the foundation on which our country has been built and endures today. It is what guarantees us the freedoms and the liberties that make this country of ours great. We should not amend that living document lightly, and we should not change it when we can find another way.

My friends, let's find that other way this week. Let's maintain our reverence for the flag and for our Constitution.

Mr. President, I yield back my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator please hold?

Mr. CARPER. Yes.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate having received a message from the House that the House agrees to S. Con. Res. 103, and having received the conference report on H.R. 889 from the House, the conference report is agreed to, and the motion to reconsider is laid on the table.

(The conference report is printed in the House proceedings of the RECORD on April 6, 2006.)

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

FLAG DESECRATION AMENDMENT—Continued

Mr. INOUYE. Mr. President, I ask that I be permitted to use 6 minutes of my party's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I rise to speak against the proposed constitutional amendment.

Since World War II, I have been involved directly or indirectly in 13 wars and conflicts: Korea, Vietnam, the Dominican Republic, Desert One, Grenada, Lebanon, Panama, the Persian Gulf war, Somalia, Haiti, Yugoslavia, Afghanistan, and now Iraq.

In all these wars and conflicts, there are several things in common. First, American lives were lost and many young Americans were wounded and will bear scars for the rest of their lives, and we must not dishonor their memories by abandoning the freedoms for which they sacrificed.

Second, in every war, great speeches are made and delivered energizing our citizens to defend our unique American freedoms contained within the Bill of Rights. I can still hear some of those stirring words.

During the Second World War, very close friends of mine were lost. Much blood was shed to preserve every American's constitutional freedoms.

To be clear, I have no patience with those who defile our flag. It is unpatriotic and deeply offensive to those who serve or who have served in uniform. It angers me to see symbols of our country set on fire. This objectionable expression is obscene, it is painful, it is unpatriotic, but I believe Americans gave their lives in many wars to make certain that all Americans have a right to express themselves, even those who harbor hateful thoughts.

Our country is unique because our dissidents have a voice. Protecting this freedom of expression, even when it hurts the most, is a true test of our dedication to democracy.

As a commissioned military officer and as a U.S. Senator, I took an oath to uphold and defend the Constitution. As a Senator, I have become accustomed to being insulted and condemned by people who disagree with me. I have been castigated for having cast votes that some call unpatriotic or un-American. I believe that my actions were patriotic and American, but those who criticize me have a right to disagree and express their disagreement.

It is not always easy to serve the country with a Bill of Rights that defends the rights of those who would defile our national symbol. While I take offense at disrespect to the flag, I nonetheless believe it is my continued duty as a veteran, as an American citizen, and as a United States Senator to defend the constitutional right of protesters to use the flag in nonviolent speech.

For over 200 years, our Bill of Rights has endured. It proclaims the Government of the United States is limited in its powers, and this sacred document continues to instruct and inspire people throughout the world. And for the last 200 years, despite repeated efforts to tamper with this document, we have always found the strength necessary to live within these limits.

So today we must look inside ourselves once again and find the strength to affirm our commitment to the precious liberties enshrined in the Bill of Rights.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have great respect for the Senator from Hawaii, for his service as a veteran, as well as his service in this body, but I couldn't disagree more.

Our Founders used the word "speech." They didn't say "expression" or "expressive behavior." They used the word "speech" very critically. It was discussed in the documents: What word will we use in the Bill of Rights in this first amendment?

They chose the word "speech" because they meant speech. They didn't mean behavior. They meant speech.

I think it is real important for the American people to understand what this debate is all about. It is not about burning the flag. It is about restoring the balance of the three branches of Government, and that when one of the three becomes imbalanced, that we have the right to restore that balance. Our Founders were wise in that regard to give us this vehicle of amending the Constitution.

We can talk about the flag all we want, but the real debate here is, when an overwhelming majority of Americans agree with this and all 50 State legislatures have passed requests that we do this, why we don't do this? The only way we have to balance the judiciary with the legislative branch is to do it in a manner that represents the will of the people as prescribed by our Founders.

Seven new Republican Senators were elected in 2004, and if there was an issue that dominated that debate more than anything, it was, what kind of judges are we going to put on the courts? Are we going to confirm judges who take what they want, twist the Constitution into what they believe, and change the basics of how we operate in this country or are we going to put judges on the courts who understand that they have a very limited role to interpret the Constitution, interpret the treaties, and interpret the statutes of this country?

The reason we were sent here, the seven of us, the vast majority of the impact of that election, was to have an impact on what kinds of judges we were going to put on the courts. This is that same debate coming from a different angle. Do we want a 5-to-4 decision where five Members of the Court determine and twist what the real words of our Constitution say—speech, not behavior; it says "speech," not behavior, not expressive conduct; it says "speech"—and do we want to allow that to continue to be twisted or do we want to reserve the right for Congress to go through the method that our Founders allowed to bring about a constitutional amendment that says we have the right to control whether somebody can do that.

To vote against this amendment will limit the ability of this body to hold on to its balanced share of one-third of the power of this Government. This is about restoring the power of this body and the House to, in fact, represent what the people in this country want in an overwhelming majority in all 50 States.

It is not about burning the flag. It is about reestablishing the proper role of the balance of the three branches that run this country—the executive, the judiciary, and the legislative.

We are going to miss a great opportunity if we don't do this. It will do two things: One, it will reestablish the power, but it will send a signal that when judges take an oath, they have to follow the oath and the oath is not to determine what they think is best based on what they believe. Their oath is to follow the Constitution, not change it but follow it; and No. 2, interpret the statutes and interpret the treaties.

We have to reestablish a balance. This resolution is about reestablishing that balance and sending the message that we are serious that judges take their oath seriously, that they don't get to play games with what they would like but they, in fact, have to uphold their oath. They also have to follow what the Constitution says, and the Constitution says the same thing as their oath. They don't get the privilege of deciding what they want. They have the privilege of only deciding what the Constitution says, what the statutes say, and what the treaties say.

I remind the Members of this body that our Founders put the word "speech" in the first amendment on purpose. They didn't put the words "expressive behavior." They used the word "speech," and we ought to establish the right of the Congress to establish within itself the right to do what the American people want and to follow the Constitution. That is what this is about.

There have been a lot of statements made about what would you do with a flag; what about a bathing suit? The way you judge what is a flag is what you drape over the coffin of one of our fallen soldiers. That is how you judge what it is. That is what it means. You can't define what it is other than the value of service and sacrifice that is part of the heritage of this country. To say we cannot preserve the value of that and bring back our constitutional responsibility to do that—No. 1, which does follow the Constitution and, No. 2, is the desired will of this country—means that we won't stand up to the obligations of our office, and we ought to be very serious about it as we do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise today in full support of S.J. Res. 12, the flag desecration resolution introduced by Senator HATCH. The Senate has given this bill adequate consideration and it is now time to pass it and send it to the States for ratification.

I have heard a lot of critics of the flag amendment incorrectly characterize it as stifling free speech. Nothing could be further from the truth. First, the amendment itself does not prohibit anything. The constitutional amendment we are considering today restores to Congress the power to protect the flag—a power the Congress freely exercised until 1989, when the Supreme Court handed down 5 to 4 decision in Texas v. Johnson. This decision struck down a flag protection statute in Texas, and effectively invalidated similar statutes in 48 States and the District of Columbia, as well as the Federal statute. In 1990, in another 5 to 4 decision, the Court struck down a revised Federal statute.

The Court's decision in Texas v. Johnson was notable for a powerful dissent authored by Justice Stevens. I would note that Justice Stevens provides consistently one of the most liberal votes on the Court. Justice Stevens found that neither the States nor Congress had acted improperly in passing the statutes in question. He was on the mark in his dissent when he said:

> The case has nothing to do with disagreeable ideas; it involves disagreeable conduct that, in my opinion, diminishes the value of an important national asset.

Justice Stevens is absolutely correct in recognizing that a prohibition on certain forms of conduct is a power long held by Congress and the States and in no way infringes on the right of any individual to express an idea. He went on to say:

> Had he chosen to spray-paint—or perhaps convey with a motion picture projector—his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of the Government to prohibit his means of expression. The prohibition would be supported by the legitimate interest in preserving the quality of an important national asset.

Then-Chief Justice Rehnquist also questioned the communicative value in desecrating the flag, saying that such conduct "is most likely to be indulged in not to express any particular idea, but to antagonize others."

Prior to these rulings, Congress, with the support of a majority of the American people, had the power to protect our Nation's symbol. Respect for the flag is not something that falls along ideological lines or party affiliation; it is shared by Americans from all walks of life. In these polarized times, the flag remains a unifying symbol.

Last month, as chairman of the Judiciary Subcommittee on the Constitution, I chaired a markup of this bill. We had an energized debate, and passed the amendment with a bipartisan 6-to-3 majority. Two-thirds of the membership of my subcommittee not only supported the amendment but were, and are, proud cosponsors.

I would like to thank my good friend and ranking member, Senator RUSS FEINGOLD for his cooperation in scheduling a markup. He doesn't support the amendment, but I know he believes amending the Constitution is a very serious matter, and I appreciate his cooperation in having a fair and honest debate. I would also like to thank Senator FEINSTEIN. She is one of the strongest supporters of this amendment and is also a member of the Constitution Subcommittee. I commend her for ignoring powerful special interest groups and diligently fighting for what's right.

We should be very careful in considering amendments to the U.S. Constitution. It is not something that should ever be taken lightly, but the Court has left us with few options. It is unfortunate that we have to consider this amendment, but I do believe that in light of the Supreme Court's decisions it is the appropriate action.

The amendment has broad bipartisan support here in the Senate, and is supported by Americans from both ends of the political spectrum. Poll after poll indicates that the people of this country want their flag protected. I have been contacted by numerous veterans groups from my home State of Kansas, as well as across the country voicing strong support for this amendment. We ask a lot from our men and women in uniform. They sacrifice their safety and risk their lives so that each of us can remain free in this great Republic. Their defense of the principles and liberties embodied in the red, white, and blue preserve the freedoms enumerated in the Constitution.

Passing this amendment and sending it to the States allows for the American people to have their voices heard on this important issue. The House passed the flag amendment by a two-thirds majority vote last year, and it is now our turn to do the right thing and give the States and the people of this great Nation the opportunity to decide whether to grant protection to our national symbol. If ratified by three-fourths of the States, then we can debate an appropriate statute concerning treatment of the flag.

There is a lot of misinformation regarding this amendment that should be cleared up. If ratified, the text of the Constitution would not prohibit flag burning. The amendment states:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

Even if the amendment passes, the Congress may decide not to prohibit flag desecration. But we will have corrected a wrong decision by the Supreme Court.

Article V to the Constitution does not give nine unelected Justices the right to amend our founding document. This power rests solely in the democratic process. Restoring this power to the people and their elected representatives in Congress preserves this process. Protecting the integrity of our national symbol should not be left to a handful of unelected judges. Why would any Member of this body vote to limit our power and expand the power of the Court?

The Founding Fathers wisely devised a process for the people through their elected representatives—not the courts—to amend the Constitution. It is our duty as elected Members of Congress to exercise this constitutionally granted power when necessary and appropriate. Justice is not served when we remain silent and allow unaccountable judges to exercise this power for us. If, as Members on both sides the aisle repeatedly claim, we truly oppose judicial activism, we should send this amendment to the States for ratification.

I am proud to have cosponsored this amendment in every Congress since I became a Member, and to have consistently cast my vote in support each time the bill has made it to the floor. I urge my colleagues to support this bill, so that the American people can choose whether or not to bestow protection to their flag. There is no symbol that has the power to unify us like the flag, which is why a majority of Americans continue to support this amendment. It is time to restore the traditional meaning of the first amendment and send the flag desecration resolution to the States for ratification. I urge my colleagues to vote for this important amendment.

Mr. President, I thank my colleague from Oklahoma for his great work on this amendment. This legislation passed the Constitution Subcommittee 6 to 3. It passed the full Judiciary Committee and is now ready for this body to vote, and we need to have a positive vote on it.

I flew in to Washington today. There were cloudy skies, but one could still see the monuments when flying in. The beauty of the monuments never ceases to strike me. Whether it is the White House, the Washington Monument, the Lincoln Memorial, National Cathedral, there are just certain landscape features one looks at.

When you are flying in on the so-called river run that the pilots so often do, you get to see these monuments, and it is just so striking.

I was preparing for this debate and thinking about the Lincoln Memorial. What if somebody today, yesterday, or some other time had taken spray paint and sprayed on the Lincoln Memorial: "We want freedom" or "Death to tyrants" or "Down with the flag"? Let's say they wrote that in big spray paint on the Lincoln Memorial and defaced the memorial and then was caught and was brought to trial and claimed: Wait a minute, I have a first amendment right to say what I want to say, and I believe it is important that I say it anywhere, and I want to say it on the Lincoln Memorial. I want to make my message known, and I am going to spray-paint it all over here; this is free speech, and I ought to be able to do that and this is the place to do it, and Lincoln would approve of that; he believed in free speech, so he wouldn't mind that the memorial was sprayed upon, that it was defaced.

We would all recognize that as being something wrong, violating the law, and something there should be a law against.

We don't have a problem with a person standing on the Lincoln Memorial and shouting at the top of his lungs for as long as he wants whatever he wants to say—if it is about the war in Iraq, if it is about the President, if it is about somebody in the Senate, if it is about myself, if it is about the Chair, if it is about anything he wants. We don't have any problem with that. But if he defaces the memorial, we do.

It is interesting, that was the dissent Justice Stevens used in the Texas v. Johnson case. He made that same point. We have no problem with a person speaking on the Lincoln Memorial. We have a problem with him defacing the Lincoln Memorial. We have no problem with people speaking against the flag. We have a problem with them defacing the flag.

Justice Stevens in his dissent—which I think was rightly said—said:

> Had he chosen to spray paint or perhaps convey with a motion picture projector his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of Government to prohibit this means of expression. The prohibition will be supported by the legitimate interests in preserving the quality of an important national asset.

That is what we are talking about today: preserving the quality of an important national asset that people follow into battle, that we have had and honored for years and years, and until recently the court has held up as saying: Yes, this is something that should be protected and is protected by the laws of the land, and these laws are appropriate and are not limitations on free speech.

I think if you follow this court ruling, where does it end? If you say actions are speech, wouldn't you have a legitimate objective in defacing the Lincoln Memorial, particularly if it was some form of political free speech that you wanted to express and put forward?

We have held many hearings on this topic. This is not a complicated issue. It is about whether we are going to have some authority and ability to be able to limit and to be able to honor and to uphold something so precious as our American flag. I think we should do that. I think because of the people who follow this flag and because we are a nation of symbols, and symbols are what unite us, and because of the words and thought that are conveyed by this flag, we should be able to uphold this mighty national asset. I think it is important that we be allowed to do that.

I have had a chance to speak on this at length in committee. I have carried the amendment in our subcommittee. I urge my colleagues to support this amendment and let the States vote on it. Let the States decide what they would choose to do.

Mr. THOMAS. Mr. President, I would like to make a few comments on the bill before us. I have heard a great deal of discussion and, as always, there should be a lot of discussion, different ideas about it, the idea of protecting free speech, and none of us disagree with that. I think the difference here is the fact that the flag represents our right and our freedom for free speech as well as all of our other freedoms. So I am proud and honored to be one of the 59 original cosponsors of the flag protection amendment.

Having served in the Marine Corps, I stood before the flag and understood that it represented the things that we stand for. It represented the freedoms we have. It represented the things that we sacrifice for. I believe it should receive special protection because that is what it symbolizes to the citizens of the United States.

I understand there are concerns about limiting free speech. This amendment does not limit speech; it simply gives Congress the authority to prohibit physical desecration of the flag. To me, that is pretty easy to determine. It is something we should protect. It is something that we have given a great deal to protect. It is symbolic of the things that mean so much to us.

Since the Supreme Court decision that said desecrating the flag is protected speech, there has been an overwhelming amount of public support to protect the flag. All 50 States have passed resolutions calling for Congress to pass a flag amendment.

I understand that amending the Constitution should not be taken lightly, but burning or defacing or trampling the flag sends the wrong message to people who have given so much, including their lives, for the defense of this country, so certainly that should not be taken lightly.

Throughout history, in times of war, peace, and uncertainty, our Nation always turns to the flag as a sign of resolve, as a sign of commitment, as a sign of strength. After the attacks of September 11, our Nation unfurled the flag at the Pentagon and raised it from the rubble at Ground Zero. It is a symbol of national unity and identity. This symbol needs to be held in the highest regard. Generations of American soldiers have died under the flag and the ideals it stands for. The flag is a strong symbol for those who fought in wartime.

The American flag is a national asset. Just as it is unlawful to desecrate the Washington Monument, the Lincoln Memorial, and the graves at Arlington, it should be unlawful to desecrate the flag. Aren't there some things like symbols of freedom that should rise above politics? It seems to me that they should.

So I urge my colleagues to support this amendment so we can send it to the States for ratification and ultimately let the people of America decide.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise in support of the amendment to allow the U.S. Congress to protect the American flag.

I was elected 2 years ago, in the most recent election. I ran on a campaign of three basic promises and commitments to the people of Georgia: The first was to support the President and our men and women in harm's way in the war on terror. The second was to work diligently for strong fiscal accountability on behalf of the Congress. And the third was to vote in favor of confirming the judges appointed by the President of the United States to the Federal bench. With those promises, I made the statement that I really felt as though the division of powers of our Constitution was sound, and that it was absolutely important for judges to interpret the law, not to make the law.

This amendment has been said by some to be a violation of the first amendment. This amendment has nothing to do with speech or expression. It has everything to do with protecting our flag and allowing the Congress to write those laws that would prohibit physical desecration of our flag.

Unlike some, I do not believe the flag is an inanimate object. I believe it is a living symbol for which our men and women in harm's way have fought for over two centuries.

Just a month ago, I went to Normandy. I went to Bellewood. I went to the Netherlands and Margraten. I went to Belgium and Carthage in Northern Africa. We did seven ceremonies in 6 days at seven American cemeteries, cemeteries where tens of thousands of Americans are buried, having paid the ultimate sacrifice in World War I and World War II. They died to protect the first amendment. But if those in the graves could come back and speak, I don't think a one would say they died to have the flag they fought for desecrated.

The courts have also been inconsistent in this case in my judgment about the first amendment and expression. The court, in 1989, in Texas v. Johnson, and in 1990 in the case of the United States v. Eichman, ruled that burning the flag was protected by the first amendment. I find it ironic that in 2003, the U.S. Supreme Court ruled in the Virginia case, Virginia v. Black, that the burning of a cross in someone's front yard was not expression and, therefore, the Virginia law banning it was upheld.

I did a little research on that case which led me to find out that the District of Columbia has that law, the

State of Georgia has that law, and many States in the United States have that law, which says the terrible act of desecrating a cross and burning it is protected—is fine for the States to do that. In fact, I read a little bit about Clarence Thomas's opinion written in that 2003 case, and I want to share his remarks because it applies directly to my point on protecting the flag and not allowing its desecration. Justice Thomas said:

> This statute prohibits only conduct, not expression. ust as one cannot burn down someone's house to make a political point and then seek refuge in the First Amendment, those who hate cannot terrorize and intimidate to make their point.

I don't think it can be said more succinctly or more clearly.

The amendment that is to be voted on by this Senate, hopefully sometime today or tomorrow, is an amendment that does nothing to prohibit the speech of anyone but does everything to protect the flag from being desecrated. I think those brave men and women who died for this country would agree with that, I agree with that, and I think the people of Georgia agree with that. I urge my colleagues to vote in favor of passage of the amendment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. TALENT. Mr. President, I rise to speak on the proposition before us and on the importance of protecting the American flag. The American flag is a unique symbol in the Nation's consciousness. America, unlike many countries, actually had a birthday. There was a day when the Colonies became States and the States became a nation and they were organized explicitly around certain beliefs about human dignity and freedom: the belief that people have certain inalienable rights that inhere in them as human beings and that because of those rights the Government is the servant and not the master of the people. It is also a nation that cherishes diversity but balances against that, unity. It is no accident that the national motto is "out of the many, the one."

We are not a country with a monarchy. We rebelled against a monarchy. We are not a country with an established religion. We rebelled against that as well. We are a country with only a few unifying symbols, chief among which is the flag. That is why it is so uniquely important to America's conception of itself to protect the flag. In protecting the flag, we are affirming the basic beliefs of the country.

I believe that there is in the Constitution a narrow power on the part of the States and the Congress to protect the flag from public desecration. In passing this amendment, if the Senate chooses to do it, we will simply affirm those underlying ideals. We are not saying you can't criticize those ideals—you can. You can attack them. You can attack the flag if you want. But there ought to be a power to protect the flag from public desecration, and I think the amendment comes down simply to that proposition:

How much do you value the flag as a symbol of what this Nation has stood for and what the people of this country have sacrificed for and in some cases have died for?

There are arguments that have been raised on the floor against the amendment. One of them is that we should not amend the Constitution. The Supreme Court has amended the Constitution. Until recently, it was the common understanding that this power existed. There were 48 States that had laws against the desecration of the flag. The Supreme Court said they were unconstitutional. In effect, the Court updated or amended the traditional understanding of the Constitution to say that. Whatever you think of the Court's power to amend the Constitution or update it according to the opinions of the Justices, surely the people ought to have the power to amend the Constitution.

If the Court can do it, the people ought to be able do it.

That is another basic American ideal—the right of the people to govern themselves, to decide for themselves what their own organic law says. If the people are to have their will carried out in this respect, the only way they have left to do it is by amending the Constitution. If you say we should not amend the Constitution under these circumstances, you are saying, in effect, that the courts can change the Constitution when they think it is important to do it, and the people have no response. They cannot pass a statute because the Court would say it is unconstitutional, and they cannot pass a constitutional amendment because so many in this body say they should never amend their own Constitution.

Another argument against the amendment is that it regulates expression. It does not. Burning the flag is an act. It is an act with expressive overtones, surely, so we should be careful before doing it, but it is an act, and it is fully within the tradition of the first amendment to allow the regulation of actions that have speech overtones. It was only a few years ago that this body passed comprehensive campaign finance reform that most certainly regulated not just acts but expressions. According to that legislation, it is unlawful for grassroots groups to sponsor political advertisement in the last 60 days of an election that mentions the name of a candidate. I cannot think of anything more closely related to the core of what the first amendment was passed to protect, yet the Court said that was constitutional. If it is permissible to regulate speech in that context, why is it not permissible to regulate action that has speech overtones?

Mr. President, I ask unanimous consent for another 2 minutes to finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Why is it not permissible to regulate something that is clearly an act that strikes at the heart of the American consciousness and that leaves unregulated a vast area of expression?

I would daresay, if the average American decided to participate in the political process and try to get his or her views out, they might very well join a grassroots group and get involved in a campaign. Yet it is evidently consistent with the first amendment, according to the Court, to regulate that, yet not consistent to prohibit a particular action that has one narrow area of expressive overtones.

We should at least understand what this debate is about. It is about how much you value the flag. I do not begrudge anybody their views about expression or the Constitution or the role of this body in regulating the one or amending the other. But I believe this debate is about how great a significance you attach to the flag of the United States. I believe it is important. People have fought under it. They have died for it. There are literally billions of people around the world who see the flag as a symbol for all that is good about their hopes for the future.

I believe it is important that we have this debate. I hope the Senate will think clearly and deeply and thoughtfully and not on a partisan or political basis and decide it is consistent with America's traditions and that it will sustain the balance between diversity and unity for us to pass this amendment and protect our flag.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I have listened to this debate today and yesterday. I have heard the heartfelt sentiments of my colleagues on both sides of the aisle about this flag. I think everyone following this debate has the same strong feelings about this flag and what it symbolizes.

Today, Senator DAN INOUYE, my colleague from the State of Hawaii, spoke. There probably is no one better qualified to come to the Senate floor and speak to this issue. Senator DAN

INOUYE, a veteran of World War II, lost his arm in combat and was decorated with the Congressional Medal of Honor for the bravery and valor he showed in that conflict. He went on to serve his Nation again in the U.S. Congress and came to the floor today to speak from the heart about what that flag means to him. One would think that a man like Senator INOUYE, more than any other who serves in the Senate, would understand the importance of that flag to our men and women in uniform and to all of us who, from the moment we were old enough, learned the Pledge of Allegiance and stood up in front of our classrooms and said that flag means something special.

Today before us is an opportunity to do something for that flag, and I believe we should seize that opportunity. But I think what has been proposed by the other side, the idea of amending our Constitution, is not necessary.

Stop and reflect for a moment. Since 1791, when James Madison, Thomas Jefferson, and the Founding Fathers crafted the words of our Bill of Rights, they have stood as a sacred document in this country. They have guided us through good times and bad. They have given us our moral compass as a nation. They have inspired others to follow that wording so carefully crafted in building their own constitutions and their own nations. It is, indeed, a sacred document.

Some have come to the Senate floor in the last several days and suggested it is time to change the Bill of Rights. It is time for the first time in the history of the United States of America to change the words crafted by our Founding Fathers.

I have said it before and I will repeat it now, when it comes to changing this Constitution, I approach that task with great humility. I like to think I have some skills, perhaps at writing or speaking, but if you are asking me to write words to put in that Constitution, words that would change what Madison, Jefferson, and the Founding Fathers intended to be our basic rights as Americans, I come to that task with great humility.

But some of my colleagues do not. In fact, over the last 15 years we have had 1,000 amendments proposed to the Constitution. There was a time in the Senate Judiciary Committee not long ago when the chairman scheduled two constitutional amendments to be considered on the same day. I took exception to that. I objected to one of them and I argued then, and I still believe, that for all that is holy in America, we should not amend the Constitution more than once a day.

Today we are facing the second constitutional amendment this month proposed by the Republican side of the aisle. I think it is unfortunate. I wish my colleagues approached this with the same sense of humility which I think most Americans would if facing this challenge. The obvious question is this: If we love this flag, if we respect this flag, if it is a symbol for our Nation, how should we show that respect? We do it in so many ways, from the Pledge of Allegiance to our national anthem, saluting it as it passes in parade or putting your hand over your heart. We do it in ways large and small.

But what about those who desecrate that flag? What about those who engage in hateful conduct toward that flag to protest some action by the United States or for whatever reason? What should we do with those people? According to those supporting a constitutional amendment, we should show our hatred for their conduct by amending the Bill of Rights for the first time in the history of the United States of America. I disagree. I disagree. I believe there is a way to protect that flag without defiling our Constitution. There is a way to show our love of that symbol of our great Nation, not at the expense of that sacred document which has guided us from the beginning. What I am proposing at the end of my statement today is an amendment. It is an amendment that is being offered on a bipartisan basis. It is an amendment that will make it unnecessary to amend the Constitution of the United States. It is an amendment which establishes that it will be a crime to desecrate that flag. We spell out the circumstances that would make it a crime.

The Supreme Court has not said that you have to amend the Constitution to protect that flag—just the opposite.

In the United States v. Eichman case in 1990, the Supreme Court expressly recognized that while citizens have a free speech right to express their political dissent by burning the flag, the Government may punish flag-burning under certain circumstances.

In a unanimous decision in 1992—in R.A.V. v. the City of St. Paul—the Court explained that although a law prohibiting individuals from dishonoring the flag is not content neutral, the Government may punish flag-burning in a content neutral manner.

Stripping away the constitutional language, what the Court has said is this Congress has within its power to write a criminal statute that would punish someone who desecrates that flag. This amendment that I offer will do that expressly. It would prohibit a person from destroying a flag with the intent of inciting imminent violence. It would prohibit people from threatening someone by burning a flag. It would prohibit damaging a flag owned by the United States. And it would prohibit damaging a stolen flag on Federal land.

Each of those elements in this amendment has been carefully thought out and tested against constitutional standards that have been handed down by the Court.

You may recall, if you follow the Supreme Court decisions, that not long ago there was a historic decision in Virginia v. Black. The year was 2003. The Court in that decision held that the Government may prohibit people from burning crosses with the intent to intimidate.

You know what the symbol of burning a cross is. It is a symbol of hatred and bigotry and prejudice. It is especially a hateful symbol to African Americans who recall our bitter past of slavery, before the dawn of the civil rights movement. And the Supreme Court made it clear. It said, the Government may prohibit intimidation by the use of burning crosses.

We use the same logic and the same argument of the Court and apply it to the flag.

For those who have come to the floor—and many have—and said how much they respect the flag, we offer them a reasonable alternative: an alternative that protects the flag without infringing our Bill of Rights.

I think that is the way we should move. We have learned long ago that when it comes to amending the Constitution, it shouldn't be the first thing we do. It should be the last resort. That sacred document deserves to be honored and only changed when absolutely necessary for America.

There is a criminal statute that I am going to propose as an alternative way to protect that flag, to show respect for that flag, and to still show respect for our Bill of Rights.

Let me tell you about another issue which we address in this amendment. You have read about it. If you read it, as I have recently, it makes you sick. What I am referring to is a group nominally calling themselves Christians that is now picketing and protesting at the funerals of our fallen soldiers. There is a man by the name of Phelps. He calls himself a minister. But his gospel seems to begin and end with hatred—hatred for gays and lesbians, and obviously hatred and insensitivity for the poor families of our fallen veterans.

About 15 years ago, this man Phelps and his so-called church followers started showing up at the funerals of men and women who died of HIV/AIDS. They have reportedly picketed over 22,000 funerals and other events across America. When their vile acts of incivility stopped generating the publicity they sought, Mr. Phelps found a new target.

I am reluctant to show these photos because I don't want to encourage this man. But I have to tell you that it puts in context what we are talking about today. Imagine if you had someone who calls themselves God-fearing and goes to the funeral of fallen soldiers with signs like these, "Thank God for 9/11" and "You are going to hell."

Here is another one of those followers holding a sign at a veteran's funeral, "God hates you." Here he is. "AIDS is God's curse."

I received a letter recently from the wife of one of our fallen heroes in Iraq. Mr. Phelps and his group showed up at her husband's funeral.

Can you imagine the heartbreak that family must have felt, losing a father, a husband, a brother, coming for that sad moment of parting and then to have these protesters standing around saying that God hates you.

In the past year, these hate-mongers have protested at more than 100 military funerals in America. They claim that the deaths of America's Armed Forces are God's punishment for America's tolerance for those with different sexual orientation. This is such an affront to the families, to everyone in uniform, and to our Nation.

I think there will be a special place in the next life for these people, but there is no place for their brand of hatred at veterans' funerals in this life.

Last month, we passed a bill which the President signed into law that made it clear that Mr. Phelps and his faithful followers could not engage in this sort of demonstration at our 121 national cemeteries.

The amendment which I will be offering includes a section which not only protects our flag by making it a crime to defile or desecrate under the circumstances I mentioned, it goes further. It expands the bill that we passed earlier. It applies the same standards as would apply to national cemeteries to the funerals of all veterans, whether they are buried in a national cemetery or in their own church cemetery or somewhere else.

My amendment will prohibit protests at cemeteries, funeral homes, houses of worship and other locations where deceased veterans are honored and buried.

We can honor our veterans and protect our loved ones from these hateful, barbaric intrusions on the grief of their families. We can do this without weakening or assaulting our Constitution. We can do this without diminishing the basic freedoms we revere in our Nation—freedoms that those veterans fought for.

I ask my colleagues to stop, pause, and think for a moment. If we can achieve this, if we can truly protect this flag and if we can protect the veterans and their families from these hateful demonstrations without amendment to our Constitution, let's do that. Let's join together on a bipartisan basis.

We often disagree in this Chamber. Debates go on and on. Can't we come together in agreement on this that we love this flag and can protect it without amending our Constitution, that we respect our veterans, soldiers and their families, and that now we include this provision as well to protect them?

The amendment I offer is very narrow. It doesn't ban all protest activities. It permits protests outside military funerals as long as protesters don't engage in loud activities. But it draws strict guidelines so that you can't disrupt that funeral home by putting demonstrators and pickets within certain distances consistent with our constitutional rights.

I hope that those who will consider this amendment will go back to the point I made earlier. We can stand for this flag and we can stand for our veterans. But first we must stand for our Constitution. We should address this Constitution with humility and with the understanding that the words that have inspired our Nation and people around the world for more than 200 years are words worth protecting. And that before we come to this floor for whatever motive to change those words, if we can find an alternative to create Federal crimes for the activities that we find so objectionable, so abhorrent, it is a much more reasonable path to follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my friend from Illinois for the amendment he has offered. It is my understanding that it is the same wording of the amendment to the bill which I offered and which is pending before the Judiciary Committee, cosponsored with Senator CLINTON and others but that he has added a section to it which I find very worthwhile. I thank him for his thoughtfulness and for the section that he has added with respect to funerals and cemeteries, and for his diligence in bringing forward that piece of legislation which I had offered and which has been bogged down in the Judiciary Committee for whatever reason. I am grateful to him for his consideration.

I ask unanimous consent that I be added as a cosponsor to his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, while I have the floor, I would like to make this comment about the debate that is before us.

I have great personal conflicts on this issue because my senior colleague from Utah, Senator HATCH, is the cosponsor and the principal sponsor of the constitutional amendment which would empower the Congress to have the right to take legislative action to protect the flag.

The PRESIDING OFFICER. Time is currently under the control of the minority.

Mr. KERRY. Mr. President, I ask unanimous consent that whatever time he uses be charged to the majority and I reserve our time appropriately.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I thank my friend from Massachusetts. I wasn't aware of the time situation.

I have enormous respect for Senator HATCH—not only for his legal ability but perhaps more so for his sincerity and his commitment to this cause.

This is not something he is doing for any cheap political purpose. This is not something he is doing to grandstand. This is something that he is doing because he sincerely believes it. He is sincerely committed to the idea that protecting the flag is an essential thing for us to do, not only to honor our veterans but to teach our children the importance of the flag in the future.

I respect that, and I am with him. But I cannot quite bring myself to amend the Constitution in the manner that he suggests for those purposes. I want to make it very clear that I do not under any circumstances denigrate those purposes. I believe that the legislation I offered—which, as I indicated, is still before the Judiciary Committee—would take care of the challenges of protecting our flag. He disagrees. He insists that my legislation would be unconstitutional based on past precedent.

Checking with legal authorities, I am assured that it is constitutional. That is not the point. The Senate will work its will one way or the other with respect to this.

I simply want to make it clear that although I have come to the conclusion that a constitutional amendment under the present circumstances is not necessary, this does not mean that I surrender one whit of my respect for and loyalty to my senior colleague. The Senate will make its decision. I will be happy with whatever that decision might be.

I once again extend my support and respect for my senior colleague even as I announce my intention to vote in a different path.

The PRESIDING OFFICER. Five minutes remain on the minority side.

Mr. KERRY. Only 5 minutes of the total?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. Is that on the half hour?

The PRESIDING OFFICER. Yes.

Mr. KERRY. Mr. President, would it be possible, because we got pushed back a little bit, that I could have 10 or 15 minutes on my time and then slide it back the other way?

Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Chair and I thank my colleague.

Mr. President, let me begin by saying that all through the years we have been here before. We have had this vote before a number of times. And each time, thank God, the Senate in its wisdom has protected the Constitution of the United States.

I must say that I have concern at a time when real leaders ought to be uniting the country around our biggest challenges, in a summer when American soldiers are in harm's way in Iraq, Afghanistan, and elsewhere in the world, while families at home are struggling with record gas prices, with health care costs soaring, jobs being shipped overseas and veterans who are defending our country and flag are still going without the health care they were promised, it is astonishing that we are here having this debate.

This debate, like wars themselves, can pit father against father, family against family, veteran against veteran. It is a complicated debate emotionally, and I understand that. I am not doubting at all the emotional feeling which is real for every American about our flag. We all understand that.

I remember taking an oath in 1965 with a group of friends of mine who decided—all of us—that we ought to serve our country. We went into different branches of the service with a common sense of what our obligation was. But when I raised my hand, I did not raise my hand to defend the flag; I raised my hand and took an oath to defend the Constitution and our country.

A lot of those friends did not come home. They were buried in coffins that bore that flag until the moment of their burial, and then that flag was given to a family member. That flag was a symbol of their sacrifice, a symbol of their gift, a symbol of our country itself and all that it stands for, but it was not our country itself. I think each of us still feels bound by those oaths.

I took almost the same oath when I came here to the Senate. The obligation is the same: to defend what the Framers of the Constitution intended and never to give in to the passions of the moment, to the momentary urge to try to respond to something emotional that, no matter how much the emotion is genuine, and it is, takes away from the larger principle and larger set of values that guide our country.

I think it would be a grave mistake if we broke those oaths in the Senate today. We need to listen to the voices of patriotism which urge us to do our real duty. Our former colleague, one of the best and bravest men I know, Senator John Glenn, said:

> [T]hose 10 amendments we call the Bill of Rights have never been changed or altered by one iota, not by one word, not a single time in all of American history. There was not a single change during any of our foreign wars, and not during recessions or depressions or panics. Not a single change when we were going through times of great emotion and anger like the Vietnam era, when flag after flag was burned or desecrated. There is only one way to weaken our nation.

Senator Glenn said:

> The way to weaken our nation would be to erode the freedom that we all share.

Gary May, who lost both his legs above the knee after a landmine explosion in Vietnam—a veteran who was awarded the Bronze Star with combat "V" and the Purple Heart—spoke for all of us when he said:

> [A]s offensive and painful as flag burning is to me, I still believe that those dissenting voices need to be heard. . . . The freedom of expression, even when it hurts, is the truest test of our dedication to the belief that we have that right.

This is not a test of who loves the flag; this is a test of who has the courage to protect the Constitution.

Mr. President, as I said, I think every single American feels the same emotions when they see the flag. I have seen it in so many different kinds of circumstances where I have been moved and touched by what it does symbolize to us. But our flag is, in the end, not the Bill of Rights. It does not carry in it the freedoms that are expressed in the Bill of Rights. It symbolizes those freedoms. The fact is, who we are is embodied, above all, in a document that has not been changed since the beginning. A desecrated flag is replaceable. Desecrated rights are lost forever.

What makes the United States different, I think in many ways stronger than any other nation, is our ability to be able to tolerate opinions we do not agree with, to tolerate diversity, to tolerate the aspiration for a people to be able to express themselves even when we disagree. That is what is different about the United States. Thanks to our Constitution, we are the leading proponent on the face of the planet for the greatest experiment in freedom set forth in words and in practice.

At the end of our national anthem we sing, with hand over chest, to the flag: "land of the free and home of the brave." If this amendment passes, make no mistake about it, we will be a little less free and we will be a little less brave.

Ivan Warner, an American soldier who was imprisoned by the North Vietnamese from 1967 to 1973, wrote:

> I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves you are wrong."

And this prisoner of war, not knowing if he would ever be returned to America or whether he would be tortured for what he said, said:

> "No. That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer [who was interrogating him] was on his feet in an instant, his face purple with rage. He smashed his fist into the table and screamed at [Ivan] to shut up.

And Ivan said:

> While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

In the words of Ivan Warner:

> We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. . . . Don't be afraid of freedom.

In the final analysis, there are eight other powerful reasons for why we should not do this. They are Iran, Libya, North Korea, China, Cuba, Syria, and the Sudan. And of the many nations—there are about 30-plus of them—that have laws about not burning the flag—even a few of our friends—none of them have a constitution that prohibits it. I do not think the United States of America ought to join those countries, including Iraq under Saddam Hussein, the South Africa of apartheid, and Nazi Germany.

So I ask my fellow Senators, are we really that frightened of somebody's willingness to go out and be stupid? In the United States of America, you have a right to be stupid. You have a right to go out and do something that every one of us thinks is dishonorable or unacceptable. And communities can punish those people in any number of ways. I have voted previously for a statute in the U.S. Senate because I believe a statute is enforceable and does less violence to the Constitution. And there are plenty of ways for prosecutors—on disturbance of the peace or destruction of personal property or any other numbers of ways—to prosecute people. But, in the end, a community of Americans, whose love of flag is so great, is going to ostracize anybody who engages in that kind of behavior. Communities have the ability to make sure they do not get jobs, to make sure they are persona non grata within the community.

It is unbelievable to me, with only two flags we know of being burned in this last year—something like eight or so in the last 365 days in America—that this prompts Senators to feel they have to change the Constitution for the first time and the first amendment for the first time. I think it is wrong. I think our country is bigger than that, and I hope our colleagues in this institution will be today.

Mr. DAYTON. Mr. President, ever since I began my campaign for the U.S. Senate over 6 years ago, I have consistently promised to support the proposed constitutional amendment to prohibit the desecration of the American Flag. Indeed, I am a cosponsor of that constitutional amendment, which will soon be voted upon by the Senate.

I value and respect the first amendment's protection of free speech, and I have personally experienced its importance. When I opposed the Vietnam War in the 1960s and '70s, the first amendment permitted my lawful dissent, although it did not prevent President Richard Nixon's Justice Department from tear-gassing our demonstrations or from unlawfully spying upon me. A generation and another war later, the first amendment again protected my right to speak out against President Bush's policies without intimidation or incarceration, and, this time, without being tear-gassed. I would never infringe upon those precious freedoms of expression and dissent.

The question before us today is not whether we honor the first amendment, which we do, but, rather, whether an act as vile as burning the American flag should be considered "free speech" or is it an act of such wanton violence and outrageous disrespect that it should be "out of bounds"? I come to the second conclusion.

Our Nation's Pledge of Allegiance was first published almost 114 years ago and was established by Congress in 1923. It states, "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

I note, parenthetically, that the U.S. Supreme Court ruled in 1943 that under the first amendment no one can be compelled to recite the Pledge of Allegiance. Nevertheless, it is one of our most revered statements of citizenship. It does not pledge allegiance to a Democratic or a Republican administration. It does not pledge allegiance to any ideology, policy, or platform.

It pledges allegiance to the flag of the United States of America—and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. In other words, allegiance to something above any one of us. To something that unites us as one people indivisible, with liberty and justice for all.

Those are our Nation's founding principles. They are our eternal ideals. We can disagree; we can dissent; we can lawfully protest; we can say almost anything we want and do most of what we want, because those are our rights. They are precious, inviolable rights.

But we also have responsibilities. This great country cannot succeed, if we concern ourselves with nothing more than our rights as individuals. We must equally consider our responsibilities as citizens.

This Constitutional amendment says that one of those responsibilities of citizenship is to not burn or otherwise desecrate our American flag. I am astounded that the U.S. Supreme Court could construe that as free speech, but it has. This amendment would simply permit Congress to declare otherwise and to place that senseless act of desecration outside the boundary of freedom of speech, just as the Supreme Court recently ruled burning a cross outside that boundary of protected free speech.

I am willing to take this carefully considered action, because of what I know the American flag means to millions of American citizens. Many of them are relatives or friends of heroic Americans who have given their lives to defend our country. In my view, those great American heroes have consecrated our flag with their precious blood. Honoring our flag honors their extraordinary sacrifices, as it honors the principles and ideals for which they died.

That is why I will vote for this constitutional amendment.

Mr. OBAMA. Mr. President, I rise today to speak in opposition to the proposed constitutional amendment.

There have been so many moments in our history where the flag was not just a piece of cloth. It was a focal point that united this country through both our most difficult days and our proudest moments. This is the flag that inspired Francis Scott Key in Baltimore Harbor during the War of 1812. It is the flag that Illinois soldiers rallied to during the Battle of Gettysburg. It is the flag that marines raised over Mount Suribachi on Iwo Jima during a battle that claimed 6,800 American lives. It is the flag that Neil Armstrong and Buzz Aldrin planted on the surface of the moon. It is the flag that was draped over the charred Pentagon following the September 11 attack. It is the flag that rests atop the caskets of the men and women who give the ultimate sacrifice in Iraq and Afghanistan.

I cannot imagine anything more abhorrent to a veteran than seeing the flag they fought for, or watched their good friends die for, being burned to make a political point. Although I have not served in the military, I too have great pride in our flag, as do the overwhelming majority of Americans. I share outrage at the thought of its being disrespected. I have never seen anyone burn a flag. And if I did, it would take every ounce of restraint I had not to haul off and hit them.

But we live in a country of laws. Laws that stop people from resorting to physical violence to settle disagreements. Laws that protect free speech. The primacy of the law is one of the things that protects us, one of the things that makes us great.

When I took this job last year I was asked to swear an oath of office. It is a short, simple oath, and everyone in this Chamber has repeated it. It begins: "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same." Our first allegiance here is not to a political party, or to an ideology, or to a President, or even popular opinion, it is to the Constitution and to the rule of law.

Senator BYRD often talks about the Constitution as a remarkable document that transformed a revolutionary movement to a stable government that has lasted more than 200 years and is the envy of the world. He is right.

The Constitution has only been amended 27 times. The amendments include guarantees of our most basic freedoms, the freedom of religion, the right to a trial by jury, the protection against cruel punishment. The amendments also chronicle the great struggles of this country. The 13th amendment abolished slavery in 1865. The 17th provided for the direct election of senators in 1913. The 19th amendment gave women the right to vote in 1920. The 24th eliminated the poll tax in 1964.

The Framers established a high bar for amending the Constitution, and for good reason. It is difficult to amend the Constitution because our founding document should not be changed just because of political concerns or temporary problems. The Constitution should only be amended to address our Nation's most pressing problems that can't be solved with legislation. But even the supporters of this amendment are hard pressed to find more than a few instances of flag burning each year.

Today, there are hundreds of thousands of U.S. troops risking their lives for their country, looking to us to come up with a plan to win the peace so they can come home. Across America, there are millions who are looking for us to do something about health care, about education, about energy. We are only supposed to be in session for about 50 more days for the rest of this year. To spend the precious time we have left battling an epidemic of flag burning that does not exist is a disservice to our country.

Mr. President, 141 years ago, Congress passed—and the States approved—the 13th amendment to end slavery. A century and a half later, Americans can look back at that effort and be proud. What will Americans 141 years from now think if we pass the 28th amendment to ban flag burning? Will they breathe a sigh of relief that we made the world safe from flag burners? Or will they see this for what it is: an effort to distract, an effort to score political points, an effort to use the same flag that should unite us to instead divide us? I believe they will laugh and shake their heads.

During this debate, we have heard much about Colin Powell's opposition to this amendment. I am moved by his statement that:

> I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away.

His view is shared by the many calls and letters I have received from Illinois veterans. All of them full of honest passion, and all of them sharing a common love of flag and country. I want to read a bit from a few of the letters I received.

Richard Savage of Bloomington wrote me:

> I am a Vietnam veteran and Republican. . . . Those who would burn the flag destroy

> the symbol of freedom, but amending the Constitution would destroy part of freedom itself.

Marci Daniels from Edwardsville wrote:

> I am a veteran and I oppose the flag amendment. I did not put my life on the line for the flag, but for the Constitution and the freedoms it guarantees.

Terrence Hutton of Winnetka wrote:

> As a Vietnam war veteran, I did not like the steady fare of flag-burnings we seemed to see on TV and in the print media back in those unhappy days, but I accepted them as part of the price we pay as a free society. . . . We have survived this long without a flag-burning provision in the Constitution and can go right on surviving without one.

These are all proud Americans, veterans. They know that we should not play politics with the Constitution. We shouldn't distract voters in an election year, when there are so many common challenges we face and so little time to face them.

There is, in fact, another way. There is a way to balance our respect for the flag with reverence for the Constitution. Senators CLINTON and BENNETT are proposing an amendment to this proposal that would protect the flag without amending the Constitution. Their statutory approach is a new one that doesn't fall into the same constitutional traps that doomed previous flag protection bills. The Clinton-Bennett amendment is narrowly drawn to meet the first amendment tests the Supreme Court has laid out in previous court decisions. It makes it illegal to burn a flag in a threatening way or to incite violence. I believe this statute will pass constitutional muster and be upheld by the Supreme Court.

I will vote for the Clinton-Bennett amendment in an effort to find a way to balance our respect for the flag and our protection of the Constitution. I urge my colleagues to do the same.

Mr. NELSON of Florida. Mr. President, I intend to vote in favor of this resolution.

The flag is a sacred symbol to this country and its citizens. Men and women have given their lives to protect the ideals embodied in the flag, and it's a unifying representation of America and all that we value. I believe it is a symbol worthy of protection.

This resolution will give Congress the ability to consider legislation that will protect the flag and prevent its desecration.

Mr. CONRAD. Mr. President, today I will support the Durbin amendment to pass a statute to protect the flag and address the very real problem of protests at military funerals.

I was recently at a funeral for a North Dakota soldier, and I was disgusted—absolutely disgusted—by the behavior of protesters who used the funeral to convey their twisted message of hatred for our soldiers and their families. The Durbin amendment would restrict these protests from the immediate area of the funeral, and it would protect the flag without amending the Constitution of the United States for that purpose.

Anybody who advances an amendment to the Constitution has to clear a very high threshold. The Constitution of the United States is one of the greatest documents in human history. It is not to be amended lightly. And it should certainly not be amended when there are other ways of addressing a problem.

In our history, more than 10,000 amendments to the Constitution have been proposed. Only 27 have been approved. Since I have been in the Senate, more than 850 constitutional amendments have been offered.

Thank goodness we have not adopted them. Many of them would have made that document worse. Many of them would have done things that ought to be done by statute.

The Constitution is a framework. It does not deal with specifics. It deals with the larger framework of how this Government should operate. Individual laws, individual statutes are meant to deal with the specific problems that we encounter as a society within the framework provided by the Constitution. Some would have us change that basic organic document to deal with this problem. I believe that would be a mistake that we would come to regret.

Flag burning and flag desecration are unacceptable to me and unacceptable to a majority of Americans. They are certainly unacceptable to the people of the State that I represent. But the first answer cannot and should not be to amend the Constitution of the United States.

Of course, it is unacceptable to engage in flag desecration. Of course, it is abhorrent to desecrate the flag. We do not need to amend the Constitution to address these few instances of deplorable conduct. We have an alternative. The alternative is to pass a statute.

The proponents of the constitutional amendment will say that the statutory alternative will be ruled unconstitutional, as has the previous attempt to pass a statute.

But this statute has not been ruled unconstitutional, and a range of constitutional experts believe it would pass constitutional muster. They are saying to us this statute would be upheld. It is my view that we ought to see if they are right before we conclude that the only alternative is to amend our Constitution. We ought to give the Supreme Court a chance to look at this statute, and see if we can find a way to protect the flag by statute before we amend the Constitution.

I am not alone in taking this position. I have heard from distinguished veterans all across my state and all across the country who agree that the Constitution does not need to be amended to protect the flag.

For example, Rick Olek, a 22-year member of the American Legion, a combat veteran, and a Purple Heart recipient, has written:

> As a combat veteran, I fought for this country and I respect our flag, but I also respect the rights of freedom of speech. The position of Senators Conrad and Dorgan on the flag amendment is consistent with protecting first amendment rights as well as protecting our flag.

Similarly, Mike Dobmeier, former National Commander of the Disabled American Veterans, says:

> I fought—and many of my comrades died—to protect the freedom and ideals the U.S flag embodies. Senator Conrad understands our sacrifice and he is working tirelessly to protect Old Glory. Last year he introduced bipartisan legislation that would criminalize the desecration of our flag, rather than changing the Constitution. Senator Conrad knows that we can protect our flag without infringing on the precious freedom it represents.

And Brad Maasjo, a retired Air Force Colonel from Fargo, ND, writes:

> There is a poem that says in part that ". . . it is the soldier, who fights for the flag . . . whose coffin is draped by the flag . . . who wins the right to protest the flag. . . ." Maybe if we take away that right, we also lose sight of what he fought for in the first place.

These are just a few of the people I have heard from, proud North Dakota veterans who support the flag but also revere our Constitution. They tell me that they abhor flag desecration, but that the flag is a symbol for the liberties and freedoms they fought to protect. They do not want to rush to amend the Constitution when there are other options available.

Finally, GEN Colin Powell, Secretary of State Powell, has written the Congress to say he does not believe that the appropriate response is to amend the Constitution of the United States. GEN Colin Powell, former Chairman of the Joint Chiefs of Staff, the man who led us in Desert Storm, a man for whom I have profound respect says:

> I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. . . . I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.

I urge my colleagues to step back from the constitutional amendment and instead support the Durbin amendment. This is the wiser course. It is the right course. It is one that will stand the test of time.

Mr. AKAKA. Mr. President, I rise today in opposition to S.J. Res. 12, the flag desecration constitutional amendment.

I believe our flag is a living symbol that represents this great country and its rich history. As a World War II veteran, I feel a deep connection to our flag, and it offends me when I see the flag burned or treated poorly. Our flag deserves our reverence and respect.

As a U.S. Senator, I have sworn to protect the Constitution and the freedoms for which it stands. I believe it would be wrong to amend the Constitution to infringe upon our first amendment freedoms. Although I find it personally detestable that someone would desecrate the flag, it is my duty to protect the right to free speech and expression. To me, this amendment would protect our Nation's preeminent symbol at the cost of sacrificing the very freedoms that it is supposed to represent.

This amendment is all the more troublesome because it is wholly unnecessary. Americans are not lacking in patriotism nor is there an epidemic of flag burning. To the contrary, in these five years since the tragic events of September 11, 2001, Americans have vigorously rallied around our flag and the liberties it represents.

For these reasons, Mr. President, I will be opposing S.J. Res. 12, and I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, the American flag is a cherished symbol of our freedom and the democratic values and liberties that we believe in, and we should respect the flag as a reminder of the bravery of the men and women who have lost their lives fighting under its colors for our country. One of the most poignant images to a patriotic American is when that flag is draped over the coffin of a fallen soldier.

I detest flag burning. To deliberately desecrate the flag is an insult to anyone who has fought to defend it and to all of us who love it. Any person who destroys such an important reminder of sacrifice and patriotism deserves the scorn of all decent men and women.

Although I love the flag, I also love the Constitution and its Bill of Rights. For more than 210 years, this timeless document has protected our most basic freedoms. The Supreme Court has ruled that a physical attack on the flag is a protected form of speech under the first amendment.

In 1984, Gregory Johnson publicly burned an American flag as a means of political protest and was convicted of desecrating a flag in violation of Texas law. In Texas v. Johnson, the Supreme Court held that, although "the government has a legitimate interest in making efforts to 'preserv[e] the national flag as an unalloyed symbol of our country,'" Johnson's burning of the flag was constitutionally protected speech.

In response to that decision, Congress passed the Flag Protection Act, a Federal law to prohibit flag-burning and other forms of desecration. I supported that legislation, but the Supreme Court found it unconstitutional in United States v. Eichman. The Court found that the statute suppressed constitutionally protected expression, and held:

> The Government's interest in protecting the "physical integrity" of a privately owned flag rests upon a perceived need to preserve the flag's status as a symbol of our Nation and certain national ideals. But the mere destruction or disfigurement of a particular physical manifestation of the symbol, without more, does not diminish or otherwise affect the symbol itself in any way. . . . While flag desecration—like virulent ethnic and religious epithets, vulgar repudiations of the draft, and scurrilous caricatures—is deeply offensive to many, the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.

Now that the Court has decided that flag burning as a means of expression is constitutionally protected, the question for the Senate is whether to amend the Constitution to ban such speech. Our Constitution has been amended only 17 times since the adoption of the Bill of Rights in 1789. The Bill of Rights has never been amended. I believe that to deliberately weaken the first amendment rights of all Americans is not the answer to those very few who attack a symbol of freedom.

Senator John Glenn, an American hero who fought for our country through two wars and took our flag into space, eloquently expressed this view before the Judiciary Committee:

> [I]t would be a hollow victory indeed if we preserved the symbol of our freedoms by chipping away at those fundamental freedoms themselves. Let the flag fully represent all the freedoms spelled out in the Bill of Rights, not a partial, watered-down version that alters its protections.
>
> The flag is the nation's most powerful and emotional symbol. It is our most sacred symbol. And it is our most revered symbol. But it is a symbol. It symbolizes the freedoms we have in this country, but it is not the freedoms themselves.

Steve Sanderson, a Michigan Vietnam-era veteran, expressed a similar view as quoted in the Detroit Free Press on June 14, 2006. He said:

> Veterans certainly cherish the flag, perhaps more than civilians who have never been to war can realize. But commitment is not confined to that symbol. I am hurt when I see the flag burned, largely because I've also seen the flag draped on coffins of troops. But my patriotism lives in my heart and mind. We set a very dangerous precedent if we argue that certain forms of speech should be restricted because the majority disagrees with the message and how it is expressed.

Mr. President, I love our flag. I love our Constitution. Flag desecration is repugnant, but it would be a mistake to let a flag burner cause us to weaken our first amendment guarantees. If we take this fateful step of singling out one symbol to exempt from the first amendment, will we next authorize Congress to make it a crime to rip up a copy of the Constitution or a copy of its Bill of Rights?

The American flag symbolizes our freedom, and that includes freedom from an overreaching government that decides which symbols are worthy of protection. We are honoring our flag and the republic for which it stands by refusing to amend the Bill of Rights in response to a few misguided people.

I do support the statute that will be offered as a substitute for the constitutional amendment, which provides that: "Any person who shall intentionally threaten or intimidate any person or group of persons by burning, or causing to be burned, a flag of the United States shall be fined not more than $100,000, imprisoned for not more than 1 year or both." The Supreme Court has held that the first amendment does not provide full protection for what are called "fighting words," or those words which, by their very utterance, inflict injury or tend to incite an immediate breach of the peace.

Also, in Virginia v. Black, a case that involved the burning of a cross, the Supreme Court held that the government can prohibit people from burning crosses with the intent to intimidate. In that case, Virginia law prohibited cross burning through a statute that made it unlawful for any person to burn a cross with the intent of intimidating any person or group of persons. A majority of the Court held that it believed the substantive prohibition on cross-burning with an intent to intimate was constitutionally permissible. Writing for the majority, Justice O'Connor said:

> The protections afforded by the First Amendment, however, are not absolute, and we have long recognized that the government may regulate certain categories of expression consistent with the Constitution . . . Thus, for example, a State may punish those words "which by their very utterance inflict injury or tend to incite an immediate breach of the peace. . . . We have consequently held that fighting words "those personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provide violent reaction" are generally proscribable under the First Amendment."

The substitute also contains an important provision to support our military families in their time of grief. During the past year, a fringe religious group has held protests at more than 100 military funerals across the Nation, claiming that the deaths of U.S. soldiers is God's punishment of America. In May, Congress passed and the President signed into law the Respect for America's Fallen Heroes Act, which prohibits demonstrations at and around national cemeteries. This amendment would expand that Act to include military funerals at private cemeteries, funeral homes, and houses of worship. The families of the fallen have a right to be free to bury their loved ones and our heroes in peace.

I support this narrowly drawn substitute because it both protects the flag, consistent with the Bill of Rights.

as well as honors those who have made the ultimate sacrifice while fighting under its colors.

Ms. MIKULSKI. Mr. President, I rise to support the substitute offered by Senator DURBIN to ban the desecration of our flag. The Durbin alternative stands for the same things I do. It protects the principles embodied in our Constitution—as well as our U.S. flag. It does not amend the Constitution, but it will get the job done by punishing those people who help wage war against the symbol of this country and everything it stands for.

I know that we have gone down this road before, by passing statutory language to ban flag-burning only to have the Supreme Court overturn it. But this language has been specifically crafted so that it will pass constitutional challenge.

It says you cannot get away with abusing the flag of the United States or using it to incite violence. This is an exception the Supreme Court has allowed. The Durbin substitute says you can't use this Nation's symbol of freedom and turn it into a symbol of disrespect.

If there is a way to deal with and punish those who desecrate our U.S. flag without amending the Constitution, I am all for it. That is why I support the Durbin Substitute.

I feel very strongly about this issue. I have voted for legislation to prohibit flag burning, and I have voted against amending the U.S. Constitution. Today, I will do so again.

I take amending the U.S. Constitution very seriously. In the entire history of the United States we have only amended the Constitution 17 times after the Bill of Rights. Seventeen times in over 200 years—that's it.

We have amended the Constitution to extend rights. We have amended the Constitution to end slavery, give women the right to vote, and guarantee equal protection of the laws to all citizens. The Constitution protects our liberty and it is the symbol of the strength of our Nation. I believe that it is my obligation as a Member of this body to protect its integrity and strength.

So many of our veterans have fought to protect our flag and what it stands for in battle. They have defended our flag and the nation against foreign enemies. These men and women fought valiantly to protect America and this issue is very important to veterans, who fall on both sides of the debate.

Many want an amendment to protect this important symbol of our Nation. Others know that the flag is a symbol of our freedom but our freedom endures beyond the cloth of the flag.

I respect how strongly they feel about our flag and all that it stands for. I share their concerns and have seriously considered supporting a constitutional amendment.

But, I have weighed the concern about protecting this national symbol with the need to defend our Constitution and the rights of free speech. I believe that the substitute offered by Senator DURBIN strikes the right balance. My colleague from Illinois has offered an alternative to amending the Constitution that would protect the flag and protect the Constitution. I will support that alternative approach today.

Yet, I can't help but be concerned about why we are raising this issue now. There has not been a sudden surge in flag burning. In fact, to the contrary, I see more Americans waving their flags proudly as they support our troops overseas. It disappoints me that we raise this issue now, instead of focusing on priorities that really matter to veterans.

Instead of focusing on amending the Constitution, we should be standing up for our veterans where it really counts. Support for our military in the field must be matched by support for our veterans at home. This means deeds, not just words.

There are 25 million veterans in the United States. These veterans served with honor, bravery and sacrifice. The way to thank them is with a commitment to veteran's healthcare, veteran's programs and veteran's services.

Whether at Iwo Jima, Pork Chop Hill, the Mekong Delta, Falluja or the mountains of Afghanistan, our veterans shouldn't have to fight for the services they need and deserve at home. Instead of debating this amendment, the Senate should take up and pass Senator AKAKA's Keeping Our Promise to America's Veterans Act.

I am proud to cosponsor this bill, which does five things to provide real support to our veterans with deeds, not just with words. First, it makes sure veterans get full funding for veterans medical care by accounting for growing vets population and rising health care costs. Second, it provides mental health care to vets from Afghanistan and Iraq. Third, it allows VA hospitals to fill prescriptions written by private doctors. Fourth, the bill guarantees concurrent receipt of military retired pay and VA disability benefits. Finally, this bill makes it easier to take advantage of the G.I. bill by excluding G.I. benefits from financial aid eligibility computations.

I am disappointed that the Senate has chosen to spend time on this debate, instead of taking up this important bill and keeping our promise to America's veterans. We are giving our veterans rhetoric instead of results, and I am deeply disappointed for Maryland's 500,000 veterans, and veterans all across the Nation.

Mr. HARKIN. Mr. President, I have come to the floor today to speak in opposition to the flag desecration amendment to the Constitution.

If I were strictly following my emotions, I would no doubt favor this amendment. After all, I can imagine few acts more despicable, offensive, and cowardly than to deliberately desecrate the flag of the United States of America. But in considering this constitutional amendment, which for the first time would amend the Bill of Rights, we have a solemn responsibility to separate reason from passion. We have a responsibility to preserve and protect the Stars and Stripes of the United States of America. But even more importantly, we have a responsibility to preserve and protect the principles and rights for which it stands.

Fortunately, instances of flag desecration in the United States are extremely rare. Nonetheless, there is no denying the emotions and anger that are incited even by the thought of someone desecrating the American flag. I myself feel those emotions and that anger. I believe that we all do. We all have memories that cut deep to the heart, and when we see the flag on fire it feels like something burning inside of us.

I remember what the flag meant to my mother, an immigrant from what is now Slovenia, who came to America speaking just a few words in English. When I was growing up, the American flag was always proudly displayed in our home because, to my mother, that flag meant the freedom of her new country.

I have not forgotten my mother's pride, and even now the American flag, standing proudly by my desk, is the first thing I see when I go to work in the morning and the last thing I see when I leave to go home at night.

I remember, too, the friends I lost in Vietnam. I remember escorting the body of a fellow pilot to his home and presenting the American flag to his widow. The flag is our country's ultimate tribute to a fallen soldier.

So it is with strong feelings—right here in my stomach and right here in my heart—of rage and disgust that I view those who would desecrate my flag, defile my memories, and dishonor my heritage.

I think back to my days flying jets in the Navy.

I think of the friends I had, and the friends I continue to have as a proud member of American Legion Post 562 in my hometown of Cumming, IA.

Over the years, I have turned to my fellow veterans to see how they would vote on such an amendment. Some were for, some against. But I have been most impressed by the arguments of those who oppose a flag desecration amendment.

Frankly, I expected my neighbor, who earned five Purple Hearts in combat, to be gung-ho for a constitutional amendment. But he told me he was absolutely opposed to an amendment. He said, "I fought for freedom. I didn't fight for doing away with freedom."

An Iowa veteran I met at a coffee shop had this common-sense perspective. Speaking of the flag-burner in the case of Texas v. Johnson, he said: "Look, this flag burner, this Greg Johnson, he's just one of a handful of kooks. Should we change the Bill of Rights, which has never been changed, for a handful of kooks?"

Most moving to me was the article I read years ago in the Cedar Rapids Gazette by a former prisoner of war, James Warner.

Let me read to you part of his article:

> It hurts me to see other Americans willfully desecrate the flag. But I have been in a communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners.

Mr. Warner went on to recount how, in a North Vietnamese prison camp, he was given a choice: He could renounce his country and leave, or stay and be tortured. James Warner chose to stay. The North Vietnamese tried to break his spirit but they couldn't. During one interrogation, his captor showed him a photograph of some Americans protesting the war by burning a flag.

"There," the North Vietnamese officer told him, "People in your country protest against your cause. That proves you are wrong."

"No," Warner said, "That proves I am right. In my country we are not afraid of freedom, even if it means that people disagree with us."

In that moment, the interrogator was on his feet—his face purple with rage, according to Warner's account. There was also pain in the interrogator's eyes, compounded by fear. The Communist feared freedom; only freedom could be used to defeat him.

Likewise, in 1989, the Chinese Communists feared the students in Tianamen Square who burned the Chinese flag. The students' protests were silenced with tanks and guns. As communism crumbled across Eastern Europe in the late 1980s, expressions of freedom took many forms: protests, speeches, underground newspapers, strikes—and yes, even flag desecrations. And when we saw those torn and burned flags, symbols of Communist domination, did we denounce these protestors for defiling their own State symbols? Of course not. We praised them for their acts of political defiance. Burning and tearing their flags represented a powerful act of political speech, a denunciation of the communist regimes that had oppressed those countries for decades.

And once the Communist regimes began to fall, what came next? Calls for Western-style guarantees of rights to freedom of the press, freedom of association, and freedom of speech. Many called for a constitution. They knew what some of us seem to forget: That the only way those freedoms can be protected is with an inviolable Bill of Rights such as our own. A Bill of Rights that has stood unchanged for more than two centuries—despite Civil War, Depression, two world wars, and powerful internal movements of dissent. Even at those times of profound turmoil, we resisted any temptation to amend the Bill of Rights.

As a veteran, I will never, ever do anything to show disrespect for the flag. At the same time, I will never, ever do anything that would diminish the freedom our flag represents.

In our churches, synagogues, and mosques, we are taught not to worship the idols of our faith, but rather the ideals of our faith. Likewise, patriotism is not measured, first and foremost, by our love for the flag as a physical object, but by our love for the rights and ideas the flag stands for.

I do not want to see the flag become another Golden Calf—an object to be worshipped for the sake of worshipping. The flag is only as powerful as the republic—and the rights and ideals—for which it stands.

Back in 1990, when the Senate first debated—and rejected—a flag desecration amendment, I remember reading a letter to the editor of the Burlington, IA, Hawkeye, written by a World War II veteran who had volunteered for duty. He wrote:

> I served my country under the flag. I pledged allegiance to the American flag, and to the Republic for which it stands. 'Stands' is the key. The flag stands for the government. The government guarantees us free speech. My allegiance is to the flag however it is displayed, cloth, paper, paint, or the one that waves continuously in my mind. That one, in order to burn, they would need to burn me. I like the Bill of Rights just as it is. Exactly what the flag stands for.

So wrote the veteran from Mount Pleasant, IA. And he concluded with these words: "Isn't it better to put up with a few disgusting frustrating acts of free speech than to open a Pandora's box?"

I have to agree with his characterization of this amendment as a "Pandora's box" which, once opened, could lead to other proposals to punch holes in the Bill of Rights.

Mr. President, I hope that the Senate will reject this amendment, once again. But I believe this debate can have a positive legacy—not by diminishing our rights as citizens, but by increasing public displays of the flag, increasing people's knowledge and understanding of the flag's history, and increasing good citizenship and public service.

We are proud of the flag. Let us fly the flag.

We are proud of the flag. Let us tell our children and grandchildren about what that flag represents, what it means and why so many died for it.

That flag in my mother's house was not used as a tablecloth, it was not used as a scarf, it was not used as a piece of clothing. I grew up believing there was a proper way to hold the flag, a right way to display it. We need to take it a step further and educate people, young and old, as to the meaning behind the symbols—behind the flag and our Bill of Rights.

Mr. President, next week we celebrate 230 years since our Declaration of Independence. Fireworks will recall the 'rocket's red glare' and the 'bombs bursting' overhead when those who were first to wear the uniform of the United States Armed Forces put their lives on the line.

And in all of our 50 States, the American flag will be hailed, waving in the breeze over courthouses and city halls, public buildings and private homes. Pride will be felt and respect shown, not because it is mandated by law, but because it is embedded in our hearts.

I can think of no more patriotic way to celebrate the Fourth of July, no better way to show respect for the American flag and for the principles for which it stands, than by voting against this proposed amendment to the Bill of Rights.

Ms. SNOWE. Mr. President, I rise today to support in the strongest terms the proposed constitutional amendment to grant the States and Congress the power to prohibit the physical desecration of the flag of the United States.

Our flag occupies a truly unique place in the hearts of millions of citizens as a solemn and sacred banner of freedom. As a national emblem of the world's greatest democracy, the American flag should be treated with unyielding respect and scrupulous care.

At this time when Americans are fighting and, tragically, perishing under the flag of the United States, it is long overdue that we pass a constitutional amendment to protect that very symbol of American ideals from acts of desecration. We lost the effort by just 4 votes 6 years ago in the Senate. Meanwhile, the other body has done its duty and passed a bill twice. We in this chamber must finally do the right thing and protect our flag once and for all and for all time

With the introduction of this resolution, we resume our effort to protect the greatest symbol of the American story and American experience. There is no more powerful example of freedom, democracy, and our steadfast commitment to those principles than the American flag , and it is altogether fitting and just that we try to ensure that it is publicly displayed with pride, dignity, and honor.

I cannot underscore the point enough that the flag is not merely a visual icon to us, nor should it be. The American flag is not just another piece of cloth. It is not just another banner or logo or emblem. It is our revered testament to all that we have defended and protected. Too many Americans have contributed too much and sacrificed too much . . . their labor, their passion, and in many cases their lives for the flag to be simply and frivolously regarded. The flag permeates our national history and relays the story of America in its most direct, and most eloquent terms. Indeed, knowing how the flag has changed—and in what ways it has remained constant—is to know the profound history and limitless hopes of this country.

More than 220 years ago, a year after the colonies had made their historic decision to declare independence from Britain, the Second Continental Congress decided that the American flag would consist of 13 red and white alternating stripes and 13 white stars in a field of blue. These stars and blue field were to represent a new constellation in which freedom and government of the people, by the people and for the people would rule. The colors of the flag are representative, as well. Red was to represent hardiness and valor, white was to represent purity and innocence and blue was to represent vigilance, perseverance and justice. And as we all know, the constellation has grown to include 50 stars, but the number of stripes has remained constant. In this way, the flag tells all who view it that no matter how large America may become, she is forever rooted in the bedrock principles of freedom and self-government that led those first 13 colonies to forge a new nation.

Even more significant is the fact that the flag also represents our enduring pledge to uphold these ideals. This dedication has exacted a high human toll, for which many of America's best and brightest have given their last full measure of devotion. It is in their memories and for their ultimate sacrifice to America's ideals that I am proud to support this amendment.

Make no mistake, this amendment is necessary because the Supreme Court, in its 1990 U.S. verses Eichman ruling, held that burning the flag in political protest was constitutionally protected free speech. No one holds our right to free speech more dearly than I do. But I have long held that our free speech rights do not entitle us to consider the flag as merely personal property, to be treated any way we see fit, including its desecration for the purpose of political protest. The fact is the Eichman decision unnecessarily rejects the deeply held reverence millions of Americans have for our flag. With all the forums for public opinion available to Americans every day, from television and radio, to newspapers and Internet chat rooms, Americans are afforded ample opportunity to freely and fully exercise their first amendment rights, even if what they have to say is overwhelmingly unpopular with a majority of American citizens. At the heart of the issue is respect. I applaud the right to protest and to assemble in order to express opinion, dissent, or a point of view. Write letters to the editor. Start a website. Create a blog. Organize. Leaflet. March. Chant. Speak out. Petition. Do any and all of these things but do not burn our flag.

As we consider this amendment, we must also remember that it is carefully drafted to simply allow the Congress and individual State legislatures to enact laws prohibiting the physical desecration of the flag, if they so choose. It certainly does not stipulate or require that such laws be enacted, although many States and the Federal Government have already demonstrated widespread support for doing so. In fact, 48 States, including my own State of Maine, along with the Federal Government, have had antiflag burning laws on their books for years and that was prior to the Supreme Court's rulings on this issue. So, in effect, what this resolution does is simply give the American flag the protection that almost all the States, the Federal Government, and a large majority of the American people have already endorsed.

Whether our flag is flying over the U.S. Capitol, a State house, a military base, a school, Fenway Park, or on a flag pole on Main Street, the stars and stripes represent the ideals and values that are the foundation of this great Nation. Our flag has come to not only represent the pride we have for our Nation's past glories, but also to stand for the hope we all harbor for our Nation's future.

Perhaps it was The Reverend Henry Ward Beecher who captured best the essence of the flag's meaning and symbolism more than a century ago when he wrote that "a thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that sets it forth."

Mr. President, our flag represents not just the new constellation of freedom envisioned by our forebears, but the distillation of that freedom, too everything that was behind the forming of our nation and everything that informs our nation and who we are to this day. So, it is with undaunted pride and unwavering hope that I urge my colleagues to support this amendment.

Mr. DOMENICI. Mr. President, I rise today in support of the flag protection amendment, S.J. Res. 12.

This amendment was precipitated by the Supreme Court's ruling in Texas v. Johnson, which overturned a law which prohibited flag burning. The ruling made the burning of the American flag a legitimate exercise of free speech.

I believe freedom of speech, guaranteed in the first amendment, is one of the fundamental freedoms the Founding Fathers sought to protect since it is the basis for every other freedom we enjoy. However, in the past the Supreme Court has ruled that freedom of speech is not an absolute freedom. For example, it is unlawful to yell "fire" in a crowded auditorium, and it is also illegal to threaten to harm the President of the United States.

I disagree with the Supreme Court's analysis of flag burning. The Supreme Court erred in equating free speech with the desecration of the American flag. The act of desecrating the American flag goes beyond merely expressing a point of view—it is a violent act against the symbol of our Nation. It is not an act of free speech. Every American is free to denounce our Nation and ideals for which the flag stands. Frankly, I think it would be terribly misguided, but if that is what they want to say, they have the right to say it. There is a vast difference, however, between speaking one's mind and desecrating the symbol of our Nation.

The American flag is a unifying symbol of our Nation and is considered by many to be the physical embodiment of the founding principles of this country. The predominance our flag holds in the national psyche was reconfirmed after the September 11 attacks, when the vision of the red, white and blue galvanized our Nation.

The American flag is not just a piece of cloth. It is a symbol of freedom and of the sacrifice it takes to gain that freedom. The red stripes are there to remind us of the blood that was and continues to be shed in defense of this Nation.

I have the deepest reverence for the U.S. Constitution, and I do not believe it should be amended casually. However, in this case, I believe the American flag and all it represents deserves the protection of our laws. Therefore, I have decided to support a constitutional amendment that would require due respect for this great symbol of freedom.

Mr. FEINGOLD. Mr. President, I understand the desire of my colleagues to defend the flag, and I share their outrage at the despicable conduct that some families of fallen servicemembers have had to endure as they bid farewell to their loved ones. But I cannot support the substitute amendment offered by the senior Senator from Illinois. The Supreme Court has twice held that criminalizing flag desecration violates the first amendment. Flag burning is unacceptable, but outlawing certain forms of flag destruction based on the message that the misguided person is trying to convey raises obvious first amendment problems.

The vast majority of flag desecration incidents can be prosecuted under criminal trespass, destruction of private property, and other State and local criminal statutes. We do not need a Federal statute to handle the handful of other incidents that occur each year, and we certainly should not amend the Constitution to make such a statute possible.

Mr. INHOFE. Mr. President, today this Chamber considers whether to send a constitutional amendment to the States and people of the United States, a United States that is represented by that glorious flag that stands to your right, Mr. President.

This is not the first time the people's elected representatives have acted to protect the flag, but as a result of a willful judicial resolve, we are forced to take this decisive action as the people's duly elected policymakers.

I find it highly doubtful that the Framers intended the first amendment to cover flag desecration as protected speech. I find it even more unlikely that they intended the courts to be able to tell Congress that it cannot protect our flag. Quoting Alexander Hamilton, in The Federalist No. 78, it is Congress who "prescribes the rules by which the duties and rights of every citizen are to be regulated," not the courts. This is a principle I have consistently stood for and will stand for again when I vote in favor of S.J. Res. 12. When I see images on the news of different groups around the world burning American flags, it sickens my stomach. That is not speech: that is chaos. That is the mob mentality that is rebelliousness. That is conduct that appeals to the deepest and darkest parts of human nature. That is not the kind of riotous conduct that should be protected in this Nation; this amendment will allow us to make that clear once and for all.

I have heard some say—Justice Brennan in Eichmann—that allowing protesters to burn the flag is the greatest tribute to that flag, that what the flag stands for allows those who hate it to abuse it. Though I understand the merits of this argument, I disagree that it gives any kind of real reason to allow this behavior. This pseudo reverent justification could also defend spitting on our soldiers returning from duty or the hateful, vile-spewing protesters who want to defile the funerals of our Nation's heroes. After all, it is our soldiers who give these protesters a free country in which to protest.

Opponents say that one has a right to burn the flag. I say that we have a right not to have our flag burned. Countless soldiers and citizens have given their lives defending what this flag stands for. It is time that we, as the Congress of the United States, stand up and defend our flag, that we recognize that our national symbol that represents our system of laws is worthy of the protection of our laws.

Mr. SESSIONS. Mr. President, the amendment we are debating is short and to the point. It contains only 17 words:

> Congress shall have the power to prohibit the physical desecration of the flag of the United States.

We are discussing this today because in 1989, in Texas v. Johnson, five members of the Supreme Court held that flag desecration—specifically burning the American flag—was a form of first amendment-protected speech and Texas's law banning desecration of the flag was unconstitutional. Adding insult to injury, when Congress passed the Flag Protection Act of 1989, codified as title 18, section 700 of the United States Code, five members of the Supreme Court struck down that law as unconstitutional, too, in United States v. Eichman, 1990.

I believe the amendment we are considering today is entirely appropriate, and I am proud to cosponsor it. I wish to respond briefly to some of the criticism I have heard. Some would say: Well, you want to limit free speech when you want to stop burning the flag.

Now, it is true that the Supreme Court, by a 5-to-4 majority, held that the act of burning a flag is free speech. Well, I don't agree. The Supreme Court for a long time has allowed reasonable "time, place, and manner" restrictions on speech.

Moreover, the Supreme Court has long recognized that:

> [t]here are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.

The late Chief Justice Rehnquist wrote in his dissent in Texas v. Johnson: "Far from being a case of 'one picture being worth a thousand words,' flag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others." It is not really "speech" at all, but if you consider it some sort of expression, it is certainly inarticulate. It is not of great value compared to the unifying symbol of the flag.

The first amendment is about intelligent debate, argument, concern over policy issues—not whether you get to "grunt" or "roar" by burning a flag. I don't believe flag-burning was ever intended to be covered by the Constitution. So I believe the Supreme Court got it wrong in Texas v. Johnson and United States v. Eichman.

More importantly, the American people agree that the Supreme Court got it wrong. All 50 States have asked Congress to propose an amendment prohibiting flag desecration. In our democracy, the people have the last say on the Constitution. If the people think the Supreme Court is wrong, they have every right to amend the Constitution and tell it so.

In my view, the flag of the United States is a unique object, and prohibiting its desecration will not in any fundamental way alter the free expression of ideas in this country.

It seems to me if burning the flag is speech and if the Court is correct in saying it is speech and the people of the United States care deeply about protecting the flag, then they should adopt a restricted, narrow constitutional amendment that would allow Congress to stop flag desecration.

Indeed, it would be healthy for this country to adopt a constitutional amendment that would allow the protection of the flag. More Medals of Honor have been awarded for preserving and fighting to preserve the flag than any other. We know the stories of battle when time after time the soldier carrying the flag is the target of the enemy. When he fell, another one would pick it up. When he fell, another one would pick it up. When he fell, another one would pick it up. That is the history.

We pledge allegiance to the flag, not the Constitution, not the Declaration of Independence. We pledge allegiance to the flag because it is a unifying symbol for America, and having a special protection for it is quite logical to me.

I do not believe we should never amend the Constitution. I do not think we amend the Constitution enough. But we want to have good amendments that are necessary, that are important, that enrich us, and that make us a stronger nation. In 1816, Thomas Jefferson wrote: "Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched." Jefferson disagreed and proposed amending a constitution every 20 years or so so that it could "be handed on, with periodical repairs, from generation to generation, to the end of time, if anything human can last so long."

I don't know whether we need to amend the Constitution every 20 years, as Thomas Jefferson proposed, but I do think a constitutional amendment is a healthy way for us to remind ourselves that this Nation is a democratic republic. We are not a nation under the rule of the Supreme Court. The Constitution belongs to "We the People of the United States," as its preamble states—not the judiciary of the United States. The Constitution was democratically adopted. It was meant to be democratically amended. It must remain democratically accountable—or lose its legitimacy as the foundation for a democratic republic.

Let me finally address one more concern about the language of this amendment. It is short. It is concise. And it leaves it to Congress to address the details on what specific forms of conduct to prohibit. I trust Congress to do that.

Congress did it in 1989 with the Flag Protection Act codified at title 18, section 700 of the United States Code.

Concern has been expressed that the term "desecration" is too broad, too vague. I don't think so. I think it will clearly grant Congress the power it needs without any restriction on our great freedoms, particularly real speech.

Mr. President, the flag of the United States is a unique, unifying symbol of our country and all it embodies. Brave men and women have fought and died for that flag and what it represents. Let us today act to protect the flag and adopt S.J. Res. 12.

Mr. ENZI. Mr. President, I rise in strong support of S.J. Res. 12 which proposes an amendment to our Constitution allowing Congress to prohibit the physical desecration of the flag of the United States. I am proud to be an original cosponsor of the resolution introduced by my colleague from Utah.

Throughout the years of our Nation's existence, many brave men and women have fought and died to defend the freedom that our flag symbolizes. We must honor their memory by protecting our flag and preserving this symbol of our Nation and the unity of the 50 States. I have heard from veterans across my home State of Wyoming about their service and the importance of the flag in both their military and civilian lives. Our flag is a constant reminder of all those who have sacrificed so much so that we might be free.

We are now engaged in a new and different kind of war. We have taken up arms to end the threat of terror. We have been joined by many different nations in that effort, but we are, once again, relying on our own Armed Forces, the greatest fighting force in the world. With the talents and abilities of our service members and our support and prayers, I have no doubt they will get the job done.

When our deployed troops return home, they will deserve our support and encouragement as they return to their everyday lives. I believe they will also expect us to take action to ensure the symbol of our Nation that they carried with them into battle is afforded the protection it deserves. We must ensure our flag is respected and protected as a symbol of our freedoms and the sacrifices that were made.

Over the last couple of days, some Members of this body have made some misleading statements about what this resolution does. Let's be clear—this piece of legislation does not ban anything. It does begin the process of restoring the authority of Congress to pass a flag desecration statute. A constitutional amendment will only become law if it is approved by three-quarters of the States.

I have also heard some of my colleagues claim that the language we are debating is too vague. Again, this is simply the first step in a process. The details will be debated once Congress regains its authority to make laws related to the desecration of the flag. It is then the job of those in Congress to talk about and debate the definition of desecration and what that word will mean in our laws.

Again, I believe our flag should be protected as a symbol of this Nation and our history. It represents us in military actions, in athletic competitions, diplomacy, and any activity we engage in around the world. The flag helped rally the Nation after the attacks of September 11, 2001. It calls to mind those who serve on our police, fire, and emergency response teams, risking their lives every day to ensure we are safe and protected from harm.

Diana and I have a friend from Finland who taught in the United States for a year. She had a flag of Finland that she traveled with while we were debating a flag burning amendment. She couldn't believe that anyone would dishonor their country's flag by burning it. As a symbol of the country, she couldn't believe that anyone would desecrate it in any way. She couldn't imagine that burning or desecrating the flag of a person's own country could have any positive effect. She believed that what people were doing to the symbol of our Nation would have a very detrimental effect overseas.

Changing the law may not change people, but the discussion alone that we are having should point out what is right and wrong and how other countries view the disrespect we demonstrate for our country. People are missing the issue of the protests. They are only seeing the disrespect for the country. We can do better. We must do better. This amendment will help us do better on focusing on problems instead of drama that takes away from ways we can make our lives and our country better.

Our flag symbolizes our hope for the future and our willingness to work together to make this world a better place for us all to live. That hope for tomorrow unites us, guides us, and helps to make us truly one Nation under God, with liberty and justice for all.

I encourage all Senators to support S.J. Res. 12.

Mr. VITTER. Mr. President, the America flag is such an important symbol to our country that from the time we are children, we salute the flag with a hand over our hearts and pledge our allegiance to the flag of the United States of America. For the past two centuries, in battles all around the globe, the American flag has served as an inspiration and rallying point for our Armed Forces fighting for the ideals it embodies. We hold the flag with such reverence that it covers the coffin of America's military heroes who have dedicated their lives to the service of our Nation. Old Glory should be revered and protected because it represents American History, American sacrifice, and hope for our Nation's future.

On the Fourth of July, especially, we are reminded of the sacrifices of our forefathers in founding this great Nation, and the American flag symbolizes that sacrifice. The act of burning or destroying the flag shows a tremendous disrespect for our forefathers and the countless men and women who have given their lives to make the United States what it is today. That's why I am an original cosponsor of the flag protection amendment, and I rise to speak in support of it today.

By supporting this amendment, I believe that I am supporting the will of the people of Louisiana and the American people. I have received so many phone calls, letters, and e-mails from people in my home State of Louisiana in support of a constitutional amendment to prevent the desecration of our American flag. Polls show an overwhelming majority of Americans believe that burning the U.S. flag should be a crime. According to Fox News poll when asked, "Do you think burning the American flag should be legal or illegal?", 73 percent respondents said they thought it should be illegal.

Before the Supreme Court issued its decision in Texas v. Johnson, declaring that flag burning is politically expressive conduct protected by the first amendment, 48 States, including Louisiana, and the District of Columbia, had enacted statutes prohibiting the physical desecration of the American flag. In my opinion, the Johnson decision is just one more example of unelected activist judges ignoring the will of the American people. In response to the Court's decision in Johnson, Congress enacted the Flag Protection Act. However, in U.S. v. Eichman the Court struck down the Flag Protection Act, holding that Government's interest in protecting this symbol did not outweigh the individual's right to politically expressive conduct.

Since the Supreme Court issued these 2 decisions, all 50 States have passed resolutions asking Congress to pass a constitutional amendment that would provide some protection to the American flag. This is overwhelming evidence that the American people disagree with these activist decision and believe that the flag—the symbol of Our nation—should be protected. I believe that we as Senators owe it to our constituents—as their elected representatives—to support this amendment and give Congress the power to enact a law banning the physical desecration of the U.S. Flag.

The Flag Protection Amendment gives Congress the power to enact laws prohibiting the "physical desecration" of the flag. This amendment does not ban flag burning—it doesn't ban anything. It merely gives Congress the power to enact legislation if and only if three-fourth of the States ratify the amendment within 7 years. Therefore, this amendment would place the power back into the hands of the American people, which, in my mind, is much better than leaving it in the hands of activist judges.

Opponents of this amendment state that any laws prohibiting physical desecration of the flag, no matter how narrowly tailored, violate an individual's first Amendment right to free speech. However, while the first amendment grants Americans the precious right to free speech, that right is not without limitations. For example, the Supreme Court has held that certain types of hate speech and obscenity are not covered under the first amendment. Additionally, public school teachers may not espouse their personal religious views in the classroom, and attorneys and doctors cannot breach the confidence of their clients.

The first amendment protects a number of avenues for individuals to voice their dissent, but it should not protect the physical desecration of the symbol that embodies the spirit of our Nation.

It is time for the Senate to pass the flag protection amendment—an amendment that has overwhelming bipartisan support and 59 cosponsors. The House passed this amendment last year by two-third majority. Now it is time for the Senate to pass this amendment so that we can send it to States and give the American people a chance to vote on this very important legislation. Mr. President, I believe that protecting the symbol of our Nation is one of our duties as elected representatives of the American people, and it is too important to leave in the hands of activist judges.

Mr. JOHNSON. Mr. President, today I share with my colleagues my thoughts on S.J. Res. 12 to amend the Constitution of the United States to prohibit the physical desecration of the flag of the United States. There are good, thoughtful, and patriotic Americans on both sides of this contentious issue. I have great respect for the views of many that amendment would constitute an unnecessary and harmful interference with the first amendment guarantees of free speech. Nonetheless, I am a supporter of S.J Res. 12. For most of America's history, flag desecration has been illegal under State law and local ordinances. This constitutional amendment allows the return of the law to its former state, and I support this amendment to ensure those protections.

Mr. McCONNELL. Mr. President, whether flying on an aircraft carrier, hanging in one of our Embassies, or worn as a patch on a soldier's uniform, the American flag stands for freedom.

The vast majority of Americans honor the flag, and rightly so. Some would go so far as to amend the Constitution to protect the flag against those who would burn it. While I share and admire their patriotism, weakening the first amendment, even for the noble purpose of protecting the flag, is not a position I can support.

Make no mistake I treasure the Stars and Stripes as much as any American. One of my most prized possessions is the flag which honored my father's military service in World War II. It was draped upon his coffin after his death from cancer in 1990. He fought in the European theater to protect the freedoms that flag represents, and it now rests proudly on the mantle in my Senate office.

I do not have any sympathy for any who would dare desecrate the flag. They demean the service of millions of Americans, including my father and the brave men and women currently fighting the war on terror. They deserve rebuke and condemnation.

There may be no greater symbol of freedom than the flag. Its powerful symbolism is precisely why miscreants choose to desecrate it to make their point. They intend to convey a powerful message, and they have succeeded, because we find their message so disgusting that proponents of S.J. Res. 12 seek to ban their message. But freedom of speech means nothing unless people are allowed to express views that are offensive and repugnant to others.

Over 60 years ago, Justice Jackson noted how much the flag means to all Americans, and at the same time argued that the principles of liberty require us to allow others to view the flag differently than we see it ourselves. He wrote that:

> The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. . . . But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom.

Since our founding, we have watched other nations silence dissent, while America welcomed it—and America has prevailed. In fact, the Senate has seen free and open debate this week about the flag resolution. Those who support the resolution have made their best arguments to try to convince those who disagree. Regardless of the outcome of the vote on this measure, this week's debate is good for democracy and good for America.

Free and open debate is also the correct approach to use in dealing with those who desecrate the flag. The Supreme Court has recognized that "[t]he way to preserve the flag's special role is not to punish those who feel differently about these matters. It is to persuade them that they are wrong."

Flag burning is an abominable act. We are lucky to live in a country where the overwhelming majority of people not only reject it, but honor the American flag and the freedoms it stands for. These freedoms are America's source of strength, whether embodied in the first amendment's protection of speech, or the second amendment's protection of the right to bear arms, or the fifth amendment's protection of private property, or in any other provision of our enduring Constitution.

Ultimately, people who use the flag to convey a message of protest pose little harm to our country. But weakening our first amendment freedoms might.

Our Founding Fathers wrote the first amendment because they believed that, even with all the excesses and offenses that freedom of speech would undoubtedly allow, truth and reason would triumph in the end. And they believed the answer to offensive speech was not to regulate it, but to counter it with more speech, and in so doing, let the truth prevail in the marketplace of ideas.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator's time has expired.

The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee amendment be agreed to and that the following amendment be the only amendment in order to the pending joint resolution, S.J. Res. 12: Durbin first-degree amendment relating to statutory language. I further ask consent that all debate be equally divided between the two leaders or their designees until 5:30; and further, at that time the Senate proceed to a vote in relation to the Durbin amendment; further that the resolution then be read a third time and the Senate proceed to a vote on passage of S.J. Res. 12, as amended, with no further intervening action or debate; provided further that if all 100 Senators fail to vote on final passage, then the vote be reconsidered and the Senate vote again on final passage on Thursday, June 29, at a time determined by the two leaders.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I would further ask that the consent agreement contain the understanding that the Durbin first-degree amendment relating to statutory language be the only amendment that would be in order.

Mr. FRIST. Without objection.

The PRESIDING OFFICER. That is part of the agreement.

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. So it is clear, I will have an up-or-down vote on my amendment.

Mr. REID. At 5:30.

Mr. DURBIN. But it will be an up-or-down vote directly on the amendment; is that understood?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I would like to just clarify the unanimous consent request so that Members who are on the floor are not excluded from the debate that is going on.

Mr. REID. Senator FRIST and I will allocate the time that is left.

Mr. BUNNING. But there is time allocated presently.

Mr. FRIST. That is correct, Mr. President. Through the Chair, time has been allocated. The remainder of the time will be allocated between the two of us, and there is nothing in the unanimous consent request that will interfere with that.

Mr. BUNNING. Thank you.

The PRESIDING OFFICER. Is there objection?

The Senator from Colorado.

Mr. ALLARD. Mr. President, I think Senator KERRY had asked for some additional time, and it is cutting our time on this side. I want to make sure we restore that time we would have lost.

Mr. REID. Mr. President, I think that is very appropriate. I believe the extra time Senator KERRY took from the Republicans should be restored. It would be about 5 minutes, I think.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. FRIST. Mr. President, just briefly, on our side, because I can tell there is some confusion as to the order, I have Senator BUNNING for 10 minutes, Senator ALLARD for 7 minutes, Senator WARNER for 7 minutes, and Senator THUNE for 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise in support of S.J. Res. 12, the flag protection constitutional amendment. It is fitting for the Senate to address this issue on the eve of the Nation's most celebrated national holiday, the Fourth of July.

For over 200 years, from the time of the Revolutionary War to this very moment, the American flag has served as the most unifying and visible sign of our great Nation. It is a symbol that knows no particular political affiliation or ideology. It is a symbol that has many different meanings for many different people. And, most importantly, it is a symbol of our Nation's greatest freedom that so many men and women in our Armed Forces have and continue to sacrifice to protect.

I believe it is an insult to those sacrifices to stand idly by while the flag is desecrated. It is time to show the same honor to our flag that we do to those who have sacrificed to protect it. I believe we owe it to our Old Glory, and that is why I am here today to speak in support of the constitutional amendment to protect our flag.

This amendment is necessary to restore protections for the flag that the Supreme Court wiped away in 1989, ruling in Texas v. Johnson. In that 5-to-4 ruling, the Court set aside longstanding national and State laws that protected our flag and recognized and honored its place in American society.

Congress quickly acted in response to that ruling through the passage of the Flag Protection Act of 1989. The Supreme Court, however, was also quick to act. In another 5-to-4 decision, in 1990, the Court again found that flag protections were inconsistent with their view of the rights protected by the first amendment.

But the Court is once again out of touch with America. Its view that flag burning should be protected is not shared by many Americans. In fact, the vast majority of Americans think just the opposite. Nationwide, over 70 percent of Americans think it is important for us to pass a law to protect the flag. And in my State, that number is even higher—87 percent think that it is important that we act now to protect the flag.

It is time that we turn this issue back to the people. The Constitution provides an amending process for a reason. The bar to enact a constitutional amendment is high, requiring a two-thirds vote of both the House of Representatives and the Senate. Likewise, the amendment must be ratified by three-fourths of the States. But in the rare instance when those super-majorities can be assembled, the Framers gave us away to change the Constitution and for the people's voice to be heard. That is just what we should and must do.

Since the Supreme Court's rulings, the House of Representatives passed a flag protection amendment five times—most recently last year. The Senate has also taken up the issue, but unfortunately failed to get the necessary 67 votes. By all accounts, this time the Senate is within one vote of adopting the amendment and sending it to the States for ratification.

I have no doubt that should the Senate pass this resolution it would be ratified by the States. While this issue is currently being debated at the national level, States have been quick to show their overwhelming support for such a resolution. Since 1989, all 50 States have enacted resolutions asking Congress to pass a flag protection amendment.

Mr. President, we owe it to Old Glory to protect each and everyone of it stars and stripes.

Two weeks ago, I had the honor of introducing a man who fought to rescue Old Glory from would-be flag-burners. Rick Monday, a former center fielder for the Chicago Cubs and a Marine Corps Reservist, rescued the American flag from being burnt by two protestors during a 1976 baseball game between the Cubs and the Dodgers.

Monday was playing center field for the Cubs that day, when suddenly in the 4th inning two protesters ran onto the outfield grass carrying the American flag. These two individuals then proceeded to spread the flag on the ground, dousing it with lighter fluid and pulling out matches to light it on fire. But before they could act, Monday dashed from his position swiping the flag right out from under their noses to the sound of thunderous cheers from the crowd.

Following Monday's patriotic actions those in attendance that day burst into a chorus of God Bless America. Whether you are a player or a fan, we all have our favorite memories from America's past time, but few of those moments compare to Monday's act of patriotism. It is arguably one of the greatest moments the game has ever seen. In fact, the Baseball Hall of Fame recognized it as one of the 100 Classic Moments in the history of baseball. Monday, a true American Patriot, fought to stop what he knew was wrong in 1976 and is still wrong today.

Some may argue that burning the flag is a form of speech. I do not agree with those people. In the 1989 flag burning case Texas v. Johnson, late Chief Justice William Rehnquist said it well in his dissent when he said that flag burning is more like a grunt or roar designed to antagonize others than it is a form of speech.

Well, Mr. President, it is time that this body acted to protect Old Glory from those who wish to indulge in its desecration. We owe it to our past, present and future generations. And ultimately, we owe it to the brave men and women who sacrifice so much to protect us at home and abroad.

Each and everyone of us should recognize what a privilege it is to live under the Stars and Stripes. And like Monday, we should do everything we can to protect and honor our flag. After all, what it represents is the very reason our troops are putting their lives on the line right now in the war on terror. When you disrespect the flag you are disrespecting our men and women in uniform.

Mr. President, on the eve our Nation's most important national holiday, the Fourth of July, I urge my colleagues to protect our Nation's great flag.

I believe it is our duty as public servants to protect one of our Nation's greatest symbols of freedom—Old Glory.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today, June 27, 2006, between Flag Day and Independence Day, to speak on behalf of the American flag.

The American flag is a symbol, a physical embodiment of the freedom and liberty that we as Americans are blessed to claim. More than a mere banner of red, white, and blue, our flag characterizes the fundamental essence of what it means to be an American: liberty, justice and equality.

Whether flown at a high school football game, in an Olympic arena, or over this very building that we stand in today, the American flag is an image that commands worldwide respect, while at the time symbolizing the triumph of representative Government over the inequities of tyrannical rule.

To allow for the physical desecration of such a symbol of opportunity and liberty is not quite tantamount to condoning an assault on the very foundation of our individual freedoms, but so close as to have damaging effects. Strength in symbolism can oftentimes rely upon the extent to which an image is protected by the society it represents, which is why this is not an issue pertaining to freedom of expression, but rather an issue of patriotic reverence and national identity.

The American flag has done more than wave as a symbol of freedom; it has served as an inspiration, a guiding light to our men and women in uniform throughout our Nation's history.

On New Year's Eve, 1776, just 7 months before the signing of our Declaration of Independence, George Washington and the Continental Army were laying siege to the British-occupied Boston. In the midst of battle, Washington recognized the need to present a unifying symbol to his own troops, as well as the need to commemorate the birth of our truly unique sense of American pride. Inspired with the fortitude of his continental troops, Washington ordered the hoisting of the Grand Union flag. This was one of the first instances where our flag became more than a symbol of independence, but the physical representation of an ideal stemming from the innate human desire for freedom.

On June 14, 1777, almost a year-and-a-half after George Washington raised the Grand Union flag over Prospect Hill, the Continental Congress passed an act that officially gave America a flag. Though the intricacies of the design have changed several times in our nation's history, the principles that it represents have never faded.

Patrick Henry aptly summed up this uniquely American commitment to personal liberty by stating, "I know not what course others may take but as for me; give me liberty or give me death." President Calvin Coolidge once commented, "We do honor to the stars and stripes as the emblem of our country and the symbol of all that our patriotism means." Henry and Coolidge spoke of a liberty that was fought for, and won by the sacrifice of thousands of our American sons and daughters. As it stands today, the American flag is a monument to their heroic effort, and a testament to the price those serving our country are willing to pay for our freedom.

With the 230th birthday of our Nation fast approaching, we will undoubtedly see even more American flags on display in front yards, on top of skyscrapers, and in the hands of people celebrating the birth of our Nation. While many of these patriotic displays will coincide with the festivities of this national holiday weekend, the unifying message behind every one of these flags is that we as Americans understand the power behind our national symbol.

It is time that we, as the Nation's legislature, restored the ability of the America people to protect the flag as the symbol of our country. This ability has been eroded over the years by judicial decisions that have stripped away the people's right to protect the American flag and all that it stands to represent.

This sentiment has garnered wide support across the Nation, as is evidenced by all 50 states passing resolutions calling upon Congress to enact some constitutional protections for the flag. In each of the past five Congresses, the House has passed a constitutional amendment designed to protect the flag from all forms of desecration, with the latest measure passing almost a year ago by a vote of 286 to 130. Here in the Senate, we came up only 4 votes short of the required two-thirds majority in 2000.

Today, we stand closer than ever to passing this vital constitutional provision. Some of my colleagues have expressed concerns regarding the potential first amendment ramifications of passing this initiative. First of all, this amendment does not ban anything. It simply restores the authority of Congress, the representatives of the American people, to pass a flag desecration statute if it chooses.

Second, even if such a statute were subsequently passed, it would not place a restriction on the content of the speech, only on the means by which the speaker wishes to communicate. Someone seeking to burn the flag would still retain their right to express any political viewpoint they wish to advance. They would, however, not have the ability to desecrate the flag as a substitute for other forms of expressive conduct.

This is why the resolution was reported out of the Judiciary Committee with broad support originating from both sides of the aisle. This bipartisan support is evidence that this issue transcends all political ideology; and to me, this unity could not have come at a more critical moment in history.

Internationally, our enemies have consistently used the desecration and burning of our flag to symbolize plight of international democracy at the hands of Islamist tyranny. Domestically, Americans are daily assaulted with media images of home-grown extremists groups burning the American flag in an attempt to speak out against the actions of their Government. The irony, however, is not lost on the American people when they see these political ideologues desecrate the very symbol that gives them the right to speak in the first place.

This tendency to overshadow our flag's positive symbolism with negative contextual imagery is the reason why the majority of Americans support this amendment. We understand the power of this national symbol, believe in the principles that our flag represents, and we know that past generations have fought and died to ensure that those principles resonate well into the future.

I ask the Senate to stand in unity with the American people and the 50 states and ask them to not let this opportunity pass us by without acting to protect this still vibrant national symbol.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe at this time I am scheduled. Does the Senator from Pennsylvania have control of the time?

Mr. SPECTER. Yes.

Mr. WARNER. I will take a few minutes.

Mr. President, I was completing my luncheon and walking through the hallway back to my office when a reporter in a very respectful way spoke with me and asked how I intended to vote on this amendment.

I said I intended to vote as I have done three previous times; basically to support it, the other options.

He said: What is the driving force? Is it your highest priority? And he asked a series of questions in a very polite way which really said: Stop and think what it is I am about to do and why I am about to do it.

I gave him a reply which follows along these lines: I listened to the distinguished Senator from Pennsylvania yesterday referring with a deep sense of emotional pride about how his family had proudly worn the uniform of our country, and most particularly his father who was in the great Army that went over in 1917–1918 to save Europe, in World War I, and how he was severely wounded in the Battle of the Argonne.

I checked my own father's record. I, of course, have it proudly on the wall in my Senate office. He served in World War I. He was engaged in several major battles. He was a doctor in the trenches and cared for the wounded. He was in the Battle of the Argonne. How do we know perhaps my father rendered medical assistance to Senator SPECTER's father. But those things are instilled in sons and daughters by their parents.

When it came time for me to proudly raise my right arm and volunteer in World War II, I did so because of my father and how proud he was, as was my mother, who, incidentally, was with the American Red Cross in World War I tending to the wounded in the hospitals in the United States.

In my father's library in which I grew up as a small boy, there were remnants and artifacts that he brought back from France from the 1917–1918 experiences. I remember a small American flag, his helmet, his old belt, and several other artifacts, and how he and my brother and I treasured them as young persons.

My military service is of no great consequence. I did have the opportunity for a short period in the final year of the war to go through the training command, but I remember very well I was then just in the training part of it—I think, out of boot camp or perhaps in boot camp—seeing that flag raised on Iwo Jima. We didn't know at that time in February-March of 1945 how long that war was going to last. We had no idea. We just experienced the Battle of the Bulge in which the final thrust of the German forces trapped so many of our soldiers with unexpected casualties in the 40,000s in that battle and now Iwo Jima, some 17,000 I think killed, wounded, and missing in that battle for about 5 weeks.

I remember the picture of that flag going up. Now we see it on the monuments out here which the Marines revere so deeply.

That was one of the reasons I later joined the Marine Corps and served for another period on active duty, this time in Korea as a young officer with the Marines. There was no particular valorous service, just like many others. You raised your arm and did what you were told to do and thanked God you got home in one piece. That is what we were all glad to do.

So I am very humble about what little active service I had. But I have had the privilege of being associated with the men and women of the Armed Forces for over a half century, now in this Chamber serving with others, again, 28 years on the Senate Armed Services Committee doing everything we can for the men and women of the Armed Forces.

So I told this reporter that I felt I had a duty to those who had worn the uniform of our country so proudly in these many years that I was privileged to be associated and learn from them and profit from them and my experience in the military.

It has been a great, wonderful opportunity for me to have this service in the Senate and have as a part of it the responsibilities. So I thought I would recount some statistics.

In World War I, the conflict in which our fathers served, I say to Senator SPECTER, 116,000 killed, 204,000 wounded; World War II, 405,000 killed, 671,000 wounded; Korea, 54,000 killed, 103,000 wounded; Vietnam, 58,000 killed, 153,000 wounded; Desert Storm, that is the first engagement with Saddam Hussein's forces, 382 killed, 467 wounded; Afghanistan, 291 killed, 750 wounded; the second battle with Saddam Hussein, Iraqi Freedom, 2,521 killed, over 18,000 wounded.

Most, if not all, of those brave men, and I expect some women—I fully anticipate women were included—came back to their beloved country from those foreign lands and at some point before they were finally put into Mother Earth an American flag was put on that casket. There is not a one of us in this Chamber who has not had the privilege to go to those services. There is not a one of us whose throat hasn't swelled or whose eyes haven't welled up when that takes place.

So, Mr. President, that flag symbolizes the everlasting—I repeat everlasting—gratitude of the citizens of this great Nation for that giving of a life in the cause of freedom. I could do no less than proudly stand here and vote "aye" for this amendment, as I shall do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise today as well to voice my strong support for a constitutional amendment that would allow Congress to prohibit the desecration of the American flag.

Some of the opponents have spoken today about how important it is that we not use this opportunity to amend the Constitution. The Senator from Illinois referred to the constitutional language, the constitutional sacred language, and question how we could alter what Thomas Jefferson and our Founding Fathers wrote.

I simply point out that in the last 20 years, our colleagues on the other side have on over 100 occasions introduced constitutional amendments. In fact, there was one by the Senator from Illinois a few years back that would abolish the electoral college.

So the question isn't whether we amend the Constitution for this purpose. It seems to me at least the question that has been raised about the Constitution comes down to one's preference for which amendments are in order and which are not.

I have to say that I think an amendment to protect the American flag is in order, not just because it shares a majority and a strong bipartisan support in the Senate but because many of the people who were just alluded to by the Senator from Virginia who have fought and died on behalf of that flag want to see this flag honored.

Look at the veterans organizations in this country—the American Legion, the Veterans of Foreign Wars. Veterans organizations are very much in favor of this amendment. In fact, it has been one of their top priorities. The American Legion for some time now has been trying to get an amendment to the Constitution that would allow Congress to enact laws that would protect the American flag.

As a member of the Veterans Affairs Committee, I heard from many veterans on this issue who understandably feel strongly about this flag and rightly view desecration of the flag as an afront.

Many of our veterans have stood in harm's way around the world to protect everything our flag represents. That is why it is a unifying symbol that deserves to be protected from desecration.

The proposed amendment is simple. It says:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

It does not amend the first amendment. It simply authorizes Congress to pass a law to protect the flag from desecration.

This amendment, as I said earlier, has overwhelming bipartisan support. Members on both sides of the aisle feel strongly that this flag should be protected.

Our flag is intertwined with some of the most memorable scene's from our Nation's history. It was raised at Mt. Suribachi during the battle for Iwo Jima, and draped over the side of the stricken Pentagon on September 11. It is what Olympic gold medalists are honored with. It brings comfort to the wife of a fallen soldier. Young schoolchildren pledge their allegiance to our flag. Above all, it symbolizes the freedoms we hold dear, and I believe it should be protected from falling victim when those freedoms are exploited.

Since the birth of our Nation, American soldiers have fought for the ideals our flag represents and look to it for direction and promise on bloody battlefields. The effort we are making here is not something of small consequence. It is an opportunity to debate an issue of critical importance to the American people and to allow the voice of the people to be heard on this critical issue.

I am not a lawyer and most Americans are not lawyers, yet the vast majority of Americans know instinctively that the American flag is something that needs to be protected from desecration. However, right now five unelected lawyers on the Court have decided that desecration of the flag deserves the protection of the first amendment. Five unelected Justices on the Supreme Court decided that Federal and State laws prohibiting flag desecration were unconstitutional. Many of these statutes had stood for generations before these Justices determined that these statutes were unconstitutional.

In fact, four Justices on the Supreme Court completely disagreed with the majority opinion in the flag-burning cases. In fact, Justice Stevens, perhaps one of the most liberal Justices on the Court, wrote a dissenting opinion saying that desecrating the flag is offensive conduct, not speech that deserves protection.

Our Constitution does not belong to the courts. It belongs to the people. And when the courts get it wrong, it is appropriate the people have an opportunity to correct it. In this case, I believe the opinion of the four Justices ought to be the majority opinion, as do the vast majority of the American people. If two-thirds of the Senate, two-thirds of the House of Representatives, and three-fourths of the State legislatures also believe it should be the majority opinion, then that is a constitutional basis for making it a majority opinion.

The notion that flag desecration is a nonexistent problem is also not factual. As Senator HATCH has noted earlier, there have been several incidents of flag desecration just in the last year, and these are the occasions that were published in the media. They are the ones that we know about.

The House of Representatives has passed this amendment with the required two-thirds majority in each of the past five Congresses, but it has always been bottled up here in the Senate. The Senate last voted on this amendment in the year 2000 when it drew 63 votes. That is a lot of votes, but it is still 4 votes short of the 67 that are needed to pass. This time around, it appears that we are very close to passing this amendment.

Mr. President, I hope my colleagues who are listening to this debate will ultimately come down in favor of supporting what is a very simple, straightforward approach which simply says that Congress shall have the power to prohibit the physical desecration of the flag of the United States. It puts the power in the hands of the Congress—the elected representatives of the people of this country—and the people who ultimately will have the opportunity in the 38 States if this thing is approved here today, with the 67 votes that are necessary to vote on its passage.

So I stand proudly today in support of those veteran organizations who have spoken loudly on this issue—those who have sacrificed and who believe that the American flag is not just ink and cloth, but is a symbol of our freedom, a symbol of our democracy, and it is something that the majority of Americans and those who have served this country and fought to protect it deserve to have protected.

Mr. President, I yield the remainder of my time.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Democrats have 35 minutes remaining.

Mr. DURBIN. And the other side?

The PRESIDING OFFICER. The other side has 9 minutes.

Mr. DURBIN. I yield 15 minutes to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished friend from Illinois.

We are here today, once again, to debate the wisdom of amending the United States Constitution, to outlaw the desecration of the American flag. As I have stated repeatedly and sincerely over the years, there are few acts more deeply offensive to any of us than the willful destruction of that American flag which stands there beside the President's desk.

The flag is a symbol of our Republic. It is a unique symbol of national unity and a powerful source of America's pride. I love the flag. We all love the flag and all that it represents. We revere the flag because it is a symbol of the liberties that we enjoy as American citizens. These are liberties that are protected by the Constitution of the United States and the Bill of Rights. The Constitution is the instrument that provides for what that flag represents.

Now, let me say that again. This Constitution that I hold in my hand is the instrument—there it is—that provides for what that flag represents. It is the Constitution that has been and continues to be the source—the source—of our freedom. We celebrate our freedom every time we pledge allegiance to the flag, every day that this Chamber comes to order and conducts a session. So we pledge allegiance to that flag and to the Republic—not to the democracy but to the Republic—for which it stands; one Nation, one Nation under God—yes, under God—indivisible, with liberty and justice for all. Think of that. Listen to that. One Nation under God, indivisible, with liberty and justice for all.

Seven years ago, in contemplation of a similar moment when the Senate was confronted with a constitutional amendment banning flag desecration, I spent long hours contemplating both the legal bases and the need for such an amendment. I said at that time, and I say again today, that I know of few subjects that have come before the Senate which have caused me greater anguish and consternation. I knew 7 years ago, and I know today, that many West Virginians, many of my colleagues, many of the people I represent support this amendment. But based on my continued examination of the matter, I believe that I must remain—and I shall remain—opposed to that amendment.

I oppose it not because I do not love the flag because I do love the flag. I oppose it not because I fail to respect the sacrifices made by our veterans, our law enforcement officials, and our first responders who, for the benefit of all Americans, have given their lives and who have offered their lives in defense of our country and our flag because I do. Instead, I oppose it because while I agree that desecration of the flag is abhorrent, repugnant, I believe that amending the Constitution to prohibit flag desecration flies in the face—the very face—of first amendment rights like freedom of speech. Men and women have died to protect that freedom of speech, that freedom to express ourselves.

Flag desecration remains a rare and isolated event in this large country of ours. The vast majority, the overwhelming majority of Americans respect the flag and they fly it with pride. They do not abuse it.

The Senate Judiciary Committee has not held one hearing on this proposal. Let me say that again. The Senate Judiciary Committee has not held one hearing on this proposal. It is especially troubling to me that the Senate would seek to amend the Constitution—yes, this Constitution that I hold in my hand—and the first amendment—without holding even a single hearing on the need for this amendment.

Now, I know that some who favor this amendment believe that the burning of the flag is sufficient to justify the adoption of this extraordinary—I say extraordinary—legislative remedy. And I, too, cringe, I shrink from, and I condemn any desecration of the flag. But I do not agree that it is necessary to amend the basic document, the basic organic document, the Constitution, to prohibit it.

Furthermore, this constitutional amendment provides no actual punishment of those who desecrate the flag. Plus, if protection of the flag is a pressing concern—and I acknowledge that to many people it is—why do the backers of the constitutional amendment not support pending legislation, of which I am a cosponsor, which could be enacted to prohibit desecration of the flag more quickly? As we all know, a constitutional amendment requires ratification by three-fourths—three-fourths—of all 50 States, which could take up to 7 years, and it is likely that additional legislation to enforce the enactment would have to be enacted after that.

I also would not support this constitutional amendment because it continues to be my heartfelt belief—and I wish I were mistaken—that the primary effect of the amendment will be to create more, rather than fewer, incidents of flag desecration, flag destruction. Zealous defenders of the first amendment who are offended, rightly or wrongly, by the passage of this amendment will surely cast themselves in a new role; namely, as provocateurs who, newly inspired, will deliberately seek to test the boundaries established by this proposed amendment if it is adopted.

This is more than a matter of symbolism; this is a question of respect, respect for the founding document of the Republic—oh, how precious it is, this founding document, the Constitution of the United States, the supreme law—the supreme law of the land. Any disrespect for the Constitution is a repudiation of the basic principles and laws of our country. I do not relish giving a tiny minority of troublemakers the ammunition to denigrate—yes, denigrate not only the flag but also the Constitution of the United States.

As I have stated repeatedly, this does not mean that I believe destruction of the flag is trivial or that encouraging reverence for the flag is not an important goal of our government. I simply do not believe that sporadic instances of flag burning should result in our advocating the course of amending the Constitution, amending the basic organic document on which this Republic was built and on which it stands, as a remedy. As I have recounted in prior speeches on this subject, the Constitutional Convention in 1787 debated in much depth whether there should be any—whether there should be any—provision for amending the Constitution. Recognizing, however, that occasional revisions might be necessary—and thank God they recognized that occasional revisions might be necessary—the Convention finally agreed upon a compromise that deliberately made it difficult to amend the Constitution by requiring successive supermajorities. To that end, article V of the Constitution sets up a cumbersome troublesome, two-step process to amend the Constitution.

The first step is approval either by two-thirds of Congress, or—and this has never been done—by a convention called for by two-thirds of the States. The second step is ratification by three-fourths of the States.

So given the hurdles that were deliberately and knowingly and intentionally established by article V, it is no surprise that so few amendments to the Constitution have been approved. There are 27 amendments in all that have been approved, and the first 10 of the 27 were ratified en bloc in 1791. Those 10 constitute our Bill of Rights.

Think of it: In the 216 years that have subsequently ensued, there have been just 17 additional amendments. If we disregard the 18th and the 21st amendments, marking the beginning and end of Prohibition, then we are left with only 15 amendments in 216 years. Get that. Only 15 amendments in 216 years. As I have advised my colleagues before, and as they well know, these 15 amendments can generally be divided into two roughly equal categories. One category consists of those amendments that deal with the structure—the structure and the organization of the three branches of Government—the legislative, the executive, and the judiciary.

These include the 11th amendment, preventing the Federal courts from hearing suits against States by citizens of other States; the 12th amendment, regarding the election of the President and Vice President; the 17th amendment, establishing the direct election of Senators; the 20th amendment, regulating Presidential terms and related matters; the 22nd amendment, limiting the President to two terms; the 25th amendment, regarding Presidential succession; and the 27th amendment, deferring congressional pay raises until after an intervening election.

There is little need to justify the inclusion of these provisions in the Constitution; however we may feel about them personally, their subject matter—namely the structure of the Federal Government—fits perfecly within that of Articles I through IV.

The second category of constitutional amendments consists of those that narrow the powers of government and expand or protect fundamental personal rights. These include the 13th amendment, banning slavery; the 14th amendment, which extended citizenship to all persons "born or naturalized in the United States, and subject to the jurisdiction thereof" and guaranteed all citizens certain basic protections; and the 15th, 19th, 23rd, 24th and 26th amendments, each of which extended the vote to new groups of citizens.

Clearly, the flag desecration amendment goes in a new direction. For constitutional purposes, as I have said before in these debates, it is neither fish nor fowl. It does not address a structural concern; it does not deal with Federal relations between the national and State governments; it extends, rather than narrows, the powers of government and it is antithetical to the whole thrust of the Constitution: and it does not protect a basic civil right. Indeed, many opponents of the amendment argue that it restricts personal liberty, namely the right of freedom of expression.

The 13th amendment forbidding slavery may be viewed as the only other amendment regulating the conduct of individuals. The 13th amendment was the product of a bitter, fiercely contested civil war, and it was necessary to end one of the most loathsome and shameful institutions in our Nation's history. This was an exceptional amendment necessitated by exceptional circumstances.

I have introduced a resolution in support of a constitutional amendment protecting voluntary prayer in school. This is also an exceptional amendment required by exceptional circumstances. Although the Supreme Court has never expressly prohibited children from voluntarily praying in school, children are discouraged from praying in school. School administrators are loathe to address the issue for fear they will be assailed, wrongly, for having broken the law. Confusion regarding the legal posture of voluntary prayer in school has created an impermissible, exceptional circumstance which, I believe, must be addressed in a way that permits school children to pray voluntarily as they deem appropriate. Consequently, I have proposed this year, as I have numerous times over the past 40 years, a constitutional amendment that simply clarifies that the first amendment neither requires nor prohibits voluntary prayer in school. This amendment would address the exceptional circumstances that afflict thousands of school children, nationwide, who mistakenly believe that prayer should not be a part of their daily lives at school.

In the final analysis, it is the Constitution that is the foundation and guarantor of the people's liberties, protecting their rights to freedom of speech and to worship as they please. The flag represents all of the cherished liberties which we as Americans enjoy—liberties explicitly protected by the text of the U.S. Constitution and the Bill of Rights. The flag is a symbol of all that we hold near and dear, and of our Nation's history. It is also a symbol of our Constitutional values. The flag lives only because the Constitution lives. Yet, as I have said in past debates on this issue, the Constitution, unlike the flag, is not a symbol; it is the thing itself. I think it might be well if, in addition to focusing on efforts to protect the flag against injury, injury which, though reprehensible, does not damage Constitutional principles, we make a greater commitment to learning the historical context of our flag as well as the actual text and meaning of the United States Constitution.

I do not believe that Americans can participate meaningfully in their government if they do not know the legal foundation and principles upon which it is based. I believe that greater familiarity with the provisions of the Constitution would give all Americans not only an enhanced appreciation of the flag as being a symbol of the liberties that are enshrined in the Constitution and the Bill of Rights, but also a literal understanding of our Government's checks and balances, their purposes, and of the duties of each of our three branches of Government to protect our personal freedoms.

Finally, Old Glory lives because the Constitution lives, without which there would be no American Republic, there would be no American liberty, and there would be no American flag. We love that flag. But we must love the guarantees of the Constitution more. For the Constitution is not just a symbol; it is, as I say, the thing itself.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Illinois.

Mr. DURBIN. How much time is remaining on this side?

The PRESIDING OFFICER. The majority has 9 minutes; there remains 15½ minutes on the Democratic side.

Mr. DURBIN. I yield 5 minutes, at this time, to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Will the Chair let me know when there is 30 seconds left, please?

The PRESIDING OFFICER. I will do that.

Mr. DURBIN. If the Senator will withhold for a moment?

Mr. KENNEDY. Yes.

AMENDMENT NO. 4543

Mr. DURBIN. I have an amendment at the desk. I call up amendment 4543.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mrs. CLINTON, Mr. BENNETT, and Mr. BINGAMAN, proposes an amendment numbered 4543.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a complete substitute)

On page 2, line 2, strike "(two" and all that follows and insert the following:

SECTION 1. FLAG PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Flag Protection Act of 2006".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(B) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(C) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(D) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(2) PURPOSE.—The purpose of this section is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

(c) PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.—

(1) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

"(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000, imprisoned not more than 1 year, or both.

"(c) FLAG BURNING.—Any person who shall intentionally threaten or intimidate any person or group of persons by burning, or causing to be burned, a flag of the United States shall be fined not more than $100,000, imprisoned for not more than 1 year, or both.

"(d) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

"(e) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

"(f) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

"700. Incitement; damage or destruction of property involving the flag of the United States.".

(d) SEVERABILITY.—If any provision of this section, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of the section, and the application of this section to any other person or circumstance, shall not be affected by such holding.

SEC. 2. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) SHORT TITLE.—This section may be cited as the "Respect for the Funerals of Fallen Heroes Act of 2006".

(b) IN GENERAL.—Section 1387 of title 18, United States Code, is amended to read as follows:

"§ 1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces

"(a) IN GENERAL.—It shall be unlawful for any person to engage in a demonstration during the period beginning 60 minutes before and ending 60 minutes after the funeral of a member or former member of the Armed Forces, any part of which demonstration—

"(1)(A) takes place within the boundaries of the location of such funeral and such location is not a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery; or

"(B) takes place on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery and the demonstration has not been approved by the cemetery superintendent or the director of the property on which the cemetery is located;

"(2)(A) takes place within 150 feet of the point of the intersection between—

"(i) the boundary of the location of such funeral; and

"(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

"(B) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral of a member or former member of the Armed Forces; or

"(3) is within 300 feet of the boundary of the location of such funeral and impedes the access to or egress from such location.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

"(c) DEFINITIONS.—In this section:

"(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

"(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony, procession, or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

"(3) The term 'demonstration' includes—

"(A) any picketing or similar conduct;

"(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

"(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

"(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.

"(4) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

"(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

"(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

"(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

"(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by striking the item relating to section 1387 and inserting the following new item:

"1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces.".

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Bill of Rights is our Nation's greatest accomplishment. It has been our great fortress against the passions and politics of every era. It has been our great beacon to the rest of the world, demonstrating that we value our liberty more deeply than power or riches. And it is fitting that such a document, which describes the rights inherent to a free people, has not been amended—not once—in its entire 217 years.

The Founders knew that the first amendment of the Bill of Rights would allow all manner of speech, including some speech that was contemptible. They were no strangers to fiery rhetoric. Most of them began their public lives not only by making speeches but by engaging in other expressive conduct, such as hanging King George's tax collectors in effigy and dumping tea into Boston Harbor. The breadth of the first amendment is not an accident; it is an essential part of the Founders' design.

For the 217 years that followed the adoption of the Bill of Rights, we have managed to preserve every word. Every generation of leaders—until today—considered the Bill of Rights to be sacred and recognized that they could not claim to be protecting our freedoms by curtailing them. And the past 217 years have proved that we can survive civil wars and world wars, fascism, communism, economic collapse and all manner of civil strife—all without diluting the Bill of Rights.

So why are we addressing flag burning? I completely agree that flag burning is a contemptible and malicious act, calculated to outrage rather than persuade. But flag burning occurs infrequently and can usually be punished under existing laws. We are being asked to undermine the foundation of our democracy in order to squash a gnat.

We might be forgiven for focusing on this small problem if we were not inundated with great ones.

If the Senate wants to improve our Nation, why don't we turn today to legislation that would reduce the vast numbers of children who go to bed hungry each night?

If the Senate wants to prevent despicable behavior, why don't we hold comprehensive hearings on the billions of tax dollars that have been stolen and squandered by companies hired to rebuild Iraq?

If the Senate wants to keep faith with our veterans, why don't we leave the Constitution alone and work to improve our VA hospitals?

The inescapable answer is that our Republican leaders' priorities are being driven by election year politics. But this is even more than a case of misplaced priorities. It is playing politics with our most fundamental freedom. Doing so opens up a Pandora's box, and if our cherished Bill of Rights is further diluted by future generations, that loss of liberty will trace its heritage to this Senate.

Let me end with the words of our national anthem, the "Star Spangled Banner". As every schoolchild knows, the first stanza ends with these words:

O say does that star spangled banner yet
wave
O'er the land of the free and the home of the
brave?

This amendment may protect our star spangled banner, but that flag will wave over a land that is a little less free and a little less brave. I urge this Senate to find the courage to leave the Bill of Rights intact.

I yield the remainder of my time.

Mr. DURBIN. How much time do we have?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. DURBIN. I ask unanimous consent that we extend the time for debate 5 minutes on each side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I would like to recognize the Senator from New York for 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am proud to stand here today and speak out for protecting the American flag and the Constitution, of which our flag is a revered and honored symbol. Whenever I see the flag of our country, I am reminded of how fortunate I am to have been born an American, born into a country that, at her best, nurtures our strengths and gives each of us the freedom to express our ideas, display our talents, and become the best we can be, to live up to our God-given potential.

That is what the flag means to me. It represents the best of us—our ideals, our sense of duty and sacrifice: the American spirit. Those values transcend party, ethnicity, age, race, gender. Indeed, those values transcend even nationality. Around the world, our flag is a symbol of hope and freedom.

I understand the outrage that is expressed today by my colleagues, and I agree wholeheartedly that maliciously burning or destroying an American flag is a deeply offensive and despicable act. It disrespects our Nation. It belittles the sacrifices of our brave veterans. It even sends a message to the soldiers who fight today protecting our freedom that their service is in some way to be disrespected and discounted.

I have met with many veterans over the last many years, and I have heard the sense of betrayal that comes from those who risked their lives under that flag to protect our freedoms. That is why I support Federal legislation like the Durbin-Bennett amendment. When we think of all the flag symbolizes, I urge that we consider the very freedom and liberty the flag embodies. It is, in effect, a visual symbol of our Constitution and particularly our Bill of Rights. Our Founding Fathers were keenly aware that if the Constitution was to remain the cornerstone of our Government and laws, then changing it should be difficult. That is the system they set up.

The infrequency of amendments in our long history is telling. Constitutional amendments have historically met two sets of objectives. The first deals with the structure of our Government and the relationship between the executive, legislative, and judiciary branches—our system of checks and balances. The second protects fundamental rights, including the 13th amendment that bans slavery and the 15th, 19th, 23rd, 24th, and 26th amendments, all of which expanded the right to vote.

The amendment we debate today meets neither of these compelling objectives. The Constitution to which we all have sworn an oath is about protecting our rights. I believe we do that by honoring the Constitution, which has never been amended to deny or limit the Bill of Rights. I don't think we should start doing that today.

Fortunately, we have an opportunity to protect our flag in a bipartisan and constitutional way. Senator DURBIN's amendment, the Flag Protection Act of 2006, which I am cosponsoring, would among other things prohibit people from destroying a flag with the intent of inciting imminent violence, threatening someone by burning a flag, damaging a flag owned by the United States and damaging a flag that belongs to another while on Federal land.

I believe, as do many legal scholars, this legislation will stand up to constitutional scrutiny. It is different from previous bills that have been voted on in this Chamber before.

It adds a new provision that follows Supreme Court precedent, from the case Virginia v. Black decided in 2003. In that case, the Supreme Court held that the Government may prohibit people from burning crosses with the intent to intimidate. That should be a pretty straightforward proposition, but it was called into question. So the case made its way to the Supreme Court. The Court concluded that laws may, in fact, ban cross burnings meant to intimidate "because burning a cross is a particularly virulent form of intimidation."

Burning a flag, to me, is also despicable, and I believe that there is no denying that when we talk about our flag, Americans' emotions run deep. We know when we look at a flag that is deliberately, maliciously destroyed, that is an intimidating experience in many instances.

I agree that this burning, this desecration that can happen to our flag, is something that people have a right to ask this body to try to prohibit and prevent.

I hope we can pass a law that criminalizes flag burning and desecration that is constitutional and can survive Supreme Court scrutiny.

I appreciate all the New Yorkers, especially the veterans whom I represent, many of whom have come to see me here and in my State. They expressed feelings both pro and con. I assure them that I will join with my colleagues to stand up for their needs and to stand up for the needs of those young men and women wearing the uniform today.

For those reasons, I am a proud cosponsor of Senator DURBIN's amendment, and I hope that we can come together and pass a constitutional law that protects our flag and reaffirms our commitment to our Nation's Constitution.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, it is an honor and a privilege to stand with my fellow cosponsors in support of S.J. Res. 12, an amendment designed not merely to protect the physical integrity of the American flag but the very heart of our democratic republic. From 1776 to today, from the Marines who fought their way to plant the flag at the top of Iwo Jima to the firefighters who lifted the flag above the ruins of the World Trade Center, it is clear that "Old Glory" represents so much more than a nation. In truth, the American flag represents thousands of years of struggle in human history to achieve political liberty, religious autonomy, and freedom from want. More important, our flag represents the inspiration of the life of our Nation and what humanity has the potential to accomplish.

Throughout our Nation's history, the American flag has enjoyed the protection not only of its people but its laws. Unfortunately, this safeguard was eroded in 1989 by the Supreme Court decision in Texas vs. Johnson. This decision, which many of my colleagues and I agree was misguided, found within the Constitution a right that had never before existed: the right to physically assault the flag under the First Amendment. Since then, Members of Congress have been faced with reconciling the tension between "free speech" and the symbolic importance of the American flag. Many have argued that this tension exists between matters of fact and matters of the heart. But in my view, protecting our flag is a matter of both.

Whether we choose to acknowledge them or not, acts of violence or desecration towards our flag have become a grave reality in our country. Since the Texas decision in 1989, there have been more than 120 reported cases of flag degradation across the United States, and this number reflects only those events that were publicized by the media. Even with that reality in mind, we must remember that the point is not how often the flag has been burned, defaced, trampled, or torn or even those responsible for such heinous acts. Rather, the point has to do with our response—especially our official response—to those events. As citizens, we can no longer allow flag burning to be considered a "norm" in our society. Although we can do nothing when terrorists or those with anti-American sentiments defile our flag abroad, we owe it to our brave service men and women, to ourselves, and to our children to do something when it happens on our own soil.

Prior to the Texas decision, 48 out of our 50 States had statutes prohibiting flag desecration on the books. And since 1989, support for protecting our flag has only increased. Today, as the distinguished Majority Leader, Senator FRIST, has said, an overwhelming 80 percent of the American public and all 50 State legislatures agree that the Constitution should allow States and the Federal Government to protect the flag. This is exactly what this resolution was designed to do. The amendment does not prohibit flag desecration itself, but will give Congress and democratically elected State legislatures the opportunity to deliberate and ultimately decide how they will guard the United States flag.

It is important to note that the amendment process is not something that we as citizens or Congressmen should take lightly. However, when we look back in history, it is clear that constitutional amendments have only taken effect when both citizens and legislators have joined together to demand change, after prolonged periods of social unrest. As we look forward to our Nation's birthday next week, it is clear that now is the time to put an end to this political dissension and embrace the freedom and the responsibility we inherited from our forefathers. The amendment process is a fundamental provision of the Constitution, and by making use of it, we not only reaffirm its foundation, but we reveal the virtue embedded in democracy.

Ultimately, we must remember that democracy, from 2500 years ago when originally articulated by philosophers like Aristotle, to more modern discussions about democratic nation-building in the Middle East, has always encompassed much more than a structural or institutional framework for government. Although elements such as free elections, dispersed power, basic human freedoms, equality, and an involved citizenry are important in thinking about democratic governments, the idea itself revolves around a vision. That vision acknowledges human beings are capable of securing their liberty but also establishing a free, prosperous, and ultimately, unified society. It is a vision that has inspired people everywhere, but especially Americans, with hope, optimism, and an unwavering sense of loyalty. Such a vision is best expressed in the waving stars and stripes of Old Glory.

We often warn our children "If you can't stand for something, you'll fall for anything." Today, it is my hope that we will come together and agree that there is nothing we would rather stand up for than the American flag.

Let me speak specifically to a provision—the Durbin amendment—that should be troubling to all of us.

Just this past month, this body voted unanimously to support, and the President has just signed, an act called the Respect for America's Fallen Heroes Act.

The legislation that was authorized and moved out of the Veterans' Affairs Committee speaks to those who choose to demonstrate during periods in the ceremony at a cemetery in the burial of one of our fallen heroes.

This body rightfully protected those families and those mourners in certain demonstrations at the VA's 223 national cemeteries and at Arlington National Cemetery. We differed a little with the House, and the reason we differed with the House is quite clear. There were two constitutional reasons for differing with the House.

The first amendment right to assemble peacefully was one of those, and the second one was a federalism principle that I think the Senator from Illinois walks all over—that recognizes we only have the right to shape those activities on Federal property.

The Durbin amendment fails miserably to adhere to the federalism principles—the very principle that drove my amendment to the House-passed version of the Fallen Heroes Act. Therefore, I am here today to urge my colleagues to oppose the Durbin amendment on two grounds.

First of all, the courts have said we can't legislate as it relates to flag burning; secondly, we ought not be telling States what to do as it relates to private cemeteries or State cemeteries. I think that is very clear.

I said at the time we voted on the Fallen Heroes Act that I would ask that federalism be protected.

I must say in conclusion that there is no commerce nexus in what the Senator from Illinois is attempting to do. This clearly is a federalism argument. It is a State and local responsibility to protect that which the Senator from Illinois is asking us to protect.

We have already acted in defense of our fallen heroes on Federal property, as we should rightfully have done.

Mr. HATCH. Mr. President, I yield 2 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. CHAMBLISS. Mr. President, we are in the midst of a debate that, frankly, I think we ought to have, and I am proud to be a cosponsor of this resolution. I share the view of the majority of Georgians that the American flag symbolizes the strong values that our country stands for—freedom, liberty and representative democracy. And most importantly, our American flag represents the generations of men and women who have fought and died defending those values. I have the privilege of representing a proud military state, and nothing makes me more proud when traveling around Georgia than to stand with the folks I represent, face our flag—place my hand over my heart—and recite the Pledge of Allegiance.

The flag represents our way of life. It hangs in our classrooms, over our police stations, fire stations, and courthouses. It flies above this historic Capitol. It was borne by troops in battle to protect our liberties and has covered the caskets of fallen soldiers, airmen, and marines who made the ultimate sacrifice for us. It is an emotional symbol to so many of us.

I have had the opportunity to travel around the world to represent my state and my country—and the one symbol that everybody in and particularly outside of America looks to when they think about America is that great flag that we have lived under for all these many years. And for anybody to think that they ought to be able to stomp on that flag, or trample that flag or burn that flag or destroy that flag in any way other than a professional way is simply wrong.

There are those who say we ought not "change" the Constitution. Yet, for 200 years the legislative branch of our governmental had the power under our Constitution to prohibit the desecration of the flag. Only in 1989 and 1990 did a divided Supreme Court, for the first time in our history, "change" the Constitution to say that Congress no longer had that power. I believe the amendment process, provided for by the Constitution itself, is the lawful means by which the American people may restore common sense when the Supreme Court abandons it.

Let me take a moment to say that I understand that a substitute has been filed and that the substitute has in it language to prohibit protests at military funerals. The language is basically the same language as the bill that Senator BAYH and I introduced months ago.

I hope we can work together to get this bill passed as a stand-alone bill. We need to ensure that families can bury their servicemembers in the peace and dignity and respect they have earned.

I ask that a vote be made against the substitute and for the underlying resolution.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I reserve the remainder of my time.

Mr. DURBIN. Mr. President, I yield 3 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I stand here proud of my country, proud of our liberties, proud of our flag. I went to Europe as a young man during World War II—the first time I was out of the country—and put on a uniform to defend the honor and freedoms that this country represents.

Now we talk about flag desecration by the actions of a few who dare burn our flag. It is a repulsive, ugly act. We never want to see it. But do we take away their right to dissent and do we say America is a country that can't stand dissent? No. One's patriotism may be another person's desecration.

Here's a picture—I show this poster not at all to denigrate the President of the United States, but that is the hand of the President of the United States using a magic marker to write on this flag. He never intended to be disrespectful; he loves this country. I differ with him on policy, but is that desecration, I ask you?

I think this second poster is another example that represents desecration. Here he is, Kid Rock, with his head through the flag. Is that a desecration? It was such a desecration that he was invited to perform in a concert at the Republican Convention, and they partied with him. They loved him.

What constitutes desecration? A lapel pin? We worry about what we do for our soldiers and say that we love the flag so much, but we won't allow news photos of flag-draped coffins coming into Dover? Pictures of those flags are banned?

What is going on here? This is politicking at its worst. We should not violate the freedoms guaranteed by our Constitution and the Bill of Rights. It is raw politics. It doesn't demonstrate patriotism. I invite everybody to have the courage to vote against this amendment and show their courage and not to be intimidated by wondering what this one will think or wondering what that one will think.

We are invited here to think about the freedoms that our country offers and our responsibility, and it is not only protecting the flag, it is protecting our liberties. It is making sure that we protect our veterans, that we give them the right kind of equipment, and that we give them the resources they need. That, to me, is the kind of patriotism that ought to be rewarded—not to say if you write in ink or you tear the flag that we are going to amend the Constitution to get at you. A half dozen or a dozen people have done that to offend everybody. That should not let us be stampeded into amending our Constitution.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from South Carolina.

Mr. GRAHAM. Mr. President, whether it would ever be a crime to write on the flag or wear it at a concert, who knows? This whole debate is about restoring the power of elected officials to be able to manage such events. The Supreme Court, in a 5-to-4 decision, took the power away from everyone who is elected to have any say about the flag. This happened in 1989.

We have lived here free, open, safe, and secure of being able to regulate conduct toward disrespecting the flag for most of our life. Only since 1989 and a 5-to-4 decision have we had this problem.

I stand here wanting every elected official to have the constitutional power that we previously possessed before the 5-to-4 decision. And we will decide among ourselves what a good statute might be or may not be. Everybody can go through that process and be answerable to the people.

I do not believe it is a burden to place on our citizens at large not to disrespect the flag. It is a burden we can bear as a people. If you do not like me, there are a million ways you can show your displeasure with my time in the Senate. But the fact is, I am an elected representative. All I am asking citizens as a whole is that we have one thing in common—that we are able to talk with each other and debate issues without destroying the flag.

To me, that is a burden that we can bear. Freedom without responsibility is chaos. So it doesn't bother me one bit to turn to my worst enemy and say: This one thing is out of bounds. Have your say, have your fun, do what you are going to do, speak as loudly as you want to speak, but this is one thing I ask of you: please don't destroy the flag.

To the few citizens who feel a need to do that, it doesn't bother me one bit for them to be told no. That is what is wrong with our country today. Nobody is afraid to tell anybody else no. I am not afraid at all: to the few who want to destroy the flag, I am gladly willing to tell you no. That doesn't make me any less free or you any less free.

Mr. DURBIN. Mr. President, I yield 3 minutes to the ranking member, the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator.

As we close this debate and move on to a vote on this proposal, I commend to all Senators the words of the senior Senator from Hawaii, a war hero and veteran, a patriot, an American of the first order. He was long denied the Congressional Medal of Honor that he earned long ago and paid for dearly. He knows why he fought and sacrificed. No one on this floor has fought harder for this country, for its flag, for our freedoms or for our veterans and their families. He has shown characteristic leadership and courage in his statement today against doing damage to our Constitution through this proposed amendment. I am honored to stand with him in this fight to preserve our Bill of Rights. I commend the other veterans, as well, Senators LAUTENBERG and KERRY. I thank the Senators from West Virginia and Massachusetts for their statements and the Senator from New York.

The action by the Republican leadership on this amendment reminds me of the action they forced in connection with the Terri Schiavo case. Then the President hurried back from a vacation with great fanfare to sign a bill rushed through the Republican-led Congress to intrude into a family and personal tragedy. The politicians overreached and the American people saw through it. Here, too, this election-year exercise will be seen for what it is.

This is the second constitutional amendment that the Senate has considered this month in the Republican runup to the November election. Of course, among the amendments the Republican majority has chosen not to consider is the one promised by the 2000 Republican Party Platform, to require a balanced budget. Even Republican partisans must be embarrassed at the deficits that the Bush-Cheney administration and the Republican Congress have generated as they turned an historic budget surplus into an historic deficit.

This proposed amendment regarding flag desecration is another in a series of amendments Republicans have pressed that would result in restricting the rights of the American people. It is one of more than 65 constitutional amendments introduced so far in this Congress alone, and more than 11,000 since the First Congress convened in 1789. Can you imagine what the Constitution would look like if even a small fraction of these amendments had been adopted? The Constitution that we now revere as fundamental law, that provides us with unity and stability in times of trouble, would be like the old French Constitution—filed under "p" for "periodicals." We honor our Senate oath when we "support and defend" the Constitution. That is what I will be doing by voting today to uphold the Constitution and by voting against amending it.

I am encouraged by the Senate's bipartisan rejection of action on S.J. Res. 1, the proposal to federalize marriage by way of a constitutional amendment. Forty-eight Senators voted against cloture, and I believe that others who voted in favor of more debate were nonetheless troubled by the proposal. The failure of the Republican leadership to obtain even a simple majority of Senators to support their efforts, on a procedural vote, should indicate to them how unwise it is to abuse the Constitution in a partisan election-year tactic.

Like the marriage amendment, the flag amendment would artificially create division among the American people. The timing of this consideration, 4 months before the mid-term election, raises concerns, again, that the Constitution is being misused for partisan purposes. That is wrong.

We act here in the Senate as stewards of the Constitution, guardians and trustees of a precious legacy. The truly precious part of that legacy does not lie in outward things—in monuments or statues or flags. All that these tangible things can do is remind us of what is truly precious: our liberty.

This proposed amendment would be the first amendment to the Constitution that would narrow the precious freedoms enjoyed by Americans under the Bill of Rights. The infringement would fall on the first amendment, the cornerstone and foundation of all of our rights, of which we must be especially protective. The first amendment has stood up in times of war, during times of bitter protest. It has been one of the rocks on which our national unity and our national stability are built.

The proposed amendment is a wrongheaded response to a crisis that does not exist. It would be an unprecedented limitation on the freedom Americans enjoy under the Bill of Rights and would do nothing to bolster respect for the flag. Respect for the flag flows from the freedoms we enjoy and from the sacrifices of those who have protected that freedom. Our cherished flag is the symbol of our Nation and of the Constitution that is the foundational keystone of our Republic, and of our freedom. This is about defending the Constitution, my friends, for which our flag stands. Each generation of Americans owes the next generations the effort and the dedication it takes to pass along the torch of freedom, undiminished. We owe it to them, and to those who have sacrificed so much for us, to cherish and to protect freedom, and the Constitution which is the written promise of that freedom.

Rather than face the solemn responsibility of justifying an amendment to the Constitution, proponents of S.J. Res 12 have urged that we just pass it on to the States and let them decide. They said that Senators should abdicate their responsibility to exercise their best judgment and simply pass the buck. I could hardly believe my ears.

Have we utterly forgotten the words of James Madison and the conservative conception of amendment the Founders built into our Constitution? The Constitution intentionally makes it difficult to pass amendments to our fundamental law. No amendment can pass unless every level of government, from the House to the Senate to the States, overwhelmingly supports it. Our system is undermined if each institution of government does not exercise independent judgment, if we do not fulfill our constitutional responsibility.

This is the fifth time that this body has considered a constitutional amendment to punish flag burners. Some of us have voted on the proposal before; others have not. But either way, we are undertaking the gravest of responsibilities. We are taking in our hands the inalienable rights of Americans, today and the generations that follow long after we have gone. We are handling the most precious heirloom that we have, the finest thing that we can hope to pass on to our children and grandchildren. I would hope that at this of all times we would give the Constitution the respect that it deserves and support and defend it.

This week we returned to use what little time left to the Senate this year to revisit a debate on that has wisely been rejected in this chamber four times in the last 17 years: a proposed amendment that would roll back our first amendment freedoms for the first time in our Nation's history. While we devote precious floor time to debate this matter, the Nation is gripped by the ongoing war in Iraq, the continuing threat of terrorism, soaring energy and health care prices, rising inflation, and a burgeoning deficit.

Indeed, this debate is another illustration of the Republican leadership's disregard for the needs of the American people and the institutional responsibilities of this body. They continue to mistreat our Constitution as if it were a bulletin board on which to hang political posters or bumper stickers. The Constitution is too important to be used for partisan political purposes, and so is the American flag.

The timing of this debate raises the question of why the Republican leadership has made this issue its top priority in the face of an unfinished agenda of legislative matters that do concern Americans day in and day out. The Senate has hardly made progress on a legislative agenda. We have yet to consider any of the 13 appropriations bills for the year. We have yet to enact a budget resolution, which was required by law to be in place on April 15. We have yet to enact a lobbying reform bill, a comprehensive immigration bill, or pension protection legislation. We have yet to consider or pass asbestos litigation reform legislation, patent reform legislation or the reauthorization of the Voting Rights Act. We have yet to pass a long overdue raise in minimum wage, to take action to lower gas prices, health care costs or health insurance costs. Instead, with less than 10 weeks left in this session of Congress, the Republican leadership will work on none of those important matters.

The amendment we consider today would artificially create division among the American people, and the timing of this debate—squarely in the middle of an election year—demonstrates, again, that the Constitution is being misused for partisan purposes. The Constitution deserves our respect, vigilant protection and in the words of our Senate oath our "support". We have a duty to defend it. The Constitution is not a blog for venting political opinions, curry favoring with voters or trying to bump up sagging poll numbers.

The flag is an important symbol of all that makes America great. But the cynical use of symbolic politics in an election year will not address the very real needs of veterans and other Americans that are being left unmet by this administration and the Republican Congress.

I know that many veterans support the flag desecration amendment and I respect their views. We must not forget though that there also are many veterans who oppose it. I appeared with a number of distinguished veterans on Flag Day who spoke about their dedication to the principles that make this country great and for which they fought and sacrificed. Those principles include our precious freedoms under the first amendment. These veterans of World War II, Korea, Vietnam, the First Gulf War and Iraq made clear that they fought for what the flag stands for, not just the symbol itself.

Former Senator John Glenn, a combat veteran, wrote: "The flag is the Nation's most powerful and emotional symbol. It is our most sacred symbol. And it is our most revered symbol. But it is a symbol. It symbolizes the freedoms that we have in this country, but it is not the freedoms themselves."

The late John Chafee, a distinguished member of this body and a highly decorated veteran of World War II and Korea, opposed this amendment because, he said: "We cannot mandate respect and pride in the flag. In fact taking steps to require citizens to respect the flag, sullies its symbolism and significance."

Flag desecration is a despicable and reprehensible act. We agree with that—all of us agree that it is contemptible. That is not the issue, instead, the issue before us is whether we should amend the Constitution of the United States with all the risks that that entails and whether, for the first time in our history, we should narrow the precious freedoms ensured by the first amendment. Should we amend the first amendment so that the government can prosecute the handful of individuals who show contempt for the flag, those General Powell called miscreants? Such a monumental step is unwarranted and unwise.

We are being tested. This generation of Americans is being tested by the threat of international terrorism. America wins when it meets that challenge without allowing those who threaten us to compromise us. We suffer losses not only when we suffer attacks as we did toward the end of President Bush's first year in office, but also when we give up those freedoms that define us as Americans. For the Congress to surrender our fundamental rights as Americans as proposed in the constitutional amendment is wrong.

Following the very real attacks on 9/11, Americans embraced the flag like never before, proudly displaying flags and flag symbols as a sign of unity and strength in the wake of those horrible acts against our nation. People around the world grieved for us, cared for us, and joined with us to fight terrorism. Over time, missteps and arrogance by the Bush-Cheney administration have alienated much of the world. Still, Americans of all political persuasions have not needed a law to tell them how precious our freedoms are or how to honor the Stars and Stripes.

Supporters of this constitutional amendment seem to believe that Americans need rules about respecting the flag punishable by law. I strongly disagree and the American people have already proven them wrong. The American people do not need a lesson in cherishing and honoring our flag and the Republic for which it stands. That may be necessary in Saddam Hussein's Iraq or in Stalin's Soviet Union or in Castro's Cuba, but not in America.

In fact, respect cannot be coerced or compelled. It can only be given voluntarily. We respect and love our country, but not because we are told to. Americans do not love our country because we would be punished if we did not. Some may find it more comfortable to silence dissenting voices, but coerced silence creates resentment, disrespect, and disunity. I proudly fly the flag at my farm in Vermont because, as an American, it is what I choose to do.

In every hamlet and city and on every rural route in America, you can see our flag being flown with pride. Americans in overwhelming numbers are honoring our flag, not defacing it.

Of course, there are times when individuals deface the flag or violate the rules for its care. For example, President Bush was captured on film signing a hand-held flag at a campaign rally in the summer of 2004. Appropriate or not, these acts are protected by our Constitution. They do not need to be punished by Congress after we pass a constitutional amendment restricting the first amendment rights of all Americans.

In all of the hearings, all of the debate that we have devoted to this topic over the past 17 years, not one single person has testified that he respects the flag less because a protestor burned it, wrote on it, sewed it in the seat of his pants, or otherwise misused it. Not one.

Not one single person has testified that they love our country less because Americans are free to express themselves in this way. Not one. There is not a single indication that any act of flag burning has lessened the respect that any American has for the flag or for our country. It would be pathetic if our love of country or respect for its fundamental principles was so weak that it could be diminished by such an act. We know that it is not.

The truth is just the opposite. Occasional insults to the flag do nothing to diminish our respect for it. Rather, they remind us of our love for the flag, for our country, and for our freedom to speak, think and worship as we please.

Our flag is a cherished symbol. As are the freedoms for which it stands, including the freedom to express unpopular speech or ideas—even extremely unpopular ideas.

As I have said many times throughout this debate, I wish the Senate would, instead, use its time to discuss and solve the real problems that real Americans are facing right now, instead of trying to stir public passions for political ends.

I respectfully suggest that in the less than 10 weeks left to us in session this year, the Senate's resources would be better spent working to improve veterans' health care services, survivors' benefits and protecting veterans' and Americans' privacy. There are so many issues that we could turn to that would help improve the lives of our veterans and their families. Why not focus on them?

Just today on the front page of the newspaper, we learned that this Government's bureaucratic bungling has resulted in widows of those who have served this Nation and sacrificed for all of us are being denied the survivors' benefits to which they should be entitled. This news follows closely public reports that post-traumatic stress disorders among our veterans are on the rise.

Instead of seeking to turn the flag into a partisan political weapon and the Constitution into a billboard for political slogans, for partisan gain, we could be spending time debating these real issues or much-needed funding for services to our veterans. This President's budget requests have consistently fallen short of the levels needed to provide necessary services and care. President Bush's budgets force our veterans to subsidize their government health care and simply does not account for the increase in demand for VA services due to the Iraq war.

We could also be taking real action to prevent the kind of data losses that just affected millions of our veterans. We just witnessed the largest theft of private information from the Government ever, the loss of information on more than 26.5 million American veterans, including more than 2 million who are in active service, nearly 80 percent of our active-duty force and a large percentage of our National Guard and the Reserve.

Last year, Senator SPECTER and I introduced the Personal Data Privacy and Security Act, which requires Federal agencies and private data brokers to give prompt notice when sensitive personal information has been breached or stolen. The Judiciary Committee overwhelmingly approved this bill last fall, but almost a year later, the Senate has still not acted on this legislation. Had this bill been enacted, it would have required the VA to promptly notify the millions of veterans now at risk of identity theft about the theft of their personal data. Our bill also addresses the Government's use of personal data by putting privacy and security front and center in evaluating whether data brokers can be trusted with Government contracts that involve sensitive information about the American people.

The Nation's veterans—who have been willing to make the ultimate sacrifice for their country—deserve to have the best tools available to protect themselves and their families from identity theft. The Senate should be acting to consider and pass comprehensive data privacy and security legislation.

Sadly, the list of what we are not accomplishing goes on and on. The way things are going, under Republican leadership, this session will make the "do nothing" Congress against which President Harry Truman ran seem like a legislative juggernaut.

The days we have spent on this amendment could be spent more productively on any of the matters I have mentioned. There are less than 10 weeks remaining in the Senate's scheduled work year. It seems that even with all that remains undone, at this point in this election year, floor time is available only for matters that advance the Republicans narrow political agenda.

Republicans have the Senate majority; they control the schedule, they set the priorities. In my view, it reflects a strange set of priorities to think our national interest is best served at this time by debating a constitutional amendment to roll back the Bill of Rights for the first time in our history.

I treat proposals to amend the Constitution with utmost seriousness, for it is a serious responsibility. I began this debate by noting my home State of Vermont's tradition of independence and commitment to the Bill of Rights. Vermont did not and would not become a State until 1791, the year the Bill of Rights was ratified. At one time, we declared ourselves an independent republic.

I plan to proudly uphold that tradition today by voting against this amendment, and I hope, although likely in vain, that the Senate will move on to more pressing matters that directly affect the lives and livelihoods of the American people.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 8, 2006.—Now that the Republican leaders in the Senate have finished wasting the nation's time over a constitutional ban on gay marriage, we're bracing for Act Two of the culture-war circus that the White House is staging to get out the right-wing vote this fall.

Senator Bill Frist, the majority leader, plans to continue to set aside work on pressing issues facing the country to vote on yet another unworthy constitutional amendment—a prohibition on burning the American flag.

If the gay marriage amendment was a pathetic attempt to change the subject in an election year, the flag-burning proposal is simply ridiculous. At least there actually is a national debate about marriage, and many thousands of gay couples want to wed. Flag burning is an issue that exists only for the purpose of pandering to a tiny slice of voters. Supporters of the amendment cannot point to a single instance of anti-American flag burning in the last 30 years. The video images that the American Legion finds so offensive to veterans and other Americans are either of Vietnam-era vintage or from other countries.

Nevertheless, flag burning remains one of those "wedge issues" that Republicans use to denigrate the patriotism of Democratic candidates or to get the party's base out to vote.

The other big difference between the two amendments is that the ban on gay marriage was never going to get the two-thirds vote in Congress required to send it to the states for ratification. Yesterday, the Senate rejected it by 49 to 48, with the help of seven Republicans.

The flag-burning amendment, on the other hand, actually could pass. A realistic nose count based on members' public statements and how they voted when the measure last came up, in 2000, suggests the Senate may be just a single vote short of punching a hole in free speech.

Senator Harry Reid, the minority leader, should be rallying Democrats to join the small handful of principled Republicans so far willing to oppose the amendment. But as things stand, he is among the Democrats who plan to vote for this constitutional vandalism. Opponents of the amendment, like Senator Patrick Leahy, Democrat of Vermont, are standing on firm ground in trying to protect the Bill of Rights from an election-year stunt.

It is the patriotic thing to do.

Congress Nears Choice: Protect Freedom or Stoke Anger?

In early June an allegedly drunken man in West Haven, Conn., yelled racial epithets and tore up an American flag while arguing with police and passersby. Earlier in the spring, instances of vandalism involving flags were reported in New Hampshire and New York.

Those three episodes of 2006—as compiled by the Citizens Flag Alliance, a group pushing for a constitutional amendment to protect the flag—constitute the raging menace of flag desecration.

In fact, they show what a non-issue flag desecration is. Instances are rare and easily addressed by local laws. They hardly require the extraordinary act of amending the Constitution.

But in a Congress unwilling to address important matters—its own ruinous spending and flagrant corruption to name just two—symbolism is the politically convenient substitute for substance. The Senate will soon take up an amendment to stop flag burning, and the vote is expected to be razor close. The House of Representatives has passed it, meaning that it could soon be sent to state legislatures, where it would be ratified if three-quarters approve.

While it's tempting to dismiss this as trivial election-year posturing, the precedent is troubling. It would for the first time alter the cornerstone of American freedom, the Constitution's First Amendment.

That is not a small matter. The First Amendment is the reason Americans are free to say what they think. It is also the reason people here can worship as they wish, associate with whomever they please, and get news and information from a free and independent press. It gives citizens a right to have grievances redressed. To limit those rights—especially for so trivial a reason—is to say they are no longer sacrosanct.

They should be. They are what makes America unique.

If Congress banned something as pathetic as flag desecration to score political points, surely it would consider limiting other unpopular speech.

The amendment's wording virtually guarantees that outcome. Would it, for instance, cover depictions of flags as well as actual cloth banners? Would sitting on a flag patch sewn onto the back of a pair of jeans count?

And what about the issue of flying a flag upside down? This has already become the preferred form of protest for people pushing for everything from an immediate withdrawal from Iraq to better psychiatric care for veterans. These protesters often say that they respect the values the flag represents, but that they believe those values are being subverted by people in power. Does this country really want to criminalize such a nuanced form of political dissent?

These issues would be left to legislation drafted by future Congresses and interpreted by courts. All of that, in turn, would weaken individual rights that are at the Constitution's heart.

And for what gain? Proponents of an amendment say the flag is such an important symbol of American democracy that it deserves a special status. But the Connecticut flag burner was charged with seven offenses ranging from public consumption of alcohol to criminal mischief. Surely, that is sufficient.

In fact, what makes the flag so special is this: It stands for a nation that deems individual liberties so important, it tolerates unpopular minority opinion.

The main threat to the flag comes not from the occasional burning of Old Glory. It comes from those who would sacrifice the principles the flag represents.

[From the Washington Post, June 21, 2006]

Flag Burning Redux

With Congressional elections coming, the Republican leadership has found a pivotal issue. Terrorism? Hardly. Entitlement reform? Don't be silly. We're talking about the grave threat to America known as flag burning. Yes, that election-year favorite is back: the proposed amendment to the Constitution of the United States allowing Congress to criminally punish the "physical desecration" of the American national banner. If you haven't noticed a rash of flag-burning incidents sweeping the nation that's because, well, there isn't one. But that doesn't stop Republicans from trotting it out as a more-patriotic-than-thou card.

They are, as always, close to having the votes to send it to the states for ratification. The House of Representatives has passed the measure and the vote will be tight in the Senate, where the Judiciary Committee approved the amendment 11 to 7. We hope the amendment will fall short of the needed two-thirds majority on the Senate floor; it's depressing enough that a majority of senators will support it.

The amendment would soil the First Amendment's command that Congress shall "make no law . . . abridging the freedom of speech." Flag burning is an odious form of expression. But there are lots of odious forms of expression the First Amendment protects: Holocaust denial and swastikas, racist rants and giant Confederate flags, hammers and sickles. The amendment's power is in its self-confident sweep: Speech, including expressive acts, will not be censored. Government cannot punish ideas. Members of Congress who would protect the flag thus do it far greater damage than a few miscreants with matches.

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, I have spoken to the Senator from Utah, and I would like to ask how much time I have remaining.

The PRESIDING OFFICER. Four minutes.

Mr. DURBIN. I understand the Senator from Utah will then close.

The PRESIDING OFFICER. He has 6 minutes.

Mr. DURBIN. Thank you, Mr. President.

Mr. President, first, I ask unanimous consent that Senators CARPER and BOXER be added as cosponsors to my pending amendment, and I ask unanimous consent that three commentaries in opposition to the flag amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun Times, June 21, 2006]

Ill-Starred Flag Amendment Would Do Nation No Good

Nearly 30 years after Cubs outfielder Rick Monday snatched an American flag from two idiots at Dodger Stadium who had doused it in lighter fluid and were trying to light it with a match, we still applaud him for his exemplary act of patriotism—for acting on our behalf. As devoted as we are to free speech, we would have been hard-pressed to bottle our anger over the desecration of the Stars and Stripes before tens of thousands of spectators.

Our appreciation of Monday was not diminished by his appearance last week at a rally for a proposed flag desecration amendment—an event at which he exhibited the rescued flag, which was presented to him by the Dodgers. But however heartfelt this gesture was, it was wrongheaded in lending support to a manufactured cause with no real value except a political one, the equivalent of throwing red meat on the table.

You would think, from the emotional momentum this issue has gained in recent times, there is a pressing need for an anti-flag-burning amendment. Most Americans are in favor of it. The House has backed the amendment, and the Senate may well follow suit next week, when it is scheduled to decide on the constitutional ban. Reportedly, it is within a vote or two of the two-thirds majority it needs. In 2000, it fell four votes short.

But, in fact, this is a classic example of a solution in search of a problem. Flag burnings, which most of us associate with Vietnam-era protests, have all but disappeared from the American landscape. No protests of the war in Iraq (which have been relatively few) have featured flag desecrations. The closest anyone has come to publicly mistreating the flag, arguably, was a case of two athletes wrapping themselves in it at the Olympics.

You might also think this is an issue in need of legal clarification. But, no, the Supreme Court ruled in 1989 that as distasteful or offensive as this kind of protest is, it is protected by the First Amendment. A year later, the high court overturned the federal Flag Protection Act. The fact that yet another effort is being mounted tells you not that the principles have changed, but the political climate has. Sorry, but that's not a good enough reason to alter the Constitution.

This represents the consensus of the Sun-Times News Group of 100 newspapers in the metro Chicago area.

Emergency Committee to Defend the First Amendment

The following statement was released today by Professors Norman Dorsen and Charles Fried, Co-chairs of the Emergency Committee to Defend the First Amendment. The Committee is composed of prominent Americans—conservative, moderate and liberal—including former officials of the Reagan Administration, former Republican members of Congress, senior professors of constitutional law, several former presidents of the American Bar Association, and leaders of other national organizations.

The First Amendment to the United States Constitution has served us since 1791 through wars, including a Civil War, and crises of every sort without the need for amendment. It is an icon of our freedom. To amend it now comes close to vandalism.

The proposed constitutional amendment limits how people may protest and sets a precedent for banning other forms of dissent. If the flag, why not the Great Seal of the United States or the Constitution? Why not the Bible or (to be ecumenical) religious icons of all faiths? The founders of this country would have been shocked at the notion that the government could restrict ways by which the people can protest conditions in the country or the government's own policies.

As the Boston Tea Party illustrates, the founders were familiar with symbolic protest. Moreover, the American revolutionaries were also not exactly kind to their country's flag, the Union Jack. George Washington ordered thirteen red and white stripes sewn onto it and called it the "Thirteen Rebellious Stripes." Pennsylvania's first flag after declaring independence was a British flag with a coiled serpent ready to strike at the English ensign. These protests "desecrated" the country's then-existing flag.

Totalitarian countries fear dissenters sufficiently to suppress their protests. A free nation relies on having the better argument. It is possible to burn a particular flag, but no one can destroy the symbol and meaning of the flag. No matter how many flags are burned, the American flag will still exist, untarnished and waving bravely in the breeze.

The Emergency Committee urges the Senate to demonstrate the sort of statesmanship of which it is capable by rejecting the proposed constitutional amendment.

EMERGENCY COMMITTEE TO DEFEND THE FIRST AMENDMENT:

Terry Anderson; Writer, former Journalist; Former Lebanese Hostage.

Derek Bok; President, Harvard University (1971–1991); Dean, Harvard Law School (1968–1971).

Clint Bolick; Litigation Director, Institute for Justice.

Benjamin Civiletti; Partner, Venable, Baetjer & Howard; U.S. Attorney General (1979–1981).

John J. Curtin, Jr.; Partner, Bingham Dana & Gould; President, American Bar Association (1990–1991).

Norman Dorsen; Stokes Professor of Law, New York University Law School; Counselor to the President of New York University; President, American Civil Liberties Union (1976–1991).

Bruce Fein; Lawyer and Journalist; Former Department of Justice Attorney.

Charles Fried; The Beneficial Professor of Law, Harvard Law School; Solicitor-General of the United States (1985–1989).

Shirley M. Hufstedler; Of Counsel, Morrison and Forster; Circuit Judge, U.S. Court of Appeals, 9th Circuit (1968–1979).

Martin Lipton, Partner, Wachtell, Lipton, Rosen & Katz.

Robert MacCrate; Partner, Sullivan & Cromwell; President, American Bar Association (1987–1988).

Charles McC. Mathias, Jr.; Partner, Jones, Day, Reavis & Pogue; U.S. Senator (R–MD, 1969–1987).

J. Michael McWilliams; Partner, Tydings & Rosenberg; President, American Bar Association (1992–1993).

Robert M. O'Neil; Director of the Thomas Jefferson Center; President, University of Virginia (1985–1990).

Roswell B. Perkins; Partner, Debevoise & Plimpton; Former President, American Law Institute.

Roger Pilon; Director, Center for Constitutional Studies, The Cato Institute.

E. Barrett Prettyman, Jr.; Partner, Hogan & Hartson; Trustee, National Council on Crime and Delinquency.

Roberta Cooper Ramo; Partner, Modrall, Sperling, Roehl, Harris & Sisk; President, American Bar Association (1995–1996).

James H. Warner; Lawyer; White House Domestic Policy Staff (1985–1989); Former Vietnam POW.

THE AMERICAN LEGION,
AMERICAN LEGION POST #315,
San Francisco, CA, July 14, 2005.

Re Oppose S.J. Res. 12, the Flag "Desecration" Constitutional Amendment.

DEAR SENATOR: As the Commander of American Legion Post #315 in San Francisco, CA, I write to urge you to oppose S.J. Res. 12, the proposed constitutional amendment to prohibit "desecration" of the flag. Although the national American Legion leadership supports this amendment, I wish to express my disagreement with that position and my dismay with the apparent willingness of Congress to amend the First Amendment to restrict free speech.

Acts of burning or otherwise defacing the flag are rare, but they can be a powerful form of expression. I should be clear that it saddens me to think of those who would damage the flag, but I believe it my duty to defend their right to do so. The flag stands for freedom, yet this constitutional amendment would diminish fundamental freedoms by undermining the right to free expression guaranteed by the Bill of Rights.

American Legion posts across the country recently marked the passing of Flag Day by organizing flag burning ceremonies to dispose of worn and damaged flags. Proponents of the flag amendment say they seek to ban an act, not a form of expression. Surely they do not mean to ban respectful flag disposal ceremonies like these. Rather, they seek to prohibit acts of flag desecration that are intended to convey a certain political message. When the founders drafted the First Amendment, they intended to protect peaceful expression, however unpopular and offensive. In fact, it is precisely such unpopular speech that requires the protection afforded by the Constitution.

There is significant diversity of opinion among veterans in general and American Legion members in particular on this issue. In fact, just last year a past National Commander of the Legion, Keith Kreul, gave Senate testimony in opposition to the flag amendment. I suggest, as Mr. Kreul did, that this amendment is not an appropriate way to honor the service of this nation's veterans. There are many pressing concerns facing our veterans and active duty troops, including shortfalls in funding for veterans healthcare and daily dangers facing troops serving in Iraq. The flag amendment is an unfortunate distraction from these issues.

If passed, the flag amendment would constitute the first-ever restriction on the Bill of Rights. I urge you to oppose this measure. In doing so, you will defend the true spirit of the Constitution, and the freedoms for which the flag stands.

Sincerely,

SHARON LEE KUFELDT,
Commander, American Legion Post #315,
U.S. Air Force Veteran.

Mr. DURBIN. Mr. President, you have heard the debate for 2 days now. On one side of the aisle, those supporting this amendment have summarized their feelings in three words: Respect the flag. On the other side of the debate are those who say: Respect the Constitution. They understand that what we are being asked to do is historic. Senator BYRD has reminded us. This would be the first time in the history of the United States of America that we would amend the Bill of Rights.

It is a historic moment. And it takes some audacity and bravado for any sitting Member of the U.S. Senate to believe they have a better idea than James Madison, Thomas Jefferson, and our Founding Fathers had over 200 years ago. It takes a special circumstance for us to even consider changing that beloved first amendment, which has guided us for more than two centuries.

The incidents of flag burning are rare. They are disgusting. But there are ways we can deal with this without defiling this Constitution.

Senator HATCH's amendment says do not desecrate the flag. I believe we should not desecrate the Constitution. There is a way. The pending amendment points to the way: a Federal criminal statute carefully drawn to meet the Supreme Court test that would really deal with preserving and protecting the flag as we know it, as an important symbol of America, without invading our Bill of Rights. And the second part of my amendment which I am offering is one that you know about because you hear about it all the time.

There is this demented group—I will not even give the full name of this church from Topeka, KS, because I do not want to give them any publicity. But this demented group is appearing now at military funerals, the funerals of veterans and soldiers, demonstrating. Here they are issuing a press release that says: "Thank God for IEDs (Improvised Explosive Devices)," announcing they are coming to my home State of Illinois to picket the funeral of Army SPC Brian Romines, who was 20 years old, at the Anna Heights Baptist Church in Anna, IL. It is disgusting: this family, racked with grief, trying to get through the most difficult day of their lives, having to walk through the lines of demonstrators this demented person would bring to the funeral.

Well, the Senator from Idaho has said on the floor that I have gone too far with my amendment, I have gone too far in limiting these demonstrations at military funerals. I think he is wrong. These demonstrations are wrong not just in national cemeteries, they are wrong in all cemeteries. They are wrong at all churches. They are wrong at all funerals. And the Senate will have a chance, with my amendment, to vote and say that we will limit this kind of disgusting activity that disrespects the men and women who have fought and died for America.

That is the amendment before us, an amendment to protect our flag and to protect the memory of those who have fought and died for our country. I am proud to offer this bipartisan amendment. It is an amendment which, at the end of the day, we can point to with pride because we have done something important.

But I urge my colleagues, think long and hard about being the first to amend the Bill of Rights in the history of the United States of America. We have given our oath to uphold and defend that Constitution. Today we will be put to the test. Will we uphold and defend that Constitution from a change that is totally unnecessary?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah.

Mr. HATCH. Mr. President, what does the Bill of Rights have to do with this? That argument is not a valid argument. Look at what the amendment says:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

There is no interference with the Bill of Rights. Yet the Senator—the Senators—who want to so-called protect the Bill of Rights have come up with a statute that does exactly the opposite, according to their way of looking at it.

Frankly, there are only five Justices who said that defecating on the flag, urinating on the flag, burning it with contempt, and stomping on it is not a violation of the first amendment.

But this amendment does not have anything to do with that. All this amendment says is that we are going to give the power back to the people and to the people's representatives in Congress, and they will make the determination as to how we protect the flag, if they decide to. In other words, we are going to restore the Constitution to what it was before these unelected five Justices on the Supreme Court changed it. And four others disagreed with them.

By the way, the distinguished Senator from Massachusetts said this is election-year politics. I wonder how he explains the 6 years in a row that the House of Representatives, in bipartisan votes, has passed this amendment by the requisite two-thirds vote? I wonder how he is going to explain that 48 States had antiflag desecration statutes before the Supreme Court wiped all of that out and all of the people's work and all of the people's will out. What is he going to say about the 50 States, including his, that have petitioned us for this amendment? Fifty State legislatures have asked for this amendment.

There are 60 cosponsors in the Senate. There are at least six others who have always voted to protect the flag. I question whether all six of those will vote for this. But the fact is, they should because they have always voted for it. So there are at least 66 people who should be voting for it.

There is no narrowing of the Bill of Rights by this amendment. That argument would have to take place after this amendment passes by the two-thirds vote, if it could, and then is ratified by 38 States. Then there would be a debate where they could raise all the issues they want about the first amendment, faulty though they are.

The fact is that I was asked this afternoon by a large body of media: Is this the most important thing the Senate could be doing at this time? I can tell you, you're darn right it is. The fact is, we had five unelected Justices who overturned 100 years of Supreme Court precedent, backing up 48 States that have had antiflag desecration amendments. We have had 50 States ask for a change here so we can go back to protecting our flag.

What we would be doing is sending a message to the Court: You cannot usurp the power of the Congress of the United States. That is what is involved. I hear time after time complaints about the courts usurping the powers of the Congress and other branches usurping the powers of the Congress. Here is a chance to bring that power back to the Congress where it belongs and then have that debate. It would still take 60 votes because of the opposition of some. It would still take 60 votes to pass a statute if we could pass this amendment.

The fact is, if you want to respect the Constitution, let's restore it to what the Constitution was before five unelected jurists changed that Constitution. The fact is, this amendment is one of the most important things we can do to send a message to the U.S. Supreme Court that: You cannot usurp the power of the legislative branch of this Government.

It does nothing about the Bill of Rights. That would have to be argued later if we pass this amendment and have it ratified. Then we could argue about the Bill of Rights later. And I will bet you money, the only reason Senators are claiming the Bill of Rights is to try to justify their vote. But now, if they believe the Bill of Rights is being interfered with, then why would they come up with a statute to do the very same thing they are saying this amendment does? Why have they always come up with a statute that basically, if you use their logic, invades the first amendment to the Constitution? Why would they do that? There is only one reason. It is a political reason to cover their backsides.

Mr. President, I thank the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in a few moments we will be voting on the two amendments, which really follows the good debate we have had since yesterday when we began debate on this flag protection amendment. As I promised early in the year, I brought this joint resolution to the floor this week in part in anticipation of the Fourth of July recess—a time when all of us go back and think about the flag and the enduring ideals of freedom and opportunity that it represents.

It has been 6 years since we have had that debate on this floor. It is something that comes to the House each and every Congress, and they vote on that. So I felt it would be appropriate. Indeed, in listening to the debate—the Constitution issues and the importance of the flag—I have been very pleased, and I hope that debate reflects passage of the amendment in a few moments.

It is my hope, when we return to our home States next week or later this weekend to celebrate the anniversary of America's independence, we will be able to tell our fellow citizens that we did the right thing here in Congress and voted to give Congress the power to protect the Stars and Stripes.

Americans have so much to be proud of. We enjoy a greater measure of liberty and justice and equality than any other country in human history. Millions upon millions of people have come to these shores seeking a better life, and they have found it here. We are a nation of hopeful, resourceful people who continually strive to live up to our ideals and provide greater and better opportunities for our children. There is one symbol that above all others encapsulates that hope, that freedom, our history and our values, and that is the American flag.

From the time we are schoolchildren, we honor our flag and all it stands for. With our hand over our heart, each morning here in this body, the U.S. Senate, we honor it. In times of crisis, raising those Stars and Stripes has symbolized our unity, our perseverance as a nation, as a people. Whether it is the marine struggling to plant the flag on Iwo Jima or firefighters lifting the flag above the ruins of the World Trade Center, it is that flag which inspires us to great acts of heroism, of courage, of strength.

Unfortunately, however, there are no laws on the books to stop anyone from destroying this cherished symbol. Although the vast majority of Americans—over 80 percent—and all 50 of our State legislatures believe the flag should be protected, the Federal Government is currently powerless to enforce flag protection laws. That is because in 1989, as we talked about, the Supreme Court, in a 5-to-4 decision, overturned 200 years of precedent and struck down all laws prohibiting flag desecration. As our colleague from Utah just said, it was a one-vote margin, 5 to 4, with five Judges stripping the right of the American people—through their voice, through this body—to protect that flag. It is my hope and really my purpose in bringing that amendment to the floor to reverse this decision, this activist decision, and return to the American people the ability to protect the flag, if they so wish.

So in a few minutes in the Senate, we are going to have a vote to return to the people, through this body, the opportunity to protect the flag. And it is one single, simple sentence:

> The Congress shall have power to prohibit the physical desecration of the flag of the United States.

That is what we will be voting on. Key words: "The Congress shall have the power." All 50 States have passed resolutions calling on the Congress to pass a flag amendment. The House passed a constitutional amendment to protect against desecration of the American flag in this Congress and in the last Congress, in the last Congress, in the last Congress, in the last Congress, and in the last Congress, and now it is time for us to do the same. We have failed to muster those two-thirds votes in the past.

Today, we have a new opportunity to change that and to honor the wishes of the American people. We are a Nation founded on principles. Our flag is what binds us to those principles, to one another; it is that physical symbol of our values, liberty, justice, freedom, and independence. It commands our loyalty. To countless people around the world, the red, white, and blue represents the highest of human ideals—freedom.

I know we have heard again and again through the media the whole issue about flag burning being protected as an exercise of free speech. But is defacing a Government building free speech? Do we let our monuments be vandalized? Clearly, the answer is no. I believe that our American flag deserves the same respect. America is the freest country in the world and we have the right to express dissent and persuade fellow citizens of our views. But destroying the very emblem of that freedom is just plain wrong. Countless brave men and women have died defending the flag. It is but a small, humble act for us to defend it.

I will close with the words of our esteemed colleague, Senator HATCH, who has done such a wonderful job in managing this particular bill and a tireless advocate for the amendment. Here are his words:

> Whatever our differences of party, race, religion, or socioeconomic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our Nation and the profound belief in personal liberty that our Nation protects.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Durbin amendment.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 64, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—36

Akaka
Bennett
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dodd

Dorgan
Durbin
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Wyden

NAYS—64

Alexander
Allard
Allen
Baucus
Bayh
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McCain
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 4543) was rejected.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution, as amended, pass?

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 34, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—66

Alexander
Allard
Allen
Baucus
Bayh
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McCain
Menendez
Murkowski
Nelson (FL)
Nelson (NE)
Reid
Roberts
Rockefeller
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—34

Akaka
Bennett
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Murray
Obama
Pryor
Reed
Sarbanes
Schumer
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 34. A quorum being present, two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

The Senator from California.

Mrs. BOXER. Mr. President, I would like to make a statement explaining my vote. I wonder if that is in order at this time.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mrs. BOXER. Mr. President, I had tried to get time earlier in the day. Unfortunately, I was tied up in a markup. I want to express myself briefly on the constitutional amendment.

I opposed it, even though clearly it was far more popular in the country to support it. I did so because of my love of our country, our Constitution, and our freedoms. The love of country runs deep in my veins, as I know it does in those of every Senator.

My family came here in the early years of the 20th century to be safe from the Holocaust in Europe, the nightmare that took the lives of our relatives and so many innocent people. To my family and to me, America was not only a land of strength and courage but a land of compassion and acceptance. My father, who was a CPA, always said to me: Kiss the ground when you pay your taxes to America because you are helping to build our military, our schools, our roads, and our infrastructure.

My mother said that being an American meant being free to live your dreams, and only in this country, she would say, in America, where she was brought as a baby by her family, would that be possible.

I was taught not to be afraid of disagreement, not to fear words and not to shrink from an argument in this, the greatest country on Earth. In a great country like the United States of America, you don't fear dissent. In a great country you allow dissent, even if it is ugly, even if it makes you sick to your stomach, even if it disgusts you. We are so strong as a Nation that we know if someone takes one of our beautiful symbols and destroys it or burns it or spits on it or steps on it, that person will not win respect but will lose it. That person will not win friends but in fact will turn people away. That person will gain nothing for his cause but, in fact, will be ridiculed and marginalized.

Now if a flag is burned or if a copy of the Bill of Rights or a copy of the Constitution is burned and that act is meant to incite others and it places people in danger, we should have laws to punish those who would endanger other lives. That is why I was proud to support the Bennett-Clinton-Durbin amendment, to do just that. I can certainly understand how seeing our flag burn would inflame passions and incite outrage. It does so in me.

The flag to me is a symbol of something I hold near and dear to my heart—our democracy, our country, our history. And I am outraged when I think about someone treating the flag in a disrespectful manner. But I am also outraged when I see or hear about a group of people protesting at the funeral of a fallen soldier, saying things like "thank God for dead soldiers" or "God is America's terrorist." That is what is going on today at soldiers' funerals.

Such despicable speech and disrupting the most sacred funerals of our heroes makes no sense to me, and I can't begin to imagine the emotions of the families of the soldiers who must endure these senseless protests at a time of such loss. My instinct is to haul these protesters away. My colleague, Senator DURBIN, proposed an amendment that would prohibit these awful protests at all funerals for our fallen heroes, regardless of where the funerals take place, whether at a national or private cemetery, a funeral home or a house of worship. I was proud to support that amendment, and I was stunned to see how many of my colleagues turned away from it.

I agree with the approach of Senator DURBIN to the protests—proposing a statutory solution to address a problem rather than unnecessarily amending our Constitution. There are many things in life that we find offensive, repugnant to beliefs that we hold dear, but we cannot amend the Constitution every time there is something we consider outrageous, offensive, or repugnant.

We have only amended our Constitution 16 times after the Bill of Rights was passed in 1791—16 times over 214 years. But the Republican leadership has decided the best use of our precious little working time is to amend the Constitution—not amend it to guarantee equal rights for women, which still has not been done, not to amend it to allow limits on wealthy individuals buying Federal office—but for an issue which I believe we can address by statute, as I believe Senators BENNETT and CLINTON and DURBIN did.

Some have suggested that this constitutional amendment is necessary to honor our veterans. I think Senator SPECTER spoke eloquently on the point. I say, if we want to honor our veterans we should take care of our brave men and women in uniform who serve our Nation.

For example, just last week my good friend from Maine, Senator SNOWE, and I were able to get an amendment agreed to by the Senate which would make all prisoners of war who die in captivity eligible for the Purple Heart. Also last week Senator LIEBERMAN and I were able to get an amendment agreed to by the Senate improving the mental health screening and monitoring for members of our Armed Forces.

I think we honor our veterans and Armed Forces when we make sure that we are looking out for them, keeping our promises to them. Right now we are not.

We should provide them with all the equipment they need while they are deployed and all the health care they need when they come home.

Let's make sure our men and women have adequate body armor. Let's find ways to expand health care coverage for the members of the Guard and Reserves. Let's make sure the Veterans Administration is adequately funded to meet the needs of our veterans at a time when we are seeing horrific post-traumatic stress: suicides are up, divorces are up. These are the ways we honor our veterans.

We love the flag—yes. We love our veterans—yes. But I think we can do both without having to amend the Constitution.

I believe the flag is a beautiful symbol of the freedom and liberty on which this proud Nation has been built. The flag is a reminder of the democracy we all hold so dear in our hearts. When I see the flag displayed in an inappropriate way—I think Senator LAUTENBERG showed it—on underwear or on pajamas, I don't think that is respectful. But that is what we see every day. I don't like it, but, you know what, this Constitution is more than an outlet for our justifiable frustrations. This Constitution is more than just an outlet for our justifiable frustrations.

It is concise. It has worked. It is the enduring ideal of our Nation, and we should not unnecessarily amend it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, seeing a number of my colleagues on the floor, and I have talked to them, I ask unanimous consent that the following Senators be able to speak in morning business as follows, in this order: Senator SALAZAR for 5 minutes, Senators WYDEN and SMITH for a total of 10 minutes, and Senator DEWINE for 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise to speak about the flag desecration amendment and talk about the nature of the debate we have seen in the Senate over the last 2 days. First, let me be clear. I support the amendment that came before the Senate today, and I just cast my vote for it. The American flag is a unique symbol of our heritage, our principles, and everything the citizens of this great country have done to sacrifice for it. I do not believe laws narrowly prohibiting the desecration of our flag in any way undercut the principles embedded in the first amendment.

However, it is important to emphasize certain points as we debate these issues. First, as is often the case when we consider whether to amend the Constitution, this is not a simple question. It is not a question that is cut and dried.

I understand the strong feelings of those who oppose this amendment. I understand their argument that the freedoms the American flag stands for, including the freedom of speech and expression, are as important as the flag itself. We must not separate the flag from the cherished principles that it represents.

In keeping with that concept, I believe it is wrong for proponents of the flag desecration amendment to question the patriotism of those who oppose it. Simply because Senator DURBIN, Senator MCCONNELL, Senator FEINGOLD, Senator BENNETT, and others oppose this amendment does not mean they believe the flag should be desecrated, nor does it mean that they view the flag as any less important a symbol. As anyone who has worked with these Senators knows, nothing could be further from the truth.

Finally, my support for this amendment is based on the premise that the flag is unique and deserves special protection. But for the same reason I believe the flag should be protected, I also firmly believe it should not be politicized for partisan gain. The American citizens who pledge allegiance to this flag, who believe in what it represents, and who live and work under it every day deserve better.

I also believe that we should be working as a Congress and as a Senate just as hard to strengthen our national and homeland security, improve our energy security, relieve the health care crisis that faces America's businesses and America's families, educate our children, and strengthen the American family.

I yield the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

OREGON STATE UNIVERSITY NCAA DIVISION I BASEBALL CHAMPIONS

Mr. WYDEN. Mr. President, in the midst of all the serious business that is before the Senate, I and my good friend from Oregon, Senator SMITH, wanted to take a few minutes tonight and talk to the Senate about the great pride and joy that Oregonians are feeling tonight as a result of our terrific Oregon State Beavers who have won the college world series.

Showing incredible determination, they would not give up spirit. After losing their first games in both the tournament and in the championship series, the players at Oregon State and the coaching staff came back. They came back to be the first team since 1998 to lose their first game and go on to win the college title.

Senator SMITH and I are especially proud because in this day of professional sports seeming to be part of every college environment, most of these players are from Oregon. They come from almost every nook and cranny of our State. They come from the Pacific Northwest, and they represent the best values of our State—particularly hard work and a sense that if you just stay at it and you are persistent, you can get the job done.

We want to salute all the players, and particularly three we are going to be losing—three star pitchers: Jonah Nickerson, Dallas Buck, and Kevin Gunderson. They are going on to play professional next season. But we are going to be back in that world series next year.

I get a chance, along with my colleague, to enjoy so much that makes our State special. We try to team up on a bipartisan basis on some issues. But we are particularly thrilled as Oregonians' two U.S. Senators to make sure that the country sees that when you work hard, you play by the rules, and you don't give up, nearly always good things happen.

Tonight, Oregonians are wearing the orange and black of the Beavers.

I want to yield the rest of my time to my friend and colleague because, as Oregonians' two U.S. Senators, we are savoring this moment along with more than 3 million people who represent our State. I yield the remainder of my time to my colleague.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Thank you, Mr. President.

I rise proudly with my colleague, Senator WYDEN. We are proud Oregonians every day but especially this day as we celebrate the great accomplishments of the Beavers of our State.

I suppose we are honorary members, neither of us having attended Oregon State, to be now members of "Beaver Nation," as it is known locally.

These great players, these great young men, overcame all the odds to win the college world series and become the NCAA Division I Baseball Champions. In doing so, the Beavers not only brought home to OSU its first NCAA championship in any sport since 1916, they also became the first northern climate team to win the college world series.

We are very proud of them. They did it with a team full of young men from the greater Pacific Northwest, many of them from Oregon.

Under the leadership of their coach, Pat Casey, OSU made "Beaver believers" of many people—virtually all of Oregon. I think all of Oregon was tuned in yesterday to see their thrilling 3-to-2 victory.

While at the college world series in Omaha, they played eight games, and in six of those games they knew if they lost they went home. Well, they kept winning against all odds, and they come home to Corvallis, OR, champions of this great sport.

I suppose one of the things I look forward to is every year it seems as if an Oregon team gets to participate in what has become a White House tradition. That is when they meet with the President of the United States. I look forward especially this year to being able to not just congratulate the Oregon State University Beavers for this remarkable accomplishment, I look forward to escorting them with my colleague, Senator WYDEN, to the White House to meet America's No. 1 baseball fan, President Bush, for this great traditional ceremony of honoring the NCAA champs.

I stand before you, Mr. President, a "Beaver Believer" and thankful for the good job they did in bringing such distinction to our State.

Mr. WYDEN. Mr. President, Senator SMITH said it very well.

I wanted to wrap up by noting a comment from pitcher Dallas Buck, who was the winning pitcher in the championship game.

When asked about why he stayed at Oregon State instead of going pro out of high school, I quote: "Best decision I ever made." And we happen to think that is the best decision a lot of young people are making in our State, to go to Oregon State University. It is a wonderful university, both for sports and academics.

We are going to salute them, as Senator SMITH has indicated, when we get a chance to join them at the White House with the President. That is what makes this so special for us.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

TRIBUTE TO DENISE WEISENBORN

Mr. DEWINE. Mr. President, today I commemorate a woman who dedicated her life to helping others: Denise Weisenborn. Living in Parma, OH, Denise was a lawyer and advocate of employment and independence for people with disabilities. Denise, who had muscular dystrophy, used a wheelchair all of her life, but never let that stop her from accomplishing her goals. Denise was 51 years old at the time of her death on May 2, 2006. She is survived by her mother Mary Lucille and her sister Diane.

Denise spent her entire life overcoming obstacles and then exceeding all expectations. Even though she was unable to attend school, Denise had tutors help her at home during her younger years. As a student at Maple Heights High School, Denise was able to take part in classes while she was home. In 1972, Denise graduated as class valedictorian.

She carried on this legacy of academic success by majoring in foreign languages at Cleveland State University, graduating summa cum laude in 1976. Denise then attended Cleveland Marshall College of Law, where she served as an interpreter and finished in the top 20 percent of her class in 1980. She passed the bar exam later that year. These accomplishments were just the beginning of the amazing things Denise Weisenborn would accomplish throughout her life.

Denise worked in Columbus as an education lawyer for Ohio Legal Rights Services, where she helped families of children with disabilities get the educational services they needed. She presented a federal case, Roncker v. Walter, in the U.S. Court of Appeals Sixth Circuit. Eventually, the severity of her disability made a 40-hour work week very difficult, and she moved back to Cleveland to be closer to her supportive family.

She continued to give her talents to help people with disabilities by serving on the Ohio Developmental Disabilities Council, the Governor's Council on People with Disabilities and the Ohio Rehabilitation Services Commission.

She also was an area representative for Assistive Technology of Ohio in the Cleveland area, where she developed medical equipment loan programs for medical goods and adaptive equipment, as well as compiling a directory of service providers.

Firmly believing that people with disabilities should be able to live independently, Denise moved from her parents' home to a federally-subsidized apartment building in Parma for people with physical disabilities and urged officials to build additional homes of this kind. Denise also called for home-based employment opportunities for people with disabilities.

She was a champion of a program called "Choices," funded through the Ohio Developmental Disabilities Council, where volunteers provided encouragement and community support to people with disabilities who lived in nursing homes but wanted to live independently in the community.

Many people were skeptical that this program would work, but Denise believed in the project. As a result of her leadership, hundreds of Ohioans with disabilities are now living independently in community settings. Denise's advocacy has helped so many people in both their personal and professional lives.

Denise was a person of great faith, dedicating a substantial portion of her time to helping others in their own spiritual journeys. She demonstrated this commitment through her work with Rainbow Girls and the InterVarsity Christian Fellowship at college. She served as a counsel and Bible study leader for the Billy Graham Crusade in Cleveland and organized and led Bible studies for church youth. Denise once said, "Of all my experiences, the one which has had the most profound influence on my life, and for which I will be eternally joyous, is the time I gave my life and opened my heart to my Savior, Jesus Christ. Much of my time each day is spent in talking to my Friend and studying His Word."

Denise was a gifted lawyer. She volunteered her talents to non-profit agencies that helped people with disabilities. She served on the board of commissioners of a large state agency that helped people with disabilities. And she lobbied the state and federal government for the betterment of people like herself.

For all these efforts, this attorney with 26 years of experience earned about $5,000 per year. It is a sad irony that although Denise was learned in the law, it was the law—and not her disability—that kept her from earning a living. For Denise, however, having a low income was an act of survival. Denise's health care was covered by Medicaid. Denise had muscular dystrophy. It affected her speech; her voice was soft and quiet, making it difficult to hear her in a crowded room. She relied heavily on assistive technology for independence. She used a power wheelchair for mobility and operated her computer by pointing a laser at an on screen keyboard. She required 24-hour personal attendant care and too frequently her life was interrupted by extended and expensive stays in the hospital when her health declined.

Given the severity of her disability, there were no other options for her. The law in Ohio prevented her from earning more money without losing her health care. She was given a Hobson's choice—she had to choose between making a living and living at all.

This is why Denise Weisenborn spent the last years of her life fighting for a Medicaid Buy-In program in Ohio. These programs, allowable in States under federal law since 1999, give people with disabilities the right to earn more money, and pay premiums to the State to help cover their health care costs. Medicaid Buy-In removes the powerful, institutional disincentive for people with disabilities to work.

If Ohio had a Buy-In program, Denise Weisenborn could have been even more independent by earning a living, helping Ohio cover her health care costs, and paying taxes.

Simply put, she could have been a lawyer. It is the independence for which she fought and wanted so deeply, and it is shame that Ohio did not give her that chance before she passed away.

It is something that I think those of us who reside in Ohio should think about and consider. It would be a fitting tribute to her life for us to take the appropriate action in Ohio to change the status quo, and to give people like Denise the opportunity to move forward and to work and not have to give up the health care, not have to give up the support that enables them to live, not have to make the choice Denise had to make.

Denise Weisenborn led a full and personally enriching life. She fought for people with disabilities and their right to find and sustain employment and to live independently. She dedicated her life to service, and Ohioans with disabilities are much better for her efforts. They are much better for the fact that she lived.

Mr. President, I continue to keep the family and friends of Denise Weisenborn in my thoughts and prayers.

HONORING OUR ARMED FORCES

LANCE CORPORAL DAVID MENDEZ RUIZ

Mr. DEWINE. Mr. President, this evening, I come to the floor to pay tribute to a brave Ohioan, Marine LCpl David Mendez Ruiz, who was killed on November 12, 2005—the day after Veterans Day—by a homemade bomb while conducting combat operations in Iraq. He was only 20 years old.

Ronald Reagan once said:

> [S]ome people live an entire lifetime and wonder if they have ever made a difference in the world. The Marines don't have that problem.

The family and friends of David Mendez Ruiz will indeed never doubt the great difference this young man made in the world—both as a marine, as a friend, brother, and son.

David was the youngest of eight children, born to Maximiliano and Miriam Mendez. The family moved to the United States from Guatemala when David was 6 years old.

At David's funeral, the service began with the Guatemalan national anthem, followed by "The Star-Spangled Banner." David had a profound respect for his roots and a great love and appreciation for the United States—the country for which he would eventually give his life. David's parents instilled in him at an early age a deep reverence and love for God and for his country.

David was baptized at and was a member of Cleveland's House of Praise and Prayer, where he was like a son to Eli and Amy Ramos, the church's youth pastors. Before leaving for his second tour of duty in Iraq, David gave Eli a sound system for his car as a gift to repay him for all the times he had spent with him through the years. He wanted Eli to remember him each time he listened to Christian music on his stereo. As Eli has said:

> That's the way it is. Each time I get into my car, and I put that music on really loud, I remember David. David was a youth full of life, and that is why we all fell in love with him.

Indeed, David was full of life and so dedicated to his faith. He regularly attended Sunday church services in Iraq, even though he was thousands of miles away from his home church.

Family and friends remember David as a friendly, honorable, compassionate, and courageous man. They describe his huge smile that hid his eyes and brightened a room upon his entry. David was known for having a heart that couldn't say no to someone in need and a love of God and a love of country that motivated him to join the Marines in the first place. David loved being a marine.

He had spent almost 8 months in Iraq, returned home, and broke his back during a snowboarding accident. After recuperating, David left to return to Iraq on the Fourth of July. At David's funeral, close friend Brandon Joffre, who went to high school with David at the Greater Cleveland Christian Academy in Middleburg Heights, told mourners that David had always dreamed of joining the service. This is what he said:

> He always wanted to be in the military, real hard core, definitely born to be a marine. That's the thing. He was killed, but he was killed doing something he loved.
>
> He wanted to be there. I expected to grow up and [have] our kids hang out [together], and I'd see him get married and all that. It's hard. Every time I see a picture of him with that smile, I want to cry.

Gillian Newman, a friend of David's since elementary school, told those gathered at the funeral that she loved watching movies with David. They would have great fun trying to remember the lines from the movies, even months later. Most of all, she says that she loved his kind spirit. "We could challenge him to a game of pool 150 times, and he could beat us every time and never say, 'I told you [so].'"

David's friend Brandon also shared that sentiment:

> David lived a very honorable life and accomplished a lot in such a short period of time. Words do not describe how proud I am of David. God had a plan for David's life, and David served him well. He was always happy, always had a smile on his face. He made friends everywhere he went.

Fellow Marine Marcial Rodriguez, wrote the following words about David:

> When I heard the news last November that U.S. Marine David Mendez Ruiz, a Hispanic immigrant from Cleveland, died in Iraq, my thoughts were a little strong. I felt pride, but at the same time, anger—pride because David was fulfilling a dream like many young people, to serve by fighting in the U.S. Marines. Even though some people criticized him, he kept serving his country.
>
> He lost his life without surrendering to anything, fighting for his country, for a just cause, with honor. I feel anger because many Hispanic young people like us struggle to give Hispanics a good name so that Americans don't think we only cause problems—so that Americans can see that we too, the Hispanic people, contribute our grain of sand, like David's sister Sandra said. . . . That's how David wanted to live his life—with pride, in peace.

Mr. President, and Members of the Senate, David demonstrated his commitment to service in so many ways, but his long record of awards speaks for itself. He received the Combat Action Ribbon, the National Defense Service Medal, the War on Terrorism Expeditionary Medal, the War on Terrorism Service Medal, and two Sea Service Deployment Ribbons. David also received the Purple Heart Medal.

David Mendez Ruiz was a young man who exemplified courage under pressure and who always strived to make life a little better for those around him. The Greater Cleveland Christian Academy has set up a scholarship in his memory, so that his legacy can live on through the education of other students. There is no better way to carry on the memory of this brave young American who lost his life while fighting to ensure that we can continue to enjoy freedom and opportunity.

Mr. President, David Mendez Ruiz is a true hero and proved his unwavering allegiance to the United States in the most selfless way—by giving his life in service to our country. My wife, Fran and I continue to keep David's large and wonderful family and his many friends in our thoughts and in our prayers.

Mr. President, I see my colleague on the Senate floor. I have about 10 more minutes.

STAFF SERGEANT KENDALL IVY II

Mr. DEWINE. Mr. President, this evening I would like to speak in honor of Marine SSgt Kendall Ivy II, a 28-year-old Ohioan who lost his life on May 11, 2005. He was killed by a roadside bomb while serving our country in Iraq.

Mr. President, I rise today to honor Marine SSG Kendall Ivy, II, a 28-year-old Ohioan who lost his life on May 11, 2005. He was killed by a roadside bomb while serving our country in Iraq.

A native of Galion, OH, Kendall was a well-known football and baseball athlete at Galion High School, where he graduated in 1995. He joined the military right after high school, applying these athletic skills of teamwork to the Marine Corps. After the military, Kendall was planning to continue his education and become a history teacher and coach.

Most important to Kendall was his family, consisting of his wife, Lee Ann, sons, Caleb and Harrison, daughter, Reagan, and parents, Raymond and Venita "Kay" Ivy. Additionally, Kendall is survived by three brothers, a sister, and their spouses: Kenneth and Charlotte Ivy, Kathy and Doug Shifley, Kevin and Michelle Ivy, and Keith and Becky Ivy. Lee Ann was 5 months pregnant with their son Gabriel at the time of Kendall's death.

Kendall and Lee Ann first saw each other in middle school. Lee Ann said that after she met him, she spent the greatest 14 years of her life. Kendall and Lee Ann got married young. Kendall once told her, "What if we wait and then die in our late twenties? We would miss out on so much married life." Indeed, Kendall Ivy was a true family man. He learned of Caleb's birth when he was pulled out of formation on the flight deck of an aircraft carrier. Kendall loved his two boys, but the birth of his daughter changed his life, Lee Ann said. He was very much a family man and was looking forward to coming home and spending time with all of them.

Venita says that her son was "destined to be a Marine." From the age of 3, he wanted to wear the gold eagle, globe, and anchor insignia of the Corps. He made that happen, becoming a staff sergeant while planning a career in the Marines. He served in the United States Marine Corps for 10 years. Venita said her son told her he "wanted to serve this country, that we need to be over there in Iraq so they can be free like we are."

Kevin Ivy also remembers his younger brother's dream of becoming a marine, saying:

> He lived life to the fullest. He was kindhearted. He loved his country. He loved his president. He believed in what he was doing. Each and everyone of these fine young men and women is in a dangerous situation. But my brother understood that, and he was willing to lay down his life for the cause of freeing these people.

Kendall Ivy was loved dearly not only by his family, but also by those who had the privilege to serve with him. Marine CPT Dave Handy wrote the following statement on an Internet tribute site to Kendall:

> I was then Staff Sergeant Ivy's platoon commander for a short time and remember him leaving the Marine Corps to seek new adventures. I was ecstatic to hear that such a fine leader of Marines had rejoined the Corps and then brought to tears to hear of his death. I remember him as a ruthless enforcer of standards, a superb example for young Marines, and a patient mentor for all around him. All officers should have been so lucky as to serve with enlisted leaders of Staff Sergeant Ivy's superior caliber. My thoughts and prayers are with his family and I look forward to seeing him again on the streets of heaven. Semper Fidelis.

On the same tribute site, Aric Wells of Nashville, TN, said:

> To my friend. To his wife and children. I am deeply sorry. To all who did not have the privilege of knowing Staff Sergeant Ivy, let me tell you that we have lost a great man. A man with morals and convictions that did not waver. A man who would give the shirt off his back to help you out. Staff Sergeant Ivy would go to bat for you when others would turn their backs. He was a damn good man and always a Marine. I will always remember him.

Indeed, Kendall Ivy was deeply loved by all those who knew him. At Camp Ripper, Iraq, a new gym was opened on August 1, 2005, named the "Staff Sergeant Kendall H. Ivy II Memorial Gym." His presence is felt daily by those like SGT Johnny A. Noguera, the gym manager. Sergeant Noguera said:

> Everyone wants to make this place as nice as possible, especially for the Marines who knew Staff Sergeant Ivy. When I was growing up in South America, one of my father's friends had a son who was a Marine. He was so proud of him and he seemed to have this aura around him. That's how Staff Sergeant Ivy was and that's what I wanted to be. I know that many people miss him and they look at this gym as a direct reflection of their love for him. This is why I stress to the guys who work here to keep this place in order so we can properly pay homage to the man who it's named after.

The Marines who attended Kendall's funeral remembered going to the gym with him, then not being able to persuade him to leave. At the end of the workout, Kendall would then ask if his arms looked any bigger. Lee Anna says that her husband "was worse than a woman about his hair and weight."

To end, I would like to quote Sergeant Downing, who wrote a few words about Kendall on the Internet tribute site. He writes:

> I served with Staff Sergeant Ivy in Weapons Company, 1st Battalion, 6th Marines. Someone once said, 'the best compliment you can give is to say he was a good Marine.' Well, Staff Sergeant Ivy was a damn good Marine!

Kendall Ivy epitomized not only the meaning of a good Marine, but also of the ideal son, husband, and father. My wife Fran and I continue to keep the family and friends of SSG Kendall Ivy in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Illinois.

IRAQ

Mr. DURBIN. Mr. President, let me start by acknowledging my gratitude and respect for the Senator from Ohio for coming to the floor of the Senate at this late hour and telling these touching stories about these men and women who have served our Nation so well and have given their lives in service to our values and this great cause of making America safe. As of today, 2,524 of those stories could be told. That is the number of American service men and women who have died in Iraq as of today.

It is a day of special significance in my State of Illinois. We have reached the number of 100, 100 brave men and women from the land of Lincoln who have given their lives in service to our country, 100 Illinois families who have lost a loved one, a child, a parent, a spouse, a brother, a sister.

Abraham Lincoln, in the midst of the Civil War, consumed with grief over all of the death, said of those who died that they gave "the last full measure of devotion." It is a reminder to all of us that when we discuss policy in the Senate, it does not always have a direct impact on the lives of those we represent. But when we vote on foreign policy, on the issue of war, we are making decisions that cost lives. We should never forget that. That is why this is more than just another job or another profession. This is, indeed, an awesome responsibility.

Last week we completed the debate on where we will go in Iraq. It was not conclusive. Two amendments were offered and neither were adopted. Basically, the Senate took no position, at least the majority of the Senate took no position as the debate came to a close. But it was interesting, the tone and tenor of that debate. How many times on the floor of the Senate did we hear from the other side of the aisle the phrase "cut and run"? It was part of a recurring mantra. I don't know how genuine it was—I assume it was—or if it was generated by a focus group as just the right combination of words to criticize those who would suggest we need a different approach and a different plan in Iraq. But after all of the chest thumping and the "bring them on" rhetoric, the sad reality is that our debate ended and the war continues.

But then something very interesting happened. After we had considered an amendment offered by Senator CARL LEVIN and Senator JACK REED which suggested that we should start withdrawing troops this year, moving toward a timetable, a day when our troops would come home, after that amendment was defeated on basically a partisan rollcall—there might have been one Republican joining us, but basically it was a partisan rollcall—after that amendment had been criticized as a cut-and-run, retreat amendment, something interesting occurred: The top U.S. commander in Iraq, General Casey, announced shortly after the Levin-Reed amendment was defeated that, in fact, we would redeploy as many as five to six U.S. combat brigades by the end of this next year and that he plans to begin drawing down forces in just a few weeks.

General Casey is offering a plan that in many ways looks very similar to the Democratic proposals. Yet when we proposed initiating redeployment this year, the Republican majority accused us of cutting and running from our responsibilities in Iraq. General Casey's plan does not call for total withdrawal, neither did the Democratic alternatives. Senators LEVIN and REED wanted to begin redeployment this year and continue without a specific time line for completion but clearly putting the burden on the Iraqis to defend themselves.

I also supported the Kerry-Feingold amendment calling for redeployment of the bulk of U.S. forces by July of next year, 12 months away. Some said 12 months is too soon; 12 months is not enough time.

What has happened in the last 12 months in Iraq? In the last 12 months we have lost 762 soldiers. We have seen more than 2,000 come home with serious injuries. We have spent nearly $90 billion. It isn't just 12 months on the calendar. It is 12 months of living and dying and being injured and asking the American people to continue to sacrifice for that war effort. So 12 months is an important and significant period of time.

The amendment by Senators KERRY and FEINGOLD called for the continued presence of forces, if needed, beyond July of 2007, for training, counterterrorism, and to protect U.S. personnel, along with a substantial U.S. military presence still in the region. They also suggested we consult with the Iraqi Government about the future of our troops.

It is interesting that these amendments and General Casey's plan share several themes. First, we need a timeline for redeploying U.S. forces.

Second, redeployment does not mean total withdrawal.

Third, the shared objective of all plans is accelerating and expanding the handover of leadership to the Iraqis themselves.

So many people criticized the Democrats at the end of last week that we didn't take a position. It turns out the position we took in both amendments was consistent by and large with the proposal of General Casey.

I believe this is less about setting deadlines than about establishing timelines. We need to move toward a trajectory, a course of successfully handing over the security of Iraq to the people of Iraq. We have given them so much.

This is the fourth year of this war. By the end of this calendar year, it will have lasted longer than the Korean war and, a few months beyond that, longer than World War II. We have given a lot: Over $300 billion; over 2,500 American lives; 18,000 seriously injured soldiers; 2,000 returning with head injuries that they will have to cope with for the rest of their lives. This is the reality of war, and this is the contribution given by the American people to the nation of Iraq to give them a chance to depose a dictator, to allow free elections, to allow them to debate and create a new government.

But in the end, we can't do it all, and we shouldn't do it all. There has to be a will within the Iraqi people to stand up and defend themselves. They have to understand that if their nation is worth having, it is worth fighting for. They have to resolve their internal difficulties, and they have to stand together to fight off any potential enemies who would invade them in the future. That is the reality of real governance and real responsibility. That is why many of us believe that this debate ended last week without a conclusion. The message was not sent to the Iraqi people to accept the responsibility for their fate. But General Casey's proposal at least moves in that direction. I am glad those of us who voted last week for both the Kerry-Feingold amendment and the Levin-Reed amendment are in concert with General Casey in the belief that this must come to an end and soon.

Then over the weekend something extraordinary happened. New Iraqi Prime Minister al-Maliki proposed a plan to try and unite Iraq's ethnic and sectarian factions. He knows the violence has taken a terrible toll. Last week the Los Angeles Times released a study that said more than 50,000 innocent Iraqis have died a violent death in the last 3 years. The article suggested that maybe there were many more.

The statistics came from the Baghdad morgue, the Iraqi Health Ministry, and other sources. But for a variety of reasons, the death toll is probably undercounted. Iraqis have died in uniform, killed by insurgents. Others have died waiting in line at a market. Still more have died along roadsides and in terrible, desperate places in the dark of night where they have been taken in by militias and murdered. The majority of bodies at the morgue are those of civilians, and the vast majority have been shot gangland-execution style. Many have been savagely tortured.

In many cases, the cities of Iraq have been the battleground in struggles between the U.S. and Iraqi Government forces against the insurgents and foreign terrorists and among Iraqis themselves. Civilians have been caught in the crossfire, innocent people whose lives are in danger and extinguished in the crossfire of this insurgency.

Recently a group of my constituents came to visit me. They knew of people living in Ramadi, and they know there is an effort under way to try to calm that area and to remove the insurgency. The people who came to see me in Springfield, IL are very concerned about the plight of innocent people who were stuck in the middle of this crossfire. Ramadi is the largest predominantly Sunni city in Iraq. It is the capital of Anbar Province, one corner of the Sunni Triangle. Over 900 American service men and women have been killed in that province. A corporal with the First Armored Division was killed there on Monday.

Anbar has seen far too many deaths. U.S. and Iraqi forces are moving neighborhood by neighborhood trying to take control of the city. Many civilians have fled but an unknown number remain.

Newspaper accounts describe "a post-apocalyptic world: row after row of buildings shot up, boarded up, caved in, tumbled down." Our generals have repeatedly stated that there will not be another frontal Fallujah-style assault of Ramadi. Our forces have encircled the city and are trying to retake it one neighborhood at a time. The goal is for Iraqi forces to remain in the city, to allow it to return to some kind of normal economic life, and to keep the insurgents from simply retaking the neighborhoods.

Those are worthy goals, and it is critical to their success that the civilians of Ramadi feel that they can stay and be safe in their city. Ultimately, it is the Iraqi people and their leaders, their armed forces and police, who will have to end this cycle of violence.

Prime Minister al-Maliki is trying to find a way out. In looking at the terrible waves of death in Iraq, though, it is the deaths of over 2,500 American service men and women that touch my heart.

As the Prime Minister searches for a way to end the insurgency, we have to make it clear that his plans for reconciliation cannot rest on the foundation of amnesty for those who killed our brave soldiers.

In his plan, the Prime Minister stated there might be amnesty for insurgents "not proved to be involved in crimes, terrorist activities, and war crimes against humanity."

Now, the President has to make it clear to the Iraqi Government that they cannot erase the killing of Americans as they try to sketch out this reconciliation plan.

I asked on a weekend show—when I was on one of the Sunday morning shows—what would you think of a plan that said if you killed an American soldier, you could be given amnesty? It would trouble me greatly, when I think of those soldiers of ours who have died for the people of Iraq. It would trouble me as much, if not more, if I had a son or daughter in uniform over there, realizing that they basically announced that it is excusable to shoot and kill an American soldier. We cannot allow that to happen.

The Iraqi Government faces a difficult road ahead. We have to continue to help them. We need to also step up the effort to make the Iraqis responsible for their own future. Some have said we must stay and finish the job, but the simple fact is it is not our job to finish. It is for the Iraqis to finish the job.

The Senate overwhelmingly called for 2006 to be a year of transition in Iraq. That transition must be to Iraqi leadership and responsibility. That is how we can truly announce that our mission is accomplished.

HIGHER EDUCATION ACT EXTENSION

Mr. DURBIN. Mr. President, most Members of Congress come to this life experience with previous life experiences. Many times, they are motivated by something that they have lived through or witnessed. I have seen it time and time again, whether we are talking about a commitment to help certain people, such as the disabled, or to cure a certain disease, whether it is mental illness or cancer or heart disease; you find that many of our colleagues in the Senate and the House really rise to the occasion and show great devotion and commitment to these issues because they have seen them, they understand them.

Well, we all come here with many life experiences. The one that I had as a young man was repeated many times over. After growing up in East St. Louis, IL, and going for a year to a good university, St. Louis University, I decided I had to go out of my home, go away to school. That is what college was all about. I went home to my mom who was a widow at the time, and told her of my plan.

She said: How could you afford it?

I said: Don't worry, I have it all under control.

Well, Mr. President, I was making it up. I had no idea how I was going to pay for it. I went to school here in Washington, at Georgetown University, and worked hard during the school year and the summer and saved up money to help pay expenses, and I also took out student loans.

Were it not for the National Defense Education Act, I could never have finished college and law school. I didn't have any wealth, my family didn't either, so I had to borrow the money. It was early in the 1960s and this program had just gotten started. There were kids all over America like myself who used those student loans to make it through college and professional school. I remember my wife and I were married when I was still in law school, and when I graduated they accumulated all of the student loans that I had borrowed in my entire college career and sent me this ominous letter to tell me that a year after graduation I had to start paying it back, one-tenth of all those loans plus 3 percent every year, without fail. I opened that envelope with great trepidation and saw that total amount and didn't know how I could possibly do it. I told my new wife, holding our new baby, that we faced a student loan debt that needed to be paid off over 10 years, and that debt was $6,500.

Every time I tell that story to college students now, they break out laughing at hearing $6,500. Now many of them have to borrow that for a semester. Many years ago, it seemed like a daunting task. Luckily, we met the challenge and paid off the loan. I have been watching student loans ever since because I understand for many students today they are still the ticket to an education.

Last Friday, the Higher Education Act was extended for the fourth time since last year.

I hope that by extending it 3 more months we will be able to work on meaningful legislation that will make it easier for students and parents to pay for a college education.

Earlier this year, Members on the Republican side of the aisle passed a so-called deficit reduction bill that cut $12 billion from student aid—the largest single cut in financial aid programs in the history of the country.

Although most of the $12 billion came from reducing the maximum yield private lenders could earn on loans, it also came from raising the interest rates on many of the loans parents take out for their kids' education.

Right now, students are scrambling to consolidate their loans in order to lock in a low interest rate. Do you know why? July 1 is the deadline. Beginning then, students who are still in school will no longer be able to consolidate their loans at lower interest rates because of changes made in the deficit reduction bill. The low interest rates, incidentally, will be gone.

We had an opportunity, with that change, to make a real investment in our children's future. Knowing that interest rates on student loans were about to jump from 5.3 percent to 6.8 percent for students, and from 6.1 percent to 8.5 percent for most parent borrowers, we could have made a real impact and taken the savings from the Deficit Reduction Act on student loans—$12 billion—and helped the students and their parents. Would that not have been a wise investment in our future? If we are not going to help students finish their college education to become the leaders of tomorrow, are we really preparing for our future?

Sadly, the Republican majority took the $12 billion in savings from the college student loan program—money taken out of the program—and instead of giving it back to the students to help them get through school, they put the money in a fund to help pay for tax cuts for the wealthiest people in America. That is the most upside down logic in the world—to turn our backs on our young people who are struggling to pay off student loans for education and to say instead that the multimillionaires will receive a more generous tax break. That is what the leadership in Congress believes to be the highest priority. Not many families in America agree.

The smart, hard-working students deserve a chance to get some help. But the Republican majority let them down.

In April, I introduced a bill called the Reverse the Raid on Student Aid Act of 2006, to change that. The bill would increase the Pell grant and turn it into a mandatory spending program, with automatic annual increases; cut student and parent loan interest rates by 50 percent; and allow students to consolidate their loans while they are still in school. It would take the money given to the wealthiest in tax cuts and give it back to the students, to make college more affordable and to make the debts they face after graduation more manageable.

The maximum Pell grant award has been frozen at $4,050 for 4 years. The President, once again this year, proposed keeping the award at the same level, $4,050, even though the total cost for tuition, fees, room and board at 4-year public universities has increased by 44 percent since President George W. Bush came to office. As the cost of college education has increased 44 percent, he has frozen the grants—Pell grants—for those kids from struggling families who are trying to get a college education, which means they either postpone their education, give up on their education, or borrow more money in student loans. Is that any gift to America? Is that looking forward?

Twenty years ago, the maximum Pell grant for low-income and working families covered about half—55 percent—of the average cost of attending a 4-year public college. Today, it is down to 33 percent. That is more and more debt on students and their families.

My bill would cut the scheduled interest rate increase. The average student debt of $17,500 has increased by more than 50 percent over the last 10 years. When students decide to take out a student loan, they are making a decision that can affect their lives for years and years beyond graduation. In some cases, a loan payment may be as high, or higher, than the amount they pay for rent or to buy a car.

Large debt burdens can keep graduates from entering fields they really want to enter and force them to go for the biggest paycheck.

A public interest research group recently said that more than a third of borrowers who graduate from private, 4-year colleges would face an "unmanageable" debt on a starting teacher's salary, meaning they would need to set aside more than 8 percent of their pay to cover the student loans, diminishing the likelihood that they would become a teacher. Other significant life choices, such as buying a home or a car or starting a family or even a marriage may be delayed because of high student loan payments that are made worse by the policies of this administration and this Republican Congress.

My Reverse the Raid on Student Aid bill reflects the type of serious investment I believe we have to make to ensure the future success of our young generation.

Students who are qualified to go to college, students who want to go to college, students who can make valuable economic intellectual and cultural contributions to America by pursuing higher education should not be kept away from school because they don't have the money. These students have our future.

If we want to move ahead in a global economy, we are not going to do it by importing talent from overseas. We have home-grown talent in America. This is a land of opportunity so long as we create the opportunity in schools across America, including our colleges and universities.

The policies on student loans pushed by this Bush-Cheney administration go in the wrong direction. An investment in our kids' education—and this is an old cliche, but it is true—is an investment in our future. The best thing we can do is make sure higher education is accessible, and whenever the higher education reauthorization bill is considered by the full Senate, I hope we will have an opportunity to debate what happened to student financial aid.

Lots of Members of Congress are going to hear from these students and parents when they realize after July 1 what has been done to them. We cannot continue to place the burden of paying for tax cuts on the backs of students and their families. It is not fair to them, nor is it the right thing to do for the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ASBESTOS REFORM

Mr. SPECTER. Mr. President, I have 5 minutes allotted to me. I spoke yesterday extensively on the pending legislation, and I will use my 5 minutes on another subject.

The subject relates to an article in the Hill newspaper today, which is captioned, "Holtz-Eakin Delivers Blow on Asbestos."

Dr. Holtz-Eakin had been Director of the Congressional Budget Office and had testified at an earlier hearing on asbestos reform that the cost of the program would be between $120 billion and $150 billion, which was within range of the $140 billion allocated to the trust fund. But Dr. Holtz-Eakin later went to work for a foundation that was funded with $5 million by AIG Insurance Company and other insurers, where they had a vested interest in trying to defeat the bill.

I have today written to the Hill and want to make these comments for all of my colleagues to hear. They can be most succinctly handled by my reading the letter that I am sending. It goes to the editor of the Hill:

Dear Editor:

Your June 27 article "Holtz-Eakin Delivers Blow on Asbestos" would have been more accurately captioned, "Holtz-Eakin Tries to Change his Testimony after Being Hired and Paid by the Bill's Opponents."

The fact is, as the notes of testimony disclose, Dr. Holtz-Eakin did not change his testimony when he said:

"The first statement, when I was Director of CBO, remains true today."

In an earlier statement, which he submitted when he was Director of CBO, he said:

"CBO expects the value of valid claims likely to be submitted to the fund over the next 50 years can be between $120 billion and $150 billion."

That conclusion puts the cost within the reasonable parameters of the $140 billion trust fund.

Dr. Holtz-Eakin made an unsuccessful effort to say that the trust fund would not be terminated, as provided for in the legislation, if the trust fund ran out of money. Dr. Holtz-Eakin conceded:

"The administrator will have the option to terminate the fund. . . ."

Then Dr. Holtz-Eakin speculated:

"It is my judgment and my judgment alone that in the future Congress would continue this program. . . ." That would obviously require a changed congressional decision since the bill stipulates the fund would be terminated if it ran out of money. It is only Dr. Holtz-Eakin's speculation that the program would be continued and then spend more money.

The Hill article correctly noted that Dr. Holtz-Eakin's effort to change his testimony arose because he:

"became the head of a think tank funded by a foundation set up by one of the biggest opponents of asbestos reform bill, American International Group, an insurance giant better known by its acronym AIG."

The Hill article then noted that Dr. Holtz-Eakin was invited to the Judiciary Committee hearing by the opponents of the bill and that the "Coalition for Asbestos Reform," an organization funded by major insurance companies opposed to the bill, issued a press release on the day of his testimony claiming he was validating the Coalition's criticism. Obviously, it was pre-arranged between Dr. Holtz-Eakin and the Coalition since the Coalition had information in advance and was prepared to make the announcement in a press release the day of his testimony.

Anyone, including the Coalition, can raise any objections they wish, but they ought to disclose the basis for Dr. Holtz-Eakin's effort to defeat the legislation because he, as The Hill pointed out, "became the head of a think tank funded by the insurance company opponents of the bill."

Dr. Holtz-Eakin's bias and conflict of interest renders his later testimony meaningless. It all shows how desperate the "Coalition for Asbestos Reform" is and how the Coalition is grasping at straws and buying testimony to try to defeat this important reform legislation.

And then I signed the letter.

I ask unanimous consent that the Hill article and the relevant points from the transcript be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hill, June 27, 2006]

HOLTZ-EAKIN DELIVERS BLOW ON ASBESTOS

(By Alexander Bolton)

Douglas Holtz-Eakin delivered a significant blow against the effort to revive asbestos-reform legislation when he testified earlier this month that a cost assessment of the measure he had provided in November as director of the Congressional Budget Office (CBO) was unrealistic.

Some say that the testimony was a surprising reversal, but others note that since leaving the CBO Holtz-Eakin has taken a position created by a $5 million grant from a source adamantly opposed to the controversial legislation.

Holtz-Eakin is highly regarded on Capitol Hill, attracting praise from both sides of the aisle. But the funding of his organization has raised some conflict-of-interest concerns about his views on the pending asbestos-reform bill.

Senate Judiciary Committee Chairman Arlen Specter (R–Pa.) is pushing to bring the bill to the floor for a vote, but Senate Majority Leader Bill Frist (R–Tenn.) has said he will not do so unless it clearly has enough support to pass. A previous effort by Frist to pass the legislation fell a few votes short this year.

As CBO director, Holtz-Eakin testified to the Senate Judiciary Committee that a trust fund that would be set up by the bill to pay asbestos-related medical claims would have little effect on the federal budget.

But when he appeared again before the committee seven months later, Holtz-Eakin compared the trust fund to three of the largest mandatory government programs, Social Security, Medicare and Medicaid, and declared that now is "a particularly bad time" to start such a new program.

Critics of the Specter legislation have criticized it as a costly program that could significantly add to the deficit years down the road.

At the beginning of this year, Holtz-Eakin became the head of a think tank funded by a foundation set up by one of the biggest opponents of the asbestos-reform bill, American International Group, an insurance giant better known by its acronym AIG.

AIG is one of several entities that have poured tens if not hundreds of thousands of dollars into an effort to defeat the asbestos reform bill, according to internal industry documents.

AIG also created the charity organization that endowed a think tank, the Maurice R. Greenberg Center for Geoeconomic Studies, named after AIG's longtime chairman, that Holtz-Eakin now heads.

Holtz-Eakin has become a pivotal player in the behind-the-scenes battle to bring asbestos reform back to the Senate floor because of his residual authority as Congress's former chief accountant. Holtz-Eakin's damaging testimony on the asbestos bill was widely reported.

And the Coalition for Asbestos Reform, an alliance of corporations that oppose Specter's asbestos-reform bill that is lobbying senators on the issue, has pounced on Holtz-Eakin's words as support for their position.

"The testimony of former Congressional Budget Office Director Douglas Holtz-Eakin validates the criticism that the Coalition for Asbestos Reform has made for many months about a federal trust-fund approach to the asbestos litigation situation," the coalition announced in a press release the day of the testimony.

Specter said at the hearing that there was "a 180-degree difference" between what Holtz-Eakin estimated the program would cost as CBO director and his subsequent comment that its cost was highly uncertain. The first time Holtz-Eakin testified it was at Specter's invitation as CBO chief. The second time he was invited by an opponent of the bill, though it is unclear which member sought his testimony.

The coalition, which is funded in part by AIG, identified Holtz-Eakin as an important figure in a planning document it drafted in December. The document quoted Holtz-

Eakin's testimony the previous month on the trust fund and suggested portions that could be used to undermine the bill by questioning the accuracy of CBO's cost estimates and bolstering the credence of much-higher-cost projections.

The planning document also identified AIG as one of the nine biggest funders of the Coalition for Asbestos Reform, along with other major insurance firms: Allstate, Hartford Insurance, Liberty Mutual and Nationwide Insurance.

AIG's founder has also provided the bulk of the funding for the geoeconomic-studies center that Holtz-Eakin now heads. The center was endowed with a $5 million grant from the Starr Foundation in 2000, according to the publicly available 990 form that the foundation submitted to the Internal Revenue Service.

The foundation, in turn, was established by AIG's founder, Cornelius Vander Starr. It earned nearly $50 million by selling 470,000 shares of AIG in 2000, according to the tax form.

Ken Frydman, foundation spokesman, said the group had no role in hiring Holtz-Eakin to head the Greenberg Center.

Specter asked Holtz-Eakin at this month's hearing if the difference between his earlier and later testimonies was "attributable to [his] position working for the Greenberg Center." But Specter did not discuss the sums of money involved, and news accounts of the hearing did not report Specter's concern.

"I receive no funds from AIG, and my views today are my own," Holtz-Eakin replied. The former CBO chief said that he is merely director of the Greenberg Center and that he is "funded by the Council on Foreign Relations." "And my funding is from the Paul Volcker Chair in International Economics," he added.

The council, too, has received substantial funding from the Starr Foundation. The council has received $27 million in grants from the foundation since 1960, said Anya Schmemann, the Council on Foreign Relations' spokeswoman.

Holtz-Eakin defended his conflicting testimony in a recent interview. He said that as CBO director his job was to put a price tag on legislation, not to give his opinion of bills. He also said that his recent assessment questioning the certainty of the CBO's cost estimates was a personal opinion, something he was not allowed to give as CBO director.

"CBO doesn't take positions; it prices bills," he said. "My personal opinion is that you can't take this bill at face value. I think a future Congress will change it."

Holtz-Eakin said he was required as head of the CBO to take the asbestos-reform bill at face value and assume that the program would sunset when it ran out of money, thereby sparing taxpayers its cost. But as a private citizen, Holtz-Eakin said he is now free to express his opinion that that scenario is unlikely because Congress would rather pay to keep it afloat then let it close.

"These are my views," he said. "I didn't know that Maurice Greenberg had an opinion on the bill."

The Chairman. We now go to the five-minute rounds by members.

Let me begin with you, Dr. Holtz-Eakin. I am a little surprised by the difference in your testimony today from the materials submitted by you when you were Director of the Congressional Budget Office.

The statement which you submitted as head of CBO said, "CBO expects the value of valid claims likely to be submitted to the fund over the next 50 years can be between $120 billion and $150 billion."

In the written statement which you submitted for today's hearing, you say, "Both the scale of the mandatory spending and the size of the revenues are highly uncertain."

There is a 180-degree difference between what you and now attributable to your position working for the Greenberg Center, and in effect, AIG?

Dr. Holtz-Eakin. Let me do those in reverse order. First, I am the director of that center. I am funded by the Council on Foreign Relations. My funding is from the Paul Volcker Chair in International Economics. I receive no funds from AIG, and my views today are my own.

The Chairman. Well, let us take up your own views, if you are not influenced by these other factors. How do you account for the statement that you make here that there is mandatory spending, and how do you account for the fact that you say "a future Congress and administration are guaranteed to turn to the taxpayer. How can you say that?

Dr. Holtz-Eakin. Let me explain. The first statement, when I was Director of CBO, remains true today. It is the case that this will be mandatory spending in the Federal budget. It will not be subject to appropriation. It will fit every common-sense definition of mandatory spending.

The Chairman. It is mandatory until it runs out, Dr. Holtz-Eakin.

Dr. Holtz-Eakin. It will be the case that the legislation provides for a sunset—that is what I said, . . . and that remains true today—automatic, or at the discretion of the administrator, depending on the eyes of the——

The Chairman. Well, is there mandatory spending after the fund runs out?

Dr. Holtz-Eakin. There is a program in place that requires money to be spent.

The Chairman. Wait a minute. Does it require——

Dr. Holtz-Eakin. My judgment——

The Chairman. Wait a minute. Does it require the money to be spent or does it require Congress to act? Now, you say in your oral testimony here, "there will be political pressure to spend" and you challenge the Congress on any fiscal restraint.

How can you say what a Congress in the future will do? Congress will not be obligated to spend the money once the $140 billion is gone, will it?

Dr. Holtz-Eakin. The administrator will have the option to terminate the fund, is my reading of it. We can debate whether you think that is correct reading. It is my judgment, and my judgment alone, that in the future Congress would continue this program and an administrator would have an enormous technical difficulty in sunsetting it at the appropriate time. It would be very hard to * * *

100TH ANNIVERSARY OF MINDEN, NEVADA

Mr. REID. Mr. President, I rise today to commemorate a historic and important event in Nevada. On July 2, 2006, the town of Minden will celebrate its 100th anniversary.

Located in the scenic Carson Valley, Minden is known for its beauty. The Carson Valley Mountain Range provides an imposing, but beautiful, background for the small community of 7,500. Minden is widely known for its small town charm because the town was mapped and planned before a single brick was laid. Visitors and residents of Minden can see the planning even today in the neatly laid streets and buildings. Minden retains its turn-of-the-century feel, and most of the original architecture is still evident in the town.

Like other communities in the Carson Valley, Minden was founded as a result of the railroad. In 1905, the Virginia and Truckee Railroad explored possible locations to expand their rail line. Heinrick Frederick Dangberg, offered to donate land from the H.F. Dangberg Land and Livestock Company for the expansion. The railroad accepted his offer, and Dangberg submitted a plan for the new town to the Douglas County Commissioners in 1906. In choosing a name for the new town, Dangberg honored his birthplace near Minden, Germany.

The Virginia and Truckee Railroad carried gold and silver from the famed Comstock Load in Virginia City, NV. But by the time of their proposed expansion in 1905, the railroad began to look for new sources of revenue. They found a lucrative revenue source in transporting livestock, and the new branch of the railroad that ran through Minden became the main shipping route for livestock going from San Francisco to Chicago.

With the railroad and other businesses in the town, Minden and the neighboring community of Gardnerville became the center of commerce for the Carson Valley. In 1915, there was a growing sentiment to move the courthouse from Genoa to a more populated area. More than 150 people from the Carson Valley traveled to the state capital to see the Nevada Senate vote to move the county seat to Minden. With the completion of a new courthouse in 1916, Minden replaced Genoa as the county seat of Douglas County.

In 1925, one of the most famous Minden residents, David Derek Stacton, was born. Over the course of his life, Stacton won wide acclaim as an author and a poet. He was honored as a Guggenheim fellow in 1960 and 1966. Although he passed away at the early age of 41, Stacton left us many critically acclaimed histories on subjects from Napoleon to Nefertiti.

By 1950, the Virginia and Truckee Railroad was struggling, and the operation was closed down. For a town that grew out of the end of the railroad line, this loss was a big change for the community. The people of Minden met this challenge, and other industries soon came to Minden, many of them high-tech firms from California. Among those companies was Bently Industries, the maker of vibration monitoring equipment. Today, a steady wave of high-tech companies continues to relocate to Minden and Douglas County.

This small town—which got its first traffic light in 1985—has managed to move itself into the 21st century, without losing its historic charm. Every June, thousands of Nevadans travel from all over to take part in the Carson Valley Days. Cohosted by Minden and Gardnerville, Carson Valley Days is an annual event with a parade, carnival, live music, truck pull, and arts and crafts. This historic event was started in 1910 by H.F. Dangberg, and it is now in its 96th year.

Mr. President, I am proud to have a town like Minden in my home State, and I congratulate the people of Minden on their 100th anniversary. I encourage all my colleagues in the Senate and all the people of this great country to experience this beautiful and historic part of Nevada.

SALUTING EUNICE KENNEDY SHRIVER

Mr. HARKIN. Mr. President, the first ever USA Special Olympics National Games will open this Saturday in Ames, IA. Looking ahead to this remarkable gathering of athletes, coaches, and family members from all across America, I want to salute the vision and leadership of Eunice Kennedy Shriver, the founder and honorary chair of Special Olympics International.

No individual in the world is more respected and admired for her tireless advocacy on behalf of people with intellectual disabilities. For four decades, Eunice has pursued this advocacy with her trademark passion and tenacity. As executive director of the Joseph P. Kennedy, Jr. Foundation, she has been instrumental in establishing the National Institute for Child Health and Human Development, as well as a network of mental retardation research centers at major medical schools across the United States.

In 1968, she established her most enduring legacy, the Special Olympics. Starting in Eunice's own backyard as a day camp for children with mental retardation, it has grown into a global movement that serves more than 2.2 million adults and children with intellectual disabilities in more than 150 countries.

Mr. STEVENS. Mr. President, will the Senator from Iowa yield?

Mr. HARKIN. I would be happy to yield to the distinguished senior Senator from Alaska.

Mr. STEVENS. Mr. President, as the Senator from Iowa knows, I am a longtime supporter of the Special Olympics, and a longtime friend and admirer of Eunice Kennedy Shriver and her work. This remarkable American is a fine example of President Reagan's observation that you don't have to be on the public payroll in order to be an outstanding public servant.

Anchorage, AK, was proud to host the 2001 Special Olympics Winter Games, which was the largest sporting event ever held in Alaska. In conjunction with that Special Olympics event, I chaired a Committee on Appropriations field hearing on promoting the health of individuals with intellectual disabilities. This was the first hearing of its kind devoted exclusively to the needs of people with intellectual disabilities.

Mr. HARKIN. Mr. President, I am well aware of that historic hearing. This Saturday in Ames, I will chair a field hearing of the Labor/HHS/Education Appropriations Subcommittee, which will essentially be a followup and update on the Senator's hearing in Anchorage 5 years ago.

And let me just echo the Senator's observation that Eunice Kennedy Shriver, in a voluntary capacity, has been one of America's great public servants. Public officials in Washington have the persuasion of power, but the gentlewoman from Massachusetts has the power of persuasion. She has used that power brilliantly to advance the well being of people with intellectual disabilities all across the world. And I share with the Senator from Alaska and all of our colleagues in the Senate a deep respect and appreciation for Eunice Kennedy Shriver's lifetime of service.

DEFENSE AUTHORIZATION

Mr. LIEBERMAN. Mr. President, I rise to laud the Senate's unanimous approval of a $517.6 billion blueprint for the Nation's Armed Forces that expresses Congress's support for the necessary tools for our military fighting throughout the world.

It is critical that our military invest more resources for training, weapons, and technology to meet the new demands placed on it by the war on terror. We need to keep investing in our defense programs that have worked well in the past. We must also make sure that we provide enough resources for research and development, which will ensure that our servicemen and servicewomen are equipped with the best weapons possible. I wish to express my pride in the many Connecticut defense companies and skilled workers that meet both of these critical demands. Last year, I successfully fought efforts to close Submarine Base New London, because closing the base would have been a threat to our national security and would have put the most skilled defense workers in the world out of work. These irreplaceable workers are key to promoting our national security and developing important innovations that will help protect the lives of our military personnel.

I would like to highlight several provisions of the bill that I believe merit emphasis. Particularly important are additions to submarine design programs and construction at U.S. Submarine Base New London. They provide $75 million in additional funding for submarine design, $65 million for improvements to the Virginia class submarine and $10 million to begin design for the replacement of the nation's Ohio class ballistic missile submarine. This addition will help submarine designers at Electric Boat in my home State of Connecticut. The inclusion of $9.6 million for a small craft maintenance facility is also a critical step in upgrading the submarine base.

I am particularly heartened by the adoption of an amendment I worked on with Senators BOXER, KENNEDY, and CLINTON to ensure that our soldiers receive the mental health care they need and deserve. The amendment creates a detailed and comprehensive screening process to assess the mental health status of individual soldiers before they are deployed to combat zones and ensures that a soldier who is determined to have symptoms of a mental health condition will be referred to an appropriate qualified mental health care professional for further evaluation. It also mandates timely access to mental health services if requested by a member of the armed forces before, during, or after deployment to a combat zone—within 72 hours after making the request or as soon as possible and requires consent from a qualified mental health care professional before a soldier deemed to have a duty-limiting mental health condition is sent to a combat zone.

We introduced this amendment to protect the health and safety of servicemembers and their units—similar to the ones The Hartford Courant has written about. The military mental health amendment has two purposes. First, it is meant to keep these courageous young men and women out of the way of any further harm. Second, we must make certain that our units have the strongest and healthiest soldiers and this amendment moves us in the right direction.

I also cosponsored an amendment that enables the Air Force to enter into a multiyear contract beginning in fiscal year 2007 for 60 F–22 aircraft over 3 years. Moving to multiyear contract will save American taxpayers more than $250 million.

To ensure military families do not have to face the burdens of rising pharmaceutical copays for TRICARE next year, I cosponsored an amendment with Senators LAUTENBERG and STABENOW that prohibits increasing retail pharmacy copays for TRICARE beneficiaries through fiscal year 2007. The President's budget submission proposed raising generic and brand name copays from $3 and $9 to $5 and $15, respectively. That type of increase is simply not an acceptable solution. Our amendment ensures that we keep prescriptions affordable for those individuals who selflessly serve in our Nation's military.

Finally, I cosponsored an amendment introduced by Senator CANTWELL that will help elucidate the link between troop exposure to depleted uranium during combat and gulf war syndrome. This amendment requires a joint comprehensive study of troop depleted uranium exposure by the Defense Department, Veterans Affairs, and Health and Human Services. We need to better understand the relationship between depleted uranium exposure and adverse health effects, and I believe this amendment will help us achieve this goal.

I thank both Senators LEVIN and WARNER for incorporating these amendments and funding priorities into the Defense authorization bill for 2007. I encourage the conferees in both the House and Senate to keep these provisions in the final version of the legislation.

IMPROVING HOSPITAL CARE

Mr. KENNEDY. Mr. President, I have said it before and I will say it again—the quality of health care in America is in critical condition. Forty-six million Americans lack health insurance. That is over 10 percent of the people in this country.

It is time to focus on revising our health care system to meet the needs of patients by extending coverage and raising the standard of care. Incremental steps can make a difference. A recent op-ed article in the Boston Globe by Cleve Killingsworth, president and CEO of Blue Cross Blue Shield of Massachusetts, highlights an informative nationwide study by the Institute for Healthcare Improvement of Cambridge, MA, in which 3,000 acute-care hospitals across the country were asked to follow specific practical guidelines proven to save patients' lives. The study, conducted over 18 months, showed that over 122,000 lives had been saved when hospitals implemented just a series of basic safety precautions to improve patient care.

Blue Cross Blue Shield has worked effectively to improve health care in Massachusetts, and I commend Mr. Killingsworth for his impressive leadership and for bringing this important study to our attention.

I believe that my colleagues will be especially interested in these practical steps to improve the quality of hospital care and their life-saving potential, and I ask unanimous consent that Mr. Killingsworth's important article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, June 21, 2006]

LEADING THE WAY ON HEALTHCARE

(By Cleve L. Killingsworth)

Improving the quality healthcare saves lives. That's the lesson behind last week's announcement by the Institute for Healthcare Improvement that more than 120,000 such lives were saved nationally because hospitals followed proven interventions that deliver safer and more effective care.

All 72 Massachusetts acute care hospitals participated in this campaign. Their success together with the state's landmark healthcare reform law that will focus on many of the best practices used by the institute through the Massachusetts Health Care Quality and Cost Council puts the state in a unique position to lead the country in delivering top-quality health services.

Don Berwick, president of the Cambridge-based institute, explained that, over the past 18 months, a national effort by 3,000 hospitals across the country prevented the unnecessary deaths of more than 122,300 patients.

The effort supports interventions that make a real difference for patients. In many cases, that just means getting hospitals and front-line health workers to agree to follow practices that have been shown to eliminate error and save lives.

Some policies and procedures that the institute and the participating hospitals have put in place are relatively simple. For example, they are committed to giving patients who are at risk for heart attacks aspirin and beta-blockers. They are making sure that patients on ventilators have their heads raised between 30 to 45 degrees at all times to prevent them from developing pneumonia. They are implementing rapid-response teams at the first sign that a patient's condition is worsening. And they are making sure that doctors and nurses working with patients who are receiving medicines and fluids from central lines clean the patients' skin with a certain type of antiseptic.

While these procedures are not revolutionary in concept, they require significant collaborative effort and commitment. Taken together, these everyday actions can represent a sea change in patient outcomes for hospitals. Because of the size, diversity, and complexity of the healthcare system with all its insurers, providers, caregivers, and facilities it is difficult to disseminate best practices that improve patient health. And yet the success that the institute has fostered shows that it can be done.

It is fitting that every acute-care facility in the state is participating in this process. Massachusetts has already shown it can lead the nation in achieving better healthcare. Passing the legislation that made universal access to healthcare the standard wasn't easy. It took bringing together political leaders from all sides, business leaders, consumer and patient groups, insurers, hospitals, doctors, and nurses.

And there is more that can and must be done. The state Health Care Quality and Cost Council, established by the landmark legislation, can further improve the delivery of medical care and do so in a way that restrains the growth in spending. The success of the institute's effort shows what can be accomplished when all insurers and hospitals collaboratively choose concrete goals that improve the safety and effectiveness of care.

Massachusetts has the best healthcare system in the country but it can get better. Given the high caliber of the hospitals and medical schools, the commitment of doctors and nurses, and the pioneering spirit of organizations such as the institute and others that are willing to point out where the system is failing and fix it, Massachusetts is in a unique position to fundamentally transform it.

The institute has shown that improving the system will save lives. And so with the wind of reform at our backs, universal health coverage within reach, and progress not only possible but demonstrable, now is the time to commit to making Massachusetts the standard bearer for quality healthcare for all.

RURAL VETERANS CARE ACT

Mr. SALAZAR. Mr. President, I rise today to discuss a critical issue facing thousands of Americans. Many of my colleagues have heard me talk about the importance of rural America. As I have said before, in many ways, the very fabric of rural America is fraying, thread by thread. The America where I grew up—the America of farmers, ranchers, small business owners, and generations of close-knit families—is slowly slipping away. And the Federal Government is simply not doing enough to reverse this troubling trend. This America—rural America—has sadly become the "Forgotten America."

As we approach the Fourth of July recess, I want to talk about the challenges facing a community within the Forgotten America: rural veterans. In rural communities across the country, men and women have devoted themselves to the cause of freedom without hesitation and in numbers greatly beyond their proportion to the U.S. population. Yet we consistently overlook the unique challenges these men and women face after they return home to their families and friends in the heartland of America. When it comes to the VA health care system, we fail our Nation's rural veterans by not doing more to ensure they can access the high-quality health care they have earned. We owe them much better.

Over and over, I hear from veterans in my State about obstacles to care. I recently met with a veteran from northeast Colorado who told me he had to travel 500 miles roundtrip just to get a simple blood test at a VA hospital. I think most of my colleagues would agree with me that this is ludicrous.

I wish I could say this represents an isolated incident. Unfortunately, it does not. Because of gaps in the network of VA hospitals and clinics, and because the VA health care system is not equipped to fill these gaps, we hear stories like this all the time.

Every day, veterans from rural communities throughout the country are forced to put off crucial treatment because they live too far from VA facilities and can't get the care they need. As a result, rural veterans die younger and suffer from more debilitating illnesses—all because our system is not equipped to address their needs and provide care accordingly. A 2004 study of over 750,000 veterans conducted by Dr. Jonathan Perlin, the Under Secretary for Health at the VA, consistently found that veterans living in rural areas are in poorer health than their urban counterparts. Still, despite the fact that 23 percent of the Nation's veterans live in rural areas, the VA does not have a high-level office responsible for coordinating care to this vital constituency.

This is simply unacceptable. We need policies that address the plight of our rural veterans, and we need them now.

With that objective in mind, Senator THUNE and I recently introduced legislation that would significantly enhance our approach to rural veterans' health care. Thanks to the support of the 12 cosponsors of this legislation and to the bipartisan efforts of my colleagues on the Veterans' Affairs Committee who worked to ensure its fair, insightful, and constructive review, we were able to include many of this legislation's provisions as part of S. 2694, a broader legislative package that passed out of committee last week.

In keeping with the objectives of our original Rural Veterans Care Act, this legislation would create an Office of Rural Health within the Veterans Health Administration. The new office would be responsible for taking a number of steps aimed at improving the way we provide care to rural veterans. Specifically, the Office of Rural Health would be charged with conducting, promoting, and disseminating research into issues affecting rural veterans, and developing and refining policies and programs to improve care and services for rural veterans. Because nearly one in every four veterans is from a rural area, the creation of this Office of Rural Health is crucial if we are to live up to our promise to provide all of our Nation's veterans with high-quality services.

Through specifically designated officials in each of the country's 23 Veterans Integrated Service Networks, this office will have a real and effective presence in rural veterans communities. These individuals will serve as regional officers responsible for consulting on and coordinating research and policies in their respective service networks. Their insight into how to provide rural veterans in their areas with the best health care possible will be incredibly useful and will help expand the reach of the new office outside the beltway, and to all corners of the country.

The Office of Rural Health will also be required to conduct a study on the feasibility of expanding the use of fee-basis care, whereby the VA contracts its services out on a limited basis to third party providers. I continue to believe we should carefully explore every available option when it comes to improving access to care for veterans living in rural areas, and I am happy that this legislation will provide a way to do just that.

With almost one-quarter of our Nation's veterans living in rural communities, and with the obstacles they face with respect to accessing high-quality care so pronounced, it is obvious we need to do better. I am pleased that the Veterans' Affairs Committee has taken an important first step toward that goal, and I am committed to working with my colleagues in the Senate, with the VA, and with veterans across the country to build on this momentum. This legislation may not be the whole answer, but it is a start, and the dialogue we have helped to start on this critical issue is long overdue.

I want to thank Senators THUNE, AKAKA, BURR, MURRAY, BAUCUS, BURNS, CONRAD, DORGAN, PRYOR, LINCOLN, MURKOWSKI, THOMAS, and ENZI for cosponsoring the Rural Veterans' Care Act. I also want to thank Chairman CRAIG and his staff for working with me and the rest of the bill's sponsors to include a provision creating a new Office of Rural Health as part of S. 2694.

I know that each and every one of my colleagues deals with veterans issues and feels a deep sense of gratitude toward the brave men and women who have fought for our freedom. I hope we can join together in support of our rural veterans. We owe it to them to make sure our actions match our rhetoric when it comes to expressing our gratitude and fulfilling the promises we have made. Toward that end, I look forward to seeing this legislation passed by Congress and sent to the President for his signature.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF THE FOUNDING OF WENTWORTH, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the city of Wentworth, SD.

The first settlers came to Wentworth by horse or oxen-drawn wagons, and were mainly from Milwaukee, eastern Atlantic States, Minnesota, and Iowa. The land had few trees, and most of the settlers built and lived in sod houses. On December 15, 1880, the land was surveyed and platted for owner Rinaldo Wentworth and the town was later named for his father, George Wentworth.

In 1880 the first business--a grocery store—opened its door in Wentworth. In 1881, the first train came into Wentworth, in 1904 the first telephone line was installed, and in 1917 electric street lights were turned on. There were several hotels that operated in early Wentworth as well, including the Commercial Hotel, which is now on display at nearby Prairie Village.

Wentworth will be commemorating its anniversary with a celebration from June 30 through July 4. The town plans to hold golf tournaments, parades, softball tournaments, car shows, and fireworks. The 5-day event promises to be a great opportunity to celebrate such a historic milestone.

Even 125 years after its founding, Wentworth continues to be a vibrant and progressive community. I am proud to honor the accomplishments of the people of Wentworth, and congratulate them on this impressive achievement.•

TRIBUTE TO WILLIAM CHRISTOPHER VILLAR

• Mr. MARTINEZ. Mr. President, today I wish to share with you the story of a remarkable young man from Milton, FL. William Christopher Villar, by all surface accounts, was your typical 22-year-old. He was attending community college with the hopes of one day obtaining a degree in business. He was working at a job that he loved, and he had recently gotten engaged to his long time sweetheart, Heather Dieterich. His life was unfolding the way we hope that all of our children's lives will eventually unfold.

Certainly, it was not these things or even the fact that, as a young man, he was actively involved with his church that made him atypical. And it was not the fact that he was a star on the basketball court—making the All-Conference and All-State teams his senior year at Central High School in Santa Rosa County—a high school he entered after being home schooled for a number of years. Quite simply, it was his selflessness and his unyielding love for his family that set him apart.

Chris was the oldest of three boys. As such, he was fiercely protective of his younger brothers. There is a story the family tells about an accident that happened 12 years ago that illustrates this best: Chris and Jacob, his youngest brother, were riding in the back seat of their father's car when the driver of a large recreational vehicle, coming over the peak of the I-10 bridge between Santa Rosa and Escambia counties, failed to slow down for a disabled vehicle. The significantly larger vehicle collided with Villar's car with devastating force. Chris, in an instinctive moment and without thinking of his own safety, grabbed his 2-year-old brother Jacob—perched high in his car seat—and threw his own 10-year-old body over him to save him. That should tell you volumes about the kind of person Chris Villar was.

By and large, the people who knew Chris all said the same things about him: He was a "good boy" and he had been "raised right." That is a compliment we hear far too infrequently these days, but it is a testament to his parents. It should make them proud.

I wish I could tell you that the story ends there that this exceptional boy will one day become an exceptional man, an exceptional husband, and an exceptional dad. Unfortunately, on the evening of Thursday, June 15, Christopher Villar's life came to a tragic end when a car driven by a drunk driver crashed through the roof of his family's home. This was an avoidable tragedy. This is a grave reminder of the dangers of driving while under the influence.

Just moments before this tragedy began to unfold, Chris, like so many of us, had been enjoying the NBA playoffs with his family. He was a New York Knicks fan but pulled for the Miami Heat in this series as a way to tease his younger brother, Matt. They were kidding about it, as brothers do, when a loud noise was heard in the front yard. Whether it was the sheer instinct of a protective older brother, the hand of God, or both, Chris pushed Matt away from himself and toward the middle of his room just as the car crashed through the ceiling. In that instant, it was over. If any good can be found in this tragedy, it is that one life was lost instead of two. Once again, Chris hadn't thought of himself.

Mr. President, these words do nothing to ease the pain the friends and family of William Christopher Villar are feeling today. Their void is a void that no words can fill. I share them with you because this remarkable young man deserves to be remembered, not for the tragic accident that took his life but for the positive impact he had on the lives of others.•

125TH ANNIVERSARY OF ASHTON, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the community of Ashton, SD, on reaching the 125th anniversary of its founding. Ashton is a rural community located in Spink County.

The city of Ashton was founded in the summer of 1881. There are competing stories of how the town was named: one that it was named for the railroad official R.H. Ashton; one that a group of settlers from Boston named it for a town in England; and one that it was named for the groves of Ash trees in the James Valley. The first store was operated out of a tent by Mr. McPherson. The town grew quickly, with two real estate offices, a blacksmith, and two lumberyards soon constructed. The train arrived in Ashton in September of 1881, shortly followed by the telegraph. The post office was established on December 8, 1881. Other early buildings on in Ashton were the Bowman House, CC Morris General Store, Basset and Kelly's Hardware, Anderson's Bakery, and Reed, and Kelsey's Drug Store.

Ashton was named county seat of Spink County by the Territorial Legislature in 1885, though the seat moved to Redfield about 2 years later. The people of Ashton endured a series of disasters in the ensuing years. There were large fires in 1887, 1890, 1908, and 1910. Also, a tornado damaged much of the town in 1897.

Today, Ashton is still a thriving community. There are many active businesses operating in Ashton, such as a seed and spraying store; plumbing, heating and sheet metal services; a post office; and neighborhood bar.

The people of Ashton celebrated this momentous occasion on the weekend of June 16–18. 125 years after its founding, Ashton remains a vital community and a great asset to the wonderful State of South Dakota. I am proud to honor Ashton on this historic milestone.•

MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 103. Concurrent resolution to correct the enrollment of the bill H.R. 889.

At 2:23 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7328. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Prohibition on Use of Community Development Block Grant Assistance for Job-Pirating Activities" ((RIN2506–AC04) (FR–4556–F–03)) received on June 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7329. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Community Development Block Grant Programs; Revision of CDBG Eligibility and National Objective Regulations" ((RIN2506–AC12) (FR–4699–F–02)) received on June 15, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7330. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–7331. A communication from the Secretary of the Treasury, transmitting, pursuant to law, two semiannual reports which were prepared separately by both the Treasury Department's Office of Inspector General and Inspector General for Tax Administration for the period ended March 31, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7332. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appear on pages 119–143 of the March 2006 "Treasury Bulletin"; to the Committee on Banking, Housing, and Urban Affairs.

EC–7333. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–7334. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC–7335. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subparts C and D—2006–2007 Subsistence Taking of Fish and Wildlife Regulations" (RIN1018–AT98) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7336. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Lakeview PM10 Maintenance Plan and Redesignation Request" (FRL No. 8179–5) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7337. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; La Grande PM10 Maintenance Plan and Redesignation Request" (FRL No. 8179–4) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7338. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Medford-Ashland PM10 Attainment Plan, Maintenance Plan and Redesignation Request" (FRL No. 8175–7) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7339. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 8052–3) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7340. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 8182–2) received on June 15, 2006; to the Committee on Environment and Public Works.

EC–7341. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled "Imposition of Foreign Policy Controls on Implementation of Unilateral Chemical/Biological Controls"; to the Committee on Commerce, Science, and Transportation.

EC–7342. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled "Imposition of Foreign Policy Controls on Mayrow General Trading and Related Entities"; to the Committee on Commerce, Science, and Transportation.

EC–7343. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2006" (RIN0648–AT28) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7344. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Foreign Fishing; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Annual Specifications; Pacific Whiting" (RIN0648–AU39) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7345. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Closure of Quarter II Fishery for Loligo Squid)" (051806A) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7346. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Allocation of Trips into Closed Area II Yellowtail Flounder Special Access Program" (050906B) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7347. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "General Order Concerning Mayrow General Trading and Related Entities" (RIN0694–AD76) received on June 15, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7348. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Child Restraint System Webbing Strength" (RIN2127–AI66) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7349. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Civil Penalty Inflation Adjustment Rule and Tables" (RIN2120–AI52), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7350. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Organization Designation Authorization (ODA) Procedures; CORRECTION" (RIN2120–AH79), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7351. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–223, -321, -322, and -323 Airplanes" ((RIN2120–AA64) (Docket No. 2004–NM–142)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7352. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 45 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–102)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7353. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model BD–100–1A10 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–034)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2430. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study (Rept. No. 109–270).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Michael L. Dominguez, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness.

Air Force nomination of Maj. Gen. Maurice L. McFann, Jr. to be Lieutenant General.

Army nomination of Col. Frank A. Cipolla to be Brigadier General.

Army nomination of Col. Michael J. Silva to be Brigadier General.

Navy nomination of Rear Adm. Robert B. Murrett to be Vice Admiral.

Navy nomination of Rear Adm. Mark J. Edwards to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the CONGRESSIONAL RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nomination of Con G. Pham to be Colonel.

Army nominations beginning with Daryl W. Francis and ending with Dwaine M. Torgersen, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Brian E. Bishop and ending with Alan C. Saunders, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Jose R. Atencio III and ending with Christopher J. Morgan, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Brent E. Bracewell and ending with Allen L. Meyer, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Bruce R. Deschere and ending with Michael B. Rountree, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Michael L. Ellis and ending with Kristine Knutson, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nomination of Debra R. Hernandez to be Major.

Army nomination of Anne M. Emshoff to be Major.

Army nomination of Andrew P. Cap to be Major.

Army nominations beginning with Mark E. Gants and ending with Samuel L. Yingst, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Cathleen A. Burgess and ending with Jeffrey L. Wells, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Hazel P. Haynes and ending with Gia K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Ben L. Clark and ending with Jennifer L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nominations beginning with Lynn F. Abrams and ending with Robert T. Zabenko, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Marine Corps nominations beginning with Christopher J. Galfano and ending with Russell W. Parker, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Navy nomination of Zina L. Rawlins to be Lieutenant Commander.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DEWINE, and Ms. MIKULSKI):

S. 3570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER:

S. 3571. A bill to suspend temporarily the duty on certain footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3572. A bill to suspend temporarily the duty on certain women's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3573. A bill to suspend temporarily the duty on certain men's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3574. A bill to suspend temporarily the duty on certain men's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3575. A bill to suspend temporarily the duty on certain women's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3576. A bill to suspend temporarily the duty on certain other footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3577. A bill to reduce temporarily the duty on certain men's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3578. A bill to reduce temporarily the duty on certain footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3579. A bill to reduce temporarily the duty on certain women's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3580. A bill to reduce temporarily the duty on certain women's footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 3581. A bill to reduce temporarily the duty on certain other footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, and Mr. SCHUMER):

S. 3582. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 3583. A bill to amend the Internal Revenue Code of 1986 to regulate payroll tax deposit agents; to the Committee on Finance.

By Mr. AKAKA:

S. 3584. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH:

S. 3585. A bill to amend the Internal Revenue Code of 1986 to improve and expand the availability of health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 3586. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. Res. 521. A resolution commending the people of Albania on the 61st anniversary of the liberation of the Jews from the Nazi death camps, for protecting and saving the lives of all Jews who lived in Albania, or sought asylum there during the Holocaust; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. ALEXANDER, Mr. WARNER, and Mr. ALLEN):

S. Res. 522. A resolution celebrating the 150th anniversary of the Cities of Bristol, Tennessee and Bristol, Virginia; considered and agreed to.

By Mr. WYDEN (for himself and Mr. SMITH):

S. Res. 523. A resolution commending the Oregon State University baseball team for winning the 2006 College World Series; considered and agreed to.

By Mr. JOHNSON (for himself and Mr. ALLEN):

S. Con. Res. 106. A concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 345, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1353

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1896

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1896, a bill to permit access to Federal crime information databases by educational agencies for certain purposes.

S. 1911

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1911, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2140

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from

Montana (Mr. BAUCUS) were added as cosponsors of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2157

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2364

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2364, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2487

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2487, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 2551

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2551, a bill to provide for prompt payment and interest on late payments of health care claims.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2658

At the request of Mr. BOND, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2664

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2664, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2679

At the request of Mr. TALENT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2679, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2917

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2917, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 2990

At the request of Mr. VITTER, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3548

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3548, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. CON. RES. 94

At the request of Mr. COCHRAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

AMENDMENT NO. 4271

At the request of Mr. BOND, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 4271 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4390

At the request of Mr. TALENT, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4390 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. DEWINE, and Ms. MIKULSKI):

S. 3570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to join Senator DEWINE, Senator KENNEDY and Senator MIKULSKI in introducing the Older Americans Act Amendments of 2006.

The Older Americans Act Amendments of 2006 is the primary source for the delivery of social and nutrition services for older individuals. Enacted in 1965, the act's programs include supportive services, congregate and home-delivered nutrition services, community service employment, the long-term care ombudsman program, and services to prevent the abuse, neglect and exploitation of older individuals. The act also provides grants to Native Americans and research, training, and demonstration activities.

The 2000 amendments to the act authorized the National Family Caregiver

Support Program; allowed State agencies on aging to impose cost-sharing for certain supportive services for older persons; revised the State funding formulas; and required the Department of Labor to establish performance measures for the community service employment program.

Title I of the Older Americans Act set broad social policy objective to improve the lives of all older Americans. It recognized the need for an adequate income in retirement, and the importance of physical and mental health, employment in community services for older individuals and long-term care services.

Title II established the Administration on Aging, AOA, within the Department of Health and Human Services to be the primary Federal advocate for older individuals and to administer the provisions of the Older Americans Act. It also established the National Eldercare Locator Service to provide nationwide information with regard to resources for older individuals; the National Long-term Care Ombudsman Resource Center; the National Center on Elder Abuse; the National Aging Information Center; and the Pension Counseling and Information Program. The 2006 amendments will establish an Office of Elder Abuse Prevention and Services to develop a long-term plan and national response to elder abuse prevention, detection, treatment, and intervention. Further, the 2006 amendments strengthen the leadership of the Department of Health and Human Services through an interagency coordinating committee to guide policy and program development across the Federal Government with respect to aging and demographic changes.

Title III authorized grants to State and area agencies on aging to act as advocates on behalf of older individuals. Title III services are targeted to those with the greatest economic and social need, particularly low-income minority persons and older persons residing in rural communities. It funds supportive services, congregate and home-delivered meals, transportation, home care, adult day care, information assistance, and legal assistance. The 2006 amendments will expand the Caregiver Support Program to permit the use of volunteers to enhance services and increase program authorization levels. In addition, the bill contains a new demonstration project that promises to lead to changes in our long-term care delivery system, leading to consumer driven choices.

Title IV authorized grants for training, research, and demonstration projects in the field of aging. This title supports a wide range of projects including those related to income, health, housing, retirement and long-term care, as well as career preparation and continuing education. The 2006 amendments will expand gerontology training for minority students; multigenerational activities, and civic engagement activities.

Title V authorized the community service employment program for older Americans known as the Senior Community Service Employment or SCSEP—to promote part-time opportunities in community service for unemployed, low-income persons who are 55 years or older and who have poor employment prospects. It is administered by the Department of Labor. The 2006 amendments establish 4-year grant cycles for the competitive program and permit poor performing grantees to be terminated from the program based on performance measures and establishes a 3 year limit for participating in subsidized employment with a 20-percent waiver for difficult to place individuals.

Title VI authorized funds for Supportive and nutrition services for older Native Americans. The 2006 amendments will increase the funding levels for this program.

Title VII authorized the long-term care ombudsman program and elder abuse, neglect and exploitation prevention programs. The 2006 amendments will enhance the elder abuse prevention activities by awarding grants to States and Indian tribes to enable them to strengthen long-term care and provide assistance for elder justice and elder abuse prevention programs. It will create grants for prevention, detection, assessment, treatment of, intervention in, investigation of, and response to elder abuse; safe havens demonstrations for older individuals; volunteer programs; multidisciplinary activities; elder fatality and serious injury review teams; programs for underserved populations; incentives for longterm care facilities to train and retain employees; and other collaborative and innovative approaches. Further, it will initiate a new incidence and prevalence study and a data collection process.

The proportion of the population aged 60 and over will increase dramatically over the next 30 years as more than 78 million baby boomers approach retirement. It is essential that in the coming years Congress and the Federal Government take a leadership role in assisting the states in addressing the needs of older Americans. The bill we offer today will ensure that our Nation's older Americans are healthy, fed, housed, able to get where they need to go and safe from abuse and scams. The No. 1 resolution of the 2005 White House Conference on Aging called upon Congress to reauthorize the Older Americans Act during the 109th Congress. I am pleased that the Senate and the House are well on the way to accomplising this goal on behalf of one of our Nation's greatest resources—our older Americans.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Act Amendments of 2006".

SEC. 2. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (12)(D), to read as follows:

"(D) evidence-based health promotion programs, including programs related to the prevention and mitigation of the effects of chronic disease (including osteoporosis, hypertension, obesity, diabetes, and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, stress management, falls prevention, physical activity, and improved nutrition;";

(2) by striking paragraph (24) and inserting the following:

"(24) The term 'exploitation' means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary (as such terms are defined in section 751), that uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets.";

(3) in paragraph (29)(E)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) older individuals at risk for institutional placement.";

(4) in paragraph (32)(D), by inserting ", including an assisted living facility," after "home";

(5) by striking paragraph (34) and inserting the following:

"(5)(A) The term 'neglect' means—

"(i) the failure of a caregiver or fiduciary (as such terms are defined in section 751) to provide the goods or services that are necessary to maintain the health or safety of an older individual; or

"(ii) self-neglect.

"(B) The term 'self-neglect' means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

"(i) obtaining essential food, clothing, shelter, and medical care;

"(ii) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

"(iii) managing one's own financial affairs."; and

(6) by adding at the end the following:

"(44) The term 'Aging and Disability Resource Center' means a center established by a State as part of the State's system of long-term care, to provide a coordinated system for providing—

"(A) comprehensive information on available public and private long-term care programs, options, and resources;

"(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

"(C) consumer access to the range of publicly-supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

"(45) The term 'at risk for institutional placement' means, with respect to an older individual, that such individual is unable to perform at least two activities of daily living without substantial assistance (including verbal reminding, physical cuing, or supervision), including such an older individual that is determined by the State involved to be in need of placement in a long-term care facility.

"(46) The term 'Hispanic-serving institution' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

"(47) The term 'long-term care' means any services, care, or items (including assistive devices) that are—

"(A) intended to assist individuals in coping with, and to the extent practicable compensating for, functional impairments in carrying out activities of daily living;

"(B) furnished at home, in a community care setting (including a small community care setting as defined in subsection (g)(1), and a large community care setting as defined in subsection (h)(1), of section 1929 of the Social Security Act (42 U.S.C. 1396t)), or in a long-term care facility; and

"(C) not furnished to diagnose, treat, or cure a medical disease or condition.

"(48) The term 'self-directed care' means an approach to providing services (including programs, benefits, supports, and technology) under this Act intended to assist an older individual with activities of daily living, in which—

"(A) such services (including the amount, duration, scope, provider, and location of such services) are planned, budgeted, and purchased under the direction and control of such individual;

"(B) such individual is provided with such information and assistance as is necessary and appropriate to enable such individual to make informed decisions about the individual's service options;

"(C) the needs, capabilities, and preferences of such individual with respect to such services, and such individual's ability to direct and control the individual's receipt of such services, are assessed by the area agency on aging involved or the local provider agency;

"(D) based on the assessment made under subparagraph (C), upon request, the area agency on aging assists such individual and the individual's family, caregiver, or legal representative in developing—

"(i) a plan of services for such individual that specifies which services such individual will be responsible for directing;

"(ii) a determination of the role of family members (and others whose participation is sought by such individual) in providing services under such plan; and

"(iii) a budget for such services; and

"(E) the area agency on aging or State agency involved provides for oversight of such individual's self-directed receipt of services, including steps to ensure the quality of services provided and the appropriate use of funds under this Act.

"(49) The term 'State system of long-term care' means the Federal, State, and local programs and activities administered by a State that provide, support, or facilitate access to long-term care to individuals in such State.".

SEC. 3. OFFICE OF ELDER ABUSE PREVENTION AND SERVICES.

Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

"(e)(1) In this subsection, the terms defined in section 751 shall have the meanings given those terms in that section.

"(2) The Secretary is authorized to establish or designate within the Administration (as defined in section 102) an Office of Elder Abuse Prevention and Services.

"(3) It shall be the duty of the Assistant Secretary, acting through the head of the Office of Elder Abuse Prevention and Services to—

"(A) develop objectives, priorities, policy, and a long-term plan for—

"(i) carrying out elder justice programs and activities relating to—

"(I) elder abuse prevention, detection, treatment, and intervention, and response;

"(II) training of individuals regarding the matters described in subclause (I); and

"(III) the improvement of the elder justice system in the United States;

"(ii) annually collecting, maintaining, and disseminating data relating to the abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults), including collecting, maintaining, and disseminating such data under section 753 after consultation with the Attorney General and working with experts from the Department of Justice described in section 753(b)(1);

"(iii) disseminating information concerning best practices regarding, and providing training on, carrying out activities related to abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults);

"(iv) in conjunction with the necessary experts, conducting research related to abuse, neglect, and exploitation of elders (and, in the discretion of the Secretary, vulnerable adults);

"(v) providing technical assistance to States and other eligible entities that provide or fund the provision of the services described in subtitle B of title VII; and

"(vi) carrying out a study to determine the national incidence and prevalence of elder abuse, neglect, and exploitation in all settings;

"(B) implement the overall policy and a strategy to carry out the plan described in subparagraph (A); and

"(C) provide advice to the Secretary on elder justice issues and administer such programs relating to elder abuse, neglect, and exploitation as the Secretary determines to be appropriate.

"(4) The Secretary, acting through the Assistant Secretary, may issue such regulations as may be necessary to carry out this subsection and subtitle B of title VII.".

SEC. 4. FUNCTIONS OF THE ASSISTANT SECRETARY.

Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) in paragraph (12)—

(i) by striking "carry on" and inserting the following:

"(B) carry on"; and

(ii) by striking "(12)" and inserting the following:

"(12)(A) consult and coordinate activities with the Administrator of the Centers for Medicare & Medicaid Services to implement and build awareness of programs providing new benefits affecting older individuals; and";

(B) by striking paragraph (20) and inserting the following:

"(20)(A) provide technical assistance and support for outreach and benefits enrollment assistance to support efforts—

"(i) to inform older individuals with greatest economic need, who may be eligible to participate, but who are not participating, in Federal and State programs for which the individuals are eligible, about the programs; and

"(ii) to enroll the individuals in the programs;

"(B) in cooperation with related Federal agency partners administering the Federal programs, make a grant to or enter into a contract with a qualified, experienced entity to establish a National Center on Senior Benefits Outreach and Enrollment, which shall—

"(i) maintain and update web-based decision support and enrollment tools, and integrated, person-centered systems, designed to inform older individuals about the full range of benefits for which the individuals may be eligible under Federal and State programs;

"(ii) utilize cost-effective strategies to find older individuals with greatest economic need and enroll the individuals in the programs;

"(iii) create and support efforts for Aging and Disability Resource Centers, and other public and private State and community-based organizations, including faith-based organizations and coalitions, to serve as benefits enrollment centers for the programs;

"(iv) develop and maintain an information clearinghouse on best practices and the most cost-effective methods for finding and enrolling older individuals with greatest economic need in the programs; and

"(v) provide, in collaboration with related Federal agency partners administering the Federal programs, training and technical assistance on the most effective outreach, screening, enrollment, and follow-up strategies for the Federal and State programs.";

(C) in paragraph (26)(D)—

(i) by striking "gaps in";

(ii) by inserting "(including services that would permit such individuals to receive long-term care in home and community-based settings)" after "individuals"; and

(iii) by striking "and" at the end;

(D) in paragraph (27), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(28) make available to States information and technical assistance to support the provision of evidence-based disease prevention and health promotion services."; and

(2) by striking subsection (b) and inserting the following:

"(b) To promote the development and implementation of comprehensive, coordinated systems at Federal, State, and local levels for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, the Assistant Secretary shall, consistent with the applicable provisions of this title—

"(1) collaborate, coordinate, and consult with other Federal agencies and departments (other than the Administration on Aging) responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and may make grants, contracts, and cooperative agreements with funds received from those other Federal agencies and departments;

"(2) conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying State systems of long-term care to—

‘‘(A) respond to the needs and preferences of older individuals and family caregivers;

‘‘(B) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

‘‘(C) establish criteria for and promote the implementation (through area agencies on aging, service providers, and such other entities as the Assistant Secretary determines to be appropriate) of evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals;

‘‘(3) facilitate, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, including the provision of such care through self-directed care models that—

‘‘(A) provide for the assessment of the needs and preferences of an individual at risk for institutional placement to help such individual avoid unnecessary institutional placement and depletion of income and assets to qualify for benefits under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

‘‘(B) respond to the needs and preferences of such individual and provide the option—

‘‘(i) for the individual to direct and control the receipt of supportive services provided; or

‘‘(ii) as appropriate, for a person who was appointed by the individual, or is legally acting on the individual's behalf, in order to represent or advise the individual in financial or service coordination matters (referred to in this paragraph as a ‘representative’ of the individual), to direct and control the receipt of those services; and

‘‘(C) assist an older individual (or, as appropriate, a representative of the individual) to develop a plan for long-term support, including selecting, budgeting for, and purchasing home and community-based long-term care and supportive services;

‘‘(4) provide for the Administration to play a lead role with respect to issues concerning home and community-based long-term care, including—

‘‘(A) directing (as the Secretary or the President determines to be appropriate) or otherwise participating in departmental and interdepartmental activities concerning long-term care; and

‘‘(B) reviewing and commenting on departmental rules, regulations, and policies related to providing long-term care; and

‘‘(C) making recommendations to the Secretary with respect to home and community-based long-term care, including recommendations based on findings made through projects conducted under paragraph (2);

‘‘(5) promote, in coordination with other appropriate Federal agencies—

‘‘(A) enhanced awareness by the public of the importance of planning in advance for long-term care; and

‘‘(B) the availability of information and resources to assist in such planning;

‘‘(6) establish, either directly or through grants or contracts, a national technical assistance program to assist State agencies, area agencies on aging, and community-based service providers funded under this Act in implementing home and community-based long-term care systems, including evidence-based programs;

‘‘(7) develop, in collaboration with the Administrator of the Centers for Medicare & Medicaid Services, performance standards and measures for use by States to determine the extent to which their systems of long-term care fulfill the objectives described in this subsection; and

‘‘(8) conduct such other activities as the Assistant Secretary determines to be appropriate.

‘‘(c) The Assistant Secretary, after consultation with the Chief Executive Officer of the Corporation for National and Community Service, shall—

‘‘(1) encourage and permit volunteer groups (including organizations carrying out national service programs and including organizations of youth in secondary or postsecondary school) that are active in supportive services and civic engagement to participate and be involved individually or through representative groups in supportive service and civic engagement programs or activities to the maximum extent feasible;

‘‘(2) develop a comprehensive strategy for utilizing older individuals to address critical local needs of national concern; and

‘‘(3) encourage other community capacity-building initiatives involving older individuals.’’.

SEC. 5. FEDERAL AGENCY CONSULTATION.

Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(1) in subsection (a)(3)(A)—

(A) by striking ‘‘(with particular attention to low-income minority older individuals and older individuals residing in rural areas)’’ and inserting ‘‘(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)’’; and

(B) by striking ‘‘section 507’’ and inserting ‘‘section 516’’;

(2) in subsection (b), by adding at the end the following:

‘‘(19) Sections 4 and 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3003, 3004).’’; and

(3) by adding at the end the following:

‘‘(c)(1) The Secretary, in collaboration with the Secretary of Housing and Urban Development and with the other Federal officials specified in paragraph (2), shall establish an interagency coordinating committee (referred to in this subsection as the ‘Committee’) focusing on the coordination of agencies with respect to aging issues, particularly issues related to demographic changes and housing needs among older individuals.

‘‘(2) The officials referred to in paragraph (1) are the Secretary of Labor, the Secretary of Housing and Urban Development, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Agriculture, the Commissioner of Social Security, the Surgeon General, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Assistant Secretary for Children and Families, the Administrator of the National Highway Traffic Safety Administration, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

‘‘(3) The Secretary of Health and Human Services shall serve as the first chairperson of the Committee, for an initial period of 2 years. After that initial period, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall alternate as chairpersons of the Committee, each serving as chairperson for a period of 2 years.

‘‘(4) The Committee shall—

‘‘(A) review all Federal programs and services that assist older individuals in finding and affording housing, health care, and other services, including those Federal programs and services that assist older individuals in accessing health care, transportation, supportive services, and assistance with daily activities, at the place or close to the place where the older individuals live;

‘‘(B) monitor, evaluate, and recommend improvements in programs and services administered, funded, or financed by Federal, State, and local agencies to assist older individuals in meeting their housing, health care, and other service needs and make any recommendations about how the agencies can better carry out and provide the programs and services to house and serve older individuals;

‘‘(C) recommend ways to—

‘‘(i) facilitate aging in place of older individuals, by identifying and making available the programs and services necessary to enable older individuals to remain in their homes as the individuals age;

‘‘(ii) reduce duplication by Federal agencies of programs and services to assist older individuals in meeting their housing, health care, and other service needs;

‘‘(iii) ensure collaboration among and within agencies in providing and making available the programs and services so that older individuals are able to easily access needed programs and services;

‘‘(iv) work with States to better provide housing, health care, and other services to older individuals by—

‘‘(I) holding individual meetings with State representatives;

‘‘(II) providing ongoing technical assistance to States about better meeting the needs of older individuals; and

‘‘(III) working with States to designate State liaisons for the Committee;

‘‘(v) identify model programs and services to assist older individuals in meeting their housing, health care, and other service needs, including model—

‘‘(I) programs linking housing, health care, and other services;

‘‘(II) financing products offered by government, quasi-government, and private sector entities; and

‘‘(III) innovations in technology applications that give older individuals access to information on available services or that help in providing services to older individuals;

‘‘(vi) collect and disseminate information about older individuals and the programs and services available to the individuals to ensure that the individuals can access comprehensive information; and

‘‘(vii) work with the Federal Interagency Forum on Aging-Related Statistics, the Bureau of the Census, and member agencies—

‘‘(I) to collect and maintain data relating to the housing, health care, and other service needs of older individuals so that all such data can be accessed in one place on a designated website; and

‘‘(II) to identify and address unmet data needs;

‘‘(D) make recommendations to guide policy and program development across Federal agencies with respect to demographic changes among older individuals; and

‘‘(E) actively seek input from and consult with all appropriate and interested parties, including public health interest and research groups and foundations about the activities described in subparagraphs (A) through (D).

‘‘(5) Each year, the Committee shall prepare and submit to the President, the Committee on Financial Services of the House of

Representatives, the Committee on Education and the Workforce of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Special Committee on Aging of the Senate, a report that—

"(A) describes the activities and accomplishments of the Committee in working with Federal, State, and local governments, and private organizations, in coordinating programs and services to meet the requirements of paragraph (4);

"(B) assesses the level of Federal assistance required to meet the needs described in paragraph (4);

"(C) incorporates an analysis from the head of each agency that is a member of the interagency coordinating committee established under paragraph (1) that describes the barriers and impediments, including barriers and impediments in statutory and regulatory law, to the access and use by older individuals of programs and services administered by such agency; and

"(D) makes recommendations for appropriate legislative and administrative actions to meet the needs described in paragraph (4) and for coordinating programs and services designed to meet those needs.

"(6)(A) The Secretary of Health and Human Services, after consultation with the Secretary of Housing and Urban Development, shall appoint an executive director of the Committee.

"(B) On the request of the Committee, any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.".

SEC. 6. ADMINISTRATION.

Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C), by adding "and" at the end;

(ii) in subparagraph (D), by striking "; and" at the end and inserting a period; and

(iii) by striking subparagraph (E); and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

"(i) designing, implementing, and evaluating evidence-based programs to support improved nutrition and regular physical activity for older individuals;";

(II) by amending clause (iii) to read as follows:

"(iii) conducting outreach and disseminating evidence-based information to nutrition service providers about the benefits of healthful diets and regular physical activity, including information about the most current Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Food Guide Pyramid published by the Secretary of Agriculture, and advances in nutrition science;";

(III) in clause (vii) by striking "and" at the end; and

(IV) by striking clause (viii) and inserting the following:

"(viii) disseminating guidance that describes strategies for improving the nutritional quality of meals provided under title III; and

"(ix) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (viii)."; and

(ii) by amending subparagraph (C)(i) to read as follows:

"(i) have expertise in nutrition and meal planning; and".

SEC. 7. EVALUATION.

Section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) is amended by striking the first sentence and inserting the following: "From the total amount appropriated for each fiscal year to carry out title III, the Secretary may use such sums as may be necessary, but not more than ½ of 1 percent of such amount, for purposes of conducting evaluations under this section, either directly or by grant or contract.".

SEC. 8. REPORTS.

Section 207(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(2)) is amended—

(1) in subparagraph (B), by striking "Labor" and inserting "the Workforce"; and

(2) in subparagraph (C), by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions".

SEC. 9. CONTRACTUAL, COMMERCIAL AND PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF ACT FUNDS.

(a) Private Pay Relationships; Appropriate Use of Act Funds.—Section 212 of the Older Americans Act (42 U.S.C. 3020c) is amended to read as follows:

"SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF FUNDS.

"(a) In General.—Subject to subsection (b), this Act shall not be construed to prevent a recipient of a grant or a contract under this Act from entering into an agreement—

"(1) with a profitmaking organization;

"(2) under which funds provided under such grant or contract are used to pay part or all of a cost (including an administrative cost) incurred by such recipient to carry out a contract or commercial relationship for the benefit of older individuals or their family caregivers, whether such contract or relationship is carried out to implement a provision of this Act or to conduct activities inherently associated with implementing such provision; or

"(3) under which any individual, regardless of age or income (including the family caregiver of such individual), who seeks to receive 1 or more services may voluntarily pay, at their own private expense, to receive such services based on the fair market value of such services.

"(b) Ensuring Appropriate Use of Funds.—An agreement described in subsection (a) may not—

"(1) be made without the prior approval of the State agency (or, in the case of a grantee under title VI, without the prior recommendation of the Director of the Office for American Indian, Alaska Native, and Native Hawaiian Aging and the prior approval of the Assistant Secretary);

"(2) directly or indirectly provide for, or have the effect of, paying, reimbursing, or otherwise compensating an entity under such agreement in an amount that exceeds the fair market value of the goods or services furnished by such entity under such agreement;

"(3) result in the displacement of services otherwise available to an older individual with greatest social need, an older individual with greatest economic need, or an older individual who is at risk for institutional placement; or

"(4) in any other way compromise, undermine, or be inconsistent with the objective of serving the needs of older individuals, as determined by the Assistant Secretary.".

SEC. 10. NUTRITION EDUCATION.

Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended to read as follows:

"SEC. 214. NUTRITION EDUCATION.

"The Assistant Secretary, in consultation with the Secretary of Agriculture, shall conduct outreach and provide technical assistance to agencies and organizations that serve older individuals to assist such agencies and organizations to carry out integrated health promotion and disease prevention programs that—

"(1) are designed for older individuals; and

"(2) include—

"(A) nutrition education;

"(B) physical activity; and

"(C) other activities to modify behavior and to improve health literacy, including providing information on optimal nutrient intake, through education and counseling in accordance with section 339(2)(J).".

SEC. 11. PENSION COUNSELING AND INFORMATION PROGRAMS.

Section 215 of the Older Americans Act of 1965 (42 U.S.C. 3020e-1) is amended—

(1) in subsection (e)(1)(J), by striking "and low income retirees" and inserting ", low-income retirees, and older individuals with limited English proficiency";

(2) in subsection (f), by amending paragraph (2) to read as follows:

"(2) The ability of the entity to perform effective outreach to affected populations, particularly populations with limited English proficiency and other populations that are identified as in need of special outreach."; and

(3) in subsection (h)(2), by inserting "(including individuals with limited English proficiency)" after "individuals".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) is amended—

(1) in subsection (a) by striking "2001, 2002, 2003, 2004, and 2005" and inserting "2007, 2008, 2009, 2010, and 2011."; and

(2) in subsections (b) and (c) by striking "year" and all that follows through "years", and inserting "years 2007, 2008, 2009, 2010, and 2011".

SEC. 13. PURPOSE; ADMINISTRATION.

Section 301(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)(2)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) organizations with experience in providing senior volunteer services, such as Federal volunteer programs administered by the Corporation for National and Community Service and designed to provide training, placement, and stipends for volunteers in community service settings.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) in subsections (a)(1), (b), and (d), by striking "year 2001" and all that follows through "years" each place it appears, and inserting "years 2007, 2008, 2009, 2010, and 2011"; and

(2) in subsection (e)—

(A) in paragraph (1) by striking "$125,000,000" and all that follows and inserting "$160,000,000 for fiscal year 2007."; and

(B) in paragraph (2), by striking "such sums" and all that follows and inserting "$170,000,000 for fiscal year 2008, $180,000,000 for fiscal year 2009, $190,000,000 for fiscal year 2010, and $200,000,000 for fiscal year 2011.".

SEC. 15. ALLOTMENTS.

Section 304(d)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(A)) is amended to read as follows:

"(A)(i) such amount as the State agency determines, but not more than 10 percent thereof, shall be available for paying such percentage as the agency determines, but not more than 75 percent, of the cost of administration of area plans; and

"(ii) in addition to that amount, for any fiscal year among fiscal years 2007 through 2011 for which the amount appropriated under subsections (a) through (d) of section 303 is not less than 110 percent of that appropriated amount for fiscal year 2006, an amount equal to 1 percent of the State's allotment shall be used by the area agencies on aging in the State to carry out the assessment described in section 306(b);".

SEC. 16. ORGANIZATION.

Section 305 of the Older Americans Act of 1965 (42 U.S.C. 3025) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(E)—

(i) by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" each place it appears and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)"; and

(ii) by striking "and" at the end;

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ", with particular attention to low-income minority individuals and older individuals residing in rural areas" and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)"; and

(ii) in subparagraph (G), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) the State agency shall, consistent with this section, promote the development and implementation of a comprehensive, coordinated system in such State for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

"(A) collaborating, coordinating, and consulting with other agencies in such State responsible for formulating, implementing, and administering programs, benefits, and services related to providing long-term care;

"(B) participating in any State government activities concerning long-term care, including reviewing and commenting on any State rules, regulations, and policies related to long-term care;

"(C) conducting analyses and making recommendations with respect to strategies for modifying the State's system of long-term care to better—

"(i) respond to the needs and preferences of older individuals and family caregivers;

"(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings;

"(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

"(iv) implement (through area agencies on aging, service providers, and such other entities as the State determines to be appropriate) programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

"(D) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, area agencies on aging, and other appropriate means) of information relating to—

"(i) the need to plan in advance for long-term care; and

"(ii) the range of available public and private long-term care programs, options, and resources."; and

(2) in subsection (b), by adding at the end the following:

"(6) Nothing in this section shall prevent the Commonwealth of Puerto Rico from designating, with the approval of the Assistant Secretary, a single planning and service area to cover all the older individuals in the Commonwealth.".

SEC. 17. AREA PLANS.

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)";

(ii) by striking "(with particular attention to low-income minority individuals)" and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)"; and

(iii) by inserting "the number of older individuals at risk for institutional placement residing in such area," after "individuals) residing in such area,";

(B) in paragraph (2)(A)—

(i) by inserting after "transportation," the following: "health services (including mental health services),"; and

(ii) by inserting after "information and assistance" the following: "(which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible)";

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

"(i) provide assurances that the area agency on aging will—

"(I) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

"(II) include specific objectives for providing services to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas; and

"(III) include in the area plan proposed methods to achieve such objectives;"; and

(II) in clause (ii) by inserting "(including older individuals with limited English proficiency)" after "low income minority individuals" each place it appears; and

(ii) in subparagraph (B)—

(I) by moving the left margin of each of subparagraph (B), clauses (i) and (ii), and subclauses (I) through (VI) of clause (i), 2 ems to the left; and

(II) in clause (i)—

(aa) in subclause (V) by striking "with limited English-speaking ability; and" and inserting "with limited English proficiency;"; and

(bb) by adding at the end the following:

"(VII) older individuals at risk for institutional placement; and";

(D) in paragraph (5), by inserting "and individuals at risk for institutional placement" after "severe disabilities";

(E) in paragraph (6)—

(i) in subparagraph (C)—

(I) in clause (i), by striking "and" at the end;

(II) in clause (ii), by adding "and" at the end; and

(III) by inserting after clause (ii) the following:

"(iii) make use of trained volunteers in providing direct services delivered to older individuals and individuals with disabilities needing such services and, if possible, work in coordination with entities carrying out volunteer programs (including programs administered by the Corporation for National and Community Services) designed to provide training, placement, and stipends for volunteers in community service settings.";

(ii) in subparagraph (D)—

(I) by inserting "family caregivers of such individuals," after "Act,"; and

(II) by inserting "service providers, representatives of the business community," after "individuals,"; and

(iii) in subparagraph (F), by inserting "(including mental health screening)" before "provided" each place it appears;

(F) in paragraph (7), to read as follows:

"(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

"(A) collaborating, coordinating, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

"(B) conducting analyses and making recommendations with respect to strategies for modifying the local system of long-term care to better—

"(i) respond to the needs and preferences of older individuals and family caregivers;

"(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings;

"(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings; and

"(iv) implement (through the agency or service providers), evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

"(C) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, and other appropriate means) of information relating to—

"(i) the need to plan in advance for long-term care; and

"(ii) the range of available public and private long-term care programs, options, and resources.";

(G) by striking the 2 paragraphs (15);

(H) by redesignating paragraph (16) as paragraph (15); and

(I) by adding at the end the following:

"(16) provide assurances that funds received under this title will be used—

"(A) to provide benefits and services to older individuals giving priority to older individuals identified in paragraph (4)(A)(i); and

"(B) in compliance with the assurances specified in paragraph (13) and the limitations specified in section 212(b); and

"(17) provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.

"(18) include information detailing how the area agency on aging will coordinate activities, and develop long-range emergency plans, with local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery.";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f); and

(3) by inserting after subsection (a) the following:

"(b)(1) In any fiscal year, an area agency on aging may include in the area plan an assessment of how prepared the area agency on aging and service providers in the planning and service area are for a change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted. In a fiscal year described in section 304(d)(1)(A)(ii), an area agency or aging shall include the assessment in the area plan.

"(2) Such assessment may include—

"(A) the projected change in the number of older individuals in the planning and service area;

"(B) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

"(C) an analysis of how the programs, policies, and services provided by such area agency can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the planning and service area; and

"(D) an analysis of how the change in the number of individuals age 85 and older in the planning and service area is expected to affect the need for supportive services.

"(3) An area agency on aging, in cooperation with government officials, State agencies, tribal organizations, or local entities, may make recommendations to government officials in the planning and service area and the State, on actions determined by the area agency to build the capacity in the planning and service area to meet the needs of older individuals for—

"(A) health and human services;

"(B) land use;

"(C) housing;

"(D) transportation;

"(E) public safety;

"(F) workforce and economic development;

"(G) recreation;

"(H) education;

"(I) civic engagement;

"(J) emergency preparedness; and

"(K) any other service as determined by such agency.".

SEC. 18. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (2)(C), by striking "section 306(b)" and inserting "section 306(c)";

(2) in paragraph (4), by striking ", with particular attention to low-income minority individuals and older individuals residing in rural areas" and inserting "(with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)";

(3) by striking paragraph (15);

(4) by redesignating paragraph (14) as paragraph (15);

(5) by inserting after paragraph (13) the following:

"(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(A) identify the number of low-income minority older individuals in the State, including the number of low-income minority older individuals with limited English proficiency; and

"(B) describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.";

(6) in clauses (ii) and (iii) of paragraph (16)(A) by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" each place it appears and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)"; and

(7) by adding at the end the following:

"(27) The plan shall provide assurances that area agencies on aging will provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.

"(28)(A) The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State's statewide service delivery model, for a change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

"(B) Such assessment may include—

"(i) the projected change in the number of older individuals in the State;

"(ii) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with great economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

"(iii) an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and

"(iv) an analysis of how the change in the number of individuals age 85 and older in the State is expected to affect the need for supportive services.

"(29) The plan shall include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, and any other institutions that have responsibility for disaster relief service delivery.

"(30) The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.

"(31) The plan shall provide that the State shall implement an Aging and Disability Resource Center—

"(A) to serve as a visible and trusted source of information on the full range of options for long-term care, including both institutional and home and community-based care, that are available in the State;

"(B) to provide personalized and consumer-friendly assistance to empower individuals to make informed decisions about their long-term care options;

"(C) to provide coordinated and streamlined access to all publicly funded long-term care options so that consumers can obtain the care they need through a single intake, assessment, and eligibility determination process;

"(D) to help individuals to plan ahead for their long-term care needs; and

"(E) to assist, in coordination with the entity carrying out the health insurance information, counseling, and assistance program (receiving funding under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4)) in the State, beneficiaries, and prospective beneficiaries, under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in understanding and accessing prescription drug and preventative health benefits under the provisions of, and amendments made by, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.".

SEC. 19. PAYMENTS.

Section 309(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3029(b)(2)) is amended by striking "the non-Federal share required prior to fiscal year 1981" and inserting "10 percent of the cost of the services specified in section 304(d)(1)(D)".

SEC. 20. NUTRITION SERVICES INCENTIVE PROGRAM.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b), by adding at the end the following:

"(3) Each State agency and grantee under title VI shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts.";

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", including bonus commodities," after "agricultural commodities";

(B) in paragraph (2), by inserting ", including bonus commodities," after "food commodities"; and

(C) in paragraph (3), by inserting ", including bonus commodities," after "Dairy products";

(3) in subsection (d)(4), by inserting "and grantee under title VI" after "State agency"; and

(4) in subsection (e), by striking "2001" and inserting "2007".

SEC. 21. CONSUMER CONTRIBUTIONS.

Section 315 of the Older Americans Act of 1965 (42 U.S.C. 3030c–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "provided that" and inserting "if"; and

(ii) by adding at the end the following: "Such contributions shall be encouraged for individuals whose self-declared income is at or above 200 percent of the poverty line, at contribution levels based on the actual cost of services."; and

(B) in paragraph (4)(E), by inserting "and to supplement (not supplant) funds received under this Act" after "given";

(2) in subsection (c)(2), by striking "(with particular attention to low-income minority individuals and older individuals residing in rural areas)" and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)"; and

(3) in subsection (d), by striking "with particular attention to low-income and minority older individuals and older individuals residing in rural areas" and inserting "(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)".

SEC. 22. SUPPORTIVE SERVICES AND SENIOR CENTERS.

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (8), by inserting "(including mental health screening)" after "screening";

(2) in paragraph (11) by striking "services" and inserting "provision of devices and services (including provision of assistive technology devices and assistive technology services)";

(3) in paragraph (14)(B) by inserting "(including mental health)" after "health";

(4) in paragraph (22) by striking the period at the end and inserting a semicolon;

(5) by redesignating paragraph (23) as paragraph (24); and

(6) by inserting after paragraph (22) the following:

"(23) services designed to support States, area agencies on aging, and local service providers in carrying out and coordinating activities for older individuals with respect to mental health services, including outreach for, education concerning, and screening for such services, and referral to such services for treatment; and".

SEC. 23. NUTRITION SERVICES.

After the part heading of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.), insert the following:

"SEC. 330. PURPOSE.

"It is the purpose of this part to promote socialization and the health and well-being of older individuals by assisting such individuals to gain access to nutrition services to delay the onset of adverse health conditions.".

SEC. 24. CONGREGATE NUTRITION PROGRAM.

Section 331 of the Older Americans Act of 1965 (42 U.S.C. 3030e) is amended—

(1) by striking "projects—" and inserting "projects that—";

(2) in paragraph (1) by striking "which" the first place it appears;

(3) in paragraph (2), by striking "which"; and

(4) by striking paragraph (3) and inserting the following:

"(3) provide nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal participants.".

SEC. 25. HOME DELIVERED NUTRITION SERVICES.

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended to read as follows:

"SEC. 336. PROGRAM AUTHORIZED.

"The Assistant Secretary shall establish and carry out a program to make grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals that provide—

"(1) on 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by rule) and a lesser frequency is approved by the State agency) at least 1 home delivered meal per day, which may consist of hot, cold, frozen, dried, canned, fresh, or supplemental foods and any additional meals that the recipient of a grant or contract under this subpart elects to provide; and

"(2) nutrition education, nutrition counseling, and other nutrition services as appropriate, based on the needs of meal recipients.".

SEC. 26. CRITERIA.

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended to read as follows:

"SEC. 337. CRITERIA.

"The Assistant Secretary, in consultation with recognized experts in the fields of nutrition science, dietetics, meal planning and food service management, and aging, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336.".

SEC. 27. NUTRITION.

Section 339 of the Older Americans Act of 1965 (42 U.S.C. 3030g–21) is amended—

(1) in paragraph (1), to read as follows:

"(1) solicit the advice and expertise of a dietitian or other individual with education and training in nutrition science or, if such an individual is not available, an individual with comparable expertise in the planning of nutritional services, and"; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), to read as follows:

"(i) comply with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture, and"; and

(B) in subparagraph (D), by inserting "joint" after "encourages"; and

(C) in subparagraph (G), to read as follows:

"(G) ensures that meal providers solicit the advice and expertise of—

"(i) a dietitian or other individual described in paragraph (1),

"(ii) meal participants, and

"(iii) other individuals knowledgeable with regard to the needs of older individuals,";

and

(D) in subparagraph (I), by striking "and" at the end; and

(E) in subparagraph (J), to read as follows:

"(J) provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate; and

"(K) encourages individuals who distribute nutrition services under subpart 2 to provide, to homebound older individuals, available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including vaccines for influenza, pneumonia, and shingles, in the individuals' communities.".

SEC. 28. STUDY OF NUTRITION PROJECTS.

(a) STUDY.—

(1) IN GENERAL.—The Assistant Secretary for Aging shall use funds allocated in section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) to enter into a contract with the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, for the purpose of establishing an independent panel of experts that will conduct an evidence-based study of the nutrition projects authorized under such Act.

(2) STUDY.—Such study shall, to the extent data are available, include—

(A) an evaluation of the effect of the nutrition projects authorized by such Act on—

(i) improvement of the health status, including nutritional status, of participants in the projects;

(ii) prevention of hunger and food insecurity of the participants; and

(iii) continuation of the ability of the participants to live independently;

(B) a cost-benefit analysis of nutrition projects authorized by such Act, including the potential to affect costs of the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) an analysis of how nutrition projects authorized by such Act may be modified to improve the outcomes described in subparagraph (A), including by improving the nutritional quality of the meals provided through the projects and undertaking other potential strategies to improve the nutritional status of the participants.

(b) REPORTS.—

(1) REPORT TO THE ASSISTANT SECRETARY.—The panel described in subsection (a) shall submit to the Assistant Secretary a report containing the results of the evidence-based study described in subsection (a), including any recommendations resulting from the analysis described in subsection (a)(2)(C).

(2) REPORT TO CONGRESS.—The Assistant Secretary shall submit a report containing the results described in paragraph (1) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(c) TIMING.—The Food and Nutrition Board shall establish the independent panel of experts described in subsection (a) not later than 90 days after the date of the enactment of this Act. The panel shall submit the report described in subsection (b)(1) to the Assistant Secretary not later than 24 months after the date of the enactment of this Act.

SEC. 29. IMPROVING INDOOR AIR QUALITY IN BUILDINGS WHERE OLDER INDIVIDUALS CONGREGATE.

Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended by adding at the end the following:

"(c) The Assistant Secretary shall work in consultation with qualified experts to provide information on methods of improving indoor air quality in buildings where older individuals congregate.".

SEC. 30. CAREGIVER SUPPORT PROGRAM DEFINITIONS.

Section 372 of the Older Americans Act of 1965 (42 U.S.C. 3030s) is amended—

(1) in paragraph (1), by inserting "or an adult child with mental retardation or a related developmental disability" after "age";

(2) in paragraph (2), by inserting before the period the following: "or an individual with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction who is 50 years of age or older";

(3) in paragraph (3)—

(A) by striking "child" the first place it appears and inserting "child (including an adult child with mental retardation or a related developmental disability)";

(B) by striking "a child by blood or marriage" and inserting "such a child by blood, marriage, or adoption"; and

(C) by striking "60" and inserting "55";

(4) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(5) by inserting after paragraph (1) the following:

"(2) DEVELOPMENTAL DISABILITY.—The term 'developmental disability' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).".

SEC. 31. CAREGIVER SUPPORT PROGRAM.

Section 373 of the National Family Support Caregiver Act (42 U.S.C. 3030s-1) is amended—

(1) in subsection (b)(3), by striking "caregivers to assist" and all that follows through the end and inserting the following: "assist the caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiving roles;";

(2) in subsection (c)(2)—

(A) by striking "(as defined" and all that follows and inserting a period; and

(B) by adding at the end the following: "In providing services for family caregivers under this subpart, the State shall give priority for services to family caregivers who provide care for older individuals."; and

(3) in subsection (d), to read as follows:

"(d) USE OF VOLUNTEERS.—In carrying out this subpart, each area agency on aging shall make use of trained volunteers to expand the provision of the available services described in subsection (b) and shall, if possible, work in coordination with entities carrying out volunteer programs (including programs administered by the Corporation for National and Community Service) designed to provide training, placement, and stipends for volunteers in community service settings."; and

(4) in subsection (e)(3), by adding at the end the following: "The reports shall describe any mechanisms used in the State to provide to persons who are family caregivers, or grandparents or older individuals who are relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities."; and

(5) in subsection (f)(1), by striking "2001 through 2005" and inserting "2007, 2008, 2009, 2010, and 2011".

SEC. 32. ACTIVITIES AND PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 376(a) of the National Family Support Caregiver Act (42 U.S.C. 3030s–12(a)) is amended—

(1) by striking the title heading and inserting the following:

"SEC. 376. ACTIVITIES AND PROGRAMS OF NATIONAL SIGNIFICANCE.";

(2) by striking "(a) IN GENERAL.—";

(3) by striking "shall" and inserting "may";

(4) by striking "program" and inserting "activities that include";

(5) by striking "research." and inserting "research, and programs that include—

"(1) multigenerational programs, including programs that provide supports for grandparents and other older individuals who are relative caregivers (as defined in section 372) raising children (such as kinship navigator programs), and programs that sustain and replicate innovative multigenerational family support programs involving volunteers who are older individuals;

"(2) programs providing support and information to families who have a child with a disability or chronic illness, and to other families in need of family support programs;

"(3) programs addressing unique issues faced by rural caregivers;

"(4) programs focusing on the needs of older individuals with Alzheimer's disease and related dementia and their caregivers; and

"(5) programs supporting caregivers in the roles the caregivers carry out in health promotion and disease prevention."; and

(6) by striking subsection (b).

SEC. 33. GRANT PROGRAMS.

Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking "and" at the end;

(B) by redesignating paragraph (9) as paragraph (11); and

(C) by inserting after paragraph (8) the following:

"(9) planning activities to prepare communities for the aging of the population, which activities may include—

"(A) efforts to assess the aging population;

"(B) activities to coordinate the activities of State and local agencies in order to meet the needs of older individuals; and

"(C) training and technical assistance to support States, area agencies on aging, and tribal organizations receiving grants under part A of title VI, in engaging in community planning activities; and

"(10) the development, implementation, and assessment of technology-based service models and best practices, to support the use of health monitoring and assessment technologies, communication devices, assistive technologies, and other technologies that may remotely connect family and professional caregivers to frail older individuals residing in home and community-based settings or rural areas.".

SEC. 34. CAREER PREPARATION FOR THE FIELD OF AGING.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032a(a)) is amended to read as follows:

"(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, including historically Black colleges or universities, Hispanic-serving institutions, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training that prepare students for careers in the field of aging.".

SEC. 35. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.

Section 414 of the Older Americans Act of 1965 (42 U.S.C. 3032c) is amended—

(1) in subsection (a), by inserting "mental health care," after "adult day health care,"; and

(2) in subsection (b)(1)(B)(i), by inserting "mental health," after "public health,".

SEC. 36. TECHNICAL ASSISTANCE AND INNOVATION TO IMPROVE TRANSPORTATION FOR OLDER INDIVIDUALS.

Section 416 of the Older Americans Act of 1965 (42 U.S.C. 3032e) is amended to read as follows:

"SEC. 416. TECHNICAL ASSISTANCE AND INNOVATION TO IMPROVE TRANSPORTATION FOR OLDER INDIVIDUALS.

"(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A nonprofit organization receiving a grant or contract under subsection (a) shall use the funds received through such grant or contract to carry out a demonstration project, or to provide technical assistance to assist local transit providers, area agencies on aging, senior centers, and local senior support groups, to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. The organization may use the funds to develop and carry out an innovative transportation demonstration project to create transportation services for older individuals.

"(2) SPECIFIC ACTIVITIES.—In carrying out a demonstration project or providing technical assistance under paragraph (1) the organization may carry out activities that include—

"(A) developing innovative approaches for improving access by older individuals to transportation services, including volunteer driver programs, economically sustainable transportation programs, and programs that allow older individuals to transfer their automobiles to a provider of transportation services in exchange for the services;

"(B) preparing information on transportation options and resources for older individuals and organizations serving such individuals, and disseminating the information by establishing and operating a toll-free telephone number;

"(C) developing models and best practices for providing comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

"(D) providing special services to link seniors to transportation services not provided under title III.

"(c) ECONOMICALLY SUSTAINABLE TRANSPORTATION.—In this section, the term 'economically sustainable transportation' means demand responsive transportation for older individuals—

"(1) that may be provided through volunteers; and

"(2) that the provider will provide without receiving Federal or other public financial assistance, after a period of not more than 5 years of providing the services under this section.".

SEC. 37. COMMUNITY PLANNING.

Title IV of the Older Americans Act of 1965 is amended by inserting after section 416 (42 U.S.C. 3032e) the following:

"SEC. 416A. COMMUNITY PLANNING FOR THE AGING POPULATION.

"The Secretary may establish, either directly or through grants or contracts, a national technical assistance program to assist States and area agencies on aging funded under this Act in planning efforts to prepare communities for the aging of the population.".

SEC. 38. DEMONSTRATION, SUPPORT, AND RESEARCH PROJECTS FOR MULTIGENERATIONAL ACTIVITIES AND CIVIC ENGAGEMENT ACTIVITIES.

Section 417 of the Older Americans Act of 1965 (42 U.S.C. 3032f) is amended to read as follows:

"SEC. 417. DEMONSTRATION, SUPPORT, AND RESEARCH PROJECTS FOR MULTIGENERATIONAL ACTIVITIES AND CIVIC ENGAGEMENT ACTIVITIES.

"(a) GRANTS AND CONTRACTS.—The Assistant Secretary shall award grants and enter into contracts with eligible organizations to—

"(1) conduct productivity and cost-benefit research to determine the effectiveness of engaging older individuals in paid and unpaid positions with public and nonprofit organizations;

"(2) develop a national agenda and blueprint for creating paid and unpaid positions for older individuals with public and nonprofit organizations to increase the capacity of the organizations to provide needed services to communities;

"(3) carry out demonstration and support projects to provide older individuals with multigenerational activities, and civic engagement activities, designed to meet critical community needs; and

"(4) carry out demonstration projects to coordinate multigenerational activities and civic engagement activities, and facilitate development of and participation in multigenerational activities.

"(b) Use of Funds.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

"(1)(A) to conduct the research described in subsection (a)(1);

"(B) to develop the national agenda and blueprint described in subsection (a)(2); or

"(C) to carry out a demonstration or support project described in subsection (a)(3);

"(D) to carry out a demonstration project described in subsection (a)(4); and

"(2) to evaluate the project involved in accordance with subsection (f).

"(c) Preference.—In awarding grants and entering into contracts under subsection (a) to carry out a demonstration or support project described in subsection (a)(3), the Assistant Secretary shall give preference to—

"(1) eligible organizations with a demonstrated record of carrying out multigenerational activities or civic engagement activities;

"(2) eligible organizations proposing multigenerational activity service projects that will serve older individuals and communities with the greatest need (with particular attention to low-income minority older individuals, older individuals with limited English proficiency, older individuals residing in rural areas, and low-income minority communities);

"(3) eligible organizations proposing civic engagement activity service projects that will serve communities with the greatest need; and

"(4) eligible organizations with the capacity to develop meaningful roles and assignments that use the time, skills, and experience of older individuals to serve public and nonprofit organizations.

"(d) Application.—To be eligible to receive a grant or a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

"(e) Eligible Organizations.—Organizations eligible to receive a grant or enter into a contract under subsection (a)—

"(1) to carry out activities described in subsection (a)(1) shall be research or academic organizations with the capacity to conduct productivity and cost-benefit research described in subsection (a)(1);

"(2) to carry out activities described in subsection (a)(2) shall be organizations with the capacity to develop the national agenda and blueprint described in subsection (a)(2);

"(3) to carry out activities described in subsection (a)(3) shall be organizations that provide paid or unpaid positions for older individuals to serve in multigenerational activities, or civic engagement activities, designed to meet critical community needs and use the full range of time, skills, and experience of older individuals; and

"(4) to carry out activities described in subsection (a)(4) shall be organizations with the capacity to facilitate and coordinate activities as described in subsection (a)(4), through the use of multigenerational coordinators.

"(f) Local Evaluation and Report.—

"(1) Evaluation.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration or support project under subsection (a)(3) shall evaluate the multigenerational activities or civic engagement activities assisted under the project to determine the effectiveness of the activities involved, the impact of such activities on the community being served and the organization providing the activities, and the impact of such activities on older individuals involved in such project.

"(2) Report.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

"(g) Report to Congress.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

"(1) the names or descriptive titles of the demonstration, support, and research projects funded under subsection (a);

"(2) a description of the nature and operation of the projects;

"(3) the names and addresses of organizations that conducted the projects;

"(4) in the case of demonstration and support projects carried out under subsection (a)(3), a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;

"(5) in the case of demonstration and support projects carried out under subsection (a)(3), a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers;

"(6) in the case of demonstration and support projects carried out under subsection (a)(3), the rate of turnover of older individual employees and volunteers in the projects;

"(7) a strategy for disseminating the findings resulting from the projects described in paragraph (1); and

"(8) any policy change recommendations relating to the projects.

"(h) Definitions.—As used in this section:

"(1) Civic engagement activity.—The term 'civic engagement activity' includes an opportunity that uses the time, skills, and experience of older individuals, in paid or unpaid positions with a public or nonprofit organization, to help address the unmet human, educational, health care, environmental, and public safety needs and nurture and sustain active participation in community affairs.

"(2) Multigenerational activity.—The term 'multigenerational activity' includes an opportunity that uses the time, skills, and experience of older individuals, in paid or unpaid positions with a public or nonprofit organization, to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, a before- or after-school program, or a family support program.

"(3) Multigenerational coordinator.—The term 'multigenerational coordinator' means a person who—

"(A) builds the capacity of public and nonprofit organizations to develop meaningful roles and assignments, that use the time, skill, and experience of older individuals to serve those organizations; and

"(B) nurtures productive, sustainable working relationships between—

"(i) individuals from the generations with older individuals; and

"(ii) individuals in younger generations.".

SEC. 39. NATIVE AMERICAN PROGRAMS.

Section 418(a)(2)(B)(i) of the Older Americans Act of 1965 (42 U.S.C. 3032g(a)(2)(B)(i)) is amended by inserting "(including mental health)" after "health".

SEC. 40. MULTIDISCIPLINARY CENTERS AND MULTIDISCIPLINARY SYSTEMS.

Section 419 of the Older Americans Act of 1965 (42 U.S.C. 3032h) is amended—

(1) by striking the title and inserting the following:

"SEC. 419. MULTIDISCIPLINARY CENTERS AND MULTIDISCIPLINARY SYSTEMS.";

(2)(A) in subsection (b)(2), by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) in subsection (c)(2), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively; and

(C) by aligning the margins of the clauses described in subparagraphs (A) and (B) with the margins of clause (iv) of section 418(a)(2)(A) of such Act;

(3)(A) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by aligning the margins of the subparagraphs described in subparagraphs (A) and (B) with the margins of subparagraph (D) of section 420(a)(1) of such Act;

(4) in subsection (a), by striking "(a)" and all that follows through "The" and inserting the following:

"(a) Multidisciplinary Centers.—

"(1) Program authorized.—The";

(5) in subsection (b)—

(A) by striking the following:

"(b) Use of Funds.—" and inserting the following:

"(2) Use of funds.—"; and

(B) by striking "subsection (a)" each place it appears and inserting "paragraph (1)";

(6) in subsection (c)—

(A) by striking the following:

"(c) Data.—" and inserting the following:

"(3) Data.—";

(B) by striking "subsection (a)" and inserting "paragraph (1)";

(C) by striking "such subsection" and inserting "such paragraph"; and

(D) by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(7) by adding at the end the following:

"(b) Multidisciplinary Health Services in Communities.—

"(1) Program authorized.—The Assistant Secretary shall make grants to States, on a competitive basis, for the development and operation of—

"(A) systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services; and

"(B) programs to—

"(i) increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals;

"(ii) reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and

"(iii) reduce age-related prejudice and discrimination regarding mental disorders in older individuals.

"(2) Application.—To be eligible to receive a grant under this subsection for a State, a State agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

"(3) State allocation and priorities.—A State agency that receives funds through a grant made under this subsection shall allocate the funds to area agencies on aging to carry out this subsection in planning and service areas in the State. In allocating the funds, the State agency shall give priority to planning and service areas in the State—

"(A) that are medically underserved; and

"(B) in which there are a large number of older individuals.

"(4) Area coordination of services with other providers.—In carrying out this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall—

"(A) coordinate services described in paragraph (1) with other community agencies, and voluntary organizations, providing similar or related services; and

"(B) to the greatest extent practicable, integrate outreach and educational activities with existing (as of the date of the integration) health care and social service providers serving older individuals in the planning and service area involved.

"(5) Relationship to other funding sources.—Funds made available under this part shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide the services described in paragraph (1).

"(6) Definition.—In this subsection, the term 'mental health screening and treatment services' means patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals, that are—

"(A) provided pursuant to evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals; and

"(B) coordinated and integrated with the services of social service, mental health, and health care providers in an area in order to—

"(i) improve patient outcomes; and

"(ii) ensure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area.".

SEC. 41. COMMUNITY INNOVATIONS FOR AGING IN PLACE.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3031 et seq.) is amended by adding at the end the following:

"SEC. 422. COMMUNITY INNOVATIONS FOR AGING IN PLACE.

"(a) Definitions.—In this section:

"(1) Eligible entity.—The term 'eligible entity'—

"(A) means a nonprofit health or social service organization, a community-based nonprofit organization, an area agency on aging or other local government agency, a tribal organization, or another entity that—

"(i) the Assistant Secretary determines to be appropriate to carry out a project under this part; and

"(ii) demonstrates a record of, and experience in, providing or administering group and individual health and social services for older individuals; and

"(B) does not include an entity providing housing under the congregate housing services program carried out under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) or the multifamily service coordinator program carried out under section 202(g) of the Housing Act of 1959 (12 U.S.C. 1701q(g)).

"(2) Naturally occurring retirement community.—The term 'Naturally Occurring Retirement Community' means a residential building, a housing complex, an area (including a rural area) of single family residences, or a neighborhood composed of age-integrated housing—

"(A) where—

"(i) 40 percent of the heads of households are older individuals; or

"(ii) a critical mass of older individuals exists, based on local factors which, taken in total, allow an organization to achieve efficiencies in the provision of health and social services to older individuals living in the community; and

"(B) that is not an institutional care or assisted living setting.

"(b) Grants.—

"(1) In general.—The Assistant Secretary shall make grants to eligible entities to enable the entities to pay for developing or carrying out model aging in place projects. The projects shall permit aging in place for older individuals, including such individuals who reside in Naturally Occurring Retirement Communities, which help to sustain the independence of older individuals in communities where the individuals have established personal, family, and professional supportive networks. The entities shall provide comprehensive and coordinated health and social services through the projects.

"(2) Grant periods.—The Assistant Secretary shall make the grants for periods of 3 years.

"(c) Applications.—

"(1) In general.—To be eligible to receive a grant under subsection (b) for a project, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

"(2) Contents.—The application shall include—

"(A) a detailed description of the entity's experience in providing services to older individuals in age-integrated settings;

"(B) a definition of the contiguous service area and a description of the project boundaries in which the older individuals reside or carry out activities to sustain their well-being;

"(C) a description of how the entity will cooperate and coordinate planning and services, with agencies and organizations that provide publicly supported services for older individuals within the project boundaries, including the State agency and area agencies on aging with planning and service areas within the project boundaries;

"(D) an assurance that the entity will seek to establish cooperative relationships with interested local entities, including private agencies and businesses that provide health and social services, housing entities, community development organizations, philanthropic organizations, foundations, and other non-Federal entities;

"(E) a description of the entity's protocol for referral of residents who may require long-term care services, including coordination with local information and referral agencies and Aging and Disability Resource Centers who serve as single points of entry to public services;

"(F) a description of how the entity will offer opportunities for older individuals to be involved in the governance, oversight, and operation of the project;

"(G) an assurance that the entity will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require; and

"(H) a plan for long-term sustainability of the project.

"(d) Use of Funds.—

"(1) In general.—An eligible entity that receives a grant under subsection (b) shall use the funds made available through the grant to provide and coordinate, through aging in place projects described in subsection (b), services that include a comprehensive and coordinated array of community-based health and social services, which may include mental health services, for eligible older individuals.

"(2) Services.—The services described in paragraph (1) shall include—

"(A) providing—

"(i) case management, case assistance, and social work services;

"(ii) health care management and health care assistance, including disease prevention and health promotion services;

"(iii) education, socialization, and recreational activities; and

"(iv) volunteer opportunities for project participants; and

"(B) coordinating the services provided under title III for eligible older individuals served by the project.

"(3) Preference.—In carrying out an aging in place project, an eligible entity shall, to the extent practicable, serve communities of low-income individuals and operate or locate projects and services in or in close proximity to locations where large concentrations of older individuals have aged in place and resided, such as Naturally Occurring Retirement Communities.

"(4) Supplement not supplant.—Funds made available to an eligible entity under this section shall be used to supplement, not supplant, any Federal, State, or other funds otherwise available to the entity to provide health and social services to eligible older individuals.

"(e) Competitive Grants for Technical Assistance.—

"(1) Grants.—The Assistant Secretary shall (or shall make a grant, on a competitive basis, to an eligible nonprofit organization, to enable the organization to)—

"(A) provide technical assistance to recipients of grants under subsection (b); and

"(B) carry out other duties, as determined by the Assistant Secretary.

"(2) Eligible organization.—To be eligible to receive a grant under this subsection, an organization shall be a nonprofit organization (including a partnership of nonprofit organizations), that—

"(A) has experience and expertise in providing technical assistance to a range of entities serving older individuals and experience evaluating and reporting on programs; and

"(B) has demonstrated knowledge of and expertise in community-based health and social services.

"(3) Application.—To be eligible to receive a grant under this subsection, an organization (including a partnership of nonprofit organizations) shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including an assurance that the organization will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

"(f) Report.—The Assistant Secretary shall annually prepare and submit a report to Congress that shall include—

‘‘(1) the findings resulting from the evaluations of the model projects conducted under this section;

‘‘(2) a description of recommended best practices regarding carrying out health and social service projects for older individuals aging in place; and

‘‘(3) recommendations for legislative or administrative action, as the Assistant Secretary determines appropriate.’’.

SEC. 42. CHOICES FOR INDEPENDENCE DEMONSTRATION PROJECTS.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3031 et seq.), as amended by section 41, is further amended by adding at the end the following:

‘‘SEC. 423. CHOICES FOR INDEPENDENCE DEMONSTRATION PROJECTS.

‘‘(a) DEFINITIONS.—In this section:

‘‘(1) CONSUMER.—The term ‘consumer’ means an older individual, a family member of such individual, and any other person seeking information or assistance with respect to long-term care.

‘‘(2) HIGH-RISK INDIVIDUAL.—The term ‘high-risk individual’ means an older individual who—

‘‘(A) has a functional impairment affecting the individual’s activities of daily living;

‘‘(B) is ineligible for the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

‘‘(C) meets such income and functional status criteria as are determined to be appropriate by the State involved and approved by the Assistant Secretary.

‘‘(3) QUALIFIED EXPENDITURES.—The term ‘qualified expenditures’ means reported expenditures of a State under this section that have been reviewed and approved by the Assistant Secretary.

‘‘(4) SERVICE COORDINATION.—The term ‘service coordination’ means a coordinated approach taken on behalf of high-risk older individuals to facilitate the development and implementation of a long-term care plan and the choice and independence of the individuals in securing long-term care.

‘‘(b) AUTHORITY.—The Assistant Secretary shall make grants on a competitive basis, in accordance with this section, to States to enable the States to pay for the Federal share of the cost of modifying their systems of long-term care in order to promote and facilitate—

‘‘(1) the choice and control of older individuals and their families in securing long-term care;

‘‘(2) the coordination and cost-effectiveness of State systems of long-term care;

‘‘(3) the provision of long-term care in home and community-based settings; and

‘‘(4) the ability of individuals receiving long-term care to remain as independent and self-sufficient as possible.

‘‘(c) APPLICATIONS BY STATES.—For a State to be eligible to receive a grant under this section, the Governor of such State shall submit an application to the Assistant Secretary, at such time, in such manner, and containing such information as the Assistant Secretary may specify, containing a plan for implementation of the component strategies described in subsection (d) and such other information and assurances as the Secretary determines to be appropriate.

‘‘(d) USE OF FUNDS BY STATES.—

‘‘(1) COMPONENT STRATEGIES.—A State that receives funds through a grant made under subsection (b) shall use the funds to carry out a demonstration project under this section (directly or by grant or contract) by integrating into the State’s system of long-term care the component strategies described in paragraphs (2) through (5).

‘‘(2) PUBLIC EDUCATION.—In carrying out the demonstration project, the State shall conduct activities that shall include media campaigns, targeted mailings, and related activities, to help ensure that consumers are aware of—

‘‘(A) the need to plan in advance for long-term care;

‘‘(B) available public and private long-term care options, including private long-term care insurance; and

‘‘(C) sources of information and resources related to long-term care, including the resource centers described in paragraph (3).

‘‘(3) AGING AND DISABILITY RESOURCE CENTERS.—

‘‘(A) IN GENERAL.—The State shall provide for community-level Aging and Disability Resource Centers, which, consistent with section 102(47) and subsection (f), shall provide—

‘‘(i) comprehensive information on available public and private long-term care programs, options, and resources;

‘‘(ii) personal counseling and service coordination to assist consumers in assessing their existing or anticipated long-term care needs and circumstances, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances;

‘‘(iii) a convenient point of entry to the range of publicly-supported long-term care programs for which an individual may be eligible, including the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and to such other public benefit programs as the State determines to be appropriate;

‘‘(iv) a single process for consumer intake, assessment, and application for benefits under the programs described in subparagraph (C), including, where appropriate and feasible, facilitating the determination of an individual’s eligibility (including facilitating that determination in compliance with the requirements of title XIX of the Social Security Act) under such programs by collaborating with the appropriate programmatic office; and

‘‘(v) the ability—

‘‘(I) to respond immediately to a request for assistance from an individual or a family member of the individual, in the event of a crisis situation that could result in placement of such individual in an institutional care setting; and

‘‘(II) to provide (or coordinate the provision of), such available short-term assistance as would be necessary and appropriate to temporarily preclude the need for such institutional placement, until a plan for home and community-based long-term care can be developed and implemented.

‘‘(B) TRAINING.—In providing for the Centers, the State shall ensure that the staff of the Centers is appropriately trained to understand the interactions between private long-term care insurance (especially insurance through long-term care partnership policies) and eligibility for benefits under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

‘‘(4) HEALTHY LIFESTYLE CHOICES.—The State shall, in accordance with standards established by the Assistant Secretary, provide for low-cost, community-level, evidence-based prevention programs and related tools to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals.

‘‘(5) COMMUNITY LIVING INCENTIVES.—

‘‘(A) IN GENERAL.—The State shall provide funding toward and otherwise assist with the provision of home and community-based long-term care to individuals at high risk for placement in institutional care (referred to in this paragraph as ‘high-risk individuals’). The State shall ensure that individuals at greatest risk for becoming eligible for benefits under the Medicaid program receive priority for the home and community-based long-term care.

‘‘(B) LONG-TERM CARE PLAN.—The State shall provide for assessments of the needs and preferences of high-risk individuals with respect to long-term care, and based on such assessments, shall develop with such individuals and their family members, caregivers, or legal representatives a plan for long-term care for such individuals, specifying the types of support, providers, budget, and, if the State elects, cost-sharing contributions involved.

‘‘(C) ALLOCATION OF FUNDS BASED ON INDIVIDUAL BUDGETS.—The State shall ensure that the funding described in subparagraph (A) will be allocated among, and disbursed for, the budgets of high-risk individuals under long-term care plans developed for such individuals.

‘‘(D) OPTION TO PROVIDE CONSUMER-DIRECTED CARE.—The State shall provide high-risk individuals with the option to receive home and community-based long-term care under this paragraph in a manner that permits such individuals to direct and control, in conjunction with a service coordinator, the selection, planning, budgeting, and purchasing of such care (including the amount, duration, scope, providers, and location of such care), to the extent determined appropriate and feasible under the long-term care plan developed under subparagraph (B). The service coordinator shall assist the high-risk individuals in purchasing a range of long-term care services or supplies, not otherwise available or eligible for payment through an entity carrying out a Federal or State program or a similar third party, from a qualified provider that are delivered in home and community-based settings and in a manner that best meets the individuals’ needs and respects the individuals’ preferences to remain in the least restrictive setting possible.

‘‘(e) FEDERAL SHARE.—The Federal share of the cost of modifying systems of long-term systems care as described in subsection (b) shall be not more than 75 percent of such cost (calculated on an annual basis as the State’s qualified expenditures for such modifications for such year).

‘‘(f) SPECIAL PROVISIONS RELATING TO AGING AND DISABILITY RESOURCE CENTERS.—A State shall ensure that any Aging and Disability Resource Center shall—

‘‘(1) fully coordinate its activities with any health insurance information, counseling, and assistance (receiving funding under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-4)) in the State;

‘‘(2) be subject to such controls as the Assistant Secretary determines to be appropriate to ensure there is no conflict of interest with respect to any referrals, for information or otherwise, made by the Center for individuals receiving services through the Center; and

‘‘(3) provide no long-term care services or supplies, with the exception of case management services provided through area agencies on aging as described in section 306(a)(8).

‘‘(g) SPECIAL PROVISIONS RELATING TO OPTION TO PROVIDE CONSUMER-DIRECTED CARE.—Payments made for a high-risk individual under subsection (d)(5)(D) shall not be included in the gross income of the high-risk individual for purposes of the Internal Revenue Code of 1986 or be treated as income, be treated as assets or benefits, or otherwise be taken into account, for purposes of determining the individual's eligibility for, the amount of benefits for the individual under, or the amount of cost-sharing required of the individual by, any other Federal or State program, other than the program carried out under this section.

"(h) Technical Assistance to States.—The Assistant Secretary, directly or by grant or contract, shall provide for technical assistance to and oversight of States carrying out demonstration projects under this section, for purposes of administration, quality assurance, and quality improvement.

"(i) Evaluation and Report.—The Assistant Secretary, directly or by grant or contract, shall provide for an evaluation of the demonstration projects carried out under this section. The Assistant Secretary shall submit to the President a report containing the findings resulting from such evaluation not later than 6 months after the termination of the demonstration projects.".

SEC. 43. RESPONSIBILITIES OF ASSISTANT SECRETARY.

Section 432(c)(2)(B) of the Older Americans Act of 1965 (42 U.S.C. 3033a(c)(2)(B)) is amended by inserting before the period the following: ", including preparing an analysis of such services, projects, and programs, and of how the evaluation relates to improvements in such services, projects, and programs and in the strategic plan of the Administration".

SEC. 44. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended—

(1) in subsection (a)(1), by adding at the end the following: "For purposes of this paragraph, an underemployed person shall be considered to be an unemployed person.";

(2) in subsection (b)(1)(M), by striking "minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need," and inserting "minority and Indian eligible individuals, eligible individuals with limited English proficiency, and eligible individuals with greatest economic need,"; and

(3) by adding at the end the following:

"(g)(1) Except as provided in paragraphs (2) and (3), an eligible individual may participate in projects carried out under this title for a period of not more than 36 months (whether or not consecutive) in the aggregate.

"(2) A grantee for a project may extend the period of participation for not more than 20 percent of the project participants. In selecting participants for the extended period of participation, the grantee shall give priority to—

"(A) participants who are 65 years old or older or frail older individuals; and

"(B) individuals who have more than 1 of the following barriers to employment:

"(i) A disability.

"(ii) Limited English proficiency or low literacy skills.

"(iii) A residence in a rural area.

"(iv) A residence in an area of high unemployment.

"(v) Homelessness or a situation that puts the individual at risk for homelessness.

"(vi) A failure to find employment after utilizing services under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

"(3) A grantee may petition for a waiver of the 36-month limit described in paragraph (1) if the grantee serves a high concentration of individuals who are hard-to-serve individuals because they have more than 1 barrier to employment as described in paragraph (2)(B), including a grantee who operates a project in an area in which at least 60 percent of the counties are rural counties, as defined by the Economic Research Service of the Department of Agriculture.

"(h) It is the sense of the Senate that—

"(1) the older American community service employment program was created with the intent of placing older individuals in community service positions to provide job training placements; and

"(2) placing older individuals in community service positions strengthens the ability of the individuals to become self-sufficient, provides much-needed volunteer support to organizations who benefit significantly from increased civic engagement, and strengthens the communities that are served by such organizations.".

SEC. 45. PERFORMANCE.

Section 513 of the Older Americans Act of 1965 (42 U.S.C. 3056k) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking the paragraph designation and all that follows through "grantees" and inserting the following:

"(1) Establishment and implementation of measures.—The Secretary shall establish and implement, after consultation with the Assistant Secretary, grantees"; and

(ii) by adding at the end the following: "The Assistant Secretary shall provide recommendations to the Secretary on the establishment and implementation of the performance measures.";

(B) in paragraph (2)(B), by adding at the end the following:

"(iv) Not less than 60 percent of the counties, in the areas served by the grantee, being rural counties as defined by the Economic Research Service of the Department of Agriculture.

"(v) The areas served by the grantee comprising a difficult to serve territory due to limited economies of scale."; and

(C) by adding at the end the following:

"(6) Special rules.—

"(A) Establishment and implementation.—The Secretary shall establish and implement the performance measures described in this section, including all required indicators described in subsection (b), not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2006.

"(B) Impact on grant competition.—The Secretary may not publish a notice announcing a grant competition under this title, and soliciting proposals for grants, until the day that is the later of—

"(i) the date on which the Secretary implements all required indicators described in subsection (b); and

"(ii) January 1, 2010."; and

(2) by adding at the end the following:

"(e) Effect of Exemption.—In implementing a performance measure under this section, the Secretary shall not reduce a score on the performance measure of—

"(1) a grantee that receives a waiver under section 502(g)(3) on the basis that the grantee is extending the period of participation for project participants under that section; and

"(2) a grantee on the basis that the grantee is extending the period of participation for project participants under section 502(g)(2).".

SEC. 46. COMPETITIVE REQUIREMENTS.

Section 514 of the Older Americans Act of 1965 (42 U.S.C. 3056l) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Program Authorized.—In accordance with section 502(b), the Secretary shall award grants to eligible applicants, through a competitive process that emphasizes meeting performance measures, to carry out projects under this title for a 4-year period. The Secretary may not conduct a grant competition under this title until the day described in section 513(a)(6)(B).";

(2) by striking subsection (b) and inserting the following:

"(b) Eligible Applicants.—An applicant shall be eligible to receive a grant as described in subsection (a) if the applicant meets the requirements and criteria described in section 502(b)(1), subsections (c) and (d), and paragraphs (2) and (3) of subsection (e).";

(3) in subsection (c)—

(A) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively;

(B) by inserting after paragraph (1) the following:

"(2) The applicant's performance on the required indicators described in section 513(b), in the case of an applicant that has previously received a grant under this title, and the applicant's ability to meet the required indicators, in the case of any other applicant.

"(3) The applicant's ability to administer a program that provides community service."; and

(C) by striking paragraph (9) and inserting the following:

"(9) The applicant's ability to minimize disruption in services for project participants and the entities employing the participants.

"(10) Any additional criteria that the Secretary may determine to be appropriate.";

(4) in subsection (e)—

(A) in paragraph (2), by striking subparagraphs (C) and (D); and

(B) in paragraph (3)—

(i) by striking "(3)" and all that follows through "In" and inserting the following:

"(3) Competition requirements for public and private nonprofit agencies and organizations in a State.—In";

(ii) by striking subparagraphs (B) through (D); and

(iii) by striking "take corrective action" and inserting "provide technical assistance";

(C) in paragraph (4), by striking "paragraph (3)(A)" and inserting "paragraph (3)";

(5) in subsection (f), by striking paragraph (4);

(6) by adding at the end the following:

"(g) Grantees Serving Individuals With Barriers to Employment.—

"(1) Definition.—In this subsection, the term 'individuals with barriers to employment' means minority and Indian individuals, individuals with limited English proficiency, and individuals with greatest economic need.

"(2) Special consideration.—In areas where a substantial population of individuals with barriers to employment exists, a grantee that receives a national grant under this section shall, in selecting subgrantees, give special consideration to organizations (including former recipients of such national grants) with demonstrated expertise in serving individuals with barriers to employment.

"(h) Minority-Serving Grantees.—The Secretary may not promulgate rules or regulations, affecting grantees in areas where a substantial population of minority individuals exists, that would significantly compromise the ability of the grantees to serve their targeted population of minority older individuals.".

SEC. 47. DEFINITIONS.

Section 516(2) of the Older Americans Act of 1965 (42 U.S.C. 3056n(2)) is amended—

(1) in the header, by striking "INDIVIDUALS" and inserting "INDIVIDUAL" ;

(2) by inserting before "The term" the following:

"(A) IN GENERAL.—";

(3) by striking "individuals" and inserting "individual"; and

(4) by adding at the end the following:

"(B) DETERMINATION OF LOW INCOME.—For purposes of determining income eligibility under subparagraph (A), the Secretary shall not include as income—

"(i) unemployment compensation;

"(ii) benefits received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

"(iii) payments made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs; or

"(iv) 25 percent of the old-age and survivors insurance benefits received under title II of the Social Security Act (42 U.S.C. 401 et seq.).".

SEC. 48. CLARIFICATION OF MAINTENANCE REQUIREMENT.

(a) IN GENERAL.—Section 614A of the Older Americans Act of 1965 (42 U.S.C. 3057e–1) is amended by adding at the end the following:

"(c) CLARIFICATION.—

"(1) DEFINITION.—In this subsection, the term 'covered year' means fiscal year 2006 or a subsequent fiscal year.

"(2) CONSORTIA OF TRIBAL ORGANIZATIONS.—If a tribal organization received a grant under this part for fiscal year 1991 as part of a consortium, the Assistant Secretary shall consider the tribal organization to have received a grant under this part for fiscal year 1991 for purposes of subsections (a) and (b), and shall apply the provisions of subsections (a) and (b)(1) (under the conditions described in subsection (b)) to the tribal organization for each covered year for which the tribal organization submits an application under this part, even if the tribal organization submits—

"(A) a separate application from the remaining members of the consortium; or

"(B) an application as 1 of the remaining members of the consortium.".

(b) EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 2005.

SEC. 49. NATIVE AMERICANS CAREGIVER SUPPORT PROGRAM.

Section 643 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended—

(1) in paragraph (1), by striking "2001" and inserting "2007"; and

(2) in paragraph (2), by striking "$5,000,000" and all that follows and inserting "$6,500,000 for fiscal year 2007, $7,000,000 for fiscal year 2008, $7,500,000 for fiscal year 2009, $8,000,000 for fiscal year 2010, and $8,500,000 for fiscal year 2011.".

SEC. 50. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended by striking "2001" each place it appears and inserting "2007".

SEC. 51. ELDER ABUSE, NEGLECT, AND EXPLOITATION PREVENTION AMENDMENT.

Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) providing for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals;"; and

(2) in subsection (e)(2)—

(A) by striking "subsection (b)(8)(B)(i)" and inserting "subsection (b)(9)(B)(i)"; and

(B) by striking "subsection (b)(8)(B)(ii)" and inserting "subsection (b)(9)(B)(ii)".

SEC. 52. NATIVE AMERICAN ORGANIZATION PROVISIONS.

Section 751(d) of the Older Americans Act of 1965 (42 U.S.C. 3058aa(d)) is amended by striking "2001" and inserting "2007".

SEC. 53. ELDER JUSTICE PROGRAMS.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To assist States and Indian tribes in developing a comprehensive multi-disciplinary approach to elder justice.

(2) To promote research and data collection that will fill gaps in knowledge about elder abuse, neglect, and exploitation.

(3) To support innovative and effective activities of service providers and programs that are designed to address issues relating to elder abuse, neglect, and exploitation.

(4) To assist States, Indian tribes, and local service providers in the development of short- and long-term strategic plans for the development and coordination of elder justice research, programs, studies, training, and other efforts.

(5) To promote collaborative efforts and diminish overlap and gaps in efforts in developing the important field of elder justice.

(b) ELDER JUSTICE.—Title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended—

(1) by redesignating subtitles B and C as subtitles C and D, respectively;

(2) by redesignating sections 751, and 761 through 764, as sections 761, and 771 through 774, respectively; and

(3) by inserting after subtitle A the following:

"Subtitle B—Elder Justice Programs

"SEC. 751. DEFINITIONS.

"In this subtitle:

"(1) CAREGIVER.—The term 'caregiver' means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder.

"(2) DIRECT CARE.—The term 'direct care' means care by an employee or contractor who provides assistance or long-term care services to a recipient.

"(3) ELDER.—The term 'elder' means an older individual, as defined in section 102.

"(4) ELDER JUSTICE.—The term 'elder justice' means—

"(A) efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation and to protect elders with diminished capacity while maximizing their autonomy; and

"(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

"(5) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government agency, Indian tribe, or any other public or private entity, that is engaged in and has expertise in issues relating to elder justice.

"(6) FIDUCIARY.—The term 'fiduciary'—

"(A) means a person or entity with the legal responsibility—

"(i) to make decisions on behalf of and for the benefit of another person; and

"(ii) to act in good faith and with fairness; and

"(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

"(7) GRANT.—The term 'grant' includes a contract, cooperative agreement, or other mechanism for providing financial assistance.

"(8) LAW ENFORCEMENT.—The term 'law enforcement' means the full range of potential responders to elder abuse, neglect, and exploitation including—

"(A) police, sheriffs, detectives, public safety officers, and corrections personnel;

"(B) prosecutors;

"(C) medical examiners;

"(D) investigators; and

"(E) coroners.

"(9) LONG-TERM CARE.—

"(A) IN GENERAL.—The term 'long-term care' means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

"(B) LOSS OF CAPACITY FOR SELF-CARE.—For purposes of subparagraph (A), the term 'loss of capacity for self-care' means an inability to engage effectively in activities of daily living, including eating, dressing, bathing, and management of one's financial affairs.

"(10) LONG-TERM CARE FACILITY.—The term 'long-term care facility' means a residential care provider that arranges for, or directly provides, long-term care.

"(11) NURSING FACILITY.—The term 'nursing facility' has the meaning given such term under section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

"(12) STATE LEGAL ASSISTANCE DEVELOPER.—The term 'State legal assistance developer' means an individual described in section 731.

"(13) STATE LONG-TERM CARE OMBUDSMAN.—The term 'State Long-Term Care Ombudsman' means the State Long-Term Care Ombudsman described in section 712(a)(2).

"SEC. 752. STATE AND TRIBAL GRANTS TO STRENGTHEN LONG-TERM CARE AND PROVIDE ASSISTANCE FOR ELDER JUSTICE PROGRAMS.

"(a) GRANTS.—The Assistant Secretary may award grants to States and Indian tribes to enable the States and tribes to strengthen long-term care and provide assistance for elder justice programs.

"(b) APPLICATION.—To be eligible to receive a grant under this subtitle, a State or Indian tribe shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

"(c) USE OF FUNDS.—A State or Indian tribe that receives a grant under this subtitle may use the funds made available through the grant to award grants—

"(1) to eligible entities for the prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation;

"(2) to eligible entities to examine various types of elder shelters (in this paragraph referred to as 'safe havens'), and to test various safe haven models for establishing safe havens (at home or elsewhere), that—

“(A) recognize autonomy and self-determination, and fully protect the due process rights of elders; and

“(B)(i) provide a comprehensive, culturally sensitive, and multidisciplinary team response to allegations of elder abuse, neglect, or exploitation;

“(ii) provide a dedicated, elder-friendly setting;

“(iii) have the capacity to meet the needs of elders for care; and

“(iv) provide various services including—

“(I) nursing and forensic evaluation;

“(II) therapeutic intervention;

“(III) victim support and advocacy; and

“(IV) case review and assistance to make the elders safer at home or to find appropriate placement in safer environments, including shelters, and, in some circumstances long-term care facilities, other residential care facilities, and hospitals;

“(3) to eligible entities to establish or continue volunteer programs that focus on the issues of elder abuse, neglect, and exploitation, or to provide related services;

“(4) to eligible entities to support multidisciplinary elder justice activities, such as—

“(A) supporting and studying team approaches for bringing a coordinated multidisciplinary or interdisciplinary response to elder abuse, neglect, and exploitation, including a response from individuals in social service, health care, public safety, and legal disciplines;

“(B) establishing a State or tribal coordinating council, which shall identify the individual State's or Indian tribe's needs and provide the Secretary with information and recommendations relating to efforts by the State or Indian tribe to combat elder abuse, neglect, and exploitation;

“(C) providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts at the State or Indian tribe level (referred to in some States as ‘State Working Groups’);

“(D) broadening and studying various models for elder fatality and serious injury review teams, to make recommendations about their composition, protocols, functions, timing, roles, and responsibilities, with a goal of producing models and information that will allow for replication based on the needs of other States, Indian tribes, and communities; or

“(E) carrying out such other interdisciplinary or multidisciplinary efforts as the Assistant Secretary determines to be appropriate;

“(5) to eligible entities to provide training for individuals with respect to issues of elder abuse, neglect, and exploitation, consisting of—

“(A) training within a discipline; or

“(B) cross-training activities that permit individuals in multiple disciplines to train together, fostering communication, coordinating efforts, and ensuring collaboration;

“(6) to eligible entities to address underserved populations of elders, such as—

“(A) elders living in rural locations;

“(B) elders in minority populations; or

“(C) low-income elders;

“(7) to eligible entities to provide incentives for individuals to train for, seek, and maintain employment providing direct care in a long-term care facility, such as—

“(A) to eligible entities to provide incentives to participants in programs carried out under part A of title IV, and section 403(a)(5), of the Social Security Act (42 U.S.C. 601 et seq., 603(a)(5)) to train for and seek employment providing direct care in a long-term care facility;

“(B) to long-term care facilities to carry out programs through which the facilities—

“(i) offer, to employees who provide direct care to residents of a long-term care facility, continuing training and varying levels of professional certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and

“(ii) provide, or make arrangements with employers to provide, bonuses or other increased compensation or benefits to employees who achieve professional certification under such a program; or

“(C) to long-term care facilities to enable the facilities to provide training and technical assistance to eligible employees regarding management practices using methods that are demonstrated to promote retention of employees of the facilities, such as—

“(i) the establishment of basic human resource policies that reward high performance, including policies that provide for improved wages and benefits on the basis of job reviews; or

“(ii) the establishment of other programs that promote the provision of high quality care, such as a continuing education program that provides additional hours of training, including on-the-job training, for employees who are certified nurse aides;

“(8) to encourage the establishment of eligible partnerships to develop collaborative and innovative approaches to improve the quality of, including preventing abuse, neglect, and exploitation in, long-term care; or

“(9) to eligible entities to establish multidisciplinary panels to address and develop best practices concerning methods of—

“(A) improving the quality of long-term care; and

“(B) addressing abuse, including resident-to-resident abuse, in long-term care.

“(d) ADMINISTRATIVE EXPENSES.—A State or Indian tribe that receives a grant under this section shall not use more than 5 percent of the funds made available through the grant to pay for administrative expenses.

“(e) SUPPLEMENT NOT SUPPLANT.—Funds made available pursuant to this section shall be used to supplement and not supplant other Federal, State, and local (including tribal) funds expended to provide activities described in subsection (c).

“(f) MAINTENANCE OF EFFORT.—The State or Indian tribe, in using the proceeds of a grant received under this section, shall maintain the expenditures of the State or tribe for activities described in subsection (c) at a level equal to not less than the level of such expenditures maintained by the State or tribe for the fiscal year preceding the fiscal year for which the grant is received.

“(g) ACCOUNTABILITY MEASURES.—The Assistant Secretary shall develop accountability measures to ensure the effectiveness of the activities conducted using funds made available under this section, including accountability measures to ensure that the activities described in subsection (c)(7) benefit eligible employees and increase the stability of the long-term care workforce.

“(h) EVALUATING PROGRAMS.—The Assistant Secretary shall evaluate the activities conducted using funds made available under this section and shall use the results of such evaluation to determine the activities for which funds made available under this section may be used.

“(i) COMPLIANCE WITH APPLICABLE LAWS.—In order to receive funds under this section, an entity shall comply with all applicable laws, regulations, and guidelines.

“(j) ELIGIBLE PARTNERSHIPS.—In subsection (c)(8), the term ‘eligible partnership’ means a multidisciplinary community partnership consisting of eligible entities or appropriate individuals, such as a partnership consisting of representatives in a community of nursing facility providers, State legal assistance developers, advocates for residents of long-term care facilities, State Long-Term Care Ombudsmen, surveyors, the State agency with responsibility for adult protective services, the State agency with responsibility for licensing long-term care facilities, law enforcement agencies, courts, family councils, residents, certified nurse aides, registered nurses, physicians, and other eligible entities and appropriate individuals.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2005 through 2008.

“SEC. 753. COLLECTION OF UNIFORM NATIONAL DATA ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

“(a) PURPOSE.—The purpose of this section is to improve, streamline, and promote uniform collection, maintenance, and dissemination of national data relating to the various types of elder abuse, neglect, and exploitation.

“(b) PHASE I.—

“(1) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of the Older Americans Act Amendments of 2006, the Assistant Secretary, acting through the head of the Office of Elder Abuse Prevention and Services, after consultation with the Attorney General and working with experts in relevant disciplines from the Bureau of Justice Statistics of the Office of Justice Programs of the Department of Justice, shall—

“(A) develop a method for collecting national data regarding elder abuse, neglect, and exploitation; and

“(B) develop uniform national data reporting forms adapted to each relevant entity or discipline (such as health, public safety, social and protective services, and law enforcement) reflecting—

“(i) the distinct manner in which each entity or discipline receives and maintains information; and

“(ii) the sequence and history of reports to or involvement of different entities or disciplines, independently, or the sequence and history of reports from 1 entity or discipline to another over time.

“(2) FORMS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the national data reporting forms described in paragraph (1)(B) shall incorporate the definitions of section 751, for use in determining whether an event is reportable.

“(B) PROTECTION OF PRIVACY.—In pursuing activities under this paragraph, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 and State and local privacy regulations (as applicable).

“(c) PHASE II.—

“(1) IN GENERAL.—Not later than the date that is 1 year after the date on which the activities described in subsection (b)(1) are completed, the Secretary (or the Secretary's designee) shall ensure that the national data reporting forms and data collection methods developed in accordance with such subsection are pilot tested in 6 States selected by the Secretary.

“(2) ADJUSTMENTS TO THE FORM AND METHODS.—The Secretary, after considering the results of the pilot testing described in paragraph (1) and consultation with the Attorney General and relevant experts, shall adjust the national data reporting forms and data collection methods as necessary.

"(d) PHASE III.—

"(1) DISTRIBUTION OF NATIONAL DATA REPORTING FORMS.—After completion of the adjustment to the national data reporting forms under subsection (c)(2), the Secretary shall submit the national data reporting forms along with instructions to—

"(A) the heads of the relevant components of the Department of Health and Human Services, the Department of Justice, and the Department of the Treasury, and such other Federal entities as may be appropriate; and

"(B) the Governor's office of each State for collection from all relevant State entities of data, including health care, social services, and law enforcement data.

"(2) DATA COLLECTION GRANTS.—

"(A) AUTHORIZATION.—The Secretary is authorized to award grants to States to improve data collection activities relating to elder abuse, neglect, and exploitation.

"(B) APPLICATION.—To be eligible to receive a grant under this paragraph, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(C) REQUIREMENTS.—Each State receiving a grant under this paragraph for a fiscal year shall report data for the calendar year that begins during that fiscal year, using the national data reporting forms described in paragraph (1).

"(D) FUNDING.—

"(i) FIRST YEAR.—For the first fiscal year for which a State receives grant funds under this subsection the Secretary shall initially distribute 50 percent of such funds. The Secretary shall distribute the remaining funds at the end of the calendar year that begins during that fiscal year, if the Secretary determines that the State has properly reported data required under this subsection for the calendar year.

"(ii) SUBSEQUENT YEARS.—Except as provided in clause (i), the Secretary shall distribute grant funds to a State under this subsection for a fiscal year if the Secretary determines that the State properly reported data required under this subsection for the calendar year that ends during that fiscal year.

"(3) REQUIRED INFORMATION.—Each report submitted under this subsection shall—

"(A) indicate the State and year in which each event occurred; and

"(B) identify the total number of events that occurred in each State during the year and the type of each event.

"(e) REPORT.—Not later than 1 year after the date of enactment of the Older Americans Act Amendments of 2006 and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, including to the Committee on Health Education, Labor, and Pensions and the Special Committee on Aging of the Senate, a report regarding activities conducted under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007, 2008, 2009, 2010, and 2011.".

SEC. 54. RULE OF CONSTRUCTION.

Subtitle C of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended by adding at the end the following:

"SEC. 765. RULE OF CONSTRUCTION.

"Nothing in this title shall be construed to interfere with or abridge the right of an older individual to practice the individual's religion through reliance on prayer alone for healing, in a case in which a decision to so practice the religion—

"(1) is contemporaneously expressed by the older individual—

"(A) either orally or in writing;

"(B) with respect to a specific illness or injury that the older individual has at the time of the decision; and

"(C) when the older individual is competent to make the decision;

"(2) is set forth prior to the occurrence of the illness or injury in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

"(3) may be unambiguously deduced from the older individual's life history.".

Mr. KENNEDY. Mr. President, the Older Americans Act has been a lifeline for senior citizens across the country for 40 years, and all of us want it to continue to fulfill its important role in the years ahead.

Like Social Security, Medicare and Medicaid, the Older Americans Act is part of our commitment to care for the nation's seniors in their golden years.

This year, the first of the members of the baby boom generation will be eligible for the act's services. One in nine Americans are over age 65 today. By the year 2030, the number will be one in five.

It is clear we need to get our priorities right in this reauthorization. That means starting now to put the infrastructure in place to provide services to baby boomers who retire. This bill takes some of the necessary steps. It requires State and local agencies to acknowledge the changing demographics and to plan ahead. I hope Congress will continue to build on these efforts in the coming years and provide increased funds for the important programs in this act.

Our bill also encourages civic activities by seniors. Numerous examples exist of successful volunteer programs involving seniors, such as Senior Corps, Experience Corps, and Family Friends, and we need to build on these successes.

The members of the new generation of older Americans obviously want to be engaged in their communities after they retire, and it is essential to draw on their experience and knowledge in constructive ways.

The bill is also intended to encourage good nutrition, healthy living and disease prevention among seniors. The Meals on Wheels program, enacted in the 1970s, is one of its greatest successes, and Massachusetts has been in the forefront of the effort to provide community-based nutrition services to the elderly. Our State program coordinates 28 nutrition projects throughout the State to deal with poor nutrition and social isolation of seniors. Our bill will expand the ability of programs such as Meals on Wheels to reach all older individuals who need better nutrition.

According to the Census Bureau, 6.7 million persons aged 55 or older will be living in poverty by 2008, a 22 percent increase since 2000. By 2015, the number will increase to 9 million if the current trend continues.

The Older Americans Act also provides essential opportunities for employment of older Americans through the Senior Community Service Employment Program, which offers job training for seniors and involves them in the communities which they love, and which also love them. Last year, the program supported 61,000 jobs and served 92,000 people.

Congress created this program to provide older adults with community service opportunities. We recognized that senior citizens are especially valuable assets to the communities in which they live. Through community service, older adults are also provided with the job training they need to become self-sufficient in the workforce.

Unfortunately, in recent years the focus on community service has blurred, and many of us are concerned about the administration's lack of interest in maintaining this important aspect of the program.

Older Americans today provide 45 million hours of valuable service to their communities, particularly in senior centers, public libraries, and nutrition programs.

Overall, our bill maintains the emphasis on community service and enables the program to continue to serve older Americans efficiently and well. As this bill moves forward, it is essential that community service remain paramount and that any attempts to weaken this program be defeated.

This is a good bipartisan bill and I support its passage.

Mr. DEWINE. Mr. President, I rise today with my colleagues on the Health, Education, Labor, and Pensions Committee—Chairman ENZI, Ranking Member KENNEDY, and Senator MIKULSKI—as we join in the introduction of the Older Americans Act Amendments of 2006. Senator MIKULSKI and I worked to draft and pass the Older Americans Act Amendments of 2000, and I am proud to have worked with her again to improve and update these important programs.

I also thank Senators ENZI and KENNEDY for making this reauthorization a priority for the HELP Committee. Over the months we have negotiated this bipartisan bill, I have greatly appreciated their thoughtful and steady work to get the Older Americans Act to this point. They understand well, as I do, that the quick passage of this reauthorization is the No. 1 recommendation that came out of the White House Conference on Aging. As I have mentioned in the hearings I have chaired of the Subcommittee on Retirement Security and Aging, the passage of the Older Americans Act reauthorization is the top priority for the subcommittee. Today's bill introduction is an important step forward in that process.

As you know, older Americans are a vital and rapidly growing segment of our population. Over 36 million people living in the United States are over the age of 65, accounting for about 12 percent of the population. The Census Bureau projects that 45 years from now, people 65 and older will number nearly 90 million in the United States and comprise 21 percent of the population.

The Older Americans Act is an important service provider for these Americans. I strongly believe this reauthorization updates and strengthens the act in many ways. Changes to this bill include plans and means to prepare for changes to the aging demographics. This bill creates a Federal interagency council responsible for ensuring appropriate planning for baby boomer-related needs and population shifts across agencies. Additionally, it will provide for grants and technical assistance for local aging service providers to plan for the baby boomer population.

Our bill will also increase the authorization levels of the National Family Caregiver Support Program by 25 percent over current appropriated levels over the next 5 years. This program is also expanded to allow for those caring for loved ones with Alzheimer's—between the ages of 50 and 60—to become eligible for support services. Furthermore, it will clarify that this program will serve elderly caregivers who are caring for their adult children with developmental disabilities. Lastly, it clarifies that grandparents caring for adopted grandchildren are covered under this program, and it lowers the age threshold for grandparents to 55 years old. These are important changes to this program and will affect the quality of life for so many individuals who are struggling with the pressures of caring for loved ones.

This bill also encourages the voluntary contributions related to title III services from those individuals with a self-declared income at or above 200 percent of the poverty level and based on actual cost of service. This will help programs such as Meals-on-Wheels to expand their services and enable them to more effectively take contributions from those older Americans willing to pay for services. As the number of seniors increases, we need to modify our programs to ensure their economic sustainability.

Our amendments will also allow the Department of Health and Human Services to award grants related to the improvement of assistive technology for older Americans. The goal of this provision is to enable older Americans to have the necessary technology to monitor their health and help them remain in their homes as they age. We know most Americans want to remain independent and in their homes as they age, and these grants will help them do just that.

This bill also creates a new grant program which provides grants to create innovative models that allow individuals to remain in community-based settings. The need for this grant program was discussed at length in a hearing I held on models for aging in place—specifically naturally occurring retirement communities. As I stated before, Americans want to stay in their communities as they age, and this bill will help them do just that.

Further, this bill creates a new grant program, based on recommendations in the President's fiscal year '07 budget, to provide grants to States to enable consumer-driven choices with respect to long-term care. Grants can be used to encourage the planning for long-term care for older Americans. It will also facilitate access to long-term care choices and opportunities and advice on choices for care.

Our bill also updates the title V Senior Community Service Employment Program, SCSEP, to allow for a mandatory 4-year competitive grant cycle. It provides a sense of the Senate supporting the community service aspect of the program. Additionally, it limits the time on the program for participants to 3 years, with a 20-percent exemption for certain hard-to-serve populations.

This provision balances the need for limiting the time a person spends in this employment program with the recognition that certain populations have special needs.

Of great importance to me, this bill also amends the act to focus attention on the mental health needs of older Americans. These changes will establish grants for mental health screening of older Americans and increased awareness of its effects on the elderly population. Too often the mental health needs of older Americans are overlooked; however, they can be as serious and life-threatening as any other illness. The mental health needs of our seniors must be taken more seriously and dealt with more aggressively. I believe this provision significantly moves us forward in this struggle.

Finally, this bill includes the language of the Elder Justice bill reported unanimously from the HELP Committee in the 108th Congress to create an office of elder abuse prevention in the administration on Aging; create grants to the States and tribes to prevent elder abuse, neglect, and exploitation; and collect data from States and other entities on elder abuse. These are important provisions to improve the safety and protect the well-being of our parents, grandparents, and other elderly loved ones.

Again, I thank Senator ENZI, Senator KENNEDY, and Senator MIKULSKI for their dedication to the needs of older Americans. I look forward to our continuing work together on this bill as we work to bring it to the Senate floor and the President's desk.

Ms. MIKULSKI. Mr. President, I rise today to support older Americans. Seniors today are living longer, healthier lives. We must do what we can to help them be as independent and active as possible.

We have worked together on both sides of the aisle and with aging organizations, including the organizations that make up the Leadership Council on Aging, to introduce S. 3570, the Older Americans Act Amendments of 2006, which I believe is a strong bipartisan bill. I would like to thank Chairman ENZI, Ranking Member KENNEDY, and Senator DEWINE for their work. I have worked closely with Senator DEWINE in the past, and this is the second Older Americans Act that we have reauthorized together. This bill honors and maintains the commitment we made to the nation's seniors through the Older Americans Act.

The Older Americans Act is one of our most important responsibilities. The 1,200 delegates to the December 2005 White House Conference on Aging voted reauthorization of the act this year as their top priority. I am pleased that we were able to produce this bipartisan bill, but we still have work to do before the Older Americans Act is reauthorized.

We need to continue to work on the Community Service Employment Program for Older Americans, in title V. Much of our bill is quite similar to what the House passed last week, but title V is not. Our bill has maintained the strong community service employment aspect of the program, which has been an integral component since the beginning. The House bill has elements that will minimize and chip away at this community service employment element. The Community Service Employment Program for Older Americans helps seniors obtain employment at Meals on Wheels programs, senior centers, local area agencies on aging, public libraries, and many other public organizations that rely heavily on these seniors. Through community service employment, community organizations receive valuable support while participants receive valuable skill training. I am strongly opposed to losing the community service aspect of this program, and I am pleased our bill strengthens it. I expect that we will continue to protect this as we move to work with the House.

There are several principles that I believe must guide reauthorization. First, we must continue and improve the core services of this act to meet the vital needs of America's seniors. Secondly, we must modernize the act to meet the changing needs of America's senior population, including the growing number of seniors over 85, the impending senior boom, and the growing number of seniors in minority groups. Next, we must look for ways to help seniors live more independent and active lives. Finally, we must give national, State, and local programs the resources they need to carry out these vital responsibilities.

I believe the 2006 reauthorization bill strengthens current Older Americans Act programs and offers innovative ideas that will address the needs of our country's aging population. The reauthorization bill strengthens information and referral services that are the backbone of OAA programs, providing seniors and their family members information about supportive services and information needed to prepare for long-term care. Our bill also strengthens elder abuse programs.

The reauthorization bill also improves the core services of the Older Americans Act. Seniors have come to depend on the information and referral services, congregate and home-delivered meals, transportation, home care, and other OAA programs to meet their daily needs. Whether it is pension counseling or the long-term care ombudsman program—these are vital to helping seniors navigate the complex financial and health care systems. Not all seniors have family and friends that can assist them with complicated decisions, like choosing a long-term care insurance plan or a nursing home. These programs put information in terms seniors can understand. These programs are a safety net for many.

I am especially pleased that this bill authorizes programs to encourage community innovation to support and enhance the ability of seniors to age in place. Seniors will be able to remain in their homes and communities, close to family and friends by providing them necessary supporting services such as transportation, social work services, and health programs to help seniors remain independent and in their communities. Grant program will encourage innovation and build on the success of naturally occurring retirement communities, NORC, programs. NORC programs have been developed at the local level and have a proven record of success. We heard from successful programs in Maryland, Ohio, and New York at the Subcommittee on Aging hearing on NORCs last month. I thank them again for their work and leadership. I always say that the best ideas come from the people, and this is one of the best I have seen in a long time.

This bill also improves the National Family Caregiver Support Program. With the reauthorization of OAA in 2000, we worked hard to create the National Family Caregiver Support Program. In 2003, this program provided assistance to nearly 600,000 caregivers. Services include respite care, caregiver counseling and training, information about available resources, and assistance in locating services. These services are invaluable to seniors and their families. We have worked with the aging community to expand these services. Upon the advice of the Alzheimer's Association our bill lowers the age eligibility for the program for individuals with Alzheimer's from 60 to 50, allowing more individuals with Alzheimer's to qualify for services. Our bill also lowers the age of eligible grandparents to 55. This allows the program to target services to those who need it most.

Our bill also seeks to improve emergency preparedness for seniors. During Hurricanes Katrina and Rita, who was left behind? The elderly, the sick, the disabled. We must plan for their needs and use the senior network that exists in our country to make sure that they are not forgotten. Our bill requires States and Area Agencies on Aging to coordinate to develop plans and establish guidelines for addressing the senior population during a disaster/emergency.

I believe that this bipartisan reauthorization bill honors and maintains the commitment Congress made to our Nation's seniors through the Older Americans Act when it was first created in 1965. Reauthorization of this program for America's seniors and their families is one of our most important responsibilities. I look forward to continuing to work to get a bill passed this year. It is an important responsibility that we have to our Nation's seniors.

By Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, and Mr. SCHUMER):

S. 3852. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Mr. President, yesterday, the Supreme Court refused to consider an appeal by the Federal Trade Commission to reinstate antitrust charges against a brand-name drugmaker. This decision leaves the FTC powerless to stop one of the more egregious tactics used by brand name drug companies to keep generic competitors off the market, leaving consumers with unnecessary high drug prices.

The way it is done is simple—a drug company that holds a patent on a blockbuster brand-name drug, pays a generic drug maker off to delay the sale of a competing generic product that might dip into their profits. The brand name company profits so much by delaying competition that it can easily afford to pay off the generic company, leaving consumers the big losers who continue to pay unnecessarily high drug prices.

Since the appeals court decision, there has been a sharp rise in the number of settlements in which brand-name companies payoff generic competitors to keep their cheaper drugs off the market. In a report issued earlier this year, the FTC found that more than two-thirds of the 10 settlement agreements made in 2006 included a pay-off from the brand in exchange for a promise by the generic company to delay entry into the market.

Yesterday's decision by the Supreme court is a blow to consumers who save billions of dollars on generics every year. Today I am joined by Senators LEAHY, GRASSLEY, and SCHUMER, to introduce the Preserve Access to Affordable Generics Act. This legislation will prohibit these pay-off settlement agreements that only serve the drug companies involved while denying consumers access to cost-saving generic drugs.

According to the Congressional Budget Office, generic drugs save consumers an estimated $8 to $10 billion every year. And, a recent study released earlier this year by Pharmaceutical Care Management Association, showed that health plans and consumers could save $26.4 billion over the next 5 years by using the generic versions of 14 popular drugs that are scheduled to lose their patent protections before 2010.

Just last week, I was successful in including an additional $10 million in the fiscal year 2007 Agriculture Appropriations bill for the Food and Drug Administration's Office of Generic Drugs, an effort to help reduce the growing backlog of generic drug applications. The FDA Office of Generic Drugs has reported a backlog of more than 800 generic drug applications and more applications for new generics were received in December 2005 than ever before and this trend continues to grow.

But even approval by the FDA doesn't always guarantee that consumers will have access to these affordable drugs. Of the six approved first generics for popular brand-name drugs taken by seniors over the last year, only two have actually reached the market, while the others are being kept off of the shelves by patent disputes.

Mr. President, it is time to stop these drug company payoffs that only serve the companies involved and deny consumers to affordable generic drugs. I urge my colleagues to join me in this effort. I ask unanimous consent that the text of the bill be printed into the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserve Access to Affordable Generics Act".

SEC. 2. UNFAIR COMPETITION.

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end the following:

"(o)(1) It shall be considered an unfair method of competition affecting commerce under subsection (a)(1) for a person, in connection with the sale of a drug product, to directly or indirectly be a party to any agreement resolving or settling a patent infringement claim in which—

"(A) an ANDA filer receives anything of value; and

"(B) the ANDA filer agrees not to research, develop, manufacture, market, or sell the ANDA product for any period of time.

"(2) CONSTRUCTION.—Nothing in this subsection shall prohibit a resolution or settlement of patent infringement claim in which the value paid by the NDA holder to the ANDA filer as a part of the resolution or settlement of the patent infringement claim includes no more than the right to market the ANDA product prior to the expiration of the patent that is the basis for the patent infringement claim.

"(3) In this subsection:

"(A) The term 'ANDA' means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

"(B) The term 'ANDA filer' means a party who has filed an ANDA with the Federal Drug Administration.

"(C) The term 'ANDA product' means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

"(D) The term 'drug product' means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

"(E) The term 'NDA' means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

"(F) The term 'NDA holder' means—

"(i) the party that received FDA approval to market a drug product pursuant to an NDA;

"(ii) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the 'FDA Orange Book') in connection with the NDA; or

"(iii) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subclauses (i) and (ii) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

"(G) The term 'patent infringement' means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

"(H) The term 'patent infringement claim' means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.".

Mr. LEAHY. Mr. President. I am pleased to introduce, with Senators KOHL, GRASSLEY, and SCHUMER, the Preserve Access to Affordable Generics Act of 2006, S. 3582. It is no secret that prescription drug prices are rapidly increasing and are a source of considerable concern to many Americans, especially senior citizens and families. In a marketplace free of manipulation, generic drug prices can be as much as 80 percent lower than the comparable brand-name version. Unfortunately, there are still some companies that may be keeping low-cost, life-saving generic drugs off the marketplace, off pharmacy shelves, and out of the hands of consumers by carefully crafted anticompetitive agreements between drug manufacturers. This bipartisan bill will improve the timely and effective introduction of generic pharmaceuticals into the marketplace.

In 2001, and last Congress, I introduced a related bill, the Drug Competition Act. That bill, which is now law, is small in terms of length but large in terms of impact. It ensured that law enforcement agencies could take quick and decisive action against companies seeking to cheat consumers by delaying availability of generic medicines. It gave the Federal Trade Commission and the Justice Department access to information about secret deals between drug companies that keep generic drugs out of the market—a practice that not only hurts American families, particularly senior citizens, by denying them access to low-cost generic drugs but also contributes to rising medical costs.

The Drug Competition Act, which was incorporated in the Medicare Modernization Act, was a bipartisan effort to protect consumers in need of patented medicines who were being forced to pay considerably higher costs because of collusive secret deals. It is regrettable that we must come to the floor again today and take additional action to prevent drug companies from continuing to find and exploit loopholes.

I had faith that we were on the right track. However, two appellate court decisions from 2005 overturned the FTC's longstanding role of "policing" these activities and making case-by-case determinations on the appropriateness of proposed settlements, especially those that involved "reverse" payments. That refers to payments from a brand-name company to a generic company as opposed to payments from a generic company to the brand-name company for a license to make a particular patented drug.

The FTC rightfully sought U.S. Supreme Court review of the Schering-Plough v. FTC Eleventh Circuit decision. Unfortunately, the Supreme Court refused to hear that case, leaving in doubt the continuing role of the FTC in policing settlements between brand-name drug companies and potential generic competitors. Moreover, in an unprecedented move, the U.S. Solicitor General opposed the request by the FTC for the Supreme Court to hear this case. The inaction of the courts and the choice of the administration to side with large drug companies over seniors and families has provoked us to take action and introduce this important bill.

This matter arises at the intersection of patent law and antitrust law. The drug companies naturally deny that their agreements violate the antitrust laws, presenting them as private preliminary settlements between companies engaged in patent disputes. The problem is that the whole point of the Drug Competition Act is to have an independent body, the FTC, review these deals and to advise the companies if terms or conditions in the deal need to be changed to comply with existing antitrust laws.

Agreements to delay the production and sale of generic medicines in exchange for cash from the brand-name companies need to be carefully reviewed by the FTC under standards that give the FTC authority to act where necessary to enforce antitrust laws. Companies holding patents on medicines should not be permitted to pay millions of dollars to potential generic competitors for the purpose of delaying the research, development, and sale of competing generic versions of medications when those generic companies believe they have the legal right to sell such products.

I remain hopeful that during the process of working on this bill, a way can be found to give the FTC some discretion, on a case-by case basis, to continue to evaluate these deals. Under this approach, only the deals that are consistent with the intent of that law will be allowed to stand. There will be some deals that involve the payment of money which, on balance, could be good for the companies involved and for consumers. The original intent of the Drug Competition Act was to provide the FTC and DOJ with an opportunity to provide the companies with useful and timely information so the drug companies could conform their deals to the law through confidential advice from the law enforcement agencies. I want that process to be continued.

Senators GRASSLEY, KOHL, SCHUMER, and I are not the only ones who share the goal of ensuring effective and timely access to generic pharmaceuticals that can lower the cost of prescription drugs for seniors, for families, and for all Americans. I sincerely thank my colleagues on both sides of the aisle who are working together on that goal. We have devoted considerable attention to this matter in recent years, and I look forward to passing this important bill.

In closing, I praise the FTC for spending so much time and energy on protecting competition in the pharmaceutical sector. This represents a massive workload for the FTC on top of all its other important responsibilities to protect consumers and the American enterprise system.

Years ago, the FTC dealt with latter-day robber barons destroying smaller companies; now the FTC has to try to restrain corporate drug giants from robbing the elderly when these seniors buy prescription medicines. I also appreciate the work of the FTC on the authorized generics issue and look forward to the report they are preparing for the Congress on that matter.

By Mr. AKAKA:

S. 3584. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. Mr. President, I rise today to introduce the Federal Supervisor Training Act, FSTA, which addresses the inconsistencies and lack of adequate training for Federal managers and supervisors, especially for new supervisors. The effectiveness and efficiency of government programs and services depend on well-trained managers. It is critical that federal managers receive the support and resources needed to do their jobs.

As new personnel reforms are sought by the administration for Federal workers, which in my view are similar to those I opposed for the Departments of Defense and Homeland Security, I see a general erosion of employee morale. Low employee morale impacts agency performance and undermines the public's trust in government. Therefore, we must consider the needs of supervisors and employees alike. Enhancing supervisory training improves communication, which leads to greater understanding of performance expectations and fewer performance problems. A trained supervisor is the foundation for the success of any personnel system.

The bill I offer today follows recommendations made by the Partnership for Public Service and the newly formed Government Managers Coalition, GMC, which represents over 200,000 Federal managers and executives who are members of the Senior Executives Association, the Federal Managers Association, the Professional Managers Association, the Federal Aviation Administration Managers Association, and the National Council of Social Security Management Associations.

FSTA will require new supervisory training for all new supervisors within a year of being appointed and mandatory retraining every 3 years. Current managers would have 3 years in which to receive initial training. The legislation also requires training on how to mentor employees, a key focus of S. 3476, the Homeland Security Professional Development Act, which I introduced earlier this month. A third provision requires training every three years on the laws governing and the procedures for enforcing whistleblower rights and protections against race, gender, age, and disability discrimination.

Under FSTA, agencies would be required to set standards—based in part on guidelines developed by the Office of Personnel Management, OPM—that supervisors should meet in order to manage employees effectively, assess a manager's ability to meet these standards, and provide training to improve areas identified in personnel assessments.

Supervisors want meaningful training. In my view, such training should not be a discretionary option for agencies. Government managers and employees work on a broad and complex range of issues that are both national and global in scope. From the skilled workers at the Pearl Harbor Naval Shipyard performing nuclear submarine battery change outs to Internal Revenue Service employees collecting back taxes, these Federal workers demonstrate commitment and dedication daily. They understand that trained managers empower them, which in turn improves programs and saves taxpayers money.

Mandatory supervisory training is needed to ensure that agencies provide this support to their managers. OPM once proposed 40 to 80 hours of training for new supervisors, but, over the years, this function has migrated to agencies, which, as the GMC notes, has resulted in inconsistencies in training among Federal agencies, leaving a problem in search of a solution.

As the ranking member of the Senate Federal Workforce Subcommittee, a primary goal of mine is to make the Federal Government an employer of choice and to ensure the American people are served by a skilled workforce. I see FSTA as a means to reach that goal because mandatory supervisory training develops good managers who foster positive work environments that produce an efficient, effective, and responsive government. The Nation's Federal workforce and the American taxpayer deserve no less.

Mr. President, as I stated earlier, supervisors and employees alike benefit from well-trained managers. I want to thank the Government Managers Coalition; the American Federation of Government Employees; the National Treasury Employees Union; the International Federation of Professional and Technical Engineers; the AFL–CIO, Metal Trades Department; as well as the Partnership for Public Service for their support of FSTA and I urge my colleagues to support the federal workforce by cosponsoring my bill. I ask unanimous consent that the text of the bill be printed in the RECORD

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows.

S. 3584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Supervisor Training Act of 2006".

SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPERVISORS.

(a) IN GENERAL.—Section 4121 of title 5, United States Code, is amended—

(1) by inserting before "In consultation with" the following:

"(a) In this section, the term 'supervisor' means—

"(1) a supervisor as defined under section 7103(a)(10);

"(2) a management official as defined under section 7103(a)(11); and

"(3) any other employee as the Office of Personnel Management may by regulation prescribe.";

(2) by striking "In consultation with" and inserting "(b) Under operating standards promulgated by, and in consultation with,"; and

(3) by striking paragraph (2) (of the matter redesignated as subsection (b) as a result of the amendment under paragraph (2) of this subsection) and inserting the following:

"(2)(A) a program to provide interactive instructor-based training to supervisors on actions, options, and strategies a supervisor may use in—

"(i) developing and discussing relevant goals and objectives together with the employee, communicating and discussing progress relative to performance goals and objectives and conducting performance appraisals;

"(ii) mentoring and motivating employees and improving employee performance and productivity;

"(iii) effectively managing employees with unacceptable performance; and

"(iv) otherwise carrying out the duties or responsibilities of a supervisor;

"(B) a program to provide interactive instructor-based training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsection (b) (1) and (8) of that section) and the procedures and processes used to enforce employee rights; and

"(C) a program under which experienced supervisors mentor new supervisors by—

"(i) transferring knowledge in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, and teamwork; and

"(ii) pointing out strengths and areas for development.

"(c)(1) Not later than 1 year after the date on which an individual is appointed to the position of supervisor, that individual shall be required to have completed each program established under subsection (b)(2).

"(2) After completion of a program under subsection (b)(2) (A) and (B), each supervisor shall be required to complete a program under subsection (b)(2) (A) and (B) at least once during each 3-year period.

"(3) Each program established under subsection (b)(2) shall include provisions under which credit shall be given for periods of similar training previously completed.

"(d) Notwithstanding section 4118(c), the Office of Personnel Management shall prescribe regulations to carry out this section, including the monitoring of agency compliance with this section.".

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations in accordance with subsection (d) of section 4121 of title 5, United States Code, as added by subsection (a) of this section.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code, (as added by subsection (a) of this section) on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a supervisor on the effective date of this section shall be required to—

(A) complete each program established under section 4121(b)(2) of title 5, United States Code (as added by subsection (a) of this section), not later than 3 years after the effective date of this section; and

(B) complete programs every 3 years thereafter in accordance with section 4121(c) (2) and (3) of such title.

SEC. 3. MANAGEMENT COMPETENCY STANDARDS.

(a) IN GENERAL.—Chapter 43 of title 5, United States Code, is amended—

(1) by redesignating section 4305 as section 4306; and

(2) inserting after section 4304 the following:

"§ 4305. Management competency standards

"(a) In this section, the term 'supervisor' means—

"(1) a supervisor as defined under section 7103(a)(10);

"(2) a management official as defined under section 7103(a)(11); and

"(3) any other employee as the Office of Personnel Management may by regulation prescribe.

"(b) The Office of Personnel Management shall issue guidance to agencies on standards supervisors are expected to meet in order to effectively manage, and be accountable for managing, the performance of employees.

"(c) Each agency shall—

"(1) develop standards to assess the performance of each supervisor and in developing such standards shall consider the guidance developed by the Office of Personnel Management under subsection (b) and any other qualifications or factors determined by the agency;

"(2) assess the overall capacity of the supervisors in the agency to meet the guidance developed by the Office of Personnel Management issued under subsection (b); and

"(3) develop and implement a supervisor training program to strengthen issues identified during such assessment.

"(d) Every year, or on any basis requested by the Director of the Office of Personnel Management, each agency shall submit a report to the Office on the progress of the agency in implementing this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 43 of title 5, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

"4305. Management competency standards.
"4306. Regulations.".

(2) REFERENCE.—Section 4304(b)(3) of title 5, United States Code, is amended by striking "section 4305" and inserting "section 4306".

By Mr. HATCH:

S. 3585. A bill to amend the Internal Revenue Code of 1986 to improve and expand the availability of health savings accounts, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Health Savings Accounts Improvement and Expansion Act of 2006. This bill will make it easier for businesses to provide the option of an HSA to their employees and for Americans to elect these plans.

In short, this bill will make it more likely that Americans will have an HSA plan available when they are making their health care choices. This would be a good development for the individual consumer and the for nation's health care system as a whole.

There is one thing on which we can all agree: our current health care system is broken. Health care expenses are far outpacing inflation. These escalating costs are pricing more and more Americans and small businesses out of the health insurance market. Unless we act, our health care costs are on pace to bankrupt the Federal Treasury.

We need to do something.

The American people want us to do something.

Some favor an option that would give the Federal Government more control of the health care system. In my opinion, that doesn't really fix the problem, it only makes the problem worse—leading to higher costs, higher taxes, and decreased quality and availability.

I believe the answer lies in bringing down costs by helping Americans to take control of their health care.

Recognizing that a federally controlled universal system is a nonstarter, the House of Representatives has aggressively pursued the expansion and development of Health Savings Accounts. In particular, Congressmen ERIC CANTOR and BILL SHUSTER have taken laudable steps toward making these plans more readily available for American workers.

Congressman BILL THOMAS, chairman of the Ways and Means Committee, is demonstrating his and the House's commitment to these plans by holding a hearing tomorrow to discuss the development of health savings accounts.

I am also proud to see that several of our Senate colleagues have introduced legislation that would expand consumer driven health care. Senators SANTORUM, ALLEN, DEMINT, ENSIGN, and COBURN have introduced legislation to fuel the growth of health savings accounts.

My bill complements these plans by encouraging employers to offer HSA accounts and by making it easier for workers to use them.

Since Congress established HSAs in 2004, American workers have turned to them as an affordable health care alternative. Already, more than three million people have enrolled in HSAs. Without any changes to the law, it is estimated that by 2008 there will be six million HSA owners with almost $5 billion in assets.

HSAs are popular. And they are popular because they work.

HSAs are a different type of health insurance. They are more like car insurance than traditional health insurance: You pay for the dents and dings yourself, and your insurance only kicks in for major events. This makes sense. Think of how expensive your car insurance would be if every scratch on every bumper had to be paid for by insurance companies with no owner contribution.

Yet critics allege that promoting this type of insurance unfairly burdens older Americans and the chronically ill—those with the most health care needs. I would note that the premise of this argument is off the mark. For many Americans and businesses, the cost of health insurance premiums are rising so astronomically that the choice is not between traditional first-dollar coverage or an HSA plan, but between an HSA plan and no insurance at all.

As the Galen Institute—a research institute that has done excellent work reviewing the development of consumer-driven health care—has shown, HSAs are not only for the young and the healthy, but also for all health consumers along the age and income spectrum. In a survey by eHealthInsurance—an on-line health insurance broker representing more than 140 major health insurance companies—40 percent of HSA-eligible plan purchasers made less than $50,000. Forty-five percent of purchasers are over age 40 and 19 percent are 50 or older.

Some argue that the healthy will migrate from traditional plans, leaving only the chronically ill in full coverage plans and driving up costs by shrinking the insurance pool. This argument ignores a critical fact. Younger workers aged 25-34 are currently the largest segment of the uninsured, in large part because insurance coverage is so expensive. They represent 23 percent of the total uninsured population. By bringing them into HSA plans, they will only bring premium costs down further for the chronically ill who establish an HSA.

According to America's health insurance plans, AHIP, 37 percent of those purchasing plans were previously uninsured. Twenty-seven percent of policies sold in the small group market were sold to employers who did not previously offer coverage. According to Assurant Health, the leading health insurer for individuals and small groups, 40 percent of those purchasing HSAs were previously uninsured.

Finally, it seems that American workers, and the chronically ill, are responding to the incentives provided by these consumer-driven plans. McKinsey & Company conducted an extensive survey of these plans. They held focus groups, performed one-on-one interviews, and produced an in-depth study of more than 2,500 Americans regarding their health insurance arrangements. They concluded that these plans have a lot of potential. In fact, some of their conclusions were remarkable. Fifty percent were more likely to ask about costs and three times more likely to choose a less extensive and expensive treatment option. HSA owners are also more likely to visit an urgent care center for treatment rather than a hospital emergency room.

In addition, HSA consumers were more likely to be attentive to their health. Twenty-five percent were more likely to engage in healthy behavior and 30 percent were more likely to get an annual physical. These educated consumers understand that prevention will save them money in the long run. They were more likely to identify treatment options and they were 20 percent more likely to comply with treatment for chronic conditions.

It is no surprise that people are enjoying their HSA plans. According to a survey by eHealthInsurance, premiums for HSA-eligible insurance actually dropped between the introduction of these plans in 2004 and the first half of 2005. Nearly two-thirds of HSA purchasers paid $100 a month or less for their plans. And these plans are comprehensive. Most cover 100 percent of the costs of hospitalization, lab tests, emergency room visits, prescription drugs and doctors' visits after the deductible is met.

The continued expansion of HSAs will have a twofold effect. For those with insurance, the high deductible encourages more responsible, and less wasteful, health care decisions. For those without insurance, the wider availability and lower premiums makes it more affordable for individuals to purchase these plans in the nongroup market and for companies to provide insurance for their employees. The bottom line is that the expansion of these plans will create downward pressure on escalating health care costs.

My proposal aims to make HSAs more attractive to employees, more attractive to employers, and more attractive to older workers. And the bill provides innovative ways for younger workers to contribute seed money to fund an account for their family.

For employees, the primary benefits are increased contribution limits, and the ability to pay their health insurance premiums from the HSA—with pre-tax dollars. Presently, the portion of premiums paid out-of-pocket is paid with after-tax dollars. This feature will make HSAs affordable for more low and moderate income individuals.

For employers, the bill provides incentives to move into low-cost premium arrangements. The health care costs of self-employed individuals and small employers who purchase plans in the non-group market should go down for those who avail themselves of these improved HSAs.

For older Americans, this bill will permit contributions to an HSA as long as they continue to work. Today, more and more Americans are working past the age of 65. This is a trend we should encourage, because the labor force of the future will need more of these experienced workers. Senior citizens contribute a great deal to the workplace and our economy. I know that they are in Utah. Yet I hear from many of our older workers that because they are eligible for Medicare, they are ineligible for HSAs. Expanding contributions to a population that generally has more medical expenses makes sense.

The cornerstone of my bill is a provision that allows HSAs to be funded with tax-free transfers of balances from other health or retirement plans. Participation in certain employer-sponsored health plans makes it impossible for employees to contribute to an HSA. For example, health reimbursement arrangements—HRAs—are plans that allow employers to reimburse substantiated employee medical expenses up to a maximum amount. Under current law, participation in an HRA disqualifies an individual from contributing to an HSA and remaining balances are subject to forfeiture.

I believe that employers that have adopted HRAs would be more likely to offer HSAs if they are allowed a one-time opportunity to transfer individual HRA balances into HSAs. Allowing a one-time conversion opportunity would be very valuable for employees because the balances currently in HRAs would become employee-owned. Not only will this encourage responsible spending on health care, but it will also help to make health insurance more portable, a goal that discourages job lock and creates more freedom and opportunity for American workers.

The bill provides for a tax-free transfer of IRA funds, originally allocated for retirement, to an HSA, with the money reallocated for health care expenses. This will be particularly helpful for those in need of initial seed money to open an HSA and for those who anticipate high medical expenses for which they are currently unable to tap IRA funds without penalty.

My proposal will make it easier for veterans to participate in an HSA. According to Treasury Department guidance, a veteran may not contribute to an HSA if he or she has actually received medical benefits from the VA at any time during the previous 3 months. This bill would allow a veteran who receives VA medical benefits for a service-connected disability to be eligible for an HSA.

I am pleased to tell my colleagues that the changes proposed by the Health Savings Accounts Improvement and Expansion Act of 2006 have been endorsed by a broad cross-section of major health care organizations. I am proud that the National Association of Health Underwriters, the American Benefits Council, the Council of Insurance Agents and Brokers, Assurant Health, the Chamber of Commerce, the National Business Group on Health, the Business Roundtable, and the Financial Services Roundtable have all endorsed my attempt to expand the availability of Health Savings Accounts. These groups know how important HSAs are in giving employees and employers the flexibility to meet their health care needs.

Mr. President, I expect the popularity of HSAs will one day elevate the acronym to the level of IRAs, where no further clarification is required. Today, I ask my colleagues to join me in a bipartisan effort to accelerate that process by enacting this important legislation.

I ask unanimous consent that a section-by-section description of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows.

S. 3585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "HSA Improvement and Expansion Act of 2006".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) authorizes health savings accounts (referred to in this section as "HSAs") into which individuals may make annual contributions of not more than $2,700, and families may make annual contributions of not more than $5,450, to permit spending by individuals for their health care needs.

(2) Federal law provides for obtaining health insurance coverage through a low premium health plan offered with a tax-favored HSA that typically costs substantially less than traditional health insurance.

(3) Giving individuals more direct control over their health care spending will encourage more prudent use of health care services, help make the health care system more responsive to the needs of consumers, and improve access to health coverage for the uninsured.

(4) A broad range of improvements to the Federal laws governing HSAs are necessary to make them more attractive to consumers and employers.

(5) The number of people covered in January 2006 by products combining an HSA with a low premium health plan was 3,168,000, more than triple the 1,031,000 reported in March 2005.

(6) HSAs have become an important option for consumers and employers who have struggled to afford health insurance coverage.

(7) According to a January 2006 census, 31 percent of new enrollees in HSAs and low premium health plans in the individual market were previously uninsured.

(8) HSAs combined with low premium health plans can provide an affordable and accessible health insurance option for individuals of all ages.

(9) 50 percent of all people covered by HSAs and low premium health plans in the individual market, including dependents covered under family plans, are 40 years of age or older.

(10) Many States currently have in effect laws and regulations that require insurers to provide specific benefit coverage in the health insurance plans they offer, preventing individuals and small business from enrolling in low premium health plans and making them ineligible for HSAs.

SEC. 3. ACCELERATED FUNDING FOR HSAS THROUGH DISTRIBUTIONS FROM BALANCES IN HEALTH REIMBURSEMENT AND FLEXIBLE SPENDING ARRANGEMENTS AND FROM INDIVIDUAL RETIREMENT PLANS.

(a) One-Time FSA and HRA Rollovers to HSAs.—

(1) In general.—A plan shall not fail to be treated as a flexible spending arrangement or health reimbursement arrangement under section 105 or 106 of the Internal Revenue Code of 1986 merely because—

(A) such plan provides for a contribution to the health savings account (as defined in section 223 of such Code) of the employee which meets the requirements of paragraph (2), and

(B) such plan thereafter terminates with respect to such employee.

(2) Requirements.—A contribution meets the requirements of this paragraph if—

(A) in the case of a flexible spending arrangement (as defined in section 106(c)(2) of such Code) in existence on June 1, 2006, such contribution is the remaining balance in such arrangement as of the last day of the plan year ending in or before the taxable year in which such contribution is made,

(B) in the case of a health reimbursement arrangement in existence on June 1, 2006, such contribution is the remaining balance of the amount to be received in reimbursements under such arrangement as of the last day of the plan year ending in or before the taxable year in which such contribution is made, and

(C) such contribution is made by the employer directly to the health savings account of the employee not later than 60 days after the end of the plan year of such flexible spending arrangement or health reimbursement arrangement.

(3) Treatment as rollover contribution.—For purposes of sections 223 and 4973 of such Code, a contribution which meets the requirements of paragraph (2) shall be treated as a rollover contribution described in section 223(f)(5) of such Code.

(4) Tax treatment relating to contributions.—For purposes of this title—

(A) Income tax.—Gross income shall not include the amount of any contribution under this subsection.

(B) Employment taxes.—Amounts contributed to a health savings account under this subsection shall be treated as a payment described in section 106(d) of such Code.

(C) Comparability excise tax.—Section 4980G of such Code shall not apply to contributions made under this subsection.

(5) Termination.—This paragraph shall not apply to any taxable year beginning after December 31, 2011.

(b) One-Time Distribution From Individual Retirement Plans to Fund HSAs.—

(1) In general.—Section 402 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new subsection:

“(l) Health Savings Account Funding Distribution From Individual Retirement Plans.—

“(1) In general.—In the case of an employee who is an eligible individual and who elects the application of this subsection for a taxable year, gross income of the employee for the taxable year does not include a qualified HSA funding distribution to the extent such distribution is otherwise includible in gross income (determined after the application of paragraph (4)).

“(2) Qualified HSA funding distribution.—For purposes of this subsection, the term ‘qualified HSA funding distribution’ means a distribution from an individual retirement plan of the employee to the extent that such distribution is contributed to the health savings account of the employee not later than the 60th day after the day on which the employee receives such distribution or in a direct trustee-to-trustee transfer.

“(3) Limitations.—

“(A) Maximum dollar limitations based on out-of pocket limits in effect at time of contribution.—The amount excluded from gross income by paragraph (1) shall not exceed—

“(i) in the case of an individual who has self-only coverage under a high deductible health plan as of the first day of the month in which the qualified HSA funding distribution is contributed to the health savings account of the employee, the amount in effect for the taxable year under subclause (I) of section 223(c)(2)(A)(ii), and

“(ii) in the case of an individual who has family coverage under a high deductible health plan as of the first day of the month in which the qualified HSA funding distribution is contributed to the health savings account of the employee, the amount in effect for the taxable year under subclause (II) of section 223(c)(2)(A)(ii).

“(B) One-time transfer.—

“(i) In general.—Except as provided in clause (ii), an individual may make an election under paragraph (1) only for one qualified HSA funding distribution during the lifetime of the individual. Such an election, once made, shall be irrevocable.

“(ii) Conversion from self-only to family coverage.—If a qualified HSA funding distribution is made during a month during which an individual has self-only coverage under a high deductible health plan as of the first day of the month, the individual may elect to make an additional qualified HSA funding distribution during a subsequent month during which the individual has family coverage under a high deductible health plan as of the first day of the subsequent month, except that the limitation otherwise applicable under subparagraph (A)(ii) to the distribution during such subsequent month shall be reduced by the amount of the earlier qualified HSA funding distribution.

“(4) Application of section 72.—Notwithstanding section 72, in determining the extent to which an amount is treated as includible in gross income for purposes of paragraph (1), the aggregate amount distributed from an eligible retirement plan in a taxable year shall be treated as includible in gross income to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

“(5) Definitions.—For purposes of this subsection—

“(A) Eligible retirement plan.—The term ‘eligible retirement plan’ means an individual retirement plan (as defined in section 7701(a)(37)), including an individual retirement plan which is designated as a Roth IRA.

“(B) Eligible individual.—The term ‘eligible individual’ has the meaning given such term by section 223(c)(1).

“(6) Related plans treated as 1.—For purposes of this subsection, all eligible retirement plans of an employer shall be treated as a single plan.”.

(2) Coordination with limitation on contributions to HSAs.—Section 223(b)(4) (relating to coordination with other contributions) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) the aggregate amount contributed to health savings accounts of such individual for such taxable year under section 402(l) (and such amount shall not be allowed as a deduction under subsection (a)).”.

(3) 10-percent penalty on early distributions not to apply.—Section 72(t)(2)(A) of such Code (relating to subsection not to apply to certain distributions) is amended by striking “or” at the end of clause (vi), by striking the period at the end of clause (vii) and inserting “, or”, and by inserting after clause (vii) the following new clause:

“(viii) a qualified HSA funding distribution (as defined by section 402(l)).”.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 4. PROVISIONS RELATING TO ELIGIBILITY TO CONTRIBUTE TO HSAS.

(a) Individuals Eligible for Reimbursement Under Spouse's Flexible Spending Arrangement.—Section 223(c)(1) (defining eligible individual) is amended by adding at the end the following new subparagraph:

“(C) Special rule for certain flexible spending arrangements.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual is covered under a flexible spending arrangement (within the meaning of section 106(c)(2)) which is maintained by an employer of the spouse of the individual, but only if—

“(i) the employer is not also the employer of the individual, and

“(ii) the individual certifies to the employer and to the Secretary (in such form and manner as the Secretary may prescribe) that the individual and the individual's spouse will not accept reimbursement under the arrangement for any expenses for medical care provided to the individual.".

(b) Individuals Over Age 65 Automatically Enrolled in Medicare Part A.—Section 223(b)(7) (relating to contribution limitation on medicare eligible individuals) is amended by adding at the end the following new sentence: "This paragraph shall not apply to any individual during any period the individual's only entitlement to such benefits is an entitlement to hospital insurance benefits under part A of title XVIII of such Act pursuant to an automatic enrollment for such hospital insurance benefits under the regulations under section 226(a)(1) of such Act."

(c) Individuals Eligible for Certain Veterans Benefits.—Section 223(c)(1) (defining eligible individual), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(D) Special rule for individuals eligible for certain veterans benefits.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual receives periodic hospital care or medical services for a service-connected disability under any law administered by the Secretary of Veterans Affairs but only if the individual is not eligible to receive such care or services for any condition other than a service-connected disability.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 5. PROVISIONS RELATING TO CONTRIBUTION AND LOW PREMIUM HEALTH PLAN LIMITS.

(a) Increase in Contribution Limits for HSAs.—

(1) Increase in monthly limit.—

(A) In general.—Paragraph (2) of section 223(b) (relating to monthly limitation) is amended to read as follows:

"(2) Monthly limitation.—In the case of an eligible individual who has coverage under a high deductible health plan, the monthly limitation for any month of such coverage is 1/12 of—

"(A) in the case of an eligible individual who has self-only coverage under a high deductible health plan as of the first day of such month, $2,700, and

"(B) in the case of an eligible individual who has family coverage under a high deductible health plan as of the first day of such month, $5,450.".

(B) Conforming amendments.—

(i) Section 223(d)(1)(A)(ii)(I) is amended by striking "subsection (b)(2)(B)(ii)" and inserting "subsection (b)(2)(B)".

(ii) Section 223(c)(2)(D) is amended to read as follows:

"(D) Special rule for network plans.—In the case of a plan using a network of providers, such plan shall not fail to be treated as a high deductible health plan by reason of having an out-of-pocket limitation for services provided outside of such network which exceeds the applicable limitation under subparagraph (A)(ii).".

(2) Increase in limit for individuals becoming eligible individuals after the beginning of the year.—Section 223(b) (relating to limitations) is amended by adding at the end the following new paragraph:

"(8) Increase in limit for individuals becoming eligible individuals after the beginning of the year.—An individual who first becomes an eligible individual during a calendar year in a month after January of the calendar year shall, for purposes of computing the limitation under paragraph (1) for any taxable year, be treated as having been an eligible individual during each of the months in such calendar year preceding such first month (and as having been enrolled in each of those months in the same high deductible health plan the individual was enrolled in for such first month).".

(3) Application of special rules for married individuals.—Paragraph (5) of section 223(b) (relating to special rule for married individuals) is amended to read as follows:

"(5) Special rules for married individuals.—

"(A) In general.—In the case of individuals who are married to each other and who are both eligible individuals, the limitation under paragraph (1) for each spouse shall be equal to the spouse's applicable share of the excess (if any) of—

"(i) the dollar amount in effect under paragraph (2)(B) (without regard to any additional contribution amounts under paragraph (3)), over

"(ii) the aggregate amount paid to Archer MSAs of such spouses for the taxable year.

"(B) Applicable share.—For purposes of subparagraph (A), a spouse's applicable share is one-half of the limitation under subparagraph (A) unless both spouses agree on a different division."

(4) Self-only coverage.—Section 223(c)(4) (defining family coverage) is amended to read as follows:

"(4) Coverage.—

"(A) Family coverage.—The term 'family coverage' means any coverage other than self-only coverage.

"(B) Self-only coverage.—If more than 1 individual is covered by a high deductible health plan but only 1 of the individuals is an eligible individual, the coverage shall be treated as self-only coverage.".

(b) Family Plan May Have Individual Annual Deductible Limit.—Section 223(c)(2) (defining high deductible health plan) is amended by adding at the end the following new subparagraph:

"(E) Special rule for family coverage.—A health plan providing family coverage shall not fail to meet the requirements of subparagraph (A)(i)(II) merely because the plan elects to provide both—

"(i) an aggregate annual deductible limit for all individuals covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(II), and

"(ii) an annual deductible limit for each individual covered by the plan which is not less than the amount in effect under subparagraph (A)(i)(I).".

(c) Cost-of-Living Adjustments Computed Earlier in the Calendar Year.—Paragraph (1) of section 223(g) (relating to cost-of-living adjustment) is amended by adding at the end the following new flush sentence:

"In the case of any taxable year beginning after 2006, section 1(f)(4) shall be applied for purposes of this paragraph by substituting 'March 31' for 'August 31' and the Secretary shall publish the adjusted amounts under subsections (b)(2) and (c)(2)(A) for taxable years beginning in any calendar year no later than June 1 of the preceding calendar year.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 6. DEFINITION OF QUALIFIED MEDICAL EXPENSES.

(a) Premiums for Low Premium Health Plans Treated as Qualified Medical Expenses.—Subparagraph (C) of section 223(d)(2) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, but only if the expenses are for coverage for a month with respect to which the account beneficiary is an eligible individual by reason of the coverage under the plan.".

(b) Special Rule for Certain Medical Expenses Incurred Before Establishment of Account.—Paragraph (2) of section 223(d) is amended by adding at the end the following new subparagraph:

"(D) Certain medical expenses incurred before establishment of account treated as qualified.—An expense shall not fail to be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred—

"(i) during either—

"(I) the taxable year in which the health savings account was established, or

"(II) the preceding taxable year in the case of a health savings account established after the taxable year in which such expense was incurred but before the time prescribed by law for filing the return for such taxable year (not including extensions thereof), and

"(ii) for medical care of an individual during a period that such individual was an eligible individual.

For purposes of clause (ii), an individual shall be treated as an eligible individual for any portion of a month the individual is described in subsection (c)(1), determined without regard to whether the individual is covered under a high deductible health plan on the 1st day of such month.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Health Savings Accounts
Improvement and Expansion Act of 2006
SECTION-BY-SECTION

I. Distributions to HSAs from existing health and retirement accounts

HRA/FSA Rollover—Section 3(a): Health Reimbursement Arrangements (HRAs) are employer-sponsored plans which allow employers to reimburse substantiated employee medical expenses up to a maximum amount. Flexible Spending Arrangements (FSAs) are employer-sponsored plans that are usually funded through voluntary salary reduction agreements with an employee. Participation in these plans disqualifies individuals from contributing to Health Savings Accounts (HSAs) except in limited situations. The disqualification from HSA contributions applies regardless of whether the coverage is provided by the employer of the individual or spouse of the individual.

Employers with existing FSAs or HSAs might be more likely to offer health savings accounts if they were allowed a one-time opportunity to transfer individual balances into HSAs. FSA balances are subject to forfeiture when an individual leaves employment and HRA balances generally revert to the employer. Allowing a one-time conversion opportunity would be very valuable for employees because the balances currently in their employer-sponsored accounts would become employee-owned funds to which they could also contribute in the future and could keep as they change employment.

Seeding an HSA Through an IRA Rollover—Section 3(b): HSAs work in combination with High Deductible Health Plans (HDHPs). Because the maximum deductible with an HDHP can be as high as $5,250 for a family plan, with maximum out-of-pocket expenses as high as $10,500, these plans can be intimidating for young families or the chronically ill who anticipate substantial medical expenses. To alleviate these concerns and to allow an individual to "seed" an HSA with a substantial amount of money, the Act would authorize a one-time distribution from an IRA to an HSA, up to the amount of the statutory out-of-pocket maximum. To accommodate a person who elects this distribution while covered by an individual plan, but who later has family coverage, the measure would allow a one-time catch-up contribution of the difference between the original contribution and the statutory limit on out-of-pocket expenses for a family plan. These distributions would not be subject to the ordinary 10% penalty for early IRA distributions.

II. Eligibility to contribute to HSAs

Employee Who Has a Spouse with an FSA—Section 4(a): Under current law, an individual may not contribute to an HSA if his spouse has an FSA, even if the individual never seeks to be reimbursed for any medical expenses from the spouse's FSA. The proposal would allow contributions to an HSA provided that the individual certifies that he will not receive reimbursement for any health expenses from his spouse's FSA.

Older Employees—Section 4(b): Active employees over age 65 are permitted to contribute to an HSA so long as the individual is not enrolled in Medicare. However, individuals are automatically enrolled in Medicare Part A (which covers hospital expenses) upon reaching age 65 even though their plan through their employer will typically continue to cover their medical expenses until they retire. The Act would allow older workers who participate in HSAs to be allowed to continue to contribute to their accounts until they retire despite the fact they were automatically enrolled in Medicare Part A at age 65.

Veterans—Section 4(c): Under current law, a combat wounded veteran who is eligible for medical benefits through the Department of Veterans Affairs (VA) is also HSA eligible. According to Treasury Department guidance, however, the veteran may not contribute to an HSA, if he or she has actually received medical benefits from the VA at any time during the previous three months. The Act would also allow a veteran who actually receives VA medical benefits for a service-connected disability to be eligible for an HSA.

III. Increasing value in HSAs

Increasing Contribution Limits—Section 5(a): Under current law HSA contributions are limited to the lesser of the actual deductible or the statutory contribution limit ($2,700 individual/$5,450 family for 2006). The President has proposed raising the contribution limit to the statutory out-of-pocket maximum for HSAs ($5,250 individual/$10,500 family). The proposal would permit mid-year enrollment and allow individuals and families to contribute up to the contribution limit, regardless of the actual deductible of the plan.

Permitting Individual Family Members to Satisfy Individual Rather than Family Deductible—Section 5(b): Most employer-sponsored health plans begin providing coverage as soon as a family member meets the individual deductible for the plan rather than the full family deductible. Current HSA guidance only allows this practice if the individual deductible is at least the minimum deductible for family coverage ($2,000). Allowing coverage to begin after a family member satisfies the individual deductible amount would help to encourage more employees to elect HSAs for themselves and their families.

Earlier Indexing of Cost of Living Adjustments—Section 5(c): The HSA statute directs Treasury to index deductible amounts, out-of-pocket expense limits, and limits on contributions to HSAs. Treasury is required to use third quarter economic data when making these annual updates, which means the new figures are typically issued in December, too late for many employers who need to make these updates much sooner in the year. Directing Treasury to complete the indexing of these amounts by June 1, using first quarter economic data, will give employers the information they need in enough time to modify their plan offerings that take effect the following January.

IV. Expanding the definition of qualified medical expenses

Premiums—Section 6(a): A large part of a family's annual medical expenses is the cost of premiums for health insurance. Under current law, high deductible health plan premiums cannot be paid from an HSA. As a result, individuals must pay their premiums with after-tax dollars. Employees must use after-tax dollars to pay their share of premiums for employer-sponsored coverage, unless their employer provides a premium conversion plan under Section 125 of the Internal Revenue Code. The proposal would allow high deductible health plan premiums to be paid with pre-tax dollars from an HSA. This provision will primarily help self-employed individuals and others who purchase plans in the non-group market. Further, it would provide an incentive for employers not currently offering health insurance to make available a low-cost high-deductible plan.

Medical Expenses Incurred Before Establishment of Account—Section 6(b): Under current law, only qualified expenses that are incurred after an HSA is established can be distributed tax-free from the account. The Act would allow certain medical expenses incurred before establishment of the HSA to qualify as well. Generally, expenses incurred during the taxable year in which the HSA was established or during the preceding taxable year could be paid from the account without penalty.

By Mr. HATCH:

S. 3586. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill that will eliminate the current limit on the amount individuals can place into a trust to provide for funeral expenses. Given the rising costs of funeral expenses, this change would have a positive impact on the lives of older Americans and on their families. In addition, according to the Joint Committee on Taxation, it would have a slight, but positive, impact on the Federal Treasury.

Current law limits a funeral trust to $8,500, but this is generally no longer sufficient to cover a family's funeral expenses. In Utah, the average cost of a full funeral and burial is $12,685. I am sure that in many other States it is even higher. Because of this contribution limit, even those who preplan their own funerals too often leave their heirs with substantial expenses. Even those who attempt to cover the entire expense may not have enough to cover all costs after administrative fees and taxes are deducted.

This proposal would make qualified funeral trusts more effective. The principal reason individuals set up qualified funeral trust plans is to lift a financial burden from their children.

I recall the case of one constituent who wrote to me about this 3 years ago. He was suffering from Parkinson's disease began preplanning his own funeral so these decisions and this burden would be lifted from his children. Because of the "QFT Cap" which at the time was $7,800, this Utahn was not able to preplan completely the funeral services he desired. It became necessary to have one of his sons complete this preplanning for him by opening up his own trust that would help to cover all expenses. It seems silly to make families go to these extra steps when they are attempting to make responsible decisions, well in advance of need, for themselves and their families.

For older Americans, the primary benefits of this legislation are the ability to have all the money they have saved in the trust to be applied to final expenses, instead of taxes, and the incentive to increase the amount of their contribution. Sixty percent of prefunded funerals were funded by trusts and elimination of the cap should raise this percentage. For funeral directors, this change would eliminate the burden and expense of issuing information documents to report income earned from the trust.

I think we can all agree that we should make it easier for those who are willing to provide for these necessary expenses in advance. Today, I ask my colleagues to join me in an effort to enact this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF DOLLAR LIMITATION ON CONTRIBUTIONS TO FUNERAL TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 685 of the Internal Revenue Code of 1986 (relating to treatment of funeral trusts) is repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 521—COMMENDING THE PEOPLE OF ALBANIA ON THE 61ST ANNIVERSARY OF THE LIBERATION OF THE JEWS FROM THE NAZI DEATH CAMPS, FOR PROTECTING AND SAVING THE LIVES OF ALL JEWS WHO LIVED IN ALBANIA, OR SOUGHT ASYLUM THERE DURING THE HOLOCAUST

Mr. SCHUMER (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 521

Whereas at the start of World War II, approximately 200 Jews lived in the Republic of Albania, and approximately 1800 Jews escaped to Albania from Western Europe and the former Yugoslavia;

Whereas in 1934, United States Ambassador to Albania Herman Bernstein wrote that, "There is no trace of any discrimination against Jews in Albania, because Albania happens to be one of the rare lands in Europe today where religious prejudice and hate do not exist, even though Albanians themselves are divided into three faiths.";

Whereas based on their unique history of religious tolerance, Albanians sheltered and protected Jews, even at the risk of Albanian lives, beginning with the invasion and occupation of Albania by Mussolini's Italian fascists in 1939;

Whereas after Germany occupied Albania in 1943 and the Gestapo ordered Jewish refugees in the Albanian capital of Tirana to register, Albanian leaders refused to provide a list of Jews living in Albania, and Albanian clerks issued false identity papers to protect all Jews who traveled to and hid in Tirana;

Whereas Albanians considered it a matter of national pride and tradition to help Jews during the Holocaust, and due to the actions of many individual Albanians, virtually the entire native and refugee Jewish community in Albania during World War II survived the Holocaust;

Whereas Albania had more Jewish residents after World War II than before World War II;

Whereas in June 1990, Jewish-American Congressman Tom Lantos and former Albanian-American Congressman Joe DioGuardi were the first United States officials to enter Albania in 50 years and received from the Communist Party leader and Albanian President Ramiz Alia a thick file from the Communist archives containing the records of the unpublicized heroic deeds of hundreds of Albanians who rescued Jews during World War II;

Whereas Joe DioGuardi, upon returning to the United States, sent the file for authentication to Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Museum in Jerusalem, Israel;

Whereas Yad Vashem has thus far designated 63 Albanians as "Righteous Persons" and Albania as one of the "Righteous Among the Nations";

Whereas in February 1995, Congressmen Tom Lantos, Benjamin Gilman, and Jerrold Nadler and former Congressman Joe DioGuardi spoke at a ceremony at the United States Holocaust Memorial Museum in Washington, DC, commemorating the addition of Albania to the museum's "Righteous Among the Nations" installation;

Whereas based on the information authenticated by Yad Vashem, Jewish-American author and philanthropist Harvey Sarner published "Rescue in Albania" in 1997, to call international attention to the unique role of the Albanian people in saving Jews from the Nazi Holocaust;

Whereas in October 1997, the Albanian American Civic League and Foundation began the distribution of 10,000 copies of "Rescue in Albania" with forewords by Congressmen Lantos and Gilman to bring to the attention of the Jewish people and their leaders in particular the plight of Albanians living under Slobodan Milosevic in order to forestall another genocide;

Whereas on May 15, 2005, Jews and Albanians gathered in New York City in a "Salute to Albanian Tolerance, Resistance, and Hope: Remembering Besa and the Holocaust" on the occasion for the 60th anniversary of the liberation of the Nazi death camps; and

Whereas in a statement presented at the ceremony Dr. Mordechai Paldiel, Director of the Department for the Righteous at Yad Vashem, commemorated the heroism of Albanians as "the only ones among rescuers in other countries who not only went out of their way to save Jews, but vied and competed with each other for the privilege of being a rescuer, thanks to besa", the code of honor that requires Albanians to save the life of anyone seeking refuge, even if it means sacrificing his own life: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of Albania for protecting and saving the lives of all Jews, both native and refugee, living in Albania during the Holocaust;

(2) commends Yad Vashem in Israel and encourages others to recognize Albanians who took action to protect Jews during the Holocaust for their great courage and heroism; and

(3) takes this occasion to reaffirm its support for close ties between the United States and Albania.

SENATE RESOLUTION 522—CELEBRATING THE 150TH ANNIVERSARY OF THE CITIES OF BRISTOL, TENNESSEE AND BRISTOL, VIRGINIA

Mr. FRIST (for himself, Mr. ALEXANDER, Mr. WARNER, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 522

Whereas the twin cities of Bristol, Tennessee and Bristol, Virginia were officially chartered in 1856, celebrated the Bristol Centennial in 1956, and have organized to celebrate the Bristol Sesquicentennial in 2006;

Whereas the Bristol Sesquicentennial theme, "Celebrating 150 Years of heritage and harmony" underscores the duality of Bristol as a cohesion of 2 separate cities with 1 communal spirit;

Whereas the "Bristol Sign", listed in the National Register of Historic Places, serves to exemplify the communal spirit of Bristol, bridge the States of Tennessee and Virginia over the cooperatively named "State Street", and declare Bristol "A Good Place to Live";

Whereas the people of Bristol continue to work to preserve structures of historical significance, including the Paramount theatre, the Old Customs House, and the historic train station;

Whereas the phonographic recordings known as the Bristol Sessions launched the country music careers of the Carter Family, the Stonemans, and Jimmie Rogers, and prompted historians to describe Bristol as the "Big Bang" of modern country music;

Whereas country music is a central part of the history of Bristol, which Congress recognized as the "Birthplace of Country Music";

Whereas the history and economic development of Bristol is intimately tied to commercial transportation and Bristol continues to serve as an important commercial hub for the surrounding region; and

Whereas automotive racing is integral to the identity of Bristol and the "World's Fastest Half-Mile" at the Bristol Motor Speedway continues to offer exciting events to scores of racing fans: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cultural and historic achievements of the people of Bristol, Tennessee and Bristol, Virginia; and

(2) congratulates the twin cities of Bristol on their sesquicentennial.

Mr. ALEXANDER. Mr. President, I am pleased to join Senators FRIST, WARNER, and ALLEN in offering a Senate resolution that celebrates the 150th anniversary of the twin cities of Bristol, TN, and Bristol, VA.

Hanging on the wall of my Washington office near my desk is a painting of Bristol by George Smith called "State Street at Seventh Avenue." This painting, which was completed around 1890, depicts the shared road that links the twin cities of Bristol and which serves as the State line between Tennessee and Virginia. State Street Church can be seen on the left side of the painting, the First Presbyterian Church is in the distance on the right, and the city saloon appears at the bottom. Thanks to continuing efforts in Bristol to preserve structures of historical significance, some of these buildings and many like them can still be seen there today.

The twin cities were incorporated in 1856, the same year the Virginia and Tennessee Railroads reached Bristol. A second railroad arrived four years later. From that point on, the population grew steadily as Bristol emerged as an important transportation and commercial hub.

Today, Bristol is known for a different type of transportation. Since 1961, the Bristol Motor Speedway has been host to NASCAR races and its fans. The Speedway, which began as drawings scratched on the back of envelopes and brown paper bags, can now seat over 160,000 fans at its races. The "World's Fastest Half-Mile" is acclaimed worldwide, and I have enjoyed visiting the Speedway myself.

But Bristol is more than just a transportation hub. It is the birthplace of country music—as declared by Congress in 1998.

The roots of country music in Bristol can be traced to the influences of

Scotch-Irish immigrants in the mountain regions of Tennessee and Virginia—including my own ancestors—coupled with the unique hymns of Negro spirituals and work songs. A number of early Appalachian instruments that helped spawn this new American form of music can be found on the walls of my Washington office.

In 1927, Ralph Sylvester Peer arrived in Bristol hoping to produce a commercial recording of these unique mountain sounds. That's how the recordings known as the Bristol Sessions were born, launching the careers of country greats like the Carter Family, the Stonemans and Jimmie Rogers. Those sessions are often billed as "the Big Bang" that started the development of modern and marketable country music.

Bristol, TN, and Bristol, VA, may be two cities but they share a common spirit. You can't help but feel that spirit each time you visit, as I have had the pleasure of doing many times over the years. Nothing says it better than the Bristol Sign, which is listed in the National Register of Historic Places. Stretching across State Street and linking the States of Virginia and Tennessee, it declares Bristol "A Good Place to Live."

Mr. President, I extend my warmest wishes to the people of Bristol as they celebrate the twin cities' sesquicentennial this year.

SENATE RESOLUTION 523—COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM FOR WINNING THE 2006 COLLEGE WORLD SERIES

Mr WYDEN (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 523

Whereas on June 26, 2006, the Oregon State University baseball team won the College World Series in Omaha, Nebraska by defeating the University of Georgia Bulldogs by a score of 5-3, the University of Miami Hurricanes by a score of 8-1, the Rice University Owls by scores of 5-0 and 2-0, and the University of North Carolina Tarheels in 2 championship series games by scores of 11-7 and 3-2;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Oregon State University baseball team, including Erik Ammon, Darwin Barney, Bret Bochsler, Reed Brown, Dallas Buck, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Cory Ellis, Derek Engelke, Josh Forgue, Cole Gillespie, Ryan Gipson, Tyler Grahm, Mark Grbavac, Kevin Gunderson, Koa Kahalehoe, Greg Keim, Jon Koller, Chris Kunda, Eddie Kunz, Joey Lakowske, Greg Laybourn, Lonnie Lechelt, Mike Lissman, Anton Maxwell, Jake McCormick, Shea McFeely, Jonah Nickerson, Joe Paterson, Casey Priseman, Sean Rockey, Bill Rowe, Scott Santschi, Alex Sogard, Dale Solomon, Michael Stutes, Rob Summers, Daniel Turpen, Geoff Wagner, and John Wallace;

Whereas numerous members of the Oregon State University baseball team were recognized for their performance in the regular season in the PAC-10 Conference, including Cole Gillespie, who was named PAC-10 Baseball Player of the Year, Chris Kunda, who was named PAC-10 Defensive Player of the Year, Darwin Barney, Dallas Buck, Cole Gillespie, Kevin Gunderson, and Jonah Nickerson who were named to the first team All PAC-10 baseball team, and Mitch Canham, Chris Kunda, and Shea McFeely who were named to the honorable mention All PAC-10 baseball team;

Whereas Head Coach Pat Casey was named PAC-10 Baseball Coach of the Year;

Whereas Jonah Nickerson was recognized as the Most Outstanding Player of the tournament; and

Whereas the College World Series victory of the Oregon State University ended a terrific season in which the team compiled a record of 50-16: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and President Edward John Ray for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

SENATE CONCURRENT RESOLUTION 106—EXPRESSING THE SENSE OF CONGRESS REGARDING HIGH LEVEL VISITS TO THE UNITED STATES BY DEMOCRATICALLY ELECTED OFFICIALS OF TAIWAN

Mr. JOHNSON (for himself and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 106

Whereas, for over half a century, a close relationship has existed between the United States and Taiwan, which has been of enormous political, economic, cultural, and strategic advantage to both countries;

Whereas Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region;

Whereas it is United States policy to support and strengthen democracy around the world;

Whereas during the late 1980s and early 1990s, Taiwan made a remarkable transition to a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law;

Whereas President George W. Bush, in a November 2005 speech in Kyoto, Japan, lauded the Government of Taiwan for its democratic achievements;

Whereas, in spite of its praise for democracy in Taiwan, the United States Government continues to adhere to guidelines from the 1970s that bar the President, Vice President, Premier, Foreign Minister, and Defense Minister of Taiwan from coming to Washington, D.C.;

Whereas the United States Government has barred these high-level officials from visiting Washington, D.C., while allowing the unelected leaders of the People's Republic of China to routinely visit Washington, D.C., and welcoming them to the White House;

Whereas these self-imposed restrictions lead to a lack of direct contact and communication with the democratically elected leaders of Taiwan and deprive the President, Congress, and the American public of the opportunity to engage in a direct dialogue regarding developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan;

Whereas, in consideration of the major economic, security, and political interests shared by the United States and Taiwan, it is to the benefit of the United States for United States officials to meet with and communicate directly with the democratically elected leaders of Taiwan;

Whereas, since the Taiwan Strait is one of the flashpoints in the world, it is important that United States policymakers directly communicate with the leaders of Taiwan; and

Whereas, Section 221 of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1101 note) provides that the President or other high-level officials of Taiwan may visit the United States, including Washington D.C., at any time to discuss a variety of important issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the Sense of Congress that—

(1) restrictions on visits to the United States by high-level elected and appointed officials of Taiwan, including the democratically-elected President of Taiwan, should be lifted;

(2) the United States should allow direct high-level exchanges at the Cabinet level, in order to strengthen a policy dialogue with the Government of Taiwan; and

(3) it is in the interest of the United States to strengthen links between the United States and the democratically-elected Government of Taiwan and demonstrate stronger support for democracy in the Asia-Pacific region.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4543. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, Mr. BINGAMAN, Mr. CARPER, Mrs. BOXER, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SA 4544. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 12, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4543. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, Mr. BINGAMAN, Mr. CARPER, Mrs. BOXER, Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; as follows:

On page 2, line 2, strike "(two" and all that follows and insert the following:

SECTION 1. FLAG PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Flag Protection Act of 2006".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(B) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(C) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(D) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(2) PURPOSE.—The purpose of this section is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

(c) PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.—

(1) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

"§ 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

"(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000, imprisoned not more than 1 year, or both.

"(c) FLAG BURNING.—Any person who shall intentionally threaten or intimidate any person or group of persons by burning, or causing to be burned, a flag of the United States shall be fined not more than $100,000, imprisoned for not more than 1 year, or both.

"(d) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

"(e) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

"(f) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

"700. Incitement; damage or destruction of property involving the flag of the United States.".

(d) SEVERABILITY.—If any provision of this section, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of the section, and the application of this section to any other person or circumstance, shall not be affected by such holding.

SEC. 2. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) SHORT TITLE.—This section may be cited as the "Respect for the Funerals of Fallen Heroes Act of 2006".

(b) IN GENERAL.—Section 1387 of title 18, United States Code, is amended to read as follows:

"§ 1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces

"(a) IN GENERAL.—It shall be unlawful for any person to engage in a demonstration during the period beginning 60 minutes before and ending 60 minutes after the funeral of a member or former member of the Armed Forces, any part of which demonstration—

"(1)(A) takes place within the boundaries of the location of such funeral and such location is not a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery; or

"(B) takes place on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery and the demonstration has not been approved by the cemetery superintendent or the director of the property on which the cemetery is located;

"(2)(A) takes place within 150 feet of the point of the intersection between—

"(i) the boundary of the location of such funeral; and

"(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

"(B) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral of a member or former member of the Armed Forces; or

"(3) is within 300 feet of the boundary of the location of such funeral and impedes the access to or egress from such location.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

"(c) DEFINITIONS.—In this section:

"(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

"(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony, procession, or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

"(3) The term 'demonstration' includes—

"(A) any picketing or similar conduct;

"(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

"(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

"(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.

"(4) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

"(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

"(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

"(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

"(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by striking the item relating to section 1387 and inserting the following new item:

"1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces.".

SA 4544. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; which was ordered to lie on the table; as follows:

Amend the title so as to read: "A Joint Resolution amending title 18, United States Code, to provide for the protection of the flag of the United States and to prohibit certain demonstrations at funerals of members and former members of the Armed Forces, and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

COMMTTEE ON ARMED SERVICES

Mr. CORNYN. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 27, 2006, at 10:30 a.m., in closed session to receive a briefing on recent North Korean Ballistic Missile Developments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 27, 2006, at 2:30 p.m. to conduct a hearing on "Oversight of SAFETEA-LU Implementation: The Current State of Progress and Future Outlook."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be allowed to meet in an executive session today at 10 a.m. Tuesday, June 27, 2006.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 27, 2006, at 10 a.m. The purpose of this hearing is to receive testimony relating to implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 27, 2006, at 10 a.m., in 106 Dirksen Senate Office Building, to consider the nomination of Henry M. Paulson, Jr., to be Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 27, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Mr. Eric Solomon, to be Assistant Secretary of the Treasury for Tax Policy, U.S. Department of the Treasury, vice Pamela Olson, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. President, I ask unaimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "The Use of Presidential Signing Statements" on Tuesday, June 27, 2006, at 10 a.m. in Dirksen Senate Office Building Room 226. Witness list:

Panel I: Michelle Boardman, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, DC.

Panel II: Charles Ogletree, Professor, Harvard Law School, Cambridge, Massachusetts; Christopher Yoo, Professor, Vanderbilt University Law School, Nashville, Tennessee; Bruce Fein, Partner, Fein & Fein LLC, Washington, DC; Nicholas Quinn Rosenkranz, Professor, Georgetown Law Center, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 27, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CORNYN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, June 27, 2006, from 10 a.m.–12 p.m. in Dirksen 215 purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, June 27, 2006, at 10 a.m. for a hearing entitled, The Right People? Oversight of the Office of Personnel Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Michelle Murphy, an intern in my Judiciary Committee office, be granted floor privileges for the duration of the debate on S.J. Res. 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING THE 150TH ANNIVERSARY OF THE CITIES OF BRISTOL, TENNESSEE, AND BRISTOL, VIRGINIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 522, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 522) celebrating the 150th anniversary of the cities of Bristol, Tennessee and Bristol, Virginia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 522) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 522

Whereas the twin cities of Bristol, Tennessee and Bristol, Virginia were officially chartered in 1856, celebrated the Bristol Centennial in 1956, and have organized to celebrate the Bristol Sesquicentennial in 2006;

Whereas the Bristol Sesquicentennial theme, "Celebrating 150 Years of Heritage and Harmony" underscores the duality of Bristol as a cohesion of 2 separate cities with 1 communal spirit;

Whereas the "Bristol Sign", listed in the National Register of Historic Places, serves to exemplify the communal spirit of Bristol, bridge the States of Tennessee and Virginia over the cooperatively named "State Street", and declare Bristol "A Good Place to Live";

Whereas the people of Bristol continue to work to preserve structures of historical significance, including the Paramount Theatre, the Old Customs House, and the historic train station;

Whereas the phonographic recordings known as the Bristol Sessions launched the country music careeers of the Carter Family, the Stonemans, and Jimmie Rogers, and prompted historians to describe Bristol as the "Big Bang" of modern country music;

Whereas country music is a central part of the history of Bristol, which Congress recognized as the "Birthplace of Country Music";

Whereas the history and economic development of Bristol is intimately tied to commercial transportation and Bristol countinues to serve as an important commercial hub for the surrounding region; and

Whereas automotive racing is integral to the identity of Bristol and the "World's Fastest Half-Mile" at the Bristol Motor Speedway continues to offer exciting events to scores of racing fans: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cultural and historic achievements of the people of Bristol, Tennessee and Bristol, Virginia; and

(2) congratulates the twin cities of Bristol on their sesquicentennial.

Mr. FRIST. Mr. President, S. Res. 522, which was just adopted, celebrates the 150th anniversary of the cities of Bristol, TN, and Bristol, VA. Throughout the year, the people of Bristol have celebrated this anniversary, and the adoption of this resolution coincides with a number of exciting local events.

Bristol is a unique city because of the nature of its founding just along the Tennessee and Virginia border in what started out as two separate communities founded along an anticipated railroad route. Through years of give and take and sometimes bitter disputes over that Tennessee-Virginia border, Bristol has developed into a shining example of how hard work, cooperation, partnership, and entrepreneurial spirit can lead to tremendous opportunities and to tremendous economic growth for communities around the country.

What once modestly started as a connecting point between the Virginia and Tennessee railroads has developed into a central crossroad of the country's interstate highway systems.

While many people in the region are known to joke that "all roads lead to Bristol," the city is not only a commercial crossroad, it has also served as a gathering place for musicians from the Appalachian region. Many country music fans know Bristol because of the famous "Bristol Sessions" and recognize the city as the birthplace of country music.

Today when people think of NASCAR racing, they think about Bristol. In the early 1960s, it was two Bristol natives who decided to build a racetrack in northeast Tennessee. A little over 40 years later, racing has become America's fastest growing sport, and, indeed, the Bristol Motor Speedway is on the forefront of what is widely known as the "World's Fastest Half Mile"—I reiterate that cutting edge, the entrepreneurial spirit one finds in Bristol.

In closing, I am pleased to congratulate the twin cities of Bristol for 150 years of cooperation and achievement. With this rich history and cultural heritage, Bristol represents the best of Tennessee and Virginia.

COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 523, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 523) commending the Oregon State University baseball team for winning the 2006 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 523) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 523

Whereas on June 26, 2006, the Oregon State University baseball team won the College World Series in Omaha, Nebraska by defeating the University of Georgia Bulldogs by a score of 5-3, the University of Miami Hurricanes by a score of 8-1, the Rice University Owls by scores of 5-0 and 2-0, and the University of North Carolina Tarheels in 2 championship series games by scores of 11-7 and 3-2;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Oregon State University baseball team, including Erik Ammon, Darwin Barney, Bret Bochsler, Reed Brown, Dallas Buck, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Cory Ellis, Derek Engelke, Josh Forgue, Cole Gillespie, Ryan Gipson, Tyler Grahm, Mark Grbavac, Kevin Gunderson, Koa Kahalehoe, Greg Keim, Jon Koller, Chris Kunda, Eddie Kunz, Joey Lakowske, Greg Laybourn, Lonnie Lechelt, Mike Lissman, Anton Maxwell, Jake McCormick, Shea McFeely, Jonah Nickerson, Joe Paterson, Casey Priseman, Sean Rockey, Bill Rowe, Scott Santschi, Alex Sogard, Dale Solomon, Michael Stutes, Rob Summers, Daniel Turpen, Geoff Wagner, and John Wallace;

Whereas numerous members of the Oregon State University baseball team were recognized for their performance in the regular season in the PAC-10 Conference, including Cole Gillespie, who was named PAC-10 Baseball Player of the Year, Chris Kunda, who was named PAC-10 Defensive Player of the Year, Darwin Barney, Dallas Buck, Cole Gillespie, Kevin Gunderson, and Jonah Nickerson who were named to the first team All PAC-10 baseball team, and Mitch Canham, Chris Kunda, and Shea McFeely who were named to the honorable mention All PAC-10 baseball team;

Whereas Head Coach Pat Casey was named PAC-10 Baseball Coach of the Year;

Whereas Jonah Nickerson was recognized as the Most Outstanding Player of the tournament; and

Whereas the College World Series victory of the Oregon State University ended a terrific season in which the team compiled a record of 50-16: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and President Edward John Ray for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

JOHN MILTON BRYAN SIMPSON UNITED STATES COURTHOUSE ACT

CARROLL A. CAMPBELL, JR. FEDERAL COURTHOUSE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar No. 446 and Calendar No. 447.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 801) to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States courthouse".

A bill (S. 2650) to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr., Federal courthouse".

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent the bills be read a third time, passed, the motion to reconsider be laid upon the table, en bloc, that any statements relating to the bills be printed in the RECORD, and the consideration of these items appear separately in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (S. 801) and (S. 2650) were ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, shall be known and designated as the "John Milton Bryan Simpson United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "John Milton Bryan Simpson United States Courthouse".

S. 2650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARROLL A. CAMPBELL, JR. FEDERAL COURTHOUSE.

(a) DESIGNATION.—The Federal courthouse to be constructed in Greenville, South Carolina, building number SC0017ZZ, shall be known and designated as the "Carroll A. Campbell, Jr. Federal Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in subsection (a) shall be deemed to be a reference to the Carroll A. Campbell, Jr. Federal Courthouse.

ORDERS FOR WEDNESDAY, JUNE 28, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 28. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 2 hours with the first hour under the control of the Democratic leader or his designee and the final hour under the control of the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Finance Committee is expected to report the Oman Free Trade Agreement. That trade agreement is privileged, and we expect to turn to that as soon as it is made available. We hope we do not have to use all of the time allowed under the statute and, therefore, votes would occur tomorrow afternoon.

This week we also have an important Cabinet nomination to address. That nomination is Henry Paulson to be the Secretary of the Treasury, and we will turn to the nomination when it is made available for consideration.

VITIATION OF ACTION ON CONFERENCE REPORT TO ACCOMPANY H.R. 889

The PRESIDING OFFICER. The Chair vitiates the announcement made earlier today regarding the conference report to accompany H.R. 889, the Coast Guard reauthorization bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 8 p.m., adjourned until Wednesday, June 28, 2006, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 27, 2006*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. WILSON of New Mexico).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 27, 2006.

I hereby appoint the Honorable HEATHER WILSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Texas (Mr. HINOJOSA) for 5 minutes.

IN DEFERENCE TO DR. BEN BERNANKE, CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE, AND MR. RICHARD W. FISHER, CEO AND PRESIDENT OF THE FEDERAL RESERVE BANK OF DALLAS

Mr. HINOJOSA. Madam Speaker, recently, I held my Fifth Regional Leaders Issues Conference in the Jefferson Building of the Library of Congress. Over 140 of my constituents attended the conference, including elected officials, presidents of universities, educators, heads of chambers of commerce, and many other community leaders in the 15th District of Texas.

On Tuesday, June 13, 2006, I was honored to have Dr. Ben Bernanke, Chairman of the Board of Governors of the Federal Reserve, give remarks to the conferees. He referenced data from the Survey of Consumers Finances, which is a triennial survey sponsored by the Federal Reserve Board.

The latest survey revealed some discouraging and alarming statistics: Households whose income placed them in the bottom fifth of the population were less likely than the average respondent to maintain a checking or savings account, and almost 25 percent of those families were unbanked compared to less than 10 percent of families in the other income levels.

According to the survey, reasons given for not having an account varied. Some respondents said they would not write enough checks to make having an account worthwhile; others were dissuaded by minimum balance requirements, or said that they did not have enough money to justify opening a bank account.

Chairman Bernanke noted that, in some cases, consumers lacked the knowledge about the services that banks offer, including deposit insurance, or even misunderstood the important role banks play in our economy. Chairman Bernanke went on to say that some of the general approaches to helping families of modest means build wealth and improve their economic well-being include community economic development, financial literacy, and other programs that encourage saving and investment.

As the cofounder and cochair of the Financial Economic Literacy Caucus, I was pleased by all the information he provided my constituents, and I am pleased with the efforts the Federal Reserve is undertaking to improve financial literacy rates across the United States. I want to take this opportunity to express my sincere appreciation for Chairman Bernanke taking time out of his very busy schedule to speak to my constituents.

It is my hope that the media will focus more attention on what the chairman and the Financial and Economic Literacy Caucus members have to say with regard to financial education and literacy, instead of focusing solely on Chairman Bernanke's comments on the direction of interest rates. I find it odd that the media and some legislators have yet to realize that there is a correlation between the country's poor financial literacy rates and the actions the Federal Reserve has to take from time to time.

Madam Speaker, I include for the RECORD the remarks Chairman Bernanke gave before my Fifth Regional Leaders Issues Conference.

REMARKS BY CHAIRMAN BEN S. BERNANKE, FEDERAL RESERVE BOARD, AT THE FIFTH REGIONAL ISSUES CONFERENCE OF THE FIFTEENTH CONGRESSIONAL DISTRICT OF TEXAS

INCREASING ECONOMIC OPPORTUNITY: CHALLENGES AND STRATEGIES

WASHINGTON, June 13, 2006.—I am pleased to be here to discuss some strategies for helping families, particularly lower-income families, improve their economic and financial well-being. Families today face a financial marketplace that is increasingly complex, with numerous products and service providers from which to choose. Today I will touch on several approaches for helping people of modest means take advantage of these financial opportunities while managing the risks and avoiding possible pitfalls.

TODAY'S FINANCIAL MARKETPLACE

Technological advances have dramatically transformed the provision of financial products and services in recent years. To cite just one example, the expanded use of computerized credit-scoring models, by reducing the costs of making loans and by increasing the range of assets that lenders can sell on the secondary market, has made possible the extension of credit to a larger group of borrowers. Indeed, we have seen an increasingly wide array of products being offered to consumers across a range of incomes, leading to what has been called the democratization of credit. Likewise, technological innovation has enhanced financial services, such as banking services, and increased the variety of financial products available to savers.

The range of providers in consumer financial markets has also increased, with the number of nonbank entities offering credit and other financial services having risen particularly quickly. For example, a recent study of alternative providers of financial services found the number of nonbank check-cashing establishments doubled in the United States between 1996 and 2001. Payday lending outlets, a source of credit that was almost non-existent a decade ago, now number more than 10,000. And data from the Survey of Consumers Finances, a triennial survey sponsored by the Federal Reserve Board, indicate that the share of households with a loan from a finance company increased from 13 percent in 1992 to 25 percent in 2004.

FINANCIAL CHALLENGES OF LOWER-INCOME FAMILIES

Despite the increased complexity of financial products and the wider availability of credit in many forms, U.S. households overall have been managing their personal finances well. On average, debt burdens appear to be at manageable levels, and delinquency rates on consumer loans and home mortgages have been low. Measured relative to disposable income, household net worth is at a fairly high level, although still below the peak reached earlier this decade.

Families with low to moderate incomes, however, face special financial challenges. These families generally have less of a cushion to absorb unanticipated expenses or to deal with adverse circumstances, such as the loss of employment or a serious health problem. Results from the Survey of Consumer

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Finances show that the median net worth for households in the lowest income quintile—those whose income placed them in the bottom fifth of the population—was only $7,500 in 2004, well below the median for all survey respondents of $93,000. The Survey data also indicate that households in the lowest quintile were significantly less likely than the average respondent to maintain a checking or savings account; almost 25 percent of those families were "unbanked," compared to less than 10 percent of families in the other income quintiles. The reasons given for not having an account varied: Some respondents said they would not write enough checks to make having an account worthwhile, but others were dissuaded by minimum balance requirements or said that they did not have enough money to justify opening an account. In some cases, a lack of knowledge about the services that banks offer or even a distrust of banks is likely a factor.

The Survey also found that lower-income households are less able than others to manage their debts. A greater fraction of these households had debt-to-income ratios of 40 percent or more or had a payment past due at least sixty days. The data also reveal that only 40 percent of families in the lowest quintile own a home, compared with a homeownership rate of 69 percent among all families surveyed. Finally, the data on retirement account ownership show an even larger gap, with only 10 percent of lowest-quintile families holding a retirement account, whereas 50 percent of all families responding to the survey reported participation in some type of retirement savings plan.

How can these disparities be addressed? Some general approaches to helping families of modest means build assets and improve their economic well-being include community economic development, financial education, and programs that encourage saving and investment. In the remainder of my remarks, I will discuss each of these approaches briefly and offer some insights into their effectiveness based on research and experience.

COMMUNITY ECONOMIC DEVELOPMENT

In my time with the Federal Reserve, I have had a number of opportunities to meet with community economic development leaders—representatives of groups working to assist lower-income families become homeowners, start small businesses, better manage their finances, and save for the future. In fact, my first trip as a Federal Reserve Board member was to Brownsville, Texas, where I saw how a grassroots nonprofit organization is helping to build communities and to provide residents with the chance to build wealth through homeownership. The Community Development Corporation (CDC) of Brownsville works with multiple funding partners—governments at all levels, financial institutions, foundations, and corporations—to construct housing and to design innovative loan products that enable low-income families to qualify for mortgage credit. For example, because of the mix of funding sources, mortgage loans can be offered with features such as down-payment assistance or a below-market interest rate. The CDC of Brownsville also offers a program that allows prospective homeowners to acquire "sweat equity" in a property by working on construction teams to help build their own new home and those of other participating families.

As in the case of many community development organizations, the Brownsville CDC has also made financial education a critical element of its efforts to help lower-income residents improve their financial status. For example, participation in financial counseling or in an education program is typically required for a borrower to obtain a loan through the CDC or through one of its lending partners. However, the broader aim of these programs is to improve borrowers' prospects for longer-term success in maintaining their credit and handling their overall finances. Since 1994, through this combination of leveraged financing arrangements and borrower education, the CDC of Brownsville has helped make homeownership possible for more than 2,500 low-income families. I cite the Brownsville example because of the opportunity that I had to learn about their work (and I recently had a similar opportunity to see some impressive community development efforts in the Anacostia neighborhood of the District of Columbia). But this localized approach to community development and wealth-building is playing out in neighborhoods throughout the country, in most cases through strategies tailored to the distinct needs of the particular community.

FINANCIAL EDUCATION AND FINANCIAL LITERACY

Financial education has not only been integral to community development but has also begun to play a larger role in the broader consumer market. Clearly, to choose wisely from the wide variety of financial products and providers available, consumers must have at least basic financial knowledge. People who understand the financial aspects of purchasing a home or starting a business, or who appreciate the importance of saving for children's education or retirement, will almost certainly be economically better off than those without that vital information. Financial literacy can be acquired through many channels: in school, on the job, through community programs and counseling, or through self-education and experience.

Studies generally find that people receiving financial education or counseling have better financial outcomes. For example, research that analyzed data on nearly 40,000 mortgage loans targeted to lower-income borrowers found that families that received individual financial counseling were less likely later to become delinquent on their mortgage payments. Similarly, another study found that borrowers who sought and received assistance from a credit counseling agency improved their credit management, in particular, by reducing the number of credit accounts on which they carried positive balances, cutting overall debt, and reducing delinquency rates. More broadly, the research shows that financial knowledge is correlated with good financial outcomes; for example, individuals familiar with basic financial concepts and products have been found to be more likely to balance their checkbook every month, budget for savings, and hold investment accounts.

Studies that establish an association between financial knowledge and good financial outcomes are encouraging, but they do not necessarily prove that financial training and counseling are the causes of the better outcomes. It could be, for example, that counseling is associated with better financial outcomes because the consumers who choose to seek counseling are the ones who are already better informed or more motivated to make good financial decisions. In medicine and other fields, researchers gain a better understanding of what causes what by doing controlled studies, in which some subjects are randomly assigned a particular treatment while others do not receive it. To translate this idea to the analysis of the effects of financial counseling, the Federal Reserve Board's Division of Consumer and Community Affairs is collaborating with the Department of Defense to conduct a three-year study of the effects of financial education. This study will evaluate the impact of various educational programs on the financial decisions of soldiers and their families. It includes a treatment group of those receiving financial education, with the programs each family receives and when they receive it being determined randomly, and a control group of similar soldiers and their families who have not received this formal financial education. Because assignments of individuals to programs will be random, any observed changes in behavior can be more reliably attributed to the type and amount of counseling received. Among other things, the results of this study should help us better understand whether financial education leads to changes in behavior for participants in general or only for those at critical teaching moments, such as the period before making a major financial decision such as choosing a mortgage.

I would like to say just a few words about the Federal Reserve's broader role in promoting consumers' understanding of financial products and services. Beyond conducting surveys of consumers and doing research, we work in a number of ways to support consumers in their financial decision-making. For example, through our consumer protection rule-writing authority, the Federal Reserve sets requirements that specify the information that must be disclosed to consumers about the terms and fees associated with credit and deposit accounts. These disclosures provide consumers with the essential information they need to assess the costs and benefits of financial services and compare products among different providers. We are currently reviewing many of our disclosures and plan to use focus groups and other methods to try to make these disclosures as clear and as user-friendly as possible.

The Federal Reserve System also works to promote financial education and financial literacy through various outreach and educational activities. We provide a great deal of substantive financial information, including interactive tools for economic education, on our education website www.federalreserveeducation.org. The website links to a wide variety of financial education resources at the local, regional, and national levels.

Additionally, the Federal Reserved Board collaborates with educational and community development organizations to support their efforts. Our national partners include the Jump$tart Coalition for Personal Financial Literacy, the Conference of Mayors' DollarWi$e Campaign, Operation HOPE, the American Savings Education Council, and America Saves, among others. At the regional level, the 12 Federal Reserve Banks work with organizations to support financial education and financial literacy. For example, the Federal Reserve Bank of Cleveland has worked with community financial educators to form regional networks that combine resources and share best practices. The Federal Reserve Bank of Chicago sponsors "MoneySmart Week," partnering with banks, businesses, government agencies, schools, community organizations, and libraries to host activities designed to help consumers learn how to manage money. The Federal Reserve Banks of San Francisco and

Minneapolis have worked with leaders in the Native American community to develop financial education materials. My recent testimony to Congress on financial literacy provided information on many other projects and programs. The Federal Reserve will continue to make financial education a priority.

STRATEGIES TO ENCOURAGE SAVING

Even if people know that they would be better off if they saved more or budgeted more wisely, we all know from personal experience that translating good intentions into action can be difficult. (Think about how hard it is to keep New Year's resolutions.) The field of behavioral economics, which studies economic and financial decisions from a psychological perspective, has cast new light on consumer behavior and led to recommendations about how to improve people's financial management. For example, studies of individual choices in 401(k) savings plans strongly suggest that workers do not pay adequate attention to their saving and investment decisions. Notably, despite the tax advantages of 401(k) contributions and, in some cases, a generous employer match, one-quarter of workers eligible for 401(k) plans do not participate. Studies have found, however, that if firms change the presentation of the plan from an "opt-in" choice to an "opt-out" choice, in which workers are automatically enrolled unless they actively choose to remain out of the plan, participation rates increase substantially. The impact of changing from "opt-in" to "opt-out" is particularly evident for younger and lower-income workers, who may have less financial expertise.

In addition, participants in savings plans evidently do not understand the various investment options that are offered. A survey by the investment management firm, The Vanguard Group, found that many plan participants cannot assess the risk inherent in different types of financial assets; for example, many did not appreciate that a diversified equity mutual fund is generally less risky than keeping most of one's wealth in the form of the employer's stock. Indeed, employees appear to invest heavily in their company's stock despite the fact that their income is already tied to the fortunes of their employer. More than one-quarter of 401(k) balances are held in company stock, and this high share arises not only from an employer match but from voluntary purchases as well.

These insights into consumer behavior have prompted some changes in the design of retirement plans and in education programs focused on saving for retirement. More employers now feature automatic enrollment in their 401(k) plans in an effort to boost participation. Also, some have set the default investment option to a diversified portfolio that is rebalanced automatically as the worker ages or have set contribution rates to rise automatically over time in line with salary increases.

However, although these changes in program design may boost saving and improve investment choices, they are not a substitute for continued financial education. Employers, including the Federal Reserve Board, offer financial education at the workplace to help their workers gain a better understanding of retirement savings options. Helping people appreciate the importance of saving and giving them the tools they need to translate that knowledge into action remain major challenges.

CONCLUSION

Let me close by observing that many factors influence consumer financial behavior. Financial education is clearly central to helping consumers make better decisions for themselves and their families, but policymakers, regulators, nonprofit organizations, and financial service providers must all help ensure that consumers have the tools and the information they need to make better decisions. Success can only come through collaborative efforts. I see much interest today in increased collaboration toward these objectives, both in Washington and around the country.

Thank you for the opportunity to speak with you today. I encourage you to continue working together to help provide increased economic opportunity in your communities, and I wish you the best of luck in your efforts.

Mr. HINOJOSA. I also want to take this opportunity to thank Richard W. Fisher, CEO and president of the Federal Reserve Bank of Dallas, for hosting me recently at the Federal Reserve Bank of Dallas. Richard W. Fisher assumed the office of president and CEO of the Federal Reserve Bank of Dallas on April 4, 2005. President Fisher serves as a member of the Federal Open Market Committee, the Federal Reserve's principal monetary policymaking group.

During my visit, President Fisher provided me with valuable economic information on the 15th District of Congress, as well as insight into the Dallas Bank's efforts to improve financial literacy. I want to commend President Fisher and the Federal Reserve Bank of Dallas for publishing an excellent brochure entitled, Building Wealth, a Beginner's Guide to Securing Your Financial Future, which is an introduction for individuals and families seeking to develop a plan for building personal wealth. It contains four sections: Learn the language; budget to save; save and invest; and take control of debt. The publication is available in both English and Spanish, and is available in print and it is available as an interactive version on the Dallas Fed's Web site. I encourage you to look it up.

The Dallas Fed is an active partner in several asset-building initiatives throughout its district, including the Texas Asset Building Coalition which promotes personal financial education, affordable homeownership opportunities, individual development accounts/matched savings programs, the earned income tax credit, and antipredatory lending measures.

Again, I want to thank Chairman Bernanke for speaking at my Regional Leaders Issues Conference and President Fisher for hosting me at the Federal Reserve Bank of Dallas.

Madam Speaker, recently, I held my Fifth Regional Leaders Issues Conference in the Jefferson Building of the Library of Congress. Over 140 of my constituents attended the conference, including: elected officials, presidents of universities, educators, heads of Chambers of Commerce and other community leaders in the 15th district of Texas. On Tuesday, June 13, 2006, I was honored to have Dr. Ben Bernanke, Chairman of the Board of Governors of the Federal Reserve, give remarks to the conferees. He referenced data from the Survey of Consumers Finances, which is a triennial survey sponsored by the Federal Reserve Board. The latest survey revealed some discouraging and alarming statistics: households whose income placed them in the bottom fifth of the population were less likely than the average respondent to maintain a checking or savings account; almost 25 percent of those families were "unbanked," compared to less than 10 percent of families in the other income levels. According to the survey, reasons given for not having an account varied: Some respondents said they would not write enough checks to make having an account worthwhile, but others were dissuaded by minimum balance requirements or said that they did not have enough money to justify opening an account. Chairman Bernanke stated that, in some cases, a lack of knowledge about the services that banks offer including deposit insurance or even a misunderstanding of the important role banks play in our economy.

Chairman Bernanke went on to say that some of the general approaches to helping families of modest means build wealth and improve their economic well-being include community economic development, financial literacy, and other programs that encourage saving and investment. As co-founder and co-chair of the Financial and Economic Literacy Caucus, I was pleased by all the information he provided my constituents, and I am pleased with the efforts the Federal Reserve is undertaking to improve financial literacy rates across the United States. I want to take this opportunity to express my sincere appreciation for Chairman Bernanke taking time out of his very busy schedule to speak to my constituents. It is my hope that the media will focus more attention on what the Chairman and the Financial and Economic Literacy Caucus have to say with regard to financial education and literacy, instead of focusing solely on Chairman Bernanke's comments on the direction of interest rates. I find it odd that the media and some legislators have yet to realize that there is a correlation between the country's poor financial literacy rates and the actions the Federal Reserve has to take from time to time. Madam Speaker, at this point, I ask unanimous consent to enter into the record the remarks Chairman Bernanke gave before my Fifth Regional Leaders Issues Conference.

I also want to take this opportunity to thank Richard W. Fisher, CEO and President of the Federal Reserve Bank of Dallas, for hosting me recently at the Federal Reserve Bank of Dallas. Richard W. Fisher assumed the office of president and CEO of the Federal Reserve Bank of Dallas on April 4, 2005. President Fisher serves as a member of the Federal Open Market Committee, the Federal Reserve's principal monetary policymaking group. He is former vice chairman of Kissinger McLarty Associates, a strategic advisory firm chaired by former Secretary of State Henry Kissinger. From 1997 to 2001, Fisher was deputy U.S. trade representative with the rank of ambassador. He oversaw the implementation of NAFTA, negotiations for the Free Trade Area of the Americas, and various agreements with Vietnam, Korea, Japan, Chile and Singapore. He was a senior member of the team that negotiated the bilateral accords for China's and Taiwan's accession to the World Trade Organization. Throughout his career, Fisher has served on numerous for-profit and not-for-profit boards. A first-generation American, Fisher is equally fluent in Spanish and English, having spent his formative years in Mexico. He attended the U.S. Naval Academy, graduated with honors from Harvard University in economics, read Latin American politics at Oxford and received an M.B.A. from Stanford University.

During my visit, President Fisher provided me with valuable economic information on the 15th district of Congress as well as insight into the Dallas Bank's efforts to improve financial literacy. I want to commend President Fisher and the Federal Reserve Bank of Dallas for publishing an excellent brochure entitled Building Wealth: A Beginner's Guide to Securing Your Financial Future, which is an introduction for individuals and families seeking to develop a plan for building personal wealth. It contains four sections: learn the language, budget to save, save and invest and take control of debt. The publication is available in both English and Spanish and is available in print and as an interactive version on the Dallas Fed's Web site. The Dallas Fed is an active partner in several asset-building initiatives throughout its district, including the Texas Asset Building Coalition, which promotes personal financial education, affordable homeownership opportunities, Individual Development Accounts/matched-savings programs, the Earned Income Tax Credit, and anti-predatory lending measures.

Again, I want to thank Chairman Bernanke for speaking at my Regional Leaders Issues Conference and President Fisher for hosting me at the Federal Reserve Bank of Dallas.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 8 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"When I call; answer me, O God of justice, from anguish you release me; have mercy and hear me!"

Lord, at times our prayers, especially those said publicly, are bold sounding, almost like a military order summoning the ranks to take shape, a call to precision and movement.

At other times, our prayer is more like a whimper, muffled in the heart, struggling to find the right words, the cry of the most dependent in our midst.

Whenever or however we call out to you, O Lord, as individuals or as a Nation, hear us.

For we are in need of Your justice and Your mercy, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IRAN'S GASOLINE IMPORTS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, 3 years ago, a Congressman, ROB ANDREWS, and I founded the Iran Working Group to explore all peaceful options with regard to the nuclear crisis.

Last June, we proposed a unique option, an international quarantine on the sale of gasoline to Iran. Despite its status as an OPEC oil producer, Iran depends on over 40 percent of its gasoline supply from abroad, and because the mullahs failed to modernize Iran's refineries, she has run short.

Iran's government knows of this critical weakness. They have reviewed the congressional resolution and calls for restricting gas sales to Iran.

To prepare their people, the Iranian government decided this week to cut in half their gasoline subsidy for foreign supplies, effectively eliminating almost 200,000 barrels a day from their national supply. This will trigger gasoline rationing in Tehran and will begin to tighten the squeeze on the government.

It shows that this is a very powerful lever to use in the peaceful resolution of this crisis and one that Iran's leaders already know would be effective.

TIME TO REAWAKEN IN OUR PEOPLE THE COURAGE OF THE FOUNDERS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, a reading from the book of James, Madison that is.

The fourth amendment to the Constitution of the United States: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.

That amendment was passed in 1791. In 2006, the administration is getting the banking records of millions of Americans without a warrant. The government wants to know who you write checks to, who writes checks to you. They want to flag those transactions and investigate without a warrant legal, private conduct. Under the PATRIOT Act, they can monitor wire transfers, ATM and credit card transactions.

This year, as we celebrate the 230th anniversary of our Declaration of Independence, we find 150,000 troops in Iraq so the people there can have the very rights we are losing at home.

It is time to reawaken in our people the courage of the Founders, the spirit that founded a free Nation so that we can remain a free Nation. That struggle is not in Iraq. It is here in America.

REID-KENNEDY BILL IS NOT THE ANSWER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, House Republicans are committed to passing strong immigration reform legislation. Last December, we passed a bill that would, among other things, strengthen border security, crack down on those who knowingly hire illegal workers, empower local law enforcement to enforce our immigration laws, and allow for the swift deportation of illegal aliens. This is something that has to be done for our national security, and we cannot compromise on this.

I cannot for the life of me understand why Democrats are pushing to pass the Reid-Kennedy bill, which is a huge pat on the back for those who are breaking our laws. This bill would reward bad behavior by guaranteeing Social Security benefits for illegal aliens and enabling them to collect welfare benefits paid for by American tax-paying citizens. In addition, the Reid-Kennedy bill would permit illegal aliens to pay in-State tuition at public universities, also funded by American taxpayers, and would require our country to consult with Mexico before constructing a wall to protect our own country.

Madam Speaker, the Reid-Kennedy bill is not the answer to our immigration problems, and I encourage my colleagues to oppose it.

MINIMUM WAGE/LIVABLE WAGE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, the economic climate created by years of failed Republican policies is tough for many Americans to swallow. Millions of full-time workers in the Nation who are making the Federal minimum wage, $5.15, find that every other cost-of-living expense has gone up, from prescription drugs to housing to just about everything, food on our table.

The minimum wage has not increased for 10 years. The millions of Americans who would benefit from that increase know that it is impossible to make ends meet at the current salary that has not been raised since 1997. For example, we are struggling with the rising costs of oil and other expenses.

Madam Speaker, everyone in the country who works full time to support their family deserves to earn a livable wage.

Today, Democrats will demand a vote in this House to increase the minimum wage from $5.15 to $7.25. It is only fair. We hope that House Republicans, who have been more than willing to shower giant tax breaks to their wealthy friends, will finally realize that no American working full time deserves to live in poverty.

We hope that you will join with us today to increase the minimum wage.

PALESTINIAN UPHEAVAL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the pictures running with recent news reports tell the story: The Palestinians are in upheaval. Earlier this month, hundreds of supporters of Palestinian leader Mahmoud Abbas and his Fatah faction stormed parliament buildings in Ramallah, setting parts of them ablaze. This was in response to earlier Hamas-led attacks on Fatah security forces in Gaza.

Madam Speaker, this escalating violence among rival Palestinian factions should teach the world a lesson. Elections alone do not make people democratic. The elections are important, but without the foundation of a civil society and certain values, they will not guarantee democratic freedom.

The Palestinian people must also embrace basic democratic values and principles: the rule of law; freedom of speech; due process protections; respect for honest, civil debate; religious liberties. The list goes on.

Continuing to choose extremism rather than fundamental civil reforms like these will only lead to further upheaval and hardship.

PROVIDING A CARING FAMILY FOR FOSTER CHILDREN

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I just returned from a briefing held by the Congressional Coalition on Adoption and their Caring Connections Program for children. I have never been more inspired, I have never been more motivated, and I have never been more stimulated than when I heard all of these young people who grew up in foster homes talking about their experiences and where they have come.

So I simply want to commend Senator LANDRIEU and Representative GINNY BROWN-WAITE for their leadership of this activity and others. We need to make sure that all of our children have warm, caring families in which to live.

STAFF SGT. ALBERTO SANCHEZ, JR.—IMMIGRANT SOLDIER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, more than 30 years ago, Alberto and Olga Sanchez decided to leave the dusty border town of Renosa, Mexico, and immigrate to Texas with their small child, Alberto, Jr.

Alberto grew up in Houston and went to Milby High School. After high school, he wanted to go to college but decided to join the United States Army first. So he spent 9 years as a member of the United States Army.

He married his sweetheart, Yesenia; and their fifth wedding anniversary was to be next month.

But, Saturday, Staff Sergeant Alberto Sanchez, Jr., died while on combat patrol in Balad, Iraq. Caught in the path of an IED explosion, his wounds overcame him. He was 33 years of age.

He was assigned to the Army's 1st Battalion, 68th Armored Regiment, 3rd Heavy Brigade Combat Team of the 4th Infantry Division.

IEDs, improvised explosive devices, are nothing more than booby traps buried by cowardly, masked terrorists who lack the courage to face our troops.

Staff Sergeant Sanchez died while in service to his country. America joins his wife, his parents, his two siblings, along with a host of friends and family that mourn the loss of this American soldier. He is another example that freedom always costs and always will.

And that's just the way it is.

PLAN FOR WITHDRAWAL FROM IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, on Sunday, Iraq's prime minister unveiled a 24-point plan that included a timetable for U.S. withdrawal.

Last week, the U.S. military's top commander in Iraq briefed the President and top Republicans about a plan to significantly reduce the number of U.S. soldiers in Iraq.

For months, Democrats have been calling for a new direction, including a timetable to redeploy U.S. soldiers out of harm's way; and the American people have been saying it is time for a new direction that protects U.S. interests by protecting U.S. soldiers.

The Iraqi people, the American people and the U.S. commanders all say the same thing: It is time for a timetable. And the President still says the same thing: Stay the course.

Madam Speaker, the Democrats were wrong. The President's favorite phrase, stay the course, is not a slogan. It is a direct order for Republican Members of the Congress to deny their better judgment and disregard the concern of their American constituents and the top five military commanders.

The President must have some kind of October surprise in mind. The President is off course, and until there is a mid-term course correction, America will remain misled and misguided in Iraq, and U.S. soldiers will bear the brunt of the President's stubbornness.

OPPOSING BILINGUAL BALLOTS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of reauthorizing the Voting Rights Act of 1965. However, I am greatly concerned about a provision that is in the bill for bilingual ballots. That language still remains in the bill.

Let me be clear. I support legal immigration and certainly celebrating one's heritage. However, the bilingual ballot provision has long kept new citizens from increasing their knowledge of our language and from fully integrating into our society.

Not only is it expensive to print ballots in a variety of different dialects and tongues, but it reinforces a fractious society.

I had planned to offer an amendment with my good friend and colleague, Congressman Steve King of Iowa, to strip this arcane and divisive language.

I ask my colleagues for support of this measure. You heard it here.

☐ 1015

REPUBLICAN PRIORITIES ARE NOT WITH AMERICAN FAMILIES

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, the disparity between the wealthiest Americans and the poorest continues to grow fostered by the failed economic policies of this Republican administration and Congress. Despite huge cost-of-living increases and gas prices, health care, and higher education, Americans who work full time at a minimum wage job have not received a pay raise in over 9 years.

While these hardworking Americans struggle to support their families on just $10,700 per year, Republicans in this body are fighting to give millionaires and huge corporations tax breaks. They have even taken their misguided priorities to a new level. After voting in committee to allow a modest increase in the minimum wage, now they don't want to bring it to the House for a vote.

Democrats plan to hold a vote on the minimum wage later today because we believe that expanding economic opportunity to 7 million Americans who have been ignored should be a priority. Republicans, please make this a priority.

DOMESTIC ENERGY DEVELOPMENT

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, as we head into the 4th of July holiday, millions of Americans will feel the pinch of high gasoline prices as they travel to see family and friends. We are watching gas prices climb higher and higher, and it has become readily apparent that America is too dependent on foreign crude oil.

Earlier this year, the House passed legislation to allow drilling in a tiny portion of the Arctic National Wildlife Refuge of this frozen tundra of Alaska's north slope. Despite the fact that oil from ANWR could supply my State of Georgia's energy needs for 54 years and that drilling would be conducted under the strictest environmental standards, many Democrats still oppose this legislation.

This week, we have another chance to support domestic energy production when we vote on legislation to use America's massive energy resources in the deep seas on the Outer Continental Shelf. The bipartisan legislation is one way we can start weaning America off our foreign oil dependency.

Madam Speaker, the American people are tired of paying high prices at the pump. They demand action, and this Republican majority is delivering. I ask my colleagues on both sides of the aisle to join me in supporting the development of domestic energy sources.

TRIBUTE TO ALBERTO V. SANCHEZ, JR.

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I lost a constituent this last week in Iraq. Staff Sergeant Alberto V. Sanchez, Jr., had planned to celebrate his fifth wedding anniversary next month while on leave from Iraq. "It takes a piece of my heart," his mother, Olga Sanchez, said in Houston, through tears. "Nothing we can say or do will ever bring him back."

Sanchez, 33, a Milby High School graduate, died Saturday from wounds he suffered when an improvised explosive device detonated near his vehicle in Balad, about 50 miles north of Baghdad.

Sanchez was assigned to the Army's 1st Battalion, 68th Armor Regiment, 3rd Heavy Brigade Combat Team, 4th Infantry out of Fort Carson. Alberto Sanchez chose the Army so he could earn money for college tuition, but the military became his career. He chose to be in the Army, and his mother, Olga Sanchez, said he always said, "This is just a job. I've got to do what I've got to do."

His parents, Alberto, Sr., and Olga Sanchez, moved to Houston from Reynosa, Mexico, when their son was an infant. The family is in disbelief, Mrs. Sanchez and the other adult children said. "We never felt worried," his mother said. "If he felt worried, he never showed it. Like I said, all the pictures we have of him, he always had a big smile."

Madam Speaker, I ask for a moment of silence to celebrate this American hero, Alberto Sanchez, Jr.

CONDEMNING LEAKS OF NATIONAL SECURITY SECRETS

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Madam Speaker, I rise today to express outrage and disgust over United States officials who continue to leak national security secrets during wartime.

Most recently, someone leaked information to the media regarding the SWIFT program, which tracks financial transactions of al Qaeda associates.

Someone in the United States Government is subverting the war on terror, thereby putting our troops at greater risk and, in essence, prolonging the war.

Americans have the right to know who this person is and what their intentions are. In the words of the New York Times, it is "in the public's best interest to know."

I have introduced a resolution expressing that U.S. officials who leak sensitive information of national security secrets should be vigorously investigated and, if need be, brought to justice. If after a thorough investigation these officials are found to be disloyal to our country, they should be tried for treasonous acts.

While al Qaeda and the terrorists may appreciate these leaks, Americans certainly do not.

SUCCESS WITH TROOPS ON THE BORDER

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, sending troops to control our borders has already proven to be successful. Instead of being buried on page eight, this should be front-page news. The press should know that the story is no longer about what is happening here in Congress, but what is happening at the border.

During the first 10 days of June, total detentions of illegal aliens declined by 21 percent compared to the same period a year ago. That is pretty good for just 55 National Guard troops who didn't arrive on the border until June 3.

While the National Guard is certainly not the final answer, their presence clearly demonstrates that added resources on the border is pivotal to controlling our illegal immigration emergency. Strong enforcement decreases the influx of illegal aliens. Promises of amnesty only encourage illegals to storm our borders in greater numbers.

Madam Speaker, our laws must be taken seriously by both those who would violate them and those charged with their enforcement. Thanks to our National Guard troops for their vital work in bringing order out of chaos.

FREEDOM ISN'T FREE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, you know, "freedom isn't free" is a saying that we hear a lot. Sometimes we think it is a little bit trite. But I will tell you, Madam Speaker, this weekend I have seen the embodiment of that phrase, as I have met in Iraq with some of our 101st Airborne troops and our National Guard men and women. They understand their mission, they are dedicated, and yes, indeed, they are getting the job done.

I have also seen the embodiment of that phrase this weekend as I have met with some of the Iraqi parliamentarians. I joined three of my colleagues there. We were led by Congresswoman KAY GRANGER, who did a masterful job in continuing to mentor some of the

Iraqi women parliamentarians. We have watched them struggle and put energy into their fight to achieve democracy, to achieve freedom, and to join us in saying, yes, indeed, we understand freedom isn't free. It does come with a price.

COMMENDING CENTURY-OLD BUSINESSES IN NORTH CAROLINA'S EIGHTH DISTRICT

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Madam Speaker, it is with great pleasure that I rise before you today to congratulate 13 distinguished businesses in North Carolina's Eighth District that have served their communities and their country for more than 100 years. Not only do these businesses provide valuable jobs in our community, but they also illustrate North Carolina's rich tradition of entrepreneurship and the importance of family-owned businesses.

I congratulate the following businesses for their many contributions: Norton Doors, Moose Drug Company, Eaton Corporation, Mt. Pleasant Hardware & Milling, Efird Marble and Granite, Dunn Manufacturing Company, Coffing Hoists, Woodmen of the World Insurance, Miller Lumber Company of Mt. Pleasant, Wall Safety Products, Pass & Seymour/Legrand, Tuscarora Yarns, Incorporated, and Bonsal American.

Small businesses like these remain pillars in our community because of their commitment to producing quality products and advancing award-winning customer service. I commend the owners and employees of these firms for their contribution to the American economy and their pledge to producing and selling quality and innovative products.

SAFETY AT INDIAN POINT NUCLEAR POWER PLANTS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Madam Speaker, I rise today to call on this House to pass legislation of major importance to my constituents in New York's Hudson Valley. The Indian Point nuclear power plants are located within 35 miles of New York City, making it the largest population in the country that lives within the vicinity of a nuclear power plant.

I visited the plants on January 30 with a nuclear safety engineer from the Union of Concerned Scientists. Afterward, I requested that the Nuclear Regulatory Commission authorize an independent safety assessment at Indian Point.

As I saw on my visit, there are many people working at Indian Point who are fully dedicated to ensuring a safe and secure plant. They deserve our sincere appreciation. But Indian Point is an aging plant with a history of problems, and an ISA is the best way to identify areas of weakness before they become serious issues.

My Hudson Valley colleagues and I have introduced legislation to call on the NRC to commit an ISA at Indian Point. Additional colleagues here in Congress have joined me in this. This would ensure the utmost safety at Indian Point for our surrounding communities.

The NRC needs to put the safety of the residents of New York's Hudson Valley first, and I urge the House to promptly consider and approve our legislation.

PROVIDING FOR CONSIDERATION OF H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 891 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 891

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California, my friend, Congresswoman MATSUI, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

This structured rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. It waives all points of order against consideration of the bill and makes in order only those amendments printed in the Rules Committee report accompanying the resolution.

It provides that the amendments printed in the report may be offered only in the order printed in the report and offered only by a Member designated in the report. They shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent. These amendments shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report, and, as always, it provides the minority with one motion to recommit with or without instructions.

Madam Speaker, I rise today in support of this rule and the underlying legislation brought to the floor from the Financial Services Committee under the leadership of Coach MIKE OXLEY and Chairman RICHARD BAKER.

Yesterday evening, despite inclement weather, the Rules Committee met and took testimony from Members regarding their thoughts on how to improve this legislation. The committee determined that many of these amendments should be considered and made two-thirds of those amendments submitted to the committee in order, including seven Democrat and bipartisan amendments.

This legislation follows upon sensible reforms of the Flood Insurance Reform Act of 2004, which also sought to update and modernize the National Flood Insurance Program. Although this previous effort at reforming the program was well intended, a number of provisions included in the 2004 act have yet to be implemented.

Also, this earlier effort is currently incomplete because it was passed by Congress before Hurricanes Katrina and Rita devastated the gulf coast and, therefore, did not incorporate the lessons learned from these storms and how best to administer the NFIP.

The Flood Insurance Reform and Modernization Act makes a number of commonsense changes to current law. Among other things, it does the following: it requires the Comptroller

General of the United States to study the effects of extending the mandatory flood insurance purchase requirements to all properties located in flood hazard areas and report back to Congress within 6 months on the findings.

□ 1030

It increases the fine levied against federally regulated lending institutions for each failure to require mandatory flood insurance purchase requirements to $2,000 and increases the total cap on fines for institutions to $1 million.

It reiterates FEMA's responsibilities to implement provisions of the Flood Insurance Reform Act of 2004 and directs FEMA to continue to work with the insurance industry, State insurance regulators and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies, and mandates that FEMA submit a report to Congress on implementation of these provisions.

It directs FEMA to maintain and periodically publish an inventory of levees located in the United States so that these levees can be identified for National Flood Insurance Programs.

In addition to improving and reforming this program, this legislation also ensures that taxpayers are protected, including provisions to establish that nonresidential properties and nonprimary residences will be charged actuarial instead of subsidized rates.

It increases the NFIP's borrowing authority to $25 billion, but also a requirement that FEMA submit a report to Congress on how it intends to repay funds borrowed under this increased authority.

It requires a semiannual report by FEMA to Congress on the financial status of the National Flood Insurance Program.

It extends the current pilot program for mitigation of severe repetitive loss properties, which is set to expire September 30, 2009, to 2011.

Madam Speaker, I would like to commend Chairman OXLEY and Chairman BAKER for their hard work on this legislation. Listening to people, learning from the mistakes of the past and also from the impact of these devastating hurricanes has meant that we will continue our efforts to protect homeowners, taxpayers, while ensuring that a viable market for flood insurance continues to operate effectively and efficiently in the United States.

I urge my colleagues to support this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I thank the gentleman from Texas for yielding me this time.

Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the representative of a district in a floodplain, I understand the need for a healthy flood insurance program. My hometown of Sacramento is the most at-risk river city in the Nation. Whenever I talk about our efforts to improve Sacramento's level of flood protection, I also mention the importance of flood insurance. If you live behind a levee, you should have flood insurance.

I also recognize that to accomplish this we need a healthy and robust National Flood Insurance Program. That is why the legislation we debate today, the Flood Insurance Reform and Modernization Act, is so significant.

Through this legislation, we will meet our responsibilities. We will ensure coverage is available to those at risk, and we will educate those same individuals as to the benefits of flood insurance. This bill takes us in that positive direction.

In the aftermath of Hurricane Katrina, the deficiencies in the program were laid bare. What remained was a program $25 billion in debt with a questionable future. It is imperative that we rebuild the flood insurance program.

For many Americans, owning insurance that protects against a flood is more valuable than in case of a fire. That is because homes in a federally designated special flood hazard area are three times as likely to be destroyed by flood as a fire. This is the case for almost three-fourths of all homes in Sacramento. This is an important program that must be reformed to ensure its long-term stability and solvency.

The bill we are considering today makes reasonable reforms. It will lay the foundation for a stronger and improved flood insurance program. For that, I would like to thank Chairman OXLEY, subcommittee Chairman RICHARD BAKER and Ranking Member BARNEY FRANK for their work on this bill, as well as the minority staff of the Financial Services Committee, particularly Jeff Riley, for all their tireless work.

This bill takes important steps to modernize the flood insurance program. It raises maximum coverage limits to keep up with inflation. It provides new coverage for living expenses if you have to vacate your home, and it also provides optional coverage for basements and business interruption coverage for commercial properties.

These are all positive steps that will allow the program to continue to provide peace of mind to those impacted when a flood event occurs.

Moving forward, Congress is also making the flood insurance program sustainable in the long run. It tightens enforcement of purchase requirements and ends subsidies on vacation homes, second homes and businesses. These steps may not be popular, but the program needs this kind of tough medicine.

Additionally, it directs FEMA to provide Congress with information that will allow us to evaluate whether we should modify the program's mandatory purchase requirements. This is an issue that demands serious consideration, and I know that we will hear further debate on it once this bill reaches conference.

As I conclude, I would like to express my disappointment that an important amendment I offered was not adopted. It would have created an educational outreach grant program to ensure homeowners in high-risk flood areas retain their flood insurance. This grant program works.

Last year, the Sacramento Area Flood Control Agency, with a FEMA grant, conducted just such a campaign. SAFCA, and reached out to more than 45,000 NFIP policyholders in the American River floodplain with impressive results.

Of this group, 43 percent now carry preferred risk flood insurance. Preferred risk policies provide policy owners who are protected by a levee or other flood mitigation method with full flood insurance at a reduced price. Because of the lower price, the preferred risk policies have a higher level of policy retention.

To put the success in perspective, FEMA more than recouped its investment. SAFCA exceeded its target for policies, retained more than 20 times over, adding millions to the flood insurance program's bottom line.

Extending these grants to other flood plains will only strengthen the National Flood Insurance Program. I will continue to move this program idea forward; and I look forward to working with Chairman OXLEY, Chairman BAKER and Ranking Member FRANK on this grant program.

Ensuring the long-term stability and solvency of this nearly 40-year-old program is critical. The Flood Insurance Reform and Modernization Act is an excellent step in the right direction. As my grant program demonstrates, there is still more to do.

Having said that, this is a good bill and a much-needed start. I urge my colleagues to support the rule so that we can enact this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time, I yield such time as she chooses to consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise in support of the rule; and I want to thank Mr. SESSIONS, as well as Chairman OXLEY and Mr. BAKER and the ranking member of the Financial Services Committee, BARNEY FRANK, for working hard to bring this updating measure to us today.

Madam Speaker, when the Financial Services Committee debated this bill, an issue came to my attention that needed a remedy.

Many States like Florida that have far too many experiences with flooding have established a mediation process for residents who have flood claims. This process gives residents the opportunity to settle a claim dispute with FEMA without having to go to court. Florida has a 90 percent success rate with this process, which other States have actually begun emulating. This process brings quick results to homeowners, saves millions of dollars in court costs and is something that should be encouraged.

However, oftentimes representatives from FEMA refuse to show up, even though the mediation program is nonbinding. This is a travesty to residents who have already lost so much.

Accordingly, my colleague and I from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ, introduced an amendment that requires FEMA to participate in State mediation claims. Again, this process is nonbinding. If a resident is unhappy with the results of the proceedings, they may choose to file suit. But the language will ensure that residents have a choice, instead of FEMA making that choice for them by simply avoiding the process.

I urge all Members to give homeowners the opportunity to settle their claims quickly without a team of lawyers and mountains of legal fees. I urge your support for the rule and also the underlying bill so that homeowners living in flood-prone areas will have some certainty.

Ms. MATSUI. Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I rise in support of this rule and in the hopes that this rule will be a model that my colleagues will follow. It actually puts in order just about every amendment that ought to be put in order, and I hope that is a precedent.

The bill also represents, I think, the legislative process at its best. We began this a couple of years ago. The gentleman from Oregon (Mr. BLUMENAUER), who is still a Member, and the former Member from Nebraska (Mr. Bereuter) formed a very effective bipartisan coalition to take the floodplain program and to preserve its essence to provide assistance to Americans who could not get it from the private market without this government program.

Let me stress that this is a case where we are putting forward a Federal government program to meet a problem that will not be met by the private market. And for my friends who subscribe to the maxim of the former majority leader from Texas (Mr. Armey) that markets are smart and government is dumb, I guess he would think what we are doing today is dumb, but he is probably the only one in the country who does. Because we are now dealing with a market failure in the economic sense by having a government program, but it should be a sensible government program. It was not as sensible as it should be.

We began a process when the gentleman from Oregon and the gentleman from Nebraska came to us, and this was a collaborative effort between myself as the ranking member and the chairman of the committee, the gentleman from Ohio (Mr. OXLEY). We found one of those cases where you could improve a program from both the environmental and fiscal standpoints, and we have legislation today that takes an important program that meets a very pressing social need, the ability of people who live in flood plain areas to continue to live and to get insurance at a reasonable cost, and we make it better environmentally, less likely that there will be building in environmentally unwise areas and in unwise circumstances, and we make it less of a fiscal problem with the Federal Government.

Now, clearly, people recognize the problem. In the case of Katrina, we spent a great deal of money and got too little in return. There were some problems there from the standpoint of levee construction and a number of other things. We can't, in a bill like this, obviously, prevent disasters. What we can do is increase our ability to work with them.

So I am very proud of this bill. There is one amendment in particular, and a number of the amendments will get bipartisan support. Our colleague from Mississippi (Mr. TAYLOR), who lived through some of the worst of this personally, has a very important amendment. I strongly advocate for it. I wish he had gotten more than 10 minutes to discuss it. So I am going to talk a little bit about it now. We will talk some more about it in the general debate.

It deals with the problem that homeowners face when they are told that they will not get any compensation for damage if it was caused by water, when they are told that it was caused by water, when they have very good reason to think it was caused by wind.

There is this split. Wind damage is covered by private homeowner policies, water damage by flood damage, by the flood insurance program. There is very good reason to believe that people have not been treated fairly in this situation.

The gentleman from Mississippi, who has been one of the most tireless and energetic defenders of the rights of citizens in this program, has an amendment that would bring to bear the administrative resources to look into this issue. We cannot regulate State insurance, but we can, at the intersection of the Federal fund insurance program, the State insurance, bring to bear our investigative and other resources.

The gentleman from Mississippi's amendment is an essential piece of trying to treat people fairly in the past but, even more, preventing abuses in the future. So I strongly urge people to vote for it.

In general, we have a good bill. There are amendments from both parties that will improve it. There are some amendments that I will oppose on the whole. It is a legislative effort that will make an important program environmentally better and fiscally better and meet, as I said, a defect the private market on its own cannot meet.

Mr. SESSIONS. Madam Speaker, at this time, I would like to notify my colleague, Ms. MATSUI, that I do not have any additional speakers. I would welcome the opportunity to have her go through those speakers, have her close, then I will do the same after she is through.

Madam Speaker, I reserve the balance of my time.

□ 1045

Ms. MATSUI. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on the rule, and I appreciate her interest in dealing with these sensitive issues, given the district that she represents. It was my privilege to have worked with her husband on some of these in the past, and I appreciate her following through, because it is critical to people in the greater Sacramento area.

As we have seen outside our window here in Washington, DC, it is critical to people around the country because flooding is not just something that occurs in storm-racked coastal areas or immediately adjacent to rivers. What we are finding is that there can be flash floods in deserts. We are seeing throughout a four-state region now the havoc that can be wreaked given torrential rain, having the ground soaked, having development that has taken away the natural absorptive capacity as wetlands disappear. This is an issue that everybody needs to be concerned about.

I appreciate the words of the gentleman from Massachusetts, the ranking member of the Financial Services Committee, who has been focusing in a laser-like fashion, on these issues, along with the Chair, Mr. OXLEY. We are seeing more progress that has been made in this area in the last 3 years, frankly, than we saw with the late Hale and Lindy Boggs, when the program was first set up. And it is important.

We are talking about areas now in the aftermath of Katrina where people understand, for the first time, the issues. The rule that has been offered up, one where we are going to have a number of amendments in order, which is going to permit an opportunity for us to deal with some serious legislation to try and teach one another about this issue, and to make it better over the long term.

One of the fundamental issues that is going to come up throughout the rules that are before us is who is going to be subsidized under this program. There are those who feel that, well, frankly, we shouldn't rigorously impose the flood insurance program. We shouldn't try to expand the net for people that are involved. We shouldn't make sure that people have flood insurance.

Well, frankly, I think history has shown in the last year that we do people no favors by not having an effective flood insurance program, by not helping people prepare; indeed, to the contrary. What we are doing is we are encouraging more people to be in harm's way. We are allowing some people to avoid flood insurance, and we are shifting the burden on those who are responsible flood insurance policy-holders.

If we are able to avoid a single 10% unnecessary rate increase, this ripples across to save $150 to $200 million for 4 million policy-holders. It is a savings that is compounded over time. So it is $150 to $200 million each and every year.

Now, part of the problem of having people who should have flood insurance avoid that responsibility, and we are finding that there are almost a half million properties, vacation homes, second homes, commercial properties, that don't have flood insurance. What that does is that transfers the burden to those that do. It artificially inflates the rate that others pay inequitably.

In addition, it poses a problem because those people that don't have flood insurance that should, well, frankly, it tugs at our heart strings, and we come forward with aid to try and help people after the fact. We are spending billions of dollars that could have been avoided if we had been dealing with an effective flood insurance program, and if we would have implemented some of the initiatives that we brought forward for mitigation to prevent flood damage in the first place.

So, Madam Speaker, I appreciate the opportunity to be involved with the debate today. I join my colleague, Mr. FRANK, in thanking the Rules Committee for allowing a full and vigorous debate. I hope we see more. This shouldn't be the exception. I hope it becomes a pattern.

This is one of those issues that is not partisan. It is not geographical. It is not philosophical. It is one of the things that simply good government, hard legislating, will benefit from a full and vigorous debate on the floor of the House, and I look forward to being a part of it.

Ms. MATSUI. Madam Speaker, I have no additional speakers, and I will proceed to close.

Mr. SESSIONS. Madam Speaker, I have no further speakers. I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this bill represents an incredible amount of collaboration between Chairman BAKER and Ranking Member FRANK.

This is a very important bill. It makes reasonable changes to the flood insurance program. It will lay the foundation for a stronger, improved flood insurance program. I urge my colleagues to support the rule so that we can enact this important legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SESSIONS. Madam Speaker, as you have heard today on the floor, this rule is fair; it is balanced. It is not an exception; it is a rule. And I appreciate the kind comments that have been made by my colleagues on both sides of the aisle about underlying legislation which will help improve the national flood insurance program.

I want to thank Chairman RICHARD BAKER from Louisiana and Chairman MIKE OXLEY from Ohio for their strong leadership on behalf of this great bill.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Clerk will effect a technical correction in the engrossment of the resolution by inserting "the report of" after "printed in" on page 2, line 9.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 890 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 890

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: beginning with the colon on page 15, line 18, through page 16, line 4; page 24, lines 17 and 18; and section 607. Where points of order are waived against part of a paragraph, points of order against language in another part of such paragraph may be made only against such other part and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

SEC. 3. House Resolution 878 is laid upon the table.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Madam Speaker, H. Res. 890 is an open rule, and it provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. This resolution waives all points of order against consideration of the bill and provides that under the rules of the House, the bill shall be read for amendment by paragraph. This resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

It authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions. This resolution provides that it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July and provides also that H. Res. 878 is laid on the table.

Madam Speaker, I rise today in support of House Resolution 890 and the underlying appropriations bill.

H.R. 5672 will fund many of the priorities of this Nation, combating terrorism and crime, strengthening our economy, fostering diplomatic relations and, finally, advancing scientific growth and innovation throughout this country. Each of these priorities is essential to ensure a stronger and a more secure America, and this bill increases funding over last year for almost each and every one of these priorities.

I should also add, to the credit of the committee, under the leadership of Chairman WOLF, that this bill also contains almost $200 million in savings for our taxpayers. I want to thank Chairman WOLF for his stewardship of this bill.

Madam Speaker, H.R. 5672 provides $22.1 billion for the Department of Justice. That is almost $724 million above last year, and it is $1 billion above the President's request.

This $22 billion includes $6 billion for the FBI, as they develop and execute better ways to combat terrorism and fight various forms of crime, from child exploitation to gang violence. This increased funding means improved information technology, better counterintelligence capabilities, and a greater number of highly trained human assets on the ground.

Additionally, because State and local law enforcement play a fundamental and a critical role in fighting crime, this bill includes $2.6 billion for their efforts. And that is an increase of $1.1 billion over the President's request.

H.R. 5672 also includes $558 million for the Edward Byrne Justice Assistance Grants program. That is $147 million over last year, fiscal year 2006.

□ 1100

And to fight this scourge of methamphetamines which sadly pervades so many of our communities, including those of my own, Georgia's 11th, this bill provides $1.75 billion for the Drug Enforcement Administration, the DEA.

Unquestionably, this bill demonstrates the commitment of this Congress, working with the President, to continually reassess and strengthen our security and our law enforcement priorities, ensuring that threats at home and abroad are identified and neutralized.

Madam Speaker, H.R. 5672 also provides $22.7 billion to fund our Nation's scientific priorities, with $16.7 billion for NASA as well as $6 billion for the National Science Foundation. Having practiced as an OB–GYN for almost 30 years, I cannot emphasize enough the importance of encouraging scientific advancement in saving lives and improving our quality of life. Scientific innovation also captivates the minds of our children and other generations to come as they dream to develop technologies that will change the world of tomorrow.

Madam Speaker, this bill also includes funding to further improve the world of today by providing $9.7 billion for the State Department. Of that, $1.7 billion goes to secure and replace our vulnerable embassies throughout the world.

H.R. 5672 includes $5.95 billion for the Department of Commerce, $900 million for the Securities and Exchange Commission, $294 million for the Federal Communications Commission, and $213 million for the Federal Trade Commission.

Madam Speaker, these dollars are essential to not only building a stronger economy but also ensuring a fair and a level playing field for everyone who participates in this economy.

Madam Speaker, last but not least, this bill also includes $643 million for the SBA, the Small Business Administration, which will support business loans to help entrepreneurs across our great Nation access critical start-up capital for new businesses. Without question, our economy is driven by small businesses and the entrepreneurs who are willing to take a chance and turn a dream into a reality.

In conclusion, this bill also makes provisions for three very important programs in the 11th Congressional District of Georgia. I want to mention these because they are so important.

The Inner Harbor EXCEL Program in Rockmart, Georgia, in Polk County, provides quality services for at-risk youth and offers a viable alternative to incarceration. It funds the Douglas County Zero to Three Program which helps the county's juvenile courts to better address the needs of neglected and maltreated infants and toddlers.

And, lastly, the National Association of Court Management, which aims to improve our courts and develop related educational programs.

I want to again thank Chairman WOLF for his support of these programs which are so very important to the people of northwest Georgia.

Madam Speaker, as we move forward with this debate, I want to encourage my colleagues to please support this rule and support the underlying bill as we stand together in support of funding our Nation's priorities.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this morning, we are certainly on an important appropriations bill, but I would like to spend my time this morning talking about a portion of the bill that we were not able to get into the bill.

Last week, the American people watched as the majority led the charge against the estate tax. Republicans argued they were doing it for the benefit of small businesses and independent farmers. But the majority could not provide even one concrete example that supported their claim. No farm has been found, no small business has been found that had to go under because of the estate tax.

What the Republicans were really interested in was the 3/10ths of 1 percent of Americans who pay the tax, super-rich families, 18 of whom have spent a combined $490 million over the last 10 years in their quest to make the estate tax disappear. Today, I would ask my friends in the majority to compare that sum, $490 million just in lobbying costs, to the amount of money a full-time minimum wage earner makes in an entire year, which is $10,712.

The minimum wage has not been increased in 9 years. Because of inflation, it is effectively at its lowest level of purchasing power since 1955. And this majority wants to keep it that way.

In fact, last night, in the Rules Committee, the majority refused to allow an amendment to this bill that would have increased the minimum wage, so we won't have the chance to debate it here today.

Contrary to the claims of Republicans, minimum wage earners aren't just teenagers. Indeed, 46 percent of them are over the age of 25, and 35 percent are the sole wage earners for their families, many of them working two and three minimum wage jobs to put some food on table.

Despite what Republicans will say today, there is no empirical evidence to suggest that an increase in the minimum wage would either increase poverty or cost small-business jobs. In fact, the studies that are available show the opposite to be the case. Twenty States have higher minimum wage standards than are federally required. A Center for American Progress study found that, between 1998 and 2003, small business employment in those States grew at an average of 9.4 percent. In contrast, it grew at an average of only 6.6 percent everywhere else.

There is also no established connection between increases in the minimum wage and an increase in poverty, contrary to the rhetoric. Once again, the opposite is true. Obviously, when you increase salaries in a way that does not decrease employment opportunities, the increase in the minimum wage helps people to rise out of poverty and gives them more spending power.

Finally, consider that 81 percent of all the respondents in America to a January poll said raising the minimum wage was an important priority in their mind. If only 19 percent of Americans aren't thinking about it, that is overwhelming.

And so, Madam Speaker, my Republican friends find themselves in a bind. In their steadfast and determined opposition to even a moderate increase in the minimum wage, they cannot claim to be speaking for the American people. They can't claim to be speaking on behalf of the available evidence, either, because that evidence indicates that an increase in the minimum wage will help American workers and the economy, not hurt them.

Republicans can't really claim to be speaking for anyone, anyone except, that is, the small group of rich business groups who have dedicated a tremendous amount of time, energy and money to fighting a minimum wage increase. It should not come as a surprise, of course. Ultra-rich special interest groups were the reason that they worked so hard to overturn the estate tax last week, and we really shouldn't expect anything today that would be different.

Madam Speaker, what we are seeing is a democracy that has been broken, par for the course from the party that recently tabled the renewal of the Voting Rights Act. Our elected officials are supposed to base their decisions on the will of the people, but this leadership cares only about the will of a few rich businessmen.

We all know that our democracy was designed to keep this House responsive to the needs of the public, but history shows us that this leadership listens only to well-paid lobbyists and is willing to do almost anything to ensure their agenda is implemented. For years, they have repeatedly assaulted the process, abusing rules and the ethical standards of this Congress to get what they want, no matter the price.

When Democrats opposed a repeal of the estate tax last week, we did so because we believe those who have benefited the most from our society have an obligation to give the most back. This week, I think we saw that, with a great gift of Warren Buffett, one of our richest persons and citizens, to help the people at large, not just in America but throughout the world.

I ask my Republican colleagues, is that the American dream for you? Or is it one where people cannot get a raise in their minimum income to be able to take care of their families? Is working 40 hours a week for poverty wages the American dream for you? Or is it the belief that honest workers will be given an honest chance to build the life for themselves that they deserve?

We have not forgotten that dream on our side. We are going to continue to stand united behind Americans as they pursue it. We also stand for an open and honest democratic government that will demand it. And we will not rest until we have made this House the People's House once more, because the citizens of this great Nation deserve no less.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, at this time, I want to yield as much time as he might consume to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I want to thank my friend from Georgia for yielding and for his superb management of this very important appropriation bill that is coming forward. I also want to extend my appreciation to the gentleman from New York (Mr. SWEENEY) for the hard work that he has put into this very important measure. It is a bipartisan bill that I know enjoys broad support.

I know that the topic of discussion is the issue of increasing the minimum wage. I would like to say for the record, as I did in the Rules Committee last night, that I am a strong proponent of seeing the minimum wage increase. I want to see every American's opportunity increased, and I believe that the policies that we have put into place, not providing some sort of guarantee, I mean, States have minimum wage rates. My minimum wage rate in the State of California is substantially higher than the Federal minimum wage rate. There are some States that have a lower minimum wage, and I think it plays a role in the standard of living.

But I am one who has traditionally been concerned about the notion of mandating from the Federal level an increase in the minimum wage. I know that that is the issue that is going to be talked about time and time again. An argument is propounded by many that we somehow are more interested in the rich than we are in those who are trying to get onto the first rung of the economic ladder. Nothing could be further from the case. We believe very strongly in ensuring opportunity for every single American.

We want to make sure that there is opportunity out there, and there have been a wide range of empirical studies done, Madam Speaker, that show that if we look at the impact that it has on small businesses and on a wide range of other entities out there, it can be inflationary and, in fact, it can cost jobs.

Now, I know a lot of people try to dispute that and say that it hasn't happened, but I think that realizing we have a 4.6 percent unemployment rate, as has been said time and time again by the President and others, it is lower than the average for the last four decades, we have a strong, growing economy today and I would not want to take any action whatsoever that could potentially impinge on the economic growth that we are enjoying.

And we want to see everyone's wages increase. We want there to be greater opportunity for people to improve themselves. So, regardless of what arguments you might hear to the contrary, we are passionately committed to that. Some of us just have difficulty with having the Federal Government mandate it.

I want to congratulate the chairman of the subcommittee, Mr. WOLF, and JERRY LEWIS, who chairs the full committee, for this work product; and I want to talk about one particular issue that has been very important to me for the last 12 years.

Back in 1994, Madam Speaker, we established something known as SCAAP. That is kind of an intriguing acronym that is out there. It is known as the State Criminal Alien Assistance Program. The idea behind that is the fact that the Federal Government has the responsibility for the security of our Nation's borders. We all know that. We have had a raging debate that has gone on in this body and in the other body.

We are hoping very much that we are going to be able to come up with a measure that focuses first on border security, which is what we did in the House bill, but as we look at the things that were included in that measure, increasing border fencing, criminalizing those who would allow their property to be used for tunneling under the border, a wide range of things, we also have to recognize that there is a real problem that exists in this country today and that is there are many people here illegally who have committed crimes, and in light of the fact that they have committed these crimes, they have been incarcerated throughout the country.

In my county alone of Los Angeles, and I represent both Los Angeles and San Bernardino Counties, the great sheriff, Lee Baca, who was just reelected a few weeks ago, he is in Los Angeles County, and Sheriff Gary Penrod in San Bernardino County, they have come to me regularly and said that it costs millions and millions and millions of dollars for the incarceration, of criminal justice of people who are in this country illegally who have committed crimes. In fact, Sheriff Baca has told me repeatedly that it costs $150 million a year in Los Angeles County alone.

Now one of the things that we have done over the past 6 years, we have been able to provide roughly $1 billion to the State of California for the reimbursement. Again, we don't cover all the costs, but it is, I believe, important for us at the Federal level to step up to the plate and realize that security of our borders is a top priority, and if there are people who are in here illegally committing crimes and a cost is thrown onto the shoulders of State and local governments, we should provide this reimbursement.

□ 1115

Last year, I was privileged to work with our colleague, JIM KOLBE, and we coauthored an amendment that increased by $50 million the funding level for the State Criminal Alien Assistance Program to $405 million. What we have done this year, and I take my hat off to the distinguished members of the Appropriations Committee who have worked so hard on this, we have actually seen the committee itself come up with a level of $405 million. Again, that is not enough, Madam Speaker, but it is, I believe, a very important step to say to those who are taking on this responsibility at the State and local levels that they should be reimbursed.

We have to secure our borders. We have to do everything that we possibly can to bring an end to the problem of illegal immigration. As we continue to work on that, it is absolutely imperative that we do all that we can to make sure that the Federal Government takes its responsibility.

So this is an open rule that we have, and I believe it is very appropriate. It has funding for important measures.

Another issue that is very important to me is the fact that when it comes to space research, we have been able to improve the quality of life for people all over this country and around the world. One of the greatest centers of that operation happens to be the Jet Propulsion Laboratory, which is part of the California Institute of Technology. The Jet Propulsion Laboratory is in Pasadena.

I am proud to say the Jet Propulsion Laboratory is in La Canada-Flintridge. I jointly represent that area with our colleague ADAM SCHIFF. When I look at this bill, I am very pleased that recognition of the importance of that facility and the programs there is included in it.

So this is a good bill. I am strongly supportive of it and believe the rule will allow for a wide-ranging debate.

Madam Speaker, I thank my friend for yielding.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Appropriations Committee.

Mr. OBEY. Madam Speaker, I am urging every Member to vote "no" on the rule as a protest against the Rules Committee action in refusing to allow a minimum-wage increase amendment to be attached to this bill.

I know that there are some people that say it shouldn't be on this bill; but the fact is, Mr. HOYER and I and several others tried to have it attached to the Labor-Health-Education appropriations bill, and after we won, with the help of seven Republicans and 1 Democrat, the House Republican leadership decided to prevent that bill from coming to the floor of the House. So now we are trying to attach it to this bill.

I make no apology for that. The majority leader of the Senate attached 40 pages of unrelated language to the defense bill last year, language which insulated the pharmaceutical industry from lawsuits.

This issue is not about committee jurisdiction. This issue is about whose side are you on. For more than 9 years, we have seen no increase in the minimum wage. I take that problem personally, because after my parents were divorced, my mother worked for the minimum wage, and I can tell you how it feels to see a woman work 40 hours and come home with less than $40 in the check. It doesn't feel very good.

I can tell you how it feels to see you run out of money before you run out of days of the month, so at the end of every month, you have to take a household item, a table or a lamp or a radio, down to Etzkins' Pawn Shop to get a little money to get through the month. And the outrageous fact is that today, the minimum wage buys less than it did when my mother was earning it a number of years ago.

This Congress has an obligation to do something about that, but it hasn't. In the meantime, food prices have gone up by 20 percent, housing costs have gone up by 25 percent, medical expenses have gone up by 40 percent, and gas prices have doubled.

Last week, this institution voted to take no action to block a cost-of-living increase for Members of Congress. It takes a woman working at the minimum wage 4 months to earn the equivalent of that congressional COLA. Four months. What is the matter with people in this institution if they can justify a COLA increase for Members of Congress at the same time that they have been blocking a minimum-wage increase for 9 years? I find it outrageous.

I don't want to hear this baloney about, "Oh, President Clinton warned that he would veto the minimum wage a few years ago." President Clinton was a strong proponent of the minimum-wage increase. He was forced to warn the Congress that he would find a bill fiscally irresponsible if the Congress took the minimum wage and attached it to over $200 billion in tax giveaways and tax cuts that were paid for totally with borrowed money.

So let's not have any nonsense on this floor about how President Clinton, after all, resisted the minimum wage. What President Clinton did was to resist the taking of the minimum wage hostage to the tax writing, borrow-to-pay-for-tax-cut schemes of the majority party.

So, Madam Speaker, this, to me, is a matter of elemental decency. It is a matter of equity. A Congress that does nothing to stand in the way of a cost-of-living increase for itself is a Congress that certainly ought to have the decency to pass a minimum-wage increase for the people we are talking about.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in regard to some of the minimum-wage arguments the gentleman from Wisconsin is making, I want to point out, and these are not my statistics, but these are accurate statistics, that one-third of minimum-wage workers are children of the head of a household. Over half, 52 percent, actually of minimum-wage workers are under 25 years old. Less than 1 percent of minimum-wage workers are in households with a total income of $20,000 or less.

The big concern, of course, Madam Speaker, in regard to minimum wage, and I am certainly not suggesting that that issue might not be considered by this Congress in a more appropriate setting than this appropriations bill, indeed it might, and indeed we may need to raise that minimum wage somewhat, but we have to be very, very careful that in the process we don't destroy some of these jobs.

The gentleman talked about a situation with his own mom, and there are plenty of people in those situations. But if we raise the minimum wage to too high a level, then they won't have any job at all to come home from.

Madam Speaker, I yield 4 minutes to the gentleman from New York (Mr. SWEENEY), a hardworking member of the Appropriations Committee.

Mr. SWEENEY. Madam Speaker, I thank the gentleman.

Madam Speaker, I rise today in support of the rule and the underlying legislation. Let me point out that I think Chairman WOLF and Ranking Member MOLLOHAN have done a spectacular job in very tight circumstances with this bill. Having been on the committee in the past, I am very proud of this work product.

As my friend from Georgia pointed out, this bill has a multiple of purposes, and one of them is to help fund the efforts of the State Department to establish diplomatic relations throughout the world.

Twenty years ago in West Berlin the La Belle Discotheque was bombed by the Libyan Government. Eighteen years ago, over Lockerbie, Scotland, Pan Am Flight 103 was shot down by the Libyan Government.

Madam Speaker, that was at the beginning of, the early part of, the war on terror and terrorism. Lockerbie had an incredible toll, 270 murdered victims, with 189 Americans part of that. La Belle had two GIs murdered in that bombing and 50 permanently injured American citizens.

In 2002, Libya agreed to pay compensation to the families of Lockerbie in order to avoid a criminal trial, avoid a criminal trial. In 2004, they agreed to pay $35 million to the victims of the La Belle Discotheque.

During the full Appropriations Committee markup, I passed an amendment, Madam Speaker, that prohibits the State Department from fully establishing diplomatic ties with Libya and accepting a Libyan ambassador until the Libyan Government makes full compensation payments to the victims of these two horrendous terrorist acts. You may ask why I did that and why that was appropriated in this bill. Well, it is about timing.

On May 15, the State Department proposed the removal of Libya from the list of state-sponsored terrorist nations. Congress has 45 days under the law to review that removal. That 45 days will be up this Thursday. I fear very much so, and that is why we incorporated it into this bill, that this is the last opportunity that this government has to do the right thing for the people, for American citizens who have been victimized by terrorist attacks.

Without the language that was put into the full appropriations markup and protected by the Rules Committee, this Congress, this government, might not be there to stand and do the right thing, which, unfortunately, over the last 20 years it has shown it has not been all that willing to do for the victims of these vicious attacks.

So I want to thank Chairman DREIER and the Rules Committee and I want to thank Chairman HYDE and Ranking Member LANTOS of the International Relations Committee for agreeing that it is important that we go forward and ensure that the full compensation, the reparations, if you will, to these families, is maintained.

Madam Speaker, in 2002, Libya agreed to pay compensation to the families, in order to avoid a criminal trial. While 80 percent of that agreement has been met, the remaining 20 percent was held back by Libya as long as they remained on the U.S. list of state sponsors of terrorism.

Libya has now been removed from that list, and must now follow through on its agreements. The State Department removed Libya from the list on May 15th. Congress has 45 days to review the removal of Libya. That 45-day window is up on Thursday. We need to send a strong signal to Libya that they must live up to their deal.

Some of my constituents experienced this act of terror very personally. Glendon and Margaret Rafferty, of Ticonderoga in my Congressional District, lost four family members—their daughter Bonnie Leigh Williams, son-in-law Eric, and granddaughters Stephanie and Brittany. Joan and Tom Dater, of Pittstown in my Congressional District, lost their daughter, Gretchen.

Despite Libya's pending removal from the state sponsors of terror list, Libya publicly stated yesterday they are no longer obliged to pay the final installment of these reparations to the families. This is unacceptable.

I will point out to my colleagues, if they don't think it is serious, the Libyan Government indicated yesterday that they don't intend to meet the full obligations under this agreement, just as they have for 20 years stonewalled efforts by those families to reach some reward; and I don't know if we can call it a just reward, because it really isn't. Money is not going to replace their loved ones or their children murdered here, but at least some branch of this government is going to step up and say that it is wrong that that happened, that we not going to let it happen, and you don't just get a free pass back in once you have committed those kinds of horrendous, awful terrorist acts.

I want to thank Members on both sides of the aisle for joining with me on this. I want to let the families of these attacks know that we are with them.

Ms. SLAUGHTER. Madam Speaker, I yield myself 2 seconds simply to say that the workers who need it most, 57 percent of the benefits of the wage increase will go to families with working adults in the bottom 40 percent of the income scale. It is true that people are trying to raise families on the minimum wage.

Madam Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I regret that this rule does not make in order two amendments that were offered during full committee.

First, I offered an amendment that would provide $600 million additional money to this bill to protect our communities, invest in economic development, especially in rural areas, provide critical legal assistance to low-income families and respond to concerns by Members about the Federal investment in science and education funding. All of this, Madam Speaker, would have been accomplished by just nicking by about $1,657 the tax cut received by the wealthiest people in this country, those who make over $1 million a year.

Under this amendment, those who make over $1 million a year, instead of an average tax break of $114,172, under this amendment, which would have allowed us to put $600 million more into this bill for those worthy causes, they would have received an average of $112,515. All of that could have been paid for, and certainly they would not have been hurt at all.

Well, we had a good debate in full committee, an hour and a half long, touching on the budget policy of the past few administrations, the budget resolution that resulted in this bill's tight allocation and the tax cuts that I believe are evidence that the Bush administration is not serious about balancing this budget.

This discussion was important because it was a reminder of our different priorities. My amendment is a reflection of the Democratic priorities that, with more funding, could be reflected in this bill, and I regret that that amendment was not made in order today.

I also was concerned that the rule does not make in order an amendment that I was proud to cosponsor with Representatives HOYER and OBEY that would have raised the minimum wage, which has not been increased since 1997, from $5.15 to $7.25 by January 1, 2009.

□ 1130

The increase would occur in three increments, 70 cents each on January 1, 2007, 2008 and 2009. Such a small amount of money would have huge meaning to working families.

There are 7 million low-wage workers that would receive an increase in their hourly wage rate and increase their standard of living if the minimum wage were increased.

While I am pleased that the rule does provide protection for an ill-advised tax on commercial explosives which was proposed by President Bush, this rule does not protect this ill-advised tax the President's fiscal year 2007 budget contained for the second year in a row, a tax on the users of explosives. My State, due to its extraction industry, would bear the largest share of the burden associated with this tax. At an appropriate point in this bill, I intend to make a point of order against the tax.

Mr. GINGREY. Madam Speaker, I yield myself 30 seconds.

The gentleman is talking about how he would pay for his amendment that would cost $600 million. Madam Speaker, I think it is important that we point out that they always say how much of a tax break people making more than a million dollars, and they talk about a $114,000 tax break, and we are going to cut that down to $112,000, but they never say, the gentleman from West Virginia certainly did not say, how much these people with an adjusted gross income of over $1 million are actually paying in taxes every year. It is a huge number, and they do not want to share that with the fellow Members.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Madam Speaker, I rise today in opposition to this rule because it precludes the consideration of an increase in the minimum wage which has not been increased in 8 years.

In regard to the underlying bill, I do appreciate the work of the chairman and the ranking member in funding valuable programs within this year's utterly inadequate allocation. I am pleased that this bill contains funding for SBA's Microloan program.

For the past 3 years, the President has recommended eliminating this program, but this Congress has funded SBA Microloans every year since the program was established in 1992 by the first President Brush.

Last week, on a bipartisan basis, the Appropriations Committee restored funding for SBA's Microloan program for fiscal year 2007. These Microloans go to people with viable businesses who have limited credit history, limited collateral, and limited or no business experience. They go to low-income individuals, women and minority owners that have faced obstacles in securing capital, and they are a significant source of new jobs in rural areas.

Through the Microloan program, intermediaries have provided 23,500 loans totaling more than $282 million, averaging only $12,500 per loan, a small amount of funding each year. This program has created over 64,000 jobs during its existence. In my district, the Western Massachusetts Enterprise Fund has issued 92 loans, for a total of $1.5 million and created 180 jobs.

Businesses that use the Microloan program receive more than just financial backing. Lender intermediaries offer technical assistance and support to these small business owners as their companies develop. The assistance component of the program lasts throughout the life of the loan and ensures a high success rate.

Intermediaries like the Western Mass Enterprise Fund respond to the needs of owners at each step in the business growth.

As we all know, small businesses are the lifeblood of the American economy. The greatest job growth in the economy comes from the growth of successful small businesses.

With that, I again, Madam Speaker, urge, in spite of good features in the underlying bill, I urge a "no" vote on the rule.

Mr. GINGREY. Madam Speaker, at this time I have no additional requests for time, so I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, for the last 5 years Republicans have stood by as the compensation of chief executive officers of major corporations has soared. At the same time, the salaries of middle-class Americans have stood absolutely still.

The minimum wage has not been raised since 1997, almost a decade. In that time, Congress has voted to increase its own pay nine times. If this Congress can get a raise, the American people ought to be able to get a raise. Had it been merely adjusted just for inflation from its level in 1968, those earning minimum wage would be making $9.05 instead of $5.15. Instead, its purchasing power remains at its lowest level in half a century.

Madam Speaker, millions of full-time minimum wage workers and their families live in poverty. Sixty percent of minimum wage workers are women. They are adults over 20 years old. On average, minimum wage workers contribute over half of their total family's income. Who can live, much less raise a family, on $10,700 a year?

It is not just the cost of milk and bread that has increased by 25 percent since it was last raised, Madam Speaker. Four-year public college tuition has increased 77 percent, health insurance 97 percent, gasoline 136 percent. Today, it takes a full day's pay for a minimum wage worker to pay for a single tank of gas.

Is there any clearer indication that the quality of life for those earning minimum wage in this country has decreased? Is there any more obvious sign that these families are headed in a downward spiral? The cost of everything is going up, while their wages are spiraling down.

For Democrats, this is a moral issue. We believe we should be raising the minimum wage, one of the best tools we have to keep families from falling off an economic cliff in this country. Even more than that, we believe something very elemental, that people who work full time in America should not be poor. We believe that their families should not be poor.

The fact is that despite the fact the economy grew 4.2 percent last year, its best statistical performance since 1999, very little of this growth is reaching many families. Indeed, over the past 5 years, productivity as measured by real GDP per hour worked has risen by about 14 percent, as the real wages of non-managerial workers have risen less than 2 percent. Who is getting the 12 percent?

So when people look at the statistics like that and wonder where is the rest of the money going, all they need to do is to look at their Congress emptying the Treasury by passing massive estate tax cuts for the likes of millionaires and billionaires.

Madam Speaker, by raising the minimum wage to $7.25, this Congress can say that hardworking families have a right to share in some of this economic growth, that this country is not about the survival of the fittest but about opportunity and opportunity for all.

Lastly, Madam Speaker, there is a direct corollary between small business growth and the minimum wage. I think the findings would surprise many of my colleagues on the other side of the aisle.

Between 1997 and 2003, small business employment grew more in States with a higher minimum wage, 9.4 percent, than in the Federal minimum wage States where it only grew 6.6 percent. That tells us that raising the minimum wage is not only a matter of economic security for families but for businesses and for our economy as well.

So, Madam Speaker, I will oppose this rule, because I believe the American people need to know where their Representatives in this Congress stand when it comes to the minimum wage. They need to know, are you for economic security for families or are you against it? Do you stand with America's families or do you stand against them? That is the choice before this Congress today. I oppose the rule.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in response to some of the comments the gentlewoman from Connecticut was making, and the gentleman from Wisconsin earlier said in his remarks that they wanted an opportunity, and was taking an opportunity on this bill, to discuss the minimum wage issue even though it was not the appropriate format, and I agree with that, I think that the discussion of this issue certainly would be more appropriate for the next appropriations bill that we will be considering, Labor-HHS. Or maybe it will come up even as a stand-alone measure. I do not know.

But it just seems to me that on this appropriation bill, Science, State, Justice and Commerce Appropriations Act, that this is not the right format to bring up the issue.

I do not question the gentleman's right or any of the Members on the other side of the aisle who have spoken during this rule time about the minimum wage issue. But this is not something that this is the last opportunity to get this done.

I want to say, Madam Speaker, too, in regard to this issue, listen to this, minimum wage hikes pit low-skilled adults against teenagers from higher income families. This was an article in a newspaper May 13, 2004.

Employers react to minimum wage hikes by replacing low-skilled adults with teenagers from high-income families who are drawn into the job market by better pay. Decades of research confirmed what President Roosevelt's Department of Labor found just 1 year after the minimum wage made its debut in 1938.

In a number of instances there have been reports that workers who have been receiving less than the minimum wage have been laid off and replaced by more efficient workers. Minimum wage hikes can destroy jobs and destroy them permanently. When jobs are destroyed by minimum wage hikes, those jobs often never come back.

Again, this is a newspaper article from May 13, 2004. Following minimum wage increases, employers often replace less skilled employees with machines or simply reduce the level of service to customers. Businesses automate their telephone reception. Fast food diners bus their own tables. Gas stations go self-service. Shoppers scan and bag their own groceries.

The point I am making, Madam Speaker, is that you have to be, and I know the gentleman from Wisconsin certainly understands these issues as well as anybody, but the concern is that you do not want to destroy jobs by raising the minimum wage to a level, that this in fact happens, as I quoted from some of these articles in past statistics.

I do not think that this side of the aisle is opposed to looking at this issue, and, again, whether it is on the Labor-HHS bill or whether it is on a stand-alone situation, but I do not think this is the appropriate time to have this debate.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman has 10½ minutes remaining.

Ms. SLAUGHTER. Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, the gentleman says that this is an inappropriate bill to which to attach the minimum wage. The majority party has routinely attached gigantic pieces of legislation to appropriation bills.

The Senate majority leader did that, as I just recited a few minutes ago, on an outrageous special interest provision insulating the drug companies from legal suit just a few months ago.

Let me tell you what is inappropriate. What is inappropriate is to have a bunch of guys wearing suits in this Chamber sit on their duffs for 9 years and not find a way to increase the minimum wage for the lowest paid workers in this country. That is what is inappropriate.

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This is what is outrageous, and that is why the ranking of this Congress is less than 23 percent in the public opinion polls. I would like to find somebody in that 23 percent. I cannot believe there are 23 percent of the people who think this Congress has lived up to its obligations to middle-income workers and the middle class.

The fact is, you can either help raise the minimum wage or you can stand as an obstacle to it. So far, the Rules Committee has stood as an obstacle to it. The Republican leadership of this House has stood as an obstacle to it. When we did attach it to the most appropriate appropriations bill, your leadership blocked that bill from coming forward.

So give me a break. It is not that you do not think this is the appropriate vehicle. It says your party, by a 2-1 ratio, in this House is really against the minimum wage increase; and that is outrageous after you have just voted to give yourself a COLA.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume.

I just want to make sure that the gentleman from Wisconsin knows that this Member voted against giving himself a COLA and has consistently done that in the two terms that I have served.

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I wish more Members would join him and me.

Mr. GINGREY. I thank the gentleman.

Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

I have no further requests for time, and I will close with an urge to my colleagues to vote "no" on this rule as a protest against not being able to raise the minimum wage. The idea that if we were to raise that 50 cents would cause such inflationary spirals in this country is so laughable that I am surprised anybody would even try to contemplate such a thing, or that in order to have to pay somebody an extra dollar an hour you would go out and buy a many thousand dollar machine. I cannot imagine any businessperson in the country to be that incredibly dumb.

The fact of the matter is that we simply have got our foot on the necks of those people, and we cannot worry about them because the concerns of this Congress are for the rich and not for those who are struggling to make it.

Even if there are young people trying to pay their way through college, for heaven's sake, give them a better break. The college tuition costs have gone up higher than almost any other thing in the country. That is one of the reasons it always breaks my heart on the death rate and wounding rate in Iraq, because so many of the young and men and women who went into the Guard and Reserve did so in order to be able to get an education.

I think it is deplorable that this country cannot provide better education opportunities for its students without having them to put their lives on the line, but that is the circumstances we find ourselves in.

Mr. OBEY. Madam Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I would simply like to point out small business employment between 1997 and 2003 grew at a faster rate in States with a higher minimum wage than it did in Federal minimum wage States, 9.4 percent versus 6.6 percent.

Ms. SLAUGHTER. The gentleman is correct, and I believe 43 States have had the wisdom to try to raise the minimum wage because we simply cannot get it done here.

It should not be the luck of the draw where you are living whether the minimum wage is going to be raised or not. It is a responsibility we have and a responsibility, frankly, most people are tired of watching us shirk.

With that, I urge a "no" vote on this rule because of the minimum wage.

Madam Speaker, I yield back the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in regard to minimum wage increases and the hope, the fact is that as minimum wage increases, hope for job seekers decrease. A Duke University economist found recently that for every 10 percent increase in mandated wages, the probability of job seekers finding a job decreased by nearly 3 percent, according to the Employment Policies Institute.

Other top researchers found similar results. This one, a Boston University study, noted that low-skilled adults in States that raise their minimum wage are often crowded out of the job market by teens and students.

Research from Michigan State University echoed this conclusion, finding that high-skilled teens are those who are perceived as desirable employees often displace low-skilled employees in a minimum wage job after a mandated wage hike.

Madam Speaker, I rise again in support of this rule and in recognition of the importance of this underlying bill.

H.R. 5672 funds the critical operations of our government from the diplomatic affairs of the State Department to the law enforcement activities of the Justice Department.

Additionally, it provides funds for the various watchdog agencies that ensure a free and fair economic playing field for businesses and consumers alike.

This bill has substantial funding for sciences, to make sure that America stays on the forefront of medical and technological innovation as we continue to reach for the stars, both literally and figuratively.

While some critics may call for more funding of this program or that program, they not only fail to realize the limited funds available in this Federal budget but also fail to fully appreciate the hard work of the subcommittee in balancing our funding needs with the need to respect the taxpayer dollar.

Madam Speaker, while this bill may not be perfect, no bill is, it is a good bill that sets priorities and it sets a solid vision for the future on multiple fronts.

So, in conclusion, I again want to thank subcommittee Chairman WOLF, Ranking Member MOLLOHAN, full committee Chairman LEWIS and for all of the hard work and the time that went into this bill before us today.

I want to encourage my colleagues on both sides of the aisle to support this rule and the underlying bill.

Mrs. MCCARTHY. Madam Speaker, I oppose the Rule, because it prevents an amendment offered by Representatives OBEY, HOYER and MOLLOHAN to phase in over two years an increase in the minimum wage from $5.15 to $7.25 an hour.

Madam Speaker, millions of hard working Americans are barely earning enough to support their families on the wages they are being paid. Some of these people are single mothers, and some are working several jobs just to make ends meet.

Madam Speaker, the proposal to raise the minimum wage is a modest one and it is phased in over time.

Department of Labor figures show that the minimum wage was at its most valuable in 1968, and since then its value has fluctuated, but it has never been lower than it is now.

In January 2006, it would have needed to be increased to $9.05 to equal the purchasing power of the statutory minimum wage in 1968.

There has been no raise in the minimum wage in almost ten years, and minimum wage increases over the years have not kept up with increased prices.

I have always, and will continue always to support a reasonable increase in the minimum wage, and since the Rule sought to prohibit an amendment to do this, I oppose this Rule.

Mr. GINGREY. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

FREEDOM TO DISPLAY THE AMERICAN FLAG ACT OF 2005

Mr. BARTLETT of Maryland. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 42) to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

The Clerk read as follows:

H.R. 42

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to Display the American Flag Act of 2005".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "flag of the United States" has the meaning given the term "flag, standard, colors, or ensign" under section 3 of title 4, United States Code;

(2) the terms "condominium association" and "cooperative association" have the meanings given such terms under section 604 of Public Law 96–399 (15 U.S.C. 3603);

(3) the term "residential real estate management association" has the meaning given such term under section 528 of the Internal Revenue Code of 1986 (26 U.S.C. 528); and

(4) the term "member"—

(A) as used with respect to a condominium association, means an owner of a condominium unit (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association;

(B) as used with respect to a cooperative association, means a cooperative unit owner (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association; and

(C) as used with respect to a residential real estate management association, means an owner of a residential property within a subdivision, development, or similar area subject to any policy or restriction adopted by such association.

SEC. 3. RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.

A condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the flag of the United States on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use.

SEC. 4. LIMITATIONS.

Nothing in this Act shall be considered to permit any display or use that is inconsistent with—

(1) any provision of chapter 1 of title 4, United States Code, or any rule or custom pertaining to the proper display or use of the flag of the United States (as established pursuant to such chapter or any otherwise applicable provision of law); or

(2) any reasonable restriction pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the condominium association, cooperative association, or residential real estate management association.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Kansas (Mr. MOORE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BARTLETT of Maryland. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have a constituent and a friend, Hugh Warner, who runs American Flag Service. He sells a lot of flags, one of the biggest flag salespersons in the country; and Hugh several years ago pointed out to me a problem that some of his buyers had. These were purchasers who were members of a homeowner's association or a condominium association who, when they flew their flag, were admonished by the association that they could not fly a flag on their condo or on their townhouse or home. So, as a result of those problems that Mr. WARNER found several of his people had, as a result of some research that we did, we filed H.R. 42.

This is a very simple bill. We believe that it is a reasonable compromise between the rights of an association, homeowner's association, condominium association, to maintain the value of their properties and the rights of the individual to fly his country's flag.

We are not alone in being advised of this problem, because I have here in my hand newspaper reports from a number of newspapers that are reporting actions, there must be six or eight here, by States that were addressing this same problem; and they each one have passed bills that says that the homeowner's association may place reasonable limits on flying the flag, but they cannot prohibit the flying of the flag.

I will make these a part of the RECORD. We have here some letters from several organizations who are supporting this bill. The Veterans of Foreign Wars, the Jewish War Veterans of the United States of America, AMVETS, the Military Officers Association of America, and the Gold Star Wives of America are all in support of this bill.

It is a very simple bill. It simply says that a homeowner or condominium owner cannot be prohibited from flying the flag of his country. It also says that the association may place reasonable limits on the time and the manner of displaying the flag.

We think that this is a commonsense accommodation of the rights of the associations to maintain the value of their properties and the rights of Americans to fly the flag.

Mr. Speaker, it is hard for me to understand how a flag outside my condo could depreciate the value of my condo. I would just think that Americans flying flags should increase the value of whatever it flies on.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, June 26, 2006.

Hon. ROSCOE BARTLETT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BARTLETT: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States, VFW, and our Auxiliaries, I wish to express our views on the preservation and proper display of our national flag.

The VFW views our national banner as a living symbol. Flags and flag education are a hallmark of our Citizenship Education program. We promote frequent display of the flag, especially on national holidays and days of remembrance. The flag should only be flown during daylight hours, unless illuminated. For a complete guide to the proper display of our national colors, please view our Web site: www.vfw.org.

In addition to proper national flag display guidelines maintained on our Web site, we believe that any display of the flag should keep with local traditions and norms. The bearer of the flag should consider the impact to the community and the flag. The flag should be the correct size for the method of display, thus keeping it from becoming an obstruction. The damage to the flag needs to be considered such as displaying a flag on a highway, which exposes the flag to stains and fabric rips.

Congressman Bartlett, I thank you for your addressing this issue. Your recognition of America's current and future veterans is very much appreciated by the Veterans of Foreign Wars. If any member of my staff or I may be of assistance, do not hesitate to contact me.

Sincerely,

DENNIS CULLINAN,
Director, National Legislative Service.

JEWISH WAR VETERANS OF THE
UNITED STATES OF AMERICA,
Washington, DC, June 19, 2006.

Congressman ROSCOE D. BARTLETT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BARTLETT: On behalf of the Jewish War Veterans of the USA, JWV, I am writing to offer our whole-hearted support for the passage of H.R. 42, "Freedom to Display the American Flag Act of 2005."

The members of the JWV, the oldest active veterans' organization in the country, have fought hard to defend the American flag and gladly support the right to display it proudly even in the face of resistance from condominium and other homeowners' associations.

Please count us among the supporters of the bill. We urge its swift passage.

Sincerely,

COL (Ret) HERB ROSENBLEETH,
National Executive Director.

AMVETS,
Lanham, MD, June 21, 2006.

Hon. ROSCOE BARTLETT,
House of Representatives,
Washington, DC.

DEAR REP. BARTLETT: On behalf of AMVETS, American Veterans, I write to endorse your bill, H.R. 42, the Freedom to Display the American Flag Act of 2005. I appreciate your leadership on this issue.

AMVETS strongly supports the right of every person to freely fly the U.S. Flag on their own residential property. I am shocked to learn that some housing associations have been discouraging or preventing homeowners from displaying the Flag. This is certainly not what America is all about. H.R. 42 would affirm an individual's right to fly the Flag on their own property, regardless of any association rules.

The Flag is the symbol of our great Nation. It belongs to all of us and it waves as the ultimate expression of freedom. It represents liberty, equal opportunity, tolerance, and goodwill for those who share our aspirations. Everyone should have the right to display the Flag wherever and whenever they choose, especially on their own property.

Again, thank you for your timely and appropriate bill. I am hopeful the House will act swiftly on H.R. 42 and give homeowners the unabridged right to freely fly the noble symbol of our great Nation.

Sincerely,

EDWARD W. KEMP,
National Commander.

MILITARY OFFICERS ASSOCIATION
OF AMERICA,
Alexandria, VA, June 22, 2006.

Hon. ROSCOE BARTLETT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BARTLETT: On behalf of the 360,000 members of the Military Officers Association of America, MOAA, I am writing to support your bill, H.R. 42, that would require condominium associations and similar entities to permit owners to display the U.S. Flag, and for other purposes.

H.R. 42 strengthens freedom of speech under the First Amendment to the Constitution and safeguards that freedom for those who wish to display the U.S. Flag as resident owners of certain types of communities.

Your bill would provide that a condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent an association member from displaying the U.S. flag on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use. The bill stipulates that the legislation be consistent with Federal law or rule governing the display of the flag and be consistent with other reasonable management restrictions pertaining to the time, place or manner of such display.

Thank you for your leadership on this common sense measure. MOAA is pleased to endorse H.R. 42, the "Freedom to Display the American Flag Act of 2005".

Sincerely,

NORBERT R. RYAN,
President.

GOLD STAR WIVES OF AMERICA, INC.,
Arlington, VA, June 12, 2006.

Hon. ROSCOE G. BARTLETT,
Washington, DC.

DEAR CONGRESSMAN BARTLETT: On behalf of Gold Star Wives of America, 'thank you' for introducing H.R. 42, the "Freedom to Display the American Flag Act of 2005." Gold Star Wives support H.R. 42 because it's the right thing to do to display the American flag on one's own property. It's the patriotic thing to do, especially with Flag Day coming up. We all should be proud to display the American flag.

Over the years, we've read news reports that organizations such as condo or coop associations have rules that prevent their home-owners from flying the American flag on their own property. How unpatriotic of these association managers for their absurd rules. Those management rules are senseless. They should be encouraging flying the American flag, not discouraging it.

Our soldiers continue to serve and die for our country to make it free—free to fly the American flag, especially on our own property!

Sincerely,

ROSE E. LEE,
Chair, Legislative Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I thank the gentleman for his comments, and I rise today in support of H.R. 42, the Freedom to Display the American Flag Act.

This bill, as the gentleman stated, provides that a condominium association, a cooperative association, or residential real estate management association may not prohibit a resident of the association from displaying an American flag on their property within the association.

American citizens should not be prevented from expressing simple acts of patriotism, especially raising the flag on their own property, even if their property is part of a larger association of properties.

I am proud to be here today to support this bill, which supports basic patriotism and ensures that Americans may display the American flag wherever they live.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in favor of H.R. 42, the Freedom to Display the American Flag Act. This bill would allow homeowners to fly the American flag on their own property in accordance with the U.S. Flag Code.

I signed on to this bill because I have a constituent who was told by his homeowners association that his flagpole and his display of the American flag were in violation of their association rules.

Homeowners should have the freedom to display the American flag on their property. Our flag represents our country as a symbol of our patriotism, unity, and most of all bravery.

Right now our service men and women are courageously fighting the war on terrorism and putting their lives on the line every day to protect our great Nation and the freedoms that we hold so dearly.

This bill guarantees the homeowner the ability display the flag and show their support for this great Nation.

We must always remember the sacrifices others have made so that we enjoy the freedoms we have. The flag should never be considered an eyesore on property.

Mr. MOORE of Kansas. Mr. Speaker, I yield back the balance of my time.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 42.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SEASONED CUSTOMER CTR EXEMPTION ACT OF 2006

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5341) to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Seasoned Customer CTR Exemption Act of 2006".

SEC. 2. EXCEPTION FROM CURRENCY TRANSACTION REPORTS FOR SEASONED CUSTOMERS.

(a) FINDINGS.—The Congress finds as follows:

(1) The completion of and filing of currency transaction reports under section 5313 of title 31, United States Code, poses a compliance burden on the financial industry.

(2) Due to the nature of the transactions or the persons and entities conducting such transactions, some reports as currently filed may not be relevant to the detection, deterrence, or investigation of financial crimes, including money laundering and the financing of terrorism.

(3) However, the data contained in such reports can provide valuable context for the analysis of other data derived pursuant to subchapter II of chapter 53 of title 31, United States Code, as well as investigative data, which provide invaluable and indispensable information supporting efforts to combat money laundering and other financial crimes.

(4) An appropriate exemption process from the reporting requirements for certain currency transactions that are of little or no value to ongoing efforts of law enforcement agencies, financial regulatory agencies, and the financial services industry to investigate, detect, or deter financial crimes would continue to fulfill the compelling need to produce and provide meaningful information to policy-makers, financial regulators, law enforcement, and intelligence agencies, while potentially lowering the compliance burden placed on financial institutions by the need to file such reports.

(5) The Secretary of the Treasury has by regulation, and in accordance with section 5313 of title 31, United States Code, implemented a process by which institutions may seek exemptions from filing certain currency transaction reports based on appropriate circumstances; however, the financial industry has not taken full advantage of these provisions and has contended that they are unduly burdensome.

(6) The act of providing notice to the Secretary of the Treasury of designations of exemption—

(A) provides meaningful information to law enforcement officials on exempt customers and enables law enforcement to obtain account information through appropriate legal process; and

(B) complements other sections of title 31, United States Code, whereby law enforcement can locate financial institutions with relevant records relating to a person of investigative interest, such as information requests made pursuant to regulations implementing section 314(a) of the USA PATRIOT Act of 2001.

(7) A designation of exemption has no effect on requirements for depository institutions to apply the full range of anti-money laundering controls required under subchapter II of chapter 53 of title 31, United States Code, and related provisions of law, including the requirement to apply the customer identification program pursuant to section 5326 of such title, and the requirement to identify, monitor, and, if appropriate, report suspicious activity in accordance with section 5318(g) of such title.

(8) The Federal banking agencies and the Financial Crimes Enforcement Network have recently provided guidance through the Federal Financial Institutions Examination Council Bank Secrecy Act/Anti-Money Laundering Examination Manual on applying appropriate levels of due diligence and identifying suspicious activity by the types of cash-intensive businesses that generally will be subject to exemption.

(b) SEASONED CUSTOMER EXEMPTION.—Section 5313(e) of title 31, United States Code, is amended to read as follows:

"(e) QUALIFIED CUSTOMER EXEMPTION.—

"(1) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Seasoned Customer CTR Exemption Act of 2006, the Secretary of the Treasury shall prescribe regulations that exempt any depository institution from filing a report pursuant to this section in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes) with a qualified customer of the depository institution.

"(2) QUALIFIED CUSTOMER DEFINED.—For purposes of this section, the term 'qualified customer', with respect to a depository institution, has such meaning as the Secretary of the Treasury shall prescribe, which shall include any person that—

"(A) is incorporated or organized under the laws of the United States or any State, including a sole proprietorship (as defined in 31 C.F.R. 103.22(d)(6)(vii), as in effect on May 10, 2006), or is registered as and eligible to do business within the United States or a State;

"(B) has maintained a deposit account with the depository institution for at least 12 months; and

"(C) has engaged, using such account, in multiple currency transactions that are subject to the reporting requirements of subsection (a).

"(3) REGULATIONS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations requiring a depository institution to file a 1-time notice of designation of exemption for each qualified customer of the depository institution.

"(B) FORM AND CONTENT OF EXEMPTION NOTICE.—The Secretary shall by regulation prescribe the form, manner, content, and timing of the qualified customer exemption notice and such notice shall include information sufficient to identify the qualified customer and the accounts of the customer.

"(C) AUTHORITY OF SECRETARY.—

"(i) IN GENERAL.—The Secretary may suspend, reject, or revoke any qualified customer exemption notice, in accordance with criteria prescribed by the Secretary by regulation.

"(ii) CONDITIONS.—The Secretary may establish conditions, in accordance with criteria prescribed by regulation, under which exempt qualified customers of an insured depository institution that is merged with or acquired by another insured depository institution will continue to be treated as designated exempt qualified customers of the surviving or acquiring institution.".

(c) 3-YEAR REVIEW AND REPORT.—Before the end of the 3-year period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, the Federal banking agencies, the banking industry, and such other persons as the Secretary deems appropriate, shall evaluate the operations and effect of the provisions of the amendment made by subsection (a) and make recommendations to Congress as to any legislative action with respect to such provision as the Secretary may determine to be appropriate.

SEC. 3. PERIODIC REVIEW OF REPORTING THRESHOLD AND ADJUSTMENT FOR INFLATION.

Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(o) PERIODIC REVIEW OF REPORTING THRESHOLD AND ADJUSTMENT FOR INFLATION.—

"(1) IN GENERAL.—Before the end of the 90-day period beginning on the date of the enactment of the Seasoned Customer CTR Exemption Act of 2006 and at least every 5 years after the end of such period, the Secretary of the Treasury shall—

"(A) review the continuing appropriateness, relevance, and utility of each threshold amount or denomination established by the Secretary, in the Secretary's discretion, for any report required by the Secretary under this subchapter; and

"(B) adjust each such amount, at such time and in such manner as the Secretary considers appropriate, for any inflation that the Secretary determines has occurred since the date any such amount was established or last adjusted, as the case may be.

"(2) REPORT.—Before the end of the 60-day period beginning upon the completion of any review by the Secretary of the Treasury under paragraph (1), the Secretary shall submit a report to the Congress containing the findings and conclusions of the Secretary in connection with such review, together with an explanation for any adjustment, or lack of adjustment, of any threshold amount or denomination by the Secretary as a result of such review, including the adjustment for inflation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for some 14 years the Congress of the United States has known and identified a problem, and that is the number of currency transaction reports required by the Bank Secrecy Act.

The Internal Revenue Service, which administers this program, as early as 1993 made this statement. It said that 30 to 40 percent of these reports, and I quote, of routine deposits by large, well-established retail businesses have no likelihood of identifying potential money laundering or other currency violations.

The GAO in 1994 published a report which says, our analysis of CTR filing confirms that the volume of CTRs could be substantially reduced without jeopardizing law enforcement needs.

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The GAO, the Internal Revenue, FinCEN, have all recommended that what we do to reduce the number of CTRs by 30 to 40 percent is simply to exempt large well-established customers, what are so-called "seasoned customers."

In fact, I want to read into the RECORD and introduce into the RECORD a report by William Fox, who headed up FinCEN, the government's top law enforcement agency charged with coordinating money laundering and terrorist financing activities.

Here is what he said: "We know that some of the currency transaction reports filed by financial institutions are of little relevance in the investigation of financial crimes. We also know that depository institutions, especially our community banks, identify the time and expense of filing CTRs as the number one regulatory expense. It is clear that our efforts to encourage the exemption of routine filings on certain customers has not brought about the reductions of filings that were sought."

Working with William Fox, members of this committee, Mr. FRANK, Mrs. MALONEY, myself, Mr. HENSARLING, Mr. MOORE, Ms. HOOLEY, and several others, we actually fashioned legislation which we introduced and have passed out of this House on two different occasions over the past year. That legislation has died or was not acted on in the Senate. In the last case, it was simply because it was included in part of the reg relief bill.

So the purpose of this legislation is to break it out, isolate it into specific legislation dealing with that and nothing else, and send it over to the other body in hopes that they will save our financial institutions from what the GAO in 1994 said was a cost of up to $15 per report, maybe as little as $3, but as much as $15, and save our law enforcement agencies $2 to $3 per report, an overall savings of tens of millions of dollars which will allow law enforcement and our financial institutions to concentrate on the bad guys, not well-established routine business transactions by their customers.

Mr. Speaker, at this time I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 5341, the Seasoned Customer CTR Exemption Act of 2006. This bill is similar to an amendment I authored with Congressman RENZI at the committee markup of H.R. 3505, the regulatory relief bill that the House passed overwhelmingly in March. Because the Senate version of regulatory relief does not include this provision, we are passing it as a separate bill.

I am delighted to be a cosponsor of this bill along with my colleagues, Congressman BACHUS and Ranking Member FRANK. With 22 bipartisan cosponsors, it is a good example of the cooperative work of the Financial Services Committee.

This bill is intended to relieve financial institutions from unnecessary filings of currency transactions. This provision would reduce CTR filings by 70 to 90 percent for most financial institutions, saving many, many hours each year. By freeing financial institutions from filing useless CTRs, this bill enables them to concentrate on the more useful suspicious activity reports, which are those reports that financial institutions file when they believe a particular transaction of any sort or size warrants further review by law enforcement. More important, this also enables the regulators to concentrate on the important SAR filings, rather than CTRs from repeat trusted customers.

The bill would require banks to provide a one-time notice to FinCEN, the lead money laundering agency, of a proposed exemption for a particular well-known customer, and to describe the customer's relationship with the bank as the grounds for such exemption if FinCEN feels that the customer should not be in the reports or CTRs.

At present, a CTR must be filed for every single transaction of over $10,000, which results in more than 13 million CTRs being filed annually. Many of these CTRs, particularly those from business customers well known to the banks, are of absolutely no use to law enforcement. It is a waste of the bank's time and of law enforcement's time to file and to review them.

The CTR filings that distract both the banks and regulators from using their resources to find terrorists and money launderers are counterproductive. To relieve this problem, this bill instructs the Secretary of the Treasury to prescribe regulations that exempt a depository institution from filing a CTR if the transaction is with a seasoned customer, that is, a business which has kept a deposit account at the bank for a year and is engaged in multiple currency transactions subject to the CTR requirements.

The idea was first proposed by the Internal Revenue Department, and also in the GAO report that my colleague has cited in his remarks; and it was also proposed by the Treasury Department and law enforcement for exactly this reason. FinCEN Director Bill Fox strongly endorsed this seasoned customer exemption saying, and I quote, "This change will make the exemption more effective, while still ensuring that currency transaction reporting identification, critical to identifying criminal financial activity, is made available to law enforcement."

The banking regulators also expressed strong support for this proposal. OCC and OTS both agreed with FinCEN that the CTR filing process had become counterproductive in terms of national security because so many CTRs are filed that important data is lost in the haystack.

In the new Bank Secrecy Act provisions, we asked our financial institutions to take a front-line position in the war on money laundering and terrorist financing and we need to give them the ability to use their resources to their best advantage.

As a Representative of New York City, which is both an important financial center of the United States and a city that is very concerned about terrorism, I am concerned not only about giving the regulators the proper tools which they need, but I am also concerned that burdens are not placed on financial institutions that are redundant, particularly for midsized and smaller banks.

I know the vast majority of my colleagues on both sides of the aisle share this concern, and we worked hard together to pass carefully balanced legislation addressing it, so I urge my colleagues to continue that effort and vote for this underlying bill.

I rise in support of H.R. 5341, the Seasoned Customer CTR Exemption Act of 2006.

This bill is a reiteration of the amendment I offered with Congressman RENZI at the Committee markup of H.R. 3505, the reg relief bill that the House passed by a 415 to 2 vote in March. Because the Senate version of reg relief does not include this provision, we are passing it as a separate bill. I am delighted to cosponsor this bill with my colleague Congressman BACHUS. With 22 bipartisan cosponsors, it is a good example of the bipartisan work of the Financial Services Committee.

This bill is intended to relieve banks from unnecessary filings of Currency Transaction reports, or CTRs. At present, a CTR must be filed for every single transaction over $10,000, which results in more than 13 million CTRs being filed annually. Many of these CTRs, particularly those from business customers well known to their banks, are of no use to law enforcement. It is a waste of the banks' time to file them and a waste of law enforcement time to review them. CTR filings that distract both the banks and regulators from using their resources to find terrorists and money launderers are counterproductive.

To relieve this problem, this bill instructs the Secretary of the Treasury to prescribe regulations that exempt a depository institution from filing a CTR if the transaction is with a "seasoned" customer, that is, a business which has kept a deposit account at the bank for a year and has engaged in multiple currency transactions subject to the CTR requirements.

This provision would reduce CTR filings by 70 to 90 percent for most banks, saving banks many hours each year.

By freeing banks from filing useless CTRs, this bill enables them to concentrate on the more useful Suspicious Activity Reports, which are those reports bank file when they believe a particular transaction of any sort or size warrants further review by law enforcement.

More important, this also enables the regulators to concentrate on the important SAR filings rather than CTRs from repeat customers.

The bill would require banks to provide a one-time notice to FinCEN, the lead money laundering agency, of a proposed exemption for a particular well-known customer, and to describe the customer's relationship with the bank as the grounds for such exemption. If FinCEN feels that the customer should not be exempted, then it can reject the proposed exemption. And the exemption can be revoked by FinCEN at any time. The government remains in complete control of the exemption process.

Indeed, this measure was *proposed* by the Treasury Department and law enforcement for exactly this reason. FinCEN Director Bill Fox strongly endorsed this seasoned customer exemption, stating that: "This change will make the exemption more effective while still ensuring that currency transaction reporting information critical to identifying criminal financial activity is made available to law enforcement."

The banking regulators also expressed strong support for this proposal. OCC and OTS both agreed with FinCEN that the CTR filing process had become counterproductive in terms of national security because so many

CTRs are filed that important data is lost in the haystack.

In the new Bank Secrecy Act provisions, we asked our financial institutions to take a frontline position in the war on money laundering and terrorist financing. We need to give them the ability to use their resources to best advantage.

As a representative of New York City, the financial center of the United States, I am particularly concerned about the burdens the Bank Secrecy Act puts on our financial institutions, particularly those that are not mega-institutions but are mid-size and smaller.

I know the vast majority of my colleagues on both sides of the aisle share this concern and we worked hard together to pass carefully balanced legislation addressing it.

I urge my colleagues to continue that effort and vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I would like to inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from Alabama has 16 minutes remaining and the gentlewoman from New York has 14½ minutes remaining.

Mr. BACHUS. Mr. Speaker, last September, William Fox, at that time head of FinCEN, made this statement at a hearing before the Financial Services Committee. He said: "The Congress has in the past recognized the need to reduce the number of currency transaction reports that may not have a high degree of usefulness to law enforcement and ordered us to find a way to do so."

As a result of that hearing, Chairman OXLEY, the chairman of the full committee, made as a priority the committee working in a bipartisan way to find a way, working with law enforcement, to reduce the number of CTRs. It was a result of that hearing and numerous statements by both law enforcement, by financial regulators, by financial institutions, and by Members of Congress in both bodies to work out a solution to this long-existing problem. So I would like to commend Chairman OXLEY.

As a result of those hearings, there was introduced 3505, the Financial Services Regulatory Relief Act, by Congressman RENZI and Mrs. MALONEY, who of course just spoke on this bill. They included a provision that was specifically drafted by Mr. FRANK, Mrs. MALONEY, Mr. HENSARLING and Mr. MOORE, which included a seasoned customer exemption. We passed 3505 out of this body by a vote of 415-2 back in March.

More recently, the bill before us, 5341, which has 22 bipartisan supporters on the Financial Services Committee, passed the Financial Services Committee on a unanimous vote, and H.R. 5341 seeks to reduce the regulatory burden caused by the Bank Secrecy Act. Specifically, the legislation requires that the regulators promulgate new regulations and streamline the process by which financial institutions may be exempted from filing CTRs for seasoned customers.

CTRs are required to be filed for cash transactions of $10,000 or more. This filing is required even in the case of seasoned customers who are long-time bank customers that routinely file large volumes of cash and whose business dealings are well known and understood by the institution to the extent to rule out the possibility of money laundering or the financing of terror. Unfortunately, the current process by which a financial institution seeks an exemption under such a scenario is both cumbersome, hard to understand, and requires annual renewals.

Mr. Speaker, at this time I would like to recognize the gentleman from Texas (Mr. HENSARLING), who helped draft this legislation and the original legislation which was included in H.R. 3505, for such time as he may consume.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I certainly thank him for his leadership in this area.

I have the honor and privilege of representing the Fifth District of Texas here on the floor of the United States House. There are a lot of great communities, small communities, in east Texas that I represent, places like Canton, and Forney, and Athens. And part of the bedrock of these communities is their local financial institution, their small community bank or their credit union. Over the last decade, Mr. Speaker, we have seen the number of small community banks drop by almost a full third. By almost a full third. And the major reason that we have seen this incredible drop in the number of our community banks is because of the high cost of Federal regulation.

The number one item that community bankers cite in the cost of regulation is the regulation associated with the Bank Secrecy Act. Now, nobody in the House will deny that clearly the number one priority of this institution is to fight and win the war on terror, and there is a very important role that the BSA, the Bank Secrecy Act, regime plays in that. But, Mr. Speaker, there has to be in the language of the statute itself a high degree of usefulness to law enforcement for all of these reports that are turned in. Sooner or later, there has to be a balance. There has to be a rule of reason.

So what we see on the one hand with our local financial institutions is that every new Federal regulation somewhere at the margin is raising the cost of credit. That means some family is going to struggle in trying to send a child to college. It means some family is going to struggle and maybe they are not able to borrow the money and make a downpayment on that first home. Maybe some family that wants to live the American Dream and finally amass enough capital to start their own business, they can't do it.

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They can't do it because of the imposition of a Bank Secrecy Act that many of us believe, and apparently by a count of 415-2, is duplicative.

So, again, we have to ask ourselves, at what cost does this information come? For example, we received testimony from just one community banker.

Mr. Speaker, I ask unanimous consent that the testimony of Mr. Bradley Rock of the Bank of Smithtown, New York, be entered into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TESTIMONY OF BRADLEY E. ROCK ON BEHALF OF THE AMERICAN BANKERS ASSOCIATION BEFORE THE COMMITTEE ON FINANCIAL SERVICES SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT UNITED STATES HOUSE OF REPRESENTATIVES, MAY 18, 2006

Chairman Bacchus and members of the Committee, my name is Bradley Rock. I am Chairman, President, and CEO of Bank of Smithtown, a $950 million community bank located in Smithtown, New York, founded in 1910. I am also the Vice Chairman of the American Bankers Association (ABA). ABA, on behalf of the more than two million men and women who work in the nation's banks, brings together all categories of banking institutions to best represent the interests of this rapidly changing industry. Its membership—which includes community, regional and money center banks and holding companies, as well as savings associations, trust companies and savings banks—makes ABA the largest banking trade association in the country.

I have been honored to testify before this committee on prior occasions to present the views of the ABA on the need to eliminate unnecessary, redundant, or inefficient regulatory burdens that increase costs for banks, reduce the amount of credit available to our communities and fail to make meaningful contributions to the welfare of our citizens. Among the largest of regulatory burdens is the regime of surveillance and reporting on the financial activity of our customers that has been imposed on banks under the Bank Secrecy Act and subsequent anti-money laundering statutes and regulations. I therefore welcome the opportunity to appear again before you—this time to address the particular issues of regulatory cost versus policy benefit that attend the current state of currency transaction reporting (CTR)—and to advocate for your consideration an overdue option to reform the system for the mutual advantage of bankers, law enforcement and the American public we all serve.

We support a simplified, meaningful seasoned business customer exemption. We commend you, Mr. Chairman, and the members of this Committee for adopting that straightforward approach as part of H.R. 3505, the Financial Services Regulatory Relief Act, adopted by the House of Representatives on March 8, 2006, by a vote of 415-2. We congratulate you on continuing to pursue this sensible and timely reform in the legislation being considered today, Seasoned Customer CTR Exemption Act of 2006, H.R. 5341.

From the Bank Secrecy Act passed a generation ago to Title III of the USA PATRIOT Act adopted in the wake of the heinous terrorist attacks of September 11, 2001, legislation has united bankers and the government in the battle to combat abuse of our financial system by those who would pervert it to commit criminal offenses, to launder the proceeds of illegal conduct or, more recently, to support the means and ends of terrorism. The ABA and its members share the policy goals of Congress in passing these laws. However, increasingly complex or redundant compliance requirements render these laws far less effective than they might be otherwise.

When establishing the BSA regulatory regime, Congress sought to require reports or records when they have, in the Act's very words, "a high degree of usefulness" for the prosecution and investigation of criminal activity, money laundering, counter-intelligence and international terrorism.

Unfortunately, in the focus on systems, programs, and procedures, the standard of "high degree of usefulness" seems to have been neglected. The result has been more reports and paper, with declining usefulness. ABA and its members strongly believe that the current CTR requirements have long departed from this standard of utility and in large measure serve more to distract and impede efforts against crooks and terrorists than to help to expose and stop them.

In my testimony, I would like to make three key points:

Congress has already recognized that the original currency transaction reporting obligations imposed on banks have become unduly burdensome, generate voluminous data on legitimate routine business transactions adding little to law enforcement's efforts at meaningful analysis, and therefore need to be refocused to restore the reports to a level of value more closely approximating "a high degree of usefulness."

Previously enacted relief to reduce reporting to a more useful volume has been unsuccessful. While Congress wisely recognized that banks don't need to collect, and the government does not need to receive and process volumes of records on legitimate business activity by well-known customers, the reform has not been successful in practice because procedures to exercise it are cumbersome and carry significant procedural and supervisory risks.

Evolution of the BSA reporting regime has further reduced the purpose and value of currency transaction reporting. Requirements for rigorous customer identification programs, suspicious activity reporting, and the availability of focused and detailed information under section 314(a) of the PATRIOT Act leave little value to be added by collecting millions of CTRs on legitimate routine business activity.

Congress Endorses and Law Enforcement Recognizes the Need To Reduce Reporting on Legitimate Business Activity

In 1994, Congress included in the Money Laundering Suppression Act a statutory exemption system for currency transaction reporting. The new two-phase system was intended to address concerns that the number of CTRs being filed for routine business activity adversely affected law enforcement's ability to use the data. As the GAO's testimony in March 1994 stated, "CTRs that report normal business transactions are of no value to law enforcement and regulatory agencies in detecting money laundering activity." Expectations at the time anticipated that a revised exemption process would result in a reduction of CTR filings in the range of 30%. Unfortunately, we should all be disturbed that time has witnessed the number of CTRs overall grow from slightly more than 11 million in 1994, when the two-phase exemption process was passed, to the latest estimate of over 13 million annually, with no signs of abating.

Using FinCEN's conservative estimate of around 25 minutes per report for filing and record-keeping, the banking industry as a whole devoted around 5½ million staff hours of work to handling CTRs in 2005. Our review of ABA members indicates that three-quarters of the filings were for business customers who had been with the bank for over a year. That means that the industry spent around four million staff hours last year filing notices on well-established customers! A similar story can surely be told by the government agencies that receive and process these reports.

In my bank, during the past year, we filed 2,766 CTRs, and we do not have any public companies as customers. In fact, most of these CTRs were flied for ordinary transactions by an ice cream parlor, a clam bar, a restaurant and a high-volume Amoco dealer, all of whom have done business with us for many, many years. My tellers spent more than 460 hours in the branches preparing the CTR forms, and one person in our main office spent more than 1,000 hours checking the forms for accuracy, checking them against computer printouts, and filing the forms with the appropriate government office. Having watched this process for years, and being thoroughly familiar with the businesses that are the subject of these filings, I can tell you with firm assurance that all of this time and paper did absolutely nothing to advance our collective efforts to thwart money laundering and terrorism.

This trend is only likely to accelerate and demand more and more staff to report on more and more harmless transactions, further burying the real needles of money laundering under an exponentially growing mound of the hay of legitimate business transactions mindlessly recorded at great expense and increasing opportunity cost. Surely neither business nor the government can afford this wasted effort.

We have passed the time of studying what to do—GAO did that in 1994 and concluded then, as we all would now, that unnecessary reporting is taking place. It is about time to take effective action to make the system better. We must find a way to realize the policy objective of focusing on reporting with "a high degree of usefulness," and to successfully exempt reports on the financial transactions of law-abiding American businesses.

The Current Exemption Process Is Irretrievably Mired in Red Tape

ABA worked cooperatively with FinCEN and the federal banking regulators to encourage institutions to make better use of statutory exemptions when they were changed in the late 1990's. Our Association did extensive outreach to our members, and while some institutions adjusted their CTR filing policies and utilized the two-tier exemption process, the general response was lukewarm at best.

Unfortunately, the compliance technicalities for, and examiner second-guessing of, banker use of the exemption and the renewal processes have discouraged many institutions from utilizing the discretionary exemptions. The current Phase II exemptions make distinctions among types of cash intensive businesses or exemptible accounts and require statutorily mandated annual reviews plus resubmission obligations. These specifications generate difficulties in determining whether a customer is eligible for exemption, produce fear of regulatory retribution for misapplying criteria and incur costly additional due diligence. ABA has even received reports from members that examiners have threatened penalties and other formal criticisms for simple late filing of biennial renewal forms, a regulatory climate that shouts, "Warning" more than it does "Welcome." There should be little wonder then that banks are reluctant to try swimming in these waters.

We have heard it suggested that bankers do not use the exemption process because they have computerized systems that make filing CTRs a snap. I am here to tell you that the snap you hear is the floor boards in my file room straining under the load of my required five years worth of retained CTRs and related BSA compliance records. First, let me note for the record that not all banks can afford computerized CTR filing systems. Second, adopting technological efficiency in the cause of compliance may have value as a cost control effort, but it is no virtue when it only expedites filing useless data about legitimate business activity. Indeed, the suggestion to automate demonstrates a recognition that the vast majority of these reports are repetitive and routine and therefore likely to be of small value in combating money laundering.

A reporting regime that presents us with the choice of suffering the gauntlet of exemption qualification paperwork and concomitant auditor or examiner second-guessing or instead filing numerous useless CTRs, is not sound public policy. That is why tinkering with the current exemption process will not make an appreciable dent in the overwhelming number of CTRs filed each year. As FinCEN conceded in its Report to Congress in October 2002, recommendations for improving the exemption process regulatorily are at best incremental. Instead, we must start anew an updated Congressional mandate that clears away the convoluted structure of the present exemption process and substitutes a direct and simplified standard.

Newer Tools Allow Us To Eliminate CTR Filings for Seasoned Customers

The current cash transaction reporting program has been rendered virtually obsolete by several developments: enhanced customer identification programs, more robust suspicious activity reporting, and the use of the more focused and intensive 314(a) inquiry/response process.

In light of these developments, to continue to require CTR filings for business customers whose identity has been verified under a bank's Customer Identification Program (CIP) and tested under a period of experience with the bank and that remain subject to risk-based suspicious activity reporting is an inefficient use of limited resources by bankers and law enforcement. In the field, it diverts scarce examiner resources, focusing on compliance with technical reporting standards rather than carefully evaluating bank programs for detecting transactions that possess a likelihood of involving money laundering and terrorist financing.

Exempt Seasoned Customers From CTRs

Accordingly, we support H.R. 5341, embodying the recognition that the best way to improve the utility of cash transaction reporting is to eliminate the valueless reports being filed on legitimate transactions by law-abiding American businessmen and businesswomen. This improvement can be achieved by establishing a seasoned customer exemption for business entities, including sole proprietorships, as endorsed by FinCEN last year in testimony before Congress and now embodied in H.R. 5341. (ABA proposed a similar concept in its response of May 4, 2005 to the banking agencies' request for comment for burden reduction suggestions under the Economic Growth and Regulatory Paperwork Reduction Act.)

The exemption, as proposed in the bill and supported by ABA, is comprised of three elements: Existence as an authorized business, maintenance of a deposit account at a depository institution for 12 months, and use of the account to engage in multiple reportable currency transactions. The simplicity of this standard avoids the unnecessary compliance barbs that have previously snagged past efforts to make effective use of prior exemption systems. This straightforward definition is essential for the exemption to work and to reduce filing reports on routine business activity.

It is important to remember that cash transaction data will not be lost, but rather will continue to reside in the bank account records. It will, therefore, be available to law enforcement whenever sought in connection with a targeted inquiry from government enforcement entities. In particular, by using the USA PATRIOT Act 314(a) inquiry process, law enforcement will be able to locate transaction data and other relevant information on a broad range of accounts of suspects. That more targeted approach is working and producing tangible results today.

As FinCEN reported on April 25, the 314(a) process has been used by fifteen federal agencies from November 2002 to April 2006 covering over 500 significant money laundering or terrorist financing cases identifying more than 4,000 subjects of interest. The 314(a) process has yielded the identification of 1,932 new accounts, leading to 1196 Grand Jury Subpoenas, producing 90 indictments, 79 arrests and 10 convictions. Although the process has been in place less than four years and many money laundering or terrorist financing cases take several years to develop before they are actually prosecuted, the indictments, arrests and convictions are impressive. To put it mildly, there are no comparable measures of success for cases initiated through CTRs.

It has been suggested that the 314(a) process is flawed because it "can only be used on the most significant terrorism and money laundering investigations." However, ABA believes that requirement is one of its great strengths because it better matches the benefit of the information collected with the burden imposed on the banks. At least now when banks are called on every two weeks under 314(a) to search for and report all accounts maintained by a subject of interest, they are doing so for an investigation that is considered a significant terrorism or money laundering matter—not a fishing expedition.

As H.R. 5341 makes clear, all seasoned business customers would continue to be subject to suspicious activity monitoring and reporting. SARs provide precise account and related transaction information as well as extensive narrative detail not available in CTRs. This reporting enables law enforcement to focus resources on conduct or activities where there is a greater likelihood of genuine risk and where investigative resources can be used more productively. In addition, the SAR procedures permit law enforcement to obtain the bank's entire supporting investigative file upon request, without needing a subpoena.

As FinCEN reported in 2002, SARs have replaced CTRs as the primary tool for identifying suspicious activity. CTRs are now used to locate financial activity of already identified subjects of interest—the same purpose for which 314(a) inquiries are made. Although there have been examples cited by law enforcement of the continued use of CTRs, they do not specifically rebut the wisdom of a seasoned customer exemption. Talk about "connecting the dots" amounts to nothing more than anecdotal illustrations of how spotty the utility of CTRs on American businesses has become. They do not demonstrate that CTRs on seasoned customers meet the statutory requirement of "a high degree of usefulness."

After all, CTRs on non-seasoned entities would still be filed, reporting the movement of cash that does not go through an established business account relationship. In addition, law enforcement will have all the identifying information in the seasoned customer designation wherever and whenever that business has seasoned status. In other words, law enforcement will continue to have access to information on where subjects of interest are conducting their financial affairs.

As former FinCEN Director William Fox stated in a September 2005 testimony on the seasoned customer proposal before this Subcommittee, "We believe this language addresses many of the issues with our current exemption regime that were causing it not to have its intended effect. Due to its complexity and the burden involved in exempting customers, financial institutions were not taking advantage of the exemption regime. This proposal seeks to streamline the exemption process by focusing on a one-time notice to [FinCEN] of an exemption and focusing on the customer's relationship with the bank as the grounds for such exemption. We believe that these changes will make the exemptions more effective while still ensuring that currency transaction reporting information critical to identifying criminal financial activity is made available to law enforcement." ABA joins in those sentiments and strongly supports the Seasoned Customer CTR Exemption Act, H.R. 5341 that seeks to follow through on former Director Fox's endorsement.

CONCLUSION

Eliminating CTR filings for seasoned customers would have the following benefits:

The vast majority of the over 13 million CTRs filed annually would stop, saving the time, money, and labor expended by businesses to fill out forms, and consumed by law enforcement to process them.

There would be an improvement in the quality of SARs, eliminating those that are filed today in connection with innocent, idiosyncratic deposit activity. Banks would be able to focus their energies on detecting genuinely suspicious currency transactions, regardless of artificial thresholds.

We would make an enormous stride forward in focusing our anti-money laundering efforts—by both law enforcement and the banking industry—on the real crooks and terrorists with far greater likelihood of detecting and stopping their activities.

I thank the Chairman and his colleagues for their commitment to improving the BSA system and assure you that ABA and its members share that commitment. We are all striving to make the system work best, to protect the security of our banking system from abuse by money launderers and terrorists, and to safeguard the confidence that our customers have that the integrity of their legitimate business conduct is respected.

Mr. HENSARLING. Quoting from his testimony, Mr. Speaker, "In my bank during the past year, we filed 2,766 cash transaction reports, and we do not have any public companies as customers. In fact, most of these CTRs were filed for ordinary transactions by an ice cream parlor, a clam bar, a restaurant and a high-volume Amoco dealer, all of whom have done business with us for many, many years. My tellers spent more than 460 hours in the branches preparing the CTR forms, and one person in our main office spent more than 1,000 hours checking the forms for accuracy, checking them against computer printouts, and filing the forms with the appropriate government office. Having watched this process for years, and being thoroughly familiar with the businesses that are the subject of these filings, I can tell you with firm assurance that all of this time and paper did absolutely nothing to advance our collective efforts to thwart money laundering and terrorism."

That is just one small community banker in America. We know they are spread throughout the Nation. In fact, it was over a decade ago, Mr. Speaker, that the GAO concluded that unnecessary reporting was taking place. I am sorry to say that, 10 years later, it still is taking place.

So many of these banks are filing these cash transaction reports defensively, and yet we know that we still have the know-your-customer regime that is in place. The suspicious activity reports are still in place, and these are better enforcement tools for law enforcement than the CTRs.

In addition, by passing this particular piece of legislation, the information doesn't disappear. It is still available for law enforcement. The cash transaction data will continue to reside in bank account records and be available to law enforcement when they need it, when they are following up a lead. We have heard from law enforcement itself that, in many cases, what we see is that they are searching for a needle in a haystack. The excessive CTR reports are putting more hay on the haystack.

As former FinCEN Director William Fox stated, quote, we believe this language, really talking about the legislation at hand, addresses many of the issues with our current exemption regime that were causing it not to have its intended effect.

In many respects, Mr. Speaker, I think we are going to be able, by passing this legislation, to really help in two different areas. Number one, make sure law enforcement has the right amount of information in the proper form that they need to do their job, but, at the same time, to make sure that we don't drive any more of our community banks out of business, the lifeblood, at least in my district, of our rural communities that are out there creating the jobs necessary to sustain those rural communities.

So the House has really spoken on this matter once before in a very resounding fashion, in a very resounding bipartisan fashion. I certainly want to thank Ranking Member FRANK for his leadership in this area as well.

But we need a rule of reason. It is a question of balance. Particularly when we have our know-your-customer routine, when the suspicious activity report requirements are still in place, the CTR process as presently envisioned is not working, and that is why it is so necessary that we pass the legislation brought to us by the chairman and the gentleman from Alabama: and I commend him for his work.

Mrs. MALONEY. Mr. Speaker, there are no further speakers on our side of the aisle, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, in conclusion, I simply want to say to the Members who may be listening to this discussion, what we are talking about here is a restaurant, a movie theater, a corner drugstore, a retail establishment. These are businesses that have been in the community for years and years. As a matter of course, every week, sometimes every day, they file large sums of cash.

The very idea that we would impose, as we did in the Bank Safety Act, a requirement that the banks, every time this happens, file a report. As FinCEN estimated last year, it takes 25 minutes to prepare these reports, to review them, to catalog them and to file them. Then it takes the FBI or others, IRS, who administers this program, 5 to 6 minutes. So you are talking about, for the average small bank in a medium-sized town, as Mr. HENSARLING said, you are talking about hundreds of hours of wages, not to speak of the time.

As we have been hearing for 10 or 12 years, these reports have absolutely no usefulness in identifying money laundering, serious financial crimes, terrorist financing. It is past time that this Congress lifts what is a multimillion dollar burden on our financial institutions and, at the same time, allows law enforcement, directs law enforcement, in fact, to go after the bad guys. Focus attention on those nonroutine, nonstandard transactions.

Remember, the banks still must require, any time something is out of the ordinary to the routine, causes any type of questions, they actually have rules and regulations where they are required, in those cases, even if it is an established customer, if it is an out-of-the-ordinary transaction or raises suspicion, they have to file a report. That is the purpose of this legislation, to streamline that process.

Mr. Speaker, in closing, for the record, I would like to introduce the September 2005 testimony of William J. Fox, Director of the Financial Crimes Enforcement Network at the United States Department of Treasury.

STATEMENT OF WILLIAM J. FOX, DIRECTOR, FINANCIAL CRIMES ENFORCEMENT NETWORK, UNITED STATES DEPARTMENT OF THE TREASURY

Chairman Bachus, Ranking Member Sanders and distinguished members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss your efforts to balance the burdens imposed on the financial industry by the requirements of the Bank Secrecy Act of 1970, specifically, providing the government with highly relevant information that assists law enforcement in making our financial system more transparent and our country safer. I am the Director of the Financial Crimes Enforcement Network, which has been delegated the responsibility by the Secretary of the Treasury to administer the Bank Secrecy Act. The Financial Crimes Enforcement Network is part of Treasury's new Office of Terrorism and Financial Intelligence, led by Under Secretary Stuart Levey. The creation of this office has greatly enhanced Treasury's efforts and accomplishments on issues relating to money laundering, terrorist financing and other financial crime.

As the administrator of the Bank Secrecy Act, we bear responsibility for ensuring that the Bank Secrecy Act is implemented in a way that achieves the policy aim intended by the Congress, which is, simply stated, to safeguard the United States financial system from the abuses of financial crime, including money laundering and terrorist or other illicit financing. This is a day-to-day challenge in a financial system where we generally promote the unfettered, free-flow of commerce and where criminals strive to manipulate the system with the same ingenuity and sophistication of the very best in the industry.

Ensuring that we strike the right balance between the cost and benefit of this regulatory regime is, in my view, a central responsibility for my agency. While I do not believe this cost/benefit analysis can be reduced to a mathematical formula, I believe we must constantly study how we can more effectively tailor this regime to minimize the costs and other burdens imposed on our financial institutions while at the same time ensuring that the law enforcement community receives the information it needs to combat financial crime and terrorism.

This effort is particularly important because I am more certain than ever that compliance with the Bank Secrecy Act's regulatory regime is a critical component to our country's ability to utilize financial information to combat terrorism, terrorist financing, money laundering, and other serious financial crime. Moreover, the systems and programs that are mandated by the Bank Secrecy Act make our financial system safer and more transparent.

Over the past year I have traveled quite a bit around the country listening to the frustrations members of the financial industry have with the Bank Secrecy Act. Many of those frustrations relate to how the Act is being implemented. Many in the financial industry complained about the lack of clarity in requirements and consistency in examination. At the same time, the Congress has questioned the effectiveness of our collective ability to implement this regime in light of several highly publicized and significant regulatory failures by certain financial institutions. Mr. Chairman, I am pleased to report that by working diligently with my colleagues at this table, we have made significant progress on these issues. In the past year:

We have signed groundbreaking information-sharing agreements with the five Federal Banking Agencies, the Internal Revenue Service and thirty-three (33) state authorities. We are working to finalize similar agreements with the Securities and Exchange Commission and the Commodities Futures Trading Commission.

We have assisted the Federal Banking Agencies with the development of a comprehensive Bank Secrecy Act examination manual that we believe will ensure greater consistency in examinations for depository institutions, and will provide a significant source of guidance and help for those institutions.

We are together issuing more and better guidance to ensure greater clarity and consistency of regulatory policy. A good example of this is the recent guidance we issued jointly with the Federal Banking Agencies on the provision of banking services to money services businesses.

We have created and staffed an Office of Compliance within our Regulatory Division to ensure better clarity and consistency in how the Bank Secrecy Act is implemented and provide us with an assessment of the overall success of our Bank Secrecy Act Regulatory Program.

We are—for the first time—devoting nearly 25 percent of our analytic muscle to regulatory issues and programs. These analysts are not only identifying compliance problems and targeting problematic institutions for examination, they will also develop and provide information to the financial industry to help them better understand and assess the risks posed by their business lines and customer base.

We believe these steps and the steps we have planned have helped improve the overall implementation and effectiveness of the Bank Secrecy Act. Ensuring that we present the financial industry with regulatory requirements that are both clear and consistent is, in my view, one of the best ways we can reduce the burden associated with Bank Secrecy Act compliance.

Consistency is a crucial element of the effective implementation of the Bank Secrecy Act, and, indeed, is one of our core objectives. While we, of course, stand ready to assist the Committee and this Congress by examining any aspect of the Bank Secrecy Act, I would emphasize that over the past year, the level of cooperation between my agency and the Federal Banking Agencies has grown significantly. As reflected in the steps we have taken together, we all recognize the need for a consistent voice on these important regulatory issues, and are building the necessary coordination mechanisms.

The focus of my testimony before the subcommittee today is on H.R. 3505, specifically, how that bill would affect the Bank Secrecy Act. I would like to focus on one key concept in this legislation; your effort to reduce the burden imposed on the financial industry of filing Currency Transaction Reports. We have been grappling with the issue of how to improve the Currency Transaction Report regime for some time. We know that Currency Transaction Reports are valuable to law enforcement. These reports—often coupled with other information—are used every day to identify and locate criminals and terrorists. However, we also know that some of the Currency Transaction Reports filed by financial institutions are of little relevance in the investigation of financial crime. We also know that depository institutions, especially our community banks, identify the time and expense of filing Currency Transaction Reports as the number one regulatory expense. Indeed, the Congress has in the past recognized the need to reduce the number of Currency Transaction Reports that may not have a high degree of usefulness to law enforcement, ordering us to find a way to do so. However, it is clear that our efforts to encourage the exemption of routine filings on certain customers have not brought about the reductions in filing that were sought.

Two years ago we turned to the Bank Secrecy Act Advisory Group, bringing in the viewpoints of the industry, law enforcement, and regulatory communities, to address this question. Through this process, we learned that our colleagues in law enforcement have made significant strides recently in their ability to utilize currency transaction reporting data, marrying this data with other law enforcement data to maximize its benefit. We also have enhanced our analytic capability to exploit this data source on both micro and macro levels. Such innovations enhance the utility of our analysis, and it is essential that we not reduce the flow of critical information just as the technical firepower to exploit this information is reaching new heights.

This Committee now is considering language that would amend current exemptions by allowing banks to qualify certain customers as exempt from routine currency transaction reporting. We believe this language addresses many of the issues with our current exemption regime that were causing it not to have its intended effect. Due to its complexity and the burden involved in exempting customers, financial institutions were not taking advantage of the exemption regime. This proposal seeks to streamline the exemption process by focusing on a one-time notice to my agency of an exemption and focusing on the customer's relationship with the bank as the grounds for such exemption. We believe that these changes will make the exemptions more effective while still ensuring that currency transaction reporting information critical to identifying criminal financial activity is made available to law enforcement.

However, we also recognize that we need to monitor these changes to ensure that they do not result in a reduction in information that would be highly useful to our law enforcement clients, and accordingly the proposal contains a wise requirement to conduct a study after some time has elapsed to ensure that we are striking the proper balance.

In conclusion, Mr. Chairman, I hope that my testimony today conveys the sense of commitment, energy, and balance with which all of us at the Financial Crimes Enforcement Network are addressing the challenging issues that confront our administration of the Bank Secrecy Act. The importance of your personal and direct support of these efforts cannot be overstated. Your oversight will ensure that we meet the challenges that we are facing. I know how critical it is that we do so, and we hope you know how committed we are to meeting those challenges. Thank you.

Mr. BACHUS. Mr. Speaker, I yield back the balance of my time and urge all Members to vote in favor of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 5341, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 854) recognizing National Homeownership Month and the importance of homeownership in the United States.

The Clerk read as follows:

H. RES. 854

Whereas the President of the United States has issued a proclamation designating the month of June 2006 as National Homeownership Month;

Whereas the national homeownership rate in the United States has reached a record high of almost 70 percent and more than half of all minority families are homeowners;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments; and

Whereas the current laws of the United States, such as the American Dream Downpayment Act, encourage homeownership and should continue to do so in the future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is a pleasure to be here today on the floor with our ranking member, the gentlewoman from California, Congresswoman MAXINE WATERS.

I rise today in support of House Resolution 854, which recognizes National Homeownership Month and the importance of homeownership in the United States. This resolution is offered by my colleague and friend from California, Congressman GARY MILLER, who has really undertaken a robust job in working the housing issues and sponsoring different forums for discussions on housing and being a very active member of our Housing Subcommittee and also the vice chair of that committee.

June is National Homeownership Month, and so many of our partners celebrate this because, in America, we would hope that everybody would have an opportunity to be able to own a home. A home is more than just a symbol of the American dream; it is the backbone of our American way of life.

Over the past 3 years, the housing market has driven the national economy as Americans bought and refinanced homes in record numbers. Many regions were spared the worst of the recent recession due to the strength of local housing markets.

Homeownership creates community stakeholders who tend to be active in charities, churches, neighborhood activities. Homeownership inspires civic responsibility, and homeowners are more likely to vote and get involved with local issues. Families owning a home offer children a stable living environment, and its influences are great. It helps with their personal development in many positive, measurable ways at home, in school and in our society.

Today, nearly 70 percent of American families own their own homes. Minority homeownership rates have reached an all-time high of almost 50 percent. While many gains have been made though, lagging minority homeownership rates, I think, are a serious concern. That issue has to be addressed.

Minority households are expected to account for two-thirds of household growth over the coming decade. Improving the ability of such households to make the transition to homeownership will be an important test of our Nation's capacity to create economic opportunity for minorities and to build strong, stable communities.

In the last Congress, the Subcommittee on Housing and Community Opportunity, which I chair, and again the ranking member is the gentlewoman from California, that committee and the members from both sides of the aisle assisted in enactment of 17 housing-related bills.

I want to thank the members of that committee, GARY MILLER, the vice chair, and the gentlewoman from California; also, of course, Congressman OXLEY and BARNEY FRANK of Massachusetts. Chairman OXLEY has worked with us, as Mr. FRANK has, to make sure that these bills have gone to the full committee.

So we are very proud of the enactment of 17 housing-related bills. That was through bipartisan cooperation. We have been able to do this to make existing housing programs work better.

Our work continues in the 109th Congress. In the last month, the Housing Subcommittee of the Financial Services Committee has marked up 10 housing bills. For example, we approved a bill that would preserve affordable rural housing opportunities and one that would modernize and increase the availability of FHA-insured manufactured housing loans to low and moderate consumers who wished to purchase a manufactured home.

I am especially proud of H.R. 5121, the Expanding American Home Ownership Act of 2006. This important FHA modernization legislation would allow for risk-based pricing for the Federal Housing Administration. Charging premiums commensurate with risk allows sound pricing and portfolio diversity to sustain the financial strength of the FHA fund.

We want to thank the gentlewoman for taking the lead on this. I feel if we had not done this bill I don't know where FHA would be today. I thank the gentlewoman for all her hard work.

While homeownership is a desired goal for many Americans, and that is why we are here, again I thank Mr. MILLER for this resolution, but there are still, and I think we have to face this, many in society are not ready yet or cannot own their own home.

So the Financial Services Committee in this month approved by voice vote H.R. 5443, the Section 8 Voucher Reform Act of 2006. This piece of legislation represents the culmination of a bipartisan negotiation over the last year to craft a compromise proposal to reform HUD's section 8 program.

In the Housing Subcommittee, we do continue to plan to work hard with our ranking member, the gentlewoman from California, and Mr. MILLER and all the Members on both sides of the aisle to explore new ways to put people in the path of homeownership so they can realize its benefits.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Subcommittee on Housing and Community Opportunity and one of the original cosponsors of this legislation, I rise in strong support of House Resolution 854, celebrating June as National Homeownership Month of 2006.

I would like to thank the Chair of our subcommittee, Mr. NEY, for his support, not only for this resolution but his support for all of the members serving on our subcommittee on both sides of the aisle for all that we are attempting to do to expand homeownership opportunity. I am excited about the leadership that Mr. NEY has provided on FHA, to support the CDBG, his support for section 8. All of these programs lead to homeownership.

□ 1230

And I am delighted to be on the floor with him today.

I would also like to thank Mr. GARY MILLER, the vice chairman of the subcommittee on Housing and Community Opportunity, for sponsoring this resolution. This is an extremely timely resolution. June is National Homeownership Month, 2006.

And I also want to applaud all of those who joined on the resolution as original cosponsors: Mr. HINOJOSA; Mr. SCOTT of Georgia; Ms. HARRIS; Ms. MILLENDER-MCDONALD; Mr. NEUGEBAUER; Mr. FRANK, the ranking member of the Committee on Financial Services; Mr. NEY, of course, chairman of the subcommittee on Housing and Community Opportunity; and the distinguished chairman of the Committee of Financial Services, Mr. OXLEY.

Mr. Speaker, and Members, homeownership is like motherhood and apple pie. I believe that just about everyone would agree that homeownership is important to the overall quality of life in communities across the country and to the economic well-being of individuals and families in America.

While National Homeownership Month has been celebrated for the past 5 years, we really do owe a great deal of credit to the many nonprofit organizations and public policymakers who have concentrated on making the American Dream come true, as well as others who have formed public-private partnerships to expand homeownership opportunities in America. Without these cooperative relationships and bipartisan relationships, we would be hard pressed to have reached many of the low-and moderate-income persons and families who have been able to afford a home.

Mr. Speaker and Members, it is commendable to applaud homeownership in this country, but it takes a little bit more to create the opportunities for the average American to own a home, and it requires real support and assistance by public policy-makers. I am pleased and proud to serve on this subcommittee because, again, I see that commitment on both sides of the aisle.

Homeownership has a rich history in America. Let's take a walk back in time and we will see just how important homeownership has been in America. From 1900 to 1920, the first 20 years of the last century, the homeownership rate declined slowly but steadily. Then homeownership soared in the 1920s, but declined to its lowest level in the 20th century, 44 percent by 1940. Of course, after World War II, we witnessed a dramatic increase in homeownership as the postwar economy boom contributed to American prosperity. Purchases of homes were central to building that prosperity; and by 1960, homeownership had grown to 60 percent because of favorable tax treatment and attractive financing related to homeownership.

During that same year, my State of California reached its high water mark for homeownership tying the national average of 60 percent. By 2000, two in three households in the United States owned their own homes. In 1990 less than half owned their own homes, whereas today 70 percent of all Americans own their homes.

In addition, the median value of single family homes in the United States, according to the census, rose from $30,600 in 1940 to $119,600 in 2000. But of course, today the median value in some places, such as California, have increased tremendously, almost to $500,000.

The benefits of homeownership are truly remarkable. Homeownership provides a broad range of benefits to individual homeowners and to society as a whole. Many children of homeowners did better in school and are more successful in life. Homeownership acts as a powerful economic stimulus, benefiting the individual homeowner and the national economy. Homeownership benefits neighborhoods, providing economic and social capital. Homeowners are more likely to participate in local organizations. Homeownership in distressed communities raises neighborhood property value by a significant amount, and homeowners state that they are more satisfied with their living situation than renters.

The benefits might seem inconsequential to some. But believe me, if we could transfer the benefits of homeownership across this country, we would wipe out much of the crime in our communities, lower high school drop-out rates, reduce poverty, and improve the overall quality of life for countless numbers of Americans.

Just think of the benefits to children. Children of homeowners score better on academic tests, graduate at higher rates, have fewer behavioral problems, and enjoy a better social environment. Children of homeowners are more likely to become homeowners, adding to the paradigm of wealth creation.

Homeownership benefits the U.S. economy. Homeowners generate equity. Home equity is often the source of start-up capital for a business or for financing our children's education and our retirement. High rates of homeownership in a community add to the value of property as much as $5,000, according to one recent study.

A home is a real source of wealth. Homeownership is central to individual wealth and to the wealth of the U.S. economy. The growth in new housing starts in the last few years contributed directly to the growth in the U.S. economy. Just look at the housing sector, and it will usually tell you a lot about the overall wealth and direction of the economy.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. GARY

G. MILLER), the author of the resolution.

Mr. GARY G. MILLER of California. Mr. Speaker, I introduced this legislation to elevate the debate and the understanding of the importance of housing in this country.

On May 24, 2006 President Bush designated June as National Homeownership Month, as he has done over the past 5 years. To complement this designation, this resolution provides congressional recognition of the National Homeownership Month and the importance of homeownership in the United States.

Owning a home is a fundamental part of the American Dream and is the largest personal investment families will ever make. Not only does homeownership provide economic security by building wealth over time, it also strengthens and builds communities.

However, creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, nonprofit sector, including the Federal Government and State and local governments.

This resolution expresses the sense of Congress that the House of Representatives, one, fully supports the goals and ideals of National Homeownership Month; and, two, recognizes the importance of homeownership in building strong communities and families.

Today is a day we can come together, set aside any policy differences we might have, and celebrate homeownership in America.

For generations, the goal of owning a home has been the bedrock of our economy and a fundamental part of the American Dream. As we have faced the challenges of war and economic uncertainties, the housing markets have helped to keep our economy strong.

Nationally, housing generates more than 22 percent of the gross domestic product and accounts for nearly 40 cents of every dollar spent.

America's housing markets are the envy of the world. We enjoy the lowest interest rates, the highest homeownership rates of any developed nation. In fact, national homeownership in the United States has reached a record high of 70 percent. Homeownership is the single largest creator of wealth for Americans. It is the largest investment most families will ever make, and a key to promoting long-term economic stability. For this reason we must continue to promote policies that ensure more Americans can achieve the goal of homeownership.

Aside from helping millions of Americans achieve their dreams, homeownership also helps to build neighborhoods and strengthen communities. Families who own homes have a vital stake in their communities, a stronger interest in the safekeeping of their neighborhoods, and a deeper commitment to the quality of their schools and public services.

Each home is a critical piece in a successful neighborhood, allowing families to enjoy community events together and share in the lives of their neighbors and friends.

As millions of American families have demonstrated, increased homeownership helps to build better communities, and better communities help to build a better America.

As responsible legislators, we need to ensure that government helps rather than impedes homeownership in America.

When I came to Congress, I made it my top priority to highlight Federal policies that have hindered the availability of housing in this country and to find ways for government to positively impact homeownership in America. While we have done much to help Americans become homeowners, we must do more. We must remove the hurdles and needless regulation that keep homeownership out of the reach of some families in America.

And oftentimes in government, we pass policies and laws and regulations that sound really good, and when they are implemented they do just the exact opposite of what we intend them to do, they hinder homeownership. State government and local government do the same thing. What we need to do as legislators is look at these things we have done; and if they are wrong, we need to correct them. And then we need to pass new resolutions and laws that further provide opportunities for people, which in many cases we have done the opposite of.

We must also promote fair lending practices to increase housing opportunities for all Americans. And we must ensure that programs Congress passes to encourage homeownership can be enjoyed by all Americans in all communities, including those in high-cost areas.

With June designated as National Homeownership Month, there is no better time to address these issues. Now more than ever Congress must cultivate an environment in which more Americans may turn the dream of homeownership into a reality.

I am very pleased today that the President has made it a priority to promote affordable housing and homeownership, even among those challenges our country faces in other areas.

Along with Secretary Jackson and his team at HUD, the President has taken a leading role in finding new and innovative ways to expand homeownership in all areas of this country.

Fortunately here in Congress we have a strong commitment to homeownership from Members from both sides of the aisle. I want to commend the people in our committee who have worked really hard: Chairman OXLEY and Ranking Member BARNEY FRANK, also subcommittee Chairman NEY and MAXINE WATERS. We have come together on many issues. We have put aside personal issues that we might disagree on, and we said, what can we do positively together to create a better environment for housing, understanding that people at all sectors of society need to own a home, and how can we eliminate programs that hinder them from doing that.

I am confident due to this teamwork we will have success in years to come and continue to increase homeownership nationwide.

National Homeownership Month is a reminder of the importance of housing issues in America. I urge my colleagues to support this resolution, and I encourage all of us, as we go through our practices of trying to pass good and reasonable laws for this country, to look at policies that encourage homeownership rather than discourage homeownership.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, homeowners confer benefits to the communities in which they live. Homeowners vote and participate in important community organizations such as our schools. Homeownership benefits distressed neighborhoods, resulting in increased property values and more stable communities. Stability is the key to improving the quality of life in America. Homeownership in America is the key to stability.

Despite the benefits of homeownership in America, some Americans still are not benefiting from homeownership. African Americans and Latinos still lag behind others in their rates of homeownership. According to the "National Urban League's State of Black America Report for 2006," less than 50 percent of African American families in America own their own homes. The rate of homeownership is about the same for Latinos, approximately 49 to 50 percent.

Another poignant fact is that some of the disparity in homeownership rates for these groups is the result, sometimes, of discrimination and predatory lending. The Center for Responsible Lending just completed a major study which found that African Americans are still more likely to receive higher-rate home purchase rates and refinance loans than similarly situated white borrowers, particularly for loans with prepayment penalties. African Americans with prepayment penalties on their subprime mortgages were 6 to 34 percent more likely to receive a higher-rate loan than if they had been white borrowers with basically the same qualifications or risk factors. Indeed, Latino borrowers had the same experience as African Americans. Latino borrowers purchasing homes were 29 to 142 percent more likely to receive a higher-rate loan than if they had been a non-Latino white borrower. Each of the above findings was also documented in a Federal Reserve study last year.

These findings are very real for African Americans and Latinos, and that should be enough. What the findings mean is that African Americans and Latinos still face obstacles to homeownership that other Americans do not face. Obstacles to homeownership are obstacles to the achievement of our vision. If homeownership in particular is the key to stronger and healthier communities, financial independence and the accumulation of wealth in America, then it is essential that we not only recognize June as National Homeownership Month, but that we commit ourselves to eliminating obstacles to homeownership for all Americans.

As such, I ask all of my colleagues to support June as National Homeownership Month of 2006 as embraced by H. Res. 854. Remember, we continue to pursue a broad range of policies and programs to encourage homeownership opportunities in America.

□ 1245

We have fought to restore budget cuts that have been proposed from time to time in funding for Federal programs to promote homeownership, including CDBG, HOME and HOPE VI. We have led efforts to raise FHA loan limits so that middle-income families in high-cost areas like Los Angeles have affordable mortgage loan options.

And I want to tell you, the bill that was alluded to by Mr. NEY, our chairman, on FHA is exciting. It will be coming up on this floor to receive support from this Congress, and it will be one of the most profound pieces of legislation that have been passed on this floor certainly in this session and for a long time.

This will not only revitalize FHA, it will increase the loan limits. Because the price of housing has been rising so quickly that FHA was not able to accommodate those who still need affordable housing, and we will afford to FHA borrowers the opportunity to participate in new opportunities, no down payment products, et cetera. So I am very much looking forward to that.

I am joining with Mr. NEY and others, and we are leading the effort today to make FHA relevant again to the needs of first-time home buyers and working families. We must do all we can to ensure that this goal is achieved.

As we recognize the month of June as National Homeownership Month for 2006, we must recognize that the American dream still escapes many in America. When this is no longer true, we will be able to celebrate homeownership in America not as a dream for some but as a reality for all Americans.

Mr. Speaker and Members, those of us who work on this issue from both sides of the aisle and in our committee, sometimes we push very hard and we are a little tough because we know that there are working families out there who work every day, who pay their bills on time, they pay their utility bills, they pay their other bills, but they still are not able to get a mortgage and have a home for themselves and their families, but they deserve it. And so we look very closely at what these financial institutions are doing.

None of us like predatory lending. We don't mind having a subprime market, but it must be a subprime market that will allow people to buy a home and perhaps even sometimes start out with a little bit higher interest rate, but they must be reduced as those homeowners demonstrate their ability to pay for these mortgages.

We don't like our American workers to be taken advantage of. We don't want them to have high interest rates that are above and beyond what the average borrower would be able to get. We don't like the fact that Americans lose homes. We want everybody who enters into this business, this contract, of buying a home to be able to pay that mortgage and to be able to hold onto that home.

Let me just close by saying this. I am so adamant about homeownership and understanding what it can do because I can recall when I was a single parent with two children and was able to put together a down payment to purchase a little home that I paid $26,000 for. Just a couple of years ago, I sold it for almost a half million dollars. Just think, if every American had the opportunity to get into purchasing a home, just realize the amount of wealth that could be created not only to start businesses, to pay for education but also to be there for retirement in our old age.

So I am perhaps a very vocal and a very persistent supporter of homeownership because I know what it can do and I know what opportunities are afforded to all Americans who have the ability to do this.

I will reserve, if I have any, the balance of my time.

Mr. NEY. Mr. Speaker, again I want to thank Congressman MILLER from California for bringing this resolution which continues to focus, of course, on June as homeownership month but continues to put this issue out on the table.

We have done that with the Housing Opportunity Subcommittee through our ranking member. We were the first committee of the House to go to New Orleans and Gulfport, Mississippi, where, believe me, there are so many issues for people, but housing and shelter, not being in a shelter but housing and to be sheltered from the elements, were the number one issue down there.

We have addressed, also, so many pieces of legislation, I think it has to make our committee feel good in the sense that they have done something. We won't know the faces or the names of people, in fact, that will now be able to have homeownership or with section 8 to be into apartments, we won't know who they are, but acts of the Congress, working together, which is the right thing to do, will help with the people's lives.

I just want to, on a personal note, say I can remember after World War II, and my father came out of World War II, it took from that period of time to 1963 to, in fact, be able to save enough.

And I have talked to the gentlelady about down payments. I am one who firmly believes that we should help people. Because to take 13 years to save for something, it is a long time.

There is a famous poet, Langston Hughes, who said, "Dream your dreams, and be willing to pay the sacrifice to make them come true." People are willing to sacrifice for that dream of a home, but we, as the government, have to help them. There is a certain point where so much sacrifice has to be given, it is not helping with the family. That is what we need to do.

People will be out there. They will try to make their living, try to pay their bills, try to get into their home. But what we are doing in this committee and what we have to continue to do, and I am sure we will with the ranking member and the gentlelady from California and with her tenacity on this issue, her concern for people, as the members of the committee have been concerned about these issues, we will continue to do that. Because people are willing to sacrifice. But we have got to help them along, and we have got to give them some assistance as a government.

I am very proud of the subcommittee and very proud of Mr. MILLER and the resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker and Members, in closing, let me just say what a pleasure it has been for me serving on this subcommittee with Chairman NEY. Not only has he provided strong leadership for homeownership, as he alluded to, we have made visits not only in California but in Louisiana and Mississippi, not only looking at CDBG and section 8 and these very important programs that are helping Americans have decent and safe living conditions but leading to homeownership oftentimes.

The attention that was paid to Katrina victims and what took place in the gulf coast region has not been matched by anyone. Mr. NEY took it upon himself and his committee to go there and to spend the time taking a look at all aspects of this disaster.

And while we were there, we were able to understand what the insurance companies were or were not doing. We were able to understand what was happening with public housing. We were able to understand what was happening with the trailers, who was getting them, who was not getting them. And we were able to work very closely with Mr. BAKER, with Mr. JEFFERSON and with others who come from that region to begin to talk about how we are going to build homes, how we are going to replace those homes, how we are going to be able to use CDBG funds to make sure that people have the opportunity to not only rebuild their homes but to restore their lives.

With that, Mr. Speaker, again I thank Chairman NEY. I thank Vice Chairman MILLER.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of House Resolution 854, a resolution recognizing June 2006 as National Homeownership Month, a time for individuals and families to reach for part of the American dream and purchase a home of their own.

In recognition of National Homeownership Month and in my capacity as Chairman and Co-founder of the Congressional Rural Housing Caucus, I became an original co-sponsor of House Resolution 854.

In the United States, each individual has the opportunity to own a home of their own. Homeownership inspires civic responsibility. Homeowners are more likely to vote and get involved with local issues.

Families owning a home are able to offer children a stable living environment. In many cases, homeownership influences a child's personal development in many positive, measurable ways.

Twenty percent of our Nation's population lives in rural communities, yet a majority of these families live in substandard housing conditions.

These communities simply do not have the resources—either economic or infrastructure—to address the problems of substandard housing. The gap between the haves and have nots continues to grow, especially in rural America. Now is the time to stem this tide.

According to the Census Bureau, 48 percent of African-Americans; and, 50 percent of Hispanics owned a home as of the first quarter in 2006. While many gains have been made, lagging minority homeownership rates are a serious concern to me and Congress.

Rural America and minorities are in dire need of housing assistance—and we should all strive to make every month "homeownership month."

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. NEUGEBAUER. Mr. Speaker, I thank my colleague from California—and fellow homebuilder—Congressman MILLER, for his sponsorship of this resolution.

More Americans own their home than ever before. Nearly 70 percent of American's are homeowners. So it is a good time for us to asses the positive impacts of homeownership on families, communities and on the nation's economy.

When a family owns their own home, they have a greater stake in their community. In addition to shelter, that family also has an asset that appreciates in value.

Communities with high rates of homeownership often have residents who are more involved in local schools, civic organizations and churches.

Housing has led our nation's economic expansion over the past few years, accounting for 16 percent of our Gross Domestic Product. New housing starts and home sales hit record levels from 2003 through 2005.

Although housing sales and starts have cooled to more typical levels, the housing market remains strong and sound. Without the expansion of homeownership and the strength of our housing market, our nation would not have the economic growth we are experiencing today.

It is important that Congress pass tax, regulatory and housing finance polices to continue this growth and to help make the dream of homeownership a reality for even more Americans.

The Housing Subcommittee has advanced legislation this year that modernizes the Federal Housing Administration. In order for FHA to continue to offer assistance to first-time buyers and buyers with lower incomes, FHA needs more flexibility to keep pace with changes in the mortgage marketplace. The House needs to approve H.R. 5121.

When regulations on the housing industry are reasonable, the cost of housing goes down. Regulatory relief is needed to make housing more affordable to more Americans.

One step Congress should take to make regulations more reasonable is passage of H.R. 5558, which makes common-sense reforms to storm water permitting.

Before coming to Congress, I spent a lot of time in the housing business. The housing market has been through ups and downs, but through all the changes, home ownership continues to be vital for families, communities and the nation's economy.

This resolution today affirms Congress' support for homeownership and the importance of homeownership in our country.

I urge support for the resolution and support for sound housing policies in Congress.

Ms. WATERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 854.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation, H.R. 42, and H.R. 5341 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of H. Res. 890, by the yeas and nays;

Adoption of the conference report on H.R. 889, by the yeas and nays;

Passage of H.R. 4843, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 890, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 20, as follows:

[Roll No. 319]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg

Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—188

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Abercrombie
Becerra
Blackburn
Cannon
Carson
Case
Davis (TN)
Evans
Ford
Gutierrez
Higgins
Hyde
Issa
Johnson, Sam
McCarthy
Ortiz
Payne
Rush
Strickland
Weiner

□ 1320

Ms. McKINNEY changed her vote from "yea" to "nay."

Mr. SULLIVAN and Mr. BRADY of Texas changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. McCARTHY. Mr. Speaker, today, Tuesday, June 27, I was delayed in my arrival for the week's legislative work, but had I been here I would have voted "no" on H. Res. 890, rollcall 319, approving the Rule for H.R. 5672.

CONFERENCE REPORT ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

The SPEAKER pro tempore (Mr. MILLER of Florida). The unfinished business is the question of suspending the rules and agreeing to the conference report on the bill H.R. 889.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and agree to the conference report on the bill, H.R. 889, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 320]

YEAS—413

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions

Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Abercrombie
Cannon
Carson
Case
Cole (OK)
Evans
Ford
Gutierrez
Higgins
Hyde
Johnson, Sam
McCarthy
Ortiz
Payne
Radanovich
Rush
Strickland
Weiner
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining.

☐ 1328

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COLE of Oklahoma. Mr. Speaker, on June 27, 2006 I inadvertently missed rollcall vote 320. If I had been present, on rollcall vote No. 320, I would have voted "yea."

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4843, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 4843, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 321]

YEAS—408

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
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Moran (KS)
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Murphy
Murtha
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Myrick
Nadler
Napolitano
Neal (MA)
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Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
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Peterson (MN)
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Petri
Pickering
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Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
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Regula
Rehberg
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Reyes
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Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
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Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
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Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
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Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Abercrombie
Boucher
Butterfield
Cannon
Carson
Case
Chandler
Chocola
Evans
Ford
Gordon
Granger
Gutierrez
Higgins
Hyde
Johnson, Sam
McCarthy
Ortiz
Payne
Rush
Strickland
Terry
Weiner
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1337

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HIGGINS. Mr. Speaker, I missed three rollcall votes earlier today, Tuesday, June 27, 2006, due to an excused absence. I would like to enter into the RECORD how I intended to vote on the missed rollcall votes:

On roll No. 319, On Agreeing to the Resolution providing for consideration of the bill (H.R. 5672), making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; I would have voted "nay."

On roll No. 320, To Suspend the Rules and Agree to the Conference Report for the Coast Guard and Maritime Transportation Act; I would have voted "yea."

On roll No. 321, On Motion to Suspend the Rules and Pass, as Amended for the Veterans' Compensation Cost-of-Living Adjustment Act; I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the Record to show that, had I been present, I would have voted "no" on rollcall vote 319 and "yea" on rollcall votes 320 and 321.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 891 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4973.

☐ 1340

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, with Mr. MILLER of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006, or the FIRM Act. This legislation will significantly reform the National Flood Insurance Program and ensure its continued viability. After all the rain we have seen in our Nation's capital these past few days, now is an especially good time to take a close look at this program that millions of Americans count on to protect the investment they have made in their homes from flood damages.

The Financial Services Committee has a history of reforming the NFIP and with conducting oversight over the program. Spearheaded by the efforts of our former colleague, Representative Doug Bereuter of Nebraska, this committee took significant steps toward reform with passage of the Bunning-Bereuter-Blumenauer Act in 2004. That bill helped ensure that those people whose homes flooded on a frequent basis will not continue to soak the American taxpayers by filing flood loss claims time and time again.

Under the leadership of my friend BOB NEY, chairman of the Subcommittee on Housing and Community Opportunity, the committee continued to oversee the NFIP last year with a field hearing in his district and with hearings on the status of flood map modernization and the program in general. These hearings exposed a number of deficiencies in the NFIP, including the fact that FEMA was not moving quickly enough to reform the program and that the Nation's flood maps are often outdated and inaccurate.

Then came Hurricanes Katrina, Wilma and Rita. These storms placed an unprecedented strain on the NFIP that continues to this day. We had to raise the borrowing authority of the flood program first to $3.5 billion, then to $18.5 billion, then to $20.8 billion. FEMA tells us that it is still not enough to cover all the claims from last year. When all is said and done, the NFIP will need $25 billion to pay all of those claims, and that does not take into account any storms we have before hurricane season ends this year.

We have an obligation to these estimated 225.000 policyholders who have already filed a claim resulting from the events of 2005. These homeowners who have a binding contract with the NFIP to cover flood events could initiate legal action against FEMA and the U.S. Government if the flood insurance program does not make good on this contract.

At the same time, we also have an obligation to reform and modernize the NFIP so that homeowners will continue to have access to flood insurance. According to recent estimates, more than half the U.S. population lives within 50 miles of the sea. While senseless coastal development should not be subsidized or encouraged, these homeowners who play by the rules and live in homes that take proper flood mitigation steps should also not be penalized.

The FIRM Act is a bipartisan bill. Chairman BAKER and I have worked closely with Ranking Member FRANK to put together numerous reforms that will serve to increase FEMA's accountability and address the weaknesses exposed by last year's flooding.

In an effort to make the NFIP more actuarially sound, the FIRM Act phases out the subsidized rates currently enjoyed by the owners of hundreds of thousands of vacation homes and second homes. If you can afford one of those homes, you can afford to pay your freight. In addition, the bill introduces new lines of coverage at actuarial prices and increases the program's coverage limits to reflect inflation. These are common-sense reforms that, again, will be actuarially priced.

The FIRM Act requires FEMA to administer the program more responsibly. Flood maps will be improved and updated, and FEMA will have to certify to Congress that they have done so. The NFIP's borrowing authority will be temporarily increased to ensure that all outstanding claims will be paid.

The FIRM Act increases the amount that FEMA can raise policy rates in any given year from 10 percent to 15 percent; and for those lending institutions that drop the ball on enforcing mandatory flood insurance purchase requirements, fines will be tripled from where they are now.

I remain committed to the reform of the National Flood Insurance Program that we in the Financial Services Committee started with passage of the Bunning-Bereuter-Blumenauer Act in 2004. H.R. 4973 is the logical next step on the road to fiscal soundness for NFIP.

I commend Mr. BAKER for his work and strongly urge a vote for final passage.

Mr. Chairman, I retain the balance of my time.

☐ 1345

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I fully agree with the statement of the chairman, and I am very proud to say that this is part of an ongoing, bipartisan effort that this committee has undertaken.

A few years ago, we found a flood insurance program which was both important but flawed in a number of ways, and we began, at the urging of our former colleague from Nebraska, Mr. Bereuter, and our continuing colleague from Oregon (Mr. BLUMENAUER), to make improvements. We have not been able to get everything we wanted, but we have improved it.

This bill takes substantial steps forward, and I think it is important for Members to know this is a bill which makes improvements at the same time from both the environmental and the fiscal standpoints. We make it a better program, we make it a more responsible program fiscally, and we make it a more responsible program environmentally.

There will be various amendments, many of which I think are very important, including, and I want to particularly call attention to the amendment offered by our colleague from Mississippi (Mr. TAYLOR), who as much as anybody in this House encountered personally the problems of the flood insurance program, and he has a very important amendment that would go to the aid of individuals who have not been fairly treated, and I strongly will be supporting that amendment. We won't have a lot of time to debate it, and I wanted to say that now.

I also want to make one general point that should not go unnoticed. We are dealing here with a public program. This is a case of the Federal Government stepping in to meet a very important social need that cannot be met by the private market. The private market is a wonderful thing and does great things, and in the area of insurance we rely heavily in this country on the private market. But there are examples of market failure, not in a pejorative sense, but in a more technical sense. Flood insurance is one of them. If it were not for the role of the Federal Government here, there would be many, many Americans in great distress and unable to get the kind of insurance that they need.

So for those who believe that the public sector is always the problem, that the private sector is not only a valuable part of our life but provides all good, and that you always ought to be denigrating the public sector, they probably don't want to vote for this bill. Because this is a bill which significantly improves a public sector response to a problem which, left without this, the private sector couldn't handle.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I recognize the gentleman from Ohio (Mr. NEY) and yield him 2 minutes.

Mr. NEY. Mr. Chairman, I thank Chairman OXLEY of the committee, and I rise today to support H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006, also known as the FIRM Act.

This important measure, approved by the House Financial Services Committee on March 16, will significantly reform the National Flood Insurance Program and ensure its continued viability by increasing accountability, eliminating unnecessary Federal subsidies, and updating the flood insurance program to meet the needs of the 21st century.

Last year, in the immediate aftermath of Hurricane Katrina, I introduced H.R. 3669, the National Flood Insurance Program Enhanced Borrowing Authority Act of 2005. That piece of legislation increased FEMA's borrowing authority for flood insurance by $2 billion, which went a long way in helping the Department's flood insurance response.

Since that time, FEMA estimates that it will need a total of $25 billion in borrowing authority to cover claims. These claims from homes and businesses that have been damaged or destroyed by Hurricanes Katrina, Rita, and Wilma are not a new obligation. They are the result of a legal promise that we made to those homeowners and business owners when the Congress passed the National Flood Insurance Act of 1968 and subsequent revisions.

Every single one of these claims represents someone who has taken the responsible course of action by purchasing flood insurance and paying premiums to the government. We not only have a legal obligation to honor our commitments, but we have a moral obligation, Mr. Chairman, to provide the coverage we promised to provide to those citizens.

Small business owners will be eligible to purchase business interruption coverage at actuarial rates to better prepare them to meet payroll and other obligations during the next big storm. And for the first time since 1944, the bill updates maximum insurance coverage limits for residential and nonresidential properties.

Our subcommittee in the Financial Services Committee, under the leadership of Chairman MIKE OXLEY, Mr. BAKER, Mr. FRANK, Congresswoman MAXINE WATERS and others, has spent considerable time on flood insurance reform in the past several years. In 2004, the Bunning, Bereuter, Blumenauer Flood Insurance Reform Act addressed and strengthened the operations.

I urge my colleagues to support this important piece of legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield 3 minutes to one of our colleagues who has been dealing very directly with the negative consequences of the hurricanes and the damage that has been done, the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. I thank the gentleman for yielding.

The National Flood Insurance Program is critical to our country, particularly those of us that live in the coastal States. It is even more critical now because, as we have learned in Florida and in Mississippi and many States, we have entered a cycle of historic proportions in terms of hurricane and hurricane damage.

The reason I rise is to speak in support of the Taylor amendment, which will be offered by Congressman TAYLOR of Mississippi, that calls for a study by the Inspector General of the Department of Homeland Security into what I think is a growing crisis not just in Mississippi but now in Florida.

In Florida, the insurance industry recently succeeded in a session of the legislature in passing a law that repeals a 100-year-old law called the "value policy law." This loophole that has been created in Florida is resulting in hundreds, and I fear soon thousands, of Floridians sitting back and waiting to get paid by their insurance company and watching the flood insurer blame the wind insurer, and the wind insurer blame the flood insurer.

It is even worse in Mississippi, where one of our colleagues, Congressman TAYLOR, who is offering this amendment, is being forced, while serving as a Member of Congress, to sue his own insurance company. The same is true down at the other end of the Capitol, with Senator TRENT LOTT and at least one Federal judge.

This law in Mississippi, now the law in Florida, could become a law throughout the country; and we need to study this because I think the impact on the consumer will be devastating.

If you fly over Florida, which you and many of your constituents will do, now that it is summer vacation, you will still see thousands of blue tarps from a year ago from the last hurricanes. Every time you see one of those tarps, it represents a Floridian, a family who either cannot live in their home or is suffering water damage every time it rains. And it rains in Florida in the summertime.

This is not a Federal issue, at least yet; but it is a very important State issue to our constituents. The least we can do as a Congress is to support Congressman TAYLOR's very simple amendment to have this study done about the impact to the consumer of this loophole that has been created in Mississippi and now in Florida and perhaps other States. We need to be there to protect our constituents in a time of storm.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the chairman for yielding time and for his continuing diligence and hard work on this important matter to all the people of this country, but particularly those of us in Louisiana.

I certainly want to express my appreciation to Mr. FRANK and to colleagues on his side who have also worked hand in hand with us to try to come to accommodation on this difficult issue.

The flood insurance program is one that has been roundly criticized, and appropriately so in some instances. The repetitive loss problem that was addressed several years ago by this Congress was one of embarrassment for those who are responsible and felt that the program had been abused. But those chapters are now closed.

The problem that faces us today is one of a different nature, and that is people entered into contractual obligations to protect their property, and storms beyond anyone's comprehension have now caused individuals to make claim on those policies, leaving the program today at a $20 billion borrowing level, a record high, and as previously noted, a requirement to go to $25 billion if the agency is to meet all of its contractual obligations.

But I believe one point needs to be made clear in the hearing record on this matter, and the flood insurance program is unique. It is a program that collects premiums and from premiums collected makes payments to claimants. It is the only disaster response program in the United States which has a stream of income from which people who suffer loss may be reimbursed.

Through 2004, the fund balance on hand after paying out $15 billion in claims within the flood insurance program was a positive balance of $1.8 billion. This is the only mechanism I know of when FEMA writes a check as the result of a declaration of a Presidential disaster where the taxpayers see their money come back. So I find it problematic when this program is criticized, because in all other cases where there is a disaster response, taxpayer money is spent without any recourse of recovery.

In this case, we need to address the problems before us. The bill increases the borrowing authority to $25 billion, and also, from a financially soundness perspective, increases the amount of money to flow back into the program with increases in premium.

The most important sector where these increases occur is in the nonprimary residence structures, meaning businesses and vacation homes. Premiums will increase, or may increase, up to a maximum of 30 percent per year. This is estimated to get the program in sound financial condition over the next 3 to 4 years, of course barring what we hope will not happen, and that is another cataclysmic Katrina-Rita combination.

I do believe this program serves an essential service in the function of our economy. Pointing to the area still decimated by Katrina, we need to get people back into their homes. They need to have the knowledge they have flood insurance coverage, because there are important economic activities that must occur in that region of the State in order to provide the United States with a free flow of energy and to have access to our ports through which agricultural products are exported.

I certainly hope the House will adopt a great bipartisan product.

Mr. FRANK of Massachusetts. Mr. Chairman, I am now pleased to yield 6 minutes to one of the Members who has really taken the lead in improving this program, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this, and for his leadership, along with the chairman, Mr. OXLEY, and my friend, Mr. BAKER. This is truly important bipartisan legislation to address the flood insurance program's challenges both in the short term and the long term.

I strongly support this legislation and appreciate the willingness of the committee staff to work with people outside the committee to be a part of the process. Those of us here on the floor have known for a long time that the flood insurance program, while an invaluable asset to communities in the floodplain, is not functioning as originally designed. Hurricane Katrina taught us we cannot just let the status quo continue, or the flood insurance program will cease to function. It will be in bankruptcy or people will lose their tolerance for Federal bailouts.

This bill is an excellent start, but you can be guaranteed that it is not the last time we will be talking about these changes on the floor. There are differing views about what needs to be done. Some have recommended making the program actuarially sound, and I agree with those measures. But one thing we have learned from Mr. BAKER and from Mr. TAYLOR is that we have to be sensitive to the people who live in flood-prone areas. They are not just statistics of repetitive flooding, and they are rarely homeowners who are gaming the system. These are people caught up in the cycle of flooding and rebuilding who want to take steps to reduce their vulnerability.

In 2004, we did pass a bill to provide mitigation assistance to severe repetitive-loss property owners. We found that these repetitively flooded properties, which constitute just 1 percent of all the properties in the program, accounted for 25 percent of the flood loss dollars. Addressing these properties, we wanted to help move people out of harm's way, either literally, by buying them out, or helping them take mitigation actions, such as elevation.

Unfortunately, the repetitive-loss pilot project in the 2004 bill had not been fully implemented and we were not able to see the positive impacts before Hurricane Katrina. That is why I am glad the bill before us extends the pilot program so that it will have a chance to work. It also goes further to strengthen the flood insurance program and make it more fiscally sound over the next 50 years.

Some have argued that all properties owners who enjoy artificially low flood insurance rates should be required to pay actuarial rates. This would increase the premium enough to make the program more actuarially sound, saving $1.3 billion. But while I agree the program should move closer to risk-based rates, the response of policyholders to the loss of the subsidy is unclear.

The CBO estimates that some would reduce their amount of coverage or drop flood insurance all together. Many of these subsidized properties are second homes or vacation homes, and the legislation addresses these and I think is a good compromise. Phasing in risk-based rates for second homes will also ensure that families in New Orleans and Mississippi and other flood-prone areas that rely on flood insurance won't be forced to pay artificially high rates to subsidize somebody's second home or vacation home.

☐ 1400

The bill also helps encourage participation in the program. Many people living in the floodplains do not have flood insurance now. Less than 40 percent of the property owners who are required to buy insurance actually do so.

In parts of Mississippi and Alabama, hit hardest by Katrina, the coverage rate was only 15 percent. That means that people did not have access to insurance payouts to make them whole, and they are relying on grants and loans from the disaster relief programs that are paid by the taxpayer.

The challenge is figuring out how to make sure that more people who are supposed to have flood insurance do so, and this bill helps the situation by increasing the penalties levied for nonenforcement of Federal mandatory purchase requirements.

It also includes an important study on how to better enforce mandatory flood insurance.

The bill also addresses the inaccuracy and inadequacy of flood insurance maps. We are going to talk a little about this later in the day.

Current flood insurance is required only where there is a 1 percent chance of a flood on an annual basis and not in other low-lying areas where surges are likely to follow major storms. Many of the people who flooded in Katrina did not technically live in the floodplain. They were out of this 100-year cycle, or they lived behind levees and did not realize they should have flood insurance.

These updated maps are important, because FEMA uses them to issue flood elevation requirements. Communities want to have the confidence that their residents are paying the right amount for flood insurance, and we should be loathe to tinker with that.

In addition to directing FEMA to develop more sophisticated maps, this legislation authorizes FEMA to study the implications of requiring flood insurance behind the levees. This is a very important part of the bill. I don't think it has been given the proper attention by more of us in Congress. I hope that we will move towards requiring flood insurance for those situations.

The saying goes, there are only two kinds of levees, those that fail and those that will fail. But this study moves us in the right direction.

While this bill, I think, sets the stage, for moving us in the right direction, simple, common-sense steps strengthen the program and bring together a vast, diverse range of people, from environmentalists to fiscal conservatives, people in real estate, and most important, most important, people whose lives we saw torn apart living in flood-prone areas.

I deeply appreciate the work of this committee and our colleagues in making important steps that are going to make a difference for people for generations to come.

Mr. OXLEY. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I especially want to thank Chairman OXLEY, Ranking Member FRANK, subcommittee Chairman BOB NEY and Ranking Member Ms. WATERS for addressing this issue. It is one that I know many of our colleagues have dealt with with their constituents due to flash flooding, which occurs all over the United States, not just in coastal areas.

I rise in support of this bill because it will help many of those people who, unfortunately, on top of the suffering that they faced as a result of the flooding, also faced more suffering because they didn't get what they needed as a result of, I think, poor administration of the National Flood Insurance Program.

The story is all too common across the country. Young couple saves money, buys their dream home, finds that it is in a flood-prone zone, so they buy Federal flood insurance, thinking things will be okay. In fact, even their paperwork makes it look like they will be completely covered.

But in September, 2004, in my district, remnants of the Hurricanes Frances and Ivan came through my district in Pennsylvania; and I worked with many families throughout my region who had lost their homes.

My staff and I spent a significant amount of time with them and learned of all of the deficiencies involved in the National Flood Insurance Program. We learned that these incidents were as a result of poor administration of some rules that needed to be carried out that had been put in place in 2004. We raised these concerns with Chairman OXLEY and Chairman NEY, and they offered graciously to hold a hearing on this issue.

One of my constituents, Beth Beam, was given the opportunity, along with other victims of flooding throughout the eastern seaboard, in fact, to highlight the problems they had experienced with the NFIP. It became clear from this hearing that we needed serious reform.

Many of my constituents learned too late that they were listed in the wrong flood zones or the maps were outdated and they really were not listed as being eligible or that they had problems receiving adequate compensation for their actual losses.

Most frustrating was the lack of support and information that they received when they raised their concerns. The lack of true appeals process within the NFIP meant that many individuals had no recourse when they believed the system was not meeting their needs and the agreement that they had made on their policies.

This bill is a great solution to ensure these types of problems don't happen again.

First, it directs FEMA to develop more sophisticated and updated maps so that we will update the standards and people will know if they are actually in a flood zone.

Second, the bill reinforces the need for FEMA under the legislation that Congress passed a couple of years ago to create this appeals process that will help people have the opportunity to have their concerns addressed.

It will also require adequate training for the insurance agents who sell this federally subsidized flood insurance. That issue is so important as people will need help getting through the process when they have lost so much.

Finally, the bill provides optional coverage for living expenses, business interruption insurance, basement repair costs and replacement of contents, things that obviously people who face these losses need so much.

Following the floods in my district, people were surprised to learn how much of their property was not covered. People were very surprised and disappointed to learn how much of their property was not covered, although their policy showed that it might be.

This legislation will ensure that they are able to receive compensation for the damages they actually experience, which is in line with what they have bought insurance to cover.

Again, I want to thank the chairman and the committee for listening to these concerns. The NFIP is supposed to fill the gaps for those who lose their homes and properties. Unfortunately, the inadequacies have caused so much harm in the past and made people's lives even worse. Programs like NFIP are supposed to be a safety net, and I believe this bill will help us fix it and make it the safety net that people expect.

The NFIP has been directed to make these changes. I urge Congress and my colleagues to support this legislation so that we can carefully oversee this process and ensure our constituents will not face these problems again.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who is the ranking member of the subcommittee and who has been compiling a very productive record in the work of that subcommittee.

Ms. WATERS. Mr. Chairman and Members, I would like to thank both the chairman and Mr. FRANK, to make sure that we would work together to increase the coverage and raise the limit for flood insurance. It has not been increased for over 20 years.

I had the opportunity to be in the gulf coast region with my colleagues and to hear the stories of the people who had been devastated by Katrina. Not only did we find that there were residents who had been given mortgages and the banks and financial institutions had not required flood insurance but then this bickering with the insurance companies who were disputing damage. They said, no, it was not flood damage, it was wind damage, and vice versa.

I think this bill will go a long way toward dealing with some of the issues that we learned about.

Certainly, we want to make sure that the insurance companies are doing what they are supposed to do. My colleague from Mississippi, who will have an amendment, Mr. TAYLOR, on this floor today, I certainly support. I was there with him, and I saw the devastation and the destruction. We heard the complaints about the insurance companies.

Let me just say, in addition to raising the limit, this will go a little bit further, and it will deal with business interruption. It will help to meet the needs of those who are confronted and faced with this kind of devastation for the future.

Again, I would like to thank not only Mr. BAKER and Mr. FRANK but Mr. OXLEY and Mr. TAYLOR for the work that he is doing.

Mr. OXLEY. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, at this time, I would yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), another representative who has great concerns, because of the area that she represents, with the fair worth of the program.

But, before we do, I would note that this bill is being supported by the National Taxpayers Union, Citizens Against Government Waste and Taxpayers for Common Sense. As I said, this is an unusual case, I think, where both environmental groups and groups primarily concerned with reducing government spending have come together in support of a piece of legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his distinguished leadership on this issue, along with Mr. OXLEY, as well as the ranking subcommittee member, Mrs. WATERS, and the leadership of Mr. NEY.

Let me also acknowledge the leadership of Mr. BAKER, who I assume has walked the walk in our region, in our gulf coast region.

I, too, have walked those streets and seen the impact that the devastation of Katrina has caused, and likewise in the City of Houston, not only the, if you will, Katrina survivors but also those who experienced the flooding of Rita.

In addition, I walked along the pathways and saw the devastation in Mr. TAYLOR's district, and again thank him for his leadership, along with many, many Members who have addressed this question.

Mr. FRANK, I hold in my hand a book that says, From Poverty to Opportunity: A Covenant for a New America, which talks about overcoming poverty. I say that, and I support certainly this document, but I raise that with respect to H.R. 4973, because it helps those who have done everything right in America. They pay their taxes, and they have worked and invested in the American dream, and that is their home, to be able to find relief.

This bill provides an extra $25 billion to cover the Katrina-related claims, but it is also an overhaul, an important overhaul of the flood insurance program, because it allows the National

Flood Insurance Program to offer actuarially priced business interruption. How many of those who came through these recent storms lost their homes and their businesses?

In fact, I was just with the FEMA director in Houston on Friday. In the room were two elderly persons who stood up and said, we have flood insurance, but nobody did anything. We didn't get anything. We lost everything. So there is a fracture in the system.

I hope that this will be able to, one, provide, if you will, an embellishment of this program but also be able to give people help for the losses that they experience.

I want to say very much thanks for the phase-out subsidy of vacation homes. That is the right way to do it. We know that sounds bad to some individuals. We thank them for having vacation homes, second homes, but we certainly don't want to strike it out immediately. Give them an opportunity to get coverage; and we recognize they, too, need coverage. But we understand the economies of scale. This is a reasonable and respectable approach to take.

Let me also say that we are also delighted that you are dealing with flood maps. Mr. ETHERIDGE and myself on the Science Committee did work on inland flooding. Hurricane Allison, what we call Storm Allison in Houston was what we call inland flooding. We lost billions of dollars in the medical center because it wasn't called a hurricane, but the flooding destroyed so much.

We appreciate the fact that this will update flood maps, maintain an inventory of levees in the United States and move more quickly to update flood elevation standards and flood maps in the areas affected by last year's hurricane. Most importantly, this is a model of what we can do to ensure that homeowners and taxpayers and hard-working Americans certainly are not thrown into poverty. Certainly we hope that we will move others out of poverty.

I would ask my colleagues to support this legislation.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I, along with my colleague Ms. GINNY BROWN-WAITE, have introduced the Homeowners Insurance Protection Act. The bill provides financial protection to all Americans that live in natural catastrophe-prone areas through a three-layered approach. Our goal is to keep homeowners' insurance premiums at affordable rates. This program would assure that when a big one hits, the responsibility for insured losses is with insurance companies and not with the bailouts from the Federal Government, such as FEMA.

First, this bill would create the Federal Catastrophe Fund, to be known as the Hurricane and Earthquake Loss Protection Fund, or the HELP Fund.

Second, each State that chooses to participate in this voluntary program must establish a State Catastrophe Fund, which we call the CAT Fund, similar to that which we have in Florida.

Third, the State CAT fund then purchases reinsurance from the Federal HELP fund. The HELP fund is thus financed directly by insurance premiums and not by taxpayer dollars.

We live in a diverse nation facing diverse natural catastrophes. This bill encourages States to take responsibility for their residents and gives the States the discretion of insuring for their own catastrophic needs.

I yield to the chairman.

Mr. OXLEY. I thank the gentleman for yielding.

I understand that this is an issue in many States around the country but especially in those States hit by hurricanes in the last 2 years. I would welcome the opportunity to explore this issue further with the gentleman and my good friend from Florida, as well as the gentlewoman from Florida.

Mr. SHAW. I thank the chairman for his comments.

I would just add, in closing, that we are facing a tremendous catastrophe in Florida, the economy. The gentleman from Pensacola can verify this.

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Insurance is almost unaffordable. We need a secondary insurance that would back this up, that would spread the risk further than just throughout one State. This isn't just Florida. This is all the gulf coast. The gentleman from Louisiana seated behind me will certainly verify that.

So it is a good bill. It prepares for the future and it does it in a very conservative and practical way.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield to one of the Members who has really been in the forefront of trying to improve our national response to this crisis because of his own firsthand experience and the leadership he has had to show in the region that he represents and trying to deal with the otherwise inadequate Federal Government response to Katrina.

I yield as much time as he may consume to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the gentleman from Massachusetts, the gentleman from Ohio.

Mr. Chairman, not everything our Nation does is wrong. And one of the things our Nation does that the private sector wouldn't do or chose not to do was insure people against flooding. And that is a very good program.

When you consider that the predictions are that within the next 50 years 80 percent of all Americans will live within 50 miles of a coast line, then protection from flood insurance, protection from hurricanes is very important.

In southern Mississippi I have had very, very few complaints about the Federal flood insurance program. I have had tens of thousands of complaints about how people were treated by the wind coverage. So I want to commend the gentleman from Massachusetts and the gentleman from Ohio for raising the amounts that people can buy coverage for.

Most of southern Mississippi had older homes. People had lived in them for decades. And now they, and I, are going through simultaneous sticker shock. Houses that you may have bought 20, 30 years ago for $50,000, you have now got to replace for a heck of a lot more than that. So by raising the amount that people can cover themselves from $250,000 to $335,000 is a huge improvement. Also, raising the contents up to $135,000 again is a huge improvement. I think as people put a pad to their contents after they woke up the next morning and discovered that they were gone, I think everyone was surprised that they owned more than they thought they did and they lost more than they thought they did. So again this is a move in the right direction.

I want to commend the committee for putting in the money for the new flood maps. Water in Bay St. Louis got to be 26 feet above sea level in some places. That was unprecedented since the Europeans landed over 300 years ago. And the Navy Oceanographic Lab tells us we are in for 10 years of this. So, again, since this is a public entity funded with taxpayer dollars, I think it is very important, whether it is Pensacola, Florida, or Gulf Shores, Alabama. Anywhere in coastal America I think it is important that we know the propensity to flood, take adequate steps to minimize losses in future hurricanes.

I would also like to commend the committee for working with me on trying to address the Katrina fraud. Citizens of this country are noticeably upset that some of the generous money given to them, either as taxpayers or through groups like the Red Cross, was abused, that people milked the system, in some instances, to do things like a sex-change operation.

I happen to think the biggest fraud of all, though, Mr. Chairman, came from the insurance industry. And I will walk you through this. Under the National Flood Insurance Plan, we count on the private sector not only to sell the insurance policy; we count on the private sector to adjudicate the claim.

Now, wind damage is paid for by a private company. Flood damage is paid for by the Nation through the National Flood Insurance Plan.

So imagine yourself, a 25-year-old insurance adjuster. You have visions of being a company man or getting that next promotion. You may even own stock in your company. You are sent out to adjudicate a claim on a house that is no longer there, knowing that if you said the wind did it, it is coming out of your company's pocketbook. If you say the water did it, it is coming out of the taxpayers' pocketbook.

The FBI says that fraud is a crime of opportunity. And I think under this system, we have given the insurance industry the opportunity to stick the bill to the taxpayers every time there was any question. And I think they did.

Is it a coincidence that the insurance industry reported $44 billion in profits last year, in the same year that the National Flood Insurance Program lost $25 billion? Are they that much better at what they do? I don't think so.

I think they took claims that legitimately should have been paid by the wind policies and stuck it to the taxpayer to the tune of millions, if not billions, of dollars. And I am going to offer an amendment in a little while to ask for an Inspector General's report to see if that is true. And if it is true, then we need to come back and change the system so that we don't just count on an insurance adjuster blindly sending the bill to the government and the government paying it every time.

Think about it. If the Members in this room want to be reimbursed for their trip to the airport, they have got to turn in a taxi receipt for 15 or 20 bucks. But in the case of the National Flood Insurance Program, Allstate, State Farm, Nationwide, fill in the blank, can bill the government for hundreds of billions of dollars, and we pay that claim without even bothering to look into this. That is wrong. It is a system ripe for abuse. And I am convinced it has been abused.

Last, and several other speakers have touched on this, we need to rethink the whole flood insurance program. Whether you are from Florida, Georgia, Alabama, Mississippi, any coastal State, we don't need people who have invested their life savings in their houses getting abused by their insurance company. And let me tell you, it is happening every day.

Senator TRENT LOTT, one of the most powerful men in the Senate, feels like the only way he is going to get justice out of his insurer is to sue them.

Federal Judge Lou Guirola had to drop hearing cases, like Senator LOTT, so that he could sue his insurance company.

Now, when U.S. Senators and Federal judges feel like the only way they are going to get justice is to go to court themselves, what is it like for the grandmas and grandpas out there? What kind of fair shake are they going to get? And the answer is they are not getting one.

So if the private sector is not going to do it fairly, if they are not going to do it right, then maybe we need to expand the National Flood Insurance Program and call it the National Hurricane Insurance Program. Because let me tell you what I think is going to happen. We spend a lot of money to send the hurricane hunters out there for the Air Force, a lot of money to tell us where these storms are going to hit and when. We have satellites up in space to tell us about these storms. Why do we do that? So that people will get the heck out of there before a storm hits.

Based on what has happened, based on the tens of thousands of southern Mississippians who have been denied legitimate claims for their wind coverage, I am convinced in the next hurricane people are going to die needlessly because they stay behind in their home with a camcorder so they can prove to the insurance adjuster whether it is wind or water. That is wrong. It is completely contrary to why we fund the hurricane hunters; it is completely contrary to why we put those satellites in space. A person should not have to die on his property to get justice from his insurance company. And although there is no Federal regulation of the insurance industry, maybe the abuses that took place after Katrina will cause some of my colleagues to rethink this.

So, again, the bill takes some very important steps on allowing people to purchase more flood insurance, to purchase more contents insurance. It is taking the right step on getting the flood maps much more accurate, not so much for the guys who have lived there for 20 or 30 years, but for all the new folks who are moving to the coast who need to know if their property has a propensity to flood.

So I am grateful for what has been done. I have offered some observations of what needs to be done.

Mr. OXLEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, I rise to support H.R. 4973, the Flood Insurance Reform and Modernization Act, before us today.

The National Flood Insurance Program is a valuable tool in addressing the losses incurred throughout this country due to floods. It assures that businesses and families have access to affordable flood insurance that would not be available on the open market.

Prior to the passage of the National Flood Insurance Act in 1968, insurance companies generally did not offer coverage for flood disaster because of the high risk involved. Today more than 20,000 communities participate in the National Flood Insurance Program. More than 90 insurance companies sell and service flood service insurance. There are more than four million policies covering the total of $800 billion.

The National Flood Insurance Program provides Federal flood insurance for properties located in flood-prone areas where the community has voluntarily agreed to institute floodplain management and land use control measures that minimize the risk of flooding and mitigate potential flood damage. The program is intended to provide a more cost-efficient alternative to costly Federal disaster assistance by encouraging communities to take preventive measures to reduce flood losses and providing affordable flood insurance that would not otherwise be commercially available.

Last year's hurricane season resulted in significant strains on the NFIP. The claims resulting from the losses from these catastrophic hurricanes is unprecedented in the history of the program.

Since the NFIP's inception in 1968, the program paid out $15 billion in claims. In contrast, claims for Hurricanes Katrina and Rita alone are expected to exceed $25 billion. This far surpasses claims paid by the entire history of the NFIP.

In the past, when losses exceeded premiums, the NFIP had been allowed to borrow from the U.S. Treasury to repay claims. Such loans have traditionally been paid back rather quickly with interest.

The bill before us today increases the amount that FEMA may borrow from the U.S. Treasury to $25 billion to cover the expenses incurred by the National Flood Insurance Program, NFIP, during the last year's hurricane season.

As CBO has stated, the funds borrowed from Treasury so far exceed the program's income from premiums and fees they will likely never be repaid. As such, this bill proposes a number of reforms to the program to ensure that it is actuarially sound in the future.

When we debated this in committee, some individuals made proposals; and for the best of reasons, they said we should look at a 100-year traditional floodplain, and anybody within a 100-year traditional floodplain should be required to pay for insurance.

The problem that many of us have who represent districts who have mitigated 100-year floodplains is that all of our people who are not at risk would be required to basically boost the program by increased premiums by them participating in it also.

And when Federal dollars, State, and local have been spent to mitigate 100-year floodplains, many of us thought that that was unreasonable. In fact, the 100-year floodplain would have impacted a large portion of L.A. County that I represent. Anything near the L.A. River would have been included, and most of Orange County would also because the Prado Dam mitigates that.

There was another proposal made with the best of heart and the best of concern for the people of this country. That said, let's look at a historical 500-year floodplain. The problem we had with that is there is no evidence available and then there is no information available either that we can dictate and determine how much a 500-year floodplain might be.

If we had taken a 500-year historical floodplain, it would have included all of L.A., most of L.A. County, and most of Orange County and any other city in this country that is next to a river or near the coast.

I offered an amendment and it was supported by the committee that said let's do a GAO study to determine if we need to expand the program, how it should be done, how it should be implemented. I think it is a reasonable approach, rather than us just making a knee-jerk reaction to a severe problem. And it is a problem we have to address. I am not saying we don't. But to tax people who are not impacted or not at risk of flood to boost the program, I think, is unreasonable. It would have impacted many of our districts that don't live in areas of high risk. And I do understand the need that we need to protect those who are within the program. We need to make the program actuarially sound. And I am pleased with the language in this bill that is included here, and it expands the coverage of the program. And I urge my colleagues to reject any amendment that would further expand it without GAO studies.

Mrs. McCARTHY. Mr. Chairman, H.R. 4973 is necessary but not sufficient.

It is necessary because the hurricanes and flooding in 2004 and 2005 have shown that the present flood insurance programs must be reformed.

It is not sufficient because those same hurricanes, especially Hurricane Katrina, convinced me that flood insurance alone will not protect the millions of Americans who now live in harm's way along our Nation's coasts and rivers.

I had the privilege of visiting the Gulf Coast earlier this year. I saw the devastating impact of wind and water on homes, on businesses, and on lives. I also heard the horror stories from people who were told that the damage to their lives was caused by water and not wind. In these cases, neither flood insurance nor homeowner's insurance protected them. Others indicated that officials told them they didn't need flood insurance because they were not in a danger zone.

It is time for Congress to go beyond the traditional approach of distinguishing between flood and wind damage. We have to develop a comprehensive natural disaster program that will protect homes from hurricanes, earthquakes, volcanoes, and other natural disasters that one day will affect 49 of our 50 states.

Insurance companies know that a disaster can occur. Some companies already are refusing to insure homes on Long Island and in other communities where a "big one" is overdue. The hurricane of 1938—the so-called Long Island Express—killed 600 to 700 people, destroyed 75,000 buildings and caused $300 million in damage. At that time, Long Island was the home to 600,000 people. Today, 2.8 million live there. A category 4 hurricane could cause $100 billion in insured damage alone.

Earlier this year, the gentleman from New York (Mr. ISRAEL) and I asked the Financial Services Committee to conduct hearings as soon as possible on the disaster insurance bills before the Committee. Our letter stated that "We believe that Congress needs to pass a strong reinsurance program. Natural disasters can occur in any region at any time. Since the insurance industry appears unable or unwilling to provide protection for our constituents, then it is time for Congress to act swiftly and positively."

The initial response indicated that we should wait until after the GAO completes its study of natural disaster insurance needs later this year. Fortunately, the real facts of Katrina, a number of extensive newspaper investigations, and the airing of several "what if" programs on cable TV are opening eyes even here. The Housing Subcommittee is holding its second hearing tomorrow (June 28) on natural disaster insurance needs. This one will focus on "The Housing Market and Natural Catastrophes."

I am convinced that this country needs an insurance program that will cover all natural disaster risks. If properly crafted, this program, will reduce the amount of emergency funds that Congress will have to provide after the next emergency, whether it occurs in the Northeast, Midwest, West Coast, Southeast, or Gulf Coast regions.

I want to encourage the administration, all financial services companies, state and local officials, and this body to work together and to develop a comprehensive and responsible natural disaster insurance program. The policy should be priced according to the risks of that state; it should cover all major natural disasters. It must be mandatory and cover both homes and businesses. States need to update and enforce building codes and to require mitigation both before and after a natural disaster. Finally, the federal program would be a backup for private reinsurance. These are the goals that I will pursue.

The House should pass HR 4973 today. Then, we must turn our attention to the larger disaster insurance issue. The American people cannot afford to add another $20 billion or $50 billion or $100 billion natural disaster relief program to the deficit, not when a fiscally sound alternative may be within reach. Tomorrow may be too late.

Mr. HIGGINS. Mr. Chairman, I rise to express my concerns about the Flood Insurance Reform Modernization Act that the House passed today.

I support the goals of this legislation, which are to provide the National Flood Insurance Program (NFIP) with the resources it needs to pay its claims to the victims of Hurricane Katrina, and to reform the NFIP to place it on sustainable long-term footing, but I believe that goal cannot be done at the expense of communities and homeowners who should not be in the flood maps. Several provisions of the bill will have such a negative impact on the Western New York communities that I represent, that I am unable to lend my support to the bill.

I would have welcomed the opportunity to vote solely on the provision to increase the funding that the Federal Emergency Management Agency can borrow in order to ensure that Katrina victims receive the funds they are owed. Indeed, I have supported several efforts since Katrina to increase FEMA's borrowing authority for this purpose. I have also supported tremendous increases in community development funding for Katrina-impacted areas, and I fought hard against the Administration's ill-conceived proposal to deny workers in the reconstruction effort the benefit of federal wage protection law.

Yet Mr. Chairman for all that was right in this bill, it fails to address some of the most pressing and problematic aspects of the NFIP, such as the extent to which some areas served by the program which seldom flood and seldom receive benefits must subsidize other areas which more frequently flood and more frequently receive benefits. Additionally, I am concerned that this does nothing to cushion the blow of mandatory flood insurance premiums to low income senior citizens or other, similarly situated persons. Additionally, when floods very often hit areas which had not been designated as having significant flood hazards, and while areas which have the 100-year flood designation have never been inundated, I have serious concerns about the accuracy of current flood mapping processes and procedures. While this bill would increase funding to increase the quantity of flood mapping, it would not sufficiently improve the science to increase the quality of flood mapping.

Specific to the Buffalo-area communities in my district, I am strongly opposed to the provision directing the Comptroller General to study a mandatory purchase requirement for the natural 100-year floodplain. In the City of Buffalo, in the neighborhoods of South Buffalo and Kaisertown, an area has been designated as a 100-year floodplain by FEMA. This area is now protected by a number of man-made improvements designed expressly to protect against 100-year floods, so I am working toward the goal of having FEMA remove the 100-year floodplain designation from these areas, and with it, the concomitant burden of mandatory flood insurance premiums. In fact, in 1972 the U.S. Army Corps of Engineers said "the area would be protected from a flood stage having a recurrence interval of 100 years," yet this bill would not only keep the area under 100-year designation, but would also allow the cost to no-risk homeowners to rise. For me to vote to advance legislation including the area in the 100-year floodplain designation would be inconsistent with my efforts to have the designation removed in light of the flood prevention work that has been done there.

I am further concerned with provisions in this bill which would raise the maximum amount of coverage. This provision would cause insured homeowners in low-cost housing markets, such as Buffalo, to subsidize homeowners in high-cost housing markets. This provision is regressive and contrary to the interests of my constituency.

Mr. Chairman I agree that the NFIP needs to be reformed so that those truly at risk bear the cost of flood insurance. However, by including communities that are at no or little risk of flooding, the bill has the unintended consequence of forcing struggling communities, like the one I represent, to subsidize the cost of flood insurance across the country. That is not a just outcome, and it is one I will continue to oppose until NFIP flood maps represent what really goes on in a community and until low risk communities are not forced to subsidize high risk communities.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, when you think of Southern California, you think of palm trees and sunshine, right? Most people do, and I'm glad they do. But today I want to remind you that in California, when it rains it pours. And my community of Orange County has a long history of destructive floods. I am particularly pleased that the House is choosing to pass the Flood Insurance Reform and Modernization Act currently before Congress.

This bipartisan bill would increase maximum flood premium rates, giving property owners the choice to pay more to receive greater coverage, including living expenses or profit loss beyond what is now covered in the flood insurance program.

The bill also makes it clear that the Federal Emergency Management Agency should listen to local communities whenever updating national flood maps.

Currently, FEMA estimates 70 percent of its flood maps are more than a decade out of date. I agree with FEMA's recent call for a speedy update of these important data sets, but haste should not take priority over accuracy.

Our local communities need time to report the most up-to-date data for inclusion in these national maps.

In California counties where FEMA has set a September 30 deadline to receive preliminary maps, FEMA should clearly grant an extension, rather than continue the flood control planning process without that critical local input.

The Army Corps of Engineers is studying flood control issues in a 90-square-mile watershed in Orange County, including Garden Grove and Santa Ana. The Corps' important work there should be taken into account as FEMA looks to draw new maps.

I applaud the bipartisan sponsors of this legislation and the bipartisan work of the Rules Committee for allowing debate on several important amendments to this bill. I urge my colleagues to cast a "yes" vote today.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, we have no further speakers. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Flood Insurance Reform and Modernization Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Study regarding status of pre-FIRM properties and mandatory purchase requirement for natural 100-year floodplain and non-Federally related loans.
Sec. 4. Phase-in of actuarial rates for nonresidential properties and nonprimary residences.
Sec. 5. Reduction of waiting period for effective date of policies.
Sec. 6. Enforcement.
Sec. 7. Maximum coverage limits.
Sec. 8. Coverage for additional living expenses, basement improvements, business interruption, and replacement cost of contents.
Sec. 9. Increase in annual limitation on premium increases.
Sec. 10. Increase in borrowing authority.
Sec. 11. FEMA participation in State disaster claims mediation programs.
Sec. 12. FEMA reports on financial status of insurance program.
Sec. 13. Extension of pilot program for mitigation of severe repetitive loss properties.
Sec. 14. Notice of availability of flood insurance and escrow in RESPA good faith estimate.
Sec. 15. Reiteration of FEMA responsibilities under 2004 Reform Act.
Sec. 16. Updating of flood maps and elevation standards.
Sec. 17. National levee inventory.
Sec. 18. Clarification of replacement cost provisions, forms, and policy language.
Sec. 19. Authorization of additional FEMA staff.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) flooding has been shown to occur in all 50 States;

(2) the aggregate amount of the flood insurance claims resulting from Hurricane Katrina, Hurricane Rita, and other recent events has exceeded the aggregate amount of all claims previously paid in the history of the national flood insurance program, requiring a significant increase in the program's borrowing authority;

(3) flood insurance policyholders have a legitimate expectation that they will receive fair and timely compensation for losses covered under their policies;

(4) substantial flooding has occurred, and will likely occur again, outside the areas designated by the Federal Emergency Management Agency as flood hazard areas;

(5) properties located in low- to moderate-risk areas are eligible to purchase flood insurance policies with premiums as low as $112 a year;

(6) about 450,000 vacation homes, second homes, and commercial properties are subsidized and are not paying actuarially sound rates for flood insurance;

(7) phasing out subsidies currently extended to vacation homes, second homes, and commercial properties would result in estimated average savings to the taxpayers of the United States and the national flood insurance program of $335,000,000 each year;

(8) the maximum coverage limits for flood insurance policies should be increased to reflect inflation and the increased cost of housing;

(9) significant reforms to the national flood insurance program required in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 have yet to be implemented; and

(10) in addition to reforms required in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, the national flood insurance program requires a modernized and updated administrative model to ensure that the program is solvent and the people of the United States have continued access to flood insurance.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect the integrity of the national flood insurance program by fully funding existing legal obligations expected by existing policyholders who have paid policy premiums in return for flood insurance coverage;

(2) to increase incentives for homeowners and communities to participate in the national flood insurance program and to improve oversight to ensure full participation in the program for owners of properties for which such participation is mandatory; and

(3) to increase awareness of homeowners of flood risks and improve the quality of information regarding such risks provided to homeowners.

SEC. 3. STUDY REGARDING STATUS OF PRE-FIRM PROPERTIES AND MANDATORY PURCHASE REQUIREMENT FOR NATURAL 100-YEAR FLOODPLAIN AND NON-FEDERALLY RELATED LOANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study as follows:

(1) PRE-FIRM PROPERTIES.—The study shall determine the status of the the national flood insurance program, as of the date of the enactment of this Act, with respect to the provision of flood insurance coverage for pre-FIRM properties (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), which shall include determinations of—

(A) the number of pre-FIRM properties for which coverage is provided and the extent of such coverage;

(B) the cost of providing coverage for such pre-FIRM properties to the national flood insurance program;

(C) the anticipated rate at which such pre-FIRM properties will cease to be covered under the program; and

(D) the effects that implementation of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 will have on the national flood insurance program generally and on coverage of pre-FIRM properties under the program.

(2) MANDATORY PURCHASE REQUIREMENT FOR NATURAL 100-YEAR FLOODPLAIN.—The study shall assess the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system, and shall determine—

(A) the regulatory, financial and economic impacts of extending such mandatory purchase requirements on the costs of homeownership, the actuarial soundness of the national flood insurance program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the national flood insurance program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

(3) MANDATORY PURCHASE REQUIREMENT FOR NON-FEDERALLY RELATED LOANS.—The study shall assess the impact, effectiveness, and feasibility of, and basis under the Constitution of the United States for, amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to any property that is located in any area having special flood hazards and which secures the repayment of a loan that is not described in paragraph (1), (2), or (3) of section 102(b) of such Act, and shall determine how best to administer and enforce such a requirement, taking into consideration other insurance purchase requirements under Federal and State law.

(b) REPORT.—The Comptroller General shall submit a report to the Congress regarding the results and conclusions of the study under this subsection not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. PHASE-IN OF ACTUARIAL RATES FOR NONRESIDENTIAL PROPERTIES AND NON-PRIMARY RESIDENCES.

(a) IN GENERAL.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) NONRESIDENTIAL PROPERTIES.—Any nonresidential property.

"(3) NON-PRIMARY RESIDENCES.—Any residential property that is not the primary residence of an individual.".

(b) TECHNICAL AMENDMENTS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "Subject only to the limitations provided under paragraphs (1) and (2), the" and inserting "The"; and

(B) in paragraph (1), by striking ", except" and all that follows through "subsection (e)"; and

(2) in subsection (e), by striking "paragraph (2) or (3)" and inserting "paragraph (4)".

(c) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning on the publication by the Director of the Federal Emergency Management Agency of the certification under section 16(b)(2), except as provided in paragraph (2) of this subsection.

(2) TRANSITION.—In the case of any property described in paragraph (2) or (3) of section 1308(c) of the National Flood Insurance Act of 1968, as amended by subsection (a) of this section, that, on the date of the enactment of this Act, is covered under a policy for flood insurance made available under the national flood insurance program for which the chargeable premium rates are less than the applicable estimated risk premium rate under section 1307(a)(1) for the area in which the property is located, the Director of the Federal Emergency Management Agency shall increase the chargeable premium rates for such property over time to such applicable estimated risk premium rate under section 1307(a)(1). Such increase shall be made by increasing the chargeable premium rates for the property (after application of any increase in the premium rates otherwise applicable to such property) by 15 percent (or such lesser amount as may be necessary so that the chargeable rate does not exceed such applicable estimated risk premium rate) once during the 12-month period that begins upon the date of the enactment of this Act and once every 12 months thereafter until such increase is accomplished. The provisions of paragraphs (2) and (3) of such section 1308(c) shall apply to such a property upon the accomplishment of such increase and thereafter.

SEC. 5. REDUCTION OF WAITING PERIOD FOR EFFECTIVE DATE OF POLICIES.

Section 1306(c)(1) is amended by striking "30-day" and inserting "15-day".

SEC. 6. ENFORCEMENT.

Section 102(f) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)) is amended—

(1) in paragraph (5)—

(A) in the first sentence, by striking "$350" and inserting "$2,000"; and

(B) in the last sentence, by striking "$100,000" and inserting "$1,000,000"; and

(2) in paragraph (6), by adding after the period at the end the following: "No penalty may be imposed under this subsection on a regulated lending institution or enterprise that has made a good faith effort to comply with the requirements of the provisions referred to in paragraph (2) or for any non-material violation of such requirements.".

SEC. 7. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking "$250,000" and inserting "$335,000";

(2) in paragraph (3), by striking "$100,000" and inserting "$135,000"; and

(3) in paragraph (4), by striking "$500,000" each place such term appears and inserting "$670,000".

SEC. 8. COVERAGE FOR ADDITIONAL LIVING EXPENSES, BASEMENT IMPROVEMENTS, BUSINESS INTERRUPTION, AND REPLACEMENT COST OF CONTENTS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5)—

(A) by inserting "pursuant to paragraph (2), (3), or (4)" after "any flood insurance coverage"; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(6) in the case of any residential property, each renewal or new contract for flood insurance coverage shall provide not less than $1,000 aggregate liability per dwelling unit for any necessary increases in living expenses incurred by the insured when losses from a flood make the residence unfit to live in, which coverage shall be available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

"(7) in the case of any residential property, optional coverage for additional living expenses described in paragraph (6) shall be made available to every insured upon renewal and every applicant in excess of the limits provided in paragraph (6) in such amounts and at such rates as the Director shall establish, except that such chargeable rates shall not be less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

"(8) in the case of any residential property, optional coverage for losses, resulting from floods, to improvements and personal property located in basements, crawl spaces, and other enclosed areas under buildings that are not covered by primary flood insurance coverage under this title, shall be made available to every insured upon renewal and every applicant, except that such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

"(9) in the case of any commercial property, optional coverage for losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from a flood shall be made available to every insured upon renewal and every applicant, except that—

"(A) for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood not occurred; and

"(B) such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1); and

"(10) in the case of any residential property and any commercial property, optional coverage for the full replacement costs of any contents related to the structure that exceed the limits of coverage otherwise provided in this subsection shall be made available to every insured upon renewal and every applicant, except that such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1).".

SEC. 9. INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.

Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking "10 percent" and inserting "15 percent".

SEC. 10. INCREASE IN BORROWING AUTHORITY.

(a) BORROWING AUTHORITY.—The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), as amended by the National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005 (Public Law 109–106; 119 Stat. 2288), is amended by striking "$18,500,000,000" and inserting "$25,000,000,000".

(b) FEMA REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress setting forth a plan for repaying any amounts borrowed pursuant to increase in borrowing authority authorized under the amendments made by subsection (a).

SEC. 11. FEMA PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

The National Flood Insurance Act of 1968 is amended by inserting after section 1313 (42 U.S.C. 4020) the following new section:

"SEC. 1314. FEMA PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

"(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a natural catastrophe that may result in flood damage claims under the national flood insurance program, upon a request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a natural catastrophe, the Director shall cause appropriate representatives of national flood insurance program to participate in such State program to expedite settlement of any flood damage claims under the national flood insurance program resulting from such catastrophe.

"(b) EXTENT OF PARTICIPATION.—Participation by representatives of the Director required under subsection (a) with respect to flood damage claims resulting from a natural catastrophe shall include—

"(1) providing adjusters certified for purposes of the national flood insurance program who are authorized to settle claims against such program resulting from such catastrophe in amounts up to the limits of policies under such program;

"(2) requiring such adjusters to attend State-sponsored mediation meetings regarding flood insurance claims resulting from such catastrophe at times and places as may be arranged by the State;

"(3) participating in good-faith negotiations toward the settlement of such claims with policyholders of coverage made available under the national flood insurance program; and

"(4) finalizing the settlement of such claims on behalf of the national flood insurance program with such policyholders.

"(c) COORDINATION.—Adjusters representing the national flood insurance program who participate pursuant to subsection (b)(1) in a State-sponsored mediation program with respect to a natural catastrophe shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purpose of consolidating and expediting the settlement of claims under the national flood insurance program resulting from such catastrophe at the earliest possible time.".

SEC. 12. FEMA REPORTS ON FINANCIAL STATUS OF INSURANCE PROGRAM.

Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027) is amended—

(1) in the section heading, by striking "**REPORT TO THE PRESIDENT**" and inserting "**REPORTS**";

(2) in subsection (a), by striking "IN GENERAL" and inserting "BIENNIAL REPORT TO PRESIDENT"; and

(3) by adding at the end the following new subsection:

"(c) SEMIANNUAL REPORTS TO CONGRESS ON FINANCIAL STATUS.—Not later than June 30 and December 31 of each year, the Director shall submit a report to the Congress regarding the financial status of the national flood insurance program under this title. Each such report shall describe the financial status of the National Flood Insurance Fund and current and projected levels of claims, premium receipts, expenses, and borrowing under the program.".

SEC. 13. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended as follows:

(1) FUNDING.—In subsection (k)(1), by striking "and 2009" and inserting "2009, 2010, and 2011".

(2) TERMINATION.—In subsection (l), by striking "September 30, 2009" and inserting "September 30, 2011".

SEC. 14. NOTICE OF AVAILABILITY OF FLOOD INSURANCE AND ESCROW IN RESPA GOOD FAITH ESTIMATE.

Subsection (c) of section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(c)) is amended by adding at the end the following new sentence: "Each such good faith estimate shall include the following conspicuous statements: (1) that flood insurance coverage for residential real estate is generally available under the National Flood Insurance Program whether or not the real estate is located in an area having special flood hazards and that, to obtain such coverage, a home owner or purchaser should contact a property insurance agent, broker, or company; and (2) that the escrowing of flood insurance payments is required for many loans under section 102(d) of the Flood Disaster Protection Act of 1973, and may be a convenient and available option with respect to other loans.".

SEC. 15. REITERATION OF FEMA RESPONSIBILITIES UNDER 2004 REFORM ACT.

(a) APPEALS PROCESS.—As directed in section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note), the Director of the Federal Emergency Management Agency is again directed to, not later than 90 days after the date of the enactment of this Act, establish an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy as required by such section.

(b) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director of the Federal Emergency Management Agency is directed to continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies that were established by the Director under the notice published September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(c) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264) and identifying each regulation, order, notice, and other material issued by the Director in implementing each such provision.

SEC. 16. UPDATING OF FLOOD MAPS AND ELEVATION STANDARDS.

(a) FLOOD MAPPING PROGRAM.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsection:

"(k) PROGRAM TO REVIEW, UPDATE, AND MAINTAIN FLOOD INSURANCE PROGRAM MAPS.—

"(1) IN GENERAL.—The Director, in coordination with the Technical Mapping Advisory Council established pursuant to section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) and section 16(c) of the Flood Insurance Reform and Modernization Act of 2006, shall establish a program under which the Director shall review, update, and maintain national flood insurance program rate maps in accordance with this subsection.

"(2) INCLUSIONS.—

"(A) COVERED AREAS.—Each map updated under this subsection shall include a depiction of—

"(i) the 500-year floodplain;

"(ii) areas that could be inundated as a result of the failure of a levee, as determined by the Director; and

"(iii) areas that could be inundated as a result of the failure of a dam, as identified under the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

"(B) OTHER INCLUSIONS.—In updating maps under this subsection, the Director may include—

"(i) any relevant information on coastal inundation from—

"(I) an applicable inundation map of the Corps of Engineers; and

"(II) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

"(ii) any relevant information of the Geographical Service on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director; and

"(iii) a description of any hazard that might impact flooding, including, as determined by the Director—

"(I) land subsidence and coastal erosion areas;

"(II) sediment flow areas;

"(III) mud flow areas;

"(IV) ice jam areas; and

"(V) areas on coasts and inland that are subject to the failure of structural protective works, such as levees, dams, and floodwalls.

"(3) STANDARDS.—In updating and maintaining maps under this subsection, the Director shall establish standards to—

"(A) ensure that maps are adequate for—

"(i) flood risk determinations; and

"(ii) use by State and local governments in managing development to reduce the risk of flooding; and

"(B) facilitate the Director, in conjunction with State and local governments, to identify and use consistent methods of data collection and analysis in developing maps for communities with similar flood risks, as determined by the Director.

"(4) HURRICANES KATRINA AND RITA MAPPING PRIORITY.—In updating and maintaining maps under this subsection, the Director shall—

"(A) give priority to the updating and maintenance of maps of coastal areas affected by Hurricane Katrina or Hurricane Rita to provide guidance with respect to hurricane recovery efforts; and

"(B) use the process of updating and maintaining maps under subparagraph (A) as a model for updating and maintaining other maps.

"(5) ANNUAL REPORT.—Not later than June 30 of each year, the Director shall submit a report to the Congress describing, for the preceding 12-month period, the activities of the Director under the program under this section and the reviews and updates of flood insurance program rate maps conducted under the program. Each such annual report shall contain the most recent report of the Technical Mapping Advisory Council pursuant to section 576(c)(3) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note).

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this subsection $300,000,000 for each of fiscal years 2007 through 2012.".

(b) REVIEW AND UPDATING OF ALL FLOOD ZONES AND ANNUAL MAP MODERNIZATION REPORTS.—

(1) Required revision.—In carrying out the program under subsection (k) of section 1360 of the National Flood Insurance Act of 1968 (as added by subsection (a) of this section), the Director of the Federal Emergency Management Agency shall, as soon as possible after the date of the enactment of this Act, conduct a review of all floodplain areas and flood-risk zones identified, delineated, or established pursuant to such section 1360 and shall revise and update all such areas and zones.

(2) Certification of completion.—Upon completing the review, revision, and updating required under paragraph (1), the Director shall submit to the Congress a report certifying such completion.

(3) Annual reports.—During the period that ends upon certification under paragraph (2) of this subsection by the Director, the Director shall include in the annual report required under section 1360(k)(5) of the National Flood Insurance Act of 1968 (as added by subsection (a) of this section) a description of the extent to which the review and updating required under paragraph (1) of this subsection has been completed.

(c) Reestablishment of Technical Mapping Advisory Council.—

(1) Reestablishment.—There is reestablished the Technical Mapping Advisory Council, in accordance with this subsection and section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note).

(2) Membership.—Paragraph (1) of section 576(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended—

(A) by redesignating subparagraphs (E), (F), (G), (H), (I), and (J) as subparagraphs (F), (G), (H), (K), (M), and (N), respectively;

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) a representative of the Corps of Engineers of the United States Army;";

(C) by inserting after subparagraph (H) (as so redesignated by subparagraph (A) of this paragraph) the following new subparagraphs:

"(I) a representative of local or regional flood and stormwater agencies;

"(J) a representative of State geographic information coordinators;"; and

(D) by inserting after subparagraph (K) (as so redesignated by subparagraph (A) of this paragraph) the following new subparagraph:

"(L) a representative of flood insurance servicing companies;".

(3) Appointment.—The Director of the Federal Emergency Management Agency, or the Director's designee, shall take action as soon as possible after the date of the enactment of this Act to appoint the members of the Technical Mapping Advisory Council pursuant to section 576(b)(1) of the National Flood Insurance Reform Act of 1994, as amended by paragraph (2) of this subsection.

(4) Duties.—Subsection (c) of section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended to read as follows:

"(c) Duties.—The Council shall—

"(1) make recommendations to the Director for improvements to the flood map modernization program under section 1360(k) of the National Flood Insurance Act of 1968 (42 U.S.C. 41010(k));

"(2) make recommendations to the Director for maintaining a modernized inventory of flood hazard maps and information; and

"(3) submit an annual report to the Director that contains a description of the activities and recommendations of the Council.".

(5) Termination.—Subsection (k) of section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended by striking "under subsection (b)(1)" and inserting "pursuant to subsection (b)(1) of this section and section 16(c)(3) of the Flood Insurance Reform and Modernization Act of 2006".

(d) Post-Disaster Flood Elevation Determinations.—Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by adding at the end the following new subsection:

"(h) Expedited Community Adoption of Post-Disaster Advisory Flood Elevations.—If the Director determines that it is appropriate to examine flood elevation determinations after flood-related disasters, to incorporate data gathered since the publication of an effective flood insurance rate map or other flood hazard map and to issue advisory flood elevations, the Director shall expedite the notification and publication procedures in this section. The Director shall require community adoption of the advisory flood elevation information under such expedited procedures for the purposes of local land use and control measures and for the purposes of facilitating flood-resistant reconstruction when Federal funds are made available. Expediting the notification and publication procedures shall be accomplished to preserve all rights to submit information and to appeal the Director's findings.".

SEC. 17. NATIONAL LEVEE INVENTORY.

To identify levees for the national flood insurance program, the Director of the Federal Emergency Management Agency shall maintain and periodically publish an inventory of levees in the United States, and shall consult with the Secretary of the Army as necessary to maintain such inventory.

SEC. 18. CLARIFICATION OF REPLACEMENT COST PROVISIONS, FORMS, AND POLICY LANGUAGE.

Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall—

(1) issue regulations, and revise any materials made available by such Agency, to clarify the applicability of replacement cost coverage under the national flood insurance program;

(2) revise any regulations, forms, notices, guidance, and publications relating to the full cost of repair or replacement under the replacement cost coverage to more clearly describe such coverage to flood insurance policyholders and information to be provided by such policyholders relating to such coverage, and to avoid providing misleading information to such policyholders; and

(3) revise the language in standard flood insurance policies under such program regarding rating and coverage descriptions in a manner that is consistent with language used widely in other homeowners and property and casualty insurance policies, including such language regarding classification of buildings, basements, crawl spaces, detached garages, enclosures below elevated buildings, and replacement costs.

SEC. 19. AUTHORIZATION OF ADDITIONAL FEMA STAFF.

Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency may employ such additional staff of such Agency as may be necessary to carry out all of the responsibilities of the Director pursuant to this Act and the amendments made by this Act. There are authorized to be appropriated to Director such sums as may be necessary for costs of employing such additional staff.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–530. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OXLEY

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–530.

Mr. OXLEY. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Oxley:

Page 9, strike lines 9 and 10 and insert "the submission to the Congress, by the Director of the Federal Emergency Management Agency, of the report required under".

Page 9, line 17, strike "date of the enactment of this Act" and insert "effective date under paragraph (1) of this subsection".

Page 10, line 10, strike "date of the enactment of this Act" and insert "effective date under paragraph (1) of this subsection".

Page 10, line 18, after "Section 1306(c)(1)" insert "of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1))".

Page 11, line 2, after "$1,000,000" (and before the close quotation marks) insert the following: "; except that such limitation shall not apply to a regulated lending institution or enterprise for a calendar year if, in any three (or more) of the five calendar years immediately preceding such calendar year, the total amount of penalties assessed under this subsection against such lending institution or enterprise was $1,000,000".

Strike line 20 on page 15 and all that follows through line 8 on page 16 and insert the following:

"(a) Requirement to Participate.—In the case of the occurrence of a natural catastrophe that may have resulted in flood damage covered by insurance made available under the National Flood Insurance Program and a loss covered by personal lines residential property insurance policy, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a natural catastrophe, the Director shall cause such representatives to participate in such State program, when claims under the national flood insurance program are involved, to expedite settlement of flood damage claims resulting from such catastrophe.".

Page 17 lines 4 through 6, strike "Adjusters representing the national flood insurance program who participate pursuant to subsection (b)(1)" and insert "Representatives of the Director who participate pursuant to this section".

Page 17, line 12, strike the quotation marks and the last period.

Page 17, after line 12 insert the following:

"(d) Mediation Proceedings and Privileged Documents.—As a condition of the participation of Representatives of the Director pursuant to this section in State-sponsored mediation, all statements made and documents produced pursuant to such mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

"(e) EFFECT OF PARTICIPATION ON LIABILITY, RIGHT, AND OBLIGATIONS.—Participation of Representatives of the Director pursuant to this section in State-sponsored mediation shall not affect or expand the liability of any party in contract or in tort, nor shall it affect the rights or obligations of the parties as provided in the Standard Flood Insurance Policy under the national flood insurance program, regulations of the Federal Emergency Management Agency, this Act, or Federal common law.

"(f) EXCLUSIVE FEDERAL JURISDICTION.—Participation of Representatives of the Director pursuant to this section in State-sponsored mediation shall not alter, change or modify the original exclusive jurisdiction of United States courts as provided in this Act.

"(g) COST LIMITATION.—Nothing in this section shall be construed to require the Director or representatives of the Director to pay additional mediation fees relating to flood claims associated with a State-sponsored mediation program in which representatives of the Director participate.

"(h) EXCEPTION.—In the case of the occurrence of a natural catastrophe that results in flood damage claims under the national flood insurance program and does not result in any loss covered by a personal lines residential property insurance policy—

"(1) this section shall not apply; and

"(2) the provisions of the Standard Flood Insurance Policy under the national flood insurance program and the appeals process established pursuant to section 205 of the Bunning-Bereueter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108-264; 118 Stat. 726) and regulations issued pursuant to such section shall apply exclusively.

"(i) REPRESENTATIVES OF DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established pursuant to section 205 of the Bunning-Bereueter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108-264; 118 Stat. 726) and regulations issued pursuant to such section.".

Page 15, line 5, strike "$18,500,000,000" and insert "$20,775,000,000".

Page 24, line 22, before "REVIEW" insert "ONE-TIME".

Strike line 24 on page 24 and all that follows through line 2 on page 25 and insert the following:

(2) REQUIRED REVISION.—The Director of the

Page 25, line 8, after the period insert the following: "The revisions and updating under this paragraph shall not be subject to the requirements of section 1360(k) of the National Flood Insurance Act of 1968 (as added by subsection (a) of this section).".

Strike line 8 on page 28 and all that follows through line 2 on page 29 and insert the following:

(d) POST-DISASTER FLOOD ELEVATION DETERMINATIONS.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(l) INTERIM POST-DISASTER FLOOD ELEVATIONS.—

"(1) AUTHORITY.—Notwithstanding any other provision of this section or section 1363, the Director may, after any flood-related disaster, establish by order interim flood elevation requirements for purposes of the national flood insurance program for any areas affected by such flood-related disaster.

"(2) EFFECTIVENESS.—Such interim elevation requirements for such an area shall take effect immediately upon issuance and may remain in effect until the Director establishes new flood elevations for such area in accordance with section 1363 or the Director provides otherwise.".

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, in the absence of any opposition, I ask unanimous consent to be recognized for the other 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the manager's amendment to H.R. 4973. In addition to making technical changes necessary for the bill, the manager's amendment will clarify the drafter's intent in a handful of areas.

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This amendment establishes that the phasing in of actuarial rates for second homes and nonresidential properties will begin once FEMA has certified completion of their map modernization efforts. This is necessary to ensure that subsidies are eliminated fairly and without inaccurate information about which homeowners should be purchasing flood insurance in the first place.

In addition, the amendment provides that the $1 million cap on penalties for nonenforcement of NFIP requirements not apply to regulated entities that have been assessed a penalty of $1 million in any 3 of the past 5 calendar years. This will help ensure that bad actors not get away with ignoring the need for adequate enforcement or mandatory flood insurance purchase requirements.

This amendment more clearly defines FEMA participation in State disaster claims mediation programs and ensures the confidentiality of documents and conversations during the mediation process.

In addition, it clarifies that mediation participation does not interfere with the exclusive Federal jurisdiction enjoyed by the Federal courts over the NFIP and provides that FEMA will not incur any additional fees as a result of mediation participation.

The manager's amendment also more clearly sets out the timeline for FEMA's inclusion of certain features on updated floodplain maps and clarifies the FEMA Director's authority regarding the ability to issue interim postdisaster flood elevation building requirements.

This amendment is a bipartisan effort that makes this bill better and more technically sound. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I concur fully with the gentleman from Ohio.

Mr. Chairman, I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BURTON OF INDIANA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109-530.

Mr. BURTON of Indiana. Mr. Chairman, I rise to discuss my amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BURTON of Indiana:

Page 29, after line 2, insert the following new section:

SEC. 17. NOTIFICATION AND APPEAL OF MAP CHANGES; NOTIFICATION OF ESTABLISHMENT OF FLOOD ELEVATIONS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking the section designation and all that follows through the end of subsection (a) and inserting the following:

"SEC. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Director shall first propose such determinations—

"(1) by providing the chief executive officer of each community affected by the proposed elevations, by certified mail, with a return receipt requested, notice of the elevations, including a copy of the maps for the elevations for such community and a statement explaining the process under this section to appeal for changes in such elevations;

"(2) by causing notice of such elevations to be published in the Federal Register, which notice shall include information sufficient to identify the elevation determinations and the communities affected, information explaining how to obtain copies of the elevations, and a statement explaining the process under this section to appeal for changes in the elevations;

"(3) by publishing the elevations in a prominent local newspaper; and

"(4) by providing written notification, by first class mail, to each owner of real property affected by the proposed elevations of—

"(A) the status of such property, both prior to and after the effective date of the proposed determination, with respect to flood zone and flood insurance requirements under this Act and the Flood Disaster Protection Act of 1973;

"(B) the process under this section to appeal a flood elevation determination; and

"(C) the mailing address and phone number of a person the owner may contact for more information or to initiate an appeal.".

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

Mr. BLUMENAUER. Mr. Chairman, I seek time in opposition to the amendment.

The CHAIRMAN. The gentleman will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Congressman STARK and I both realized a problem that exists in the redrawing of the floodplain maps across this country. FEMA is in the process of reshooting the maps in several parts of the country, and the only way people who are in the affected areas know about it is, in the classified section of the newspaper, there is some very fine print that says that there is going to be a meeting discussing the elevations of the new floodplains. We had about 3 or 400 people in my district that didn't know anything about this until after the fact.

Now, the problem is, once FEMA has redrawn these maps and they have been approved, the only way a person in a projected floodplain knows about it is if the insurance company contacts him and says you have 45 days to buy insurance or else we will add it to your mortgage payment. We had about 300 people in moderate income areas that were going to be hit with an extra thousand or $2,000 a year for flood insurance when there hadn't been a flood there for 100 or 150 years. In fact, nobody ever heard of having a flood in this area. Yet these people have been adversely affected.

Once these maps have been drawn and approved, the only way a person in a newly affected area can have restitution is to go and spend maybe a thousand or $2,000 hiring a lawyer and then fighting the governmental process, the agency, to prove that they are not in a floodplain.

What my bill does and Mr. STARK's bill does is simply say that FEMA has to send a first-class letter to everybody in the affected area so they know there is going to be a meeting talking about them being in a newly designated floodplain. It will cost maybe 35 to 40 cents a letter, maybe even less than that if they would use bulk mail.

In this particular case, the 300 families in the affected area, it would have cost $120 to notify them that there was a change in their status. There had not been a flood there in anybody's recollection, at least not in 100 or 150 years.

I think this is a very important amendment. It helps people all across the country. I really appreciate the chairman of the committee and the ranking member saying they would approve this amendment. So I thank you very much, Mr. Chairman and Mr. Ranking Member.

I yield to my colleague, Mr. STARK.

Mr. STARK. I thank the distinguished gentleman from Indiana for yielding. I would like to associate myself with his remarks.

In my community, this came to my attention several years back when 3 or 4,000 households in two different cities received notification just 45 days before the insurance bill was due from their mortgage companies and were told that within 45 days they would have to pay between $1,000 and $2,000 in insurance. In both communities, half of the households were excluded, but each household had to go individually, perhaps at a cost of $1,000 to $2,000 a household. That was a million to $2 million without even hiring lawyers or surveyors in my district to relieve themselves from this onerous, unneeded insurance premium. We can send a million letters for less than $400,000 if that became necessary.

It is a question of timely notification. I think it is only fair for us to notify the individual property owners, to give them time to be able to get the surveys and get the information they needed before they have to pay up the first thousand or $2,000 in premium and then later try and escape from under this, if their property is excludable, from the floodplain. I urge the adoption of the amendment.

Mr. Chairman, I want to thank the gentleman from Indiana for yielding and for his work on this issue.

This first came to my attention back in 2000 when flood maps were updated in Alameda County in the 13th Congressional District. Thousands of residents in San Leandro and Fremont found out that they were added to a floodplain by getting a letter from their lender. They had 45 days to select a policy and pay the annual premium or the lender would choose for them and add it to their monthly payment.

There was no explanation of what had suddenly determined them to be in a floodplain and the community appeal window was already closed. Needless to say, the National Flood Insurance Program ranks somewhere just above the IRS in popularity in my district.

Considering the ongoing nationwide map modernization program and the new FEMA requirement to assume houses behind levees require flood insurance unless the levees are certified, this problem will affect almost every congressional district in the country, if it hasn't already.

The logic of the Burton/Stark amendment is simple. Translating flood maps into on-the-ground information about households is already happening, but often only in time to send the first bill for flood insurance.

Our amendment merely changes the timeline to guarantee that property owners will find out earlier in the process when there is still time to get involved and appeal as a community.

In my district, more than half of the households added to the floodplain were later taken out. If they could have done so as a group rather than individually appealing and hiring their own surveyors, it would have saved both time and money, not to mention the reputation of the flood insurance program.

I urge my colleagues to support the Burton/Stark amendment. All our constituents deserve to be kept informed about federal requirements that directly impact their pocketbooks.

I thank the gentleman for yielding.

Mr. BURTON of Indiana. Once again, I want to thank my colleague for being a cosponsor; and I want to thank the chairman for accepting.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to be clear that I support this amendment.

Mr. BURTON of Indiana. Thank you, Mr. FRANK. Thank you, Mr. Chairman.

Mr. FRANK of Massachusetts. If the gentleman would yield further, I would just say that anytime the gentleman from Indiana and the gentleman from California support an amendment, I will be there.

Mr. BURTON of Indiana. Thank you, BARNEY.

Mr. BLUMENAUER. Let me say, I appreciate the intent that is offered by the sponsors of this amendment. I was prepared, however, to argue rather strongly in opposition in terms of the reimbursement mechanism that was involved, but I understand that that has been stripped out and it is now just purely a notification. While I am hopeful that, as this works its way through the process, we can deal with making sure that the notification process doesn't get in the way of trying to move this in an orderly fashion. I am not prepared to demand a rollcall or be cranky about it, because I do think you have adjusted your amendment so that it loses its onerous nature in the way that it was originally filed.

I appreciate the direction you are going and would look forward to working with the gentlemen to make sure that this furthers the public notification but does not bog down the process unnecessarily. As I say, I appreciate the direction that you are going.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. STARK. I appreciate his usual tenacity in watch-dogging the Federal dollar.

I would apologize. On our side of the aisle, the whip notice had it incorrect as it came out this morning. The gentleman is correct. It has been corrected. The distinguished gentleman from Indiana has seen that the amendment is limited to the notification, and I think it will assuage concerns.

I thank the gentleman for yielding.

Mr. BLUMENAUER. I personally feel more comfortable about that. I didn't know it when I claimed time in opposition because I had some outdated information. I didn't realize how fast this legislative train was rolling, but I feel better now.

Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–530.

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GARRETT of New Jersey:

Page 8, line 4, after "**PROPERTIES**" insert "**, CERTAIN PRE-FIRM PROPERTIES,**".

Page 8, line 17, strike the quotation marks and the second period.

Page 8, after line 17, insert the following new paragraph:

"(4) RECENTLY PURCHASED PRE-FIRM PROPERTIES.—Any property that—

"(A) has been constructed or substantially improved and for which such construction or improvement was started, as determined by the Director, before December 31, 1974, or before the effective date of the initial rate map published by the Director under paragraph (2) of section 1360 for the area in which such property is located, whichever is later; and

"(B) is purchased after the date of the enactment of the Flood Insurance Reform and Modernization Act of 2006.".

Page 9, line 14, strike "or (3)" and insert ", (3), or (4)".

Page 10, line 12, strike "and (3)" and insert ", (3), and (4)".

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

Mr. BLUMENAUER. Mr. Chairman, I would claim the time in opposition.

The CHAIRMAN. The gentleman will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, back in 1968, Congress created the National Flood Insurance Program, the NFIP, with the intent of providing homeowners that live in floodplains the opportunity to purchase flood insurance from the Federal Government. At the time, there were little to no opportunities to purchase flood insurance from the private insurance market.

Over the years, some problems have developed in that program, and so I come to the floor of this House today to thank Chairman OXLEY, Chairman BAKER and Ranking Member FRANK for all their hard work in putting together the important piece of legislation that is before this House today to try to address some of those problems that have been experienced in the past and to make sure that we have a national flood program worthy of the constituents at home and the problems that they face.

There were several different solutions to address one of the issues that came up, and that is dealing with homeowners who were in existing pre-FIRM homes and the insurance that they could afford to buy and coming forward with those homes maybe right across the street from them that did not qualify.

In an effort to reach a compromise between the two sides, I am offering today an amendment that is a compromise, a commonsense one, I think, a middle ground, if you will, that would provide additional resources to the flood insurance program in a fair way and not subject current homeowners of pre-FIRM houses to an unanticipated or unplanned increase in their flood insurance premiums.

My amendment would simply require any purchaser of a pre-FIRM residential home to pay a phased-in actuarially correct flood insurance price using the same phase-in structure that nonresidential and nonprimary homes are currently subject to in this system.

In essence, it comes down to this. If someone has a pre-FIRM home and had that home for a period of time and someone across the street came in and purchased that home, that current purchaser would look across the street and say that they are subsidizing the gentleman across the street. We are saying that should not occur indefinitely. That when that pre-FIRM homeowner eventually, whenever that date occurs, sells that home, that property then would phase into the current system, there would no more subsidization of those homes any further, and everyone would be on the same level playing field.

Again, I thank the members of the committee, I thank the chairman as well, for working with us on this program as we brought it up in the committee at that time.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I would yield myself 3 minutes.

Let me say, I appreciate the gentleman's deep interest in making sure that we are moving forward with reform in the flood insurance program and that we are dealing with some of the idiosyncratic ways that there are some folks that never get out of being an exception. With all due respect, that the approach that has been adopted by the committee is one that over the long run is going to be the most advantageous.

I share your concern, but as I have been working with the floodplain managers from the various States around the country, the people on the ground are concerned about the impact that the rapid movement towards dealing with these other subsidized residential properties would have. There is a very real problem because a lot of these properties do change hands frequently, in knowing what the impact is, and that many people would end up not seeking subsidized property, that communities may opt out, all this could end up being counterproductive. Particularly as it relates to the area, and again I referenced in my opening comments being sensitized by Mr. TAYLOR and by Mr. BAKER, about some of the practical realities, particularly for low-income communities. While it seems that this would be a way to phase it in only when the property changes hands, this would have the practical effect of discounting the value overnight to the people who own these properties, many of whom may be low income. So it would depress the price of the homes that they own because the seller would be subjected to the higher premium.

You and I know that in the long run that is a more rational policy for the taxpayer and for the people who hold those policies, but there is a psychology that is at work with some communities and with some owners and it may well be counterproductive.

So, with all due respect, I would suggest that what we ought to be doing is looking for ways to phase it in over time with these communities, that we deal with emphasizing mitigation like we had in the 2004 legislation, because I fear there may be a double whammy, where communities are less interested in participating and that you may be penalizing some of the very low-income property owners in a way that I don't think any of us want.

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So while I sympathize with the approach, while I applaud the committee for advancing the boundaries, this is one area where I would suggest that this, what looks like a simple phase-in, actually may not be a simple phase-in and may have unintended consequences.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his leadership on this issue. I also want to thank Chairman OXLEY and Chairman BAKER for all of their good work in bringing this bill to the floor, because it addresses a very, very serious challenge that we have.

We all know that Hurricanes Katrina and Rita represented a great physical catastrophe for this generation. I think it is incumbent upon us to make sure that it does not turn into a great fiscal tragedy for the next.

I remember speaking to a factory worker at the Pepsi plant in my district in Mesquite, Texas. He said, Congressman, I want to do everything I can to help those people on the gulf coast, but tell me you are going to do a few things differently so I don't have to do it again.

We know that the National Flood Insurance Program is not actuarially sound. It is not fiscally solvent. Congress is having to bail it out. Yet if you look at the legislative history, since 1981 it was supposed to be fiscally solvent. So the underlying bill takes a number of steps to start taking us in that direction.

But if we are going to have a National Flood Insurance Program, we should not be subsidizing people and incenting them to live in places that, frankly, put them in harm's way, especially at the taxpayers' expense. If they are going to put themselves in harm's way, that is the decision they need to make, but we should not be a party to incenting them to do it.

So I think that the gentleman from New Jersey, his amendment takes a very, very reasonable small step towards helping make this program a little bit more fiscally solvent, and I think it is fair.

It is one thing to say on the pre-FIRM properties when we were trying to incent people to get into the program, okay, to some extent you are grandfathered. But new people who are coming in, if we are going to save this program for new future generations, I believe we need to take more steps toward fiscal responsibility, and the gentleman from New Jersey, his amendment is a very reasoned amendment that takes us in that direction, and I believe the House should support it.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman.

We sometimes get into confusing phrases here. We are talking about pre-FIRM. I know a lot of us are worrying about that stage in life when you are post-FIRM. But here we are talking about an important issue.

I am torn on this. I have been ambivalent. I opposed this amendment in committee. I thought some more about it. Both my friends, both the gentleman from Oregon and the gentleman from New Jersey, make some good points, and I would say this: I expect this amendment will probably get adopted. But I hope we can do this. In general, I think it is a reasonable thing to do, but there are low-income buyers, owners, who, through no fault of their own, they weren't warned, find themselves in this position, and there is the danger that the one small asset they have can get devalued.

Our colleague from Texas, Mr. GREEN, had an amendment that tried to provide some relief on premiums for people in the very low end. I would hope if this amendment were adopted, I would address this to the chairman, the gentleman from Louisiana and others, we might then as a committee take up the question of whether some relief might be appropriate for people who are at the lowest end of the spectrum, people who do own a home, but that is about all they have.

I think this is a case where the general principle is a good one, but a negative impact may be excessive on some people at the lower end. So that would be my hope, we would then, because this is an ongoing process, be able to look at that.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will just conclude by saying to the ranking member the same thing the ranking member said to me in the committee, and that is when we first proposed it, I will be glad to work with you to try to make this amendment an even better amendment.

I appreciate your consideration that there were two ends of the spectrum, one that said we should eliminate this subsidy, if you will, today, and other people have said we should never eliminate it, it should just continue on; and we were just trying to find that proverbial middle ground. Hopefully, we have gotten one step closer to that with this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate what the gentleman is saying. I have spent the last 6 years trying to inject some fiscal responsibility into the program. I have supported the work that the committee has done. But along the way, I have been sensitized to some of the impacts that we don't want to have that are unintended in terms of discouraging participation.

So as you are working with the committee in terms of refining this, I would hope that there would be some sensitivity, if this amendment passes, to the impact on low income.

For instance, one of the unintended consequences may be driving people who are in this circumstance to be seeking financing from sub prime lenders there by avoiding flood insurance, by very expensive financing mechanisms. It ought to go hand in hand with what we do in terms of having more mandatory coverage so there aren't people that are sort of drifting along, and that it doesn't have unintended consequences for having people and communities opt out, or for low-income people, being unduly disadvantaged. I sympathize with what you are saying, and I would be happy to work with you as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. TAYLOR OF MISSISSIPPI

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109-530.

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TAYLOR of Mississippi:

At the end of the bill, add the following new section:

SEC. 20. INVESTIGATION OF WRITE-YOUR-OWN INSURERS' ADJUSTMENT OF CLAIMS RELATING TO HURRICANE KATRINA.

(a) INVESTIGATION.—The Inspector General of the Department of Homeland Security shall carry out an investigation of insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations to determine—

(1) whether any such insurers, in adjusting and settling claims resulting from Hurricane Katrina, improperly attributed damages from such hurricane to flooding covered under coverage provided under the national flood insurance program rather than to windstorms covered by other coverage provided by such insurers or by windstorm insurance pools in which such insurers participated; and

(2) the extent to which such improper attribution of damages occurred.

(b) REPORT.—Not later than the expiration of the 6-month period that begins upon the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Congress a report setting forth the conclusions of the investigation pursuant to subsection (a).

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when the National Flood Insurance Program was put together, a couple of steps were taken to minimize the administrative costs of that program. One, under the National Write Your Own Program, allowed the private sector, companies like Allstate, State Farm and Nationwide, to sell this policy, get a fee for selling this policy, but the cost of actually paying the claims would be borne by the Federal Government. There is really nothing wrong with that. The problem came in when at the same time they allowed the same companies to adjudicate the claim in the aftermath of the storm.

The example I used earlier is that you have got a young claims adjuster.

He is a company man. He works for State Farm; he works for Allstate or Nationwide. He has visions of being promoted to a manager. He has stock in that company. He wants to go far.

He is sent out to what is now a slab that just a few days ago was someone's home. There is nothing there. And he has to determine whether that house was destroyed by wind or by water.

In the case of south Mississippi, the Navy Oceanographic Lab tells us we had 6 to 8 hours of maximum hurricane winds before the water ever got there. In the case of the little town of Bay St. Louis, that meant you had winds for 6 to 8 hours from 100 miles an hour up to 150 miles an hour before the tidal surge came in and destroyed the evidence of what the wind did.

So this claims adjuster, who wants to go far with the company, can decide whether his company is going to pay that claim through the wind pool, or whether the taxpayers are going to pay through the flood insurance program.

The FBI says that fraud is a crime of opportunity. No matter how well-intended Congress was when they wrote this, they created the opportunity for a heck of a lot of fraud. In fact, I think the biggest fraud that occurred after Hurricane Katrina wasn't people getting an extra FEMA check or two or three extra checks from the Red Cross, although that is deplorable. The biggest fraud occurred at the corporate level where the insurance industry made a corporate decision to, whenever possible, blame flooding every time and stick the taxpayers with bills that they should have paid.

Mr. Chairman, last year the insurance industry reported a $44 billion profit after everything. Last year Federal flood insurance lost $25 billion. That is the reason this bill is on the floor today. I don't think it is a coincidence, because I think what happened was whenever given the opportunity, the insurance industry stuck the taxpayer with bills that they should have paid.

So what I am asking for is for the Inspector General to look into this and hopefully use the Fraudulent Claims Act, which requires treble damages for anyone who submits a false claim to our Nation, in addition to a $5,000 or $10,000 fine every time a false claim is submitted. Because I am convinced that is precisely what happened.

Mr. Chairman, after we are told that that is what happened, I hope this Congress will come back and find a way to where we as a Nation won't just blindly accept the claims of an insurance industry when we pay that bill.

I used the analogy before. If Mr. OXLEY, if Mr. PICKERING, any Member of this body wants to be reimbursed for their trip to the airport, they have got to submit a claims ticket from that taxi driver for the 15 bucks, or they don't get paid.

But in the instance of national flood insurance, these insurance companies submitted claims for $100,000, $200,000, $250,000, and the taxpayer paid it every time without anyone second guessing. That is the opportunity for fraud, and I believe that fraud took place.

So, Mr. Chairman, I don't know of anyone who in their right mind could oppose this, I don't know of anyone who wants to see our tax dollars used unwisely, and I don't know of anyone who wants to see the National Flood Insurance Program defrauded or the subject of fraud.

So, again, it is my understanding that Mr. OXLEY will accept this amendment. I very much appreciate that. I hope that when the Inspector General report comes back 6 months from now that the next Congress will take steps to take away this opportunity for fraud.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I appreciate the gentleman yielding and also say to my friend from Mississippi, congratulations on a well-thought-out amendment. I know the gentleman has had personal issues with this, as well as our good friend, former House Member Senator LOTT; and we have had a number of discussions about the frustration that you and many of your constituents feel.

We think that it is appropriate that the IG conduct that investigation and report back within 6 months, and therefore we are prepared to accept the amendment.

Mr. TAYLOR of Mississippi. Again, Mr. Chairman, I very much thank the gentleman from Ohio, and I thank the gentleman from Massachusetts.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–530.

AMENDMENT NO. 6 OFFERED BY MR. PICKERING

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–530.

Mr. PICKERING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PICKERING:

Page 10, line 16, strike "**REDUCTION OF**".

Page 10, line 18, before "Section" insert "(a) REDUCTION.—".

Page 10, after line 18, insert the following new subsection:

(b) EXCEPTION.—Section 1306(c)(2)(A) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(2)(A)) is amended by inserting before the semicolon the following: "or is in connection with the purchase or other transfer of the property for which the coverage is provided (regardless of whether a loan is involved in the purchase or transfer transaction)".

The CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Mississippi (Mr. PICKERING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. PICKERING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will simply allow the flood insurance coverage to become effective immediately upon the purchase or transfer of real property for which coverage is provided without regard to the financial mechanism used to purchase such property.

In sum, whether you buy using a loan as a mechanism of purchase or if you make a cash purchase of the property, what we discovered after Katrina is that some individuals had purchased a home using full payment, cash, and not using a loan, thinking that they would have the coverage of the flood insurance. They came to discover that unless it was through a loan mechanism, they would not be eligible for that coverage.

So this simply closes the loophole that has been discovered in the aftermath of Katrina, without undoing the congressional intent of protecting against the fraud or the actions of people who just go out to buy coverage when a hurricane or a flood warning comes. It is only with the purchase and the transfer of property that they are able to purchase the flood insurance. But it makes the policy clear, whether you are buying with cash or by loan, you will be able to have the protection that you believe you have a right to and are entitled to and assume that you would have in the event of a disaster.

I want to thank the committee for working with me and my staff as we close this loophole and would ask for their support as we go forward in this amendment. Again, I thank them for their cooperation as we went through the policy.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we are pleased to accept the amendment. I congratulate the gentleman on his foresight. We are prepared to vote in favor of the amendment.

Mr. PICKERING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BONILLA). The question is on the amendment offered by the gentleman from Mississippi (Mr. PICKERING).

The amendment was agreed to.

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AMENDMENT NO. 7 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109–530.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. MATSUI:

Page 23, line 13, strike "and".

Page 23, line 19, strike the final period and insert "; and".

Page 23, after line 19 insert the following: "(C) ensure that emerging weather forecasting technology is used, where practicable, in flood map evaluations and the identification of potential risk areas.".

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, I yield myself such time as I may consume.

My amendment, Mr. Chairman, simply asks that FEMA utilize emerging weather forecasting technology as they update our national flood maps. Applying such technologies gives us new ways to solve old problems and address rising challenges. FEMA needs to be prepared to utilize this technology as it becomes more available to us.

This amendment makes sense. It will ensure that FEMA has the highest quality information when it works to determine the level of risk for vulnerable geographies. This language would not impose any additional financial burdens on FEMA.

As a member of the Science Committee, I made it one of my priorities to find ways to integrate emerging technologies into complex policy initiatives.

Mr. Chairman, I ask my colleagues to support my amendment.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Ms. MATSUI. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, the Chair is prepared to accept the amendment. I want to thank the gentlewoman for her foresight and also for merging this new technology with the ability of FEMA to make better and more accurate mapping.

Ms. MATSUI. Mr. Chairman, reclaiming my time, I thank the gentleman very much for supporting my amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–530.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 24, after line 6 insert the following new paragraph:

"(5) EDUCATION PROGRAM.—The Director shall, after each update to a flood insurance program rate map, in consultation with the chief executive officer of each community affected by the update, conduct a program to educate each such community about the update to the flood insurance program rate map and the effects of the update.".

Page 24, line 7, redesignate paragraph (5) as paragraph (6).

Page 24, line 18, redesignate paragraph (6) as paragraph (7).

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, last year, our Nation was devastated with a series of natural disasters that negatively impacted our economic and social structures. The South especially incurred severe flood damage to their infrastructure and local communities. The floods varied from severe, slow and fast rising but were consistent in destroying people's homes and businesses.

This past hurricane season brought forth a series of catastrophes that devastated southern communities, injuring people's livelihoods and souls. The wave of destruction was insurmountable to none ever experienced.

The amendment that I have, Mr. Chairman, is to amend the Act simply to indicate the responsibility we feel that FEMA has to reach out and educate our communities.

FEMA uses the information produced by the flood insurance studies to prepare a flood insurance rate map that depicts the spatial extent of special flood hazard areas and our thematic features related to flood risk assessment.

The rate map is the basis for floodplain management, mitigation and insurance activities of the insurance program. As a result, flood risks have been assessed at approximately 20,400 communities nationwide.

As it stands, FEMA currently has a regulatory function that calls for communities to implement local outreach. However, no such function exists to mitigate any outreach responsibility on FEMA. Neither the code nor the regulations require FEMA to proactively implement outreach programs to educate local landowners.

In response to this oversight, I offer this amendment that requires FEMA to conduct educational programs to better inform local communities of changes made in the flood insurance map.

Currently, H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006, lacks a mandate that calls for FEMA to implement the initiatives necessary to reach out to local communities and educate property owners who are affected by the map update. Many homeowners do not know about changes in the map. The only thing they know is that, after they have suffered a severe flood, they are not covered.

I think this amendment is a necessary step to ensure that FEMA is made responsible to make the vital information available to everyone who might be a flood victim. I believe that this is a necessary step to protect the lives of innocent people who have no choice but to rely on this congressional body to implement necessary safeguards that protects their well-being.

I urge adoption of this amendment.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we have reviewed the amendment and are prepared to accept it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

Mr. OXLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. MILLER of Michigan) having assumed the chair, Mr. BONILLA, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, had come to no resolution thereon.

PERMISSION TO OFFER AMENDMENT NO. 5 OUT OF SEQUENCE DURING FURTHER CONSIDERATION OF H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that, during further consideration of

H.R. 4973 pursuant to H. Res. 891, I may offer amendment No. 5 out of sequence.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 891 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4973.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, with Mr. BONILLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 8 printed in House Report 109–530 offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) had been disposed of.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–530.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. JACKSON-LEE of Texas:

Page 5, line 24, strike "and".

Page 6, line 4, strike the period and insert "; and".

Page 6, after line 4, insert the following:

(E) the extent to which eligibility standards for pre-FIRM properties were inconsistent and resulted in disparities in coverage among such properties.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman very much. I thank the Speaker, and I thank this extraordinary effort on behalf of my amendment.

My amendment includes a provision to the Government Accountability Study on the status of the National Flood Insurance Program before the changes that will be in effect with the enactment of this Act.

This amendment seeks to identify any inconsistencies in eligibility standards for coverage.

As I said earlier, this is an enormous step toward helping homeowners get out of poverty when they lose everything. Insurance is just that.

I thank Mr. BAKER, I thank Mr. OXLEY of the full committee, Mr. FRANK of the full committee, the ranking member of the subcommittee, Ms. WATERS, and the chairman of the subcommittee, Mr. NEY. This had to be a yeoman's task of bipartisan effort. And all of my other colleagues on the jurisdiction.

And might I just add, I thank Mr. FRANK for including my eminent domain amendment in previous legislation on this issue dealing with Katrina, but the overall question of flooding. This bill develops an appropriate reform on the demands on flood insurance in times of natural disaster, such as what we saw with Hurricanes Katrina and Rita.

The Government can serve a crucial role in the ability of our Nation to be resilient to natural disaster. This program, for instance, provides for properties located in low to moderate risk areas to be eligible to purchase flood insurance policies for premiums as low as $112.

With FEMA being led by a new director, and knowing that under Homeland Security, a committee that I sit on, that we want to reform, we want to make this system work for those who have experienced a disaster, then this legislation is a step toward making it work.

In 1968, Congress created the National Flood Insurance Program in response to the rising costs of taxpayer-funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally backed flood insurance available in communities that agree to adopt and enforce the floodplain's management ordnances to reduce future flood damage.

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The NFIP is self-supporting for the average historical loss year. This means that, unless there is a widespread disaster, operating expenses and flood insurance claims are financed through premiums collected.

According to a RAND Corporation study conducted for the Federal Emergency Management Agency, nationwide about 49 percent of single family homes in special flood hazard areas are covered by flood insurance from the National Flood Insurance Program. In the South and West, the percentage is higher, about 60 percent. However, outside of the high-risk areas there is a steep drop-off in coverage. Only about 1 percent of homeowners purchase flood insurance in these low-risk areas.

We can see by what is happening in this region, in the Maryland, Washington, Virginia region, that we need to have a sensitivity to the need for flood insurance because we cannot predict the weather. My district in Harris County had only a 25 percent market penetration rate, which means that only one in four households was covered with a flood insurance plan. Given the extent of damage and flooding from circumstances as extreme as Hurricanes Katrina and Rita and as common as our recent storms last week, this rate is unsustainable for my constituents and others around the Nation.

As we all know, many Members of Congress have been fighting to make their constituents whole, and so we know that it has been important to understand what happened.

It is important to remember that often residents will not receive Federal aid for flooding in the disaster area, but, on average, households can receive $700 from organizations such as the Red Cross, but this amount is clearly not enough.

So this particular amendment requires the GAO to establish the extent to which eligibility standards for pre-FIRM properties were inconsistent and resulted in disparities in coverage among such properties and their owners. That can be a narrow and selective study so we can have this as part of the larger report. The intent is to discover whether or not the application of eligibility standards remained consistent and, if not, whether some homeowners who should have been eligible for flood insurance did not receive it.

We hope with this amendment that the GAO study will be able to answer the following question: Has there ever been a case where someone should have gotten insurance but did not?

A small, isolated selection of cases will help bring about this very important data and add to this legislation and add to the studies that are necessary to make hard-working homeowners and others who desire the American dream to be made whole in the face of terrible disasters.

With that, I would ask my colleagues to support this amendment.

My amendment includes a provision to the Government Accountability Study on the status of the national flood insurance program before the changes that will be in effect with the enactment of this act. This amendment seeks to identify any inconsistencies in eligibility standard for coverage.

First, let me say that I applaud Mr. BAKER, Mr. FRANK, and my other colleagues on committees of jurisdiction who developed a bill that appropriately addresses the demands on flood insurance in times of natural disaster, such as what we saw with Hurricanes Katrina and Rita. The government can serve a crucial role in the ability of our Nation to be resilient to natural disaster. This program, for instance, provides for properties located in low-to-moderate risk areas to be eligible to purchase flood insurance policies with premiums as low as $112.

In 1968 Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer-funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes Federally backed flood insurance available in communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage. The NFIP is self-supporting for the average historical loss year. This means that unless there is a widespread disaster, operating expenses and flood insurance claims are financed through premiums collected.

According to a RAND Corporation study conducted for the Federal Emergency Management Agency (FEMA), nationwide about 49 percent of single-family homes in special flood hazard areas (SFHAs) are covered by flood insurance from the National Flood Insurance Program. In the South and West the percentage is higher, about 60 percent. However, outside of the high risk areas there is a steep drop-off in coverage. Only about one percent of homeowners purchase flood insurance in these low risk areas.

My district in Harris County, Texas, had only a 25 percent market penetration rate, which means that only 1 in 4 households was covered with a flood insurance plan. Given the extent of damage and flooding from circumstances as extreme as Hurricanes Katrina and Rita, and as common as our recent storms last week, this rate is unsustainable for my constituents, let alone for their local governments.

It is important to remember that often, residents won't receive Federal aid for flooding or other natural disaster damage if the area is not declared a disaster area. On average, households can receive $700 from organizations such as the Red Cross—but this amount clearly won't cover the full cost of the damage.

Nationwide, flash flooding is the leading cause of weather-related deaths in the U.S.—approximately 200 deaths per year.

Implicit in the reforms established in this bill, however, is the need for an honest and transparent government process. My amendment contributes language to the GAO study analyzing the pre-FIRM (Flood Insurance Reform and Modernization Act) properties and mandatory purchase requirements for natural 100-year floodplain and non-Federally related loans.

Specifically, my amendment requires the GAO to determine the extent to which eligibility standards for pre-FIRM properties were inconsistent and resulted in disparities in coverage among such properties and their owners. The intent is to discover whether or not the application of eligibility standards remained consistent, and if not, whether some homeowners who should have been eligible for flood coverage did not receive it. With this amendment, I hope the GAO will be able to answer the following question: Has there ever been the case where someone should have gotten insurance, but didn't?

I urge my colleagues to support this amendment and support effectively reforming the National Flood Insurance Program.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we are prepared to accept the amendment on this side.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Me, too.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlemen, both, and in fact, Mr. Chairman, with great appreciation for both of you for this deference to me today.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109–530.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. MATSUI:

Page 29, after line 2, insert the following new subsection:

(e) GAO STUDY OF LOW-INCOME DISCOUNT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of potential methods, practices, and incentives that would increase the extent to which low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))) that own residential properties located within areas having special flood hazards purchase flood insurance coverage under the national flood insurance program. In conducting the study the Comptroller General shall analyze—

(A) the feasibility and effectiveness of providing such coverage to low-income families at rates that are discounted from the rates at which such coverage is otherwise provided, the amounts by which such rates should be discounted to ensure that coverage is affordable to such families and to encourage purchase of coverage by such families, and the effects of such discounts on the national flood insurance program; and

(B) the extent to which residential properties occupied by low-income families would be affected by expanding the mandatory purchase requirements of the national flood insurance program to the areas included in the national flood insurance program rate maps pursuant to section 1360(k) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(k)), as amended by subsection (a) of this section.

(2) REPORT.—The Comptroller General shall submit to the Congress a report setting forth the conclusions of the study under this subsection not later than 12 months after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman I yield myself 1½ minutes.

Mr. Chairman, this amendment directs the GAO to study potential methods, practices and incentives that would increase the degree to which low-income property owners living in high-risk locations participate in the National Flood Insurance Program.

I am joined in offering this amendment by two of my colleagues from Texas, Representative GENE GREEN and RUBEN HINOJOSA. I thank them for supporting this amendment. This is an important issue for our districts, but I think this is an equally important issue for Congress to consider.

Most of the amendments we are considering address the impact of the pending updates of our national flood maps on property owners.

It is difficult to craft a policy or an approach when you are missing the correlative information. In this case, the revised flood maps.

We will reauthorize NFIP in 2008. Anticipating the degree to which these new maps will affect low-income property owners' participation in the National Flood Insurance Program is a good and necessary first step toward writing that legislation.

I want to take this opportunity to begin to address the needs of low-income individuals who live in the floodplains or in high-risk flooding areas now.

This amendment will ensure today's legislation will provide us with the information required to plan for the future of the flood insurance program. This is responsible and forward-looking policy, and I hope my colleagues will be able to support our amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. I am not going to claim opposition because we support the amendment. I would just say to the gentlewoman, we are pleased to accept her amendment.

Ms. MATSUI. Thank you.

I have two additional speakers to speak on this.

Mr. Chairman, I yield 1½ minutes to my colleague from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of the Matsui/Hinojosa/Gene Green amendment to H.R. 4973.

I want to thank my colleagues, Congresswoman MATSUI and Congressman GENE GREEN, and their staff for collaborating with me on this amendment.

This amendment will protect the ability of low-income individuals to purchase a home once the 500-year plain mapping section of this legislation has been completed.

Should it occur in the future, mandating flood insurance coverage for all those that fall in the 500-year floodplain map will add an additional burden to low-income individuals throughout the United States that might make them unable to afford a home.

I hasten to note that, in all likelihood, the majority of the United States will fall within these new borders. Such insurance requirements will tip the scale in the wrong direction, and low-income individuals will lose their home-buying power and be once again penalized more than those most fortunate in America.

This amendment's study will help ensure that low-income individuals receive the help they need when the 500-year floodplain maps are drawn.

I strongly encourage all of my colleagues to support this amendment.

Ms. MATSUI. Mr. Chairman, I yield 1½ minutes to my other colleague from Texas who is cosponsoring, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague from California and my colleague from Texas for working with us on this amendment.

I rise in support of the Matsui-Hinojosa-Green amendment to the Flood Insurance Reform Act. The amendment addresses an issue that I have been concerned with for a very long time.

Our district has a per capita income of $12,000 per year, with over 20 percent of the residents in poverty. Over one-third of our households are worth less than $100,000. Many of these households are senior citizens on fixed incomes.

These families and households know the dangers of flooding in the Houston area. They want to protect themselves, and we recently had severe flooding with hundreds of homes with several inches of water.

Some Members in Congress act like it is the victim's fault when their houses flood, but these critics do not realize that many people did not move to the floodplains, the floodplains are moving to them.

When we redraw the flood maps, thousands of people are suddenly required to pay hundreds of thousands of dollars in flood insurance. If they not afford to pay, they sometimes lose their mortgage and their house, or when it floods, they can lose all of their property.

It is not fair to evict low-income people from homes that they have been making payments on for years. It would also not be fair to deny Federal disaster assistance to seniors who could not afford the flood insurance when they suddenly were required to have it.

The 100-year floodplains in Houston and Harris County and across the country, at least our area, have been expanding rapidly. Many of my constituents have been living outside the floodplain for decades. This year they are going to be suddenly redrawn into the 100-year floodplain and required to buy flood insurance.

I believe they should buy flood insurance, and we should encourage low-income people to voluntarily buy flood insurance, also. However, when we are going to impose a new Federal financial burden on low-income folks who have managed against the odds to own their own home, I think we should keep those premiums affordable.

Mr. Chairman, I would hope that we would support this amendment so we could actually have the study.

This legislation is going to increase the rate of premium increases from 10 percent to 15 percent, due to the recent losses to the program.

In return, I think it should also show compassion to low-income homeowners who may be threatened with the loss of their home due to a new flood insurance rate map.

Unfortunately my bill that was redrafted as an amendment to this legislation to provide a discount to low-value homes was not accepted.

As a result, I ask Members to support the Matsui-Hinojosa-Green amendment to require the GAO to determine the best ways to increase flood insurance participation for low-income homeowners, both in voluntary and mandatory programs.

When we reauthorize the NFIP again in 2008, we will need to address this issue, because we do not want the Flood Insurance Reform Act to become the Low-Income Homeowner Eviction Act.

Ms. MATSUI. Mr. Chairman, I yield myself the remaining time.

We direct GAO to report this study to Congress no later than one year after enactment of this legislation, but I want to make so clear, the sooner we have this report the better.

Mr. Chairman, I thank you and my colleagues from Texas for your support on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. MATSUI. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I will just say that it would certainly be my intention and I think that of whoever the successor is to my friend from Ohio will be next year to take this seriously; that is, this is a study that will not simply languish.

I think it has been indicated there are some concerns about the impact of a fully fiscally responsible program on people, low-income homeowners, and that will be helpful as we try to work out an approach to that.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. RUPPERSBERGER

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 109-530.

Mr. RUPPERSBERGER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. RUPPERSBERGER:

Page 29, line 16, insert before "issue regulations" the following: "in plain language using easy to understand terms and concepts,".

Page 29, line 20, insert before "revise any" the following: "in plain language using easy to understand terms and concepts,".

Page 30, line 2, strike "and".

Page 30, line 11, strike the final period and insert "; and".

Page 30, after line 11, insert the following new paragraph:

(4) include in each standard flood insurance policy a one-page description of the policy using plain language and easy to understand terms and concepts.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Maryland (Mr. RUPPERSBERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself as much time as I may consume.

First, let me say that this amendment is very direct and simple. All it does is require the FEMA director to use plain language and easy to understand terms when issuing regulations and revising materials and publications for policyholders regarding insurance coverage in standard flood insurance policies.

This issue hits very close to home for me and several Members of the House. On September 18, 2003, Hurricane Isabel made landfall at the Outer Banks of North Carolina as a Category 2 hurricane. Over the next 24 hours, the hurricane moved across southern Virginia, into Western Pennsylvania and Maryland. The storm surge in the Chesapeake Bay area surrounding Baltimore was 6 to 8 feet above normal levels.

Even though Isabel was only a Category 2 when making landfall, the hurricane was directly or indirectly responsible for 50 deaths, including 7 in Maryland. The hurricane caused approximately $410 million in insured property damage in Maryland alone, with the number even higher when including uninsured property damage.

In my district alone, several hundred of my constituents lost their homes and everything they owned due to the flooding.

People who lost everything have to pick themselves up and try to rebuild if they can. Many hurricane victims thought they had the right insurance and were covered for these losses. They were wrong.

Hundreds who thought they were covered discovered that they did not have the proper coverage. They thought they understood their policies and what they were covered for. They did not.

It was the technical nature of the policy documents and materials that were provided to these people that led to their confusion.

My amendment seeks to remedy this situation so that, in the future, flood insurance policyholders will have a better understanding of what exactly their policy covers. We need to do that. We need to do what we can to make it crystal clear to policyholders what they are signing up for.

My amendment will not rebuild houses or levees, but it is my hope that this amendment will help people better understand their policies and the National Flood Insurance Program so they are better prepared in the future. Our constituents deserve it, and I urge my colleagues to support this amendment.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. RUPPERSBERGER. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I thank the gentleman for yielding. We are prepared to accept the amendment on this side.

Mr. RUPPERSBERGER. Thank you, Mr. Chairman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. JINDAL

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–530.

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. JINDAL:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 20. ELIGIBILITY OF PROPERTY DEMOLITION AND REBUILDING FOR MITIGATION ASSISTANCE PROGRAM.

Section 1366(e)(5)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)(B)) is amended by inserting after "flood risk" the following: ", or the demolition and rebuilding of structures located in such areas to at least Base Flood Elevation or any greater elevation required by any local ordinance".

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. Mr. Chairman, I yield myself such time as I may consume.

Hurricanes Katrina and Rita impacted hundreds of thousands of individuals and caused billions of dollars in damage to public and private property. However, in the greater New Orleans area, directly in the path of the hurricane, Hurricane Katrina, 63 mitigated private residences survived the hurricane and did not flood despite being surrounded by properties receiving 3 to 4 feet of water from levee breaches.

□ 1530

In 2004, these properties were demolished and rebuilt in place to higher code-compliant standards under an authorized pilot program for mitigation of severe repetitive-loss properties. It is estimated that total benefits to the Nation of mitigation grants between mid-1993 and mid-2003 yielded $14 billion in savings at a cost of $3.5 billion, presenting an overall benefit-to-cost ratio of 4.0.

Despite clear cost savings stemming from predisaster mitigation efforts, FEMA has failed to include intrinsic project eligibility criteria from its widely successful 2004 severe repetitive-loss pilot program into its national Flood Mitigation Assistance grant program. Many communities are interested in buying out repetitively flooded properties, but other communities and property owners are interested in measures that retain affordable housing and private ownership.

The list of eligible activities under FEMA does not include demolition and rebuilding, and FEMA has interpreted this omission as a statutory limitation, despite language that allows approval of other activities not explicitly described in the National Flood Insurance Reform Act of 1994.

My amendment is fairly straightforward. It merely clarifies that demolition and rebuilding should be a mitigation option available under the regular Flood Mitigation Assistance program. The demolition and rebuilding option is specifically allowed under the Severe Repetitive Loss Program created by the Flood Insurance Reform Act of 2004 and FEMA has interpreted the difference to mean it cannot approve the measure under FMA. This creates unnecessary confusion, restricted options at local government levels, and a waste of taxpayer money.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we are prepared to accept the amendment.

Mr. JINDAL. I thank the chairman and the ranking member for their support.

Mr. FRANK of Massachusetts. If the gentleman would yield, I am perfectly prepared to offer support subsequent to the thanks. Sequence doesn't seem important.

Mr. JINDAL. I thank the gentleman, and I want to thank the chairman and the ranking member for their work on this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 109–530.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. JO ANN DAVIS of Virginia:

At the end of the bill, add the following new section:

SECTION 20. SAMPLING METHODS FOR QUALITY ASSURANCE.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

"(d) SAMPLING METHODS FOR QUALITY ASSURANCE.—In selecting the cases and claims for operational reviews and claims re-inspections regarding the national flood insurance program under this title, the Director shall use a statistically valid probability sample whose results can be generalized to the entire population of reviews and claims from which the sample is drawn and whose sampling error can be quantified.".

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the Financial Services Committee under Chairman OXLEY, Representative BAKER and Representative NEY, and their leadership in taking aggressive action to address the long-term financial security and management of the National Flood Insurance Program.

After Hurricane Isabel struck my district in 2003, I have watched as many of my constituents have struggled to rebuild their lives. My heart goes out to all those along the gulf coast as they face the monumental task of rebuilding as well.

I still have concerns with oversight policies of the National Flood Insurance Program. Thousands trust and rely on their flood insurance to restore property destroyed by flood waters. However, many have been disappointed to find that the claims adjustment process is unfair and inadequate.

Although the NFIP falls under FEMA, the majority of flood insurance policies are sold and administered by private insurance agencies. Most of the management and oversight functions have been contracted to the Computer Sciences Corporation, CSC. As a result, billions of dollars in policyholders' premiums and, ultimately the borrowing authority of the United States Treasury, pass through a few hands.

I believe that lack of oversight by FEMA has resulted in mismanaged and underpaid claims. A 2005 GAO study highlighted FEMA's oversight failures, stating that FEMA did not use a statistically valid method for sampling files to be reviewed in monitoring and oversight activities. As a result, FEMA cannot determine the overall accuracy of claims settled for specific flood events or assess the overall performance of insurance companies and adjustors in fulfilling their responsibilities to the NFIP.

This amendment is in line with GAO's recommendation and would direct FEMA to utilize a statistically appropriate sampling method for claims reviews and quality assurance purposes. I offer this amendment to improve the oversight of the National Flood Insurance Program.

My constituents, flood victims in Louisiana, Mississippi, Alabama, Texas, and Florida, and the American taxpayer deserve it; and I urge my colleagues to support this amendment.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. JO ANN DAVIS of Virginia. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, we are prepared to accept the amendment and congratulate the gentlewoman on her foresight and her amendment.

Mr. FRANK of Massachusetts. If the gentlewoman would continue to yield, we also find the amendment very acceptable.

Mrs. JO ANN DAVIS of Virginia. I thank my colleagues.

Mr. Chairman, I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 109-530.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mrs. JO ANN DAVIS of Virginia:

At the end of the bill, add the following new section:

SEC. 20. EXTENSION OF DEADLINE FOR FILING PROOF OF LOSS.

(a) IN GENERAL.—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by inserting "(a) PAYMENT.—" before "The Director"; and

(2) by adding at the end the following new subsection:

"(b) FILING DEADLINE FOR PROOF OF LOSS.—

"(1) IN GENERAL.—In establishing any requirements regarding notification, proof, or approval of claims for damage to or loss of property which is covered by flood insurance made available under this title, the Director may not require an insured to notify the Director of such damage or loss, submit a claim for such damage or loss, or certify to or submit proof of such damage or loss, before the expiration of the 180-day period that begins on the date that such damage or loss occurred.

"(2) EXCEPTIONS.—Notwithstanding any deadline established in accordance with paragrapn (1), the Director may not deny a claim for damage or loss described in such paragraph solely for failure to meet such deadline if the insured demonstrates any good cause for such failure.".

(b) APPLICABILITY.—Subsection (b) of section 1312 of the National Flood Insurance Act of 1968, as added by subsection (a)(2) of this section, shall apply with respect to any claim under which the damage to or loss of property occurred on or after September 18, 2003.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Hurricane Isabel struck the eastern United States in September of 2003, one of the worst disasters in Virginia history. The financial damages exceeded $1.5 billion. Winds destroyed homes, knocked down trees and power lines, leading to massive power outages. Large storm surges flooded homes and properties across eastern Virginia, Maryland, North Carolina, and Pennsylvania.

Many residents in my district, the First District of Virginia, are still struggling to rebuild following Hurricane Isabel which struck them in 2003. Some are still living in FEMA trailers. Many have been shattered to learn that flood insurance won't cover their losses.

I have spoken to many misled policyholders who had their claims mismanaged by the National Flood Insurance Program. Claimants were reportedly pressured to sign adjustors' proof of loss within 60 days of the flood, even though they believed that the adjustors had underestimated both the scope of damage and the associated cost of repairs to their properties.

My amendment would extend the proof-of-loss filing deadline to 180 days and should not be used as a technical basis to deny a claim, and make it retroactive to September 18, 2003 to provide much-needed relief for Isabel victims.

I urge my colleagues to support this amendment.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. JO ANN DAVIS of Virginia. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, once again, I am prepared to accept the gentlewoman's amendment.

Mr. FRANK of Massachusetts. If the gentlewoman will yield, we also accept the amendment.

Mrs. JO ANN DAVIS of Virginia. I thank my colleagues.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 109-530.

Mr. ROHRABACHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. ROHRABACHER:

At the end of the bill, add the following new section:

SEC. 20. RATES FOR PROPERTY AFFECTED BY FEDERALLY FUNDED FLOOD CONTROL PROJECTS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

"(g) EFFECT OF FLOOD CONTROL PROJECTS.—Notwithstanding any other provision of law, in any case where a flood control project constructed with Federal assistance causes a property to become at greater risk for a flood than before the construction of the project, the chargeable rate for the property shall be—

"(1) the rate that the Director would have prescribed under subsection (a) if the flood control project had not been constructed; or

"(2) in the case of property that would not have been considered part of a flood-risk zone prior to construction of the flood control project, zero dollars.".

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I rise to offer this amendment for the purpose of bringing equitable treatment to people who have inadvertently been made subject to the National Flood Insurance Program by the unintended consequences of a Federal flood control project.

This amendment protects families who have been included in a flood zone due to the completion of a Federal flood control project in Southern California. I have seen this situation firsthand, where homeowners were required to purchase flood insurance, even though the home in which they reside and have lived in for decades has never been subject to flood insurance before.

Ironically, this new flood insurance obligation came after the completion of a massive flood control project within sight of their own home. The Santa Ana River Mainstream Project is a multi-billion dollar Army Corps of Engineers flood control project in California's Orange and San Bernardino Counties. As a consequence of this Federal project, new flood maps were redrawn. These redrawn maps designated hundreds of households to be at risk of flooding which were not previously so classified. Many of these fixed-income residents cannot readily afford the newly required flood insurance and must choose between the new costly insurance and other necessities of life.

This downside, of course, does not diminish the tremendous good that has come from this and other flood control projects. In my district alone, the Santa Ana River Mainstream Project has made thousands of families safer and guarded billions of dollars' worth of homes and other properties from damage and destruction, all of this achieved by the Army Corps of Engineers on time and under budget. So I applaud the Army Corps' dedication and professionalism and would like to thank them for a job well done. Those people in the floodplain have seen their insurance bills eliminated or reduced.

That said, it is still important not to accomplish something good for many at the expense of a small, yet significant, part of our community. As I have said, for some local people, upon completion of the flood control project, their flood liability inexplicably shot sky high. My amendment addresses this unfortunate and unintended consequence.

Under my amendment, homeowners not included in a flood zone prior to a Federal project but who become included in a Federal flood zone because of that project will be issued flood insurance at no cost to them. Households that were included in a flood zone prior to a Federal project but are put at greater flood risk because of the project will be provided flood insurance at a price formula that was in place before the Federal project was completed.

This is the least we can do to help these people out, making them whole, due to their suffering from a Federal project, especially when we realize that their neighbors enjoy the benefits of this Federal project in the form of lower or no insurance premiums and end up with safer houses and safer homes.

Mr. Chairman, we shouldn't be making a small group bear a huge burden in order to accomplish something good. My amendment will prevent the unintended harm done to a few as a result of a flood control project aimed at helping many. So I ask my colleagues to support this fairness amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

First, to the extent there is an issue here, it is being addressed in the wrong place, that is, if we have decided to get benefits from the Federal flood insurance program, any cost that accrues from that ought to be part of the flood control program. That is, it does not make sense from the budgetary standpoint to give a hit to the Federal flood insurance program because of a Federal flood control program.

That is what this amendment does in this structure, that is, we pay for the Federal flood control program over here, and that will result in some people under this amendment now getting Federal flood insurance and not paying anything for it. It will, therefore, undercut our efforts to make the Federal flood insurance program a fiscally sound one.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. ROHRABACHER. Do you think if we have imposed a liability on someone, and they have not in any way contributed to that, that we should then——

Mr. FRANK of Massachusetts. No, the gentleman misses my point entirely. I was talking now, assuming that point, as to where the compensation should come from. I do not think it is reasonable to charge the Federal flood insurance program. We have problems with Federal flood insurance.

If in fact the gentleman wants to pursue that principle, it ought to be with regard to the financing of the flood control programs. That is, if as a consequence of flood control there is going to be this problem, I do not think, Mr. Chairman, that we ought to charge the Flood insurance program with it.

The second thing I would say is that the gentleman talked about people on fixed incomes. Several times today in the amendment by the gentleman from New Jersey (Mr. GARRETT) and an amendment that was going to be offered by the gentleman from Texas (Mr. GREEN), the question of some special consideration for lower-income homeowners has come up. I am all in favor of that. I think we should go forward with that. I think we ought to be looking at some kind of relief for lower-income people, and I would include those who will be affected this way and others.

But where we are talking about people who are quite prosperous, the Federal flood control programs are done for a good reason; and it may be, by the way, that while, yes, you, as a result of the Federal flood control program have some more costs, you may also get some benefits. I don't think you can do a general principle in that. You may benefit.

But the main problem I have is this: the result of this amendment, if adopted, would be to weaken the principle of the fiscal balance and integrity of the flood insurance program.

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It would say that people would get flood insurance who were at risk of flooding and either pay nothing for it or pay far less than they should be. I hope this amendment is defeated.

I would then be glad to join the gentleman in talking to the committee of jurisdiction, to say when you are doing a flood control program take this into account, and maybe you want to put some funding into that. But I do not want to weaken the fiscal integrity of the flood insurance program.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we are not talking about establishing policy here. This is not the government's money or the program's money. We are talking about the people's money. The money comes directly from people's pockets. I personally think a lot of people out there will personally resent being called affluent or what you hinted at, more affluent people.

Let me note for my colleague many people affected by this are lower-middle-income people who live in trailers and the like. Why should we have these people pay a hefty penalty in order to help other people? All they know is that the Federal Government has established policies that end up costing them, perhaps the money they need for their children, perhaps the money they need for their grandchildren.

These are the policies we are establishing for a small group of people. That is unfair, and we should not condone those policies.

This will not put at risk the insurance program. It will make it fairer, and it will mean in the future that these things will have to be taken into consideration instead of just robbing some small group of citizens.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1¼ minutes.

Mr. Chairman, once again, the gentleman totally misrepresents my argument. I didn't say everyone was affluent. I said, in fact, that those who are of low income ought to get the relief here, as they should elsewhere in the program. But some will be affluent. The point, however, is this.

If you give some people flood insurance for free, as this amendment would do, then everybody else who gets flood insurance pays for it. The flood insurance program is supposed to be self-financing, so it will result in increases in flood insurance premiums.

The gentleman said, if it is going to impose costs, that should be taken into account. That was precisely my original point. The costs to people who will now have a flood insurance obligation ought to be taken into account when you do the benefit/cost analysis of the flood control program. But that is not what happens.

Under the gentleman's amendment, we have two separate processes. You decide to do flood control; and then, having done flood control, if that results in some people having to pay flood insurance, the flood insurance program gets stuck with it. It has nothing to do with the financial side of flood control.

I agree we should look at that but from the same source the flood control programs come in. Telling everyone who now pays flood insurance premiums that they will be subsidizing these people is also an unfairness.

As the gentleman said, if you start this principle of I was here first and then the flood came, I don't know how extendable that would be. I think it is a mistake to set the precedent that some people will get flood insurance for nothing.

Mr. ROHRABACHER. Mr. Chairman, I yield myself my final 30 seconds.

Mr. Chairman, let me just note we have a chance to undo a grave injustice here. Some people, yes, have large homes. Some people have small homes who have been done this injustice.

It is wrong, it is unjust to take money from people and force them into a flood insurance program when they had bought their property based on totally different circumstances and we have changed the circumstances on them. This is not fair.

We have a chance to rectify it now. We can sit here and argue what budget it should come out of. That doesn't do them any good.

We need to try to rectify the situation for hundreds of homes in my area where the homeowners bought property knowing that it was not under flood risk, and we, through our actions, put them in jeopardy.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time is remaining for me?

The Acting CHAIRMAN. Forty-five seconds remain.

Mr. FRANK of Massachusetts. I yield to the gentleman from Oregon.

The Acting CHAIRMAN. The gentleman is recognized for the remaining time.

Mr. BLUMENAUER. This is not a unique circumstance. What is happening is that, when you have a situation where development that might be federally financed, it might be a freeway project, it might be something in a military base, it might be something in a flood control, that changes the circumstance that results in people being in a flood plain.

Mr. FRANK's point is that, regardless of the program, are you going to have the Federal Government somehow pay, are you going to stick four million flood insurance premium payers to pay the cost of the military or of the Corps of Engineers or of the road project? His point is, you shouldn't stick four million innocent flood insurance premium payers.

If you want to set a standard that the Federal Government will pay for these, then go ahead and do that. Finance it separately, but don't stick innocent people who have flood insurance..

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 15 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 109–530.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. PEARCE:

Page 9, line 6, strike "AND TRANSITION.—" and all that follows through "EFFECTIVE DATE".

Page 9, strike line 13 and all that follows through page 10, line 15.

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to the Flood Insurance Reform and Modernization Act, H.R. 4973.

Chairman BAKER's bill make some great strides in helping insure the stability of our Nation's flood insurance system, yet, like most legislation, there is room for improvement. For that reason, I am offering an amendment that helps insure the National Flood Insurance Program has the resources it needs to cover all its costs.

We have a duty to find savings wherever possible to make sure the National Flood Insurance Program has sufficient resources to cover all its costs by phasing out subsidies for pre-FIRM nonresidential properties, vacation and secondary homes. The committee has already agreed that these subsidies are a luxury we can no longer afford. I agree with the committee's premise that these subsidies should be eliminated.

However, I believe that we can go further and eliminate these subsidies now. We should not wait another half decade to restore fiscal responsibility to the program. When the next flood strikes, how will we explain to those who have lost everything that help is tight because we are still subsidizing someone's vacation home? In the wake of the Katrina disaster, with the flood insurance program facing liabilities of between 23 and $25 billion, why should we continue to subsidize flood insurance for vacation homes? My amendment will inject $335 million into the flood insurance program next year.

While the committee predicts that their phase-in saves $1.5 billion from 2007 to 2016, I respectfully submit that the Pearce amendment will save much more much sooner. While I respect my chairman's commitment to phasing out these subsidies, I believe we can and should, for the good of the program, eliminate them now.

I hope my colleagues will join me supporting this amendment to eliminate those costly subsidies and help bring the NFIP back into sound fiscal condition.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, we debated earlier an amendment by the gentleman from New Jersey, which as adopted would put residential properties into the phase-in. This would take nonresidential properties and second homes out of the phase-in.

I believe it would be a mistake and could result in a severe economic shock to a number of communities. We are talking about, in the bill, accomplishing the goal that this amendment accomplishes.

The question is, how quickly do you do it? We have a phase-in to full actuarial rates at 15 percent a year. For some individuals who may own an isolated second home, that is one thing. We have many communities in this country where the basis of their economy is second homes, vacation homes and also facilities that service vacation homes. To immediately raise all the insurance rates on all of those properties in that community seems to me to subject them to an economic shock which is unwise.

The 15 percent rate, we think, is an unreasonable one. We are talking about a period of years, 5 or 6 years, before you get to the full amount.

But that is the issue. Do you go to these communities, and, again, we do have, and that has been one of the issues here, people who bought under certain assumptions, people who paid for property figuring a certain amount. Vacation homes is one thing. People brought commercial properties. People figured out, okay, I bought this property. This is how I am going to make my living. How can I make money on this? What is the cash flow?

And the insurance premiums are a part of it. To increase those insurance premiums in 1 year, without a phase-in, could threaten the viability from small businesses, small business people who have been careful about calculating their risk.

We have given them the 15 percent increase. There was obviously resistance to that. There were people in shoreline communities and vacation communities and elsewhere who don't like the notion of getting to actuarial soundness.

But to do it without any phase-in at all, to do it overnight, is a problem, not just for the second homes, and maybe people are less sympathetic to people's vacations, but with non-commercial property small business owners. You are talking about a significant, immediate significant increase in the insurance of small business owners. That seems to me an unwise thing for us to do when we can get there a little bit slower but get there with the phase-in.

I would remind people that, even with the phase-in, the Taxpayers Union, Citizens Against Government Waste support this bill. I do not think it is a mistake for us to be gradual, not taking forever, 5 or 6 years, in hitting business owners, small business owners with a very significant increase in their flood insurance.

Mr. Chairman, I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, as I listen to the arguments of the other side, I would just note that the people in the Second District of New Mexico generally average under $30,000 a year net income; $70,000 would buy most homes in the Second District of New Mexico. To explain to those people why they are subsidizing vacation homes on coastlines, many times they are seeing on TV the same reports that I am seeing that someone with a 4 or $500,000 home gets to rebuild it multiple times. It is very difficult for me to explain that to my constituents. Just understand and appreciate the gentleman's argument that it could provide a severe economic impact.

Frankly, to tax the lower income people of the rest of the country to avoid those impacts seems to me that we are making choices that are not ours to make.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first, you don't get $500,000. There is a cap.

Secondly, we do agree that people should reach to full actuarial amounts. It depends on when.

Third, I would say, every time something comes up, there are cost subsidies.

People in my district don't grow much corn or much wheat, and we pay some subsidies. There are people who don't have any public transportation, and they do.

This is one country. The government is not a supermarket where you go in and pay for only exactly what you buy off the shelf. There is some joint effort.

But the other problem is the gentleman from New Mexico has not described his amendment completely.

What about small business people, he says, second homes and other properties? You have that problem with people who have businesses. What do you do with smaller businesses, people who have brought businesses in these vacation areas who are trying to make a living and who made a calculation based on insurance? What about them? These are not necessarily fat guys. What do you do to them when you immediately and without any phase-in at all give them what could be a very significant increase in their insurance?

So that is the problem that we have. That is where we have the difference with our friend from New Mexico, not simply with regard to the second home but to the businesses.

Mr. Chairman, I would reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, you have heard the gentleman from Massachusetts speak against this amendment. He highlights his interest in preserving a phase-in period included in the underlying bill. I have the utmost respect for him, but I must disagree.

At a time when the flood insurance program system is facing record borrowing and interest payments, we have the responsibilities to remove luxuries from the program.

The final point we should make is simple. This amendment will result in an additional $335 million in premium payments to the flood insurance program. This will help preserve the financial stability of the program and reduce the burden on taxpayers. This is a good amendment, and I urge all my colleagues to vote "yes."

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, there are two aspects that have to be considered, one, the impact on vacation communities. It is not only wealthy people. You are talking about the businesses, the hotel owners, the small business people, the restaurant owners, the rooming house owners. They would get a heavy impact here. Cumulatively, if you affect all the commercial property in one of these areas, then you will also affect the whole area.

The economic impact on small business people and on entire communities of a 100 percent overnight significant increase in insurance is not something we ought to be inflicting on people. The phase-in is reasonable. They should be getting actuarial rates but at a reasonable pace.

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The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 16 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 109-530.

Mrs. MILLER of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mrs. MILLER of Michigan:

Page 24, after line 6, insert the following:

"(5) GREAT LAKES FLOOD LEVEL STUDY.—

"(A) IN GENERAL.—Not later than 90 days after the completion by the International Joint Commission of The Upper Great Lakes Study, the Director shall request the Corps of Engineers to complete a new inundation map for areas surrounding the upper Great Lakes and their interconnecting channels to assist the Director in the development of maps identifying 100- and 500-year flood inundation areas for those areas.

"(B) REQUIREMENTS.—The Director shall request the Corps of Engineers, in completing new inundation map under subparagraph (A), to—

"(i) utilize data and findings from The Upper Great Lakes Study by the International Joint Commission, including any changes to the International Joint Commission's Order of Approval at St. Mary's River; and

"(ii) accurately show the flood inundation of each property by flood risk in the floodplain.

"(C) VALIDITY OF STUDY.—The Director shall take such actions as may be necessary to ensure that the maps completed pursuant to the request under subparagraph (A) are valid and appropriate for use for purposes of the national flood insurance program.

"(D) COMPLETION OF STUDY.—In making the request under subparagraph (A), the Director shall request that the Corps of Engineers complete the new inundation map not later than 18 months after the date of the completion of The Upper Great Lakes Study by the International Joint Commission.

"(E) LIMITATION OF ELEVATION INCREASES.—The Director shall not increase the base flood elevation in any community surrounding the upper Great Lakes and their interconnecting channels until the Corps of Engineers completes the new inundation map pursuant to the request under subparagraph (A).

"(F) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) The term 'upper Great Lakes' means Lake Superior, Lake Michigan, Lake Huron, and Lake Erie.

"(ii) The term 'interconnecting channels' means the St. Mary's River, St. Clair River, Lake St. Clair, the Detroit River, and the Niagara River up to Niagara Falls.".

Page 24, line 7, strike "(5)" and insert "(6)".

Page 24, line 18, strike "(6)" and insert "(7)".

The Acting CHAIRMAN. Pursuant to House Resolution 891, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, this amendment has the potential actually to impact millions of property owners, millions of them, property owners that live on, near or around the Upper Great Lakes, which is essentially everything in the Great Lakes Basin upstream from Niagara Falls. So Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake St. Clair, and then the rivers of Saint Mary, the Saint Clair River, the Detroit River and the Niagara River.

Mr. Chairman, FEMA is currently engaged in doing what the Congress directed them to do, and that is to update and to modernize flood maps across the entire Nation. And I certainly recognize that with new technology, we can and we should update the maps to convert them into a user-friendly digital format which will account for property development and growth as well as changes in topography. So I certainly want to make clear that I support authorizing funds so that this important work continues.

However, I do believe that property owners on the Upper Great Lakes are being treated unfairly by this process, because I can show over and over and over again how these property owners, who very rarely flood nor have the potential to flood, are actually being abused by the National Flood Insurance Program. Just those in the current floodplain are already paying in substantially more in premiums than they will ever, ever receive in claims out. And now FEMA wants to include more. And they want more.

Mr. Chairman, I would submit that if any private insurance company was trying to get away with this, the State insurance commissioners in the Great Lakes States would be revoking their licenses to sell insurance. Let me just give you one example: in regards to FEMA's proposal for remapping in the Great Lakes region they are basing raising the base flood elevation an additional 14 inches, they say to accurately reflect the risk of flooding.

But this is predicated on data from 1988. This was 2 years after the absolute high recorded rate levels for the Great Lakes ever. And during that time, none of the new properties FEMA is talking about bringing into the floodplain actually flooded, nor was it in danger of flooding.

Since that time, in Lake St. Clair alone, the lake levels have dropped over 3 feet and they are now, it is now almost 5 feet below the current flood elevation. And most importantly, if you really want to look at historic averages, the lake level has only changed an average depth of less than 6 inches per year. Yet, if FEMA goes ahead with their proposal, the new base flood elevation will be 6 feet above the current lake levels. And for the lake levels to rise that much, I think that the polar ice caps would probably have to melt next year. And I don't believe even Al Gore is predicting something like that.

Mr. Chairman, the amendment simply asks for FEMA to do no more harm, to keep their status quo on the Great Lakes property owners and base their new maps on updated data.

My amendment would require that the Army Corps of Engineers would have to wait until they have the results of a 5-year study, which is currently being undertaken by the International Joint Commission, the IJC. I believe they are 2 years into their 5-year study. This will be the most comprehensive lake level study completed. And certainly we can all agree that using sound science when literally hundreds of millions of dollars are about to be assessed against American property owners is the most prudent course of action. I would urge my colleagues to support the Miller amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN (Mr. BONNER). The gentleman is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Chairman.

I yield myself 3 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. Part of what I find a little ironic is the notion that these flood levels will never increase for the lakes. I have heard already in the last 24 hours here in Washington, D.C. as people say, "my basement has never flooded before". Welcome to the world of flood management.

The Gentlewoman referenced global warming. We don't know where we are going in terms of melting the ice caps. But the point is, we don't have to get that far into the future and invoke former Vice President Al Gore.

We are not treating anybody unfairly under the mapping program. The National Flood Insurance Program is a voluntary program. If a community really feels that the building insurance requirements are too burdensome, they don't have to participate. Participation in the NFIP and its requirements is not a malicious financial burden on communities. It is a privilege that provides the community with the resources it needs to protect itself from floods.

This amendment would have the effect of delaying the implementation of flood maps meant to protect communities and having Congress intervene. And I, with all due respect, think our record in approving projects, we just heard from Mr. ROHRABACHER, that actually increased flooding, is not a very strong record. For us to sit in judgment and second guess the experts, I think is wrong. It would be a terrible precedent.

Congress should not be involved with determining flood maps. FEMA determines base flood elevations using widely accepted statistical engineering analysis. Artificially preventing flood elevations from going up would be the same as underestimating flood risks and leading people to build homes that are not safe and putting Congress's stamp of approval.

There is no such thing as zero risk. A property in the 100-year floodplain has a 96 percent chance of being flooded in the next hundred years without global warming. The fact that several years go by without a flood does not change that probability. For example, water levels in the Great Lakes fluctuated. In 1986 the Great Lakes hit their highest levels in recorded history. This could happen again.

Raising the base flood elevations will not impact homes that were built before a revised map was issued. Nothing in the regulations requires a pre-existing home to be upgraded simply because a new map with a higher base flood elevation is produced. Only new buildings and substantially improved buildings that are started after the new maps become effective will be impacted.

We have heard after Katrina hit people were shocked. They didn't think they would be affected. We found out that we haven't done enough to include wide enough areas. This amendment would be a tragic and unnecessary step backwards.

Mrs. MILLER of Michigan. Mr. Chairman, I appreciate the arguments opposed to my amendment. I did not say that we never thought that the lake levels would ever rise or that we would flood. Obviously, I think there are a lot of factors that go into the lake levels rising. You have factors that are manmade, like the Chicago diversionary canal. You have got the

Sault Locks. You have got the St. Laurence Seaway. The biggest factor has nothing to with man, and that is God. God makes the lake levels go up and down, I think.

But I would say this: I think this is an issue of financial fairness. I really do believe that. And the brutal reality is that FEMA actually needs more money to pay for all these flood insurance claims that they have had in recent years. Let me just cite this statistic, and let me ask anyone to tell me with a straight face that it is fair and equitable: between 1978 and 2002, there were 10 States that received more in claims than what they paid in policies, in fact, over $1.5 billion more. And the average premium for policyholders in those States was $223.

Michigan, on the other hand, paid almost $120 million more into the program than it received back in claims. Yet the average premium for our policyholders was $260. And this is a common element in all of the Great Lakes States, the same States that are paying year after year after year, decade after decade, much more than others. And I think they are being taken advantage of by the flood insurance program.

Again, I would urge my colleagues to support the Miller amendment. This is a good bill. I think my amendment makes a good bill better.

The Acting CHAIRMAN. The gentlewoman's time has expired.

The gentleman from Oregon is recognized for 2 minutes.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1 of the remaining 2 minutes.

The fact that Michigan has paid in more than they have received, or that 10 States have paid in more than they have received during the last 20 years is irrelevant. The point is that it is a flood insurance program. And some years you are going to get more; some years you are going to get less. And you don't look at it over a 10-year or a 20-year program.

We make it as fair as we can, and we look at the probabilities. We need to update all of the floodplain maps so that we minimize any fluctuation. If everybody who was upset that they got back less than they paid in was monkeying around with updating the maps, then the system would be more and more out of whack and there would be more and more inequity.

What we should do is allow FEMA, the Corps of Engineers, to do their job, to update all of the maps and make it fair. Make no mistake, make no mistake; if a tremendous flood comes, people are going to want their help now, and they will understand why they paid a little more at another time.

Mr. Chairman, I reserve the balance of my time, and I reserve the right to close.

The Acting CHAIRMAN. The gentlewoman's time has expired, so the gentleman is recognized to close.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BLUMENAUER. I yield to the distinguished ranking member.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to say, as I said before, we are running here a national program. And if it becomes 50 separate State programs or a couple of thousand separate county programs, you lose the insurance principle.

And it is also the case, and I understand that there are programs into which Massachusetts pays more than it gets back. Under Medicaid, we get a lower percentage of reimbursement than other States do. We have public transportation and we benefit. But we don't have much that is subsidized agriculturally.

I think the notion that every State can have a balance sheet destroys, the Articles of Confederation embody that principle, but not the Constitution.

You cannot run a national program based on need, based on response to situations on a nationwide basis if you have this kind of a balance thing.

So I agree, we should be pushing FEMA to do the right thing; but if we begin to pick and choose based on one State, you know, we will have a situation where every State will be looking to make money and none will be paying in, and pretty soon there won't be anything left.

Mr. LEVIN. Mr. Chairman, I rise in support of the Miller amendment. It is important that the record here today reflects that FEMA is proposing to revise base flood elevations using flawed methods and old data.

In my home state of Michigan, FEMA has proposed raising the base flood elevation, significantly in some areas. While FEMA should work to keep flood maps up-to-date, indeed updating these maps is one of the purposes of this bill, it must do so in a responsible manner, utilizing accurate data. Unfortunately, that has not been true in this case.

FEMA's proposal for base flood elevations in Michigan is based on a study that is 18 years old. More to the point, the last year of data included in this 1988 study of Great Lakes water levels is the same year that the Great Lakes hit historic highs. Since then, water levels in the Great Lakes have fallen to historic lows. These elevations, which determine who is required to purchase flood insurance, need to reflect the actual risk of flooding. Commonsense, let alone science, should tell us very clearly that the risk of flooding is lower today that it was 18 years ago when this study was completed.

Right now, the International Joint Commission, or IJC, is conducting a comprehensive study of Great Lakes water levels that will be completed in 2010 or 2011. This study will take a more realistic view of factors affecting lake levels, including increased population, water consumption, environmental changes and higher flow through the Great Lakes system.

This amendment would require FEMA to use the more up-to-date and accurate data that the IJC study will provide. I am not arguing that Great Lakes states like Michigan should not have their flood maps updated, or that there should be some fixed ratio between premiums paid and damage claims received. What I am saying is that the revised flood maps should use the best data available, rather than 20-year old data that does not reflect the true flood risk.

Mr. Chairman, this bill is about reforming and improving the National Flood Insurance Program. In doing so, we must signal to FEMA that they must be responsible in setting these flood elevations. In Michigan, FEMA is proceeding on the basis of bad data, and that's going to lead to bad policy.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MILLER of Michigan. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Michigan will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 14 by Mr. ROHRABACHER of California.

Amendment No. 15 by Mr. PEARCE of New Mexico.

Amendment No. 16 by Mrs. MILLER of Michigan.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 98, noes 327, not voting 7, as follows:

[Roll No. 322]

AYES—98

Aderholt
Akin
Bartlett (MD)
Bass
Beauprez
Bilbray
Boehlert
Bono
Boozman
Bradley (NH)
Burton (IN)
Calvert
Campbell (CA)
Chabot
Coble
Cole (OK)
Culberson
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Ehlers
Emerson
Flake

Fossella
Foxx
Franks (AZ)
Gallegly
Gillmor
Gingrey
Gohmert
Graves
Green, Gene
Gutknecht
Hall
Hayworth
Hefley
Hostettler
Hulshof
Hunter
Hyde
Jenkins
Jindal
Kelly
King (IA)
King (NY)
Kingston
Kuhl (NY)
Lewis (CA)

Lewis (KY)
Linder
Lungren, Daniel E.
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
Miller (MI)
Miller, Gary
Nadler
Norwood
Nunes
Oberstar
Obey
Otter
Paul
Pearce
Peterson (MN)
Petri
Pitts
Poe
Price (GA)
Radanovich

Rahall
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Schwarz (MI)
Sensenbrenner
Shadegg
Sherwood
Shuster
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Tiahrt
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)

NOES—327

Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin

Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra

Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)

Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam

Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis

Spratt
Stark
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Cannon
Carson

Evans
Johnson, Sam
Ortiz

Strickland

☐ 1641

Mr. CARDOZA, Mr. TAYLOR of Mississippi and Mr. SULLIVAN changed their vote from "aye" to "no."

Messrs. SHUSTER, POE, HALL, SODREL, GILLMOR, FOSSELLA, BOOZMAN, TIAHRT and GALLEGLY and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 347, not voting 9, as follows:

[Roll No. 323]

AYES—76

Akin
Bachus
Barrett (SC)
Barton (TX)
Beauprez
Bilbray
Blackburn
Burgess
Campbell (CA)
Cantor
Chabot
Chocola
Cooper
Deal (GA)
Duncan
Everett
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Gutknecht

Hastings (WA)
Hayworth
Hensarling
Hoekstra
Hostettler
Inglis (SC)
Istook
Jenkins
King (IA)
Kingston
Kolbe
Lungren, Daniel E.
Marchant
McCotter
McHenry
McMorris
Miller (MI)
Musgrave
Myrick
Neugebauer
Northup
Norwood
Otter
Paul
Pearce

Pence
Petri
Pitts
Price (GA)
Radanovich
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Schwarz (MI)
Sensenbrenner
Shadegg
Sherwood
Shuster
Sodrel
Stearns
Tancredo
Thornberry
Wamp
Westmoreland
Wu

NOES—347

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers

Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva

Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder

Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Reichert
Reyes
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Abercrombie
Bishop (UT)
Cannon
Carson
Evans
Johnson, Sam
Ortiz
Strickland
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1648

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 304, not voting 8, as follows:

[Roll No. 324]

AYES—120

Aderholt
Akin
Bachus
Baldwin
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Bono
Bradley (NH)
Burton (IN)
Buyer
Camp (MI)
Cantor
Chabot
Chocola
Cole (OK)
Conyers
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Duncan
Ehlers
English (PA)
Feeney
Gerlach
Gillmor
Gingrey
Green (WI)
Hastings (WA)
Hayworth
Hefley
Herger
Higgins
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Jenkins
Johnson (CT)
Jones (NC)
Kaptur
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Levin
Lewis (KY)
Lucas
Lynch
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McMorris
Mica
Miller (MI)
Moore (WI)
Moran (KS)
Myrick
Northup
Obey
Otter
Paul
Pearce
Petri
Pitts
Platts
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Schakowsky
Schwarz (MI)
Sensenbrenner
Shuster
Simmons
Simpson
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wolf
Young (AK)
Young (FL)

NOES—304

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hensarling
Herseth
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick (MI)
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn

NOT VOTING—8

Abercrombie
Cannon
Carson
Evans
Johnson, Sam
Lewis (CA)
Ortiz
Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1657

Mr. CONYERS and Mr. BURTON of Indiana changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. BONNER, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4973) to restore the financial solvency of the national flood insurance program, and for other purposes, pursuant to House Resolution 891, he reported the bill back to the

House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 4, not voting 12, as follows:

[Roll No. 325]

YEAS—416

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Higgins
Inglis (SC)
Rohrabacher
Tancredo

NOT VOTING—12

Abercrombie
Cannon
Carson
Evans
Garrett (NJ)
Johnson, Sam
King (NY)
Markey
Ortiz
Shuster
Strickland
Whitfield

☐ 1719

Mr. FLAKE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. NEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4973, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 5672 pursuant to House Resolution 890, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5672, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 890 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5672.

☐ 1720

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. WOLF) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, I am pleased to begin consideration of H.R. 5672, making appropriations for fiscal year 2007 for Science, the Departments of State, Justice, Commerce, and related agencies. This bill provides a funding for programs whose impact ranges from the safety of people in their homes and communities to the conduct of diplomacy around the world and to the farthest reaches of space exploration.

The bill before the House today reflects the delicate balancing of needs and requirements. We have drafted what I consider a responsible bill for fiscal year 2007 spending levels for the Departments and agencies under the subcommittee's jurisdiction. We have carefully prioritized the funding in the bill and made hard choices about how to spend the scarce resources.

We have been very fair. We, the entire Committee, have been very fair with each and every Member that has approached the subcommittee as we went through this entire process.

I want to thank Chairman LEWIS for supporting us with what I believe is a fair allocation and helping us to move the bill forward. I also want to thank the ranking member, Mr. MOLLOHAN, who has been a very effective and valued partner and colleague on the bill. I appreciate his principled commitment and understanding of the programs in the bill.

I also want to thank members of the subcommittee for their help and assistance: CHARLES TAYLOR, MARK KIRK, DAVE WELDON, Tom DeLay, VIRGIL GOODE, JOHN CULBERSON, RODNEY ALEXANDER, JOSÉ SERRANO, BUD CRAMER, PATRICK KENNEDY, CHAKA FATTAH, and also Mr. OBEY, the ranking member of the full committee.

I truly appreciate the professionalism and cooperation of the minority staff. In particular, I want to thank David Pomerantz, Michelle Burkett, Sally Moorhead, Julie Aaronson and Rob Nabors from the Democratic staff, who have been an enormous help during all the long hours spent putting this bill together.

I also, Mr. Chairman, want to thank the members of the subcommittee staff on both sides for their long hours to produce the fiscal year 2007 Science, State, Justice, Commerce bill. I would like to particularly thank Mike Ringler, the clerk of the subcommittee, who has done an outstanding job and really spent hours and hours away from his family, as have the others, and who has led the subcommittee through the House appropriations process.

I also want to thank publicly and personally Christine Kojac, John Martens, Anne Marie Goldsmith, Clelia Alvarado, and Darryl Hill for their tireless efforts. Their work is very much appreciated. Only a handful of us know how much time and effort they have put in, but I want to thank them. And the record ought to show, frankly, when history looks back, who gets credit for a lot of what has taken place.

In my personal office, I would like to thank Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman, and Courtney Schlieter for their efforts in working with the subcommittee; and from the minority, if I left out anybody, I mentioned, I think, Dave Pomerantz, Michelle Burkett, and Julie Aaronson, but also Rob Nabors for their efforts with regard to this.

We have worked in a bipartisan manner. And that is just not rhetoric for the CONGRESSIONAL RECORD, but it has truly been a bipartisan effort in putting the bill together. And as a former staff member up here on Capitol Hill, I personally want to thank each and every one of them. They have really done an outstanding job.

The bill contains $59.8 billion in discretionary spending. At a time of fiscal constraint, we have developed a bill that preserves critical domestic and international programs while living within our allocations. We have had to make some difficult choices and focus limited resources on programs that are most critical to the Nation. Program increases are focused on the most critical areas, including science and competitiveness, counterterrorism, and law enforcement.

For the Department of Justice, the bill includes $22.1 billion, $1 billion above the request. The bill includes a total of $2.57 billion for proven State and local law enforcement crime-fighting programs to keep our communities safe.

We have restored, and I stress the word "restored," $1.1 billion above the request to the highest priority programs, including SCAAP, justice assistance grants, and juvenile justice programs, all which the Administration proposed to eliminate or dramatically reduce. That is $1.1 billion with a "B."

The bill also includes important new investments to fight the national epidemic of methamphetamine abuse; $367 million for justice assistance grants to support local drug task forces, a $50 million increase; $99 million in grants to combat meth, a $36 million increase; and $40 million for drug courts, a $30 million increase, which is a 300 percent increase in drug courts; and a $15 million increase for DEA to support State and local efforts to fight international trafficking.

Gangs pose one of the greatest threats to the safety and security of all Americans. Today, gangs are more violent, more organized, and more widespread than ever before. This bill focuses funding on fighting gangs and gang violence. We have increased the FBI and the ATF antigang programs, and restored funding to the gang resistance training program. In addition, we have supported a $40 million gang program following the Project Safe Neighborhoods model that would allow each U.S. Attorney's Office to finance antigang strategies in cooperation with State and local law enforcement.

The bill also includes $6.04 billion for the FBI to include counterterrorism and counterintelligence capabilities, while continuing to fight crimes such as child exploitation, human trafficking, and gang violence. Again, programs we have increased far over the administration level.

I would also like to highlight that the bill continues funding for the eight faith-based rehabilitation programs in the Federal prison system and recognizes the success that faith-based programs have had in reducing recidivism. Before I got elected to Congress I was involved in a prison program. You must give these men and women hope and an opportunity. So, I think this is a very important program at all the State, local, and Federal levels.

Statistically, two out of every three inmates are likely to re-offend and end up back in prison, often with only days or months in their release. Therefore, it is critical we promote programs that help break this cycle, thereby improving the safety and the security of our communities. In light of the success the values-based programs have had in this regard, I encourage the Bureau of Prisons and state departments of correction to continue alternative treatment programming that emphasizes the teaching of positive social values and reform character.

It is immoral just to warehouse people and not give them any rehabilitation, faith-based programs, mental health or other programs. I have long been a supporter of these value-based types of programs and think they should be continued in Federal and State prisons. I hope that Congress will work to protect these programs.

If you take these programs away, faith-based, mental health, what type of society will we have?

In Science, the other focus in the bill this year is science and competitiveness. The capacity to innovate is the primary engine of our economy and our way of life. In order to sustain it, we must increase our investment in basic scientific research and strengthen science education.

For this reason, the bill fully funds the President's American Competitiveness Initiative, which includes a recommitment to doubling the funding for basic science research over 10 years.

We have dramatically increased the NSF and NIST.

For NASA, the bill includes $16.7 billion.

I want to thank NASA and NIST chairman SHERWOOD BOEHLERT and VERN EHLERS, who really played a major role in this, and Mr. MOLLOHAN.

In NASA, the bill restores $100 million of the cut proposed to the aeronautic research and responds to the lower than anticipated increases for space science programs.

The space shuttle is set to launch on Saturday, and the bill before you includes full funding for the shuttle program to support the completion of the International Space Station and continuation of the shuttle safety improvements.

In Commerce, we have dealt with critical functions of the National Weather Service and NOAA's weather and climate forecasting.

□ 1730

We have also included a 5.2 percent increase for the PTO and an increase of $72 million. For the State Department, and the broadcasting Board of governors, a recommendation of $9.66 billion within this Federal, $1.7 billion to provide full funding request for worldwide security and improvements.

We have included the requested funds for international peacekeeping to pay the assessed costs for missions in Sudan, Haiti and elsewhere. We have included language to require notification to the Committee that prevention and prosecution measures are taken to ensure zero tolerance in sexual abuse in peacekeeping. We also added language supporting the maintenance of a flat U.N. budget.

On the Small Business Administration, we have provided $90 million for small business development grants, a $2 million increase; also allows up to $17.5 billion in general 7(a) business loans, an unprecedented level, while requiring no appropriation.

In closing, a summary of the bill provides the increase necessary to maintain strength in critical law enforcement, fight terrorism, deal with drugs.

I again want to thank the staff and thank the committee.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	86,289	115,505	90,136	+3,847	-25,369
Office of Intelligence and Policy Review	36,577	---	---	-36,577	---
Subtotal	122,866	115,505	90,136	-32,730	-25,369
Justice information sharing technology	123,404	175,007	125,000	+1,596	-50,007
Tactical wireless communications	88,851	89,217	89,000	+149	-217
Administrative review and appeals	212,930	229,212	229,152	+16,222	-60
Detention trustee	1,206,392	1,332,326	1,331,026	+124,634	-1,300
Prior year unobligated balances	-45,000	---	-5,000	+40,000	-5,000
Direct appropriation	1,161,392	1,332,326	1,326,026	+164,634	-6,300
Office of Inspector General	67,922	70,558	70,558	+2,636	---
Total, General Administration	1,777,365	2,011,825	1,929,872	+152,507	-81,953
United States Parole Commission					
Salaries and expenses	10,859	11,951	11,500	+641	-451
Legal Activities					
General legal activities:					
Direct appropriation	653,505	684,324	[illegible],739	+15,234	-15,585
Vaccine injury compensation trust fund (permanent)	6,252	6,333	6,292	+40	-41
National Security Division					
Salaries and expenses	---	66,970	66,970	+66,970	---
Antitrust Division	144,088	147,742	145,915	+1,827	-1,827
Offsetting fee collections - current year	-116,000	-129,000	-129,000	-13,000	---
Direct appropriation	28,088	18,742	16,915	-11,173	-1,827
United States Attorneys					
Salaries and expenses	1,579,565	1,664,400	1,664,400	+84,835	---
Emergency appropriations (P.L. 109-148)	9,000	---	---	-9,000	---
Project Seahawk (rescission)	---	-27,000	---	---	+27,000
Total, United States Attorneys	1,588,565	1,637,400	1,664,400	+75,835	+27,000
United States Trustee System Fund	211,664	236,116	223,447	+11,783	-12,669
Offsetting fee collections	-206,728	-229,000	-218,447	-11,719	+10,553
Interest on U.S. securities	-4,936	-5,000	-5,000	-64	---
Direct appropriation	---	2,116	---	---	-2,116
Foreign Claims Settlement Commission	1,303	1,559	1,431	+128	-128
United States Marshals Service					
Salaries and expenses	782,903	825,924	825,924	+43,021	---
Emergency appropriations (P.L. 109-148)	9,000	---	---	-9,000	---
Construction	8,769	---	---	-8,769	---
Total, United States Marshals Service	800,672	825,924	825,924	+25,252	---
Fees and expenses of witnesses	168,000	171,000	171,000	+3,000	---
Community Relations Service	9,536	10,229	9,882	+346	-347
Assets forfeiture fund	21,194	21,211	21,202	+8	-9
Total, Legal activities	3,277,115	3,445,808	3,452,755	+175,640	+6,947

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H.R. 5672)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Interagency Law Enforcement					
Interagency crime and drug enforcement	483,189	706,051	498,457	+15,268	-207,594
Federal Bureau of Investigation					
Salaries and expenses	3,395,906	3,680,664	3,651,634	+255,728	-29,030
Emergency appropriations (P.L. 109-148)	45,000	---	---	-45,000	---
Counterintelligence and national security	2,259,663	2,307,994	2,307,994	+48,331	---
Direct appropriation	5,700,569	5,988,658	5,959,628	+259,059	-29,030
Construction	37,128	51,392	80,422	+43,294	+29,030
Total, Federal Bureau of Investigation	5,737,697	6,040,050	6,040,050	+302,353	---
Drug Enforcement Administration					
Salaries and expenses	1,866,591	1,948,569	1,963,569	+96,978	+15,000
Emergency appropriations (P.L. 109-148)	10,000	---	---	-10,000	---
Diversion control fund	-201,673	-212,078	-212,078	-10,405	---
Total, Drug Enforcement Administration	1,674,918	1,736,491	1,751,491	+76,573	+15,000
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses	911,817	860,128	950,128	+38,311	+90,000
Emergency appropriations (P.L. 109-148)	20,000	---	---	-20,000	---
Legislative proposal	---	120,000	30,000	+30,000	-90,000
Legislative proposal	---	-120,000	-30,000	-30,000	+90,000
Total, Bureau of Alcohol, Tobacco and Firearms	931,817	860,128	950,128	+18,311	+90,000
Federal Prison System					
Salaries and expenses	4,830,161	4,987,059	4,987,059	+156,898	---
Buildings and facilities	88,961	117,102	88,961	---	-28,141
Emergency appropriations (P.L. 109-148)	11,000	---	---	-11,000	---
Subtotal	99,961	117,102	88,961	-11,000	-28,141
Rescission	---	-142,000	---	---	+142,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,322	2,477	2,477	-845	---
Total, Federal Prison System	4,933,444	4,964,638	5,078,497	+145,053	+113,859
Violence against women office	381,566	347,013	390,296	+8,730	+43,283
Office of Justice Programs					
Justice assistance	230,254	1,033,952	215,575	-14,679	-818,377
Public safety officers benefits, death benefits	---	65,000	---	---	-65,000
Total, Justice assistance	230,254	1,098,952	215,575	-14,679	-883,377
State and local law enforcement assistance:					
Justice assistance grants	411,159	---	558,077	+146,918	+558,077
Boys and Girls clubs	(83,914)	---	(75,000)	(-8,914)	(+75,000)
National Institute of Justice	(9,872)	---	---	(-9,872)	---
Byrne grants (discretionary)	---	---	(115,225)	(+115,225)	(+115,225)
Indian assistance	21,719	---	---	-21,719	---
Tribal prison construction	(8,885)	---	---	(-8,885)	---
Indian tribal courts program	(7,898)	---	---	(-7,898)	---
Indian grants	(4,936)	---	---	(-4,936)	---
State criminal alien assistance program	399,827	---	405,000	+5,173	+405,000
Southwest border prosecutors	29,617	---	30,000	+383	+30,000
Byrne grants (discretionary)	189,255	---	---	-189,255	---
Drug courts	9,872	---	40,000	+30,128	+40,000
Other crime control programs	840	---	---	-840	---
Assistance for victims of trafficking	9,872	---	21,488	+11,616	+21,488

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS, FY 2007 (H R. 5672)
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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Prescription drug monitoring	7,404	---	10.000	+2,596	+10,000
Prison rape prevention	17,943	---	22,943	+5,000	+22,943
State prison drug treatment	9,872	---	5.000	-4,872	+5,000
Intelligence sharing	9,872	---	2.000	-7,872	+2,000
Cannabis eradication	4,936	---	---	-4,936	---
Capital litigation	987	---	2.000	+1,013	+2.000
Mentally ill offender act	4,936	---	5,000	+64	+5,000
Sex Offender Registry	---	---	1,984	+1,984	+1,984
Emergency appropriations (P.L. 109-148)	125,000	---	---	-125,000	---
Undesignated	---	---	---	---	---
Total, State and local law enforcement	1,253,111	---	1,103,492	-149,619	+1,103,492
Weed and seed program fund	49,361	---	---	-49,361	---
Community oriented policing services:					
Training and technical assistance	3,949	3,997	3,997	+48	---
Bullet proof vests	29,617	---	20,000	-9,617	+20,000
Tribal law enforcement	14,808	31,065	31,065	+16,257	---
Meth hot spots	62,778	40,084	99,000	+36,222	+58,916
COPS technology	138,117	---	100,000	-38,117	+100,000
Interoperable communications	(9,872)	---	---	(-9,872)	---
Criminal records upgrade	9,872	---	4,873	-4,999	+4,873
DNA backlog/crime lab	107,145	---	175,568	+68,423	+175,568
Paul Coverdell forensics science	18,264	---	---	-18,264	---
Crime identification technology	28,407	---	---	-28,407	---
Project safe neighborhoods	14,808	---	54,808	+40,000	+54,808
Reduce gang violence	---	---	(40,000)	(+40,000)	(+40,000)
Offender reentry	4,936	---	4,936	---	+4,936
Reduce gang violence	39,489	---	---	-39,489	---
Weed and seed strategies	---	---	49,348	+49,348	+49,348
Management and administration	---	26,950	26,950	+26,950	---
Total, Community oriented policing services	472,190	102,096	570,545	+98,355	+468,449
Juvenile justice programs	338,361	---	280,739	-57,622	+280,739
Public safety officers benefits:					
Death benefits	64,000	---	65,000	+1,000	+65,000
Disability and education benefits	8,834	---	8,828	-6	+8,828
Total, Public safety officers benefits program	72,834	---	73,828	+994	+73,828
Total, Office of Justice Programs	2,416,111	1,201,048	2,244,179	-171,932	+1,043,131
Total, title I, Department of Justice	21,624,081	21,325,003	22,347,225	+723,144	+1,022,222
Appropriations	(21,395,081)	(21,494,003)	(22,347,225)	(+952,144)	(+853,222)
Rescissions	---	(-169,000)	---	---	(+169,000)
Emergency appropriations	(229,000)	---	---	(-229,000)	---
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	44,207	42,197	46,207	+2,000	+4,010
International Trade Commission					
Salaries and expenses	61,950	64,200	62,575	+625	-1,625
Total, Related agencies	106,157	106,397	108,782	+2,625	+2,385

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	401,728	421,782	424,782	+23,054	+3,000
Offsetting fee collections	-8,000	-13,000	-13,000	-5,000	---
Direct appropriation	393,728	408,782	411,782	+18,054	+3,000
Bureau of Industry and Security					
Operations and administration	60,451	63,815	62,039	+1,588	-1,776
CWC enforcement	14,579	14,767	14,767	+188	---
Total, Bureau of Industry and Security	75,030	78,582	76,806	+1,776	-1,776
Economic Development Administration					
Economic development assistance programs	250,741	297,467	230,741	-20,000	-66,726
Salaries and expenses	29,691	29,700	29,700	+9	---
Total, Economic Development Administration	280,432	327,167	260,441	-19,991	-66,726
Minority Business Development Agency					
Minority business development	29,641	29,641	29,641	---	---
Total, Trade and Infrastructure Development	884,988	950,569	887,452	+2,464	-63,117
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	79,278	80,482	79,880	+602	-602
Bureau of the Census					
Salaries and expenses	195,500	184,067	190,067	-5,433	+6,000
Periodic censuses and programs	606,363	694,092	694,092	+87,729	---
Total, Bureau of the Census	801,863	878,159	884,159	+82,296	+6,000
National Telecommunications and Information Administration					
Salaries and expenses	17,837	17,837	17,837	---	---
Public telecommunications facilities, planning and construction	21,719	---	---	-21,719	---
Total, National Telecommunications and Information Administration	39,556	17,837	17,837	-21,719	---
United States Patent and Trademark Office					
Current year fee funding	1,683,086	1,771,000	1,771,000	+87,914	---
Offsetting fee collections	-1,683,086	-1,771,000	-1,771,000	-87,914	---
Total, Economic and Information Infrastructure	920,697	976,478	981,876	+61,179	+5,398
SCIENCE AND TECHNOLOGY					
Technology Administration					
Salaries and expenses	5,923	1,485	2,000	-3,923	+515
National Institute of Standards and Technology					
Scientific and technical research and services	394,762	467,002	467,002	+72,240	---
(Transfer out)	(-987)	(-9,450)	(-9,450)	(-8,463)	---

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Industrial technology services	183,624	46,332	92,000	-91,624	+45,668
Rescission (P.L. 109-148)	-7,000	---	---	+7,000	---
Construction of research facilities	173,651	67,998	67,998	-105,653	---
Working capital fund (by transfer)	(987)	(9,450)	(9,450)	(+8,463)	---
Total, National Institute of Standards and Technology	745,037	581,332	627,000	-118,037	+45,668
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,727,930	2,587,843	2,375,464	-352,466	-212,379
(By transfer from Promote and Develop Fund)	(66,144)	(77,000)	(77,000)	(+10,856)	---
By transfer from Coastal zone management	2,962	3,000	3,000	+38	---
Emergency appropriations (P.L. 109-148)	17,200	---	---	-17,200	---
Total, Operations, research, and facilities	2,748,092	2,590,843	2,378,464	-369,628	-212,379
Procurement, acquisition and construction	1,109,919	1,024,467	996,703	-113,216	-27,764
Emergency appropriations (P.L. 109-148)	37,400	---	---	-37,400	---
Total, Procurement, acquisition and construction	1,147,319	1,024,467	996,703	-150,616	-27,764
Pacific coastal salmon recovery	66,638	66,825	20,000	-46,638	-46,825
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fisheries finance program account	-9,000	-3,000	-5,000	+4,000	-2,000
Total, National Oceanic and Atmospheric Administration	3,950,049	3,676,135	3,387,167	-562,882	-288,968
Total, Science and Technology	4,701,009	4,258,952	4,016,167	-684,842	-242,785
OTHER					
Salaries and expenses, Departmental Management	46,860	56,999	52,760	+5,900	-4,239
Travel and tourism	3,949	---	---	-3,949	---
HCHB renovation and modernization	---	18,000	---	---	-18,000
Office of Inspector General	22,467	22,531	22,531	+64	---
National Intellectual Property Law Enforcement Coordination Council	---	990	---	---	-990
Total, Other	73,276	98,520	75,291	+2,015	-23,229
Total, Department of Commerce	6,473,813	6,178,122	5,852,004	-621,809	-326,118
Total, title II, Department of Commerce and related agencies	6,579,970	6,284,519	5,960,786	-619,184	-323,733
Appropriations	(6,532,370)	(6,284,519)	(5,960,786)	(-571,584)	(-323,733)
Emergency appropriations	(54,600)	---	---	(-54,600)	---
(By transfer)	(67,131)	(86,450)	(86,450)	(+19,319)	---
(Transfer out)	(-987)	(-9,450)	(-9,450)	(-8,463)	---
TITLE III - SCIENCE					
Executive Office of the President					
Office of Science and Technology Policy	5,493	5,369	5,369	-124	---
National Aeronautics and Space Administration					
Science, aeronautics and exploration	9,636,727	10,523,805	10,482,000	+845,273	-41,805
Exploration capabilities	6,577,901	6,234,922	6,193,500	-384,401	-41,422
Emergency appropriations (P.L. 109-148)	349,800	---	---	-349,800	---
Office of Inspector General	31,986	33,500	33,500	+1,514	---
Total, NASA	16,596,414	16,792,227	16,709,000	+112,586	-83,227

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Science Foundation					
Research and related activities (non-defense)	4,264,825	4,598,430	4,598,430	+333,605	---
Defense function	66,658	67,520	67,520	+862	---
Major research equipment and facilities construction	190,881	240,250	237,250	+46,369	-3,000
Education and human resources	796,693	816,220	832,432	+35,739	+16,212
Salaries and expenses	246,807	281,822	268,610	+21,803	-13,212
National Science Board	3,949	3,910	3,910	-39	---
Office of Inspector General	11,353	11,860	11,860	+507	---
Total, National Science Foundation	5,581,166	6,020,012	6,020,012	+438,846	---
Total, title III, Science	22,183,073	22,817,608	22,734,381	+551,308	-83,227
Appropriations	(21,833,273)	(22,817,608)	(22,734,381)	(+901,108)	(-83,227)
Emergency appropriations	(349,800)	---	---	(-349,800)	---
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,633,018	3,856,703	3,709,914	+76,896	-146,789
(Transfer out)	(-3,949)	(-4,000)	(-4,000)	(-51)	---
Worldwide security upgrades	680,716	795,170	795,170	+114,454	---
Emergency appropriations (P.L. 109-148)	16,000	---	---	-16,000	---
Rescission (P.L. 109-148)	-10,000	---	---	+10,000	---
Total, Diplomatic and consular programs	4,319,734	4,651,873	4,505,084	+185,350	-146,789
Capital investment fund	58,143	68,298	58,143	---	-10,155
Centralized IT modernization program	68,482	---	---	-68,482	---
Office of Inspector General	29,646	32,508	32,508	+2,862	---
Educational and cultural exchange programs	426,275	474,288	436,275	+10,000	-38,013
Representation allowances	8,175	8,201	8,175	---	-26
Protection of foreign missions and officials	9,270	9,288	9,270	---	-18
Embassy security, construction, and maintenance	591,152	640,161	605,652	+14,500	-34,509
Worldwide security upgrades	898,574	899,368	899,368	+794	---
Rescission (P.L. 109-148)	-20,000	---	---	+20,000	---
Emergencies in the diplomatic and consular service	9,872	4,940	4,940	-4,932	---
Emergency appropriations (P.L. 109-148)	15,000	---	---	-15,000	---
(By transfer)	(3,949)	(4,000)	(4,000)	(+51)	---
(Transfer out)	(-987)	---	---	(+987)	---
Repatriation Loans Program Account:					
Direct loans subsidy	703	695	695	-8	---
Administrative expenses	599	590	590	-9	---
(By transfer)	(987)	---	---	(-987)	---
Total, Repatriation loans program account	1,302	1,285	1,285	-17	---
Payment to the American Institute in Taiwan	19,499	15,826	15,826	-3,673	---
Payment to the Foreign Service Retirement and Disability Fund	131,700	125,000	125,000	-6,700	---
Total, Administration of Foreign Affairs	6,566,824	6,931,036	6,701,526	+134,702	-229,510

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Organizations					
Contributions to international organizations, current year assessment	1,151,318	1,268,523	1,151,318	---	-117,205
Contributions for international peacekeeping activities, current year	1,022,275	1,135,327	1,135,327	+113,052	---
Total, International Organizations and Conferences	2,173,593	2,403,850	2,286,645	+113,052	-117,205
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	27,643	28,453	28,453	+810	---
Construction	5,232	5,237	9,237	+4,005	+4,000
American sections, international commissions	9,911	9,587	9,587	-324	---
International fisheries commissions	23,694	20,651	20,651	-3,043	---
Total, International commissions	66,480	63,928	67,928	+1,448	+4,000
Other					
Payment to the Asia Foundation	13,821	10,000	13,821	---	+3,821
Center for Middle Eastern-Western dialogue	5,923	750	375	-5,548	-375
Eisenhower Exchange Fellowship program	494	500	500	+6	---
Israeli Arab scholarship program	370	375	375	+5	---
East-West Center	18,994	12,000	3,000	-15,994	-9,000
National Endowment for Democracy	74,042	80,000	50,000	-24,042	-30,000
Total, Department of State	8,920,541	9,502,439	9,124,170	+203,629	-378,269
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	633,257	617,338	651,279	+18,022	+33,941
Broadcasting to Cuba	---	36,279	---	---	-36,279
Broadcasting capital improvements	10,753	18,286	7,624	-3,129	-10,662
Total, Broadcasting Board of Governors	644,010	671,903	658,903	+14,893	-13,000
Total, title IV, Department of State and Related Agency	9,564,551	10,174,342	9,783,073	+218,522	-391,269
Appropriations	(9,563,551)	(10,174,342)	(9,783,073)	(+219,522)	(-391,269)
Emergency appropriations	(31,000)	---	---	(-31,000)	---
(Transfer out)	(-4,936)	(-4,000)	(-4,000)	(+936)	---
(By transfer)	(4,936)	(4,000)	(4,000)	(-936)	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	1,157	462	462	-695	---
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	493	493	493	---	---
Commission on Civil Rights					
Salaries and expenses	8,933	9,309	8,933	---	-376
Commission on International Religious Freedom					
Salaries and expenses	3,258	3,000	3,000	-258	---

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Commission on Security and Cooperation in Europe					
Salaries and expenses	2,004	2,110	2,110	+106	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,876	2,000	2,000	+124	---
Equal Employment Opportunity Commission					
Salaries and expenses	326,998	322,807	322,807	-4,191	---
Federal Communications Commission					
Salaries and expenses	289,758	302,542	294,261	+4,503	-8,281
Offsetting fee collections - current year	-288,771	-301,500	-293,261	-4,490	+8,239
Direct appropriation	987	1,042	1,000	+13	-42
Federal Trade Commission					
Salaries and expenses	210,079	223,000	213,079	+3,000	-9,921
Offsetting fee collections - current year	-116,000	-129,000	-129,000	-13,000	---
Offsetting fee collections, telephone database	-23,000	-18,000	-23,000	---	-5,000
Direct appropriation	71,079	76,000	61,079	-10,000	-14,921
HELP Commission					
Salaries and expenses	---	1,000	1,250	+1,250	+250
Legal Services Corporation					
Payment to the Legal Services Corporation	326,578	310,860	313,860	-12,718	+3,000
Marine Mammal Commission					
Salaries and expenses	2,883	2,133	2,000	-883	-133
National Veterans Business Development Corporation					
National Veterans Business Development Corporation	1,481	---	---	-1,481	---
Securities and Exchange Commission					
Salaries and expenses	888,117	904,846	900,517	+12,400	-4,329
Prior year unobligated balances	-25,000	-14,000	-20,000	+5,000	-6,000
Direct appropriation	863,117	890,846	880,517	+17,400	-10,329
Small Business Administration					
Salaries and expenses	309,031	303,550	303,550	-5,481	---
Legislative proposal	---	-7,000	---	---	+7,000
(Transfer out)	---	---	(-1,000)	(-1,000)	(-1,000)
Office of Inspector General	13,722	14,355	13,722	---	-633
Emergency appropriations (P.L. 109-148)	5,000	---	---	-5,000	---
Surety bond guarantees revolving fund	2,824	2,970	2,824	---	-146
Business Loans Program Account:					
Direct loans subsidy	1,283	---	---	-1,283	---
Administrative expenses	123,706	126,136	123,706	---	-2,430
(By transfer from SBA salaries and expenses)	---	---	(1,000)	(+1,000)	(+1,000)
Total, Business loans program account	124,989	126,136	123,706	-1,283	-2,430

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs Enacted	Bill vs. Request
Disaster Loans Program Account:					
Direct loans subsidy	---	85,140	85,140	+85,140	---
Emergency appropriations (P.L. 109-148)	264,500	---	---	-264,500	---
Transfer from FEMA (emergency)(P.L. 109-174)	712,000	---	---	-712,000	---
Administrative expenses	---	113,850	113,850	+113,850	---
Emergency appropriations (P.L. 109-148)	176,500	---	---	-176,500	---
Total, Disaster loans program account	1,153,000	198,990	198,990	-954,010	---
Total, Small Business Administration	1,608,566	639,001	642,792	-965,774	+3,791
State Justice Institute					
Salaries and expenses	3,455	---	2,000	-1,455	+2,000
United States - China Economic and Security Review Commission					
Salaries and expenses	2,962	4,000	4,000	+1,038	---
United States Senate-China Interparliamentary Group					
Salaries and expenses	149	---	---	-149	---
United States Institute of Peace					
Operating expenses	22,064	26,979	26,979	+4,915	---
Total, title V, Related agencies	3,248,040	2,292,042	2,275,282	-972,758	-16,760
Appropriations	(2,090,040)	(2,292,042)	(2,275,282)	(+185,242)	(-16,760)
Emergency appropriations	(1,158,000)	---	---	(-1,158,000)	---
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
Violent crime reduction trust fund (rescission)	---	---	-8,000	-8,000	-8,000
General Administration					
Working capital fund (rescission)	-2,500	---	---	+2,500	---
Telecommunications Carrier Compliance Fund(rescission)	---	---	-39,000	-39,000	-39,000
Legal Activities					
Assets forfeiture fund (rescission)	-102,000	-120,000	-152,787	-50,787	-32,787
Federal Bureau of Investigation					
Salaries and expenses (rescission)	-25,000	---	---	+25,000	---
Office of Justice Programs					
Office of Justice programs (rescission)	-110,500	-127,500	-127,500	-17,000	---
Community oriented policing services (rescission)	-86,500	-127,500	-127,500	-41,000	---
DEPARTMENT OF COMMERCE					
National Oceanic and Atmospheric Administration					
Rescission	-25,000	---	---	+25,000	---

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(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs Request
Departmental Management					
Emergency steel guaranteed loan program account (rescission)	---	-48,607	-38,607	-38,607	+10,000
Department of State					
Center for Middle Eastern-Western Dialogue Trust Fund (rescission)	---	---	-10,000	-10,000	-10,000
RELATED AGENCIES					
Federal Communications Commission					
Salaries and expenses (rescission)	-25,300	---	---	+25,300	---
Federal Trade Commission					
Salaries and expenses (rescission)	-12,000	---	---	+12,000	---
Marine Mammal Commission					
Salaries and expenses (rescission)	-920	---	---	+920	---
Small Business Administration					
Salaries and expenses (rescission)	-3,000	-6,100	-6,100	-3,100	---
Business Loans Program Account (rescission)	-4,000	-5,000	-5,000	-1,000	---
Disaster Loans Program Account (rescission)	---	-3,700	-3,700	-3,700	---
GENERAL PROVISIONS					
Across-the-board cut (1%) (rescission) (P.L. 109-148)	492	---	---	-492	---
Total, title VII, Rescissions	-396,228	-438,407	-518,194	-121,966	-79,787
Grand total:					
New budget (obligational) authority	62,803,487	62,455,107	62,582,553	-220,934	+127,446
Appropriations	(61,303,815)	(62,935,014)	(62,973,247)	(+1,669,432)	(+38,233)
Emergency appropriations	(1,822,400)	---	---	(-1,822,400)	---
Rescissions	(-322,728)	(-479,907)	(-390,694)	(-67,966)	(+89,213)
(Transfer out)	(-5,923)	(-13,450)	(-14,450)	(-8,527)	(-1,000)
(By transfer)	(72,067)	(90,450)	(91,450)	(+19,383)	(+1,000)

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I first want to compliment Chairman WOLF on his efforts with regard to this bill. He has had a really tough job balancing the subcommittee's portfolio, which is considerable, with diverse important programs. He has managed in a very tough budgetary climate. I truly admire his passion, and his conviction, which are all evident in this bill.

Chairman WOLF characteristically does an excellent job, and certainly his experience working for a number of years on this bill has served him well in a very difficult situation. He is to be complimented here today.

There are very definitely some great things, Mr. Chairman, that can be said about this bill. Federal law enforcement is fully funded. Many of those accounts, such as the U.S. Attorney's account, the Drug Enforcement Administration, the Bureau of Prisons, are all funded above the President's requested level. Some are funded at the requested level, such as the U.S. Marshal's service and the Federal Bureau of Investigation.

This funding is a priority. It is important, and I support the Chairman's efforts to provide it.

The bill also fully funds the American Competitiveness Initiative, which in this bill will double over 10 years the research and development lines for physical science and engineering at NIST and the National Science Foundation.

Two significant funding improvements were made during full committee. The chairman accepted an amendment to increase funding for the Survey of Income and Program Participation by $10 million and accepted an amendment providing partial funding for the SBA Microloan program. These are two programs that many Members expressed concern about, and I am pleased the amendments were adopted after being accepted by the chairman.

Mr. Chairman, a number, around 80 to 90 at last count, of well-meaning Members will offer amendments today. We ought to be offering amendments to increase law enforcement funding. We ought to be offering amendments to restore science funding at NASA and to help NASA with the expensive and numerous tasks on its plate. We ought to be offering amendments to increase funding for the Economic Development Administration.

The list of programs needing more funding in this bill goes on and on. But the funding just isn't there. The offsets just aren't there. These well-intentioned amendments will come at the cost of important programs when they are offered up as offsets, important programs such as the census, U.N. peacekeeping efforts, salaries and expenses at the Department of State, the Department of Justice, and the Department of Commerce, which have already been cut back.

I just want to take a moment, Mr. Chairman, to remind Members about why many of these amendments will need to be opposed. It is because the insufficient budget resolution that was passed on this floor has resulted in a narrow allocation for this bill that will not allow us to fund all of the priorities that Members will advocate for on the floor.

As a matter of fact, the number of amendments that are being offered today is the greatest number that I can ever remember being offered on this bill. But they have been increasing every year as that budget allocation has become smaller and smaller because of the budget resolutions that we passed at the beginning of this process.

The number of amendments offered here today is in and of itself, I think, one of the best indicators that we are not providing enough money for domestic discretionary programs. Members are recognizing that program by program. Members are offering amendments, trying to increase funding for those programs, those worthy programs that I just mentioned.

It is beginning to really hurt. It is beginning to really hurt law enforcement, beginning to really hurt NASA and other science programs. It is beginning to really hurt economic development programs.

For example, I know the chairman is committed to providing adequate funding for our Nation's law enforcement, the men and women who put their lives on the line every day in the name of public safety back in our communities. The President's budget cut $1.3 billion out of State and local law enforcement, about half of the funding provided in fiscal year 2006.

Now, let me repeat that. The request that the President of the United States sent to the United States Congress cut $1.3 billion out of State and local law enforcement, about half the funding that we provided last year. These funds are important resources to the men and women who are keeping our districts safe, our communities safe.

Chairman WOLF restored $1.1 billion of this funding, for a total of $2.3 billion for Federal assistance to State and local law enforcement. That is what is in this bill, $2.3 billion for Federal assistance to State and local law enforcement.

Last year, Mr. Chairman, the Congress provided $2.5 billion for State and local law enforcement. That was $1 billion above the President's request then, but $300 million below the 2005 level. The 2005 level that we passed here was $1.2 billion above the request, but $200 million below the 2004 level. The 2004 level was $500 million below the 2003 level, and the 2003 level was $500 million below the 2002 level. The 2002 level was $400 million below the high water mark for Federal assistance to State and local law enforcement of $4.4 billion in 2001.

While we see what is happening here, the bottom line is that we have cut about $2 billion in funding for State and local law enforcement since 2001. Well, do we care about that? Does that have an effect? Well these cuts, Mr. Chairman, are not without consequences.

Preliminary data from the FBI's uniform crime report for 2005 indicate that violent crime rates have increased 2.5 percent from 2004 to 2005. This is the largest increase since 1992. Is anyone surprised? Certainly not.

Violent crime rates fell steadily from 1993 to 2002, and this nearly coincides with the establishment of the community policing program known as the COPS program under the Clinton administration. The Office of Community Oriented Policing Services, COPS, was created in 1994; 100,000 police officers were put on the beat by funds provided under the COPS program.

Consider these facts. COPS funded its 100,000th community policing professional in May of 1999, and violent crime rates continued to fall. Congress funded State and local assistance programs at $4.4 billion, their highest level in 2001. Violent crime rates dropped between 2001 and 2002. Congress decreased State and local law enforcement funding in 2002 by $400 million, as I mentioned before, and violent crime rates increased in 2003 and rose again in 2004 and rose again dramatically in 2005, coinciding with the lack of assistance coming from the Federal Government to help our State and local law enforcement.

Well, Mr. Chairman, there is a correlation between the funding we provide here in this committee for State and local law enforcement and incidents of violent crime. There is a relationship.

With respect to this bill, Mr. Chairman, the President's fiscal 2007 budget, for the second year in a row, contained a .02 cents per pound tax on the users of explosives. My State, due to its extraction industry, would bear the largest share of the burden with this tax. The repeated proposal of this tax by the President, coupled with the inadequate allocation provided our subcommittee, has resulted in an insufficient budget resolution; and this placed the chairman, Chairman WOLF, in a very difficult position. So he used part of that tax, understanding that in the process this would be challenged, and at the appropriate point, Mr. Chairman, during consideration of this bill, I intend to make a point of order against this tax. We appreciate the Rules Committee not protecting this provision.

Well, anyone on this subcommittee knows of the chairman's passion for helping the weakest and most vulnerable in our society. To that end, Chairman WOLF restored $367 million to the Justice Assistance Formula Grant Program funds that helps our youngest and our most troubled citizens. These funds were zeroed out by the President, and I applaud Chairman WOLF for restoring them.

Further, in continuance of his commitment to assisting law enforcement with the ever-increasing gang epidemic in this country, Chairman WOLF has restored $25 million cut from the President's budget from the anti-gang initiative in the COPS program.

In the Department of Commerce, the funding provided for the American Competitiveness Initiative came at a price. One of the programs that couldn't be fully restored is the Manufacturing Extension Partnership. This program is very important to basic industry areas across this country. Mr. Chairman, the President slashed the funding for this program but the chairman doubled it, bringing it to $92 million, about $17 million below last year's enacted program.

Another program that suffers is the Advanced Technology Program, which was eliminated by the President. We are able to fully fund the decennial census and the American Community Survey. I well remember the problems that arose during the last census and the fight for emergency funding for census on the floor, and full funding this year keeps us on track for the future.

In NASA, the President's budget request again made dramatic reductions to science and aeronautics funding, as NASA tries to fit in these programs and the return to flight, the International Space Station and the Moon-Mars proposal at the same time it fails to deliver on promised funding. The chairman again is forward-looking in his restoration of $75 million to the science programs and $100 million to aeronautics, which is a huge contributor to the American economy. Despite these increases, however, funding levels will still generate cause for alarm from our science community.

The bottom line is, for all of these programs and numerous others that I have not mentioned, $59.8 billion is simply not enough. The chairman has been extremely responsive to Members and to the needs of the people who benefit from these programs, restoring and increasing where he was able to do so in this tight allocation. But, despite these noble efforts, we have seen for the past several years and will see again this year programs being whittled away through attrition by the administration that is reducing necessary discretionary spending in the name of balancing a budget which, in truth, these actions would demonstrate the administration has no intention of balancing.

One could easily make the argument that this bill needs several billion dollar in additional funding, increased funding for the Economic Development Administration, for the Small Business Administration Microloans, for Legal Services Corporation, for funding above the restoration that the Chairman provided for State and local justice programs, funding for OSHA and for fisheries programs in the National Oceanic and Atmospheric Administration, a program supported by so many Members here. More funding is needed for life sciences funding at NASA and biology funding at the National Science Foundation and the perceived need to accelerate the Crew Exploration Vehicle at NASA to maintain the United States' access to space after shuttle retirement. These all add up quickly.

Each of these is a need for which I have heard support, either from constituents or from the community at large or from other Members.

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And each of these needs has meritorious arguments for funding. I would hope all Members would view favorably any opportunity to seek an increased allocation to support these critical programs.

I would like to again note how fortunate we are to have had such a principled chairman for the past 6 years. It has been an honor to work with you, Mr. Chairman, and I look forward to working with you again next year, regardless of whether you remain on this subcommittee or move to another one.

And, Mr. Chairman, I would like to note that every member of the minority on this subcommittee has equally high regard for the chairman, as he has worked with more than one of us as his ranking member.

I also would like to thank the majority staff, Mike Ringler, Christine Kojac, John Martens, Anne Marie Goldsmith, Clelia Alvarado and Darryl Hill, as well as J.T. Griffin from the chairman's personal staff, for the fair and open way in which they have worked with the minority in crafting this bill. Our input and the chairman's output was accepted at every turn.

I also want to thank the minority appropriations staff, David Pomerantz, Michelle Burkett, and Chris Martin for their tireless efforts. And I want to thank Sally Moorhead and Julie Aaronson, of my personal staff, for their valuable work on this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to Mr. LEWIS, the chairman of the full Committee.

Mr. LEWIS of California. Mr. Chairman, I rise in support of H.R. 5672, the Science, State, Justice, Commerce Appropriations bill for fiscal year 2007.

This is the 10th of 11 bills the committee has brought to the House floor as we go to the Fourth of July recess. I want to praise especially Chairman WOLF as he goes about his sixth bill for this subcommittee, and Ranking Member MOLLOHAN. These two, working together, have been a model reflective of the best of bipartisan effort in the appropriations process.

In total, this measure provides $59.8 billion in discretionary spending. The bill contains critical funding to make America more competitive by investing in science. NASA is funded at $16.7 billion, which is $462 million above last year's level. The National Science Foundation receives $6 billion, the full amount requested as part of the American Competitiveness Initiative, and an increase of $439 million from last year.

This legislation also continues the critical effort to fight the scourge of meth and prosecute the war on terror. It also provides $2.6 billion for State and local law enforcement, including $405 million to reimburse States for the cost of incarcerating illegal aliens.

The bill also includes vital funding for the Department of Commerce, the State Department, the Small Business Administration and other Federal entities.

I would like to make two additional points about this measure. First, the Members should know the SSJC bill provides $387 million for Member projects, $1.3 billion less than last year's enacted level.

Secondly, this year's bill terminates eight programs resulting in $159 million taxpayer savings.

Mr. Chairman, I would like to make one final point. Last year, the House Appropriations Committee successfully eliminated 53 programs, for a savings of $3.5 billion. Building on that record in this year's 11 spending bills, the House Appropriations Committee has proposed eliminating 95 wasteful or redundant programs, saving the American taxpayer nearly $4 billion.

Mr. Chairman, this bill is a fine product worthy of your support. I want to especially commend Mr. MOLLOHAN for his cooperative work with the chairman and have the entire House recognize Mr. WOLF for his work on this year's bill.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the distinguished ranking member, Mr. OBEY.

Mr. OBEY. Mr. Chairman, first of all, I would like to alert Members to a practical fact associated with this bill. We have pending, once general debate is over, about 100 amendments. If we assume that each one of them will be debated for only 10 minutes, and that is a risky assumption, but it is nonetheless to be hoped for, but if we assume that we can get that kind of unanimous consent agreement, that means that, with slippage and the time it takes to transact business, we are talking about 25 hours of debate, not counting any time consumed by roll calls. So we could very easily hit 30 hours of activity on the House floor. I think Members need to understand that.

If they expect to get out of here at a reasonable time this week, I would suggest that perhaps some people might conclude that at least some of those amendments are duplicative, and that Members would choose not to offer them.

I don't mean that about all amendments. I think some amendments are deserving and need to be offered. But I would ask Members to look at this with a very dispassionate eye to see whether or not an amendment needs to be offered and whether any useful message will be sent by its offering.

Secondly, I want to repeat or emphasize what the gentleman from West Virginia said about the gentleman from Virginia, the chairman of the subcommittee, Mr. WOLF. One of the things I most appreciate about him is that he is not one of those laid back, super cool people who so many people seem to think should dominate politics and government these days. He has passion, and I think that he often has passion about the right things. And I, for one, want to say that I respect greatly the job the gentleman has done as chairman of this subcommittee the last 6 years. I think that we are all proud to have been able to serve with him.

And thirdly, I would like to address this bill for just a moment, if I could, Mr. Chairman. I know that the chairman from Virginia has done his dead level best to produce a decent bill. I know the gentleman from West Virginia has done the same.

But I want to point out that as the gentleman from West Virginia says, there will be a good many amendments offered in the next 3 days. And I think it is clear, because of the number of amendments, that Members recognize that there are so many useful things, so many important things that this bill needs to do that it will not be able to accomplish because of the budget number assigned to it under the budget resolution.

Sometimes I hear people bemoaning the fact that the subcommittee doesn't have enough resources. And you would think that somehow this ceiling was imposed anonymously from on high. It was imposed from on high all right, but it wasn't anonymously. And in my view, every person who voted for the budget resolution has a responsibility for some of the important cuts in law enforcement, in Earth-based sciences, in legal services, and in other areas that this bill is forced to make because of that budget resolution. I want to point to just two.

With respect to law enforcement, what has been going on is a Kabuki dance between us and the White House over the past 5 years. The White House proposes draconian cuts; they slash deeply in law enforcement grants. The committee then restores about two-thirds of that funding. We all say, "Oh, what good boys and girls are we." We pat ourselves on the back. But in the end, we haven't been able to salvage those programs, and we see that this bill is $2.1 billion below where law enforcement grants would have been in 2001.

Secondly, with respect to legal services, about which I will offer an amendment at a later point in the debate, that bill a decade ago was funded at $400 million. That program today is funded at slightly over $320 million, a slight increase over the President's request, but still a cut from last year, and a substantial reduction from where it was a decade ago.

Since that time, inflation has eaten up a significant portion of the purchasing power of that program. We should not be doing that to people in this society who, without this program, will have very little ability to take advantage of the court system when they feel that they have been abused, and they will be boxed out of our justice system simply because they have no money. I don't think that Congress ought to allow that to happen, and I regret that this bill contributes to this problem.

Having said that, I respect the work that both gentlemen have done.

Mr. WOLF. Mr. Chairman, I recognize Mr. KIRK, a member of the committee, for 2 minutes.

Mr. KIRK. Mr. Chairman, I rise to compliment my chairman, Mr. WOLF, and our ranking minority member, Mr. MOLLOHAN.

This bill will help small businesses to comply with the Sarbanes Oxley Act under a new bipartisan provision which establishes an ombudsman at the Securities and Exchange Commission. Both Minority Leader PELOSI and the Speaker have called for help in this area, and the bill does that.

With regard to our critical relationship with China, we recommended retaining the current U.S. embassy site even after the new embassy is complete. This is a wise step to allow for the expansion of the U.S. Government in China, especially to help protect the Olympic Games in 2008 from terrorists.

We also took action in this bill to preserve the Turkish Service of the VOA, a critical media market for the United States bordering Iran during these days of crisis. Our action will help stabilize that NATO ally.

At USTR, we called in this bill for stronger action to stop the theft of American intellectual property in China. And while the central government in Beijing has made the right promises, Congressman RICK LARSEN and I noted in our U.S. China Working Group work that this key trade issue between China and America remains unresolved at the local level. And this bill provides clear direction to the USTR in that area.

This bill also provides new resources to Federal law enforcement. ATF, the lead Federal antigang agency in this bill, gets $950 million, a $48 million increase from last year. We also provide a $15 million increase for DEA, and I applaud Chairman WOLF for approving new funding for a DEA aircraft to collect intelligence overseas against drug traffickers.

This bill funds a critical integration of DEA into the intelligence community. And in my experience, DEA has some of the best information on terror financing in the U.S. Government.

The bottom line on this bill is it funds key Federal law enforcement operations in Chicagoland, backing Andy Traver, the special agent in charge of ATF, Robert Grant, the special agent in charge of the FBI, and Rick Sanders, the special agent in charge of DEA. And that is a good thing, especially when they all support our legendary U.S. attorney, Patrick Fitzgerald.

It also provides $85 million more for U.S. Attorneys—61 more Assistant U.S. Attorneys—giving more resources to our legendary U.S. Attorney for the Northern District of Illinois—Patrick Fitzgerald—and his crusade against terror on the Sears Tower and public corruption in Illinois.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. SERRANO), who served as the ranking member on this subcommittee in the last several years.

Mr. SERRANO. Mr. Chairman, I rise in support of this bill, and before I go any further, I want to join the well-deserved chorus of folks who have praised the chairman, Mr. WOLF. For 4 years I was his ranking member, and I have never met a gentleman who can be, in the middle of differences on issues, so fair and so humane. And Chairman WOLF knows that on many issues we didn't disagree and still don't disagree. But the way in which he handled them, the way in which he treated me, and the way in which he treated the minority party really says a lot about who you are. And if we took a poll over here, you would find out that we wish we could change the rules to make sure you remain in your position, as ranking member next year, but certainly in your position. And that is the kind of person that you are.

It is also a great pleasure for me to work with our ranking member, Mr. MOLLOHAN. And the respect that we have for each other has really made our working together a good experience. And I thank you for that.

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This bill is such a huge bill that a lot of times when we stand on the floor and we speak about it we will say that there are 25 good things in it, then we will say there are 10 things that need fixing or vice versa, and people will say, well, they are being negative about a bill. But the public and a lot of Members just do not realize how many agencies are covered by this bill; and, in spite of what at times is a very difficult allocation, Chairman WOLF, with the assistance of Ranking Member MOLLOHAN, has been able to do wonders within this bill.

Just to give you some of the things that I pay attention to: A large increase in funding for the National Science Foundation as part of the American Competitive Initiative. Funding levels on which we can build for NOAA as we move through conference and full funding for the National Weather Service. Full funding for the crucial work that the Census Bureau must do in preparation for its next census, which we all know is mandated by the Constitution.

And if I may add to the comments that the ranking member made before, there will be many amendments tonight, and I take this opportunity to say that some of those amendments will have offsets, I think, hurting the Census Bureau and hurting the Bureau's ability to conduct the next census. So I hope when Members put forth amendments, they will realize where the offset is coming from. It is not just this particular one but other agencies that would be hurt by the offsets. We all want to put money in certain areas. I surely will speak about that tonight. But we have to be careful where those dollars come from.

Forty million dollars in funding for the Drug Courts, which is at the fiscal year 2005 level. The full amount requested on the Diplomatic and Consular Programs for worldwide security upgrades and for security projects under the Embassy Security, Construction and Maintenance account.

Now, within the Department of Justice account, I continue to be concerned about the dwindling level of support we are providing to our State and local governments. And here is where the issue is and it is such a difficult issue. We, since September 11, and I come from New York City and I understand this issue well, have focused a lot of attention, and rightfully so, on the war on terrorism. But if you get the FBI and speak to them, they will even admit that they have had to focus a lot of their attention from other issues that they used to go after, other crimes, to focus on the war on terror.

So when you represent a district like I do in the South Bronx, you wonder just how long we can go without paying full attention to the war on drugs, to the war on crime, to the war on blue collar crime, to the war on crime in our streets. That is why recently, as we know, the FBI admitted that violent crime had spiked for the first time last year since 2001, and I believe it is a direct consequence of the war on terror. So one of our challenges for the future is to see how we can deal with and strike that balance.

Although the full amount requested was provided for international peacekeeping activities, I worry that there will not be sufficient funding for what we all know will be additional peacekeeping needs as we move forward in the fiscal year. I also regret the inability to fully fund our membership obligations to international organizations.

And, lastly, I have joined our committee ranking member, Mr. OBEY, in saying that the Legal Services Corporation is a program that needs to get the full funding that it deserves. We have come a long way when you realize that I am standing here defending a program that was created by Richard Nixon but which affects a community like ours to a great extent, the ability to have people who ordinarily cannot afford a lawyer be represented in the court.

As I said before, the bill strikes a balance. We wish, as we all know, that we had more funding. But in spite of the shortcomings, the bill that was put together by the committee and under the leadership of Mr. WOLF is a good bill and one that I will support and vote for.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), chairman of the Science Committee.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this bill; and I want to thank my friend, Chairman FRANK WOLF, for working so closely with me on the science portions of the bill.

The passage of this bill may be looked back on as a landmark moment in American history. Now, that probably sounds like a lot of hyperbole, but I mean it. This bill puts us on course to enact the American Competitiveness Initiative, which will double the combined budgets of three key science agencies: the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy Office of Science, which already received appropriations in the Energy and Water bill.

These agencies, which are not exactly on the tip of the tongue of most Americans, are keystones of our Nation's economic future. Our Nation will remain strong and prosperous only if we remain innovative, and we will only remain innovative if we have the most robust research and education enterprise in the world. And it is these agencies that help enable the U.S. to lead the world in science, math, and engineering education and in research.

And I want to especially thank Chairman WOLF for supporting education funding as well as research funding in this bill, particularly for supporting the Noyce Scholarship Program at NSF, which attracts top science and math majors into teaching.

I also want to thank the chairman for the way he handled appropriations for the National Aeronautics and Space Administration. I have said repeatedly, and the authorization act we passed last year says clearly, that NASA must be a multi-mission agency. With this bill, the House will be putting money where its mouth is. Without interfering with the lunar mission, this bill puts desperately needed funding back in science and aeronautics.

I would like to see even more money going into science, particularly Earth science, but this is a good start, and I am especially pleased that the bill text includes explicit funding levels for science and aeronautics.

Finally, giving the competing priorities, I think the bill does the best it can for the National Oceanic and Atmospheric Administration, although, of course, I hope that, as in the past years, the final numbers are a little bit higher. I appreciate the language Chairman WOLF included in the report, drawing attention to the concerns we all share about the future of the polar satellite program, NPOESS.

So I urge my colleagues to support this forward-looking landmark bill.

Guess what? It all boils down to one thing. This bill is about my favorite four-letter word. And do not get nervous. You can say it on the House floor. You can say it in polite company. That favorite four-letter word is "jobs." We must remain competitive. We must retain as much opportunity for our people here at home. This bill opens the door for that opportunity.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to speak to two different issues. One is the potential amendment to the Voting Rights Act, where a suggestion may be made to withhold funding for the enforcement of the Voting Rights Act. The Voting Rights Act is one of the most important civil rights pieces of legislation in the history of the United States, and we should not do anything to avoid the full and fair enforcement of the Voting Rights Act.

That bill should be coming up in a few days. We do not know exactly when. There has been an agreement with leadership that the bill be adopted as it came out of committee. It came out of committee 31-1, so we would hope that the leadership would bring it to the floor.

Mr. Chairman, there is another issue that is extremely important, and that is the Legal Services Corporation. If we are going to have people enjoy the rights that they have throughout America, we have to make sure that they have access to courts. The legal Services Corporation, primarily legal aid programs across the country, are extremely important; and we need to make sure that they are fully funded. The bill includes a provision where the number is lower than it should be, and we need to make sure that the amendments to increase Legal Services are adopted.

So, Mr. Chairman, I appreciate the gentleman's giving me the opportunity to bring these two issues to the floor.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON), who has really done a lot of work on a very important issue with Mr. ROGERS.

Mr. HOBSON. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Michigan and the gentleman from Virginia on the FBI's Field Office Supervisory Term Limit Policy, commonly referred to as the Up and Out Policy.

This policy would require that Supervisory Special Agents who have served 5 years to transfer to headquarters and be assigned overseas or compete for an Assistant Special Agent in Charge position. If a Supervisory Special Agent does not want to be transferred, they would be demoted at a substantial pay cut in some instances.

Representative ROGERS and I have been working with Chairman WOLF and the FBI on the implementation of this policy to minimize the significant financial burden it has on Special Agents, particularly those who became supervisors before this policy went into effect. Based on our discussions, we have a commitment from the FBI to seek legislation to ensure that the retirement benefits of Supervisory Special Agents who choose to step down are not negatively impacted.

In addition, the FBI is committed to creating a pilot housing allowance program for employees in the D.C. metro area. This pilot program will improve the FBI's ability to attract talented agents to come to headquarters and will help agents manage the burden of living in a high-cost city and will improve morale.

Mr. Chairman, I now yield to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I thank the gentleman for yielding.

I appreciate the hard work from Mr. HOBSON, Chairman WOLF, and the FBI to address the potentially devastating impact of the FBI's Up and Out Policy on agents in the field who have given decades of public service to protect our Nation. I cannot thank enough Chairman WOLF and Mr. HOBSON for the long hours of negotiation that allowed us to stand with the men and women who stand in harm's way in protection of the United States.

It is critical that the Federal Government protect the retirement benefits of Supervisory Special Agents who have honorably served their country, and I look forward to working with you to address this issue this year.

Further, I am very pleased that the FBI is committed to establishing a housing allowance pilot program here in Washington, D.C., within the funds provided in this bill. We ask a lot of our agents in the field, agents who risk their lives every single day to put mobsters in jail, break up terrorist plots across America, protect the public integrity by Federal, State, and local officials, and so much more. The least we can do is give them the fair compensation that allows them to provide for their family and have a home that is not hours away from their field office. By creating this first-ever housing allowance within the Bureau, agents will be able to reduce their commute time, giving them more time to take a son to a swim meet or a daughter to a dance recital. But perhaps most importantly, Mr. Chairman, this program will be a morale boost and will allow FBI agents to focus on their vital work to protect America and all Americans.

I look forward to continuing to work with the FBI, Chairman WOLF, and yourself, Mr. HOBSON, on ensuring that FBI agents are compensated fairly; and I thank you for your strong leadership on this important issue.

Mr. HOBSON. Mr. Chairman, reclaiming my time, I want to thank Chairman WOLF for his help on this. He has lived up to the discussions that we had.

And I see Mr. KINGSTON has arrived, who wanted to make a comment on this, with Chairman WOLF's indulgence.

Mr. Chairman, I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank Mr. HOBSON for yielding; and I wanted to thank you and Mr. ROGERS for your leadership and Mr. WOLF for working together to come up with a suitable solution to this or at least a step in the right direction.

But I have been very concerned that the middle-aged middle American professional FBI leader would be forced to either take less than a leadership position with the FBI or do a stint in Washington, in which many of them have already done that, and they will do it at the same pay salary that they are, disrupting their wife's career or their spouse's career or disrupting their own career and taking a pay cut effectively, which I believe would run off a lot of our good and seasoned FBI employees. Their other choice would be to stay at home and have somebody with less experience become their boss, and it just does not make sense. We have too many good people in the field with careers running from 15 to 20, 25 years; and we do not want to lose them.

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They are the professionals who are running the FBI and doing the good work. So I commend all of you guys for the hard work that you have done on this.

Mr. HOBSON. Mr. Chairman, I thank Mr. KINGSTON, and I thank Chairman WOLF.

Mr. WOLF. Mr. Chairman, I thank Mr. HOBSON. I want to thank Mr. HOBSON, Mr. ROGERS and Mr. KINGSTON for their leadership. This should be called the Hobson-Rogers-Kingston bill to help the FBI. They have done a great service.

I support the establishment of a Housing Allowance Program within the level of funds provided for the FBI in the bill and look forward to working to protect the retirement benefits of the supervisory special agents. Mr. HOBSON, Mr. ROGERS and Mr. KINGSTON, thank you very much.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman. Let me take an appropriate time to thank both of the proponents of this bill, the ranking member, Mr. MOLLOHAN, for his consistent leadership and caring attitude toward these issues; and, Mr. WOLF, let me thank you very much for the 6 years of service that you have given. Obviously, you have a great passion for so many issues that deal with the improvement in the quality of lives, not only for those in this country, but around the world.

I do want to raise a number of issues, Mr. Chairman, and as I thank both the full committee chairman, Mr. LEWIS, and then the ranking member, Mr. OBEY, I am really disappointed as to where we find ourselves with the NASA funding. I know the choices have been made with the Moon to Mars account having risen 30 percent, but I think it is important to note that the President requested some 14 percent less for NASA education, $25 million, compared to 2 years ago, from $178.9 million to $153.3 million.

NASA's education programs capitalize on the excitement of NASA's discoveries and missions to inspire future generations of space scientists. I know in speaking to Historically Black Colleges, this has had a terrible impact.

In fact, one of the programs that was authorized under the NASA authorization that the Science Committee, of which I am a member, voted unanimously for, the Dr. Mae C. Jemison Program, the first African American female astronaut still remaining in history, a program named after her to encourage math and science among minority girls. Certainly with the brain drain that we have and the lack of scientists that we are producing in this country, this is an important program.

Might I also mention that in a few days we will launch another space shuttle. But I am concerned, and I have raised this with the director and have sent him a letter, that this shuttle is going in spite of the opposition of safety engineers at NASA. I believe that this record must not close on an appropriation bill without requiring answers from NASA, and I hope to get those answers in the next 24 hours.

Mr. WOLF. I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding. I want to join with others in commending him and the ranking member on producing a very good bill. There are a lot of important priorities in this legislation. We are funding critical agencies involved in the war on terror, the Department of Justice, the Department of State, as well as our critical problems with methamphetamine abuse and gangs.

But I want to particularly commend the chairman on his work in the NASA account. NASA continues to be a very, very important component of the fabric of our society. We are a Nation of explorers. It has become part of our culture. The heroics of the efforts of people involved in programs like Mercury and Gemini continue on to this day.

We are now in a critical phase where we are developing a new manned vehicle to replace our aging, venerable space shuttle fleet with the Crew Exploration Vehicle, with its planned agenda to support operations of someday going back to the Moon and possibly on to Mars.

So I commend the chairman. This is a very important component in the account.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I rise in support of this excellent bill and to thank my good friend and colleague, Chairman FRANK WOLF, for his tireless leadership in funding for basic scientific research in the fiscal year 2007 budget.

In a tough budget environment, Chairman WOLF has fought hard to ensure that the President's American Competitiveness Initiative is fully funded. I appreciate the chairman's hard work on an issue that is so important to the Nation.

I spent my career in Congress championing the need for investment in basic research to help keep our Nation on the leading edge of science and innovation. We have gained so much benefit from basic research, ranging from MRIs, through laser technology, human genome mapping, fiberoptics, and GPS systems. The President has recognized the necessity of this investment through his American Competitiveness Initiative, which includes much needed funding for the National Science Foundation.

I very much appreciate that Chairman WOLF has recognized this need and has done as much as he could within the constraints of the budget to provide this funding.

Also I should mention NIST and the great work they do, as well as NOAA and the National Weather Service. In these difficult budgetary times, the chairman has done a marvelous job, and I am very pleased by the funding levels for these entities. I urge my colleagues to support this bill, and again thank Chairman WOLF for his leadership on important science research and education issues.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, this Nation's investment in the sciences is not only the right thing to do; it is critical to our very survival as a global leader. Throughout the 20th century, one of the strengths of the United States was our knowledge-based resources, particularly science and technology. But now we are at a crossroad and we have the ability to continue to strengthen the scientific and technological foundations of our economic leadership, which appear to be eroding at a time when many other nations are building their innovative capacity.

Recently, Chemical and Engineering News reported that 75 percent of all new R&D sites are planned to be established in China and India over the next 3 years. Currently, China awards 59 percent of its undergraduate degrees in the areas of science and engineering, compared with 32 percent in the United States.

As chairman of the Space and Aeronautics Subcommittee, I believe the National Aeronautics and Space Administration should be funded at a higher level than the President's request, but I know the realities of funding allocations.

Aviation is currently the country's largest manufacturing export. The average sales in the aerospace industry is about $200 billion a year. It is one of the main contributors to our global competitiveness. We are main contributors to our global competitiveness. We are facing an increasing economic challenge from abroad and cannot take a chance of faltering. If we begin to slip in the wrong direction, reversing directions is even more difficult.

As my friend, Dr. Neil DeGrasse Tyson, astrophysicist for the Hayden Planetarium, has told me, "Much work remains to convince the public and Congress of America's need for sustained investment in NASA, with returns on education, the economy and the security. It is not just about Tang and Velcro; it is about a way of enabling the future we all want to occupy."

The House Appropriations Committee has done a great job in trying to funnel funding into the science agencies within its jurisdiction, despite its very tight allocation. I want to commend those members of the committee and ask this body to support this carefully balanced appropriations bill. We cannot move funding from science to the other areas, and we cannot rob Peter to pay Paul by moving funding from one science agency to another.

I urge my colleagues to vote against any amendments that would strip NASA of funding to add to other accounts, regardless of how well-intended those other programs may be.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I rise for the purpose of a colloquy with the chairman regarding the importance of the Crime Victims Fund and programs authorized in Justice for All Act.

Mr. Chairman, I know you understand the importance of the Crime Victims Fund, which provides funding for victim services programs and compensation for victims of crime from Federal criminal court fines, forfeitures and special assessments, not taxpayer dollars. For the second year in a row, your committee rejected the administration's proposal to permanently rescind the $1.2 billion in the fund, and for that I thank you.

The bill places a limit on obligations in the Crime Victims Fund at $625 million. I want to ensure that all of that money is used for crime victim programs and that the limitation does not include any obligation that may be made under the Antiterrorism Emergency Reserve.

Is that the chairman's understanding?

Mr. WOLF. Yes, that is my understanding. The Antiterrorism Reserve is a separate portion of the Crime Victims Fund, and there is a statutory authority allowing obligations to be made on top of any limitation carried in this bill.

Frankly, the administration never sent a rescission up again with regard to this.

Mr. POE. I want to thank the chairman. I also want to highlight the programs under the Justice for All Act of 2004 which authorizes funding to increase victims notification programs, DNA backlog programs, and Sexual Assault Forensic Exam grants.

This bill provides a significant investment for programs authorized in the act, but I want to call special attention to the Sexual Assault Forensic Exam grant program so that training, technical assistance, education, equipment and information regarding the collection, preservation and analysis of

DNA in sexual assault cases can be enhanced.

I ask the chairman's help in supporting this grant program through the funds provide for the Justice For All Act.

Mr. WOLF. Mr. Chairman, if the gentleman will yield, I thank my colleague from Texas. The bill includes $10.69 million specifically for victims programs authorized by the Justice for All Act, which is $1 million above the President's request, and includes $176 million for DNA grants not earmarked, which is $68 million above the current level. As we work with the Senate in conference, we will work to ensure the highest level possible for all the programs authorized by the Justice for All Act.

Mr. POE. I thank the chairman on behalf of victims of crime and the Victims Rights Caucus and the criminal justice professionals, and I thank you for your support.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $90,136,000, of which not to exceed $3,000,000 shall remain available until expended.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first let me commend the chairman and ranking member for their work on this bill. Today I rise to bring attention to a very critical issue, and that is how to provide evidence-based treatment for prisoners with mental illness and substance abuse disorders.

Nearly 74 percent of those arrested test positive for drugs and alcohol at the time of arrest. The disease of alcoholism and addiction is obviously a very important one in our justice system, and hence if we are going to reduce recidivism rates and reduce the revolving door of people going in and out of prison, we must tackle this issue of both trying to reduce the stigma and the access to treatment of those with alcoholism and addiction.

A study by the National Institute on Drug Abuse has said that prison-based substance abuse treatment programs combined with aftercare reduces recidivism. Those who have not received these programs have recidivism rates up to 75 percent of the time. Those who have had treatment have recidivism rates under 27 percent of the time. Seventy-five percent recidivism without treatment, 27 percent recidivism with treatment.

So the fact of the matter is, we can make an enormous difference in helping to reduce not only the lives lost, but also the cost to our prison system. We are going to add $90 million in this bill for new prison construction. How many people out there as taxpayers want to pay for new prison construction, when over half the people in prison today are there for simple possession of drugs and alcohol.

I would like to ask the chairman of the committee to engage in a colloquy, and first commend him for increasing the amount for the drug courts over 300 percent in this budget, recognizing the importance of reducing recidivism and keeping people out of the prison system, and ask him whether he would work with me to make sure that we tie in the National Institute on Drug Abuse, obviously the Substance Abuse and Mental Health Services Administration, and, of course, HHS, to help us address this overall issue that does not just lie in the justice system, but rather lies around an interagency approach to this subject.

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Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Rhode Island, a member of our subcommittee, for raising this very, very important issue.

As you mentioned, dealing with the issues of substance abuse and prisoners is a critical component of ensuring that they do not repeat their crimes. Reducing recidivism of prisoners is a goal that those of us on both sides of the aisle can support.

I appreciate the gentleman's commitment. We will see what we can do with regard to coordination. The gentleman has been very faithful in raising this over and over. We will try to help in every way possible.

Mr. KENNEDY of Rhode Island. I know the gentleman will. I thank him for all of his work in this area, and I thank him for his 6 years of service as chairman on the committee.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, over the last year, I have mentioned to Chairman WOLF on a number of occasions that I think of him every time that it rains. With the torrential downpours that we have had here in the Northeast over the last several days, I have been thinking of him even more, and thanking him, thanking him sincerely as well as thanking Ranking Member MOLLOHAN and their respective staffs for responding to the great potential for preventable flooding disaster in the part of the country that I represent along our southern border in Texas.

I very much appreciate the subcommittee including $6.4 million in this bill for improvements to the levees along the Rio Grande River. This means that construction can begin for vital protection for the cities of McAllen, Hidalgo, Pharr and Granjeno.

Thank you for reassuring the families in these communities that, despite both the very tough competition for Federal dollars and our inability to get the Administration to really place a priority on flood protection, that you heard and answered their plea for help. This is a significant increase in support that will help ensure that, in the event we have a hurricane or even a very strong tropical storm, that thousands of families will not find their homes flooded, their businesses closed, their drinking water polluted and relief efforts hampered as both the local airport and highways are inundated.

In the spring of last year, as I first began representing the Rio Grande Valley, I made what was, until recently, the only request for more levee rehabilitation dollars. I appreciate the 39 local governments, school districts and economic development corporations that endorsed this call for life-saving Federal investment.

While today's bill nearly triples the Administration request for levees, I know the subcommittee is fully aware that much more is needed every year for the next decade to ensure rehabilitation for these levees, which are up to 9 feet short, geologically flawed, structurally unsound and could be overtopped along 38 river miles.

The millions that we invest today are the beginning of a vital investment that, when repeated in future years, will save us billions in flood relief and untold human misery.

But for the fate of nature, the hurricane that hit New Orleans could just as easily have tracked west instead of tracking east and caused a similar disaster in Texas. Until the entire rehabilitation program of the International Boundary and Water Commission is completed, at a total cost that is a mere fraction of what Congress has already approved for New Orleans, we remain at very great risk.

Now the Valley looks to our Texas Senators and to the Administration to fully support what this subcommittee has done and to add funds to what is being approved here in this bill so that together we can ensure a reasonable level of safety and avoid another Katrina-style disaster.

Mr. ETHERIDGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman.

Mr. Chairman, as you remember, 6 years ago I came to this floor and shared with the body about a Hurricane Summit that I had held in the Second District of North Carolina. It was in response to devastation that took place from a major hurricane by the name of Floyd.

That hurricane was the strongest and most devastating storm to hit the United States in more than 25 years. When Floyd roared across the east coast from the Carolinas to New England and through Virginia and Washington, D.C., in September of 1999, it took 56 lives and upward of $6 billion in devastation.

Floyd showed us that much more damage, death and destruction can be created by the unexpected inland flooding of fresh water, more so than what happens on the coast. North Carolina was a good example of that. My district is an inland district and suffered greatly from that storm.

Last summer, this was displayed again with devastating intensity during Hurricanes Katrina and Rita. When, as we all witnessed, the damage that was done, that did not just limit itself to the areas on the Gulf Coast.

After the storm pushed inland in Louisiana, Mississippi and Alabama, in the weeks that followed, we saw the severe flooding and the anguish and the problems that was wrought by it. And just this past weekend we saw it right here in Washington, D.C.

That Hurricane Summit brought together metrologist experts from universities, the National Hurricane Center and the National Weather Service to develop more accurate indexes for inland flooding monitoring. The purpose of this index, simply put, is to save lives. Too many times these storms hit and bring harm to people who have a false sense of security because they believe they live far inland and too far inland to escape flooding.

With information that was gathered at that summit, we drafted legislation, as you remember, Mr. Chairman, and it ensured that NOAA and the National Weather Service would make significant improvements to the Inland Flooding Warning System. That bill was H.R. 4826, the Inland Flood Forecasting and Warning System Act of 2002, that passed the 107th Congress, and it enjoyed wide bipartisan support.

The legislation directed NOAA to do three things: Improve the capacity to forecast inland flooding associated with tropical storms and hurricanes; two, to develop a distinctive inland flooding warning system for emergency management officials that clearly defines inland flood risks and dangers; and, third, train emergency management officials, National Weather Service personnel and metrologists to use these improved forecasting techniques on inland flooding.

And the important part of this legislation required the National Weather Service and NOAA to report annually to Congress on the progress of this new index. Mr. Chairman, this week we saw, as I said, what could happen here.

I would like to work with you and the members of the Appropriations Committee to ensure that NOAA provides these reports to Congress in a timely manner. Congress must provide the proper oversight to NOAA to ensure that the progress to develop this important index is done and it is accomplished as soon as possible to save lives.

I thank the chairman. I yield.

Mr. WOLF. Mr. Chairman, I agree with the gentleman. Just look at the weather we have been having here in the Washington, D.C., area the last several days.

I would like to thank the gentleman from North Carolina for his leadership on the issue. We look forward to working with him on the issue as the bill moves forward.

Mr. COSTA. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman.

Mr. Chairman, I would like to first commend the chairman and the ranking member for the good work that they have done on this legislation.

Mr. Chairman, as you know, there is a Federal Bureau of Prisons facility that has been authorized and appropriated in a small farming community in my district, in Mendota, California. In May, 2000, the Bureau of Prisons proposed to build a medium security correctional institute in the U.S. Western Region and selected Mendota as the site. This facility, when completed, would house 1,152 beds that are needed in a system that is already over 37 percent over capacity.

In fiscal 2001 and fiscal 2002, $158.9 million was appropriated for the site planning, development, construction of the Mendota facility. However, rescissions of $57 million in fiscal year 2002 and 2004 have jeopardized this project. To maintain the existing contract, the final option must be exercised by this year, October 8, 2006.

Should this contract expire, a new bid is expected to increase the cost of the facility by over 20 percent more. Over $100 million in Federal funds has already been spent on the facility. It now sits empty, and 40 percent of the construction is completed.

If this rescission is allowed to stand, it will stand as a testament to the Federal Government's response of being penny wise and pound foolish.

Mr. Chairman, is it your understanding that the $89 million included in this bill for construction and maintenance of Federal prisons is not directed to specific facilities?

Mr. WOLF. The gentleman from California is correct.

Mr. COSTA. Then, Mr. Chairman, if the Bureau of Prisons deems this project a priority, would the chairman agree to work with me to try to make funds available to continue this facility so that it is not left half completed and therefore wasted Federal funds would have been spent?

Mr. WOLF. The committee is aware of the circumstances surrounding the Mendota facility and will work with the gentleman from California.

Mr. COSTA. Mr. Chairman, reclaiming my time, I would like to thank the gentleman from Virginia for his comments.

With the permission of the Chair, I will now submit for the RECORD an additional statement detailing the situation at this Mendota facility and commit to continue to work with you.

Chairman WOLF and Ranking Member MOLLOHAN, I commend you for your leadership and good work on the Science State Justice Commerce Appropriations measure, given the limitations of the budget. I was particularly pleased with the report language addressing the Administration's shortsighted request to rescind prison construction funds bearing in mind the increasing demands on our already overcrowded federal prisons.

Mr. Chairman, on behalf of my constituents in the small rural town of Mendota, I would like to call your attention to an issue of pressing concern in the congressional district I am proud to represent. At its core this is an issue of smart budgeting, addressing security demands, and the federal government following through on its commitments.

In May of 2000, the City of Mendota was approached by the Federal Bureau of Prisons proposing to build a medium security federal correctional institution in Mendota, California. The required environmental impact study followed, after which Mendota was selected. The local elected officials and community leaders have been strong supporters of the project, proud to provide a public service to the country and encouraged by the economic stimulus the prison would create.

The demand for such a prison is imperative and the Mendota facility will provide much needed bed space for 1,152 medium-security male inmates. With crowding at medium-security facilities currently 37 percent over capacity, this institution is of critical importance. Worse yet, an additional 7,500 new federal inmates are expected to enter our federal prisons annually.

Today, California's Corrections Institutions are the second-largest prison system in the nation after the Federal Bureau of Prisons. California's prison population, according to a June 11, 2006, report in the Washington Post, "has surged in recent months to more than 173,000, resulting in the worst overcrowding in the country and costing taxpayers more than $8 billion a year." Just today, The Sacramento Bee reported that California "prisons are more overcrowded than ever, some 200 percent of design capacity." In response, California Governor Arnold Schwarzenegger called for a special legislative session and proposed an initiative to expedite the construction of State prisons.

The funding history for the Mendota facility is an embarrassment. Should the Administration get its way in the FY2007 budget, it is the American taxpayer that will bear the burden of increased costs. Funding for this facility includes $11.9 million in FY2001 for site and planning development and $147 million in FY 2002 for remaining construction funding. However, rescission of $5.744 million in FY 2002 and $51.895 million in FY 2004 has jeopardized the entire project. To maintain the existing contract, the final option must be exercised by October 8, 2006. Should this contract expire, it is anticipated that any new contract will cost at least 20 percent more.

However, the President's FY2007 Budget contained no funding for the completion of the Mendota facility.

The federal government has made a long term commitment to construct and operate the Mendota facility. Over $100 million in federal funds has already been spent on the facility with 40 percent of the construction complete. To bring this project to a virtual halt at this stage would be unfair to the citizens of Mendota, a city with an 18.6 percent unemployment rate and 42 percent living below the poverty line. Mendota is counting on the government to keep its promise.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask the gentleman from Virginia to engage in a colloquy. I would ask the gentleman from Virginia to do that. This would involve the provision in the bill's committee report that relates to the Federal Bureau of Prisons.

I am thankful that the committee has included language in the fiscal year 2007 bill with the intent to direct the Bureau of Prisons to renew the intergovernmental agreements with four West Texas communities, including Reeves County, which are set to expire in 2007, if these local governments offer the Bureau of Prisons fair and reasonable prices and their facilities meet the Bureau of Prisons' standards.

Further, I am pleased that it is the intent of the committee that this language be binding upon the Bureau of Prisons under application of this appropriations bill.

It is also my understanding that there is a misprint in the committee report accompanying the 2007 Science, State, Justice, Commerce Appropriations Bill. The language in the report should read, as passed by my amendment during full committee markup, that the Bureau of Prisons is directed to renew agreements with local governments housing Federal criminal aliens, if these facilities meet Bureau of Prisons' standards and a fair and reasonable price is offered.

I am hopeful that the chairman will acknowledge that this is the language that was intended.

Mr. WOLF. I thank the gentleman from Texas, who is very, very, very persistent. I agree with his description of the intent of the language and acknowledge that the report should reflect what was passed by the committee last week as described by gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I thank the gentleman from Virginia for his support on this issue of great importance to my constituents and the people of the State of Texas.

Ms. MOORE of Wisconsin. I move to strike the last word.

Mr. Chairman, would the chairman of the Science, State, Justice and Commerce Appropriations subcommittee engage me in a colloquy?

Thank you for yielding and engaging in this colloquy on the Small Business Administration's New Markets Venture Capital Program.

Mr. Chairman, we have talked before about the many small businesses located in low-income urban and rural areas that lack access to capital in the form of equity, and that presents a serious barrier to growth.

Although it is widely recognized that small businesses create 75 percent of all new jobs and account for 99 percent of all employers, conventional venture capital firms simply overlook low-income areas; and it handicaps these businesses' ability to leverage resources needed to expand existing operations and hire and train qualified employees.

The Small Business Administration's New Markets Venture Capital Program was established precisely for this purpose, to fill the access to capital gap that exists for a number of these small businesses in these communities. The program was designed for the purpose of making equity investments in growing small businesses located in economically stressed urban and rural regions through the creation of privately managed new market venture capital companies.

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The overall objective of these equity investments is to provide patient capital to help promote economic development and the creation of wealth, not for individuals but wealth to support employment opportunities in underserved areas, as well as among the residents living in such neighborhoods.

Six new market venture companies were created during the initial phase of this program. Mr. Chairman; and these firms are still operating and making critical equity investment in small businesses, primarily located in low-income urban and in rural areas. It is imperative that the new market venture capital program is given a chance to succeed in order to continue its mission in bringing much-needed equity investment capital to small businesses in these communities that need them the most.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. MOORE of Wisconsin. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from Wisconsin for her very, very hard work and leadership on this issue.

The committee shares her concern of providing sources of capital for small businesses and makes a very compelling point. The committee supports this small business investment company, SBIC, program, another SBA program that provides equity investments to small businesses. The committee also understands that the NMVC program is still operational and that the SBA is still monitoring the work of the existing NMVC companies.

Ms. MOORE of Wisconsin. Mr. Chairman, I thank you for your concern. As you may know from our previous conversations, my congressional district includes the City of Milwaukee, a city that currently ranks 48th out of the 50 largest U.S. cities in venture capital investment dollars, 7th among the poorest cities in the Nation, and has a 52 percent unemployment rate among African American men.

I recognize that these SBICs offer another source of equity capital for small businesses. However, as you can see, more needs to be done to ensure that these investment dollars are specifically geared toward those urban and rural neighborhoods that continue to be left behind. It is so crucial that we do our part to provide the necessary incentives to encourage venture capital investments in these communities, and I respectfully ask for your help in this effort.

Mr. WOLF. Mr. Chairman, if the gentlewoman would yield, the committee notes your concern; and we will do everything we can to help.

Ms. MOORE of Wisconsin. Thank you so much, Mr. Chairman; and I look forward to working with you.

Mrs. SCHMIDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to engage in a colloquy with the esteemed chairman of the subcommittee, Mr. WOLF.

Mr. Chairman, in January, I introduced legislation to require the Department of Justice to make available on the Internet the documents related to the Foreign Agents Registration Act, called FARA. It is imperative that we make FARA documents available on the Internet. This will increase public access to information about foreign lobbyists and, in turn, increase public confidence in Congress.

I know the subcommittee chairman has been working with the Department of Justice to accomplish this. I am told that this process is under way and may be completed by the end of the year. I thank the subcommittee chairman for his continuing leadership and for including report language urging the Department of Justice to complete this effort as quickly as possible. I would like to work with the subcommittee chairman to ensure that this important project is completed this year.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHMIDT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I most certainly will work with the gentlewoman from Ohio on this project. This is very, very important.

You had lobbyists downtown lobbying for the Khartoum government on the issue of Darfur, where this House has voted, saying that what is taking place in Darfur is genocide, and yet you actually had a high-level official who had worked at the State Department and National Security Council out there representing the Khartoum government.

You also have a number of law firms in this city that are now representing China, and I do not know how you live with yourself if you represent China and you are an American citizen. We had a meeting yesterday and we found out there are now 40 Catholic bishops and priests in jail in China today, 40. There are 4 to 6,000 evangelical house church people in jail today in China, and yet some of the big law firms downtown are representing China.

And then the beat goes on. You have them representing China with regard to what is taking place in the Uighurs, what is taking place with the Dalai Lama and in Tibet.

So I think the gentlewoman's amendment and position is exactly right. We will do everything we can to make sure that it is on line so we can find out who has the audacity to represent Sudan and the Khartoum government during the days of genocide and the same thing with regard to China.

So we will look forward to working with the gentlewoman.

Mrs. SCHMIDT. Mr. Chairman, I thank the subcommittee chairman for his remarks and look forward to working with him and the rest of the Congress.

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me begin by expressing my gratitude to you for your leadership and the hard work that you and your staff have put into the fiscal year 2007 Science, State, Justice, Commerce Appropriations bill.

Mr. Chairman, I also want to thank you for your great work in helping local law enforcement and for working to increase funding in the COPS program, which is desperately needed. While there are many ways the Federal Government protects us, ultimately local law enforcement is on the front lines in our neighborhoods when it comes to fighting crime and, now, in fighting terrorism; and the COPS program provides vital assistance to them in these efforts.

I spent 33 years of my life in law enforcement and served as a patrol officer all the way to the sheriff of the King County Sheriff's Office in Seattle, Washington, one of the largest law enforcement agencies in the country. As a sheriff, I have witnessed how the COPS program provided much-needed funding to King County, from school resource officers to new law enforcement technology.

Mr. Chairman, the Federal Government is constantly telling local law enforcement in this new post-9/11 age that we must work in partnership, that we must work together to keep our Nation safe. After all, catching a terrorist in Seattle who may want to kill people in Los Angeles is not just a local problem; it is a national problem.

However, the word "partnership" rings hollow if the vital funds necessary to implement that partnership are not there. If local law enforcement upholds its end of the program, the vital funding is required. Too often, this funding comes from their budget without any Federal assistance. The local agencies are faced with a dilemma of either not participating in vital terror-fighting activities and programs, or joining in those efforts and shortchanging local programs that keep our families safe.

Starting in 2002, funding for local law enforcement under the COPS program decreased. The COPS program received $929 million in 2003, $411 million in 2006. This does not send the right message to our local law enforcement about the commitment of Congress to work with that partnership.

However, I am very grateful to you, Mr. Chairman, for being willing to listen and to work on this issue with me. With your help, this year's bill will increase total funding for the COPS program to $570.5 million. This is the first increase in COPS funding in 5 years and something to be thankful for and proud of. In addition, $99 million is included in the bill to address meth cleanup.

Adequately funding the COPS program in this bill sends the right message to our local law enforcement community that the Federal Government is an equal partner and that the Federal Government is giving local police backup in this fight.

While we still need to work to continue to increase funding for local law enforcement efforts in the fight against meth, I believe that this increase is a positive step in the right direction. Tight budget constraints make it impossible to fully fund every program, and I thank the chairman for recognizing the importance of local law enforcement and providing an increase in the COPS program.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. REICHERT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Washington for raising this issue. He has talked to me so many times, and I appreciate his persistence.

I want to thank him for his leadership on issues important to law enforcement and the fight against meth and the spread of gangs in our communities. I understand your perspective on this concern as a former law enforcement officer, and I am glad I was able to work with you to provide increased funding under the COPS program; and, frankly, if we could do more when we get to conference, we will be glad to do that.

Mr. REICHERT. Mr. Chairman, I thank the chairman. I look forward to working with you.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Terry) having assumed the chair, Mr. Hastings of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5672 in the Committee of the Whole, pursuant to House Resolution 890, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments printed in the Record and numbered 2, 3, 5, 7, 11, 12, 13, 16, 17, 18, 20, 21, 22, 23, 24 and 25; an amendment by each of the following specified Members:

Mr. Reichert, regarding funding for the Justice Assistance grant program, which shall be debatable for 20 minutes;

Ms. Brown-Waite, regarding funding for VAWA program;

Ms. Velázquez, regarding funding for the SBA, which shall be debatable for 20 minutes;

Mr. Hinchey, regarding funding limitation on implementation of medical marijuana laws, which shall be debatable for 20 minutes;

Mr. WOLF or Mr. MOLLOHAN, regarding funding for State and local law enforcement assistance;

Mr. OBEY, regarding funding for Legal Services Corporation;

Mr. BOSWELL, regarding funding for criminal records upgrades;

Mr. WYNN, regarding funding for drug courts;

Mrs. JOHNSON of Connecticut, regarding funding for FBI salaries and expenses;

Mr. MOLLOHAN, regarding funding for various programs and tax law changes;

Mr. KENNEDY of Minnesota, regarding funding for Justice Assistance grant program;

Mr. KENNEDY of Minnesota, regarding funding for Justice Assistance grant program;

Mr. BARROW, regarding funding for SCAAP;

Ms. MILLENDER-MCDONALD, regarding funding for drug courts;

Mr. GARRETT of New Jersey, regarding funding for Justice Assistance grant programs;

Mr. REYES, regarding funding for the Southwest Border Initiative;

Mr. FOSSELLA, regarding funding for COPS bulletproof vest program;

Mr. LYNCH, regarding funding for COPS bulletproof vest program;

Mr. RENZI, regarding funding for tribal law enforcement;

Ms. JACKSON-LEE of Texas, regarding funding limitation on targeting segments of the Muslim and Arab communities for national security investigations;

Ms. JACKSON-LEE of Texas, regarding funding limitation on State and local anti-drug task forces that do not collect data on the racial distribution of convictions;

Mr. BROWN of Ohio, regarding USTR funding for China enforcement;

Mr. BROWN of Ohio, regarding ITA funding for the Office of China compliance;

Mr. ROGERS of Michigan, regarding funding for the Manufacturing Extension Partnership Program;

Ms. EDDIE BERNICE JOHNSON of Texas, regarding funding for NOAA;

Mr. GILCHREST, regarding funding for certain NOAA programs;

Mr. THOMPSON of California, regarding funding for Pacific Coastal salmon recovery;

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Mr. BROWN of Ohio, regarding funding for NASA aeronautics research;

Ms. JACKSON-LEE of Texas, regarding funding for NASA education programs;

Ms. WATSON, regarding funding for the Bureau of Economic and Business Affairs;

Mr. MURPHY, regarding funding reduction for FCC unless certain rulemaking occurs;

Mrs. DAVIS of California, regarding funding for the National Veterans Business Development Corporation;

Mr. OBEY, amending FLSA with respect to the minimum wage;

Mr. ANDREWS, regarding funding limitation on revisions to OMB circular A-76;

Mr. BAIRD, regarding funding limitation on motions filed under section 3730 of title 31;

Mr. CAPUANO, regarding funding for young witness assistance grants;

Mr. CARDOZA, regarding funding for drug endangered children grant program;

Mr. CULBERSON, regarding funding limitation on activities in contravention of section 1373 of title 8;

Ms. DEGETTE, regarding funding for Internet Crimes Against Children task forces;

Ms. DELAURO, regarding funding for sexual assault services grants;

Mr. ENGEL, regarding funding limitation on energy efficiency standards;

Mr. ETHERIDGE, regarding the Hometown Heroes Act;

a funding limitation by Mr. FLAKE on each of the following: Rochester, New York Tooling and Machining Association for a workforce development program;

Bronx Council for marketing of local business arts initiatives;

Arthur Avenue Retail Market for local business requirements and improvements;

Wisconsin Procurement Initiative;

JARI for a regional business incubator;

Fairmont State University for a small business development initiative;

Fairplex Trade and Conference Center;

Southern and Eastern Kentucky Tourism Development Association;

JARI Workforce Development Program and Small Business Technology Center;

Oil Region Alliance of Business, Industry and Tourism;

Mr. FRANK of Massachusetts, regarding funding limitation on manned space mission to Mars;

Mr. GARRETT of New Jersey, requiring annual report on U.S. contributions to the U.N. and affiliated entities;

Mr. GINGREY, regarding funding limitation on participation under the Visa Waiver program;

Mr. HINCHEY, regarding funding limitation on "Knock and Announce" policies;

Mr. HINCHEY, regarding medical marijuana and transfers of funds for certain State and local programs;

Mr. HINCHEY, regarding funding limitation for FCC licenses based on ownership;

Mr. HINCHEY, regarding funding limitation on private phone records from data and credit brokers;

Mr. INSLEE, regarding funding for children and youth programs and the national tribal sexual offender registry;

Ms. EDDIE BERNICE JOHNSON of Texas, regarding funding for juvenile justice programs;

Ms. EDDIE BERNICE JOHNSON of Texas, regarding funding for the juvenile delinquency prevention block grant program;

Mrs. JONES of Ohio, regarding funding limitation on the EEOC National Contact Center;

Mr. KING of Iowa, regarding funding for enforcement of section 642 of the IIRIRA;

Mr. KUCINICH, regarding funding limitation on NASA involuntary separations;

Mr. LIPINSKI, regarding funding for Law Enforcement Tribute Act;

Mr. MCCAUL of Texas, regarding funding limitation on U.N. peacekeeping missions in which U.N. employees under investigation have not been removed;

Mr. MCCAUL of Texas, regarding funding limitation on the U.N. Human Rights Council unless certain members are removed;

Mr. MCCOTTER, regarding funding limitation on filing under FARA unless certain conditions are met;

Mr. NADLER, regarding funding for the Jessica Gonzalez Victims Assistance Program;

Mr. NADLER, regarding funding for FBI salaries and expenses;

Mr. NADLER, regarding funding limitation on issuance of NSA letters to health insurance companies;

Mr. SHERMAN, regarding funding limitation on detention of enemy combatants;

Mr. SODREL, regarding funding limitation on enforcement of the final judgment issued in Hinrichs v. Bosman;

Mr. TIAHRT, regarding competitiveness;

Ms. WATSON or Mr. ISSA, regarding funding limitation on accession of the Russian Federation into the WTO unless USTR makes certain certifications;

Mr. WAXMAN, regarding funding limitation on Industry Trade Advisory Committee on Chemicals unless certain membership requirements are met;

Mr. WEINER, regarding funding for COPS hiring program; and

an amendment or amendments by Mr. WOLF.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I want to make the point again that if all of these amendments are offered, we could be here for as much as 25 hours.

So I would hope that Members would consider whether or not these amendments are duplicative and that some of them might not be offered, if we are going to finish this in a timely fashion.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 890 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5672.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 2, line 8.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I move to strike the last word.

My amendment proposes to move $1 million from Justice General Administration in order to restore funding eliminated from the budget request for the Missing Alzheimer's program. This program is critical to supporting law enforcement efforts to find missing adults suffering from the terrible disease of Alzheimer's.

This is very important because Alzheimer's is a very difficult situation for both the individual with Alzheimer's and the family members. I offer it on behalf of Mr. MOLLOHAN, and I know Congresswoman Maxine Waters strongly, strongly supports the adoption of the amendment.

The CHAIRMAN. Does the gentleman intend to offer an amendment?

Mr. WOLF. I do, Mr. Chairman.

Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 2, line 7, after the dollar amount, insert the following: "(reduced by $1,000,000)".

Page 23, line 4, after the dollar amount, insert the following: "(increased by $1,000,000)".

The CHAIRMAN. Pursuant to clause 2(f) of rule XXI, the Chair must query whether any Member raises a point of order against provisions of the bill addressed by the amendment but not yet reached in the reading: to wit, the paragraph beginning on page 22, line 18.

If not, the gentleman from Virginia is recognized for 5 minutes on his amendment.

Mr. WOLF. Well, I won't repeat myself. The amendment proposes to move $1 million from Justice General Administration in order to restore funding eliminated from the budget request for the Missing Alzheimer's program. It is a very important and very needed program.

Mr. Chairman, with that, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, how is the time controlled on this amendment; and how much time is on the amendment?

The CHAIRMAN. There are 10 minutes of debate. Nobody has claimed the time in opposition as of yet.

Mr. MOLLOHAN. We have no opposition, Mr. Chairman, but I will claim the 5 minutes.

The CHAIRMAN. Does the gentleman ask unanimous consent, notwithstanding the fact he is not opposed, to have the time in opposition?

Mr. MOLLOHAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume, and I rise in strong support of the amendment.

There are 4.5 million Americans suffering from this terrible disease, Alzheimer's, and by 2050 we are looking at over 16 million potential victims of this dementia disease.

Wandering is a terrible condition and of great concern to the loved ones of individuals with Alzheimer's. This program addresses that and addresses it very effectively. I compliment the chairman for the amendment and compliment our colleague from California, Ms. WATERS, who has been a champion in this field.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time on this side. I know my colleague has a group who want to speak.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I would like to thank the gentleman from Virginia (Mr. WOLF) for offering this amendment with me to restore funding for the Safe Return Program for Alzheimer's patients. I would also like to thank him and my colleague from West Virginia (Mr. MOLLOHAN) for all their hard work on this bill.

Mr. Chairman and Members, I did become rather alarmed when I learned the Science, State, Justice, Commerce bill for fiscal year 2006 reported out of the Appropriations Committee had not funded Safe Return, and I am just so appreciative for Mr. WOLF's leadership and Mr. MOLLOHAN's leadership in agreeing to make sure that this funding was restored.

An estimated 4.5 million Americans have Alzheimer's disease, including one in 10 individuals over 65, with nearly half of those over 85. Sixty percent of Alzheimer's patients are likely to wander from their homes. Wanderers are vulnerable to dehydration, weather conditions, traffic hazards, and individuals who prey on those who are defenseless. Up to 50 percent of wandering Alzheimer's patients will become seriously injured or will die if they are not found within 24 hours.

The Safe Return Program for Alzheimer's patients is a Department of Justice program that helps local communities and law enforcement officials identify wandering Alzheimer's patients quickly and ensures their safe return home. Under the Safe Return Program, patients are enrolled in a confidential national computerized database and provided with an identity bracelet or other identifying materials, such as necklace, key chain, wallet card, or clothing labels. The identifying materials contain the patient's name and a toll free number to contact their family.

Since its inception 10 years ago, the Safe Return Program has registered over 143,000 individuals who may wander, and has united over 11, 200 wanderers with their families. The Safe Return Program was able to carry out its lifesaving work with an appropriation of $840,000 in fiscal year 2006. Unfortunately, this had, I guess, been overlooked for a while. But now that our colleagues have provided the leadership to put in $1 million, this program will remain in the budget. The Wolf-Waters amendment would restore the funding for this critical program and provides $1 million in fiscal year 2007, a slight increase over the 2006 funding level.

I know that we are all very pleased about this, so let me just remind my colleagues that we have families now, working families, and sometimes their parents, both parents, have Alzheimer's disease. We have many families that are struggling to take care of their children, go to work every day, and take care of their parents. This program helps so much because they will wander away. But with this funding and the Alzheimer's Association, working with the Justice Department, they can return many of these wanderers back to their families, and of course keep them safe.

I thank you so very much.

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Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment again, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Page 2, line 7, after the dollar amount, insert: "(reduced by $6,736,000)".

Page 62, line 12, after the dollar amount, insert: "(reduced by $20,000,000)".

Page 86, line 17, after each of the dollar amounts, insert: "(increased by $25,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, this amendment simply adds $25 million to the Legal Services Corporation, returning it to the 2003 level from which it has fallen since that time. We have a bipartisan letter to Chairman WOLF from Ranking Member MOLLOHAN signed by 160 Members of this House led by Representatives RAMSTAD and DELAHUNT, calling on the committee to restore funding for this program.

This bill cuts LSC by $12.7 million below last year's level. LSC-funded programs are the Nation's primary source of legal assistance to women who are the victims of violence. Seventy-three percent of those seeking assistance under this program are women.

This budget has declined from $400 million in 1996, and we are not even restoring it to that level. We are simply asking to restore $25 million of the massive cut that has occurred since that time.

Because of the cuts already incurred by this program, 16 field offices have already been closed. I don't think we want to see any more of that.

The offsets are very simple. We are taking $6.7 million from the Department of Justice general administration funds. The account is below the request, but the mark funds an 18 percent rent increase for management.

We would secondly take the rest of the funding out of the Department of State Administration of Foreign Affairs, Diplomatic and Consular Programs. The account includes a $76.9 million increase over the current year. This cut leaves in place increases for Intelligence and Research, Public Diplomacy, Foreign Language Training, Reconstruction and Stabilization and Border Security.

Mr. Chairman, we stand on this floor every day, and we recite the pledge of allegiance to the flag. In the process of doing that, we pledge to support "liberty and justice for all."

You simply cannot have justice in this country if you do not have adequate access to its court system. It seems to me that this amendment is on its face self-evident. There is no reason why we cannot, with all of the money we spend for so many other programs, there is no reason that we cannot provide such a small restoration of funding for people who have nowhere else to go to be able to participate in what is supposed to be a system that produces equal justice for all.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I want to salute the gentleman. He made some very important points. But we have had to make some difficult decisions putting this bill together.

The bill already includes $314 million for the Legal Services Corporation. This used to be politicized. It has not been politicized. It is an increase of $3 million above the President's request. That means we cut $3 million from some other part of the bill to increase funding for the Legal Services Corporation.

There are a number of areas in the bill that we would increase funding for if we didn't have to restore $1.1 billion for State and local law enforcement.

Unlike the Legal Services, which is funded above the request, we have already cut from the request of State Department's Diplomatic and Consular Affairs operations account by $147 million. Our bill provides a modest increase of $77 million or 2.1 percent to cover pay and inflationary costs for the Department.

The only increases that the funding supports are new positions for critical posts around the world to support our national interests in emerging nations like India, China, Egypt and Indonesia.

In addition, we have supported an increase for the Office of Stabilization and Reconstruction and for new critical language training positions.

We are in a global war on terror. This amendment cuts into already reduced amounts to support the diplomatic side of this effort. North Korea has just threatened to test a nuclear weapon. Iran continues its efforts to develop a nuclear program.

Further, this amendment would cut $5 million from the Department of Justice administration account. The bill already reduces that request for general administration by $25 million or 22 percent below the request. The Acting Assistant Attorney General for Administration has written us to inform us that, at the current level of funding in the bill, 58 positions will be eliminated at the Department of Justice headquarters.

Additional cuts will hinder the Department's abilities to effectively manage more than $20 billion in appropriations, operate hundreds of DOJ facilities, manage 100,000 employees and coordinate public policy.

We have done the best we can. We have also got the Manufacturing Extension Program up. We have increased drug courts by 300 percent. So a bill that treats the diverse accounts within our jurisdiction, I think, has been done as fairly as we can. Therefore, I urge the rejection of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. The gentleman's amendment would increase the Legal Services Corporation by $25 million. That is up to the recent high water mark of $338 million that was enacted in fiscal 2003.

Since that high water mark, the funding trend for the Legal Services Corporation has been disappointing. It has decreased incrementally until this year, like a lot of other domestic discretionary programs in this bill, but none more important than Legal Services Corporation.

If we are to fulfill the promise of this great Nation that everybody in our society has equal access to the law, obviously having the resources to have access to the law is extremely important. That is what this program does for those who are the least able to pay for legal services, to afford legal representation in time of need. It is often this group of people who have a lot of legal problems. They need a lot of assistance.

This year, we see a precipitous drop in the funding as it plummets by $13 million below last year's level.

Forgive me for citing West Virginia's example, but I think it is a good one which reflects this downward trend and what its disastrous effect is. Since 2003, due to the census adjustment and decreased funding, the program has laid off 13 to 18 staff members in my State. The program currently has 92 staff members, including 37 lawyers. The layoffs are about 16 percent of the workforce. The program has lost $400,000 in funding, had to close four or five services in small counties in southern West Virginia.

In 2002, Legal Aid of West Virginia closed 6,145 cases. In 2005, that number decreased to 5,257 cases. The West Virginia program has estimated that it is unable to serve approximately 15,000 people a year due to lack of resources. That is a lot of people, Mr. Chairman, who are unable to access the legal system for want of resources. All of us can appreciate the hardship that that entails.

I rise in strong support of the amendment.

Mr. Chairman, I yield to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I will be introducing, at the appropriate time, a letter from the national Legal Aid & Defender Association that says, in part, that the LSC-funded program simply cannot keep up with the demand for services. Documenting the Justice gap, a year-long study released by the LSC in October of 2005 revealed that at least 50 percent of eligible clients were turned away from LSC-funded programs due to a lack of resources.

In other words, for every client served, at least one eligible client was turned away. This statistic reflects the vast unmet need and is, nonetheless, an underestimate and does not take into account the countless people, eligible people, who did not seek assistance because they were not aware that the LSC programs could help them.

This letter says that we are extremely concerned that cuts to LSC-funded programs will have a harmful effect on our judicial system, our economy and businesses, and our society in general.

Mr. Chairman, it is significant that this letter is signed by approximately 60 general counsels of our Nation's leading corporations who are asking for this kind of amendment. Actually, they are asking for more resources, but at least this modest amendment ought to be adopted in response to this letter.

NATIONAL LEGAL AID & DEFENDER
ASSOCIATION,
Washington, DC, June 26, 2006.

Hon. ROBERT C. SCOTT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCOTT: As the general counsel of some of our nation's leading corporations, we are asking for your help. The Legal Services Corporation (LSC), the primary legal lifeline to millions of Americans in times of need, is in jeopardy of having its already inadequate funding further eroded. Today, LSC's funding is less than one-half of the inflation-adjusted dollars that Congress appropriated in FY 1980, and ten million dollars less than the FY 2003 appropriation. In his FY 2007 budget request, President Bush has proposed an additional 4.6 percent decrease from the current $326.6 million appropriation to $310.9 million. We are asking you to reverse this diminution of critical funds by supporting the Corporation's FY 2007 budget request of $411.8 million.

Due to recent cuts to the LSC appropriation and rising inflation rates, LSC-funded programs have struggled to help the growing number of our country's impoverished. Poverty statistics show that between 2002 and 2004, the number of people eligible for LSC services increased from 47 million to 49.7 million, which is about one in every six Americans. Sadly, of these nearly 50 million people, more than one third of them are children. To put clients' need in perspective: a family of four must earn a meager $25,000 or less to qualify.

LSC-funded programs simply cannot keep up with the demand for services. Documenting the Justice Gap, a year-long study released by LSC in October 2005, revealed that at least 50 percent of eligible clients were turned away from LSC-funded programs due to a lack of resources. In other words, for every client served, at least one eligible client is turned away. While this statistic reflects the vast unmet need, it is, nonetheless, an underestimate and does not take into account the countless eligible people who did not seek assistance because they were not aware that LSC-funded programs could help them.

We are extremely concerned that cuts to LSC funding will have a harmful affect on our judicial system, our economy and businesses, and our society in general. While we are mindful of the severe fiscal constraints under which the Congress finds itself, we ask you to act now to ensure that essential civil legal services continue to make differences in the lives of those in need. Please support a FY 2007 LSC appropriation of $411.8 million and join us in upholding the American promise of "justice for all."

Sincerely,

Kenneth C. Frazier, Merck & Co., Inc., Chair, NLADA Corporate Advisory, Committee; Peter Arakas, LEGO Systems, Inc.; Richard N. Baer, Qwest Communications Corporation; Theodore N. Bobby, H.J. Heinz Company; Paula Boggs, Starbucks Corporation; Charles Burson, Esq., Monsanto Company: Carl J. Busch, Northrop Grumman Corporation; Jim Carter, Nike Inc.: Robert J. Cindrich, UPMC, University of Pittsburgh Medical Center; Mike Cockrell, Sanderson Farms, Inc.; Bert Cornelison, Halliburton Company; Julie A. Davis, Retail Ventures Inc.; Morris Davis, Temple-Inland, Inc.; Dodds M. Dehmer, W.G. Yates & Sons Construction Company; Catherine A. Lamboley, Shell Oil Company, Immediate Past Chair, NLADA, Corporate Advisory Committee; Nancy C. Loftin, Pinnacle West Capital Corp. and APS; Louis M. Lupin, QUALCOMM Incorporated; Charles W. Matthews, Jr., ExxonMobil Corporation; Ron McCray, Kimberly-Clark Corporation; Kevin M. McDonald, Anadarko Petroleum Corporation: John H. McGuckin Jr., Union Bank of California; Lee R. Mitau, U.S. Bancorp; O. Kendall Moore, U-Save Auto Rental of America, Inc.: Richard Olin, Costco Wholesale Corporation; Patrick T. Ortiz, PNM Resources, Inc.; Joy Lambert Phillips, Hancock Bank; Thomas E. Richardson, Town Pump, Inc.; Scott E. Rozzell, CenterPoint Energy, Inc.;

Deborah Dorman-Rodriguez, Blue Cross and Blue Shield of New Mexico; Paul Ehrlich, adidas International, Inc.; Glenn M. Engelmann, AstraZeneca Pharmaceuticals LP: Stephen F. Gates, ConocoPhillips; Craig B. Glidden, Chevron Phillips Chemical Company LP; Storrow Gordon, Electronic Data Systems Corporation; Thomas A. Gottschalk, General Motors Corporation; Andrew D. Hendry, Colgate-Palmolive Company: Jim Hornstein, Moldex Metric, Inc.; Michael Jines, Reliant Energy, Inc.; James J. Johnson, The Procter & Gamble Company; Murray L. Johnston Jr., Zachry Construction Corporation: Guy Kerr, Belo Corp.; Ky Lewis, Sharp HealthCare System: Mark I. Litow, Esq., Enterprise Rent-A-Car Company; Dan D. Sandman, United States Steel Corporation; David A. Savner, General Dynamics Corporation; John Schulman, Warner Bros.; William F. Schwind, Jr., Marathon Oil Corporation; Karen E. Shaff, The Principal Financial Group: Lauri M. Shanahan, Gap Inc.; Laura Stein, The Clorox Company; Ronald Taylor, Blue Cross and Blue Shield of Texas; Vivian Tseng, Welch Foods Inc., A Cooperative; John E. Tucker, First Tower Corp.; Rita Tuzon, Fox Cable Networks; Jack VanWoerkom, Staples, Inc.; Jennifer L. Vogel, Continental Airlines, Inc.; Michael T. Williams, Sony Electronics Inc.: Wayne Withers, Esq., Emerson Electric Company; Christopher J. Littlefield, AmerUs Group.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REICHERT:

Page 2, line 7, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Page 23, line 4, after the dollar amount, insert the following: "(increased by $25,000,000)".

Page 23, line 9, after the dollar amount, insert the following: "(increased by $25,000,000)".

Page 46, line 11, after the dollar amount, insert the following: "(reduced by $15,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr.

REICHERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, first, I would like to thank the gentleman from Virginia (Mr. WOLF) for his great work in helping local law enforcement officials strengthen their efforts to combat drugs in their communities.

I rise today to offer an amendment to increase funding for local law enforcement communities to reinforce efforts to keep drugs out of our communities.

During my 33 years in law enforcement, I have seen how Byrne-Justice Assistance Grants have help local law enforcement fight the war on drugs. Washington State received $9.6 million under the Byrne grant formula. Without this funding, our State would not have been able to effectively reduce violent and drug-related crimes in our communities.

However, since 2001, funding for the Byrne-Justice Assistance Grants program has declined from over $1 billion in 2001 to less than $412 million in 2006. The efforts of State and local law enforcement officers account for over 90 percent of all drug arrests and prosecutions. We cannot afford to turn our backs on law enforcement if we want to continue to achieve success in the fight against drugs and gangs.

My amendment would increase funding for drug task forces under Byrne JAG grants by $25 million. The offset would be $10 million from the Department of Justice salaries and expense administration accounts and $15 million from program support, operations, research and facilities under NOAA.

I have the greatest respect for the President's efforts and members of the Appropriations Committee to scale back government spending. However, adequate funding for law enforcement and anti-drug task force efforts are critical in order for our police officers to protect our communities against drugs.

I am not alone in my efforts to increase funding for Byrne JAG grant funding. Many Members from both sides of the aisle have been leaders in the fight to fully fund our local drug task force.

I would like to especially thank the gentleman from Nebraska (Mr. TERRY) and the gentleman from Indiana (Mr. SOUDER) for their leadership in support of local law enforcement efforts in their fight against drugs and meth.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I want to thank the gentleman from Washington for introducing this modest amendment to help families across the Nation that are dealing with meth issues, and not only the families that have to deal with them but the law enforcement community, the people on the front line.

I want to thank you for your leadership, Mr. REICHERT. Your experience and background as a law enforcement officer, somebody on the front line, has been instrumental to us in the United States Congress in this fight to empower our local police officers.

But I also want to thank the chairman of the appropriations subcommittee in charge, because Chairman WOLF knows what drugs has done to our families. The budget that was sent over to us zeroed these out, eliminated them. The chairman fought to get as much put back as he could, but we still need more. So I appreciate your efforts.

In Omaha, we have a real meth problem. It is affecting suburban housewives, teenagers, all segments and demographics of our community. I have personally seen how it ravages these families. I think it is important that we step up our efforts to rid this nasty drug from our communities. The only way to rid it from our communities is to empower the local law enforcement agencies.

Now, we have passed a meth law in this House that allows for pseudoephedrine to be put behind the counter. That makes it hard to do the labs now. Frankly, in States like Nebraska, Iowa, Oklahoma and Missouri that have done that, they have seen the number of labs go down. But now we have got gangs running meth from super labs in Mexico.

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So as we take labs down, we still get inundated in our communities from these drugs from gangs now. And so it is extremely important that those people that know the gang members, know what they are doing can run the task forces. And here is a chart up here that shows just with meth, from the task forces funded by this 5.54 kilos of meth taken off.

The National Association of Counties reports that 58 percent of counties ranked methamphetamine as their No. 1 drug problem in 2005, and CDC estimates at least 20,000 Americans die each year from drug abuse/overdose.

Byrne-JAG grants incentivize multi-jurisdictional drug enforcement and cooperation between local, state and federal law enforcement agents. These grants are the primary federal funds to discourage domestic production of methamphetamine.

The White House's 2007 budget request to Congress again eliminates funding for Byrne. In 2004, Congress provided $634 million to law enforcement agencies nationwide. Last year, the Senate voted to provide $900 million—closer to the original funding level for this program—but the proposed bill provides just $367 million.

Since FY01, funding has been cut from over $1 billion to less than $367 million in the H.R. 5672. The effect of these cuts has been clear: many States have been forced to cut or completely eliminate their gang and drug task forces.

The $558 million reported as the funding level of Byrne-JAG includes $115 million in discretionary earmarks, and $75 million for Boys and Girls Clubs—leaving $367 million for state formula grants supporting drug and violent crime task forces.

The proposed $367 million funding level would cripple the effectiveness of drug task forces nationwide, and jeopardize the gains made in reducing nationwide violent crime to a 30-year low. The collaborative task forces built over the past 15 years to combat drugs cannot be easily rebuilt.

State and local agencies will take the brunt of meth investigations without federal assistance. More than 90 percent of drug arrests nationwide are made by state and local law enforcement.

Tom Constantine, former head of the Drug Enforcement Agency (DEA) testified that the majority of DEA cases begin as referrals from local and multi-jurisdictional drug investigations. He was unaware of any major DEA case during his tenure that did not originate from information gathered at the state and local level.

Last year, Byrne task forces nationwide seized 5,600 meth labs, 55,000 weapons, and massive quantities of narcotics, including 2.7 million grams of meth. These results demonstrate the power of using federal dollars to leverage state and local partnerships.

Nebraska will be forced to eliminate 9 of 11 task forces unless Byrne-JAG funding is increased; Texas has already eliminated its task forces due to lack of funding, and New Jersey is considering the same course of action. Minnesota may be forced to discontinue its rural drug task forces, and only three of Missouri's 28 Byrne task forces would survive on state funding alone.

The fight against meth is the frontline of the Nation's war on drugs. The fastest-growing drug in the Nation, meth has produced a wider and more expensive array of problems than any other narcotic we have ever faced. And midwestern states such as Nebraska bear much of the brunt.

According to Nebraska Attorney General Jon Bruning, 60 percent of inmates in Nebraska jails have problems with meth. The number of people in Nebraska jails for possessing, selling or manufacturing meth has more than doubled since 1999.

Jails are overcrowded with meth addicts, many of whom require special medical care. Meth labs quickly become toxic waste dumps that can only be cleaned up with large amounts of manpower and financial resources. Worst of all, children in homes where meth is used or made are more often violently abused and neglected, and exposed to highly toxic chemicals.

Nationwide, law enforcement officers have dismantled more than 50,000 clandestine meth labs since 2001. Nearly half of those incidents occurred in just nine Midwestern and Plains states, including Nebraska.

The number of meth labs in Nebraska rose from 37 in 1999 to almost 300 in 2004. Fortunately, my State joined a growing coalition of States fighting against meth by enacting a new law in September to restrict the sale of pseudoephedrine. Since that time, the number of meth labs has fallen by a phenomenal 70 percent.

However, the problem is far from being solved since 80 percent of the meth in Nebraska is being trafficked from Mexico. This meth is far more addictive than what can be cooked in a typical "Mom and Pop" meth lab.

Thanks to Nebraska's new law, instead of using 80 percent of their resources to fight the home labs that comprised only 20 percent of the State's meth problem, Nebraska narcotic officers can now use more of their time to stop the inflow of Mexican meth.

Congress has played a role in combating the Nation's growing meth problem through Edward Byrne Justice Assistance Grants for State and local law enforcement agencies. Unfortunately, these grants are endangered by the failure at the White House to recognize the significance of Byrne grants in combating meth and other illegal drugs nationwide.

Byrne task forces are the underpinning of our Nation's successful drug control strategy that brought us the lowest violent crime rates in 30 years. We must not turn back the clock in the war on drugs.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 10 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment, not because it doesn't increase funding for a worthy program. I am extremely supportive of the Justice Assistance Grants Program. But understand that it increases the Justice Assistance Formula Grants Program from $367.8 million to $392.8 million, by $25 million, if my math is correct there. And that is all well and good.

The difficulty is that this amendment increases a general grant program for which this money could go for anything. It could go for meth; it could go for any law enforcement purpose. And again, I repeat, it is all good and well. The problem is the offset. And that is the problem with so many of these amendments that will come forward. It is $10 million from the Department of Justice General Administration Salaries and Expenses account. Well, the Department of Justice does have to run these programs. It has to operate these programs and it has general administration and salaries and expenses costs. This subcommittee has very carefully looked at the needs of the General Administration and Salaries and Expenses Account and determined that it needs the amount of money that is appropriated. This is already a tight budget; so funding in that account is tight.

And to then offset $15 million from the National Oceanic and Atmospheric Administration's operations, research and facilities really hurts an agency that is already $514 million below fiscal year 2006-enacted level. So we are $514 million below and we are taking another $15 million off that. At the current mark level, NOAA will be required to RIF over 700 employees; at the current mark level, program cuts are estimated to cost the U.S. economy $1 billion to $2 billion per year.

The proposed reduction will only further compound these impacts to NOAA's critical public safety and stewardship mission. Great amendment, terrible offset. I would just suggest that the gentleman think about these tough budget decisions when this budget resolution next comes to the floor. We just don't have enough money in this bill. And his amendment is for a worthy cause. But his offsets are too damaging to the agencies that they hurt.

Mr. Chairman, I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, I yield as much time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, there is a lot I want to say. I don't know if I can say it in that much time. The gentleman's amendment would increase Justice Assistance grants by $25 million, reduce Justice General Administration by $10 million, and NOAA by 15. I understand and I appreciate the gentleman's passion for law enforcement. These programs have helped a lot. The bill already includes a $50 million increase for JAG, and an increase of $1.1 billion for local law enforcement above the request. Sometimes it doesn't matter, but it is above the request. And the gentleman's offsets would create some difficulties at Justice and NOAA.

But the gentleman has worked. I think he has made a good point in crafting the amendment. I know he and others would actually prefer higher amendments. There were other amendments rolling around here in the 40 to $50 million range. Somehow, this Congress is going to have to deal with the issues of all of the spending that is coming on and how do we get control.

Now, there will be others to come up, some that are actually good amendments, because they really help people. But we are going to devastate other programs. And it is sort of like Dietrich Bonhoffer with Cheap Grace. You can go into some general administration area that nobody understands or knows anything about, and then there will be no money for general administrations.

I have introduced a bill, I sent out a Dear Colleague letter asking people to cosponsor a national commission based on the base closing commission with everything on the table to deal with these issues, because it is fundamentally immoral for one generation to live on the next generation and our children and our grandchildren and the whole spending issue. I share what the gentleman from West Virginia said, on some of these amendment passes, and then there is no money for administration, no money for this, and no money for that.

But there is probably not a more sincere individual on this issue, probably because of his work. And my father was a policeman in the city of Philadelphia. I understand these issues, and we want to give our law enforcement the resources, particularly with crime growing up.

So I have no objection to the gentleman's amendment.

Mr. REICHERT. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I would like to thank the chairman and express my gratitude to him for his leadership and hard work that his staff and my staff have put into this amendment, and I appreciate his willingness to help us and assist us and look forward to working with him on other issues in the coming year.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOSWELL

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOSWELL:

Page 2, line 7, after the dollar amount, insert the following: "(reduced by $1,500,000)".

Page 26, line 6, after the dollar amount, insert the following: "(increased by $1,500,000)".

Page 27, line 5, after the dollar amount, insert the following: "(increased by $1,500,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BOSWELL. Mr. Chairman, before I begin, I too would like to thank the chairman of the subcommittee, Mr. WOLF, and Mr. MOLLOHAN for their hard work and leadership in these very challenging times and these issues.

Once again, we find ourselves faced with a budget that is less than favorable, and they both have done a tremendous job in funding priorities when faced with this reality, and I thank them for that.

Mr. Chairman, I rise to amend something similar to what I did a year ago. I offered this amendment and it was accepted by the chairman and ranking member when the House considered fiscal year 2006 Science, State, Commerce, Justice appropriations bill.

Last year I requested an increase in funding for the Criminal Records Upgrade Program by $2.5 million. This year, considering the budget we are dealing with, I am asking for even less.

Mr. Chairman, my amendment proposed to increase the Criminal Records

Upgrade Program by $1.5 million, offsetting this increase with a reduction in the Department of Justice General Administration Salaries and Expense Account by the same amount.

Mr. Chairman, the goal of this program is to ensure that accurate records are available for use in law enforcement and to permit States to identify, among other things, persons ineligible to hold positions involving children. This program helps States build their infrastructure to connect to the national record check systems, both to supply information and to conduct requisite checks.

I firmly believe that having accurate criminal records are essential in a State's ability to protect children from those who wish to do them harm and those who have histories of causing such harm. We must continue to provide law enforcement agencies across the Nation with as much information as they need to stop sex offenders and others who have a history of violence and exploitation of our children.

Mr. Chairman, there will be other amendments offered during the course of debate on this bill asking for tens of millions of dollars. But my amendment is not one of them. Times are tight when it comes to spending, and I am not asking to move the mountain. But anything we can spare to ensure that our States and our communities can have access to information that can be used to protect the children of our Nation must be spared.

With that, I urge the adoption of the amendment.

Mr. WOLF. If the gentleman would yield, it is a good amendment. We accept the amendment. I think we took it last year too, if I recall. And I thank the gentleman for offering it. And on this side we strongly accept it.

Mr. BOSWELL. Thank you, Mr. Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. GINNY BROWN-WAITE of Florida:

Page 2, line 7, after the dollar amount, insert the following: “(reduced by $5,000,000)”.

Page 20, line 1, after the dollar amount, insert the following: “(increased by $10,000,000)”.

Page 40, line 10, after the dollar amount, insert the following: “(reduced by $5,000,000)”.

Page 40, line 11, after the dollar amount, insert the following: “(reduced by $2,500,000)”.

Page 40, line 12, after the dollar amount, insert the following: “(reduced by $2,500,000)”.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today to offer an amendment that will increase funding for the Violence Against Women Act, also known as VAWA. It increases it by approximately $10 million.

Congress has recognized the importance of these programs in bringing hope and a safe future to women across our great Nation by reauthorizing VAWA last year.

Although the committee increased funding for this program, there are still a number of vital programs within it that are not going to be adequately funded by the bill. Such programs include funding to assist children exposed to domestic violence, such as the various counseling and education programs, the Sexual Assault Services Program, and also inclusion of Indian tribes in the national sex offender registry.

As a cochair of the Congressional Caucus on Women's Issues, and also serving on a local shelter board, I know firsthand the reprehensible effects of domestic violence on a woman's dreams and success.

Every rape crisis center and domestic violence program in my district has brought hope to women and children who have been devastated by assaults.

As you know, domestic violence affects our most vulnerable constituents, battered women and their families. Evidence suggests that VAWA has been effective in reducing violence. For example, the rate of domestic violence against females over the age of 12 in the United States actually showed a slight decline.

But domestic violence is not just a man-against-woman phenomenon. When a man hits a woman or vice versa, often children and young adults are left with lasting impressions of that violence. Studies show that men who are exposed to domestic abuse are much more likely to be abusers themselves in the future. And young women who see abuse are much more prone to be victims of abuse as adults themselves.

This vicious cycle is one that we can genuinely affect through violence against women programs that provide education support networks, increased law enforcement and certainly a very important component of family counseling.

It is frustrating but realistic for policymakers to know that we can't just wave a magic wand and eradicate violence in our society. Yet, I firmly believe that this amendment is a step in the right direction.

The amendment takes funding from the Department of Justice's General Administration Fund and the Census Bureau and helps to fund the violence against women programs.

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This add-on actually helps in the fight against domestic violence without breaking the bank or tipping the very careful balance that Chairman WOLF and Ranking Member MOLLOHAN crafted in the underlying bill.

Chairman WOLF, you have done a great job, and Members on both sides of the aisle respect you and the work product that we have before us.

I urge all of my colleagues to support the amendment to increase funds for VAWA programs.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment.

The gentlewoman's amendment would increase funding for grants to prevent violence against women by $10 million by decreasing funds for the Justice Department's General Administration by $5 million and the Census Bureau by $5 million.

I understand and appreciate the gentlewoman's passion for her efforts to prevent violence against women. The bill already, though, includes a $9 million increase for these programs, but we recognize that an increased investment is important.

I just wanted to say, for the record, although it will be difficult for the Census Bureau, this offset will neither impact the ramp up of the 2010 decennial census nor the American Community Survey.

With that understanding, I have no objection to the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the chairman for his support, and I urge a favorable vote.

Mr. SHAYS. Mr. Chairman, I rise in support of the Inslee-Brown-Waite amendment which would fund three newly authorized programs under the Violence Against Women Act.

Domestic violence, dating violence, sexual assault and stalking are crimes of epidemic proportions, exacting terrible costs on individual lives and our communities. Nearly one in four U.S. women report that they have been physically assaulted by an intimate partner during their lifetimes and one in six have been the victims of attempted or completed rape.

Without full funding for VAWA programs, families cannot access the services they need to escape from violence. The continued support of Congress is crucial to helping victims and their children find safety and security and build self-sufficiency.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. VELÁZQUEZ:

Page 2, line 7, after the dollar amount, insert "(reduced by $10,000,000)".

Page 50, line 21, after the first dollar amount, insert "(reduced by $10,000,000)".

Page 62, line 12, after the dollar amount, insert "(reduced by $10,000,000)".

Page 89, line 17, after the first dollar amount, insert "(reduced by $10,000,000)".

Page 91, line 12, after the dollar amount, insert "(increased by $40,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when we talk about targeted policies that are aimed at improving the economic environment for small businesses, we are talking about this amendment. This is a bipartisan measure that has passed the House for the past 2 years.

Lowering the cost of the Small Business Administration's 7(a) loan program is a fiscally responsible, commonsense solution that will result in job growth and increased revenue.

The truth is that the program is simply too costly for this Nation's small businesses. The cost for start-up loans has increased by nearly $1,500 to $3,000, and for more established small businesses, the total cost can be as high as $50,000. This is money our Nation's small businesses are paying directly to the Federal Government.

As a result, entrepreneurs today are getting a more expensive loan that is almost 50 percent smaller than what it was just a few years ago, limiting their ability to start and expand their ventures. In fact, recent SBA figures show that the program is doing $160 million less than it was during the same time the previous year, showing how these rising costs are having an impact on lending.

This amendment would reverse this effect and would lower the cost of the 7(a) loan program.

To compound the problem further, entrepreneurs are also finding that they have fewer places to go to access this financing. In fact, the number of lenders willing to offer 7(a) loans has dropped in half over the past several years, leaving small firms scrambling to find vital sources of capital.

Today is an opportunity for us to take action to help relieve our small businesses of these burdens.

Fees have been raised four times over the past 2 years and are already at their maximum level. If we were to see a significant increase in interest rates, experience an economic downturn, or a regional crisis like what we saw in the gulf coast, this program would not be able to support itself. The result would be caps, limits on loan sizes, and even the shutdown of the program altogether. The adoption of this measure will enable us to avoid this type of lending crisis in the future.

This amendment is fiscally responsible and uses offsets from four different salaries and expense accounts so that no one agency is disproportionately harmed. In fact, it only takes $10 million from each agency, which amounts to less than 1 percent of the four S&E accounts.

Nearly 20 prominent small business groups are in support of this amendment, up from 14 last year, illustrating the demand from our Nation's small businesses for this type of action.

This is a program that is now doing nearly a half billion dollars less since the fees were raised. It is clearly not doing better, and it is certainly not benefiting this Nation's small businesses.

A "yes" vote is a vote to help this Nation's small businesses move forward as the drivers of our economy. I strongly urge my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to this amendment. The 7(a) program has been operating at record levels without subsidy appropriations since the beginning of 2005. If this amendment passes, do not ever go home and say that you are going to balance the budget. Just forget it. This is the "forget to balance the budget and get control of the budget" amendment. We have had record loans with no 7(a) fees, and now we want to do this.

The SBA administrator continues to assure us that the program is running strong. I have a letter from them confirming the success at redesigning the 7(a) program so it does not require a subsidy. No good deed goes unpunished. It does not require a subsidy, and we are going to spend all these millions of dollars? How would you ever explain it? How would you say we have got record numbers, but we are going to subsidize it? Forget it. We would never, ever, ever, ever solve the deficit of this Nation.

The new model has brought down the stability of the lending community and borrowers. This is a "bail-out the banks" amendment. Bail out the banks. Only the bankers care about this, a small portion of the bankers, and I do not know if the bankers are writing us about the deficit either.

Demand has skyrocketed. Since lending levels are no longer tied to an appropriation, the program has been able to meet the demand. That, by not being tied, has been able to meet the demand. This is a good government success story.

There is much more that I could say. It goes on and on and on, but I just urge Members, do not pass this amendment. This is the "how do you spend $100 million without needing to spend it," and I guess the question is if we really care about the future generations of our children and our grandchildren. We will never get control of it. I mean, I cannot even believe we are out here doing this. If this were the Violence Against Women or some of the programs that are here that your heart goes out to but you do not have the money, but there is no need for it and they are at record numbers.

I urge a "no" vote against this amendment.

U.S. SMALL BUSINESS
ADMINISTRATION,
Washington, DC, June 27, 2006.

Hon. FRANK WOLF,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I want to thank you again for your support of America's small businesses. I would also like to take this opportunity to reiterate the Administration's strong support for a zero subsidy rate for the U.S. Small Business Administration's (SBA) 7(a) loan program. In what will certainly be another tight appropriations cycle, a zero subsidy rate for 7(a) will save the taxpayers approximately $170 million, while at the same time providing unprecedented stability to the program.

In the past, some have expressed unrealized concerns that zero subsidy would stifle the 7(a) loan program because of a very slight fee increase required. As you can see from the enclosed explanation and charts, 7(a) lending has increased significantly while taxpayer dollars have been saved. Further, current 7(a) fees—previously a source of significant industry concern—are in line with historical rates. Like other costs in business, these fees fluctuate based on market conditions. In fiscal year (FY) 2007 there will need to be a slight fee change of .5 basis points. This equates to approximately $2.80 per month on an average loan size of $160,000.

It is also important to note that zero subsidy is not only good for the taxpayer but for the stability of the program, the most crucial aspect of the program according to borrowers and lenders. (Zero subsidy began in FY 2001.). As you know, in January 2004 the SBA was forced to temporarily close the 7(a) program because it had exhausted its funding under the Continuing Resolution. Once the program was restarted, and after Congress passed the Consolidated Appropriations Act for FY 2004, the SBA was forced to manage the program through restrictive loan caps because demand continued to outpace the program's funding level. Regardless of the amount Congress appropriates for 7(a) in any given fiscal year, there will be the chance that demand could exceed that level, forcing either another shutdown or caps on loan amounts. By eliminating the need for an appropriation, potential program "shortfalls" may be avoided. Program levels in the form of authorization limits would still apply, of course.

It should also be noted that SBA's other major loan programs, Section 504 Guarantee Program and Small Business Investment Company (SBIC) Guarantee Program., have functioned at zero subsidy for several years. This provides our lending partners with what they want most from our loan programs—consistency and continuity.

Mr. Chairman, zero subsidy for the 7(a) program is a simple, common-sense approach that has brought the program in line with our other major financial programs. Zero subsidy is still the best policy for the long-term stability and growth of the 7(a) loan program. We have been able to maintain record lending during the past few years under zero subsidy. Lending has not been hampered by appropriations shortfalls, such as those that occurred in 2003 and 2004. For these reasons the Administration urges you to continue the successful zero subsidy policy in the FY 2007 Appropriations bill.

Sincerely,

HECTOR V. BARRETO,
Administrator.

ZERO SUBSIDY—THE BEST POLICY

Zero subsidy is still the best policy for the long term stability and growth of the Small Business Administration's various loan programs. The SBA has been able to maintain record lending during the past few years under the zero subsidy policy. The benefits of zero subsidy also results in a funding structure that adds stability and independence while ensuring that the lending process is not hampered by appropriations shortfalls such as those which occurred in 2003 and 2004.

In FY 2005, the SBA served more small businesses than ever before. In SBA's two major loan programs, they increased the numbers of loans funded by 22% in one year. These record level lending numbers are possible because of the zero subsidy policy that was adopted at the beginning of FY 2005.

The SBA guaranteed a record number of loans last year, with double digit increases in the percentage of loans to women, Hispanics, African Americans and Asian Americans. Maintaining zero subsidy will allow the SBA to build on the success they've had in these important loan programs, and will provide more businesses with the capital needed to start up and expand.

Moving to zero subsidy allowed the Agency to continue to meet the financing demands of small businesses without the need for taxpayer subsidy. In today's tough budget environment, SBA has proven their ability to provide more loans to small businesses and entrepreneurs while reducing the burden on taxpayers.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. MANZULLO), chairman of the Small Business Committee, who has convinced me of the merits of this.

Mr. MANZULLO. Mr. Chairman, the 7(a) program at the Small Business Administration has operated on full cylinders, breaking record after record of program usage throughout all demographic and regional groups.

Look at this chart and look at the number of 7(a) loan approvals. It is going off the charts ever since the subsidy got removed. In fact, there have been more 7(a) loans made thus far in the 9 months of fiscal year 2006 than in all of fiscal year 2001. By removing the 7(a) loan subsidy from the uncertainties of the annual appropriations process, this has produced a stable and predictable program.

When the 7(a) program has subsidies, then it is subjected to yearly shutdowns when there is not enough money, as what happened in December of 2003. When the subsidies get removed and taxpayers save $40 to $100 million a year, no shutdown will ever occur because the program will never run out of money. So why would you want to subject a good program to a shutdown by running out of money? It simply does not make sense.

The noble intent of the Velázquez amendment is to reestablish a lower 7(a) fee structure exactly as it existed in 2003 and 2004. However, with a higher 7(a) program level, an appropriation of $168 million would be required, according to the SBA. The $40 million in the Velázquez amendment would not result in the cutting of any fees to small businesses. The Velázquez amendment directs the funds to pay for the salaries and expenses of the employees at the SBA who work in the business loan division, not to the 7(a) business loan subsidy account.

This amendment would not help any small business owner or lender. It does not make sense to take a program and ask the taxpayers to dig into their pockets for $40 million to $100 million a year on a bill that does not do anything. It saves no money whatsoever, and I would urge my colleagues to vote "no" on this.

Three years ago, I was in favor of this subsidy; and then I found out one thing: To get rid of the subsidy, to save the taxpayers $40 to $100 million a year, to have stability in the program costs 10 bucks a month per loan for the loans of under $150,000. You tell me, what small businessman cannot afford an extra $10 a month just to have stability in the program and to know that the program will never run out of money?

And why are we doing this? You got me. It does not make sense. The small business owner has no legal or constitutional right to a subsidized loan by the rest of the taxpayers in this country. What kind of an entrepreneurial thing is that?

So I would urge my colleagues to vote "no" on this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the Small Business Committee is saying that it will cost small businesses only 10 bucks a month. Well, these are the facts coming from the Small Business Administration: Costs have gone up $1,500 to $3,000, and now many small businesses are paying as much as $50,000 to the Federal Government. Lending is down $160 million from this time last year and $400 million below before the fee increases were adopted. Fees are at the statutory limit, which means that any more costs will result in program caps or a shutdown.

Today, there are only half as many lenders making 7(a) loans. The 7(a) loans are 40 percent smaller than they were a few years ago. Lending last year was $2 billion below what the agency claimed they would do.

Those are the facts. And the chairman keeps talking about the banks and how taxpayers' money is paying $50,000 to the government, benefiting the banks. The only greedy one here is the Federal Government, which has increased four times their fees in the past years.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I thank the gentlewoman for yielding.

I rise in support of her amendment. I know from my own experience in my congressional district, which is a rural district and in need of loans, by small entrepreneurs, there is a disappointment in the way the 7(a) program is being administered.

□ 2000

These fee increases particularly are causing lending to drop. Recent lending figures from SBA show that entrepreneurs received $160 million less through the 7(a) program for the first half of fiscal year 2006 when compared to the same period the previous year. I don't know what you do with that statistic. They are receiving less. We are providing less funding, and certainly the need is not less. I can tell you in rural areas it is not.

Over this same span, entrepreneurs received 1,000 fewer loans, demonstrating that fewer small businesses are able to benefit from the 7(a) program. Fees increase. Businesses are responsive as consumers are responsive; and, of course, businesses are consumers of this program. When fees go up, when costs go up, people stop participating in the program. That is marketplace economics at work here in a government program.

The damage to our economy is even more severe when you consider that the 7(a) program is $500 million below where it was before the fee hikes were imposed, another indication that the current program of charging fees and increasingly charging fees and continuing to charge fees and having increased four times in the last 2 years is resulting in the program not being able to be accessed the way it was in the past.

The gentlewoman's amendment addresses some of these concerns, and, while we are in a tight budget, this is an important program.

Mr. Chairman, I rise to support it.

Mr. WOLF. I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, if I could address the statement made by my colleague from New York where she said up-front fees can exceed $50,000, the issue is how much of an increase would there be if we get the subsidy eliminated? Well, on a $1.5 million loan, the biggest increase would be $3,500, and over a period of 10 to 20 years, that sum is almost negligible.

On loans over $700,000, the fees have never changed, and what is going on with the total amount of the dollar loan is the SBA is concentrating on small businesses. It is the small businesses themselves that are asking for the dollar amount. They are the ones that are driving this. So I think it is extremely important that the Small Business Administration concentrate on giving these loans to the real small businesses. In fact, those that are at $1.5 million, I am sure they can afford an extra $3,500 over the course of the next 10 to 15 years.

Now, small firms received $160 million less and 1,000 fewer loans through the 7(a) program from the first half of fiscal year 2006 as compared to the same time the previous year. But this mixes apples and oranges. Lending under $150,000, regardless of the exact size of the small business, is down slightly from FY 2005 levels, but it is slightly higher than the FY 2004 levels when there was no loan subsidy and lower fees.

In comparing year-to-date figures, there were more than 12,300 smaller loans made worth $212 million in fiscal year 2006 versus fiscal year 2004 in the under-$150,000 category. So we got rid of the loan subsidy and the volume goes up.

This is a "no" vote. It is an easy "no" vote.

Ms. VELÁZQUEZ. Mr. Chairman, at the beginning of the debate, the chairman said that only 10 bucks a month small businesses were paying. Now he admitted it is $3,500, at least, and the smaller small business loans are down.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Chairman, as a former small business owner, I am a strong advocate for providing entrepreneurs and small business owners access to affordable capital. For that reason, I rise to speak in support of Representative VELÁZQUEZ's amendment to restore funding for the Small Business Administration's 7(a) Small Business Loan Program.

Small businesses are the economic drivers of our country, providing the stimulus our communities need. Oftentimes, small business owners are unable to obtain reasonably priced financing and instead turn to higher priced forms of capital, such as credit cards. In an effort to fill this financing gap, the SBA's 7(a) loan program was created.

The program works as a public-private partnership that combines financial institutions' knowledge of their communities and the government's ability to mitigate risk.

The SBA's current business loan portfolio of roughly 219,000 loans worth more than $45 billion makes it the largest single financial resource of U.S. businesses in the Nation.

During the 108th Congress, legislation was passed that terminated funding for the 7(a) program. As a result, small businesses and lenders were forced to pay the full cost of the program. This has led to a sharp rise in loan fees, with borrower fees doubling in 2 years and lender fees rising by 118 percent.

For smaller loans, roughly $150,000 loans, fees have doubled, translating into nearly $1,500 to $3,000 more in upfront closing costs for entrepreneurs and innovators. For a larger loan, say $70,000, fees have been raised by approximately $3,000, and for some loans by as much as $50,000.

Last year the House voted and passed a similar amendment during consideration of the SSJC appropriations bill to restore $79 million in funding for the Small Business Administration's program. Unfortunately, that amendment was later removed in conference.

In the FY 2007 budget proposal, no funding has been requested again for the program, and a new set of fees has been proposed for participants, making the program even less accessible and more costly for small businesses.

It is time that Congress steps forward to support the small business community through access to affordable capital. The Velazquez amendment would reduce fees to small business owners. I urge my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, where do they get this money from? $5.9 million would be provided to cover the cost for blast mitigation in windows at the Department of Commerce. So you are basically saying to the Department of Commerce, we don't care if there is a blast here; you can't get your blast windows. You can't get your windows, so you can give a subsidy to the banks that will give no additional loans.

Also, this will result in RIFs at the Small Business Administration. So if you don't want loans to go to the small businesses, support this amendment, because there will be RIFs and they won't be able to make the loans. Zero subsidy means more loans. Loans are up almost 20 percent from 2005 over 2004.

I think the people at the Department of Commerce have every right to have the same protection that the people in this building have. They are not second-class citizens. They are covered by this bill. They need blast protection windows. Also it is not right to RIF the employees at the SBA to give a subsidy to bankers who don't need the subsidy.

Lastly, don't ever give another deficit reduction speech if you vote for this amendment. Don't ever, ever give it, because the loans are up with it; and actually the adoption of this may very well reduce the loans.

So I urge Members to vote "no" on this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York is recognized for 1 minute.

Ms. VELÁZQUEZ. Mr. Chairman, I would just like to make a point of clarification that the $10 million is not taken from the blast mitigation, but from salary and expenses.

Mr. Chairman, today's amendment is about improving the economic environment for this Nation's small businesses. 7(a) loans cost twice as much today for small businesses, are nearly 50 percent smaller and the program is doing nearly a half a billion dollars less than before the fee increase was implemented. Women and veteran business owners receive $100 million less in lending this year, and rural business owners receive $300 million less. Just look at the numbers here. Enough is said.

This amendment will change this and allow small businesses to invest back into the firms, and, in turn, the U.S. economy. If you believe that small businesses, which make up the majority of our taxpayers, should be able to keep their money, then you need to vote "yes" on this amendment. However, if you prefer to see our government grow, rather than the U.S. economy, then you should vote against this measure today.

I urge my colleagues to vote "yes" on this measure.

Ms. BORDALLO. Mr. Chairman, I rise in support of the amendment to H.R. 5672, the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2007, offered by the gentlelady from New York (Ms. VELÁZQUEZ) that would lower the fees associated with the U.S. Small Business Administration's 7(a) loan program and ensure that the program continues as a public-private partnership. The 7(a) program is an important financing mechanism relied upon by entrepreneurs to gain access to lifeblood capital they need to strengthen, diversify, and expand their businesses and to hire new employees.

Small businesses are particularly vulnerable to failure due to the difficulty in accessing capital, especially during a firm's formative stages. Most banks look upon making seed loans to small businesses as risky. Entrepreneurs, as a result, are left without the resources to afford to buy new equipment, hire new employees, and make other necessary operational investments in their businesses. These are the investments that are necessary to strengthen and grow businesses.

The 7(a) program was designed and has been implemented specifically to address this gap in access to capital for American entrepreneurs. The program provides funding to underwrite loans made by local banks to small businesses. Funds provided through the 7(a) program relieved banks of the risks associated with lending to start-up small firms. In turn, small business gained access to important capital markets.

Integral to the 7(a) program was the approximately $79 million provided annually to offset a large portion of the fees charged to small business borrowers associated with their loans. These fees are paid upfront during the loan process. These fees present small businesses, especially cash-strapped start-ups, with a potentially prohibitive cost to accessing capital. The Administration has zeroed out this aspect of the 7(a) program in its budget proposals for fiscal years 2005, 2006 and 2007. Entrepreneurs wishing to borrow under the 7(a) program now pay the full amount of the fees associated with their loans, raising the barrier to capital for at-need companies.

In fact, small businesses on Guam paid $17,862 more in fee costs on the 57 loans made to them during fiscal year 2005. This is nearly $18,000 above what they would have paid during fiscal year 2004 on the same 57 loans. This additional amount is the direct result of the Administration cutting this aspect of 7(a) program funding. That is almost $18,000 dollars that small businesses in my district were unable to invest in equipment, training, salaries and other necessary operating costs.

The amendment before us today would restore $40 million of the approximately $79 million previously needed to offset fees associated with loans made under the authorities of the 7(a) program. This amount would significantly reduce the amounts small business owners are paying to receive 7(a) program loans. This amendment would not, however, reduce fee amounts to fiscal year 2004 levels. The U.S. Small Business Administration budget has been reduced significantly under the current Administration. It is becoming increasingly difficult to find offsets within the lean U.S. Small Business Administration budget to pay for necessary amendments such as this one.

Congress has shown bipartisan support for similar amendments in previous years. I urge my colleagues' support again this year. By supporting this amendment you will help ease the financial burdens on American small businessmen and women, so that they can continue their hard work driving our country's economy, producing innovative goods and services, and creating good jobs for America's talented workers.

I urge my colleagues' support for the Veláquez amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of Congresswoman VELÁZQUEZ's amendment to the SSJC Appropriations to restore funding to the Small Business Administration's 7(a) loan program. This amendment would enable us to lower the costs—in turn, opening up access to affordable capital for small businesses.

For the last two years, the House overwhelmingly voted in a bipartisan fashion to provide funding for this amendment. This amendment proposes to use offsets from four different Salary and Expense accounts—Justice, Commerce, State and SBA. There will be $10 million taken from each S&E account to equal $40 million, an amount that will ease the burden on small businesses.

Unfortunately, due to recent changes, the 7(a) loan program is falling short of its ability to serve as an affordable source of capital for small businesses. In the last two years, the fees small businesses pay to secure a loan through the SBA's 7(a) program have doubled. For small loans this translates into nearly $1,500 to $3,000 more in upfront closing costs for entrepreneurs—and can grow to a total cost of as much as $50,000. Without this amendment, my district, the U.S. Virgin Islands, can potentially see an average increase in loan fees of $13,901 for 7(a) loans. In 2005, the total 7(a) loans made to U.S. Virgin Islands small business was approximately $3 million.

Funding for the 7(a) program has garnered wide support from the small business community. Without funding the 7(a) program, small businesses will be negatively impacted. The Velázquez amendment will allow us to restore stability to the 7(a) program once again so that economic changes will no longer threaten the viability of the initiative—and most importantly the lending for small businesses.

I urge my colleagues to once again vote for the Velázquez amendment to restore funding to the 7(a) loan program.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $125,000,000, to remain available until expended.

TACTICAL WIRELESS COMMUNICATIONS FOR FEDERAL LAW ENFORCEMENT

For the costs of conversion to narrowband communications and the Integrated Wireless Network, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $89,000,000, to remain available until September 30, 2008: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $229,152,000.

DETENTION TRUSTEE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Detention Trustee, $1,331,026,000, of which $5,000,000 shall be derived from prior year unobligated balances from funds previously appropriated, to remain available until expended: *Provided*, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $70,558,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $11,500,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $668,739,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

Page 4, line 9, after the dollar amount, insert the following: "(reduced by $40,000,000)".

Page 10, line 18, after the first dollar amount, insert the following: "(increased by $40,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment increases funding for the FBI by $40 million to conduct security background checks. Since the attacks of September 11, the FBI's National Name Check Program has remained dangerously underfunded and has accumulated a significant backlog of uncompleted required security checks. Backlogs in security checks requested by the Immigration Service have led to major delays in the processing of immigration applications and, therefore, to a very real national security risk.

If some of these applicants pose a genuine national security risk, they need to be found, arrested and deported immediately. Instead, there is a backlog of over 116,000 applications for permanent residency in the New York district office alone awaiting FBI background checks.

In fiscal year 2006, the National Name Check Program received 3.3 million requests for background checks, but it has only 125 people to process them and an anemic operating budget of $12.4 million. The program does charge fees, but the fee structure was set prior to 9/11 and falls far short of covering the program's cost.

Program employees have to search FBI files, often manually, in over 265 different locations across country. Having to spend so much of its resource on background checks dilutes the FBI's responsiveness, limits information sharing, and hampers counterintelligence and counterterrorism work.

People who are here legally seeking residency or citizenship are prevented from renewing work or travel documents while awaiting the okay from the FBI. Those receiving Social Security face termination of their benefits if they don't become citizens within 7 years, even though their citizenship applications cannot be processed while awaiting the FBI report.

Last year, the committee included report language directing the FBI to conduct a review of the fee structure for background checks done for the Immigration Service. As far as I know, the FBI has yet to send this review to Congress.

This year the committee report says it "expects the FBI to work with these agencies to ensure that sufficient resources are made available to eliminate the backlog as soon as possible."

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"The committee expects the FBI to set the Name Check fee at a level that adequately covers the cost to conduct requested background checks."

This is not an adequate fix to this problem. Congress should do more than tell the FBI it expects it to do more. That is why I am offering this amendment. CRS estimates that $40 million is needed to eliminate the backlog. This amendment will enable the FBI to create a centralized records repository where all of its paper files can be located and to develop, design, implement the system to store its active files electronically.

It will reduce the burdens on people who are here legally seeking permanent residency and citizenship, and it would get would-be terrorists out of America swiftly.

Mr. Chairman, I strongly urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our Members should know that this cuts the Justice Department litigating division by $40 million. The bill already cuts this account by $16 million below the level requested. This account that they are cutting funds critical justice litigating activities such as the criminal division. Wow, this is good news for the criminals, because they will not be litigated; we are going to cut the funding.

To combat gangs. Gangs are spreading. MS-13 are spreading around the Nation. But we cut it. Prosecute intellectual property rights crimes. Wow. Are you going to cut Katrina fraud cases. No way. The civil rights division prosecution of human traffickers. Women and children are being trafficked. Justice prosecutes, but we are going to cut the money so they cannot do it.

For all of you who care about the environment, the environmental and natural resources division prosecution of organizations that violate our environmental laws go away. The tax division prosecution of tax fraud, impacted. This account also funds the U.S. dues for Interpol. We are in a global war on terror. We need to work with Interpol. So we cut them.

The Name Checks that the gentleman is concerned about are funded through a fee. There is a backlog in the Name Checks Program because the fees the FBI charges are not sufficient to adequately cover the cost of the program.

In the fiscal year 2006 report, we directed the FBI to review this fee structure and submit a report to the Committee. The fee review is ongoing and a report is estimated to be submitted in August. In addition to this year's bill, we also include additional report language in this bill directing the FBI to work with the agencies that request these background checks to ensure that sufficient resources are made available to eliminate the backlog.

The gentleman is on the authorizing committee that oversees the FBI and immigration issues. If he wants to address the issue, he would go to the Judiciary Committee that he serves on, introduce a bill, try to convince Mr. SENSENBRENNER to deal with it.

This amendment also would cut 200 employees; we just added Justice Assistance grants here not too long ago, because we are concerned about crime. This would cut more than 200 employees working to combat crime such as organized crime, gangs, human traffickers, Katrina fraud, and environmental crimes in order to fund the FBI Name Checks that are fee-funded.

This would be a blow to the Justice Department litigating capacity. If you wanted to say do not prosecute organized crime, do not worry about the environmental convictions you have to go after, do not worry about the tax frauds, how will you do it then? You cannot say you are going to go after them and take their money away.

Mr. Chairman, I strongly urge a "no" vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished chairman makes a good point. If we were not splurging all of our money trying to get rid of the estate tax, we could put $40 million more into the Department of Justice. That would be preferable. But the fact is, we are limited to the amount we are, and I have to take an offset from somewhere.

This $40 million will enable people not to lose their Social Security because their time limit runs out while they are waiting for the FBI background check. It will enable this country to be safer because we will find out about some would-be terrorists while they are still within the clutches of the law.

That makes sense. Yes, it will take money away from the rest of the Justice Department. And the account that it will take the money away from will go from $669 million to $629 million, a 5.9 percent cut. Yes, we are cutting the rest of the Justice Department by 5.9 percent to fund this crucial area of the FBI.

Now, the gentleman says that it is fee-based, that he asks for a report to the fee. But where is that report? If they increase the fees, if the FBI increases the fees, they are still taking the money from the other agencies within the Departments of Justice or Homeland Security. The immigration service would pay a bigger fee.

Other agencies within DOJ that are asking the FBI for the background check would pay a bigger fee. It is all the same pot of money. So the question is, Do we want to be able to catch would-be terrorists and get their names by getting the background check on time?

Do we want people who are legal immigrants to be able to get their citizenship processed and not wait 7, 8, 9, 10 years? Yes, it would be most preferable if we did not have to rob Peter to pay Paul. But because of what that side of the aisle is doing, we have to rob Peter to pay Paul. I submit we ought to pay Paul here and Peter can afford it better than Paul can, because we are reducing a $669 million account, which is an important account, by 5.9 percent; but we will get justice done on time.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. I think that the committee has looked very carefully at this. And the committee has, in its report language, if the gentleman who is offering the amendment would look, stated that the committee expects the FBI to set the Name Check fee at a level to adequately cover the cost to conduct the requested background checks.

So the provision that allows them to move forward and to be funded is contained in our report, number one. Number two, the gentleman sits on the committee that could address this issue in an authorization, and obviously he is not in the majority so he would have to go to the majority to have this issue addressed. But I would suggest that that might be a good way to approach it if he wants to change the way that the appropriations committee has dealt with the issue.

Secondly, the offsets coming from the criminal division, the civil rights division, and the office of immigration litigation are difficult offsets. And again I go back to comments in the opening statements before this committee, before general debate, when we considered general debate on this bill. There are going to be a lot of good amendments. I wish there were more money. We have tried to provide for how this function would be funded by directing the FBI to set a reasonable fee.

But the offsets here are difficult offsets. And they cut programs that are important programs. So regrettably, I rise in opposition to the amendment on that basis.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, since the committee had the same language in last year's report, do we have any reason to expect the FBI will, in fact, change the fee structure this year?

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I think that is an interesting question. I think that is a question that the authorizing committee in the first instance has the responsibility to explore with the FBI.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,292,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, $66,970,000; of which not to exceed $5,000,000 shall remain available until expended: *Provided*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $145,915,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $129,000,000 in fiscal year 2007), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at $16,915,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,664,400,000: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $20,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $223,447,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $223,447,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,431,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $825,924,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which $4,000,000 for information technology systems shall remain available until expended; of which not less than $9,425,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended; and of which $3,282,000 shall be available for construction in space controlled, occupied or utilized by the United States Marshals Service in United States courthouses and Federal buildings, and shall remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, such sums as are necessary, to remain available until expended: *Provided*, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses: *Provided further*, That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,882,000: *Provided*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided* *further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,202,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $498,457,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,500 passenger motor vehicles, of which 3,000 will be for replacement only, $5,959,628,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,307,994,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security: *Provided*, That not to exceed $210,000 shall be available for official reception and representation expenses.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

Page 10, line 18, after the first dollar amount, insert the following: "(increased by $3,300,000)".

Page 39, line 25, after the dollar amount, insert the following: "(reduced by $3,300,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Connecticut (Mrs. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Mrs. JOHNSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the chairman for crafting a bill that very effectively addresses so many of our national priorities and includes critical funding for increases in the COPS program, the Byrne Justice Assistance Grants, the National Science Foundation, and many other initiatives, key to making our communities safer and preparing our young people to succeed in a competitive global economy.

I also respect, Mr. Chairman, the commitment that you have shown in this bill to programs that protect our children from exploitation and abuse. However, I think we must do more to safeguard our children from the growing threat imposed by online sex predators.

Last Friday, I visited the FBI's Innocent Images Task Force in New Haven, Connecticut, and was astonished and disturbed to see the shear number of predators trolling the Internet for young girls and boys, the explicit nature of their online interaction, and the ease with which they contacted our children.

Despite the 2,000 percent increase in the number of these sexual exploitation cases opened in the past decade, Congress has not allocated funding commensurate with either the menace or the workload. The FBI is currently dedicating twice as many agents to tracking online sex predators as they have the resources for.

As the Internet has exposed our children to new dangers by allowing these predators to invade our homes, law enforcement has not been given the tools to adequately combat this epidemic of sexual stalking and abuse of our children.

My amendment will provide the FBI's Innocent Images Program, the nucleus of the Federal efforts to pursue and prosecute online sex predators and curtail the distribution of child pornography, with an additional $3.3 million offsetting these funds from the Bureau of the Census which received an $87.7 million increase over last year.

When combined with the resources the committee has already provided, we will better enable the Innocent Images Program to meet the challenge of the explosion of sexual predators pursuing our children on the Internet.

I urge support of my amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), the coauthor of this amendment and a strong advocate for our children.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I am pleased to offer this amendment with my friend from Connecticut to increase by $3.3 million the FBI's Innocent Images Task Force.

This vital FBI program targets a real and growing problem. Sexual predators are increasingly taking to the Internet to victimize our Nation's kids. The FBI's Innocent Images Task Force is the focal point of our Federal law enforcement's efforts to combat online sexual predators.

While they do great work, our field agents are being overburdened by the rapidly increasing caseload they find in the Internet's target-rich environment. In the past 10 years alone, Mr. Chairman, the FBI has seen a 2,000 percent increase in its caseload of crimes involving online sexual predators.

As a father of six children, I recognize the dangers of the Internet, especially with social networking sites. As a result, I introduced the Deleting Online Predators Act to protect our children from these sites while they are at school or in the public libraries.

Recognizing that chat rooms and social networking sites represent a clear and present danger to millions of children, I believe that a key component of protecting our children is to crack down on these online predators. That means we must provide law enforcement with the tools necessary to track these criminals down.

I want to commend the leadership of Chairman WOLF for his efforts to increase funding for a number of programs in the Department of Justice to protect our children both on- and offline.

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I reached out to Chairman WOLF, requesting his assistance in securing increased funding for a number of law enforcement programs, and I am pleased to see that he has taken the initiative to include that language to do just that.

Through Chairman WOLF's leadership, this legislation comes to the floor with increased funding not only for the Innocent Images Task Force but also for other vital law enforcement programs like the Internet Crimes Against Children Task Forces and the National Center for Missing and Exploited Children. This bill also includes funds to add 26 new U.S. attorneys to prosecute these crimes.

I requested Chairman WOLF's assistance in increasing funding for these programs, and I am grateful for his work to provide the necessary funding to protect our Nation's children while on the Internet.

The Johnson amendment to fund law enforcement will protect children and will save lives. Congress must act to make the Internet a safer place for kids, not a virtual hunting ground for child predators. This amendment will help accomplish this goal, and I urge my colleagues to support the amendment.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I accept the amendment. The committee, working with Mr. MOLLOHAN, has tried to increase this as much as possible. I would urge any Member that has not been out to the Center for Missing and Exploited Children in Alexandria, that they ought to go. As a father of 11 grandchildren, I commend both of you and thank you very much and think we should accept the amendment.

Mrs. JOHNSON of Connecticut. I thank you, but I thank you also for a very thoughtful bill in very tough times, truly one that does support safer communities and one that does help prepare our young people for a global environment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to claim the time in opposition? If not, the question is on the amendment offered by the gentlewoman from Connecticut (Mrs. JOHNSON).

The amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $80,422,000, to remain available until expended, of which $2,000,000 shall be available for equipment and associated continuing costs for a permanent central records complex.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,134 passenger motor vehicles, of which 1,004 will be for replacement only, for police-type use, $1,751,491,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $950,128,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2007: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, local, or foreign law enforcement agency or a Federal, State, or local prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based upon such data, in any civil action pending on or filed after the effective date of this Act in any State (including the District of Columbia) or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further*, That in fiscal year 2007, the Attorney General may establish and collect fees of not less than one-half cent per pound of explosive material manufactured in, or imported into, the United States by licensed manufacturers and licensed importers, pursuant to regulations prescribed by the Attorney General, which fees shall be credited as offsetting receipts to the "ATF Regulatory Activities Fund" established by the Attorney General: *Provided further*, That of the amount so credited, not to exceed $30,000,000 shall be available for carrying out chapter 40 of title 18, United States Code.

POINT OF ORDER

Mr. MOLLOHAN. Mr. Chairman, I make a point of order against the two provisions on page 15, line 18, through page 16, line 4. The provisions constitute legislation on an appropriations bill in violation of clause 2, rule XXI.

The CHAIRMAN. Are there Members who wish to be heard on the point of order?

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I rose for the same point of order.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order? The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, this is a provision that the chairman and I understand the dilemma which he is in.

For the last 2 years, the President, when he has submitted his budget request, has proffered this tax increase on the commercial explosives industry, which is particularly oppressive.

Mr. Chairman, in West Virginia, as a matter of fact, of course we use explosives in mining and extraction and for road building purposes, and this would have a very injurious effect on the customers of explosives in my State, costing a tremendous amount of money.

As I say, the President has requested this for the last 2 years in order to fund BATF functions. It constitutes a tax, and the committee appropriately disapproved this request from the President last year.

This year, the chairman, in an effort to make the point I think, and certainly from my standpoint to make the point, that this is an inappropriate way to try to fund the functions of the Bureau of Alcohol, Tobacco and Firearms, and making the request and not knowing that it probably would not be approved by the Congress, makes a huge hole in our bill.

The chairman is putting it into the bill at a much lower level, and I do not know whether he anticipated this particular action, and I am not going to speak for him on that, but this I think demonstrates to the administration that this kind of a tactic, knowing that the administration, relying on the fund and the Congress not approving it, and then have to take the money out of some other account, we are just not going to continue do that.

So, by striking it, I hope that what results is that there is a hole in BATF's budget at the end of the year, and making the point that this is probably not a good idea for the administration to do if they, in fact, want all of the Bureau of Alcohol, Tobacco and Firearm programs to be funded into the future.

So I hope after this is struck that this hole remains and that the point is made in a telling way.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. KING of Iowa. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. KING of Iowa. Mr. Chairman, this point of order is raised appropriately, and I concur with the gentleman from West Virginia in that it is legislation on an appropriations bill. It is actually a taxation. It is a revenue generator. It levies a tax on explosives and on firearms ammunition, and it is a way to generate revenue, perhaps as much as $130 million in this appropriations bill, in order to protect the interests of the firearms industry, the explosives industry, the people that are very closely regulated today and do not need to have additional regulation.

Mr. Chairman, it is important that the section be struck out, but it is also important that we maintain our standard here and avoid legislating on an appropriation bill.

So, with that, I again suggest that this point of order is one that is very solid on the policy of not legislating on appropriation bills, and I urge the Chair to sustain that point of order.

The CHAIRMAN. If no further Member wishes to be heard on the point of order, the Chair is prepared to rule.

The Chair finds that this provision includes language conferring authority. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 670, of which 635 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,987,059,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2008: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of prerelease services, halfway houses or other custodial facilities.

AMENDMENT NO. 22 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. STEARNS:

Page 16, line 14, after the dollar amount, insert "(increased by $500,000)".

Page 67, line 14, after the dollar amount, insert "(reduced by $500,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

I have an amendment that Mr. MCCOTTER and Mr. KING of Iowa have indicated they support this idea. So it is similar to H.R. 5476, legislation which I introduced to withhold the U.S. share of the U.N. Human Rights Council's budget from our regular U.N. dues. It transfers funding from the Council to hire more prison guards in the Federal Prison System.

Let me just speak briefly I think before I get into the meat of it, to just talk to you about the U.N. Human Rights Council.

Forty-one years ago this past Monday, 50 nations signed the United Nations Charter. A year later, former First Lady Eleanor Roosevelt became the first chairwoman of the U.N. Human Rights Commission, to monitor and prevent the abuse of human rights throughout the world.

Her chairmanship was the last for the U.S. on the Human Rights Commission, which has failed to uphold even the most basic ideals iterated in the U.N. Charter and the Universal Declaration on Human Rights. It quickly lost any credibility and allowed tyrannies like Cuba, Sudan, Libya, Belarus, China and Zimbabwe to shield themselves from criticism for their human rights violations.

Over the life of the Commission, it failed to act or speak out against egregious human rights abuses like the atrocities committed in many of the Communist blocs and the genocides in Rwanda and Darfur. It also failed to condemn countries that sponsor terrorism, including Iran, Syria and North Korea. Instead, the Human Rights Commission repeatedly castigated Israel, the only democracy in the Middle East, while overlooking horrific human rights abuses throughout that same Middle East. At least 30 percent of all country-specific resolutions of the Commission critical of human rights were directed at that very small country, Israel. None targeted persistent violators like former Burma, which is now Myanmar, Syria and Zimbabwe and, of course, early on, China.

The U.N. recently replaced the discredited Commission with a Human Rights Council. For all the superficial changes, it will fail just as miserably as its predecessor. The reforms advocated by democratic nations were rejected, and that is why the United States declined to seek membership this year.

The Council cannot even prevent human rights violators from being elected to the Council itself. The only supposed protection, that a country can be suspended if two-thirds of the members of the General Assembly agree, is useless since less than half of the General Assembly could agree that Sudan was guilty of human rights violations. The new Council only reduced the number of seats on the Council from 53 to 47, not enough to make the Council more efficient or effective. It also retained geographic quotas that will allow countries like Iran, Venezuela, Sudan and Zimbabwe repeated chances to run for membership.

This new U.N. Human Rights Council is littered with abysmal human rights abusers. The newly elected membership includes nine countries that the democracy watchdog Freedom House designates as not free: China, Cuba, Saudi Arabia, Russia, Pakistan, Tunisia, Algeria, Cameroon and Azerbaijan. According to the Geneva-based human rights monitor U.N. Watch, almost half of the new members fail to meet accepted democratic standards.

The U.S. cannot fund such a human rights sham while our own Federal Prison System needs the money. The Federal Prison System requested a $500 million increase in fiscal year 2007. The committee report falls $400 million short of that request. This unmet increase is vital to grapple with a growing prison population.

More than 188,000 inmates are confined in the correctional institutions of the Federal Prison System today. As a result, the Federal Prison System is operating 41 percent over capacity, up from 32 percent as of January, 2000. The number of Federal correctional officers cannot keep pace. In the 1990s, when inmate populations were approximately half as large, the prisons were at 95 percent staffing levels. Today, it has less than that. This has resulted in a significant increase in inmate assaults on correctional staff.

According to the Federal Prison System data, assaults against correctional staff increased by 75 percent, and assaults against correctional staff with weapons increased by 61 percent. These are alarming statistics.

This particular statistic concerns me because we have in my district the largest prison system, Coleman Correctional Facility.

So my amendment is significant. I ask support of it. It is symbolic. It is important to pass it.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

The gentleman stated that this bill was below the Administration's request. We are above the Administration's request for prisons. We are not below.

Secondly, our Subcommittee last year put together what they called a Gingrich-Mitchell Commission, former Speaker of the House Newt Gingrich and former Minority Leader Mitchell, to look at the U.N. reform, and they have come up with a good package, and they are working on this issue.

The State Department opposes this amendment. John Bolten up at the State Department says, and I quote, "We must determine whether the U.N. Human Rights Council will be a body that the world will respect and take seriously." Its status is no longer characteristic of the U.N. Commission on Human Rights.

That said, the United States will work cooperatively with other member states to make the Council as strong and effective as it can be. We will be supportive of efforts to strengthen the Council and look forward to a serious review of the Council structure and work.

I have been as critical as anybody else, and I will stipulate perhaps more than anybody else, on the whole issue of the Human Rights Commission with regard to China, with regard to Sudan and with regard to these others, but this would complicate the Administration's efforts.

The Secretary of State, Secretary Rice, is opposed to this. The State Department is opposed to this. The Administration is opposed to this.

Change it by dealing with it through the Gingrich-Mitchell Task Force and put pressure on them, but do not complicate the life of John Bolten and Secretary Rice up there.

Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

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Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. I am not sure exactly what the gentleman is attempting to achieve here, but I really find myself in disagreement at both ends.

I find myself in disagreement with the offset, certainly. However imperfect the U.S. Human Rights Council and its memberships may or may not be, I am not sure that taking this money from that organization for that purpose, even if it were to come from that account, would address the problem.

I might point out that Chairman WOLF is extremely sensitive to human rights, and has been for a long time; and when he addresses human rights issues in this bill, he is very conscious about them. I really feel confident in the way that he has treated the overall State Department accounts, particularly as any of that account might be contributing to the U.N. Human Rights Council budget, if that is the focus of this offset, even though it comes from the international organizations, account which is a much broader account.

On the other side of it, to increase funding for the Bureau of Prisons by $500,000, I am really pleased that the gentleman recognizes that we do need additional dollars within the Bureau of Prisons, and I agree that to a large extent the Bureau of Prisons is underfunded. It is underfunded in a lot of areas. If we are concerned about assaults on guards, if we are concerned about those kinds of issues, then maybe we ought to be looking for those types of programs that could be funded, but it would cost a lot more than $500,000 in the Bureau of Prisons, to would address education, training, and those kinds of programs that would be remedial with regard to prisoners; and we could reduce the concerns that he is trying to address with this offset.

So on both ends, Mr. Chairman, I oppose the amendment.

Mr. WOLF. Mr. Chairman, I close by saying let us do what we did in the Gingrich-Mitchell thing. The U.N. has made a lot of mistakes. John Bolten is no wallflower. I support what John Bolten is trying to do up there, and I don't think we should complicate the administration's life by doing this.

I yield to the gentleman if he would like to say something.

Mr. STEARNS. Well, Mr. Chairman, I want you to know that I realize you are doing a wonderful job in your position here, and this, in a larger sense, is symbolic to show to the United Nations where our priorities are and to give an opportunity for some Members, like myself, to voice their concerns about this Human Rights Commission, and I thank you for your courtesy.

Mr. WOLF. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $88,961,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,477,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

Office on Violence Against Women

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 ("the 2005 Act"); $390,296,000, including amounts for administrative costs, to remain available until expended as follows—

(1) $11,897,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,287,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $174,500,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, as amended by section 101 of the 2005 Act, of which $2,477,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(4) $14,808,000 for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act, as amended by section 602 of the 2005 Act;

(5) $63,075,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act, as amended by section 102 of the 2005 Act;

(6) $39,166,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act, as amended by section 203 of the 2005 Act;

(7) $4,958,000 for training programs as authorized by section 40152 of the 1994 Act, as amended by section 108 of the 2005 Act, and for related local demonstration projects;

(8) $2,962,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act, as amended by section 109 of the 2005 Act;

(9) $9,054,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $42,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act, as amended by section 103 of the 2005 Act;

(11) $4,540,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act, as amended by section 205 of the 2005 Act;

(12) $13,894,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act, as amended by section 306 of the 2005 Act; and

(13) $7,155,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act, as amended by section 204 of the 2005 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), the Justice for All Act of 2004 (Public Law 108–405), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the Victims of Crime Act of 1984, $215,575,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,103,492,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): *Provided*, That funding provided under this heading shall remain available until expended as follows—

(1) $558,077,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, as amended by section 1111 of Public Law 109–162 (except that the special rules for Puerto Rico under section 505(g) of the 1968 Act, as amended by section 1111 of Public Law 109–162, shall not apply for purposes of this Act), of which—

(A) $115,225,000 is for discretionary grants, notwithstanding the provisions of section 505 of the 1968 Act; and

(B) $75,000,000 is for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

(2) $405,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), as amended by section 1196 of Public Law 109–162;

(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $21,488,000 for activities authorized under sections 201 and 204 of Public Law 109–164;

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act, as amended by section 1142 of Public Law 109–162;

(6) $10,000,000 for a prescription drug monitoring program;

(7) $22,943,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(8) $5,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(9) $2,000,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected;

(10) $2,000,000 for a capital litigation improvement grant program;

(11) $5,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act; and

(12) $1,984,000 for the National Sex Offender Public Registry:

Provided, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN:

Page 23, lines 4 and 9, after each of the dollar amounts, insert "(increased by $341,923,000)".

Page 38, line 19, after the dollar amount, insert "(increased by $67,077,000)".

Page 55, line 21, after the dollar amount, insert "(increased by $100,000,000)".

Page 55, line 22, after the dollar amount, insert "(increased by $75,000,000)".

Page 55, line 25, after the dollar amount, insert "(increased by $25,000,000)".

Page 86, line 17, after each of the dollar amounts, insert "(increased by $81,000,000)".

Page 89, line 17, after each of the dollar amounts, insert "(increased by $10,000,000)".

Page 107, after line 23, insert the following new section:

SEC. 629. In the case of taxpayers with income in excess of $1,000,000, for calendar year 2007 the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 1.45 percent.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from West Virginia (Mr. MOLLOHAN) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of my amendment. But before I describe the amendment, let me first note that Chairman WOLF has done a tremendous job with the narrow allocation he had.

However, the reductions and the eliminations proposed by the administration are really undermining our ability to protect our communities, to assist the neediest in our country, and to invest in cutting-edge innovations. All of those programs, addressing those concerns and those community needs are under the jurisdiction of this bill. This amendment takes a step to correcting those underfundings and those deficiencies.

First, Mr. Chairman, my amendment would provide an increase of $341 million to State and local law enforcement grants, restoring these grants to the full authorization level of $900 million.

Federal assistance to State and local law enforcement has been cut by about $2 billion since 2001, and violent crime rates are up 2.5 percent, the largest percentage increase since 1992.

Now, Mr. Chairman, let me emphasize this. This is State and local law enforcement. This is the program the Federal Government has that assists State and local law enforcement in performing the protective function that they have on a daily basis, dangerous job; and they don't have the resources. The Federal Government has recognized that State and local law enforcement does not have the resources to do its job. We have recognized that for a number of years, and we have programs to supplement their resources to ensure that they are able to do that.

But this bill, and the President's request over the last number of years, has by attrition cut by nearly $2 billion since 2001 Federal assistance to State and local law enforcement. Those are real cuts, and they have had real impacts. And the impact is best measured by the increase in violent crime by 2.5 percent since 1992.

Mr. Chairman, second, this amendment would provide an increase of $67 million to the Economic Development Administration, bringing the funding level up to the $327 million request. This would provide EDA with a $44 million increase above last year's enacted level to better provide for economically distressed regions with high unemployment and low incomes.

Third, this amendment provides an increase of $81 million to the Legal Services Corporation, bringing the amount near the fiscal year 1995 high water mark of $415 million. The bill currently provides $313 million to Legal Services Corporation, an increase of $3 million above the President's request, but a dramatic $12.7 million reduction from last year's enacted level.

Legal Services Corporation's budget has suffered cuts in each of the last three fiscal years, despite a steadily rising poverty rate. Need going up, funding going down for this program.

Fourth, this amendment provides $10 million to the Small Business Administration for microloans, which were zeroed out in the President's budget. However, during full committee, the chairman accepted an amendment to partially restore the funding. An additional $10 million is needed to fully fund the microloan program, which is the single largest source of funding for microenterprise development in the Nation, and helps high-risk business owners who seek grants of $35,000 or less, helping the neediest of our small business entrepreneurs.

Fifth, Mr. Chairman, this amendment provides an increase of $100 million for NASA science and education. Of this amount, $25 million would be for NASA education to reverse the trend of damaging cuts that we have seen in the past few years, restoring the funding to the fiscal year 2005 funding level of $178.9 million. The remaining $75 million is available to increase important science programs that have been cut seriously or eliminated.

In the NASA budget, as the President emphasizes space exploration, deemphasizes science and research, this amendment would change that, providing that additional funding, the amount cut, from science programs.

All this would be accomplished by an offset that would nick the average tax break for those with incomes of more than $1 million by 1.45 percent, or $1,657. Now, to a lot of taxpayers, and to the average American, $1,657 is a lot of money. But the average tax break before this amendment, for those with incomes more than $1 million, is $114,172. Voting for this amendment, if the amendment were made in order, would have invested $600 million back into law enforcement, low income, and millionaires would still receive a $112,000 tax break, just suffering $1,600 to do all that good, Mr. Chairman.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment changes the application of existing law, and the amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

Page 23, line 4, after the dollar amount, insert the following: "(increased by $532,148,000)".

Page 23, line 9, after the dollar amount, insert the following: "(increased by $532,148,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

The Chair recognizes the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the last 5 years, funding for the grants under the consolidated Byrne-JAG formula have been cut by almost two-thirds. At the same time, we have had two consecutive attempts by the administration to eliminate this program entirely. I don't know about my colleagues, but my police officers in my district don't understand this.

The minimum this program should be funded at is $900 million, which is what 162 Members of this House requested in a letter to the Budget Committee earlier this year and that was recommended by the Budget Committee in the report accompanying the fiscal year 2007 budget resolution.

I realize how tight this bill is and how much the chairman and the committee have worked to give as much as they can, and I realize tough choices have been made; but we must do better for our law enforcement officers, and our Members will have a chance to do that here today.

Mr. Chairman, I reserve the balance of my time.

Mr. STUPAK. Mr. Chairman, I rise today in strong support of this bipartisan amendment. For years, the Bush administration has been talking tough on drugs and law enforcement while slashing the funding that makes law enforcement possible. The big drops in crime during the Clinton years were made possible by programs like Byrne that put dollars where they are needed: in the hands of local police departments and task forces.

Since 2001, however, funding has been cut again and again, from over $1 billion to less than $367 million in this year's bill. These cuts go against everything we know to be true about drug policy. Ninety percent of drug arrests are made by State and local law enforcement, and local drug task forces are our first and best line of defense against the growing problem of meth in our communities. Now more than ever, we need to support the work that our local law enforcement officers are doing.

Mrs. MALONEY. Mr. Chairman, later today, some of our colleagues plan to offer amendments to this bill that would divert money from the 2010 Census. Many of them have good intentions and would send the money to other worthwhile programs. However, I would like to strongly urge those colleagues to consider the damage that would be done—not just to this Nation, but perhaps even to the very district they represent—should the Census be depleted. It a program with an enormous impact and should never be carved up and handed out like a Thanksgiving turkey.

Five years from now, if Members begin complaining about problems with Census and the count in their States, we will only have ourselves to blame. If members want to take money from Census, perhaps they should volunteer their States for inaccurate counts.

Just because the actual survey takes place in 2010 doesn't mean that cutting the Census in 2006 is irrelevant. Initial planning is ongoing and the Census Bureau is gearing up for the largest peace-time mobilization in American history. The Census doesn't just appear in an instant and then disappear every ten years, it is a constant, massive effort that never stops.

Some might try to divert money from the Census to other programs in this bill in the name of law enforcement. But they should keep in mind that the Census is a critical tool for fighting crime. Crime mapping, after all, relies on accurate demographic and housing data to help police determine where to deploy manpower, equipment and other resources.

Furthermore, imagine the impact of an inaccurate Census on the Byrne Memorial Justice Assistance Grant Program. The distribution of this money is based on population and crime statistics, both of which are based on Census statistics.

Mr. Chairman, I hope our colleagues understand that the Census affects much of what we do, from billions upon billions in federal dollars that could assist our districts to our States' representation in Congress. It is especially important for areas that are undercounted and underserved. It is not a throwaway program—in many ways it is the lifeblood of this government.

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POINT OF ORDER

The CHAIRMAN. The gentleman from Virginia reserves a point of order?

Mr. WOLF. Mr. Chairman, I do. I make a point of order.

The CHAIRMAN. The gentleman makes a point of order. The gentleman will state his point of order.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment, that it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of the budget for fiscal year 2007 on June 6, 2006, House Report 109-488. The adoption of this amendment would cause the subcommittee's suballocation for budget authority made under section 302(b) to be exceeded and is not permitted under section 302(f) of the act.

I ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Minnesota would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. BARROW

Mr. BARROW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BARROW:

Page 23, line 4, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 24, line 1, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 67, line 14, after the dollar amount, insert the following: "(reduced by $10,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. BARROW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BARROW. Mr. Chairman, first of all, I would like to thank Chairman WOLF and Ranking Member MOLLOHAN for their work on this important bill.

Mr. Chairman, since I joined Congress last year, illegal immigration has been debated, discussed and voted on a lot in this House, and it is the number one concern with a lot of folks that I represent back home in Georgia.

We all know that the explosion of illegal immigrants is imposing a huge cost on local schools and local hospitals, but it is also imposing a huge new cost on local law enforcement as well. Local police departments are already stretched to the limit financially in dealing with home-grown crime. Despite that, most do an outstanding job of serving the public without all the resources they already need.

But because we still haven't secured our borders, we have caused local law enforcement to have to do more. We have asked them to do more, and yet the Federal Government is not helping them to deal with that part of the crime problem that the Federal Government has actually created.

Since 9/11, Congress hasn't helped. We have given local law enforcement more to do, but less to do it with. We have expanded State and local law enforcement's authority to investigate, arrest and jail undocumented criminal aliens.

When we expand the responsibilities of State and local police, when we ask them to do more, we have an obligation to give them the resources that they need in order to do more.

In 1994, Congress created the State Criminal Alien Assistance Program, the SCAAP program, and since then it has provided over $4.1 billion in financial assistance to States, reimbursing State and local police for the cost of jailing undocumented criminal aliens.

In the last fiscal year alone, my home State of Georgia received $1.8 million in SCAAP funding for our State and local police. This year, funding for SCAAP was zeroed out in the President's budget. Fortunately, this bill will reinstate some funding for this program, but the amount is still far short of the amount that is authorized of the amount that is needed.

My amendment would provide an additional $10 million to the SCAAP program.

Frankly, we have enough homegrown crime to deal with already without having to deal with the crime that we are literally importing from other countries. As a result, my amendment pays for an increase in SCAAP funding through an 8/10 of 1 percent decrease in funding from the account that pays membership fees to international organizations.

Earlier this year, the President addressed the Nation and announced he would be sending National Guard troops to our southern border to help stem the flood of illegal immigrants flowing into the United States. National Guard troops on the border may help stem the flow of new illegal immigrants, but they do nothing to deal with the criminal element that has already gotten through.

With an estimated is 11 million illegal immigrants already living in the United States, our local law enforcement agencies continue to serve as our first line of defense in dealing with the criminal element that has already entered the country. That is why we need to provide State and local police with the resources that they need to do the job that we impose upon them.

I therefore urge my colleagues to help State and local law enforcement deal with undocumented criminals and support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

Page 23, line 4, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 23, line 9, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 39, line 25, after the dollar amount, insert the following: "(reduced by $50,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to my friend from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, a methamphetamine epidemic is plaguing America, as we know. It has become the leading drug problem in my home State of Kansas. The Byrne-JAG program is a critical tool for Kansas drug and law enforcement as they fight this methamphetamine abuse production and trafficking. It is especially true of rural communities who have fewer resources and live and die by these Federal grants.

Today, I spoke to Cristi Cain, a meth prevention organization leader. Here is her quote: Reduced funding means reduced enforcement, which means increased addiction, increased trafficking, increased manufacturing, which means more injured and killed children, more fires and more explosions, more crime to support the addiction. In short, an endangered Kansan.

I urge adoption of the Kennedy amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I appreciate being offered the time.

In my three decades of public service, I have never seen a problem as pervasive or as damaging as the meth epidemic faced by my home State of Oregon. Talking to law enforcement leaders about the meth problem, I have heard one message loud and clear. Local law enforcement lacks the money needed to extinguish this wildfire.

The Byrne-JAG program is an effective partnership between Federal authorities and State and local law enforcement. It enables State and local leaders to leverage resources in key areas and facilitates collaboration among law enforcement, treatment and prevention programs. Last year, the Byrne task forces nationwide seized 5,600 meth labs, 55,000 weapons, and massive quantities of narcotics, including 2.7 million grams of methamphetamine.

Many States have already been forced to cut or completely eliminate their gang and drug task forces. If we don't increase funding for the Byrne-JAG program, those cuts will only be deeper. I urge my colleagues to support the Kennedy amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, if you were to listen to this debate, you would assume that this bill has zero in it for meth. I urge Members to turn to page 11. I know nobody reads the reports here, and it is pretty obvious, but in order to help Federal, State and local law enforcement address the meth epidemic, the recommendation provides $367 million for the Justice Assistance Grants which the administration proposed to eliminate, $99 million for meth specific grants, which is the authorized level, and $58 million above the budget request, $40,000 for drug core programs, an increase of $30 million with regard to that.

You act as if we haven't done anything on meth. This amendment will devastate the census. I mean, no good deed goes unpunished in this institution sometimes. The administration zeros all this out. We met with every Member. Every Member that approached the committee, we tried to sit down and work it out with them to the best of it, to no avail.

Then we just accepted the Reichert amendment. God bless Mr. REICHERT for his efforts. He has probably forgotten more about this than most other Members. $25 million more that has just been accepted. Now we come out with another 50, 50, 50.

Then, where does he get the money from? I think in the Constitution they talk about the census. It is my sense that that is in the census in the Constitution. At this stage, a reduction of this magnitude to the 2010 decennial census programs will impact fundamental missions of the Census Bureau, reapportionment, the funding that goes out to different localities. A complete and accurate count in 2010 will not be able to be achieved, particularly when they look for the dress rehearsal.

The immediate ramifications are a disproportionate impact on vulnerable populations, irretrievable loss of testing opportunities to identify the problems. What can you say? Forget the census, blow it off, and put this in, even though the committee has increased it.

Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I join Chairman WOLF in opposing this amendment.

The amendment would increase Byrne grants by $50 million. That is the good news. No question about it. We would like to have more money for law enforcement. The offset would be a corresponding reduction to the 2010 decennial census by $50 million.

It is totally unacceptable, Mr. Chairman. I go back to my original statement where I say that we are going to oppose a lot of amendments today that are good amendments except for the offset.

This is really the wrong place for this offset, which I might add is still totally inadequate to Census Bureau funding to meet the needs of our communities, not to mention that the law enforcement uses census data to determine how to allocate manpower and equipment.

An article by the Brookings Institute fellow Andrew Reamer speaks to this point, and I quote, crime mapping has emerged as a critical tool in ensuring that these scarce resources are used to the best effect. Crime mapping applications at the State and local level rely heavily on the Census Bureau's demographic and housing data.

For State and local crime mappers, the Census Bureau has the single most important population and housing data at the neighborhood level. This bill has been carefully crafted. Fifty million dollars out of the Census Bureau is a lot of money, which we cannot afford.

Remember, folks, we are moving to 2010 when we are going to do a new decennial census. Taking money out of the census today means that we are not able to do a good job with that tomorrow. I can remember when we had to do an emergency funding for the Census Bureau in the last census. I oppose this amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 40 seconds to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. First, I want to thank the chairman for upping up the administration's attempt to zero out the Byrne grants, but, in fact, they have gone down from $600 million to $400 million and some, this year to $371 million. It will gut so many of our drug task forces around the United States.

But I also spent many years in my life here in Congress on the Census Subcommittee. Sometimes you have to prioritize. Right now, we need more help on the streets with crime than we do in the Census Bureau. The mandate for every 10 years is every 10 years.

The Census Bureau has taken on all kinds of other tasks, which some of the private sector can, quite frankly, pay for if they need it, rather than shut down our drug task forces. Because this is roughly almost a 67 percent cut over the last 6 years, not based on inflation, a 60 percent cut.

I know this chairman has fought to put this back in. This administration's drug enforcement budget is an abomination and embarrassment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I don't know how often we have to watch Members pose for political holy pictures on these issues before we start to gag. Well, I am at that point.

You have Members coming to this floor creating a great commotion, trying to create the impression that they are oh so much a champion of this program or that program.

On this amendment, it is the Byrne grant. On some other amendments, it is another program. My question to you, sir, is how did you vote on the budget resolution? Because if you voted for that budget resolution, you put this committee and this House into a position in which they have no choice but to cut one of these programs or the other.

Now you can parade around as a wonderful conservative, but the fact is, don't come to this floor with crocodile tears crying about what is happening to the Byrne grants or any other program if you voted for that budget resolution.

At least half the amendments being offered in this House, tonight and tomorrow, are cover-your-tail amendments, Mr. Chairman. They are here because Members who voted for the budget resolution are now trying to escape their responsibility because they want to have a roll call in their pocket that they can go to their constituents saying I didn't mean to cut that program.

But when you cut programs, there is not a line item in the budget for waste, fraud and abuse. When you cut the money, as you did in the budget, you are willing to sacrifice everything in order to provide $50 billion this year in tax cuts to people who make $1 million a year.

□ 2115

That is the real action. And half this other stuff is phony as a $3 bill.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to the gentleman from Nebraska, Congressman FORTENBERRY.

Mr. FORTENBERRY. Mr. Chairman, I do rise in support of this amendment as well offered by my colleague, Mr. KENNEDY.

In every congressional district throughout the country, narcotics does take on a sinister but very unique face. In rural communities that span the First District of Nebraska, that ugly face is methamphetamine abuse, production, and trafficking.

Throughout my district, local law enforcement agencies are using as much as 85 percent of their resources to battle meth. Broken families, child abuse, gang violence, and environmental decay are other consequences that this poison imposes on our communities. In other districts maybe the problem isn't meth, but perhaps something just as sinister like cocaine or heroin.

But no matter what face narcotics takes in any particular district, I would like to remind my colleagues that we must, in good conscience, support the men and women of local law enforcement. These are the courageous men and woman who risk their lives daily to better the communities, and they deserve our gratitude, but also our efforts to assist them in the difficult and dangerous work they do.

I urge my colleagues to vote for the Kennedy amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to the gentleman from Utah, Congressman MATHESON.

Mr. MATHESON. Mr. Chairman, I rise in support of the Kennedy amendment. Every time I meet with anyone in law enforcement in my State, county sheriff, police chief, I hear about the effectiveness of the Byrne grant program, and I also hear the concern about potential cuts in funding the Byrne grants. I don't think that that experience is unique to my congressional district. I suspect that that would be the case throughout this country.

This is a situation where we are making difficult choices, but when it comes to the impact of drug use in our society and the effectiveness of the Byrne grant program, I think that we need to pay attention to the fact that this is a program that works. So many people question programs in the government that may not work so well. This is one that has a track record. It works.

I encourage people to vote for this amendment, and I thank Mr. KENNEDY for his leadership on the issue.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield 50 seconds to the gentleman from the great State of Minnesota, Congressman RAMSTAD.

Mr. RAMSTAD. Mr. Chairman, as co-chair of the Law Enforcement Caucus, I believe it is short-sighted and counterproductive to underfund Byrne grants for law enforcement.

I have seen in my home State of Minnesota firsthand the importance of Byrne grants to local police in reducing crime and improving public safety. They have funded overtime pay, task forces to fight the war on drugs, equipment, and buy money to enforce our drug laws.

We must never forget our cops are on the front lines in the war on crime and fighting drug dealers and protecting our homeland. And before we bleed too much for our Census Bureau, I think we should remember, this agency in this bill already receives a $72 million increase. We are talking about funding cops, the war on drugs, homeland security, or $72 million more for the Bureau of Census. To me that is a no-brainer: we fund Byrne grants, which every law enforcement official in America is pleading for.

I urge adoption of the Kennedy amendment.

Mr. Chairman, Edmund Burke once said the most important reason we have government is to keep people safe.

The Edward Byrne Memorial Grant program is a key component of the federal efforts to make our communities safe.

Named for a fallen New York City police officer, the Byrne Grant program has been a vital tool since 1988 in helping state and local law enforcement fight violent and drug-related crime.

Although I respect the difficult job our Appropriations Committee is faced with when setting spending priorities, we cannot afford to shortchange public safety.

As co-chair of the Law Enforcement Caucus, Mr. Chairman, I believe it's short-sighted and counter productive to underfund Byrne Grants for law enforcement.

This amendment would increase funding for the Byrne-JAG program by $50 million and is offset by a reduction to the Bureau of the Census—an agency that already receives a $72 million increase in this bill!

Byrne Grants have been essential to better coordination between local and federal law enforcement in protecting our homeland. They have been key to providing personnel, equipment, training and technical assistance in the war on drugs.

They have bolstered prosecution efforts. And they have been used to administer critical programs—multi-jurisdictional drug enforcement teams, anti-drug education, treatment and alternative sentencing, such as drug courts.

In my home state of Minnesota, I've seen, firsthand, the importance of Byrne Grants to local police in reducing crime and improving public safety. They have funded overtime pay, task forces, equipment and "buy" money to enforce our drug laws.

We must never forget our cops are on the front lines—in the war on crime, fighting drug dealers and protecting our homeland.

As Chris Matthews of MSNBC said after the attacks of September 11: "Before the attacks on our homeland, America's heroes were the rich and famous. Since Sept. 11, America's heroes are the cops and firefighters. And that's good for America."

Today, America's heroes are counting on us. Congress owes it to these brave men and women who put their lives on the line every day they put on the badge. Our Nation's law enforcement officers need all the tools Congress can provide.

I encourage my colleagues to support this amendment to increase the maximum funding levels for Byrne Grants. It's time to honor the sacrifices made each and every day by our Nation's law enforcement community and give our Nation's finest the support they need.

Mr. KING of Iowa. Mr. Chairman, the Fiscal Year 2007 Science, State, Justice and Commerce Appropriations bill would fund the JAG-Byrne program at $367 million, which leaves a gap beyond what many States and local law enforcement agencies can fill without cutting multi-jurisdictional task forces which are critical in fighting the war against drugs.

At a time when meth and other drug crime enforcement has already stretched funding resources thin, this funding reduction will certainly have a negative impact. Most of Iowa's meth is in the purer form of "Ice." It is coming into my State from a foreign nation, Mexico. Our cocaine seizures are almost all of Mexican origin.

Recent marijuana seizures in Iowa are of Mexican origin. States, like Iowa, can use Federal assistance in dealing with this now national and international drug problem. State resources are being stretched thin to combat meth trafficking from Mexico and to work drug conspiracies that have their roots in Mexico and beyond. I continue to support increased funding for Byrne grants. State and local agencies take the brunt of meth investigations without Federal assistance. More than 90 percent of drug arrests nationwide are made by State and local law enforcement. Tom Constantine, former head of the Drug Enforcement Agency (DEA) testified that the majority of

DEA cases begin as referrals from local and multi-jurisdictional drug investigations. He was unaware of any major DEA case during his tenure that did not originate from information gathered at the State and local level.

Byrne-JAG is an effective Federal partnership with State and local law enforcement. The key is local control and information sharing across local, State and Federal jurisdictions. Last year, Byrne task forces seized 5,600 meth labs, 55,000 weapons, and massive quantities of narcotics, including 2.7 million grams of meth. These results demonstrate the power of using Federal dollars to leverage State and local partnerships.

The National Drug Threat Assessment 2006, authored by the Department of Justice, found that Mexican criminal groups control most wholesale distribution of powder and ice methamphetamine. According to DEA and HIDTA reporting, Mexican criminal groups are the predominant wholesale methamphetamine traffickers in the country—even in the Northeast and Florida/Caribbean Regions—supplying various midlevel drug dealers.

Mexican control over wholesale and midlevel methamphetamine distribution is likely to increase as a greater proportion of wholesale methamphetamine production occurs in Mexico-based laboratories. Unfortunately, declines in domestic methamphetamine production, particularly by independent producers, will strengthen the position of Mexican criminal groups as midlevel and retail distributors.

Iowa has made great strides. Iowa is a model for how to address domestic sources of meth lab production with its tough precursor laws. Unfortunately, to meet the demand, more meth is coming in from Mexico. A coordinated multi-jurisdictional response involving local, State and Federal agencies is crucial. Local law enforcement needs to have the funds in this amendment to fight drug crimes.

Mr. WELLER. Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Minnesota, Mr. KENNEDY to H.R. 5672, the Science, State, Justice, Commerce, and Related Agencies Appropriations Act for Fiscal Year 2007.

The amendment in question would increase the funding for the Edward Byrne Justice Assistance Grant Program by $50 million which would bring the committee's total mark for the program to $608 million. I strongly believe passage of this amendment is critical. The Edward Byrne Justice Grant Program provides States and local units of government the necessary flexibility in creating programs to address local needs when it comes to crime prevention and enforcement.

A prime example of how this funding can lead to great success in a community happened just yesterday back in my home district. In LaSalle County, Illinois, a anti-drug task force was established to address the growing problem of drug use in many of their communities.

Yesterday, this anti-drug task force arrested the brother of the head of the Chicago-based gang called Gangsters Disciples for dealing heroin and cocaine in the county. The apprehension of this dangerous criminal will further reduce the heroin and cocaine flowing into LaSalle County.

The reason this arrest was such a great success story of the Edward Byrne Justice Assistance Grant program is that the task force is funded almost entirely by Byrne grant funding. The success story in LaSalle County, Illinois, is one of many from the Byrne grant program.

In closing Mr. Chairman, I want to thank Chairman FRANK WOLF for providing a $142 million increase from last year's funding level for our local police forces. I also want to thank Congressman KENNEDY for offering this critical amendment that will provide our local law enforcement officers with a larger pool of funding to further protect our communities. I urge all my colleagues in the House of Representatives to support its passage.

Mr. KENNEDY of Minnesota. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Virginia.

Mr. KENNEDY of Minnesota. In my last 10 seconds, I would just compliment and applaud the committee and the chairman for the great work that they have done in trying to offset the cut by the administration, but say with a two-thirds cuts in Byrne grants funding, this amendment is absolutely necessary. And I urge my colleagues to support its passage.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I tried, the committee tried. Every Member who spoke to me on either side, we really made a really sincere effort to address it.

I went to Nebraska. I went out to Nebraska. The gentleman from Nebraska is right: they have a real, real problem.

But if you would just kind of listen to this debate, you would automatically, if you were just tuning in in Dubuque or Des Moines, you would assume that there was nothing in here, that we had just been stone deaf, that we had not even listened. We added also, to keep in mind, we just added, under the Reichert amendment, $25 million.

But in the committee report, on page 11, after really searching, I was very moved when I went out to Nebraska. I thought we want to do everything. And I have talked to Mr. SOUDER. And every time, I thought I have tried to do everything I could.

Now, as Mr. OBEY said, the budget resolutions come down, and the deficits are important and we talk. But here is what the conference report says:

"In order to help the Federal, State and local law enforcement address the meth epidemic, the recommendation provides $367 million for the Justice Assistance Grants program," they were wiped out, "which the administration proposed to eliminate; $99 million for meth-specific grants, which is the authorized level, and $58 million plus above the budget request; $40,000 for Drug Court programs, which is $30 million above the current year, $5 million for State Prison Drug Treatment programs, which the administration proposed to eliminate, and also $15 million above the request for DEA."

But if I had just listened to this debate, I would assume that this guy, WOLF, he was AWOL. He had no interest in meth. He was insensitive.

Of course, my father was a policeman. I have five kids. I have 11 grandkids. I think the deficit is a problem. I sit in Republican conferences, and I even hear people talk about it.

The Constitution requires that we do the census. It requires it. It isn't optional. We will use it to reapportion. And so I think what is taken here, you go to the weakest and the most vulnerable. There is not a lobby downtown for the Census Bureau. It just is not.

It is an easy vote. I am going to call for a roll call vote. We will have a roll call vote. But there is no support for the census, except in the Constitution. This guy named Jefferson and Washington and Madison and Monroe, they thought it was important.

But now we are going to take $50 million. I am sort of baffled. I guess it would have been almost easier to sometimes just not kind of go up anytime and try to listen, and then come down and take amendments on the floor that you were almost going to take.

I think I am going to lose this amendment. But I believe that I am right. And I believe for us to take this money out of the Census Bureau, I think they could have probably found another spot. But one spot has a strong lobby downtown; probably a lot of registered lobbyists are working on that area. Another, are there any registered lobbyists for the Census Bureau? Zero. Zip.

Mr. KENNEDY of Rhode Island. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to thank the gentleman for all he has done in the area of providing more drug treatment, more work in terms of interdiction of drugs. This chairman has done more than anyone else in his position could ever do on the meth epidemic or anything else.

All of us care about the census because we are not going to get back in our districts the entitlements for veterans, for those who are children, for education, if we don't have an accurate census. It is the process by which all substance goes through.

If we don't have money for our districts that comes through a proper accounting, we are losing money in our districts. If you can't understand that the census is the key to making sure our districts' needs get met, then I don't think you have actually been looking at why we have a census. That is the reason we have it, so a portion in government, the money can go to where it ought to go to those who need it most.

And, again, the chairman has done more than anyone else to try to make sure this meth epidemic has been tackled, and I support him wholeheartedly in opposing this amendment.

Mr. WOLF. Reclaiming my time, constitutional requirement, article I, section 2, we are required to take the decennial census. We ramp up to it. There has been controversy on this legislation. I say, God bless the Members that offered this. If you really feel so strong, vote for it. And I hope the money goes for the good. But I think when I look at this, I kind of feel, looking at this, as we work this bill through, I just don't understand. And I don't see how we can just take it from there. Patton, Boggs and Blow doesn't represent the census. Aiken Gump doesn't represent the census. They represent the Chinese, but not the census.

So we are going to go to the weakest, most vulnerable. Article I, section 2 of the Constitution.

I urge a "no" vote on the amendment.

Mr. MOLLOHAN. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I would rise to strike the last word and I don't intend to take 5 minutes. But I do want to make this point. You know, this is chickens coming home to roost.

If you voted for these budget resolutions that increasingly cut the allocation to the Appropriations Committee, and in turn the full appropriations committee gives smaller and smaller allocations to the subcommittees, this is where we get. We get to this point. I mean, there is a real relationship between voting for a budget resolution. The whole budget process, the hearings and making a budget, coming forth with a budget resolution, the whole process, in my opinion, is not real except that it does set the cap on domestic discretionary and defense spending. And that has gone down and down and down.

So now we are at the point that we have 100-about amendments offered here today, a lot of them from the majority side, a lot of them from the minority side, looking at the consequences of budget resolutions that don't provide adequate allocation. Everybody's looking at programs saying, oh, my goodness, you mean we are cutting law enforcement programs like this? You mean the President comes forward and zeroes out State and local law enforcement; the chairman comes back and tries to restore it but, boy, it is not enough. And Byrne grant programs. Golly, the allocation is not enough. Well, surprise. Budget resolutions mean something at the allocation level. The whole process gets down to how much money do we have for domestic discretionary.

Some folks are very concerned about NASA. Some folks are very concerned about science spending. Some folks are very concerned about law enforcement. Some people are concerned about the Bureau of Prisons.

Well, if you voted for the budget resolution, this is what you get, chickens coming home to roost. There is not enough money for these programs.

And I just want to make the point that when you get down to a really small pie, then you start cannibalizing good programs.

Are you suggesting that really that we don't need this $50 million for census programs? I mean, do we not need that?

The subcommittee went through a rigorous process of hearings. We went through a rigorous process with the majority staff, the chairman of the committee, coming forward with this bill. It is the best bill that can come forward given our allocation. We cut these census programs and the Justice Department isn't going to have the information it needs in order to spend its dollars wisely. You cut the census program, come 2010, we are not going to be able to conduct a proper census, decennial census. That is the consequences of it. You can cut it now. You can cut census program, you can try to cut some of these other programs, these unacceptable offsets. But there is a consequence for it. And what you are really acknowledging here tonight is that you shouldn't have voted for that budget resolution. You shouldn't have voted for a budget resolution that does not provide for an adequate allocation for us to do our job for law enforcement.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SOUDER. Does our unanimous consent agreement give the majority subcommittee chairman the ability to speak for 5 minutes whenever he wants, plus the ranking member of the full Appropriations Committee, plus the subcommittee on any motion in front of the House, plus the 5 minutes to oppose an amendment?

□ 2130

The CHAIRMAN. When an amendment is pending, the order of the House of today allows the subcommittee chairman and ranking minority member and the committee chairman and ranking minority member the right to strike the last word.

Mr. SOUDER. So if I understand what the chairman said, the rest of the House only gets 5 minutes, even if it represents the majority position of the House, but the combined Appropriations Committee can take 25 minutes to oppose our amendment, and our only recourse is to object to unanimous consent agreements?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. SOUDER. My parliamentary inquiry is, the only way to have stopped this was to have objected to the unanimous consent agreement?

The CHAIRMAN. The order of the House was propounded by unanimous consent and was accepted.

Mr. SOUDER. In the future, I will be objecting if that is going to be the order of the House.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the gentleman and his party have 5 additional minutes to make their case.

The CHAIRMAN. The Committee may extend time on equal terms where both sides would have the equal time.

Mr. WOLF. Mr. Chairman, I would ask unanimous consent that both sides give the opposition the same time so that the gentleman from Indiana and the gentleman from Minnesota and others have equal time.

Mr. SOUDER. Will the chairman yield?

Mr. WOLF. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, we were restricted to 50 seconds. Most people have gone through the process, but many Members did not come over who could have spoken.

I have a general concern that the Appropriations Committee on all the amendments can gang up, as we saw here, on a 5-minute rule; and I have concern about these unanimous consent agreements. I do not think we need to hold the House further here. We already went through our different statements. I could debate for 30 minutes on the census and other things, but I think we should move to a vote at this point. But I have a real problem about this intimidation by the Appropriations Committee.

Mr. MOLLOHAN. Mr. Chairman, I yielded back my time, but I would ask unanimous consent to claim any time I had remaining and to yield it to the gentlemen.

The CHAIRMAN. Are you asking unanimous consent to reclaim your time, which is 2 minutes, and have the ability to yield that time?

Mr. MOLLOHAN. I do, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. SOUDER. I object.

The CHAIRMAN. Objection is heard.

Mr. MOLLOHAN. I am only trying to yield it to the gentlemen.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Minnesota. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I found the last comment from the gentleman from Indiana to be very interesting.

The fact is that the unanimous consent agreement was agreed to as a courtesy by the minority to the majority. It is, very frankly, not in the political interest of the minority party in this House to assist the majority party in moving its appropriation bills through the House. We have done so on every occasion as a matter of legislative courtesy to the majority.

Now, if members of the majority do not like that, then I guarantee you there will never be another unanimous consent request provided from the minority side of the aisle. If that is the way you want it, you are going to be here a long time struggling with every appropriation bill from here on out.

The minority accepted the unanimous consent request with this provision because there are many times when the majority party and the minority party have a different view of amendments. This is not one of those times, but that happens most of the time on these amendments. And so the unanimous consent request is not any conspiracy between members of the Appropriations Committee. It is simply an effort to move the House's vote along.

We have 100 amendments. Without this unanimous consent request, we would still be on number 2 or number 3. You would not get halfway through this bill before you go home for the July 4 recess. Now, if that is what you want, I am perfectly happy to give it to you.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 23, line 4, after the dollar amount, insert the following: "(increased by $5,000,000)".

Page 24, line 14, after the dollar amount, insert the following: "(increased by $5,000,000)".

Page 39, line 25, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Page 40, line 2, after the dollar amount, insert the following: "(reduced by $5,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

Today, I am offering an amendment to increase funding for the Department of Justice drug court programs. My amendment would raise allocated funding to drug court programs in the bill from $40 million to $45 million.

Mr. Chairman, we Members of Congress recognize that substance abuse not only has devastating effects on the abuser but also on the entire community. The total estimated cost of drug abuse to American communities in 2000 was $160.7 billion, mostly from health care costs and productivity losses.

Also troubling is the rise in drug-related crime. Between 1984 and 1999, the number of defendants charged with a drug offense in Federal court increased by 247 percent. In 2001, substance abusers accounted for more than half of all sentenced Federal inmates.

However, many drug-related offenses are nonviolent, and incarceration will not prevent repeated drug use. Treatment is the key.

Drug courts are a proven, unique tool in the war against substance abuse. These special courts were developed to curb dependency at the local level by reflecting the unique strengths of each community and using comprehensive supervision, drug testing, and treatment services.

To date, there are nearly 1,800 drug court programs that serve more than 70,000 participants with impressive recovery results. The program allows for the full weight of interveners to be brought to bear on the offender, compelling him or her to deal with the substance abuse problem.

The treatment represents a viable long-term solution with long-term results as opposed to incarceration, a short-term course of action that fails to treat the addiction problems.

I am proud that while he served as our Nation's Drug Czar, Asa Hutchinson came to my district and visited my drug court in Compton, California. He went away believing it was a model for others nationwide. It is clear that these courts make a difference, Mr. Chairman, and deserve sufficient funding levels.

I wish to recognize Chairman LEWIS, Chairman WOLF, and Ranking Member MOLLOHAN for their dedication to drug courts and thank them for increasing this account by 300 percent from last year.

With the understanding that Chairman WOLF and Chairman LEWIS will fight in conference to increase drug court funding to $45 million, I have agreed to withdraw my amendment, and I defer to the chairman at this time.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim the time in opposition to the amendment, though I am not in opposition since the gentlewoman has withdrawn the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I pledge to do everything we can in conference, and I know Mr. MOLLOHAN feels the same way and we have had the conversation with other members, to keep the figure at this number. It is a 300 percent increase. Drug courts are very, very important. So I will do everything I can, and I know Mr. MOLLOHAN will also agree, to keep this in. And I thank the gentlewoman.

Mr. Chairman, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the gentleman.

I do recognize you will use all of your efforts to try to increase this. I appreciate your commitment to this successful program.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. OBEY of Wisconsin.

Amendment by Ms. VELÁZQUEZ of New York.

Amendment by Mr. NADLER of New York.

Amendment No. 22 by Mr. STEARNS of Florida.

Amendment by Mr. KENNEDY of Minnesota.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 185, not voting 10, as follows:

[Roll No. 326]

AYES—237

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boozman
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers

Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Pombo
Price (GA)
Putnam
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Cannon
Carson
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2209

Messrs. PETRI, LATHAM, GREEN of Wisconsin, SHERWOOD and GOHMERT changed their vote from "aye" to "no".

Messrs. EDWARDS, OWENS, BOOZMAN, ENGLISH of Pennsylvania, McCOTTER, SCHWARZ Of Michigan, LaHOOD, JOHNSON of Illinois and Ms. HART changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 207, not voting 11, as follows:

[Roll No. 327]

AYES—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOES—207

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Brady (PA)
Cannon
Carson
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
Strickland
Whitfield

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

☐ 2214

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 243, not voting 13, as follows:

[Roll No. 328]

AYES—176

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cuellar
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gallegly
Gillmor
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pascrell
Payne
Pelosi
Platts
Pomeroy
Price (GA)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Westmoreland
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—243

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Hinojosa
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—13

Brady (PA)
Cannon
Carson
Costa
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
Rush
Strickland
Whitfield

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2218

Mr. CLEAVER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 257, not voting 12, as follows:

[Roll No. 329]

AYES—163

Akin
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Berkley
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Boren
Boucher
Boyd
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Cantor
Cardoza
Chabot
Chandler
Chocola
Coble
Conaway
Costa
Cubin
Cuellar
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, M.
Drake
Duncan
Everett
Feeney
Foley
Forbes
Ford
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hayworth
Hefley
Herseth
Holden
Hostettler
Hulshof
Hunter
Istook
Jenkins
Jindal
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Markey
Marshall
Matheson
McCotter
McHenry
McIntyre
McKinney
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Oberstar
Otter
Pascrell
Paul
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pombo
Porter
Price (GA)
Rahall
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryun (KS)
Salazar
Saxton
Schakowsky
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Smith (NJ)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Tiberi
Wamp
Weiner
Westmoreland
Wilson (SC)
Young (AK)
Young (FL)

NOES—257

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Bass
Becerra
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boustany
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardin
Carnahan
Carter
Case
Castle
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Fortenberry
Frank (MA)
Frelinghuysen
Gilchrest
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Manzullo
Marchant
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Pickering
Pitts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—12

Brady (PA)
Cannon
Carson
Culberson
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
Strickland
Whitfield

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2222

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 291, noes 129, not voting 12, as follows:

[Roll No. 330]

AYES—291

Abercrombie
Aderholt
Akin
Allen
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Case
Castle
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Crenshaw
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Duncan
Edwards
Emerson
Engel
English (PA)
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hayworth
Hensarling
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hulshof
Hunter
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Oxley
Pallone
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt

Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Watson
Weiner
Weldon (PA)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wu
Young (FL)

NOES—129

Ackerman
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Becerra
Berman
Biggert
Blackburn
Blumenauer
Bonilla
Bono
Boyd
Burgess
Campbell (CA)
Capuano
Carter
Chocola
Clay
Cleaver
Conyers
Cramer
Crowley
Culberson
Davis (IL)
Davis, Tom
Diaz-Balart, L.
Dicks
Dingell
Drake
Dreier
Ehlers
Emanuel
Eshoo
Filner
Flake
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gonzalez
Goode
Granger
Grijalva
Gutierrez
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hinojosa
Honda
Hoyer
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Knollenberg
Kolbe
Kucinich
Lantos
Lee
Lewis (CA)
Lewis (GA)
Linder
Mack
Manzullo
Marchant
Matsui
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Myrick
Napolitano
Olver
Owens
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Petri
Price (GA)
Putnam
Rangel
Regula
Reyes
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Schakowsky
Scott (GA)
Serrano
Sherman
Sherwood
Simpson
Smith (TX)
Solis
Stark
Tancredo
Thomas
Thompson (CA)
Tiahrt
Turner
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Weldon (FL)
Wexler
Wicker
Wolf
Woolsey
Wynn
Young (AK)

NOT VOTING—12

Boehner
Brady (PA)
Cannon
Carson
Evans
Herger
Hyde
Johnson, Sam
Ortiz
Radanovich
Strickland
Whitfield

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2229

Ms. LORETTA SANCHEZ of California, Messrs. RAHALL, MARKEY, MEEHAN and NEAL of Massachusetts changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 2230

Mr. WOLF. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McCAUL of Texas) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

COLLOQUY RE CRAB PROCESSOR QUOTA SHARES

(Mr. LoBIONDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LoBIONDO. Mr. Speaker, I rise to enter into a colloquy with the chairman of the Transportation and Infrastructure Committee, Chairman YOUNG.

Is it the intent of the conference on H.R. 889, the Coast Guard and Maritime Transportation Act of 2006, that when the National Marine Fisheries Service issues new processor quota shares under section 417, the regional designation for the shares for both the king and c. opilio crab fisheries shall reflect the processing history of the Blue Dutch during the years leading up to the North Pacific Council's adoption of the crab plan?

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. LoBIONDO. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Yes, it is the intent of the conferees that both the new king crab processor quota shares and the new c.opilio processor quota shares shall receive a designation based on the location in which crab was historically processed.

Mr. LoBIONDO. I thank the gentleman.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4157

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 4157, the Health Information Technology Act of 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There as no objection.

OVERSIGHT GAP IN IRAQ

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, former State Department intelligence officials testified yesterday that they warned the administration 3 years ago that the occupation of Iraq would provoke insurgency ethnic strife and the targeting of U.S. forces. But their words then, 3 years ago, went unheeded.

The Post reported today that the hearing "marked the first time intelligence assessments on postwar Iraq had been specifically discussed in a congressional session." No Republicans participated.

Three years after the war in Iraq began, Republicans are still refusing to investigate what went wrong. Ohio families are paying the price.

Many of us have repeatedly asked the President to present a plan for success in Iraq, a winning exit strategy to complete the mission and start to redeploy and bring our troops home. Republicans responded with theatrics and sound bites. More of the same is not a plan. More of the same doesn't bring us any closer to winning the global war on terror.

The troops and the American people deserve better. They deserve a Congress that doesn't look the other way when mistakes are made. They deserve a realistic and forward-thinking plan that brings our troops home.

SHUTTLE SAFETY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few days from today, brave Americans will again enter into space, pressing forward the intellectual and, of course, scientific expertise that Americans possess. I support the space exploration program, but I stand today as a member of the House Science Committee who has continually asked the question about safety, safety, safety.

After the incident of *Columbia*, we implemented safety procedures. Unfortunately, today, we find that one of the engineers that had concerns about the space shuttle's launch on July 1 has now been removed as an engineer from this program.

Whistle-blower protection. Safety requirements. It is time, before they launch, that they tell Members of Congress the facts and that we can be assured that all manner of testing, all assessment has been made to ensure a safe launch, as safe as possible, so that lives can be protected.

Vehicles may be lost, but the lives of astronauts should be protected. We need answers, and I look forward to getting those answers as soon as possible.

HAMAS-LED PALESTINIAN AUTHORITY, A TERRORIST ORGANIZATION

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, more and more information is emerging that this week's kidnapping of an Israeli soldier and the killing of two others was a Hamas plot from day one. Several newspapers are reporting that the attack and kidnapping were carried out by Ahmed Jaabari, the commander of the Hamas military wing who takes his orders from Khaled Mashal, the senior Hamas leader based in Damascus, Syria.

According to the Associated Press, two senior aids to Palestinian Authority President Mahmoud Abbas said that Mashal gave the green light for the operation. This is a stinging indictment of the Syrian regime's participation in global terror and a brutal reminder about Hamas.

I and others have called the Hamas-led Palestinian Authority a terrorist organization. Congress recently passed a bill banning any assistance to the Palestinian Authority until it ends terror, recognizes Israel, and abides by all agreements signed by the Palestinian Authority. But most of all, with this terrorist attack, Hamas has once again shown its true stripes. It remains the murderous terrorist group which carried out scores of suicide bombings in the 1990s.

Our U.S. Ambassador Jones said yesterday, "The problem is in Damascus and that is where we should focus the world's attention." This is the key point. The Syrian Government continues to play host to a range of terrorist groups, including Hamas. And now, one of the outlaws in Damascus has kidnapped an Israeli soldier.

As the author of the Syria Accountability Act and Lebanese Sovereignty Restoration Act, I demand that the government of Syria close the terrorist bases in its country and bring the murderer Khaled Mashal to justice. And I ask President Bush to impose the remaining sanctions of the Syria Accountability Act which it has not yet imposed.

CONGRATULATING COLLEGE WORLD SERIES CHAMPION OREGON STATE BEAVERS

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, we deal with such serious topics in this House of Representatives, and so I want to bring to the attention of this House and this Nation a very happy topic. I rise to congratulate the Oregon State University Beavers on winning the College World Series baseball tournament.

This is indeed a Beaver Nation. After taking on UCLA, Stanford, Arizona, and USC, all sunny States, we in the rainy Northwest, with a team of kids from smaller communities all around the State, have successfully won a world championship. This is probably the first world championship since the Portland Trail Blazers won the NBA championship in 1977.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SALMON FISHING SEASON A DISASTER

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace Mr. LARSON.

The SPEAKER pro tempore. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Speaker, today I had an extraordinary meeting with the head of the National Oceanic Atmospheric Administration, Mr. Lautenbacher, and his deputy, Mr. Hogarth. They met with six Members of Congress representing the west coast fishers in the United States, particularly from Oregon down into California.

These gentlemen met with us so we could ask them to ask, in all sincerity, when they are going to declare the salmon fishing season, which has been essentially closed by their agency, a disaster. Their answer was: never. Or maybe next year.

It was an extraordinary meeting. They said that because they allowed an extraordinarily limited season, that is, a fisherman can go out and catch up to 75 salmon, which won't quite pay for the fuel to leave the dock, on a few occasions during the year, that they can't anticipate whether or not it will be a disaster for those folks.

Now, the deputy was a little more honest, and he admitted that it was even worse than they thought. No one is fishing. No one is going out with fuel prices like this, and, in fact, there is virtually no activity. But they thought that people might go out. Maybe the price of fish will go way up. I said, to what, a hundred dollars a pound? What are we talking about? What would induce people to go out into the ocean and catch 75 salmon, a commercial fishing boat? They couldn't answer that.

So we said, your regional counsel recommended a disaster declaration, and you sent it back. When will you process that? They said, oh, well, we have already sent it back again. We said, why did you send it back? They said, well, because they made a recommendation of a disaster.

The people who manage this agency in the region recognized the disaster. They recommended a disaster declaration to the national bureaucrats. The national bureaucrats said, no, you can't do that. They sent it back. They had to strip out their recommendation and then they sent it back and they said, okay.

So when are you going to process all the facts on which they made that determination? They said, not until February. Well, why not until next February? Because people might go out and catch 75 fish, and that might make a difference in whether or not there is a disaster.

It is extraordinary tortured logic. You can't get there from here. So we said, how about you just issue the declaration of a disaster. No, their lawyers say they can't do that. I asked to see the legal opinion. They said, no, they couldn't show me the legal opinion; that they couldn't do that.

We asked to see the recommendation from the regional people about the disaster, and they said, no, you can't have that. You are only Members of Congress representing these people. You can't have those documents because we haven't made a decision yet. When are you going to make a decision? When it is too late for the fishers and their families. When they have already gone bankrupt. Whey they have already lost their boats. That is next winter when they might get around to making a decision about this year's season.

So, then, I said, okay, how about this: why don't you just close down this lame season that you have created, this 75-fish limit on a few days; just close it down, declare a disaster, and get some assistance to the fishers? They said, oh, no, they couldn't do that because they have already made a decision that is based on certain documents, and they couldn't go back on that. I said, just declare an emergency. No, they are not going to do that.

□ 2245

They are getting orders from somewhere higher up in this administration that is embarrassed, embarrassed about the politics, embarrassed that 4 years ago, to make hay in an election year, they diverted water from irrigation, from the river to irrigation. They got headlines. They made great political hay with us with it. Now if they declare a disaster on the returning salmon, the class of that year, they are essentially admitting that they impacted that.

In fact, in the Senate, they have already said that this is not a natural disaster. The Parliamentarian there ruled against emergency assistance by the junior Senator from Oregon, because he said this was not a natural disaster; it is manmade. The Bush Administration made this disaster through their mismanagement of the resources in that region.

So now we have the agency saying they are not going to declare a disaster. I think they are just trying to put the small fishers out of business. What the end game is, I am not sure. Maybe giant aquaculture. Who knows? But the point is they are refusing, despite the request of the Governor of Oregon, the Governor of California, the Senators from Oregon, the Senators from California, a large number of Representatives from Oregon and California, we have all requested a disaster declaration, and the White House is silent, and the bureaucrats say "no."

JUDGMENT DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, tonight there is one less brutal murderer in Texas. Angel Maturino Resendiz is gone. He has been executed, ending one of the most brutal reigns of terror a serial killer has ever known.

Some called him the face of death. He rode the rails from Mexico to the heartland of America, leaving a wake of bloodied and mutilated bodies behind him, quickly earning the top ranking of the FBI's most wanted list.

Thanks to the tenacity of Texas Ranger Drew Carter, who captured Resendiz, and the work of the FBI and numerous local law enforcement agencies, justice has occurred. The wanted posters have come down.

Resendiz raped, brutalized, tortured, maimed, and he took the lives of at least nine people, all who live within yards of railroad tracks throughout America. But he stole. He stole the security of citizens everywhere he went. Small town shops sold out of pistols. People who never locked their doors even sealed their windows because of the fear of Resendiz. Resendiz never knew where he was going, never brought anything with him but always knew what he would leave behind, a trail of terror and the darkness of death.

Tonight, much to the dismay of his victims' families, he met a far more peaceful fate than the one he inflicted on a 73-year-old woman. Her last view of Earth was his wicked face and a pickax coming right at her that was lodged in her head and embedded between her eyes. Tonight, Angel Resendiz is gone.

Americans are rid of the beast that pulverized a church secretary's face with a sledgehammer. Then he sexually assaulted her. His death sentence was for only one single slaying, the rape, stabbing and beating of a Houston doctor whose husband watched the execution tonight, saying people have to understand what evil really is.

Resendiz' sentence was objected to by the Mexican government, who tried to intervene today in U.S. Federal courts to prevent this justice from occurring. The Mexican government instead should pay reparations to the nine families he murdered, since Mexico encourages illegals like him to enter the United States.

Resendiz is accused and suspected of many, many more killings throughout the United States, all tied together with the winding railroad tracks that carried this monster to his chosen chore, committing unspeakable random acts of butchery.

Tonight, Texas and the rest of the country, they are safer. The man who considered himself half man and half angel was neither. He was not half angel. He was totally a demon. Tonight, he has met his judgment day.

And that's just the way it is.

RESET OF EQUIPMENT FOR THE ARMY AND MARINE CORPS

Mr. SKELTON. Mr. Speaker, I ask to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, before I make my remarks about the readiness of the Army and Marine Corps equipment, I would like you to share my thoughts on the recently released information of a possible plan for troop redeployment in Iraq.

Let me say I am incensed that General Casey's recommendations to the President and Secretary Rumsfeld for possible force redeployments in the coming months were leaked by someone in the administration to The New York Times.

The options presented to the President for the success of our operation there should not be on the front page of a major paper. Such a leak does not benefit considered deliberation of military operatives. It can only serve a political purpose. Members of the Congress overseeing the Department of Defense should have been kept informed of our senior military commander's best thinking in an appropriate forum.

That said, I am pleased to hear that the Iraqis and the American people may be able to begin to see a correlation between increasing numbers and capability of Iraqi battalions and some reduction in American combat power. This is something that I have suggested for some time. This apparent consideration of options could not come at a better time, given the poor readiness posture of the Army and Marine Corps equipment.

Over the last several years, we have seen readiness rates plummet as the operation tempo in Iraq has climbed. Readiness rates for equipment have fallen so far, so far that I fear that now they present a strategic risk to our ability to respond to contingencies we may have faced beyond our current commitments in Iraq and Afghanistan.

Mr. Speaker, nearly 40 percent of the Army and Marine Corps ground equipment is deployed to the Central Command theater. That equipment is suffering terribly due to battle losses and damage and increased operations and harsh climate.

Since the start of the war, the Army has lost over 1,000 wheeled vehicles and nearly 100 armored vehicles. Increased usage and the weight from extra armor are wearing out equipment in Iraq up to nine times the peacetime rate. That means that some equipment has added the equivalent of 27 years worth of wear since the start of the war in Iraq.

To keep this equipment serviceable, the Army and Marines have had to expend extraordinary effort. To their credit, the readiness rates for equipment deployed to Central Command remains high, with spare equipment and repair parts flowing quickly to the fight.

Unfortunately, theater readiness has come at the expense of equipment here in the continental United States. Readiness reporting from non-deployed Army units shows that equipment readiness continues to fall, with very few continental United States units rated as fully mission-capable.

These low mission-capable rates disturb me greatly, as they are an indicator of a military under stress. Non-deployed units are our strategic base. They are the units we will call if a crisis emerges. Looking at these readiness rates, I truly wonder if our military will be able to answer the call should it come.

The cost of all this repair and maintenance is enormous, with the Army spending $13.5 billion in 2006 alone. General Schoomaker, in his testimony before the Armed Services Committee today, said that the Army will require an astounding $17 billion next year to reset equipment damaged or destroyed by the war in Iraq. Even more disturbing is that the largest bill for the reset will not come due until after combat operations end. At that point, future budget pressure may make it difficult to forward the reset, leaving us with significant shortfalls of equipment to fill a transforming military.

This Congress has a responsibility to provide for our force for the battles that they are in today and for those that they may have to fight tomorrow. To do that and to budget responsibly, we must know the true and full cost of the bill that will come due.

Mr. Speaker, the Army and Marine Corps have been involved in prolonged combat under the harshest of conditions. The combat has taken an enormous toll on troops and their equipment. Yes, we have strategic interests in Iraq, but we also have strategic interests around the world that we must be prepared to defend. We cannot allow the war in Iraq to destroy our ability to fight and win in other contingencies. Our Army and Marine Corps must have what they need to fight and win.

HONORING MEGAN JESSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, I rise tonight to honor the memory of an exceptional young woman. Less than 2 months ago, the community of Michigan City, Indiana, celebrated when they heard the good news. Megan Jesse, one of their own, was selected as the Second District's first place winner in the Congressional Art Competition. Today, unfortunately, the same northern Indiana community mourns her sudden and tragic passing.

Megan had just completed her junior year at Michigan City High School where she was a member of the Wolves ladies' soccer team. She was on her way to soccer camp with fellow teammate Katherine Stoll on Friday when they were involved in an automobile accident. Katherine was seriously injured, and Megan tragically lost her life.

Just hours before, Megan and her parents were busy planning their visit to Washington, D.C. They were coming to Capitol Hill today to attend the Congressional Art Competition's dedication ceremonies. Photography was one of Megan's favorite hobbies, and it was her artistic photo project, "Highlights," that was chosen from Indiana's Second District to hang here in the Capitol building.

When I attended the awards ceremony at Indiana University South Bend, Megan talked about her love of art and her inspiration for her winning piece. At first she was going to portray a towering lighthouse on the shores of Lake Michigan. But when she got to the beach, something else caught her eye, a simple picturesque lifeguard tower looking out over the water. Megan photographed this scene instead, and she was able to capture it with striking effect.

She said she chose the scene because of her love of the beach, and she wanted to express her feelings and emotions in a way that could be shared with others. I think it is truly fitting that her artwork will now hang in the United States Capitol where it can be enjoyed by thousands of visitors and passersby.

Sadly, Megan and her family will not be here for the Congressional Art Competition's ribbon-cutting ceremony this week, but we will still celebrate the accomplishments of a gifted young woman whose life was cut short by tragedy. To thousands of visitors to our Nation's Capitol and to my colleagues in Congress, the next time you walk through the tunnel in the Capitol, stop to consider the picture from the Second District of Indiana, Megan Jesse's picture, and remember this part of her life that she so graciously shared with us.

Mr. Speaker, I know I speak for all of my colleagues when I say that we honor her life and her work and that our thoughts and prayers are with Megan's family at this very difficult time.

STOP SWEATSHOP PROFITEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I see them all over Ohio, Toledo, Hamilton, Lima, Youngstown, Mansfield and Dayton. In every community, there are signs that the Federal Government's trade policies are undermining American manufacturers, especially small machine shops, tool and die makers, other manufacturers, and encouraging the spread internationally of abusive sweatshop practices.

China is the sweatshop of the world, with oppressive labor policies resulting in wage suppression of as much as 85 percent. We all know that American workers can compete with workers anywhere in the world on a level playing field, but no one can stand, no one can compete with child labor, with sweatshop labor, with prison labor.

The year I first ran for Congress in 1992, the United States had a trade deficit of $38 billion. Today, just last year, in 2005, that trade deficit had jumped from $38 billion in only 13 years to a $720 billion trade deficit.

The result of the sweatshop labor of this trade policy with China alone is trade deficit records being broken year after year and ever-increasing losses of manufacturing jobs to China. In my State alone, 200,000 manufacturing jobs had been lost since the year 2000, yet America's trade agreements are actually encouraging the development of new sweatshops. All of us in this body supported the U.S.-Jordan Free Trade Agreement because Jordan's labor protections were seen as meeting international standards.

The New York Times, though, recently reported that in the few years since the Jordan Free Trade Agreement took effect, lax enforcement and an abusive guest worker system have made Jordan the new haven for some of the world's most brutal sweatshops.

Senator BYRON DORGAN and I have introduced the Decent Working Conditions and Fair Competition Act to end sweatshop profiteering.

The bill is simple. It bars the importation or the sale of goods made with sweatshop labor. In other words, if a product is made in a Chinese sweatshop, if a product is made by child labor or slave labor or prison labor, you can't import it into the United States, you can't sell it into the United States.

The Federal Trade Commission would enforce it, but the bill also gives retailers and shareholders the right to hold violators accountable, and it prohibits Federal government agencies from buying sweatshop goods. We can't afford to continue to tolerate these abuses. We certainly cannot afford, cannot continue to encourage them.

We don't have a $200 billion trade deficit with China because China's companies are better than ours and certainly not because their people are smarter or more dedicated or hard working. We know how China is able to do so well in the game of international trade. They break the rules.

When China breaks the rules, and we lose in places like Marion and Cleveland, when we lose in places like Chillicothe and Zanesville and Toledo, when they lose thousands of manufacturing jobs, it not only hurts those people that lose those jobs, it hurts those families. It causes police and fire to be laid off in those abandoned communities. It means fewer schoolteachers teaching our young people.

□ 2300

It devastates people's families. It devastates people's communities. It is our job here in Congress to provide a level playing field for U.S. workers, to help those small manufacturers, to help those workers, to help those families, to help those communities and provide decent working conditions for workers here and abroad.

I ask my fellow Members of the House to support the Decent Working Conditions and Fair Competition Act.

AMERICA ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, a couple of my colleagues and I tonight are going to spend a little bit of time talking about our Constitution, the founding principles on which this country is based, and a document that I am concerned that many of our colleagues in this Chamber are not as intimately familiar with as they should be.

I have introduced H. Res. 883 to try to address this issue. The acronym for the act is called the AMERICA Act, A Modest Effort to Read and Instill the Constitution Again, which is a bit tortured, but at least it gets us going in the right direction.

This resolution would require, or would encourage, each Member of the House and each staffer that works for a Member of the House to read the Constitution once a year. We hope to be voting on this in September during Constitution Week. But I want to talk about it tonight.

Our Constitution sets forth the written set of fundamental principles about which this U.S. Government, the United States, is to be governed. It establishes the three branches of the government that function here at the Federal level. And it is considered the supreme law of the land.

It is also the world's oldest written national constitution, and it confers upon Members of this body and the other body certain honors and certain great responsibilities.

We in Congress write laws constantly to implement those fundamental principles, and every once in a while we propose amendments to change those fundamental principles. I, therefore, think it is important that each one of us be intimately familiar with what is in the Constitution. It is a relatively short document, about 2,500 words, and I would not consider it an onerous task for my colleagues and I to at least once a year read that Constitution.

Before I came to Congress, I practiced as a CPA, Certified Public Accountant, and I still maintain that license. I am required as part of the licensing process of the State to participate in 40 hours of continuing professional education each year. I just finished that up this week for my license renewal. And I think that most professions have that.

I think that it is a modest step toward a continuing education process or program for Members of Congress, that being required or being encouraged, excuse me, to read the Constitution once a year would be a good thing to do. So this resolution, which I am hoping to gather support for, because I am curious as to who would push back or what the arguments would be from our colleagues as to why we shouldn't know what is in the Constitution, why we shouldn't be familiar with what is in the Constitution, why that is in the best interest of the 651,000 people that they represent here in this body.

So I would encourage other Members to sign on to this legislation that would encourage each one of us and our staffers, the senior staffers and others, to read the Constitution once a year and help us understand the differences between the way this government looks today versus what that Constitution requires.

OMAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. LEVIN) is recognized for 5 minutes.

Mr. LEVIN. Mr. Speaker, yesterday the President transmitted legislation to implement the U.S.-Oman Free Trade Agreement. The Senate Finance Committee will mark up this legislation tomorrow, and the word is the Senate is going to try to rush this through on the floor of the Senate in the afternoon. And the House Ways and Mean Committee will take up this bill on Thursday.

This agreement is a test of globalization. Globalization is under major pressure today, in part because as it has spread, the benefits of increased trade between nations too often have not been widely shared among people within the nation. Workers rights matter, especially the ability of workers to represent themselves in the workplace because they are an important economic tool to spread more widely the benefits of expanded trade.

To help make globalization work, a view widely held by House Democrats is that trade agreements should include squarely within the text of the agreement a requirement that there be adherence to basic ILO standards within a reasonable transition period.

We have strongly opposed the standard that USTR has tabled for worker rights, and the environment, in FTAs, which requires that a nation must only enforce its own laws. It is a standard that USTR does not propose for any other provision of an FTA and would never dream of using for other economic issues, whether intellectual property or investment rules or any other.

Where an FTA has been negotiated with a nation using that standard, but at the time of the FTA vote the basic ILO rights were in operation in practice and in law, many of us have voted for the agreement despite opposition to the standard. That was the case in Chile, Singapore and Morocco.

With the Bahrain FTA, there was clear evidence that the ILO standards were there in practice so that there was a foundation for assurances that the laws would be swiftly brought into conformity with existing ILO-compliant practices. In accordance with law, unions in Bahrain enjoyed autonomous status, independent of the employer, beyond interference. In addition, as long as the union existed under law in an enterprise, the law provided that an employer must recognize it and engage with it in collective bargaining. So many of us voted to approve the U.S.-Bahrain FTA.

The conditions in Oman are very different than those prevailing in Bahrain and in those other countries where we have supported FTAs.

As one approaches consideration of the U.S-Oman FTA, there are some clear truths. Oman is a nation in the volatile Middle East with good relations with the U.S.

Secondly, the amount of trade is small. It would likely grow under an FTA, but remain small, and thus any economic negative dislocations for either side would be small.

In practice and law, thirdly, realities in Oman today do not remotely meet the five basic ILO standards, including the right of workers to associate and bargain collectively.

Workers cannot be represented in the workplace unless they have their own representatives and their own organizations. This basic condition is not close to being true in Oman today.

Where there is an organization in an establishment, a representative committee, representatives of the employer belong as well as employees. There is an umbrella committee of representatives committees called the Main Representative Committee. From available information, of the 13 members currently on the MRC, the vast majority are high-echelon officials of companies.

For 8 months our staffs have been in touch with Omani and U.S. Government officials simply to get the facts on the table. We have put together two documents trying to obtain basic information. When the response to the first detailed inquiry came back incomplete, we took the time to send a second document, still without a response in detail. I ask that the second document be entered into the RECORD.

Any fair reading of these documents leads to one conclusion.

From all available information, there are no organizations of workers in Oman today. There are no organizations representing workers and bargaining on their behalf, so it is not surprising that there is not a single collective bargaining agreement today.

In reality, there are organizations made up of management and workers who operate mainly like joint committees to discuss labor management relations and problems.

The recent communication from the U.S. ambassador glosses over this basic fact.

It says: "Although the MOM recognizes the potentially problematic participation of senior officers in some of the committees, a move away from this tendency will take some time, given deeply ingrained cultural traditions that still place importance on tribal affiliations and highly value an individual's personal influence with decision-makers (termed "wasta"). Historically speaking, workers with issues have generally approached human resource representatives or committee members with problems because of these individuals known connections and ability to get things done. The MOM, as well as the committees, believes that it is more important to now raise awareness about the MRC and the RC's roles and promote membership rather than focus on technical limitations of the law."

There are two serious problems with this approach. First, no matter how it is spun, the organizations today representing workers are not organizations of and led by workers. They do not begin to meet the basic worker rights of association and bargaining.

Second, according to the Ambassador's own document, today 70 percent of the workers in Oman are foreign nationals. Of these 80 percent are from the Indian subcontinent (60 percent from India).

Present Omani laws say that members of an RC must be persons who have been there for a year and speak Arabic to be a leader. The Omani government says that the law is not enforced. It is difficult to tell what this means since people do not apply for membership in an RC or pay dues and since there have not been full responses to our questions. But in any event, if foreign workers are active participants in RCs, the vast majority comes from nations where the laws and cultural conditions have given workers rights to form labor unions for decades.

Since Oman's practices are not in conformity with the basic ILO standards—most noticeably that workers lack the basic right to join worker organizations that are free from employer and government interference—it is vital that the changes in law be in place before we vote on the FTA. The Government of Oman has stated that it could not make these changes before October 31, 2006. If the Government acts before then—and the changes conform to basic ILO standards—we would be faced with circumstances similar to those that existed where we have supported free trade agreements.

The Ambassador says in his letter that Oman is "already complying with ILO core labor standards in practice, if not yet in law," and it is a matter of bringing technical limitations "of the law" into conformity with practice. This is simply not true. Neither practices nor the laws come close to meeting basic international standards. To say otherwise twists both standards and reality. Doing so does not serve the purpose of carrying out cordial relationships between our nations. It does not represent an effective path for globalization.

MAY 24, 2006.

To: Andy Olson, Cynthia Plath.
From: Ways and Means Trade Subcommittee Minority Staff.
Re Follow-Up Questions Concerning Current Practices With Respect to Labor Rights in Oman.

Thank you for providing information relating to our questions of May 12, 2006, in the cable from the U.S. Embassy in Muscat dated May 17, 2006. The information was responsive to some, but not other, questions. Thus, we have a number of follow-up questions. The following is a list questions that were not answered in the cable, either in whole or in part, as well as questions seeking further clarification of information provided in the cable.

I. WORKER REPRESENTATION

1. What kinds of organizations are there representing workers?

c. In what industries or occupations in the public sector?

The cable provides the following information that is relevant to this question: "There are no committees in the public sector, which is covered by Civil Service Law." Unclassified Cable dated May 17, 2006 from U.S. Embassy, Muscat (UC) at ¶4.

Follow-up Question: Does the Civil Service Law provide for the formation of representative committees? If so, what is the extent of any exception (e.g. "essential services" such as firefighters or police)?

d. How many workers do they cover in each sector? What is the percentage of represented workers compared with the overall workforce? As a percentage by sector? Please verify how this information is collected.

The cable provides the following information that is relevant to this question: "Since committees do not yet require applications for membership, and do not have established procedures to collect dues, RCs currently represent de facto the entire workforce of a company, including those who have been employed less than a year. A February statistical bulletin confirmed the current private workforce of Oman to be 102,455 Omanis and 438,531 expatriates, meaning that approximately nine percent of the workforce is now represented by a union." UC at ¶5.

Follow-up Questions: Since there are no applications for membership and no dues, how do workers, comprising the entire workforce of a company where a representative committee is established, know that they are members of such an organization or represented by it? By what methods does the RC notify the workforce? Why does the Ministerial Decree set forth criteria for membership if every worker is a member? Do any of these committees have by-laws, if so how are they written and who votes for them?

e. Are there categories of workers that are not allowed to have organizations representing them? If so, what are they?

The cable provides the following information that is relevant to this question: " * * * the labor law does not prohibit any category of worker from establishing worker committees." UC at ¶4.

Follow-up Question: This statement appears to conflict with another statement in ¶4 which states that "there are no committees in the public sector." Please explain whether public sector workers are able to form representative committees.

12. How do workers form such organizations, what procedures must they follow?

The cable provides the following information that is relevant to this question: "As there are no official MOM application forms for establishing committees, employees wishing to establish a committee simply notify the MOM with a letter of intent and a list of elected officials comprising their leadership board." UC at ¶3.

Follow-up Question: Based on the above response, what would happen if two different groups wished to form a committee? Are there any minimum threshold requirements?

3. Are employers/managers members in these organizations?

a. If so, in how many of the organizations are they? Which ones? Are they allowed to be officers? What offices do they hold?

The cable provides the following information that is relevant to this question: "Of the committees established, company management holds officer positions of Saud Bahwan Group, Omantel, Port Services, and Suhail Sahwan Group committees." UC at ¶4.

Follow-up Questions: Are these the only representative committees where employers/managers are members? Do employers/managers hold offices in the RCs established at Petroleum Development Oman, Intercontinental Hotel, and El Hassan Co. Group? If so, what positions do they hold? Of the representative committees listed in the cable, what offices do the company management officers hold?

4. Is membership in these organizations limited to those workers who have been employed for more than a year? Are there any members of such organizations who have been employed less than a year? If so, which ones and how many?

Not Answered: Please provide a response.

6. Are leadership positions in these committees limited to those who:

a. Have "good spoken and written Arabic language"?

b. Are permanent workers?

c. Have not been suspended from work for committing grave misconduct in the government or private sector?

d. Are there any leaders who do not meet the criteria listed above? If so, which criteria do these leaders fail to fulfill? How many such leaders are there? If there are non-Arabic speakers, where are they from?

The cable provides the following information that is relevant to the above questions: "While Ministerial Decree 135/2004 delineates qualifications for leadership, such as the ability to speak and write Arabic . . . and not have been convicted of a felony, the MOM has not denied candidacy to anyone failing to meet these regulations, and, in fact, has encouraged people to participate regardless of proscriptions." UC at ¶5.

Partially Answered: Please indicate whether there are any current leaders who do not meet the criteria listed above. How many such leaders are there? If there are non-Arabic speakers, who are they and where are they from? Can you provide evidence that the MOM has "encouraged people to participate regardless of proscriptions"? Are the workers informed that they should disregard the Ministerial Decree? If so, how has this been done in specific instances?

9. Has the government issued specific rules for the formation and functioning of these organizations, or otherwise participated in their activities? If so, what are these rules and in what way does the government participate?

The cable provides the following information that is relevant to the above questions: "Labor committee members and government officials assert that, in practice, the government neither interferes with nor unduly involves itself in committee activities, but continues actively to support establishment of labor committees through private sector outreach and educational awareness." UC at ¶1.

"The Ministry of Manpower (MOM) asserts that it is not intrusively overseeing labor union representative committee (RC) activities as permitted in Ministerial Decisions 125/2004, and claims that the actual application of the labor law is already ILO-consistent." UC at ¶2.

Follow-up Question: Please provide examples of how the MOM "actively supports the establishment of" representative committees. How involved has the MOM's activity been with respect to outreach and public awareness? Is the term "labor committee" anywhere found in communications from the MOM?

c. Does the MOM restrict the right of these organizations to belong to any organization or authority with headquarters outside the Sultanate or receive delegations?

Not Answered: Please provide a response.

d. Does the MOM ban these organizations from holding public festivities or presenting public lectures without prior approval?

Not Answered: Please provide a response.

10. Is there an umbrella organization or larger federation for these organizations? If so, how many are there?

a. Are all workers' organizations required to be members of an umbrella organization or federation? If so, can they select among several or must they join one mandatory organization?

The cable provides the following information that is relevant to this question: "All established committees may participate in the national federation of unions, referred to as the Main Representative Committee (MRC). The MRC is currently the only umbrella organization to represent Omani unions internally and abroad, and members are chosen through secret ballot elections." UC at ¶6.

Follow-up Questions: You indicate that established representative committees "may participate in the national federation of unions," but it is our understanding that participation is mandatory. Please clarify what is provided for in law and current practice, for example, how many representative committees currently are members of the Main Representative Committee? Also, have secret ballot elections been held? If not, have elections been scheduled?

b. Are employers/managers allowed to be members of such umbrella organizations? If not, are employers/managers in fact members?

Not Answered: Please provide a response.

c. Does the government participate in the selection of members of this umbrella organization including establishing the eligibility criteria? Has the government established the grounds for termination of these members? Has the government terminated any members?

Not Answered: Please provide a response.

d. Is this umbrella organization required to seek approval from the government (i.e. MOM) for administrative decisions, such as the approval of a logo? Does this organization provide notice to or send agendas (including other documents and papers) to the MOM in advance of meetings?

The cable provides the following information that is relevant to the above questions: "Similar to the situation of the representative committees, members of the MRC do not give notice to MOM prior to general meetings; nor do they provide the MOM with a copy of their agendas or meeting minutes." UC at ¶6.

Follow-Up Question: Has the MOM ever requested that the MRC give advance notice of its meetings or provide related documents? Has the MOM asked to review a logo being prepared by the MRC?

e. Does the MOM send a delegate to the meetings of this umbrella organization? If so, how frequently?

The cable provides the following information that is relevant to the above questions: "Moreover, no MOM official has ever attended any committee meetings or banned the MRC from meeting without prior approval. Members of the MRC maintain open relations with the MOM to discuss ongoing changes in the labor law and possible means to strengthen the labor unions." UC at ¶6.

Follow-up Question: Please explain the nature of the "open relations with MOM" to discuss the labor law and means to strengthen unions.

f. Does the MOM restrict the right of this umbrella organization to belong to any organization or authority with headquarters outside the Sultanate?

Not Answered: Please provide a response.

g. Does the MOM ban this umbrella organization from holding public festivals or presenting public lecturers without prior approval?

Not Answered: Please provide a response.

h. Where are the meetings of the umbrella organization held?

Not Answered: Please provide a response.

i. Who are the current members of this umbrella organization? Please provide names and positions they hold within the umbrella organization, as well as the positions that they hold at the enterprise level(s).

The cable provides the following information that is relevant to this question: ". . . recent personnel changes at establishments have meant the addition of Issam al-Sheibany of Oman Oil Refinery and Aida al-Hashmy of the Al-Bustan Palace Hotel to the MRC, bringing the total number of MRC representatives to 13." UC at ¶7.

"As part of its outreach and organization, the MRC recently established four sub-committees to focus on specific areas of concern:

—External Relations—This committee manages conferences and is headed by mid-level officer Saud al-Jabri of Petroleum Development Oman;

—Rights and Duties—This committee is headed by Oman's busiest labor advocate, Nahhan al-Battashi, of the Grand Hyatt Hotel Muscat;

—Articles of Association and Membership—Abdullah al-Araimi heads this committee, which serves as a resource for newly established committees; and

—Women's Issues—New MRC member Aida al-Hashmy of the Al-Bustan Palace Hotel heads up this important committee promoting women in the workforce." UC at ¶8.

Partially Answered: Please provide a complete and current list of all MRC members. Please include their names and the positions they hold within the MRC (including positions in any executive committee), as well as the positions that they hold at the enterprise or company level(s).

II. Collective Bargaining Agreements

1. Are there any?

a. If so, in what sectors?

b. Covering how many workers?

c. Covering what areas (i.e. wages, hours, working conditions, terms of employment, etc.)?

d. Are there areas that are outside the scope of bargaining? If so, what are they?

2. Have employers refused a workers' organization's request to negotiate collectively? If so, when and with what recourse?

3. Are there individual contracts between employers and non-managerial employees? If so, of what nature and to what extent?

Not Answered: The cable did not contain any information relevant to this section. Please provide a response.

III. Anti-Union Discrimination

1. What protections are provided to workers for exercising their rights to participate in organizing activities?

Not Answered: Please provide a response.

2. What penalties are available to be assessed against employers who violate these rights?

The cable provides the following information that is relevant to this question: "Although there are no penalties yet for anti-union discrimination (still under discussion), as evident by the Salalah example, the MOM and Oman's labor courts do not tolerate wrongful termination." UC at ¶12.

Follow-up Question: Are there any examples of cases where court action was taken against employers who have engaged in wrongful termination? If so, please provide details of the action taken.

3. How are workers informed of their rights?

Not Answered: Please provide a response.

a. Have there been any reports that workers are reluctant to assert their rights because they fear being dismissed or otherwise retaliated against because they are unsure of their rights?

The cable provides the following information that is relevant to this question: "While the MOM does keep a variety of labor statistics, there have been no reported cases of workers suffering retaliation for participating in worker committee activities." UC at ¶13.

Follow-up Question: What type of labor statistics does the MOM keep? Does it specifically track instances or cases of retaliation taken against workers for forming or engaging in representative committee activities? If so, please provide these data and/or examples. Is it possible that there are cases involving worker retaliation of which the MOM is unaware?

b. Are there any activities related to organizing workers or forming a worker organization that are grounds for dismissal or arrest? If so, what are they?

Not Answered: Please provide a response.

c. Do employers or managers challenge the right of workers to have or form workers' organizations? If so, on what grounds do they challenge this right? What is the process for doing so and what methods of challenging the right to form a worker organization are permissible?

The cable provides the following information that is relevant to the above questions: "Neither employers nor managers have challenged the right of workers to form a representative committee, moreover, labor organizing is not grounds for dismissal or arrest." UC at ¶13.

Follow-up Question: Does the MOM keep specific records to verify the statement that "neither employers nor managers have challenged the right of workers to form a representative committee"? How can the MOM be certain that it is aware of all pertinent instances involving an effort to form a representative committee or to engage in specific activities?

4. Does the MOM keep records of how many workers have been dismissed or otherwise retaliated against for participating in worker organization activities and what sanctions have been imposed against the employer and what remedies have been awarded the affected workers? If so, please provide these data.

The cable provides the following information that is relevant to this question: "To date, there has been only one case of an individual terminated who was also a member of a representative committee (reftel)." UC at ¶13.

Partially Answered: Please provide additional details regarding this individual's termination. For example, did the worker challenge his or her termination? If so, what remedies were provided to the worker? What penalties imposed against the employer? Was this case documented through any records?

5. What are the processes available to workers who believe they have been dismissed or otherwise retaliated against for engaging in organizing activities?

The cable provides the following information that is relevant to this question: "As with any labor dispute, workers are encouraged to submit complaints to the MOM and may sue employers for wrongful dismissal. Labor courts favor the worker in the majority of cases, regardless of the reason for termination." UC at ¶13.

Follow-up Questions: Can you provide examples of labor courts rendering favorable determinations to workers who have been wrongfully dismissed? How many cases have there been? Can you provide evidence to support the assertion that "labor courts favor the worker in the majority of cases . . ."?

IV. Right To Strike

1. Does the law explicitly permit workers to strike?

a. If so, is the right available to all workers or only to specific categories of workers?

Not Answered: Please provide a response.

b. Have workers exercised this right? If so, on what specific occasions?

The cable provides the following information that is relevant to this question: "While the law does not explicitly permit workers the right to strike (to be amended by October 31), there were 33 strikes involving 6,000 workers in 2004 and 4 strikes involving 1,083 workers in 2005." UC at ¶12.

Follow-up Questions: What were the outcomes of these strikes? Per the question below, were they considered legal?

2. Are there specific procedures that workers must follow to declare a legal strike? Have any strikes been declared illegal? If so, on what grounds?

Not Answered: Please provide a response.

4. Is there a practice or a requirement for arbitration to settle disputes? If so, under what circumstances and under what procedures?

Not Answered: Please provide a response.

5. Did a strike occur at the Port of Salalah? If so, was any participant disciplined? If so, was there subsequent reinstatement and when?

The cable provides the following information that is relevant to this question: "In 2005, there was one reported collective complaint that occurred during one of Oman's most widely publicized strikes. As reported in reftel, workers at Salalah Port closed Oman's largest seaport for two days while the MRC and the MOM negotiated the reinstatement of a committee representative who had been fired. In addition to the strike, workers took the opportunity to successfully renegotiate working hours and split-shift schedules." UC at ¶12.

Follow-up Question: When was the worker reinstated? Was this worker also a representative committee leader? Please provide corroborating evidence. Also, what is "reftel"?

V. FOREIGN WORKERS

1. What approximate percentage of Oman's labor force is comprised of foreign workers in key sectors? Please identify the key sectors.

The cable provides the following information that is relevant to this question: "Foreign workers in Oman make up roughly 50 percent of the labor force and are concentrated in the following sectors:

Construction—28.2 percent; wholesale/retail—20.1 percent; domestic servants—13.4 percent; manufacturing—11.8 percent; agriculture—10.7 percent; hotels/restaurants—5.9 percent; and health/education/community/real estate, misc.—10 percent" UC at ¶14.

Follow-up Question: Does the 50 percent figure representing the number of foreign worker in Oman pertain to both public and private sectors? Based on information provided in ¶5 of the cable, it appears that approximately 80 percent of the private sector is comprised of foreign workers. Please confirm that these figures are consistent.

2. Are foreign workers participating in workers' organizations?

a. If so, what percentage of workers' organization members are foreign? What countries are they from (if possible, please provide an approximate break down of percentages)? With what companies are these foreign workers affiliated?

Not Answered: Please provide a response. Please also indicate whether the information provided as an attachment to e-mail correspondence of May 9, 2006 (specifically, the Table with Members of the General Assemblies of Representative Committees and the Number of Workers (Omanis and Expatriates) in Establishments Which Have Representative Committees) is accurate. Please also explain how the information in this chart compares or relates to information provided in the cable at ¶5, which states that "approximately nine percent of the workforce is not represented by a union."

b. How many foreigners or non-Arabic speaking workers hold leadership positions? Who are they? What countries are they from? What companies do they represent?

Not Answered: Please provide a response.

3. Do employers withhold foreign workers' legal documents, including employment contracts, employment letters, passports or visas?

The cable provides the following information that is relevant to this question: "While some employers have reportedly held passports of foreign workers, the MOM asserts that this practice is illegal and that legislation formalizing that will be forthcoming." UC at ¶15.

Follow-up Question: Through what accounts or by what means is it known that employers "reportedly" are holding passports? Does the MOM keep statistics? Have any instances been reported through the 24-hour hotline? Can you provide reports/accounts of any action taken against an employer for illegally holding a passport or other foreign workers legal documents?

VI. FORCED LABOR

2. Have there been any circumstances where forced labor has been exacted for public purposes in circumstances other than those enumerated in ILO Convention 29?

Not Answered: Please provide a response.

VII. WORST FORMS OF CHILD LABOR

3. Does Oman's labor law specifically prohibit harmful child labor? If so, what provision?

The cable provides the following information that is relevant to this question: "Forced or compulsory labor by children is specifically prohibited by law." UC at ¶17.

Follow-up Question: Please provide the citation to the specific relevant law, either in the Basic Statue or the 2003 Labor Law, or elsewhere. In addition, please also note where Oman's labor law specifically prohibits the following forms of harmful (or worst forms of) child labor: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

VIII. INSPECTIONS AND REPORTING OF WORKING CONDITIONS

1. Is there a government-level organization charged with inspecting conditions of labor? If so, what is the number of personnel charged with this task? What enterprises do they cover? In what sectors? In what regions? What is the size of their budget?

The cable provides the following information that is relevant to this question: "The Labor Care Directorate of the MOM is responsible for enforcement of, and compliance with, workplace laws and regulations. Its responsibilities include: occupational safety and health, labor inspections, dispute settlement, female employment, liaising with the Main Representative Committee, issues related to child labor and forced labor, and resolution of individual and collective labor disputes." UC at ¶19.

Partially Answered: What is the size of the Labor Care Directorate's budget?

2. Please provide additional information about the extent and nature of inspections into conditions of labor, such as number of total inspections, number of random inspections, in what areas, in what regions, number of enterprises and workers involved. Please also provide a relevant universe to serve as a point of comparison.

The cable provides the following information that is relevant to this question: "[t]he MOM employed approximately 82 labor inspectors who conducted 4,541 workplace inspections, including an unknown number of random inspections, in 2005 that represented 19 percent of the workforce. Labor inspectors are spread throughout the Sultantate." UC at ¶19.

Follow-up Question: Can you provide an estimate or percentage of the number of random inspections? If not, are there any criteria by which the Labor Care Directorate considers when conducting random inspections? Are they more prevalent in any particular sector or area? How many workers were involved in the 4,541 workplace inspections?

3. Is there communication channel or other type of means for workers to contact the government to report labor-related complaints or grievances?

a. If so, by what means?

The cable provides the following information that is relevant to this question: "The MOM operates a 24-hour hotline (English and Arabic) for workers throughout Oman to report complaints, offer suggestions or seek responses to questions about the labor law." UC at ¶19.

Follow-up Question: Are the majority of foreign workers in Oman English-speaking or from English-speaking or Arabic-speaking countries? Has the MOM given any thought to including other languages?

b. Do workers utilize this means? If so, what statistics are available with respect to use, types of complaints and number of resolutions?

The cable provides the following information that is relevant to this question: "The MOM estimates that while it takes thousands of general inquiries a year on the hotline, it only receives about 150 complaints that require formal processing and action." UC at ¶19.

Follow-up Question: Does the MOM keep official statistics of complaints? Please provide examples of the types of complaints that have been made that require formal processing and action.

CONGRESSIONAL CONSTITUTION CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I would like to begin this evening with a quote that I think pretty well sums up very neatly the theme for this week's Congressional Constitution Caucus time here on the floor as we are here each week at this time. That quote is: "For most Americans, the Constitution has become a hazy document cited on ceremonial occasions, but forgotten on the daily transactions of life." Arthur Schlesinger.

As we have come to this floor in the past and pointed out, we will continue into the future, until this Congress and future Congresses reverse the course of straying from the Constitution, straying and drifting away from the original intent of this constitution, that very finally crafted document with its sections and verses, its guidelines, its limitations on powers of the government that it is written to impose. We do this because we realize that this Congress has turned from what the Founding Fathers had originally intended from the times of the original debates with the anti-Federalists of the day.

We may wonder why we have turned from this original course of this Nation. We wonder is it because of times and age, is it different today than in the past? Is it because we have lost the fact that at one time we were under tyrannical rule and we no longer are? Maybe.

But perhaps, Mr. Speaker, it is because we simply don't cherish this document, the U.S. Constitution, like the Founders once did.

So through these weekly constitutional hours, we are here to help educate, help illuminate, help to inform this body and the American public on the intricacies, the nuances, the rule of law, the circumstances and the times that inspired the Founding Fathers, all those things that make up the United States Constitution. It is the single most ingenious political document ever devised. And while we will continue to come to the floor to give these orations on the deeper meanings of this document and what this body can do to better live by them, tonight let me come here to stress a far simpler way to understand the Constitution.

Let me simply say that we should each take the time to simply sit down and read it. Those who are in a position to make our Nation's laws should do so being fully versed in the laws that guide us here as well, and those are written right here in the Constitution. And that is why I am so proud to come and support my good friend from Texas, Mr. CONAWAY, who just spoke a little bit ago, on his bill, H.R. 883. It is a piece of legislation that every Member of this House should sign up in support of and support hopefully in September. It is the AMERICA Act of 2006, A Modest Effort to Read and Instill the Constitution Again and take the commonsense approach by stating that Members of Congress take the oath of office to uphold the Constitution and using the powers delegated to them under the Constitution, so Members and staff should take the time periodically to sit down with that Constitution.

And I might just say on an aside when I mention staff, there is member of staff of the U.S. House of Representatives who has not only taken time to read the Constitution, but this woman has also taken the time to put together a book on the Constitution. It is called "The Constitution Translated For Kids." So if a Member of the staff can take the time to write a book on it and can write a book for kids to be able to read the Constitution, then I think it becomes the obligation of each Member of Congress to sit down with this Constitution as well.

Mr. Speaker, as the Constitution is very clear on the rights that it protects and the protections of the guidelines for this Nation provided for a limited in scope and nature of Federal Government, it is vitally important that we write our laws and perform all of our other official duties with this in mind. We owe it all to our constituents as well as in the past and into the future. For how can we uphold the Constitution if we are simply unclear as to what it says?

Our collective efforts in this Constitutional Caucus is in large part because we feel that the Congress has drifted beyond its constitutional limits. Enacting and living by recommendations of the AMERICA Act of 2006 will be helpful to set that ship aright again.

□ 2315

It will be helpful to make sure that we abide by the Constitution.

So I simply suggest that Members need not wait also until this legislation is passed by this House. They actually can do it right today. They can sit down and read the Constitution.

And I make this final suggestion that if anyone is in need of a Constitution, feel free to contact my office and we will humbly provide them with one.

THE IMPORTANCE FOR MEMBERS OF CONGRESS AND STAFF TO READ THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I also appreciate the opportunity of being here to talk about Mr. CONAWAY's piece of legislation dealing with the Constitution.

In Mack v. The United States, Justice Scalia said, "The Constitution protects us from our own best intentions. It divides power among sovereigns," that is the national and State government, "and among the branches of government," the executive, legislative, and judicial, "precisely so that we may resist the temptation to concentrate power in one location as an expedient solution to the crises of the day."

The Founding Fathers also understood this when they were trying to sell the Constitution originally. Madison wrote in Federalist 45 that "The powers delegated by the proposed Constitution to the Federal Government are few and defined" and those to the States are "numerous and indefinite. Those we were supposed to deal with were the external objects like war, peace, negotiations, foreign commerce. The States were supposed to deal with everything which affected the ordinary course of affairs, concerns the lives and liberties and properties of the people, internal order, improvement of prosperity of the States.

So why don't we really do that today? It is not because we are deliberately trying to trample upon the concepts of the Constitution. It is not something that is vicious. It is something that we simply do not do because we tend to base our actions on the traditions of what we have always done, rather than the principles of what we ought to do.

So enter Mr. CONAWAY and his resolution. Why should we do it? Well, maybe if we did read that document more often we would not follow the traditions we have always done instead of the principles we ought to do. It does not happen by itself.

I was a poly sci major. Three of my children are. None of us were ever required to actually look at the document itself. When I taught AP government classes, I required our classes to read the document every year. It took a week to just go through it going at a fast clip.

But none of my kids were ever required to replicate that experience when they were in college, even if they were poly sci majors. My kids did know at that time what the Gitlow decision in the 1920s did to impact the 14th amendment in the 1950s. They did know the answers that I am repeatedly asked, like how often are congressman up for reelection or which Senator is supposed to represent our part of the State of Utah or when you go down to the Senate Chamber that was restored, why are there 11 chairs instead of nine?

They understand the concept of the Supreme Court's declaring things unconstitutional. It is not written in the document itself. It is a precedent that was established 15 years after the document was written. Jefferson always thought the legislative branch should be the one doing that job. Washington, and he was there when this thing was written, always thought the executive should declare things unconstitutional, and that was the purpose of the veto. In fact, the first six Presidents of the United States only vetoed items for constitutional issues.

I always ask my students if the Constitution allows you a guaranteed right of a secret ballot. And when they say, yes, I say that is a unique concept, especially since it was not popular only until 100 years after the Constitution was actually written. Why else would George Washington be able to buy a round of drinks for all the people that voted for him for the House of Burgess? Or when Thomas Nast draws his cartoons and there is this round globe there, what is that? In fact, it took a while to realize that was the ballot box of the 1800s. It was clear you got your ballots from the political parties. They were color coded; so everyone knew how you voted publicly. And, in fact, in New York one year, they even perfumed the ballots in case you were color blind so you could at least smell the proper ballot to cast.

It is fitting and proper that we and staff read the Constitution. Why? Well, maybe we will start asking the right questions or maybe it is just the right thing to do. If the Boy Scouts of America can insist that every kid wanting to get an Eagle has to read the Constitution first, if it is good enough for a 13-year-old kid, it ought to be good enough for us and for our staffs.

In fact, we should thank Mr. CONAWAY for making it an easy resolution. He is simply asking us to read the document. He could have made it tougher by asking us to understand it at the same time.

Maybe it would even allow us to rein in the size and growth of the Federal Government because, as PJ O'Rourke very clearly said, "The mystery of government is not how Washington works but how to make it stop."

RESTORING ACCOUNTABILITY TO OUR GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for half the time until midnight as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, this evening on behalf of the 37-member-strong, fiscally conservative Democratic Blue Dog Coalition, I rise to talk about restoring accountability to our Nation's government.

As you can see here, today, the United States national debt is $8,347,371,018,253 and some change. If you divide that number by every living man, woman, and child, including the children, the babies being born today, every citizen of the United States' share of the national debt is $27,910.

For those of you that have walked the halls of Congress, you have seen this poster outside each of the 37 members of the fiscally conservative Democratic Blue Dog Coalition. The number changes daily. It is staggering. It is our way to try to hold our government accountable for this reckless spending and the largest debt ever in our Nation's history as well as the largest deficits ever in our Nation's history.

Tonight, I would like to talk about accountability. Mr. Speaker, let me just say that under the United States Constitution, which I carry one with me, Congress has an obligation to provide congressional oversight of the executive branch. Congressional oversight prevents waste and fraud, ensures executive compliance with the law, and evaluates executive performance.

However, under the current leadership, Congress has abandoned this responsibility by failing to conduct meaningful investigations of allegations of serious waste, fraud, abuse, and mismanagement of taxpayer dollars. And tonight, on behalf of the 37-member fiscally conservative Democratic Blue Dog Coalition, I rise to hold this Republican majority, this Republican Congress, responsible for failing to conduct meaningful investigations of allegations of serious waste, fraud, abuse and mismanagement of taxpayer dollars.

Mr. Speaker, by failing to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch, this Republican-led Congress has failed the American taxpayer. Every 24 hours, $279 million of your tax money is being spent in Iraq; and the current Federal debt is $8,347,371,018,253, much of which is borrowed from foreign countries. Our Nation is spending about a half billion dollars a day simply paying interest on the debt we have already got. A half billion a day.

Many of America's priorities are going unmet because of this reckless spending. Just in my congressional district in Arkansas, I need $1.5 billion to finish I–69. We could do it with 3 days' interest on the national debt. I need another $1.5 billion to finish Interstate 49. Again, we could do that with 3 days' interest on the national debt. I need about $100 million to complete the Hot Springs Expressway. We could do that with just a few hours' interest on the national debt. I need $200 million to finish Interstate 530. We could do that with just a few hours' interest on the national debt. I need about $300 million to four-lane U.S. Highway 167 from Little Rock to El Dorado and on past there connecting I–39, 40 with I–20 in Louisiana. I could do that with less than a day's interest on the national debt. We need to four-lane U.S. Highway 82. We could do that with just a few hours' interest on the national debt. These are just some of America's priorities that will continue to go unmet.

Others are making college affordable for young people, ensuring that our young people get the best education possible K–12, Medicaid, Medicare, Social Security, so many of America's priorities are going unmet, are going not fully funded because of the reckless spending going on by this Republican Congress. These massive deficits, this large debt, is forcing much of your tax money to be spent, not meeting America's priorities and improving the quality of life for our children and grandchildren, but rather it is going to simply pay interest, not principal, just interest on the national debt.

Now on top of that, what is happening? On top of that, our Nation is borrowing $1 billion a day. As I said earlier, we are sending about $279 million every day to Iraq. But do not ask the President to be accountable for it. Do not ask him for a plan on how he is spending that money, because he will tell you that you are unpatriotic. I disagree with that. I believe that this President, this Republican Congress must be held accountable when they spend your tax money.

About 45 percent of the billion dollars we are borrowing every day is coming from foreign central banks and foreign investors, money that our children and grandchildren some day will be forced to pay back.

American taxpayers simply deserve to know how their money is spent. They deserve answers as to why their children and grandchildren will have to foot the bill for this administration's fiscal mismanagement of the Federal budget. This includes answers as to why the Federal Emergency Management Agency, commonly referred to as FEMA, continues to pay a quarter of a million dollars a month to store almost 10,000 mobile homes. That is right, 10,000 mobile homes at the Hope Airport in my congressional district, while many victims of Hurricane Katrina remain homeless.

There was a photo of it today in the New York Times. Literally 9,959 was the count earlier this week of brand new, fully furnished, 16-foot-wide, 60-foot-long mobile homes that are sitting there at the Hope Airport literally in a hay meadow. You can see the barbed wire fence. You can see the grass where they are just sitting. FEMA's only response has been to spend as much as $4 to $6 million laying gravel on this hay meadow to prevent these brand new, fully furnished mobile homes from sinking.

FEMA's response should have been to get these mobile homes to the people who lost their homes and everything they own as a result of the devastating storms Hurricane Katrina and Hurricane Rita. It is past time for FEMA to be held accountable and provide these new, fully furnished mobile homes to the victims of Hurricane Katrina.

This is an aerial view, an aerial view of some of the 9,959 mobile homes that are sitting parked, never been used by the storm victims, sitting parked, purchased by our government through FEMA. These were decisions made at the highest levels of FEMA, and here they are sitting, sitting at the airport in Hope, Arkansas.

Now FEMA is beginning to bring back travel trailers that have already been used by storm victims where they will either be refurbished for future storms or auctioned off to the highest bidder.

□ 2330

This is not to be confused with these brand new, fully-furnished mobile homes that were never used by storm victims, purchased with your tax money by FEMA. Again, it is past time for FEMA to be held accountable and provide these new, fully-furnished mobile homes to the victims of Hurricane Katrina.

No business in our country could succeed financially if it failed to fully report back to its shareholders on how it is spending its money. However, that is exactly how our Federal Government is operating.

The administration is not telling its shareholders, the American taxpayers, how it spends the money coming into Washington. But we can see how it is being spent: 9,959 brand new, fully-furnished 16-foot wide, 60-foot long mobile homes intended for storm victims from Hurricane Katrina and Hurricane Rita sitting, unused, never used, at the airport in Hope, Arkansas, and FEMA's only response is, oh, goodness, we don't want them to sink in that hay meadow, so we will spend $4 million to $6 million dollars putting gravel on the hay meadow.

In 2004, $25 billion of Federal Government spending went absolutely unaccounted for, according to the Treasury Department. The Bush administration was unable to determine where the money had gone, how it was spent or what the American people got for their tax money. Even worse, the Republican-controlled Congress failed to hold the Executive Branch accountable for this admission.

The next year, the Government Accounting Office reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by Congress.

That is worth repeating. The Government Accounting Office in 2005 reported that 19, 19 of 24 Federal agencies, were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by Congress. Yet Republican leaders in this Congress did not force these agencies to fully account for how the money was being spent before doling out billions more of your tax money for the same programs.

Clearly Congress has failed to ask serious questions about the Bush administration's fiscal irresponsibility and record high deficits four years in a row, which have now pushed the Federal debt to a staggering $8,347,371,018,253.

The time has come to hold this administration accountable for its reckless behavior. I believe Congress must act now to renew its Constitutional responsibility. It is right here in the Constitution of the United States of America, to serve as a check and balance for overspending, waste, fraud and financial abuse within the Executive Branch.

That is why Members of the 37 member strong, fiscally conservative Democratic Blue Dog Coalition and I are cosponsoring legislation that would require Congress to renew its duty to conduct hearings on spending and hold administration officials accountable for waste, fraud and abuse within their agencies.

Mr. Speaker, if you have questions or comments or concerns about the program that I am outlining tonight, I would encourage you to e-mail us, Mr. Speaker, at Bluedog@mail.house.gov. That is Bluedog@mail.house.gov.

The legislation I am referring to is House Resolution 841, introduced by one of the founding members of the fiscally conservative, Democratic Blue Dog Coalition, Mr. JOHN TANNER of Tennessee.

Our legislation does this: Number one, Congressional hearings. It would require Congressional hearings within 60 days of a Federal Office of Inspector General report documenting fraud, waste, abuse or mismanagement in the government that results in a cost to the government of at least $1 million. Increased Congressional involvement in Inspector General reports would improve agency performance and save taxpayer funds.

This legislation, House Resolution 841, requires Congressional hearings when a Government Accounting Office report names an agency high risk for mismanagement. GAO's "high risk" series is an effort to assist Congress in dealing with one of its important obligations, to exercise accountability for taxpayer funds.

In 2003, the GAO identified 26 high risk areas for the Federal Government. Since then, only three programs have been removed from the list and four more have been added. Clearly it is necessary that Congress become involved to curb mismanagement in Federal agencies.

It also requires the House Committee on Government Reform to hold hearings to question heads of departments or agencies whenever their auditors issue disclaimers or restatements of financial statements indicating accounting information is inaccurate or incomplete.

It requires Congress to hold hearings at least twice a year to review the Office of Management and Budget's performance-based review program called Program Assessment Rating Tool, or PART. The PART was developed by the Office of Management and Budget to assist and improve program performance so that the Federal Government can achieve better results.

A PART review helps identify a program's strengths and weaknesses in order to make the program more effective. However, despite several GAO recommendations that the Office of Management and Budget share their evaluation plans with Congress to ensure that their findings will be timely, relevant and credible, coordination with Congress is still lacking.

The second bill that I would like to refer to that we have introduced as members of the Blue Dog Coalition that I am proud to cosponsor is H.R. 5315, the Accountability in Government Act of 2006. The lead sponsor on that is representative DENNIS CARDOZA of California, one of the co-chairs of the fiscally conservative, Democratic Blue Dog Coalition.

Here is what that bill would could. It would require each Federal agency produce an audit within 2 years that complies with the standards established in the Federal Financial Management Improvement Act of 1996. It would require the Senate to hold reconfirmation hearings on any cabinet level official whose agency cannot fully account for how it is spending your tax money within 2 years.

I am also a cosponsor of H.R. 5542, which amends the Federal criminal code to impose on a public official who engages in conduct in furtherance of a Federal felony a fine and a 2-year prison term in addition to any penalties imposed for such felony. Those who write the laws, Members of this body, Members of this Congress, must be held not to a lesser standard than everybody else in America, but to a higher standard. That is what this bill would do.

It defines "public official" as an elected official of the United States or of a State or local government, a presidentially-appointed official or an official appointed to a State or local government office by an elected official of a State or local government. It says that if you are an elected official who has been placed in the public trust and if you break the very laws that you helped write, you should have a stiffer fine and additional 2 years of prison time tacked on to the term that any other citizen in this country would get. It is time to hold our elected officials to a higher standard. When they break the law, they should be punished to a greater degree than everyone else.

Wasteful government spending has forced the national debt to its current record level, and future generations will have to pay that bill. Future generations will have to pay back with interest the money the Federal Government is borrowing from other countries due to this administration's fiscal recklessness.

The time has come to restore common sense and fiscal discipline to our Nation's government. The legislation that I am talking about this evening will put our Nation back on the track toward balancing the budget and restoring accountability within our government.

That is what the fiscally conservative, Democratic Blue Dog Coalition, 37 members strong, is all about, trying to restore some common sense and fiscal discipline and accountability to our Nation's government and requiring that elected officials be held to an even higher standard than everyone else. If elected officials break the law, they should be punished to a greater degree than everyone else, for they have been placed in the public trust, and when they violate that trust, they should be punished and they should be punished extensively.

Mr. Speaker, if you have questions about our program, I would encourage you to e-mail us at Bluedog@mail.house.gov.

Finally, Mr. Speaker, again, as of this evening, the national debt is a staggering $8,347,371,018,253.

THE LATEST EDITION FROM THE ABSOLUTE TRUTH SQUAD

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized until midnight as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, what a pleasure it is to come back to the House floor this evening, even though it is for really just a few short minutes, and bring the latest edition of the Official Truth Squad.

The Official Truth Squad is a group of Republican Members who began with a group of freshmen Members of Congress in their first term this past year, who got together and said, why on Earth do we have all of the misinformation and disinformation and distortion that you hear oftentimes on this floor over and over and over again, and nobody, nobody, refutes it. What is going on? So what we did is we formed the Official Truth Squad.

We have heard some items just this evening that deserve some truth. So I am pleased to come this evening to the floor, Mr. Speaker, and to bring some facts, some facts, to the issues, because facts are important when we are talking about issues in Washington. If you don't deal with true facts, then it is extremely difficult to get to the right solutions.

We in the Official Truth Squad have a saying that we are fond of, a quote that we like to identify and like to call to people's attention. It is from the late Senator Daniel Patrick Moynihan. He said everyone is entitled to their own opinion. Everyone is entitled to their own opinion, but they are not entitled to their own facts. That is important, Mr. Speaker.

We have just heard from what has been described as the fiscally conservative Blue Dogs. Well, I am here to tell you, Mr. Speaker, these folks have perfected, perfected, saying one thing at home and doing something here. In fact, as I was sitting here tonight, they have perfected saying one thing here and doing something different here.

To point that out, facts, Mr. Speaker, the truth, Mr. Speaker, here they tout the importance of the line item veto. We believe in the line item veto. A number of years ago we had an opportunity to demonstrate our belief in that by a vote on the floor of the House. This vote was back in 1995. At that time, eight Democrats voted in favor of the line item veto.

This is a bill that would give the President an opportunity to control spending, to assist in making sure that we move toward a balanced budget, and in fact eight Democrats voted yes. 194 Democrats voted no. Most of those, most of those that were in the Blue Dog contingent, were in the no column.

I haven't updated this, Mr. Speaker, but as you know, last Thursday we voted on a new line item veto bill on this floor of the United States House of Representatives. I have got to update this, because the numbers are staggering. The numbers are staggering. 156 Democrats voted no. It is a fact, Mr. Speaker, they voted no on the line item veto. In fact, half, virtually half of those folks who call themselves fiscally conservative Blue Dogs, voted no.

So, as I say, Mr. Speaker, they have perfected the fine art of saying one thing here and doing something different here, not just saying one thing at home and doing something different here.

You heard about a balanced budget tonight, how strongly they support a balanced budget. Well, what about when given the opportunity to vote for a balanced budget, Mr. Speaker? What happened then? This is very recent, just this year. Roll call vote 156 this year, 2006, the balanced budget substitute was an amendment to the fiscal year 2007 budget. This is a bill that the Republican Study Committee put on the floor of the House and it would in fact balance the budget, which is what most folks say they desire and what they say they want.

□ 2345

But when given the opportunity to speak up, what they say they want with true action, what happens? You see it right there, Mr. Speaker. Not a single, not a single Member of the minority party voted in favor of that bill, including, including all of the Members of the Blue Dog Group.

So, Mr. Speaker, I know facts are difficult, because they are tough to argue with and they are tough to refute. But truth and facts are important. And there are individuals here trying to do very responsible things as it relates to the economy and as it relates to our budget, and as it relates to being responsible with spending hard-earned taxpayer money.

And the vast majority of those folks are in the majority party. And the reason that I say that with such confidence is because the actions that have been taken by the Republican majority have resulted in a remarkable economy. A remarkable economy.

Now, you will not see that on the nightly news, and you will not hear about it on the radio, likely, and you will not read about it in your local newspaper. But it is important stuff that is going on. It is important and exciting activity that is going on in our economy. And I would just like to highlight a few of them. We have got some charts that we would like to show that demonstrate that.

The economic boom that we are currently under is almost unprecedented. Today, at this point, last month America had 75,000 new jobs, 75,000 new jobs created, which is in addition to 1.9 million new jobs in the last 12 months. This is really exiting news, Mr. Speaker.

More than 5.3 million new jobs since August of 2003. Now, the unemployment rate fell to 4.6 percent. Unemployment rate at 4.6 percent. That is lower than the average of the 1960s, the 1970s, the 1980s, and the 1990s.

Mr. Speaker, this is all great news. It is remarkable that we do not hear that kind of positive news coming from many folks on the floor of the House. We have had the fastest real gross domestic product growth in 2½ years. Productivity has increased at a strong rate, 3.7 percent in the first quarter, increase this past first quarter.

Real hourly compensation, real hourly compensation, all of the times you hear folks say that real wages are not going up. In fact real hourly compensation rose at a 3.2 percent annual rate in the first quarter of this year.

Personal income. Oftentimes you hear things that are not the truth on the floor of this House and across this Nation. They talk about people not having an increase in their income. Personal income, the facts are, Mr. Speaker, the truth is, Mr. Speaker, personal income increased at an annual rate of 6.7 percent in April.

And since January 2001, real after-tax income has risen by 12.9 percent. That is a remarkable, remarkable achievement for this economy, which continues to grow.

Real consumer spending increased at an annual rate of 5.2 percent in the first quarter. Employment increased in 47 States over the last 12 months ending in April. Industrial production. We often times hear about lagging industrial production. Industrial production increased 4.7 percent over the past 12 months.

And manufacturing production which has been criticized as lagging behind in this recovery, in fact it is showing strong rebounding with, over the past 12 months, manufacturing production increasing by 5.5 percent.

Those are facts, Mr. Speaker. Those are facts. That is the truth about a remarkable economy that really is going along extremely well and continuing to improve. There is a reason for that. We are going to touch on that in just a minute.

But I think it is important when we talk about our economy, the American economy which is strong, and is growing stronger by the day, that we use some benchmark. And probably the best benchmarks to use are other large developed nations and developed economies. How are we doing compared to the rest of the world?

And I have here a paper from the Joint Economic Committee, which is a bipartisan group that reports on economic activity, not just in the United States but around the world. And it states here that although some people have expressed dissatisfaction about the performance of the U.S. economy, the economic data show that since 2001 the United States has outperformed every other large developed economy.

Mr. Speaker, did you hear that? The United States has outperformed every other large developed economy since 2001. Now what does that mean? Well, the United States ranks first in economic growth among the other large developed economies.

It is first in job creation. As I mentioned 5.3 million new jobs since August of 2003. In terms of industrial production, the largest cumulative increase in industrial production. 4.6 percent. That is compared to nations, other large developed nations that have not seen that kind of growth.

First in labor productivity growth. Remarkable productivity growth that we have seen in our Nation. And when we compare it to our nations, that have large developed economies, remarkable, remarkable progress and remarkable improvement. And we ought to be celebrating that, Mr. Speaker, we ought not be casting aspersions on the kind of policies that have had a direct affect and a district positive, positive result on the United States economy.

And so folks say, well, why is the economy booming? What is happening out there? In addition to the hard work of Americans all across this land, I think it is important to appreciate that one of the reasons that the economy is doing so well and that we continue to improve is because of the tax policy that was put in place by this Republican Congress and this Republican administration in 2001 and 2003.

And the reason that that is important to look at is because you often times hear the other side say, well, we in fact they say, well, you need to be more responsible with spending. You need to decrease spending. You need to have greater accountability. But then immediately out of their mouth is the programs that they would spend more money on, in fact billions, billions more money on.

And their solution to how to get more money into the system is the tried and true system that they use all of the time, and that is to raise your taxes, Mr. Speaker. That is the tried and true method that they have.

But we believe and can demonstrate clearly that by decreasing taxes, by decreasing taxes, you increase revenue to the Federal Government. And this demonstrates it so very, very clearly. This is a graph that shows the increase in tax receipts over each year from 1982 on through 2005 and 2006.

In the last 3 years you see a significant increase. In fact, in 2005–2006, a $432 billion, 2-year increase. That is a significant increase. And the reason for that is because people had more money in their pockets, they spend, they save, they invest as they choose. And in fact that drives the economy in a much greater way.

And it sometimes seems counterintuitive, but if you look at this graph, this is the growth, projected growth of revenues. And the 2001 and the 2003 tax relief being made permanent. And what you see here is the historical average of the percent of gross domestic product that comes in as revenue. That is this green line right here that is straight across. And what we see with the red line is what happened with the tax policy previously, and the recession and the affects of 9/11.

But what happened at this point is that tax decreases, appropriate tax decreases, were put in place, often times opposed, most often times opposed by the minority party. But what we have seen is a significant increase in receipts to the Federal Government because of, because of the appropriate tax policy that was put in place.

So tax decreases indeed help increasing revenue to the Federal Government. Our good friends on the other side often times talk about the debt. And they talk about the deficit. And we have shown that in fact when given the opportunity they do not support a balanced budget, but they often times talk about the deficit and not being responsible enough with hard-working taxpayer money, and we can always be more responsible.

But I think it is important to appreciate that what is happening under current policy is that we are decreasing the deficit significantly. This graph shows the deficit over a 40-year historical average of 2.3 percent. That is that dotted black line straight across the chart here.

And what we are seeing is a continual decrease in the deficit of hundreds of billions of dollars, put in place because of appropriate tax policy that allows individuals to have more money in their back pocket, again, and decide when they spend or they save or they invest. And that drives the economy to a much greater degree, Mr. Speaker, as you well know.

So we are making progress. We are making good progress, in a wonderful economy that is moving along in the right direction. What we need to do is greater fiscal responsibility, yes indeed, but also making certain that we continue the appropriate tax policies that allow individuals all across this Nation, hard-working American taxpayers to have more of their own money in their back pocket.

I think it is also always important when we talk about taxes to get a lot of distortion and misinformation that often times comes from folks in Washington when they talk about who is paying taxes. You often times hear that. Well, you know, it is just, the rich do not pay their fair share. And you get this class warfare going on that is really destructive, it does not help anything, it does not solve any of the challenges that we have, and it is not positive in terms of its presentation.

But I am struck by the amount of tax revenue that comes from different sectors of our society. And if you look at the percentage of taxpayers, and if you look at the share of individual income taxes that those percentage of taxpayers pay, the top 1 percent, remember this is what the other side call the richest of the rich, and they continually denigrate them and belittle their participation in our system.

In fact, the top 1 percent, Mr. Speaker, pay over 30 percent of the taxes in this Nation. The top 1 percent pay over 30 percent. And you can see that as you get to the top 5 percent, it is over 50 percent. So the top 5 percent of individuals in our Nation pay over 50 percent of the taxes.

Mr. Speaker, I think that probably really shows, one, the facts and the truth, but it also makes it so that the argument that the other side brings forth over and over and over about the class warfare just is so destructive, and it is not even true. It is not even true.

So the foundation of their argument does not even hold any water. And that tall bar over there, Mr. Speaker, that is the top 50 percent, and in fact the top 50 percent pay about 96 percent of the taxes.

The hard-working Americans taxpayers, hard-working American taxpayers. But this is a very progressive scale. And it is important that we appreciate that. It is also important that we remember that. It is important that we talk about it, because when you try to define these issues as they relate to taxes in terms of class warfare, it does not help.

It is not a positive solution. It does not bring us together as a people. We have so many challenges out there, Mr. Speaker, they are not Republican challenges, they are not Democrat challenges, they are American challenges. And we do best when we work together.

I encourage my friends on both sides of the aisle to make certain that we do indeed talk about facts, talk about truth, try to make certain that we work together as we move through the remarkable challenges that are present in our Nation today.

Mr. Speaker, I am pleased to be able to come tonight and bring that positive information about the economy, positive information about where we are going as a Nation, and as a United States House of Representatives.

Mr. Speaker, we live in a wondrous and a remarkable Nation, a Nation that remains the land of opportunity for all who are here. It is indeed a beacon of hope and a vessel of liberty to men and women around the world. It is such a privilege for me to have the opportunity to come tonight and to share that kind of positive information with not just Members of this body, but with you, Mr. Speaker, and with the men and women around the Nation.

So I thank you and the leadership so very much for the opportunity to be with you tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today until 6:00 p.m. on account of weather delays.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LARSON of Connecticut, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LEVIN, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. CHOCOLA) to revise and extend their remarks and include extraneous material:)

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. CHOCOLA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEVIN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,774.

ADJOURNMENT

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, June 28, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8292. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — States Approved to Receive Stallions and Mares From CEM-Affected Regions; Indiana [Docket No. APHIS-2006-0020] received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8293. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus myocides isolate J; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0303; FRL-8072-3] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8294. A communication from the President of the United States, transmitting a request for FY 2007 budget amendments for International Assistance Programs; (H. Doc. No. 109–119); to the Committee on Appropriations and ordered to be printed.

8295. A letter from the Secretary of the Army, Department of Defense, transmitting notification that the Nunn-McCurdy Unit Cost (NMUC) thresholds for the listed Army Major Defense Acquisition Programs' unit cost metrics have been breached, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

8296. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on recommendations in the National Research Council assessment of the Department's Basic Research, pursuant to Public Law 109-163; to the Committee on Armed Services.

8297. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a copy of the "Annual Report on the Department of Defense Mentor-Protege Program" for FY 2005, pursuant to Public Law 101-510, section 831; to the Committee on Armed Services.

8298. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General George P. Taylor, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8299. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a copy of the Department of Defense (DoD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

8300. A letter from the Acting Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8301. A letter from the Acting Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting the Department's final rule — Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners (RIN: 1219-AB29) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8302. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2004, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

8303. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2005 Performance Report to Congress required by the Medical Device User Fee and Modernization Act (MDUFMA); to the Committee on Energy and Commerce.

8304. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2006-0004; FRL-8176-4] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8305. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Ambient Air Quality Standard for Ozone and Fine Particulate Matter [EPA-R03-OAR-2005-MD-0012; FRL-8183-1] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8306. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised Definition of Interruptible Gas Service [EPA-R03-OAR-2005-MD-0015; FRL-8183-2] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8307. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Certain Polybrominated Diphenylethers; Significant New Use Rule [EPA-HQ-OPPT-2004-0085; FRL-7743-2] (RIN: 2070-AJ02) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8308. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Change of Official Office of Pollution Prevention and Toxics' Mailing Address; Technical Amendments [EPA-HQ-OPPT-2006-0405; FRL-7336-5] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8309. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures [WT Docket No. 05-211] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8310. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced

Wireless Services, including Third Generation Wireless Systems [ET Docket No. 00-258]; Service Rules for Advanced Wireless Services In the 1.7 GHz and 2.1 GHz Bands [WT Docket No. 02-353] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8311. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Communications Assistance for Law Enforcement Act and Broadband Access and Services [ET Docket No. 04-295; RM-10865] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8312. A letter from the Acting Chief, Telecom. Access Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Jurisdictional Separations and Referral to the Federal-State Joint Board [CC Docket No. 80-286] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8313. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Wilson and Knightdale, North Carolina) [MB Docket No. 05-121; RM-11197] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8314. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hattiesburg and Sumrall, Mississippi) [MB Docket No. 06-19; RM-11288] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8315. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Morro Bay and Oceano, California) [MB Docket No. 05-5; RM-11139] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8316. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Andover and Haverhill, Massachusetts) [MB Docket No. 05-108; RM-11178) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8317. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cherokee Village, Black Rock, and Cave City, Arkansas, and Thayer, Missouri) [MB Docket No. 05-104; RM-10837; RM-10838] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8318. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Abilene and Burlingame, Kansas) [MB Docket No. 05-133; RM-11206] received April 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8319. A letter from the Coordinator, Forms Committee, Federal Election Commission, transmitting revisions to the Instructions for FEC Form 3X, Report of Receipts and Disbursements for Other Than An Authorized Committee, and the Instructions for FEC Form 9, 24 Hour Notice of Disbursements for Electioneering Communication; to the Committee on House Administration.

8320. A letter from the Inspector General, U.S. House of Representatives, transmitting a copy of the final report on the Architect of the Capitol (AOC) contracting process for fire protection systems; to the Committee on House Administration.

8321. A letter from the Inspector General, U.S. House of Representatives, transmitting a copy of the final report on the Chief Administrative Officer (CAO) Special Events business process; to the Committee on House Administration.

8322. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to the National Pollutant Discharge Elimination System (NPDES) Regulations for Storm Water Discharges Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities [EPA-HQ-OW-2002-0068; FRL-8183-3] (RIN: 2040-AE81) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8323. A letter from the Administrator, Small Business Administration, transmitting the Annual Report on Minority Small Business and Capital Ownership Development for Fiscal Year 2005, pursuant to 15 U.S.C. 636(j)(16)(B); to the Committee on Small Business.

8324. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a recommendation to continue in effect a waiver of application of subsection (d)(1) of section 402 of the Trade Act of 1974 with respect to Vietnam for a further 12-month period and a determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and the reasons for such a determination, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

8325. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Turkmenistan will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

8326. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4125. A bill to permit the Administrator of General Services to make repairs and lease space without approval of a prospectus if the repair or lease is required as a result of damages to buildings or property attributable to Hurricane Katrina or Hurricane Rita (Rept. 109-532.) Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SULLIVAN (for himself, Mr. Gene Green of Texas, Mr. Bass, Mr. Schwarz of Michigan, Mr. Burgess, Mr. Bilirakis, and Mr. Sessions):

H.R. 5688. A bill to prohibit misleading and deceptive advertising or representation in the provision of health care services; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. Petri, and Mr. DeFazio):

H.R. 5689. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOREN (for himself, Mr. Ross, Mr. Boozman, and Mr. Snyder):

H.R. 5690. A bill to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas; to the Committee on Resources.

By Mrs. DRAKE:

H.R. 5691. A bill to amend title XVIII of the Social Security Act to provide for a Medicare prescription drug special enrollment period in 2006 for all part D eligible individuals and to waive the late enrollment penalty for low-income individuals who enroll during such period; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 5692. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing memorials to the Space Shuttle Columbia on parcels of land in the State of Texas; to the Committee on Resources.

By Mr. BASS (for himself and Mr. Bradley of New Hampshire):

H. Con. Res. 436. Concurrent resolution congratulating Donald Andrew Hall for his selection by the Librarian of Congress as the 14th Poet Laureate of the United States and for his great accomplishments in prose and essays focusing on New England rural living, baseball, and how work conveys meaning to ordinary life; to the Committee on House Administration.

By Ms. HARRIS:

H. Con. Res. 437. Concurrent resolution expressing the sense of Congress that United States officials who leak sensitive classified national security secrets should be vigorously investigated and, if need be, brought to justice; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. Herger, Mr. Camp of Michigan, Mr. McCrery, Mr. English of Pennsylvania, Mrs. Johnson of Connecticut, Mr. Ramstad, Mr. Sam Johnson of Texas, Mr. Hayworth, Mr. Weller, Mr. Hulshof, Mr. Lewis of Kentucky, Mr. Reynolds, Mr. Linder, Ms. Hart, Mr. Beauprez, and Mr. Nunes):

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H. Res. 894. A resolution congratulating Avery Johnson for being named the 2006 NBA Coach of the Year and for leading the Dallas Mavericks to their first Western Conference Championship; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

373. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 208 memorializing the Congress of the United States to take such actions as are necessary to require a minimum time period for a business to refund an unauthorized overcharge on a debit card; to the Committee on Financial Services.

374. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 205 memorializing the Congress of the United States to take such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; to the Committee on the Judiciary.

375. Also, a memorial of the General Court of the State of New Hampshire, relative to House Joint Resolution 25 encouraging the Congress of the United States to propose an amendment to the Constitution concerning eminent domain; to the Committee on the Judiciary.

376. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 182 memorializing the Congress of the United States to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Transportation and Infrastructure.

377. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 170 urging and requesting the Attorney General of the United States and the legislative auditor continue to pursue all options necessary to permit the state to have accurate accounting of assistance for which the state is required to pay a portion of the costs and urging and requesting the Louisiana congressional delegation to support such efforts; to the Committee on Transportation and Infrastructure.

378. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 203 memorializing the Congress of the United States to take such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services (CMS) do not penalize senior citizens who resided in areas affected by Hurricane Katrina for taking advantage of the special enrollment period set for enrollment in Medicare Part D; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. THOMPSON of California and Mr. RYAN of Wisconsin.

H.R. 303: Mr. LEWIS of Kentucky.

H.R. 759: Mr. CARDOZA and Mr. ACKERMAN.

H.R. 1108: Mr. DOYLE and Ms. ESHOO.

H.R. 1188: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1384: Mr. MCCRERY.

H.R. 1415: Mr. SHAYS.

H.R. 1429: Mr. DAVIS of Florida.

H.R. 1451: Mr. ACKERMAN and Mr. NADLER.

H.R. 1517: Mr. SAXTON.

H.R. 1573: Ms. CORRINE BROWN of Florida.

H.R. 1582: Mrs. CAPITO and Mr. REICHERT.

H.R. 1591: Mr. DICKS.

H.R. 1671: Mr. MELANCON.

H.R. 1697: Mr. JACKSON of Illinois.

H.R. 1954: Mr. LARSEN of Washington.

H.R. 2178: Mr. KILDEE.

H.R. 2239: Mr. CONAWAY, Mr. KENNEDY of Minnesota, and Mr. KUHL of New York.

H.R. 2369: Ms. HARRIS.

H.R. 2747: Mr. SMITH of Washington.

H.R. 3019: Mr. CANTOR.

H.R. 3159: Mr. KIRK.

H.R. 3186: Mr. GOODE.

H.R. 3267: Mr. ISRAEL.

H.R. 3282: Mr. JONES of North Carolina, Mr. HENSARLING, Mr. PICKERING, Ms. HART, Mr. ENGLISH of Pennsylvania, Mr. HOSTETTLER, Mr. WELDON of Florida, Mr. GALLEGLY, Mr. KENNEDY of Minnesota, Mr. SHADEGG, Mr. NORWOOD, Mr. INGLIS of South Carolina, Mr. NEUGEBAUER, Mr. POMBO, Mr. OXLEY, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. UPTON, Mr. SMITH of Texas, Mrs. BIGGERT, Mr. SHIMKUS, Mr. MORAN of Kansas, Mr. GOODE, Mr. MCCOTTER, Mr. HALL, Mr. HOEKSTRA, Mr. BONILLA, Mr. ROYCE, Ms. GRANGER, and Mr. GOHMERT.

H.R. 3323: Mr. SIMMONS.

H.R. 3379: Mr. FILNER.

H.R. 3385: Mr. MARCHANT.

H.R. 3413: Mr. LATOURETTE and Mr. KING of New York.

H.R. 3470: Mr. FILNER.

H.R. 3471: Mr. FILNER.

H.R. 3762: Mr. TIERNEY.

H.R. 4098: Mr. WU.

H.R. 4364: Mr. MCINTYRE and Mr. SOUDER.

H.R. 4381: Mr. CLEAVER.

H.R. 4403: Mr. LEWIS of Kentucky and Mr. PLATTS.

H.R. 4409: Mr. ENGLISH of Pennsylvania, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. ISRAEL, and Mr. RUPPERSBERGER.

H.R. 4547: Mr. OTTER and Mr. MCCRERY.

H.R. 4695: Mr. MICHAUD.

H.R. 4769: Mr. PITTS.

H.R. 4873: Mr. DAVIS of Tennessee.

H.R. 4927: Mr. HOLDEN, Mr. RUPPERSBERGER, Mr. GERLACH, Mrs. MALONEY, Mr. PICKERING, Mr. PETERSON of Minnesota, Mr. PITTS, Mr. HASTINGS of Florida, Mr. NEY, Mr. EDWARDS, and Mr. SWEENEY.

H.R. 4960: Mr. GOODE.

H.R. 4985: Mr. DELAHUNT.

H.R. 5023: Mr. JACKSON of Illinois.

H.R. 5100: Mr. SCHWARZ of Michigan.

H.R. 5120: Mr. FLAKE, Mr. LEWIS of Georgia, and Mrs. CHRISTENSEN.

H.R. 5128: Mr. POMBO.

H.R. 5139: Mr. CUMMINGS.

H.R. 5166: Mr. OBERSTAR.

H.R. 5177: Mr. GILLMOR.

H.R. 5200: Mr. UPTON.

H.R. 5233: Mr. BRADY of Pennsylvania.

H.R. 5242: Mr. DAVIS of Kentucky and Mr. SOUDER.

H.R. 5262: Mr. CONAWAY.

H.R. 5315: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5319: Mr. CAMPBELL of California.

H.R. 5337: Mr. MELANCON and Mr. MURPHY.

H.R. 5344: Mr. HOLDEN and Mr. COSTA.

H.R. 5365: Mr. CARNAHAN.

H.R. 5416: Mr. GRIJALVA and Mr. KOLBE.

H.R. 5430: Mr. GONZALEZ and Mr. MCGOVERN.

H.R. 5444: Mr. ABERCROMBIE and Mrs. KELLY.

H.R. 5455: Mr. CUMMINGS.

H.R. 5466: Mr. SHERWOOD.

H.R. 5468: Mr. TOWNS, Mr. HENSARLING, and Mr. JEFFERSON.

H.R. 5472: Mr. FARR, Mr. BROWN of Ohio, Mr. TERRY, Mr. KENNEDY of Rhode Island, Mr. GENE GREEN of Texas, Mr. GEORGE MILLER of California, Mr. BURTON of Indiana, Mr. MCCOTTER, Ms. HARMAN, Mr. HIGGINS, and Mr. MILLER of North Carolina.

H.R. 5482: Mr. GUTIERREZ.

H.R. 5529: Mr. HOLDEN.

H.R. 5536: Mr. SANDERS.

H.R. 5542: Mr. ROSS.

H.R. 5554: Mr. SOUDER.

H.R. 5558: Mr. MARCHANT.

H.R. 5562: Mr. GRIJALVA.

H.R. 5586: Mr. KING of Iowa.

H.R. 5588: Mr. CONYERS, Ms. NORTON, Mr. LIPINSKI, Mr. BOYD, Mr. MCDERMOTT, Mr. HINCHEY, Mr. FORD, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. ALLEN, Mr. HIGGINS, Mr. ENGEL, Mr. WEXLER, Mr. MCGOVERN, Mr. MARKEY, Mr. KANJORSKI, Mr. KUCINICH, Mr. MCNULTY, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. HOYER, Mr. EMANUEL, Ms. KAPTUR, Mr. KIND, Ms. WATSON, Ms. MATSUI, Mr. ACKERMAN, Mr. MORAN of Virginia, Mr. OBERSTAR, Ms. DELAURO, Ms. SCHAKOWSKY, Mr. ROTHMAN, Ms. SLAUGHTER, Mr. RUPPERSBERGER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Mr. WAXMAN, Mr. CARDOZA, Mr. MELANCON, Mr. NADLER, Mr. SCHIFF, Mr. MOORE of Kansas, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. RUSH, Mr. WYNN, Mr. GUTIERREZ, Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mrs. LOWEY, Ms. WATERS, Ms. KILPATRICK of Michigan, and Ms. ROYBAL-ALLARD.

H.R. 5595: Mr. WALSH.

H.R. 5629: Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. HASTINGS of Florida, and Mr. JEFFERSON.

H.R. 5635: Mr. MICHAUD and Mr. PASTOR.

H.R. 5653: Mr. ROGERS of Kentucky.

H.R. 5656: Mr. MCCAUL of Texas, Mr. SCHWARZ of Michigan, Mr. AL GREEN of Texas, Mr. BARTLETT of Maryland, Mr. GILCHREST, and Mr. REICHERT.

H.R. 5660: Mr. ROGERS of Kentucky.

H.J. Res. 90: Ms. JACKSON-LEE of Texas and Ms. HERSETH.

H. Con. Res. 42: Mr. LAHOOD.

H. Con. Res. 85: Mr. PORTER, Mr. GALLEGLY, Ms. ZOE LOFGREN of California, and Ms. ROYBAL-ALLARD.

H. Con. Res. 137: Ms. LORETTA SANCHEZ of California.

H. Con. Res. 390: Mr. FORD and Mr. BROWN of Ohio.

H. Con. Res. 415: Mr. OLVER and Ms. MILLENDER-MCDONALD.

H. Con. Res. 425: Mr. BERMAN.

H. Con. Res. 432: Mr. YOUNG of Alaska, Mr. BURTON of Indiana, and Mr. MANZULLO.

H. Con. Res. 434: Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. PASCRELL, Mr. HIGGINS, Mr. OWENS, and Mr. LANTOS.

H. Con. Res. 435: Mr. KUCINICH, Ms. HARMAN, Mr. SMITH of New Jersey, and Mr. AL GREEN of Texas.

H. Res. 189: Mr. ISRAEL, Mr. HINCHEY, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. SANDERS, Mr. RAMSTAD, Mr. WELDON of Pennsylvania, and Mr. SALAZAR.

H. Res. 371: Mr. PLATTS.

H. Res. 603: Ms. LORETTA SANCHEZ of California.

H. Res. 721: Mr. TOM DAVIS of Virginia.

H. Res. 745: Ms. ROYBAL-ALLARD, Mr. STARK, and Mr. CALVERT.

H. Res. 854: Mr. CLYBURN and Mr. BACA.

H. Res. 863: Ms. BORDALLO, Mr. HIGGINS, Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. MARSHALL, and Mr. MCNULTY.

H. Res. 884: Mr. BRADY of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4157: Ms. JACKSON-LEE of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5672

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 27: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

H.R. 5672

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT NO. 28: Page 10, line 18, after the first dollar amount, insert the following: "(increased by $3,300,000)".

Page 39, line 25, after the dollar amount, insert the following: "(reduced by $3,300,000)".

H.R. 5672

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 29: Page 23, line 4, after the dollar amount, insert the following: "(increased by $532,148,000)".

Page 23, line 9, after the dollar amount, insert the following: "(increased by $532,148,000)".

H.R. 5672

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 30: Page 23, line 4, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 23, line 9, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 39, line 25, after the dollar amount, insert the following: "(reduced by $50,000,000)".

H.R. 5672

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 31: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund any peacekeeping mission in which there are United Nations employees who are under investigation for sexual exploitation, money laundering, or fraud unless such employees have been removed from such mission for the duration of such investigation.

H.R. 5672

OFFERED BY: MR. MCCAUL OF TEXAS

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the administration and operation of the United Nations Human Rights Council while countries designated as state sponsors of terrorism by the Secretary of State are members of the Council.

EXTENSIONS OF REMARKS—*Tuesday, June 27, 2006*

RECOGNIZING LIEUTENANT COLONEL DAVID WISECARVER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lieutenant Colonel David Wisecarver, a native of Kansas City, Missouri. On June 24th, 2006, Lieutenant Colonel Wisecarver will receive a promotion to the rank of Colonel in the United States Army.

Lieutenant Colonel Wisecarver enlisted in the Army Reserve in 1981 and completed Basic Training, Advanced Individual Training, and served in the 190th Transportation Company as a CH–47 mechanic and crew chief before entering the Reserve Officer Training Corps. He was then commissioned as an Infantry officer from Northwest Missouri State University in 1985. He holds a Bachelor of Science in Industrial Technology and a Master of Arts Degree in Business Management from Touro University.

After posts in Fort Campbell, Kentucky, Schofield Barracks in Hawaii, and finally in Savannah, Georgia, Lieutenant Colonel Wisecarver participated in Operation Uphold Democracy in Haiti in 1994. He completed Command and General Staff College at Fort Leavenworth, Kansas, and was assigned as the Executive Officer to the Director of Officer Personnel Management System, Task Force XXI in Washington, DC. His next assignment was back to the 101st Airborne Division, where he served in Operation Desert Focus, in Saudi Arabia and Kuwait in 1999. The Lieutenant Colonel's last assignment was Task Force 2, Senior Observer/Controller at the Joint Readiness Training Center, Fort Polk, Louisiana, where he trained twenty-one Battalion Combat Teams deployed to Iraq and Afghanistan. His upcoming assignment will be to Rawalpindi, Pakistan, to attend the National Defense College for a year.

He is highly decorated and has been awarded the Defense Meritorious Service Medal, the Army Achievement Medal, The National Defense Service Medal, the Humanitarian Service Medal, the Overseas Service Ribbon, the Expert Infantryman's Badge, the Aircrewman's Badge, the U.S. Army Ranger Tab, the Senior Parachutist Badge, the Pathfinder Badge, and the Air Assault Badge, among others.

Lieutenant Colonel Wisecarver has been married for eighteen years to the former Dianna K. Huntley of Fort Lauderdale, Florida. They have two young children, Samantha and Matthew.

Mr. Speaker, I proudly ask you to join me in recognizing Lieutenant Colonel David Wisecarver as he assumes the new responsibilities of the rank of Colonel. Over the years, he has served the United States with dignity and courage and I am proud to be able to represent him in the United States Congress.

RECOGNIZING THE AMERICAN ANGUS ASSOCIATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the American Angus Association, based in St. Joseph, Missouri. This month will mark the 50th anniversary of the American Angus Association's move to St. Joseph from Chicago in 1956.

The American Angus Association is a member-based not-for-profit organization that was founded in 1883. The Association maintains ancestral records and performance information on purebred Angus cattle in the United States, as well offers a variety of programs and services to over 34,000 members across the nation. All of these programs are managed by a very hardworking and dedicated staff.

In the 50 years since moving to St. Joseph, the Association and its entities have grown to employ nearly 200 people. That growth has seen the expansion of the original building that was once on the edge of the city. After several additions to the structure, the Association was able to house two of its entities: Angus productions, Inc. and the Angus Foundation. From humble beginnings in the home of its early executives, the American Angus Association has come a long way in 123 years of service to America's cattlemen.

Mr. Speaker, I proudly ask you to join me in recognizing the American Angus Association. The Association has been remarkable in its many years of service and the city of St. Joseph is proud to be their home. I wish to thank the American Angus Association for all that they do and I am honored to represent them in the United States Congress.

IN HONOR AND RECOGNITION OF MR. CHUCK AND MRS. EVELYN SEBES IN CELEBRATION OF THEIR 50TH WEDDING ANNIVERSARY: JUNE 16, 2006

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Chuck and Evelyn Sebes, as they celebrate 50 years of love and commitment that continues to lift the lives of family, friends, and extends outward into our community.

Chuck and Evelyn met in 1953 and wed 3 years later on June 16, 1956. In 1959, they bought their home in Parma, where they still live. Evelyn was employed by Ohio Bell for several years and decided to leave the workforce to devote her time to her children. Together, Evelyn and Chuck lovingly raised their four children: Joe, Jim, Janet, and Joyce. Later, Evelyn returned to work part-time for Higbees and Dillards, and worked at both stores for a total of nearly 30 years.

Chuck worked for National Tool Company for 22 years until the company closed. While there, he served as President of the United Steel Workers of America, Local 4827, a tenure which reflected his unwavering focus on the rights and welfare of workers and their families. Chuck was later appointed to the Ohio Regional Board of Review for Worker's Compensation by then Governor Richard Celeste. In 1991, he was appointed by Martin E. Vittardi, Clerk of Parma Municipal Court, to serve as his Chief Deputy, where he continues his service today. Chuck has served as a Cuyahoga County Democratic Party Precinct committee person and as an Executive Committee member and is the longest serving City Leader for the Parma Democratic Party. He is an active member of Parma Southwest COPE, AFL–CIO and together with Evelyn they belong to Parma Elks Lodge 1938. Chuck and Evelyn's passionate sense of volunteerism, especially on behalf of improving wages and working conditions for workers, continues to positively impact countless families throughout our community.

The bond they share with their children comes from life lessons that Chuck and Evelyn taught them while growing up. To be selfless, to lead a life of volunteerism, to live by the golden rule—"do unto others as you would have them do unto you"—and to remember that there is nothing as important as God's gift of family. The memory of their mother's soft skin while holding them reminds them of a safe and loving childhood. It was the sound of their father's voice telling them colorful stories and jokes that brought laughter into their home. Their grandchildren Danielle, Shelley, Jackie, Christopher, Lauren, Samantha, and Jamie fill Chuck and Evelyn's lives with pride and love. At gatherings, it is Evelyn's potato salad and Chuck's ethnic dishes that everyone looks forward to. Time spent with friends playing pinochle and poker or bowling has formed lifelong friendships. Their legacy will be one of dedication to one another, to their family, and to their community.

Mr. Speaker and colleagues, please join me in honor and recognition of my dear friends, Chuck and Evelyn Sebes, as we join them in celebration of this momentous occasion—their 50th wedding anniversary. Their devotion to each other, to their children, grandchildren and friends, and their commitment to giving back to others continues to touch the lives of everyone they I know, including my own, and serves to strengthen and uplift our entire community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING JERRY DARNELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jerry Darnell of St. Joseph, Missouri. Jerry will soon be retiring from the St. Joseph Area Chamber of Commerce, after years of distinguished service as the Director of the Small Business Development Center.

As the Director of the Small Business Development Center, Jerry has provided free management assistance and guidance to current and prospective small business owners all throughout the St. Joseph area. He has offered his experience and guidance to the enterprising citizens of my district for many years, as those entrepreneurs sought advice on the start-up, expansion, sale, and marketing of their business. His job is especially important, as the collection of small business owners are responsible for the growth and sustainability of our communities.

Before joining the Chamber in 2001, Mr. Darnell was employed as a broker for Citi-Street and served as an instructor at the Johnson County Community College. He has had over 10 years of experience in commercial lending after obtaining a Bachelor of Science degree in Math and Business from Kansas State University and a Masters in Business Administration from Louisiana State University. These varied experiences have all made for a solid background in advising the small businesses of St. Joseph. In the community, Mr. Darnell is active in the Boy Scouts of America Diversion Program and the Service Corps of Retired Executives.

Mr. Speaker, I proudly ask you to join me in recognizing Jerry Darnell. His role in developing and assisting the small businesses of St. Joseph will be difficult to replace. I commend his record of service and accomplishment to the city of St. Joseph over the years and I am honored to represent him in the United States Congress.

IN RECOGNITION OF DR. ANDY ANDERSON'S RETIREMENT FROM GAINESVILLE MEMORIAL HOSPITAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Dr. Andy Anderson for his 8½-year tenure as the hospital chief executive officer of Gainesville Memorial Hospital.

Dr. Anderson was the fourth administrator for Gainesville Memorial Hospital. The most notable of his achievements was his leadership in campaigning for a $26.5 million dollar bond to build the North Texas Medical Center. Under Dr. Anderson's tenure, the quality of patient care increased, opportunities for continuing education improved, and nine tenure doctors were hired.

Retiring to pursue another challenge in life, the progress Dr. Anderson catalyzed substantially strengthened the health care quality throughout the 26th District of Texas, and I know his vision improved the lives of thousands.

As a doctor myself, I find personal inspiration in Dr. Andy Anderson and the devotion he had to his family, his hospital and his community. He is a role model, and I am proud to serve as his representative in Washington.

IN HONOR OF THE 100TH ANNIVERSARY OF ST. HYACINTH CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the parish community of St. Hyacinth Catholic Church, as members and leaders celebrate 100 years of faith and hope throughout Cleveland's southeast side.

Throughout the past century, St. Hyacinth Parish has opened wide its doors to all who seek spiritual renewal and fellowship. Its ministry reaches beyond the parish itself through the numerous members who have joined the clergy as a result of the guidance and fulfillment they found at St. Hyacinth.

St. Hyacinth began its ministry as a response to the influx of Polish immigrants in the "Jackowo" neighborhood. Feeling crowded in the existing parish, the residents bought land from the Board of Education and have remained at that location since opening in 1906. The newly instated Cleveland Bishop Richard Lennon will lead the Jubilee Mass at the parish in commemoration of the past one hundred years of service and in celebration of the next 100 years.

Mr. Speaker and colleagues, please join me in honor and recognition of every past and current member and spiritual leader of St. Hyacinth Catholic Church. Despite a growing and changing community, St. Hyacinth Catholic Church has consistently provided compassionate spiritual direction, in the heart of Cleveland and far beyond.

RECOGNIZING DOUGLAS BURNETT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Douglas Burnett, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Douglas has been very active with his troop, participating in many scout activities. Over the many years Douglas has been involved with scouting, he not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Douglas Burnett for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE CITY OF LEWISVILLE'S COMMUNITY RELATIONS AND TOURISM DEPARTMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the city of Lewisville's Community Relations and Tourism Department for winning two State awards by the Texas Association of Municipal Information Officers: The Best Marketing Plan and Best Special Event. Lewisville is my hometown and sits in the heart of the 26th Congressional District.

Lewisville's Community Relations and Tourism Department won "Best Marketing Plan" for its promotion of the 2005 Bassmaster Elite 50 tournament and county fair. The tournament was a huge success and was broadcast on ESPN. The Bassmaster Elite held on Lewisville Lake gave sports fishermen around the world a glimpse of beautiful North Texas, and I am honored that the city developed an award winning plan in conjunction with the competition.

The team also won "Best Special Event" for the 2005 Holiday at the Hall Festival. The Festival is always a welcome relief to holiday stress and last year was enjoyed by more than 10,000 people. In 2005, the city held its third annual event in Old Town Lewisville highlighted by the Holiday Parade down Main Street.

I extend my sincerest congratulations to the city of Lewisvile and the Community Relations and Tourism Department on their accomplishments. I am honored to represent the city and call it my hometown.

IN HONOR OF LOUIS BROWNLOWE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Louis Brownlowe, upon his retirement that follows an exemplary, thirty-six year career as a Teacher-Counselor, Dean of Special Studies and Dean of University Studies at Cleveland State University.

Mr. Brownlowe earned a Bachelor of Arts Degree in Sociology from Miles College and a Masters Degree in Education from Cleveland State University. Throughout his tenure at CSU, he concentrated his efforts on programs and projects that provide access to higher education for non-traditional students, who otherwise would not have had the opportunity to enroll in college.

In 1971, Mr. Brownlowe became actively involved in the Ohio Association of TRIO Program Directors. He served on the task force of the National Council of Educational Opportunity Associates, which eventually became a significant aspect of the Reauthorization of the Higher Education Act of 1980. Mr. Brownlowe was a leading force in establishing CSU's Upward Bound Program, which began in 1999. Mr. Brownlowe continues his dedication to civic action and empowering others, especially our youth. As the Superintendent of the Sunday School and President of the Youth Ministry at Union Grove Baptist Church, Mr. Brownlowe serves as a gentle guide and inspiration and a shining role model that reflects the significance of personal strength, conviction, determination, accomplishment, and the importance of education.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of Mr. Louis Brownlowe, upon his retirement from Cleveland State University—a vocation of the heart, framed by thirty-six years of outstanding service, integrity and accomplishment. His dedication, expertise, leadership, and energy, focused on educational opportunity for all, extends outward into the community where he volunteers his time and talents on behalf of lifting countless lives onto a foundation of hope, spiritual strength and opportunity. I wish Mr. Brownlowe and his family an abundance of health, peace and happiness as his journey begins from here.

TRIBUTE TO CAPTAIN JAMES ALEXANDER FUNKHOUSER

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. McCAUL of Texas. Mr. Speaker, I rise today to honor Captain James Alexander Funkhouser, a brave soldier and fallen hero from Katy, Texas.

Captain Funkhouser was assigned to the 1st Battalion, 12th Infantry Regiment, 4th Brigade, 4th Infantry Division of the U.S. Army in Fort Hood, and he was their Headquarters and Company Commander in Iraq.

The son of a 31-year Army Veteran, Captain Funkhouser was born in Okinawa, Japan, but he eventually became a Texan, graduated from Southwest Texas State University in 1999 and was commissioned as a Second Lieutenant in the U.S. Army.

Captain Funkhouser spent the next six years stationed in Vilseck, Germany, Fort Knox, KY, Fort Polk, LA and finally to Fort Hood, TX where he was then deployed with his unit to Baghdad, Iraq in early December 2005.

A highly decorated soldier and American hero, Captain Funkhouser's decorations include the Meritorious Service Medal with two Oak Leaf Clusters, Army Commendation Medal with three Oak Leaf Clusters, Army Achievement Medal with five Oak Leaf Clusters, Army Good Conduct Medal, National Defense Service Medal, Kosovo Campaign Medal, Global War on Terrorism Medal, Korean Defense Service Medal, Noncommissioned Officers Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, NATO Medal, the Parachutist Badge, the Purple Heart and the Bronze Star.

During a reconnaissance operation in Baghdad, Captain Funkhouser, his Iraqi interpreter and two CBS reporters were killed when a vehicle-borne improvised explosive devise detonated near his Humvee.

Captain Funkhouser loved his country, and he gave his life defending America and the freedom and opportunity for which our flag flies.

Captain Funkhouser is survived by his wife, Jennifer; daughters, Kaitlyn and Allison; parents, Col. (Ret.) and Mrs. James Alexander Funkhouser, Sr.; grandmother, Oneita Funkhouser; parents-in-law, Henry and Rosemary Garza and numerous extended family members, friends and fellow soldiers of the United States Army.

OUTSTANDING HIGH SCHOOL SENIORS, FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mrs. WILSON of New Mexico. Mr. Speaker, the following high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders through their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2006

Lucero Perdomo, New Futures High School; Claudia Grajeda, School for Integrated Academics and Technologies; Amy Holmen, Sandia Preparatory School; Aidan Hamke, Albuquerque Academy; Christopher Anaya Moriarty High School; Holly Garcia, Albuquerque Charter Vocational High School; Laura Wilson, East Mountain High School; Melanie Garcia, Los Puentes Charter School; Talysa Ogas, Los Lunas High School; Lisa Herrera, Temple Baptist Academy; Leslie Copass, La Cueva High School; Lisa Domme, Sandia High School;

Ariel Blea, Valley High School; Kayleen Foltz, Creative Education Preparatory Institute; Joseph D. Miranda, Sierra Alternative High School; Patricia D. Mooney, Southwest Secondary Learning Center; Kimberly Lauer, Menaul School; Christiana Baca-Bosiljevac, Menaul School; Janice Cribbage, Highland High School; Catherine Ames, Cibola High School; Crystal Vialpando, Mountainair High School; Desiree Cordova, Bernalillo High School; Carla Dozal, West Mesa High School; Grace Floyd, Hope Christian School.

TRIBUTE TO DAVE OWEN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the patriotic public service and self sacrifice of Colorado Senator Dave Owen.

For more than five decades, Dave Owen has used his God-given abilities to serve his country as an Army officer, as a small business owner, and State Representative and Senator in Colorado. His tenacity, his sense of humor, and his integrity endear him to many people. He is worthy of our respect and admiration.

Mr. Owen comes from a family with a history of public service. His stepfather served as an Army officer and the chairman of the Colorado Republican Party. Following in his footsteps, Owen joined the Air Force Reserves while studying at Denver University and then volunteered to fight the communists in Korea in 1951. As an armorer, he worked for 12 months arming and cleaning the weapons on F-51 Mustang fighter planes. After returning home to Colorado he used the GI Bill to get a Bachelor's Degree in English at Colorado College, in Colorado Springs, while simultaneously becoming the Cadet Commander in his ROTC unit. As a 2nd Lieutenant, he again entered full time military service and was sent to Europe and his wife, Marilyn, was able to accompany him. For several years, he served as a platoon leader in German to help defend against a possible invasion from the Soviet Union.

After returning to the United States, Mr. Owen decided to pursue the remaining part of his military career as an Army personnel officer. This new career gave Mr. Owen the opportunity to travel the world. After working at Fort Bragg in North Carolina for three years, he received training in the Persian language of Farsi in California before being sent to Iran as an advisor for the Shah. After two and a half years in the Middle East, he returned to work at Fort Campbell, Kentucky before being sent to Vietnam in 1967 to work as the Deputy Adjutant General of the 101st Airborne Division. After Vietnam, Owen's military service continued when he joined the U.S. Strike Command in Florida. As a Lt. Colonel, he traveled to various countries in Africa and the Middle East as an advisor on the use of military equipment supplied by the United States. In the mid-70s, Owen finished his military career working for the Army and Air Force Postal Service in Washington, D.C., supervising the delivery of mail and postal services to Army and Air Force personnel worldwide. He also oversaw military personnel charged with transporting top secret documents to U.S. Embassies around the world.

In 1979, Mr. Owen retired from the Army and came to Greeley, Colorado, for a business opportunity. For the next 10 years, he owned and operated a wholesale snack food company. Owen sold the business after he decided to devote his energy full-time into public policy. He was appointed to his first elected office in 1987 to replace Tom Norton, who resigned from office, as State Representative in the 48th House District. In 1988, Owen ran and won reelection for the same House seat. He served his district faithfully until 1998 when he ran and won as Senator for Colorado's 13th District.

As a State Senator, Owen consistently receives high rating from the Colorado Union of Taxpayers for fighting government waste, and the National Federation of Independent Business for being a "Guardian of Small Business." He currently serves on the state's prestigious Joint Budget Committee and is the past president of the National Republican Legislative Association. He has received the Statesman of the Year award from the National Right to Work Committee and was recognized as the National Legislator of the Year by the American Legislative Exchange Council. Owen has gained a reputation for his work to improve children's health care and for creating the nation's first Foreign Capitol Depository, which acts as a Swiss bank and encourages foreign investment in Colorado.

Owen continues to live in Greeley with his remarkable wife Marilyn. After 41 years of marriage, they have two sons and two teenage grandchildren. Dave is currently running for State House District 50.

Mr. Speaker, I am honored to represent a decorated veteran and extraordinary public servant Dave Owen. We are indebted to men like Dave, who view public service not as a career but as a way of life. I urge my colleagues to join me in expressing my heartfelt gratitude and sincere appreciation to Dave Owen; he is a true American hero.

RECOGNIZING CHRISTOPHER VAUGHN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Vaughn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in my scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Christopher Vaughn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE WAR ON TERRORISM

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. MCKEON. Mr. Speaker, I rise today in support of a just cause that is facing a critical turning point. The outcome hangs in the balance, and Mr. Speaker, we should not kid ourselves into believing that victory is foreordained.

Churchill once said that there would not be war if both sides did not believe that they could win it. The enemy we face in Iraq, and in the broader war against the radical Islamists, is driven by an apocalyptic vision of God. And because such apocalyptic visions are rooted in faith and not facts, they are very hard to dispel. We, therefore, face an opponent who is neither open to reason or compromise. Nor will he necessarily be defeated by calculations of military strategy and prudence.

We face the paradox of a perilous time. At the opening of the 21st century we are opposed by an adversary who preaches the savagery and barbarism of the 12th century. We face in Iraq an enemy that will show us absolutely no quarter. And Mr. Speaker, I am bound to say that I think we in this Chamber, and indeed even in the country at large, have been slow to grasp that fact.

However, the difficulty of the fight should not dissuade us from waging it if the cause is just—and the cause IS just. Mr. Speaker, I have had the sad duty to attend the funerals of several of the servicemen killed in Iraq who came from my district. There are those who say that we should not withdraw from Iraq because to do so would mean that they died in vain.

This is not correct. Nothing that we have done or will do, will ever subtract one ounce from the valor and nobility of those who have died in the service of their country. As Lincoln said in the Gettysburg Address, "We can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract."

However, we should pause to note that our servicemen and women are fighting—and sometimes dying—because they know the terrible price that will be paid if our adversaries prevail. They have seen, as I have seen when I traveled to Iraq, what a world our enemies would have us live in.

It is a world filled by a grotesque and distorted vision of God. It is a world of slavery and submission where the Almighty is not a benevolent and loving Creator of His Children. But rather is a pagan idol that demands blood sacrifice and glories in the murder of the innocent.

You need look no farther than the carnage in Baghdad, or Kabul, or Mogadishu or, let us never forget, the Twin Towers, to see the truth in that axiom. That is what our enemy, for all his talk of God, seeks to do. He seeks to kill God by destroying God's children and God's creation. And we are all that stands between our adversary and the realization of his nihilistic vision.

Mr. Speaker, there are those in this House who are far better versed than I in the strategic and military calculations that are the essence of this conflict. There are those who say that we mistakenly entered the war in Iraq on the basis of flawed intelligence. This, I think, underestimates the nature of our adversary. Given the expansiveness of our enemy's nightmare vision, I think it is safe to say that there would have been war in Iraq no matter what we did.

That, of course, will be for the historians to decide.

But this much I do know, Mr. Speaker. We stand for hope. We fight for peace and a world that is free. We sacrifice now so that the little children that I met when I was in Iraq might live in a better world tomorrow. And because they will have a better world, we Americans will live in a safer one. To quote DeGualle, "Behind the terrible cloud of our blood and tears here is the sun of our grandeur shining out once again."

Mr. Speaker, I do have one concern. I think that we in this Congress have allowed too wide a gap to develop between the society we help to govern and the war we have been compelled to wage. We have to correct this, because we will not win this war—in Iraq or beyond—unless we as a Nation come to grips with what we face and begin to act accordingly.

We must never forget that, to quote Lincoln again, "Public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed." Right now I look around me and I see a Congress and a country distracted, and nothing could be deadlier to our security and our hopes for a better future.

To some extent this is understandable. America is, and has every right to be, tired of conflict. In 1917, for the first time, we went "over there" to make the world safe for democracy. In 1941, in Churchill's evocative phrase, the new world stepped forth, yet again, to the rescue and liberation of the old. Then after 1945 we stayed on to wage the long twilight struggle that came to be called the cold war.

Then, in 1989, a miracle. We stopped holding our breaths. The Berlin Wall came down and the Soviet Union disappeared. The hair trigger nightmare of the nuclear armed world seemed to recede. We came off of the figurative tip-toes on which we had been standing for nearly 50 years. We had grown so accustomed to it that when the Cold War ended, we scarcely realized just how nerve wracking, and what a strain, it had all been.

Now here we are again. More war, more sacrifice, more death. It is not a pleasant picture—but it offers this. It offers hope. It offers an alternative to yet another in a long line of obscene and perverted visions that seem to be forever conjured in the minds of men.

Mr. Speaker, I have dared to say today something that very few of us seem willing to say. We could lose this war. There is nothing in the stars that says we must prevail. In history, freedom is the exception, not the rule. So I say to my colleagues, we must press on in Iraq. We must fight wisely, but we must not falter.

Most of all we must stand together. That way, when our children and grandchildren look back at this moment in history, they will say that at the threatened nightfall the blood of their fathers ran strong.

TIME MAGAZINE ARTICLE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. ISRAEL. Mr. Speaker, I would like to share the following article from Time Magazine with my colleagues in the House. I believe it contains some important insights into what we really need to focus on during the long war.

[From Time Magazine, June 25, 2006]

FORGET FLAG BURNING

(By Major General Robert Scales (Ret.))

Some in Congress appear to be taking a sabbatical from the long war on terrorism to introduce a constitutional amendment banning the burning of the flag. The debate over such an amendment may or may not be worth having, but one thing is clear: at a time when the country is at war, now is not the time for such tertiary considerations.

I understand reverence for the flag. It comes naturally to soldiers. We commit our lives to serving intangibles, swearing oaths to a piece of parchment or saluting an expanse of cloth decorated with stars and stripes. We understand symbolism because symbolism is what in large measure compels us to do a job that might result in our demise.

The American flag symbolizes freedom. The Constitution we soldiers are pledged to defend guarantees freedom of expression even when freedom of expression includes the right to deface the flag, however obnoxious that act may be. Of course, I'm old enough to remember flag burning when flag burning was "cool." I was in Hawaii, on R. and R., halfway through my tour in Vietnam. My wife and I were watching television when student war protesters in California—none of whom had the slightest chance of facing violent death in combat—illuminated their campus by torching Old Glory. I was appalled by the sight. A short time later, Walter Cronkite informed the world that my unit, the 101st Airborne, was beginning an offensive in the A Shau Valley. I left for Vietnam the next day to confront an enemy that undoubtedly would have punished those protesters had they burned the North Vietnamese flag in Hanoi.

But that was then. The image of the flag that soldiers see today is different. Instead of flags aflame, we see flags covering coffins of soldiers and Marines returning the hard way from Iraq and Afghanistan. Pushing forward a constitutional amendment is labor-intensive work. I'm concerned how such a diversion during wartime might appear to those who are still serving in harm's way.

Please don't get me wrong. I have many friends in Congress, patriots all. Each one of them has been to Iraq and Afghanistan many times. Although he refuses to advertise the fact, one was wounded there during an inspection tour last year. My concern relates not to the sincerity of Congress but to the perceptions among our young men and women that their overseers are suddenly distracted at a time when attention to their needs has never been more necessary.

Our soldiers want to be assured that Congress is doing all it can to reduce losses in what Lincoln ruefully termed the "terrible arithmetic" of war. They want to know that Congress is doing all it can to give them the weapons they need to maintain the fighting advantage over the enemy. They are concerned that their equipment is wearing out under constant use. They and their families are worried that not enough soldiers are in the pipeline to replace them.

We know from letters and conversations that our young soldiers returning from combat are concerned about the future of their institutions. They want to know who is focused on reshaping our Army and Marine Corps so that both services will be better able to fight the long fight against radical Islam. How will Congress fund the future? Where will the new weapons and equipment come from? They are also worried about more personal issues like housing and health care for themselves and their families.

Dan Brown was my First Sergeant in Vietnam. I was new to war. He had served in two. He gave me a piece of advice then that Congressmen intent on changing the subject should heed: "In combat the main thing is to keep the main thing the main thing. Otherwise, you die." The main thing today for Congress and the Nation should be the war in Iraq. Soldiers are sworn to defend the right to free speech with their lives even if "speech" is expressed in despicable ways. What they want in return is the assurance that our lawmakers will hold their interests dear.

So the message from most of us soldiers is clear: Debate a flag-burning amendment if you wish. But don't create the perception among our young men and women in combat that there are more important issues than their welfare at the moment. Wait a while. At least for their sake, wait until the last flag-draped coffin comes home.

RECOGNIZING BRIAN LESEMAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brian Leseman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brian Leseman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RESIGNATION OF THE HONORABLE NORMAN Y. MINETA, SECRETARY OF TRANSPORTATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. RAHALL. Mr. Speaker, Norman Mineta last week announced his resignation from the President's Cabinet as Secretary of Transportation—the longest serving Transportation Secretary in the history of the Department. His departure comes gracefully and on his own terms, just as were his more than three decades in public service to the American people.

Norm's public service can't be condensed into a press release or simple statement of appreciation. His years of service to the country he loves—on behalf of his California constituents and in the arena of transportation—are unparalleled for their impact and effectiveness. The past 30-plus years have proven Norm a giant in his field and a true friend to those of us that served with and learned from him.

On occasion Norm joined me in the mountains of southern West Virginia, each time increasing his understanding of our unique landscape and transportation needs. In his years as a Member of Congress and as Transportation Secretary he did a great deal to improve the infrastructure of southern West Virginia and, indeed, the lives of southern West Virginians.

I am certain Norm will continue his outstanding record of service as a private citizen in the years to come and I congratulate my friend on his decision and wish him, his wife Deni and his two children, David and Stuart, the very best.

TRIBUTE TO NUCOR STEEL—JACKSON INC.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, the United States of America has always stood for economic opportunity and freedom. And in recent generations our nation has strived to provide an even better model for equality of opportunity. The work has been long and arduous, and it has not been without its setbacks.

We have struggled in the schools, the halls of government, in the workplace to make equality of opportunity something that is written on our hearts as well as in our laws.

Some of the most successful undertakings in the struggle for equality have been in our mills, and foundries and factories. Mississippi's manufacturing sector has provided generations of our citizens the opportunity to enter the middle class and realize The American Dream.

Manufacturing jobs have traditionally provided above average wages and the medical and other benefits that strengthen families and society. These jobs have also provided Mississippi workers with the satisfaction that comes from seeing their work transform raw goods and materials into finished products of usefulness and value.

Since 1998 the United States has lost more than 3.3 million manufacturing jobs. Here in Mississippi the manufacturing job loss approaches 60,000, and this has undercut the strength and resilience of our state's economy. The erosion of our state's manufacturing sector presents a significant barrier to our state's long-term economic progress.

Mississippians are especially mindful of the need for economic strength and resilience as we rebuild from the devastation of last year's hurricane. The world has witnessed the stunning economic setbacks wrought by Hurricane Katrina, but they have also witnessed the strength of our spirit and our resolve to rebuild Mississippi better and stronger than before.

If we are to accomplish this we must create a sound economic foundation for manufacturing. This means we face several additional important tasks as we continue to rebuild. We must ensure that international trade agreements—either in their drafting or their enforcement—do not discriminate against Mississippi manufacturers because they adhere to the world's highest environmental, health and safety standards. We must redouble our efforts to root out and halt all unfair trading practices among our trading partners because these practices place Mississippi manufacturers at a significant and unfair disadvantage.

One American manufacturer is leading a national grass-roots effort to bring back the level playing field to global trade and the global economic arena in which our manufacturers compete. Nucor Corporation is underwriting and leading an unprecedented series of grass roots town hall meetings across the country to inform voters and inspire action among elected officials at every level of government.

These meetings have been held in States across America and have drawn as many as 4,000 citizens. Nucor Steel—Jackson, Inc., which employs 250 workers in Mississippi, is hosting the eleventh Nucor Town Hall Meeting on June 29, 2006 in Jackson, Mississippi. It is noteworthy that in a political age where we often focus on personalities and scandal that this meeting will feature in-depth presentations and discussions of substantive issues.

Voters and elected officials are provided an important forum to look at the underlying causes of our massive job losses and to propose policies and actions that can reverse the trend and put American manufacturing back on track.

Rebuilding Mississippi in the wake of the hurricanes has proved a daunting challenge, but we have demonstrated the spirit and resolve to get the job done. We also face the long-term challenge to restore manufacturing to its rightful status as a cornerstone of our economy. We offer our appreciation to Nucor Steel—Jackson for their leadership as we face this challenge and make our commitment to Mississippi's future.

CONGRATULATING THE ST. JOSEPH-OGDEN GIRLS SOFTBALL TEAM ON WINNING THE CLASS A STATE CHAMPIONSHIP

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in honor of the St. Joseph-Ogden Spartans, the 2006 Class A State Softball Champions. The Spartans concluded their season on June 3, 2006 with a 1–0 victory in the girls' softball State Championship in East Peoria.

It had been an arduous season for the Spartans, defeating number two-ranked Beecher and number one ranked Taylor Ridge en route to a 31–6 season. The victory was the 665th in just 839 games for their head coach, Randy Wolken; a perfect finish for a team that had overcome so many challenges throughout the season.

Though they had reached the final four last year, the Spartans entered these playoffs huge underdogs. But strong defense and leadership helped the team to far exceed expectations, even for many of its players, culminating in its surprise State Championship.

The citizens of this district and I are very proud of the St. Joseph-Ogden Spartan softball team, and we look forward to continued success in the future. Let us honor the Spartans' tremendous accomplishments this season.

Mr. Speaker, I ask my colleagues to join me today in recognizing the St. Joseph-Ogden Spartans, the 2006 Class A Softball State Champions.

RECOGNIZING STEVE LYNCH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Steve Lynch, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and in earning the most prestigious award of Eagle Scout.

Steve has been very active with his troop, participating in many scout activities. Over the many years Steve has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Steve Lynch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE SISTERS OF MERCY

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. AKIN. Mr. Speaker, I rise today to join my colleagues in honoring the Sisters of Mercy in my hometown, St. Louis, Missouri on the 150th anniversary of their arrival to the United States. Throughout their long years of service the Sisters have tirelessly devoted themselves to sacrificial living—assisting the poor, the sick, and the uneducated throughout Missouri communities.

This tradition of service began on June 27, 1856, when the Sisters of Mercy arrived in St. Louis to open St. Francis Xavier Parish School at the request of then Archbishop Peter J. Kenrick. The Sisters later expanded their ministry beyond the school walls, establishing an orphanage, instituting an industrial school for single-parent children, beginning a Sunday school course for African American women, and continuously visiting the poor, sick, and imprisoned. The Sisters in these ministries frequently incurred personal sacrifices, but this did not deter them from their good works.

In spite of their worthy efforts, the Sisters of Mercy frequently encountered obstacles throughout their service including shortages of food and clothing, as well as insufficient funding. With undying faith and dedication, however, the Sisters were able to overcome these challenges. In their many years of service, the Sisters of Mercy have worked at five high schools and more than 20 parish elementary schools. Additionally, the Sisters have been active in healthcare since 1871, when they converted their original school into a hospital that continues to provide medical care today. After 150 years of service to students, families, the sick, and the underprivileged, the Sisters of Mercy have demonstrated their great commitment to the St. Louis community. Today we recognize their efforts with the best of our admiration and gratitude.

TRIBUTE TO HUNGARIAN VICTIMS OF COMMUNIST TERROR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. SMITH of New Jersey. Mr. Speaker, a few days ago, President Bush traveled to Hungary to participate in events marking the 50th anniversary of the Hungarian Uprising. I commend the President for making this trip and for recognizing the sacrifices made on the streets of Budapest in the name of liberty and justice.

Fifty years ago, at the height of the Cold War, Central Europe, was a prisoner, and Moscow was its jailer. Confronted with overwhelming Soviet domination, the Hungarian response was to reaffirm the core values of democracy: individual freedom and national independence.

On October 23, 1956, these two powerful forces—tyrannical communism and the principles of democracy—met and clashed in the middle of Europe. Within the Soviet Empire, the 1956 Hungarian Revolution presented an alternative to a deceptively dangerous idea, the idea that the best solution to a war-ravaged world is to eliminate political, cultural, religious, economic and national differences by imposing a single, universal "truth." This idea represented the incontestable dogma of communism.

At the heart of the clash was Imre Nagy who assumed the post of Prime Minister even announced Hungary's intention to withdraw from the Warsaw Pact. But, when the Soviet Union crushed Hungary's bid for freedom during those day in October, Imre Nagy and his colleagues were arrested, convicted in secret trials, and eventually executed as "traitors" on June 16, 1958. To prevent the inevitable expressions of support for Nagy and what he stood for, he and the others executed with him were buried by the Moscow-backed régime in Budapest in unmarked graves.

The significance of his and countless other Hungarians' sacrifice is etched onto the political map of the 21st century and echoed in the recent developments throughout the world. As President Bush observed, "The lesson of the Hungarian experience is clear: liberty can be delayed, but it cannot be denied." That is the real moral of the events of 1956 and the subsequent human sacrifices of Imre Nagy and his fellow freedom fighters.

As we remember and mourn those who gave their lives defending freedom those fifty years ago, I would like especially to remember the towering courage of a reluctant hero and a great Hungarian patriot, Imre Nagy.

PAYING TRIBUTE TO LIEUTENANT COLONEL R. WYN ELDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Lieutenant Colonel R. Wyn Elder as he assumes command of the 4th Airlift Squadron based out of McChord Air Force Base.

Lieutenant Colonel Elder graduated from the University of Virginia in 1990 and soon thereafter began a distinguished military career. After completing the Aircraft Maintenance & Munitions Officer Course as a Distinguished Graduate, he was assigned to Nellis AFB in Nevada. He served in several different capacities at the squadron and group levels, including Officer-in-Charge, and Munitions Flight and Assistant Officer-in-Charge of the F–16 and A–10 Aircraft Maintenance Units belonging to the United States Air Force Fighter Weapons School, 422d Operational Test and Evaluation Squadron. In April 1994, Lieutenant Colonel Elder was selected for Undergraduate Pilot Training at Vance AFB. After completing his training as a Distinguished Graduate, he served as the Executive Officer, 17th Airlift Squadron, Charleston AFB, South Carolina. During this period, Lieutenant Colonel Elder commanded missions as part of Operations Allied Force, Southern Watch, Joint Guardian and Joint Endeavor. Thereafter, Lieutenant Colonel Elder spent two years attached to the White House Military Office as a Presidential Advance Agent. In this capacity, he served as the point man for Air Force One flights throughout the world, including the first U.S. presidential trip to Slovenia. Most recently, Lieutenant Colonel Elder was selected for admission to the School of Advanced Air and Space Studies (SAASS). He graduated from SAASS in June of 2004 and was assigned to the position of Special Assistant to the Commander, U.S. Joint Forces Command, in Norfolk, Virginia. Lieutenant Colonel Elder is a senior pilot with over 2200 hours of flight time in the T–38, C–17, and T–1 aircraft.

In addition to his varied professional and academic experiences, Lieutenant Colonel Elder has earned numerous accolades, including: the Defense Meritorious Service Medal, the Meritorious Service Medal, the Joint Service Commendation Medal, the National Defense Service Medal, the Armed Forces Expeditionary Medal, and the Kosovo Campaign Medal.

Mr. Speaker, I am proud to honor Lieutenant Colonel R. Wyn Elder. I thank him for his years of exemplary service and congratulate him on his new command. I wish him the best in this new endeavor.

TRIBUTE TO WILLIAM CHRISTOPHER VILLAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. MILLER of Florida. Mr. Speaker, I rise today to share with you the story of a remarkable young man from Milton, Florida. William Christopher Villar, by all surface accounts, was your typical 22 year old. He was attending community college with the hopes of one day obtaining a degree in business. He was working at a job that he loved and he had recently gotten engaged to his long time sweetheart, Heather Dieterich. His life was unfolding the way we hope that all of our children's lives will eventually unfold.

Certainly, it was not these things, or even the fact that, as a young man, he was actively involved with his church that made him atypical. And it was not the fact that he was a star on the basketball court—making the All-Conference and All-State teams his senior year at Central High School in Santa Rosa County—a high school he entered after being home schooled for a number of years. Quite simply, it was his selflessness and his unyielding love for his family that set him apart.

Chris was the oldest of three boys. As such, he was fiercely protective of his younger brothers. There is a story the family tells about an accident that happened 12 years ago that illustrates this best: Chris and Jacob, his youngest brother, were riding in the back seat of their father's car when the driver of an RV, coming over the peak of the 1–10 bridge between Santa Rosa and Escambia counties, failed to slow down for a disabled vehicle. The RV slammed into the Villars' car with enough force to peel the roof back. While we, thankfully, will never have to learn what could have happened that day—we do know that Chris, in an instinctive moment, grabbed his two year old brother Jacob—perched high in his car seat—and threw his own 10 year old body over him to save him. He didn't think of himself.

By and large, the people who knew him all said the same things about him: He was a good boy and he had been raised right. That is a compliment we hear far too infrequently these days, but it is a testament to his parents. It should make them proud.

I wish I could tell you that the story ends there—that this exceptional boy will one day become an exceptional man, an exceptional husband and an exceptional dad. Unfortunately, on the evening of Thursday, June 15th, Christopher Villar's life came to a tragic end when a car driven by a drunk driver crashed through the roof of his family's home. I am not going to talk about the details of the accident, other than to say that it was an avoidable tragedy and a sickening reminder of the dangers of driving while under the influence. But I will talk about something that happened in the moments before. Chris, like so many of us, had been enjoying the NBA playoffs with his family. He was a New York Knicks fan but pulled for the Heat in this series to pick at his younger brother, Matt. They were ribbing about it, as brothers are wont to do, when a loud noise was heard in the front yard. Whether it was the sheer instinct of a protective older brother, the hand of God, or both, Chris pushed Matt away from himself and toward the middle of his room just as the car crashed through the ceiling. In an instant, it was over. If any good can be found in this tragedy, it is that one life was lost instead of two. Once again, Chris hadn't thought of himself.

Mr. Speaker, these words do nothing to ease the pain the friends and family of William Christopher Villar are feeling today. Their void is a void that no words can fill. I share them with you because this remarkable young man deserves to be remembered, not for the tragic accident that took his life, but for the positive impact he had on the lives of others.

RECOGNIZING THE LIBERTY TRIBUNE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GRAVES. Mr. Speaker, I rise to congratulate the Liberty Tribune and their staff on the monumental accomplishment of 160 years of journalistic excellence in the community of Liberty, Missouri. I am proud to celebrate this accomplishment today, and prouder still to note the Liberty Tribune is the second-oldest weekly newspaper west of the Mississippi River still in continuous publication.

From their modest beginnings, founded by 19-year-old Robert H. Miller, the Liberty Tribune has always called the town square their home. Mr. Miller founded the Tribune through the financial contributions of Dr. William Jewell, namesake of the nationally recognized William Jewell College.

The Liberty Tribune has covered and been a part of historically significant news in their community from the very beginning. The Tribune boasts the only embedded reporter during Alexander Doniphan's march to the Mexican-American War. They covered the persecution of Mormon founder Joseph Smith and the first crime committed by legendary outlaw Jesse James. The Liberty Tribune has been bringing all the news of the day to the citizens of Liberty since 1846 and they show no signs of stopping. Today the Bradley family of St. Joseph, proud owners of the Tribune's parent company the News-Press Gazette, carry on the tradition of dedicated news coverage for the citizens of Liberty, Missouri.

I am proud to represent the Liberty Tribune and their excellent contributions to the people of Northwest Missouri. I have no doubt this tradition of excellence will continue for another 160 years.

HONORING MARTIN FAGA IN RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Martin Faga, who is retiring from his post at the MITRE Corporation. I have known Marty Faga since my days in the Fairfax County Board of Supervisors, when he was a congressional staffer and civic activist in Lee Boulevard Heights.

President and Chief Executive Officer of MITRE Corporation, Mr. Faga received his master and bachelor of science degrees in electrical engineering from Lehigh University in 1964 and 1963.

Before joining MITRE, Mr. Faga served from 1989 until 1993 as Assistant Secretary of the Air Force for Space, where he was responsible for overall supervision of Air Force space matters. At the same time, he served as Director of the National Reconnaissance Office (NRO), responsible to the Secretary of Defense and the Director of Central Intelligence for the development, acquisition and operation of all U.S. satellite reconnaissance programs.

Mr. Faga joined MITRE in 1993 as Vice President of MITRE's Center for Integrated Intelligence Systems, one of the three units operating under the Department of Defense Federally Funded Research and Development Centers. He later served as Senior Vice President, General Manager, and Executive Vice President. Since 2000 he has been MITRE Corporation's President and Chief Executive Officer.

Mr. Faga's career has included distinguished service as a staff member of the Permanent Select Committee on Intelligence of the House of Representatives, where he headed the program and budget staff; as an engineer at the Central Intelligence Agency; and as an R&D officer in the Air Force. He has served on the Commission for the Protection and Reduction of Government Secrecy, the Jeremiah Panel to review the mission and organization of the NRO, several Defense Science Board Task Forces, and the National Commission for the Review of the NRO. Additionally, he has been appointed by President Bush to the President's Foreign Intelligence Advisory Board and to the Public Interest Declassification Board.

Awards and honors bestowed upon Mr. Faga include the National Intelligence Distinguished Service Medal, the Department of Defense Distinguished Public Service Medal, the Air Force Exceptional Civilian Service Medal, the NASA Distinguished Service Medal, and in 2004, he was awarded the Intelligence Community Seal Medallion.

Mr. Speaker, in closing, I ask my colleagues to join me in applauding Martin Faga and congratulating him on his retirement after a distinguished career dedicated to ensuring the national security of the United States of America.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mrs. McCARTHY. Mr. Speaker, due to travel restrictions I was unable to vote on H.R. 4843, the Veterans Compensation Cost-of-Living Adjustment Act of 2006. If I were here I would have voted in favor of the legislation.

A cost of living adjustment is the least we can do for our veterans. They, and their families, sacrifice a lot to protect our freedoms and rights. Our nation has a responsibility to take care of our veterans.

Surviving spouses of veterans whose deaths were service-connected and their children will benefit from the increase. We must remember when a soldier dies it is our responsibility to take care of their family. It is our duty.

I am hopeful that this is the first of other increases for our veterans. We would all like to see more funding for healthcare and other programs but unfortunately the House leadership doesn't place the emphasis on funding as strongly as I do.

TRIBUTE TO ROBERT A. MACPHERSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with pride today to honor my constituent Robert A. Macpherson, recipient of the 2006 Federal Highway Administration's Excellence in Right of Way Award in the Leadership category. This biennial national award is given to one individual who has demonstrated excellence in leadership and made outstanding innovations in the field of right of way.

The prestigious award was presented to Mr. Macpherson by the American Association of State Highway and Transportation Officials and FHWA Right of Way and Utilities. This honor recognizes Mr. Macpherson's significant contributions to his profession that have helped to streamline the process of real property acquisition, making it easier to acquire property while protecting the rights of owners and tenants.

Mr. Macpherson has been a dedicated employee of the California Department of Transportation for over 40 years. During his tenure with the department he has served the people of California in many capacities, most recently as the District 4 Deputy Director for Right of Way and Right of Way Engineering and Surveys.

In addition to his longtime service to the California Department of Transportation, Mr. Macpherson has volunteered for the Boy Scouts of America for over 25 years. He is the father of four and resides in San Rafael with his wife of 46 years.

Mr. Speaker, Mr. Macpherson is a shining example of the benefits that hard working and creative individuals can contribute not only to the state of California but to the country. It is my pleasure to honor him for the receipt of the 2006 Federal Highway Administration's Excellence in Right of Way Award. I have no doubt that he will continue to serve his community as an example of effective and dedicated leadership.

RECOGNIZING NATIONAL HIV TESTING DAY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise on the occasion of National HIV Testing Day.

Mr. Speaker, more than one million Americans are currently living with HIV/AIDS. Of those, an estimated 320,000 people do not even realize that they carry the virus. Another 40,000 new transmissions are occurring every year in the United States, about half of which result from individuals who are unaware they are infecting others.

Today, June 27, 2006, is National HIV Testing Day, which gives us an opportunity as a Nation to pause to acknowledge the terrible toll that HIV is taking on America and to recommit ourselves to the eradication of this terrible disease. Most importantly, perhaps, National HIV Testing Day is an occasion on which we reiterate our commitment to testing vulnerable Americans for HIV as a first step towards providing counseling, offering treatment and bringing an end to the spread of AIDS.

Mr. Speaker, I am proud to note that one of the nation's leading manufacturers of HIV rapid test kits, Chembio Diagnostics, is located in Medford, New York, which happens to be in my district. For years, Chembio has been a major provider of HIV test kits across the globe, and recently they secured FDA approval to sell their test kits in the United States. For those employees in my district who engage in the important business of promoting testing for HIV, this day is of particular significance.

In his 2006 State of the Union address, President Bush proposed to direct $93 million to the purchase and distribution of rapid HIV test kits for use in areas of the country with the highest rates of newly discovered HIV cases and the highest suspected rates of undetected cases. In response, we recently appropriated $63 million for this program. I strongly support the President's new testing initiative and the increased importance placed upon testing as part of the continuum of care and treatment we provide for HIV/AIDS patients in this country.

For too long, testing has been an afterthought rather than a priority. I sincerely hope this is an area where we can find bipartisan agreement and move swiftly to provide more resources to prevent the spread of AIDS in the coming year and beyond. Accordingly, Mr. Speaker, I strongly encourage my colleagues to join me in observation of National HIV Testing Day and in recognition of Chembio's break-through achievement in this critically important, life-saving field.

ORDINARY MAN, EXTRAORDINARY DAD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. POE. Mr. Speaker, "Just a truck driver and daddy from Florida" is how Mark Lunsford describes himself. Being a single father, he worked many long, hard miles on the road to provide a good life for his children. He is just an average Joe. He has always loved his kids with every fiber of his being and he always made sure they were safe.

Nine-year-old Jessica, or "Jessie" as her daddy calls her, lived with Mark and his parents, where she could be closely watched and protected, even when he was on the road. She was a bright, energetic child who loved her grandparents, adored her father, and had been spared of the darkness of society. That beautiful innocence, however, was violently shattered in the dark of night on February 23, 2005.

Unbeknownst to Mark and his parents, a serial-convicted sex offender lurked right across the street. This vile snake laid in wait, slithered into the Lunsford home, and abducted little Jessica from her own bed. He took her safety, he took her innocence, and in the end, he took her life. Sadly, one month later, the devastating discovery of Jessica Lunsford occurred.

As any father would be, Mark was inconsolable at the news of his daughter's death. Mark realized, however, that he had to prevent another father from feeling this immense grief and another child from experiencing such violence. Mark immediately began working with the Florida State Legislators in enacting legislation aptly named, "Jessica's Law." "Jessica's Law" requires a minimum sentence of 25 years incarceration for first time sexual offenders of children. The law also requires that these predators must be monitored for life, if they are released from prison.

A man who never imagined that he would be involved in politics, Mark became Jessica's voice throughout State governments. His fatherly instincts drove his passion to protect our Nation's children from these dangerous sexual predators lurking among us. During the last 15 months, due to his dedication, "Jessica's Law" has been enacted in 16 States, with 9 additional States enacting legislation similar to Jessica's Law." He is soft-spoken about his achievements and accomplishments, maintaining his victories are "Only Jessie's." He has stated to me on many occasions, he will not stop until every State enacts "Jessica's Law." Her memory is his strength.

On Tuesday, June 20, 2006, Mark was awarded the equivalent of the Nobel Prize in public and community service—The Jefferson Award. Specifically, he was awarded the Jacqueline Kennedy Onassis Award for Outstanding Public Service Benefiting the Local Community. This award was named after Jefferson Award co-founder, and former First Lady, Jacqueline Kennedy, and is considered to be one of the most prestigious of all of the Jefferson Awards.

Mr. Speaker, as a father and grandfather to 6 girls, Mark's devastating loss hits very close to home. I have the privilege of knowing Mark and consider him one of my good friends. He was a man who never imagined such a horrific tragedy could befall his daughter, and that his family could be victimized so cruelly; however, he refused to stand there and do nothing. He became an advocate; he became Jessica's voice. This ordinary man became an extraordinary dad and I am truly honored to pay him this tribute.

That's just the way it is.

HONORING JOSEPH H. HALLISSEY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay honor to and celebrate the storied career of Joseph H. Hallissey. His 60 years of remarkable leadership, in positions at the YMCA, Hallissey Travel, the Dearborn Public Schools, and the Henry Ford Community College, more than distinguish Mr. Hallissey as a truly impassioned and accomplished citizen.

After serving his country as an officer in the United States Air Force from 1950 to 1953, Mr. Hallissey excelled in his time at the YMCA, as well as in his years as a travel agent during which time he served as President, Trustee, and General Congress Chairperson for the American Society of Travel Agents. Mr. Hallissey was honored as Travel Agent of the Year by the 30,000 member American Society of Travel agents, and "Travel Person of the Year" for his efforts in founding the Institute of Certified Travel Agents in Detroit.

While Mr. Hallissey was indeed an invaluable aid to those who wished to escape for a short time, his work in that area was, and continues to be, equaled only by his ceaseless effort to better the lives of those around him. Through the years he has served on numerous committees supporting public education, the Dearborn Public Schools, and Henry Ford Community College, and co-chaired seven campaigns generating hundreds of millions of dollars in revenue for these institutions. He has also served on the Board of Directors and fundraising campaigns for countless community organizations, among them: Centurions of Dearborn, Dearborn Chamber of Commerce, Dearborn Goodfellows, Dearborn Rotary Club, Fairlane Club, Henry Ford Hospital, and Interservice Club Council of Dearborn.

Mr. Hallissey and his lovely wife Veronica have been recognized for their longstanding support of public education by having the Dearborn Public Schools' Miller Element School Library Resource Center and the Henry Ford Community College North Hall dedicated in their honor. Mr. Hallissey's commitment to public education was also clearly expressed as he excelled during his career as Coordinator of Community Relations and Ventures in Partnership Coordinator for the Dearborn Public Schools, as well as in his career as Director of the Henry Ford Community College Office of Development. He also serves as chairperson for the Scholarship Committee of the University of Michigan Alumni Club of the Greater Detroit and reviews hundreds of scholarship applications annually.

Admittedly, I am not the first of those who have found it fit to admire Mr. Hallissey's compassionate contributions. He has been honored by many organizations for his community volunteer efforts, receiving the Dearborn Chamber of Commerce "Citizen of the Year" Award, the Dearborn Rotary Distinguished Community Service Award, the Dearborn Inter-Service Club Council "Member of the Year" Award, the Henry Ford Community College Distinguished Service Award on two occasions in 1976 and 1991, and the Henry Ford Community College President's award. Joseph Hallissey's commitment to bettering the lives of those around him, and endless efforts to create a vibrant, outreaching educational community, will not soon be forgotten. I would like to thank Joseph Hallissey for his ceaseless and industrious humanitarian accomplishments over the past 60 years, and would ask that all my colleagues rise to wish him the best for a long and rewarding retirement.

FOR JOB WELL DONE DURING CITIZENSHIP DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in order to thank our staff and volunteers for their hard work and dedication in holding one of our most successful Citizenship Days.

Citizenship Day is an event that our office has held for the past 12 years. It is an event that assists legal residents in becoming Citizens. Since 1994 this event has been one of the most rewarding experiences I've had since becoming a Member of Congress. To be able to assist someone in their dream of becoming a citizen of this great Nation is truly amazing. This year we were able to assist over 320 people process their applications for citizenship.

In order to become a citizen, one must go through a series of stages to fully complete their application forms. Our office assists these very people by setting up a one-stop application processing opportunity. We set up various stages where applicants were able to get assistance in filling out the application form, take the necessary pictures, purchase a cashiers check for the application fee, speak with and receive quality control of their application from an immigration attorney, and the postal service provided the opportunity to send their citizenship application by certified mail.

None of this would have been possible without the help of our wonderful volunteers that took time from their families to be with us on this great day.

Mr. Speaker, I would like to thank the members of the U.S. Citizenship and Immigration Services (USCIS), J.P. Morgan Chase, NALEO, LULAC, the U.S. Postal Service and Mamacita's Restaurant for their dedication to the community and for the intricate role they played in assisting many of our residents fulfill their dreams of becoming U.S. Citizens.

I would also like to give a special thanks to the following volunteers that made this day such a success: Constable Victor Trevino and his officers, Ms. Theresa Turnini, Mr. Charles R. Flores, Ms. Herlinda Garcia, Mr. Francisco B. Rodriguez III, Mrs. Margaret Rodriguez, Ms. Josephine Mendoza, Mr. John Martinez, Mr. Rafael Palafox, Ms. Juana Wilson, Ms. Anna Nunez, Ms. Mary Closner, Ms. Amanda Stewart, Ms. Rose B. Garcia, Mr. Anselmo Davila, Mr. Guadalupe Flores Jr., Ms. Frances Munoz, Ms. Veronica Sanchez, Ms. Xiaochun Zhou, Mr. Jaime Elizondo, Ms. Sylvia Ramirez-Martinez, Ms. Sylvia Espadin, Ms. Natasha Jabbar, Ms. Thelma Valle, Miss Perla Gonzalez, Ms. Sophie Hu, Mr. Joe Vail, Ms. Teresa Murguia, Miss Krystal Hernandez, Ms. Frances Hernandez, Mr. Francisco Valle, Ms. Veronica Avalos, Ms. Ursula Featherston, Ms. Rosalinda Salazar, Ms. Carmen Galle, Ms. Martina Garza, Ms. Patrese Ruffin-Bush, Ms. Patricia Perez, Mr. Adrian Espadin, Mr. Edward Gonzalez, Dr. Melissa Najera, Ph.D., Mr. Cassandra Juarez, Ms. Clarissa Juarez, Mr. John Gavidia, Ms. Esther Arrendell, Mr. Jimmy Jackson, Mr. Jose Henriquez, Ms. Santa Herrera, Ms. Martha Bulbai, Mrs. Kristen Quan, Ms. Ada Smoot, Mr. Eduardo Garcia, Ms. Cristina Valdez, Ms. Claudia Rodas, Mr. Eric Rodas, Ms. Ivonne Moreira, Ms. Jenny Marquez, Ms. Terasina Niles, Ms. Erika Faz, Mr. Kirk Savarese, Ms. Jeanette Niles, Ms. Tania Buitron, Ms. Veronica Sainz, Ms. Belinda Castro Ms. Sylvia Halfhill and Ms. Sandy Heathman.

For too long we have been hearing that immigrants are a detriment to our society. Well I'm here to tell you that most immigrants are just like our forefathers who established this great Nation of ours. They are just like the millions of immigrants who have come before them longing for a better life, longing to become American citizens, longing for the American Dream.

PAYING TRIBUTE TO SUE LOWES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my dear friend, Gwendolyn Sue Lowes, as she prepares to move from Henderson, Nevada to Tyler, Texas. Sue has worked in my District Office since I was elected to the House of Representatives in 2002, and has been an invaluable asset and outstanding example of what a person ought to be.

Sue was born on October 12, 1946 in Breckenridge, Texas. She graduated from McCollum High School in San Antonio, Texas. After high school, Sue attended San Antonio Junior College and began working for Traveler's Insurance. She spent more than thirty years in the insurance business. She worked for the prominent San Antonio insurance firm of Cato & Cato for nineteen years and was known among her colleagues and clients as a bright, cheerful, talented person who always went the extra mile to get the job done. After leaving San Antonio, Sue and her husband Ted lived in Florida and Northern California. They moved to Las Vegas in 1992 and began working at my insurance office in 1993. Sue came to my staff with an outstanding reputation in the insurance field. During the ten years she spent at my Farmer's office, she always maintained an extraordinary work ethic, a positive attitude and a friendly demeanor.

In 2003, Sue joined my Congressional staff and has been an incredible asset to my staff and my constituents. Sue balances a variety of duties with grace and skill. She greets every constituent with a smile. She is a proactive person who actively seeks opportunities to improve her performance and the performance of the office as a whole. She is a loyal, hardworking and selfless person who always meets a challenge with a positive attitude. Sue has coordinated the Military Academy nominations for the students in my district since 2003. She has done an outstanding job recruiting community members to serve on the Academy Selection Committee, organizing outreach to local high school students and developing relationships with each of our great Military Academies in order to facilitate the nomination process. Sue truly makes a difference in the lives of those who have had the privilege of working with her.

Although Sue has an outstanding record of professional performance, she is most outstanding because of who she is. Sue is a devoted wife, mother and grandmother. She has two children, Margaret Jean "Maggie" and John Perry, and three grandchildren. She and her husband have been happily married for eighteen years. Sue is a well-rounded individual who actively pursues her talents and interests. She is an accomplished athlete, an excellent cook, an avid hiker and a talent at many other hobbies. Throughout her life, Sue's warmth, kindness and zest for life have enabled her to nurture strong relationships with her family and friends. Sue is loved and respected by all who know her because of her wisdom, her compassion and her supportive nature.

Mr. Speaker, it is a privilege to honor Sue Lowes for her extraordinary commitment to our community, state and nation, and for achieving excellence in all aspects of her life. She has been a wonderful friend for nearly fourteen years and she is truly an admirable person. She will be greatly missed in my office, but I wish her the very best as she goes back to Texas to begin the next phase of her life.

TRIBUTE TO DAKOTA STEWART WEST

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today, in great pride and pleasure, to inform the House of a wonderful event that has taken place in my family.

On June 20, 2006, my stepdaughter Emily and her husband Allen West, of Nashville, Tennessee, gave birth to their first child, a daughter. I am proud to report that Dakota is a happy, healthy baby girl. Cynthia and I, along with Allen's parents George and Julie, are delighted with this joyful addition to our family. She reminds us again that, as Art Buchwald once said, "The best things in life aren't things."

Looking into the face of this beautiful new person causes me to marvel again at God's miracle of life and to celebrate Dakota's safe arrival. She also elicits from me the renewed responsibility that I, and we in Congress have, to see that she and her generation will live in freedom, in a safe and prosperous nation and world.

Mr. Speaker, I ask that you and all of our colleagues join me in wishing all the best to Dakota Stewart West.

34TH ANNIVERSARY OF TITLE IX

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I am honored to rise on this auspicious occasion to celebrate the 34th anniversary of Title IX—the landmark legislation to ensure equal access to sports opportunities for young men and women. At the outset, I commend and thank all of the men and women that have contributed to its success over the past 34 years—empowering women to make responsible decisions and to contribute positively to society.

Mr. Speaker, on this anniversary, I must express my concern over the Title IX loophole created by the Department of Education on March 17, 2005. This loophole undermines this important civil rights legislation. Rather than continuing the mandate on institutions to maintain equality in men's and women's sports, the change shifted the burden to female students to show their interest in and entitlement to participation opportunities, effectively allowing schools to justify disparities in treatment. This loophole—which was established without notice or opportunity for public comment—is having a devastating impact on women's sports.

Mr. Speaker, if the fabric of society is only as strong as the threads that hold it together, then surely the duty of government must be to reinforce those threads, not to pull them apart. Yet allowing colleges to gauge interest in women's sports based on a single e-mail survey does exactly that—it unravels the fabric. It sends the message to girls that the ability to play sports is somehow unnatural. No one questions a boy who wants to play soccer; no one asks him to fill out a survey. So why do girls have to jump over hurdles to enjoy the same activity? Hurdles must remain in track and field where they belong, not in civil rights legislation. That is exactly the battle Title IX was designed to end, and it did . . . until March 17, 2005.

Mr. Speaker, in 1971, 1 in 27 high school girls participated in athletics. Now it's 1 in 3. The explosion in athletic opportunities open to young women has generated enormous interest. The ratings for the women's final at

Wimbledon, the most watched women's sporting event, are generally the same as the men's. In 1996, it was the U.S. women's soccer and basketball teams that captured Olympic gold. Interest follows opportunity, not vice versa.

Mr. Speaker, I call on this Congress to demonstrate our commitment to our Nation's young women. We know that playing sports improves self-esteem, teamwork skills, and psychological well-being. We know that 82 percent of executive businesswomen played organized sports after elementary school. What we don't know is why the current Administration, in light of overwhelming evidence touting the benefits of athletics, has made it easiest for colleges and high schools to shirk their responsibility to women.

Mr. Speaker, this is why I, along with fellow members of the House of Representatives, are working to protect Title IX. In addition to urging the President to withdraw the new rules, I am an original sponsor of House Resolution 735 expressing that these changes are inconsistent with longstanding Department policies and fundamental principles of equality. I will continue to fight to address these inequalities that threaten to reverse 34 years of progress.

TRIBUTE TO THE CHARLES W. MORGAN WHALESHIP

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2006

Mr. SIMMONS. Mr. Speaker, it is an honor for me to represent Connecticut's Second District, which is home to many historical sites, including Mystic Seaport, which is known as the Museum of America and the Sea.

Since the 1600s, the Mystic region has been a center of shipbuilding. The Golden Age of America's maritime enterprises was between 1784 and 1919. During those years more than 600 ships were constructed along the Mystic River. One of those ships was the Charles W. Morgan and I rise today to commend Mystic Seaport and those citizens who came forward years ago to "purchase shares" of that wonderful old ship so it could be preserved and restored for public display.

From 1841 to 1921 the Charles W. Morgan traveled the seas in pursuit of profit. Certain voyages lasted four years and her adventures took her and her crews to the Atlantic, Pacific and Arctic oceans. After 37 voyages the ship had earned her shareholders more than $1 million.

In 1941, Mystic Seaport acquired this proud ship and by he 1970s it was clear that restoration was required to protect it from the corrosion of time and the elements. As was the case during its voyages, private citizens again came forward to buy shares into the ship and today the investment in the Charles W. Morgan has once again paid great dividends. On July 15, Mystic Seaport will celebrate the history and survival of this magnificent vessel, which is the last surviving wooden whaleship in America.

On July 15, descendants of the ship's crew members and those who participated in the ship's refurbishment will gather at the seaport to celebrate the Morgan and its wonderful history. This is a milestone in our maritime history and for my district. The restoration of the ship will continue and its history will continue to be shared. The next generation will have the opportunity to visit this living museum which tells tales of adventure and of America's relationship with the sea.

Man faces the future armed with the past. That is why it is essential that we honor our history and preserve it. History is who we are, what we are and why we are. The Charles W. Morgan is an important artifact of American history. I thank all those who worked to ensure that it would be preserved as a reminder of America's greatness, of our historic determination to embrace challenges and our indomitable spirit to explore and to dream.